October 1992

CITY OF KEIZER CALENDAR OF EVENTS

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
				1 8:00am -12:00pm Kevin & Water Depts. (NEW) 7:00pm PAC (LIB) 7:00pm Hearings Officer (NEW) 8:00 - 5:00 AUDITORS (LIB)	**2**	**3** 8:45am A.A. (LIB) 10:00am -2:00pm LIBRARY HOURS
4 10:00am NEW LIFE FELLOWSHIP (LIB) 7:00pm NEW LIFE FELLOWSHIP (LIB)	**5** 7:45am -4:30PM SCHOOL DISTRICT (NEW) 12:00pm All Staff Meeting(AUD) 7:00pm Exec Sess (NEW) 7:30pm CITY COUNCIL(NEW) 8:00 - 5:00 AUDITORS (LIB)	**6**	**7**	**8** 5:00pm MUNI-COURT(LIB)	**9**	**10** 8:45am A.A. (LIB) 10:00am -2:00pm LIBRARY HOURS
11 10:00am NEW LIFE FELLOWSHIP (LIB) 7:00pm NEW LIFE FELLOWSHIP (LIB)	**12** 5:00pm MUNI-COURT (LIB)	**13** 6:00pm SOLID WASTE (NEW)	**14** 8:00am MUNI-COURT(NEW) 1:30pm -3:00 Sheriff's Dept. (LIB) 4:00pm KGAC (LIB) 7:30pm PLAN. COMM.(LIB)	**15** 7:00pm PAC (LIB) 7:00pm -10:00 RESERVED HEARING DATE 7:00pm -10:00 PLANNING HEARINGS (NEW)	**16** 7:30pm OB. CHEVY (LIB)	**17** 8:45am A.A. (LIB) 10:00am -2:00pm LIBRARY HOURS
18 10:00am NEW LIFE FELLOWSHIP (LIB) 7:00pm NEW LIFE FELLOWSHIP (LIB)	**19** 7:00pm KEIZER RC (LIB) 7:30pm CITY COUNCIL (NEW)	**20** 7:30pm PARKS ADV.(LIB) 11:00pm Discuss and Decide (LIB)	**21** 8:00am MUNI-COURT(NEW) 7:30pm R3B Hearing (NEW)	**22** 5:00pm MUNI-COURT(LIB)	**23**	**24** 8:45am A.A. (LIB) 10:00am -2:00pm LIBRARY HOURS
25 10:00am NEW LIFE FELLOWSHIP (LIB) 7:00pm NEW LIFE FELLOWSHIP (LIB)	**26** 5:00pm MUNI-COURT(LIB)	**27**	**28** 8:00am MUNI-COURT(NEW) 12:00pm Court Clerk Interviews	**29**	**30**	**31** 8:45am A.A. (LIB) 10:00am -2:00pm LIBRARY HOURS

SUBJECT TO CHANGE (NEW)=COUNCIL CHAMBERS/(LIB)=LIBRARY

10/16/1992

November 1992

CITY OF KEIZER CALENDAR OF EVENTS

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
1 10:00am NEW LIFE FELLOWS-HIP (LIB) 7:00pm NEW LIFE FELLOWS-HIP (LIB)	2 7:30pm CITY COUNCIL (NEW)	3 7:00am -8: 00PM ELECTION-S!! (NEW) 10:00am Staff Meeting (LIB)	4 8:00am MUNI-COURT(NEW) 5:30pm -7:30 10th Anniversary Celebration (NEW) 7:00pm R3B (LIB)	5 7:00pm PAC (LIB)	6	7 8:45am A.A. (LIB) 10:00am -2: 00pm LIBRARY HOURS
8 10:00am NEW LIFE FELLOWS-HIP (LIB) 7:00pm NEW LIFE FELLOWS-HIP (LIB)	9 5:00pm MUNI-COURT (LIB)	10 6:00pm SOLID WASTE (NEW)	11 4:00pm KGAC (LIB) 7:30pm PLAN. COMM.(LIB)	12 5:00pm MUNI-COURT(LIB)	13 CITY MANAGER INTERVIE...	14 8:45am A.A. (LIB) 10:00am -2: 00pm LIBRARY HOURS
15 10:00am NEW LIFE FELLOWS-HIP (LIB) 7:00pm NEW LIFE FELLOWS-HIP (LIB)	16 7:00pm KEIZER RC (LIB) 7:30pm CITY COUNCIL (NEW)	17 7:30pm PARKS ADV.(LIB)	18 8:00am MUNI-COURT(NEW)	19 7:00pm PAC (LIB) 7:00pm -10:00 RESERVED HEARING DATE 7:00pm -10:00 PLANNING HEARINGS (NEW)	20 7:30pm OB. CHEVY (LIB)	21 8:45am A.A. (LIB) 10:00am -2: 00pm LIBRARY HOURS
22 10:00am NEW LIFE FELLOWS-HIP (LIB) 7:00pm NEW LIFE FELLOWS-HIP (LIB)	23 5:00pm MUNI-COURT(LIB)	24	25	26 5:00pm MUNI-COURT(LIB)	27	28 8:45am A.A. (LIB) 10:00am -2: 00pm LIBRARY HOURS
29 10:00am NEW LIFE FELLOWS-HIP (LIB) 7:00pm NEW LIFE FELLOWS-HIP (LIB)	30					

SUBJECT TO CHANGE (NEW)=COUNCIL CHAMBERS/(LIB)=LIBRARY

10/16/1992

CITY OF KEIZER MISSION STATEMENT
KEEP CITY GOVERNMENT COSTS AND SERVICES TO A MINIMUM BY PROVIDING BASIC CITY SERVICES TO THE COMMUNITY IN A COORDINATED, EFFICIENT AND LEAST COST FASHION

A G E N D A
KEIZER CITY COUNCIL
EXECUTIVE SESSION

Monday, October 19, 1992
6:30 p.m.
Robert L. Simon Council Chambers
Keizer City Hall
Keizer, Oregon 97303

1. CALL TO ORDER

2. ROLL CALL

3. DISCUSSION

   a. To Discuss the Report of the Screening Committee for City Manager Recruitment per ORS 192.660(a)(D) and ORS 192.502(3).

      (Any decision to be made as a result of this Executive Session must be made in an open public meeting.)

4. OTHER BUSINESS

   This time is provided to allow Council members the opportunity to bring matters before the Council which are not on tonight's agenda.

5. WRITTEN COMMUNICATIONS

   To inform the Council of significant written communications and petitions.

6. ADJOURN

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CITY OF KEIZER MISSION STATEMENT

KEEP CITY GOVERNMENT COSTS AND SERVICES TO A MINIMUM BY PROVIDING BASIC CITY SERVICES TO THE COMMUNITY IN A COORDINATED, EFFICIENT AND LEAST COST FASHION

A G E N D A

KEIZER CITY COUNCIL

Monday, October 19, 1992
7:30 p.m.
Robert L. Simon Council Chambers
Keizer City Hall
Keizer, Oregon 97303

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC TESTIMONY

   This time is provided for citizens to address the Council on matters not on the agenda.

4. COMMITTEE REPORTS

   a. Swearing in of Police Officers

5. PUBLIC HEARINGS

   a. Variance Request by ES-O-EN Corporation for Taco Bell Signs

6. DELIBERATION

   a. Variance Request by ES-O-EN Corporation for Taco Bell Signs

7. ORDINANCE

   a. ORDINANCE - Establishing Procedure for Equitable Apportionment for Local Improvement Assessments

8. DISCUSSION

   a. City Manager Recruitment - Report from Screening Committee

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b. City Manager Recruitment - Report from Alan Hershey
Decide Reimbursement to Final Candidates

c. Administrative Secretary Appointment

d. 1993-94 Budget Committee Schedule

e. League of Oregon Cities Annual Conference

9. CONSENT CALENDAR

a. RESOLUTION - Amending Certain Fringe Benefits for Non-Represented Employees

b. Approval September 21, 1992 Regular Session Minutes

c. Approval October 5, 1992 Regular Session Minutes

10. OTHER BUSINESS

This time is provided to allow Council members the opportunity to bring matters before the Council which are not on tonight's agenda.

11. WRITTEN COMMUNICATIONS

To inform the Council of significant written communications and petitions.

12. AGENDA INPUT

November 2, 1992

-River Road Design Plan Public Hearing and Deliberation
-Parks Plan Amendment - Staats Corporation
-Sewer Apportionment Public Hearing

13. ADJOURN

K:\agendas\council.1019

City of Keizer

1982

Administration
930 Chemawa Rd. N.E. • P.O. Box 21000
Keizer, Oregon 97307-1000 • (503) 390-3700 • Fax # 390-8295

CITY COUNCIL MEETING: October 19, 1992

AGENDA ITEM NUMBER: 4a

TO: MAYOR AND CITY COUNCIL

FROM: TRACY L. DAVIS
CITY RECORDER

SUBJECT: SWEARING IN OF POLICE OFFICERS

John Lien, City Attorney, will be swearing in four new Police Officers. The officers are:

J.R. Baker
Raymond C. Byrd
Juan J. Mendoza
Tyler R. Wampler

1982

City of Keizer — Community Development

Phone: 390-3700 • Fax # 390-8295
930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, Oregon 97307-1000

CITY COUNCIL MEETING: Oct. 19, 1992

AGENDA ITEM NUMBER: 5a & 6a

TO: MAYOR AND CITY COUNCIL

THROUGH: JOHN N. MORGAN
INTERIM CITY MANAGER

FROM: WALTER J. WENDOLOWSKI
CITY PLANNER

SUBJECT: VARIANCE CASE No. 92-6, ES-O-EN CORPORATION (TACO BELL); CITY COUNCIL CALL-UP

BACKGROUND

During the September 21, 1992, Keizer City Council meeting, the Council agreed to call-up a sign variance application by ES-O-EN Corporation (Taco Bell). The proposed variance would permit placement of signs exceeding the sign area requirements contained in Chapter 15 of the Keizer Zoning Ordinance. The signs include one free-standing sign and three wall signs. The reason for the variance is the existence of an outdoor advertising sign on the property. This sign currently exceeds the maximum allowable sign area for the property thereby effectively prohibiting the placement of additional signs.

The staff report addressing the specific criteria is attached. The following section discusses the staff's findings and conclusions along with relevant issues. Alternative recommendations conclude this report.

DISCUSSION

Section 15.70(1), of the Keizer Zoning Ordinance, limits the amount of signage that may be placed on a property. The maximum permitted sign area is established by multiplying the building frontage, or building entrance, by 1.5. The building entrance dimension for the Taco Bell restaurant is 60 feet, thereby permitting a maximum of 90 square feet of sign area on the subject property.

The subject property also contains an outdoor advertising sign which is under separate ownership from the restaurant. The sign contains at least 200 square feet of area, exceeding the maximum allowable sign area of 90 square feet. The City is prohibited from issuing any sign permits unless <u>all</u> signs on the property comply with current sign regulations, including sign area. Therefore, the outdoor advertising sign must either be removed or severely reduced in size before any additional permanent signs are allowed on the property. Since the owner of the outdoor advertising sign does not wish to remove or significantly reduce the sign, the applicant's only alternative is a sign variance.

The variance proposal would add 71 to 83 square feet of additional signage to the property by placing a 20 square foot or 32 square foot free-standing sign adjacent to River Road and placing 17 square foot signs at each of the three entrances. Staff notes the proposed signs comply with the sign code and that the variance request is due solely to the existence of an outdoor advertising sign on the property. For the record, the existing directional signs and menu board are permitted outright. Their total sign area does not count toward the maximum allowable sign area.

The decision criteria for a variance to the sign regulations are contained in Section 15.90 of the Keizer Zoning Ordinance. These criteria address impacts on traffic and public safety, unique circumstances or conditions, possible advertising advantages, potential obstructed views, issues related to color, size or graphics, and, whether the variance request is the result of a self-imposed hardship or condition.

The application was able to comply with half of the criteria. Staff concluded the location of the signs would not affect public safety or public services. The signs will obstruct views of other buildings, signs, special features or landscaping. Aesthetic issues regarding the placement, texture, color and graphics of the proposed sign are not applicable to the request.

The request fails to comply with criteria regarding unique circumstances or conditions, advertising advantages, and, whether the variance request is the result of a self-imposed hardship or condition. The basis of the variance request is the existing outdoor advertising sign. This sign is non-conforming with regard to the sign regulations for sign height and sign area and must be removed or modified to conform with sign regulations by May, 1997. Staff does not believe an existing non-conforming land use, which by Ordinance is expected to be removed, can form the basis for a special circumstance requiring a variance. The property owner obtains a privilege not available to other businesses by being able to use the large free-standing sign for advertising the business as well as being able to rent or lease the sign for additional income. Further, evidence in the form of correspondence with the sign company (Obie) indicates the applicant was aware of the potential sign problem prior to constructing the restaurant. Therefore, this variance request is the direct result of a self-imposed condition or hardship.

In reviewing the criteria and the submitted findings, staff has no alternative to recommend denial of the request. The application simply fails to comply with the decision criteria.

However, staff recognizes this request involves policy issues related to outdoor advertising signs and the Zoning Ordinance sign abatement provisions. Council previously dealt with a similar issue in the

Keele's Carpet sign variance request. In that case, staff denied the applicant's sign variance for a new business sign due to the existing outdoor advertising sign located on the property. The Council eventually approved the variance noting there was an existing business on the property and that the sign would be removed by 1997. However, Council also noted this interpretation did not extend to new commercial development on vacant property containing such signs; the outdoor advertising sign must be removed before any new business sign can be erected. This particular interpretation applies to the Taco Bell property.

The Council revisited the issue of outdoor advertising signs in the Ackerley variance case. Based on City Legal Counsel comments, the Council found that it may be difficult to permanently remove existing outdoor advertising signs. This issue may not be settled until 1997, and will likely involve court action. If the abatement provisions do not hold, however, the city may be unfairly restricting signage for new businesses in cases where a an outdoor advertising sign is on the property. For this reason, some provision for additional signage may be appropriate.

In a historical perspective, it was assumed during the development of the sign code that owners of vacant or underdeveloped property where there were outdoor advertising signs would be able to reasonable negotiate with the sign companies for removal of the signs. This would free the properties up for development. Experience over the last year has shown this assumption may have been incorrect. The result is there are developable properties along River Road that may be prohibited from developing until at least 1997.

ALTERNATIVE ACTIONS

This particular case highlights a conflict between the strict interpretation of the sign code and policy issues involving the city's abatement provisions, provisions which may not, ultimately, be upheld. Staff does not have the authority to be setting or interpreting public policy. For this reason, staff recommends the City Council consider the following alternatives for Variance Case No. 92-6:

1. Adhere to the strict interpretation of the sign regulations and deny the variance request. Findings in support of this conclusion are contained in the attached staff report.

2. Establish findings indicating the application complies with the variance decision criteria and approve the variance request as submitted.

3. Establish findings indicating the application complies with the variance decision criteria approving a modified variance request. The City Council may find it appropriate to prohibit the

placement of any additional free-standing signs, limiting all new signs to wall signs. This can be seen as striking a balance between the sign regulations and the abatement provisions.

4. Deny the variance request but direct staff to prepare an Ordinance amending the sign regulations to allow additional signage in cases where an outdoor advertising sign is currently located on the property. Although this alternative will require additional time when compared to 2 and 3, above, it will be applicable in all similar situations and not require separate variance applications for each case.

RECOMMENDATION

Staff recommends the adoption of alternative 4, denial of the variance, but creation of an amendment to the sign code that addresses this issue.

City of Keizer — Community Development
1982
Phone: 390-3700 • Fax: 390-8295
930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, Oregon 97307-1000

MEMORANDUM

TO: Keizer City Council

FROM: Skip Wendolowski, City Planner

SUBJECT: Variance Case No. 92-6; ES-O-EN Corporation (Taco Bell)

DATE: October 14, 1992

The Community Development Department reviewed the above referenced case and offers the following comments.

A. FACTS

1. The applicant is ES-O-EN Corporation, owners of the Taco Bell restaurant.

2. The subject property is located on the northeast corner of the intersection of Maine Avenue and River Road. The parcel is addressed as 4690 River Road North; the County Assessor's map identifies the property as being located within Section 02BD; Township 7 South; Range 3 West; Tax Lot #'s 13100 and 13200.

3. The subject property is designated Commercial in the Keizer Comprehensive Plan and is zoned CR (COMMERCIAL RETAIL). The purpose of this Plan designation and zone is to provide land for commercial offices, retail sales and other commercial accommodations and activities. Signs are also permitted in the zone subject to compliance with the requirements in Chapter 15 of the Zoning Ordinance.

4. The 42,000 square foot property contains the Taco Bell restaurant. Property to the east, northeast and southeast is zoned RS (SINGLE FAMILY RESIDENTIAL) and is developed with single family residences. To the south is a CO (COMMERCIAL OFFICE) zoned parcel containing a dwelling. Land to the west is zoned both CR and CO and includes a bank, gas station and medical offices. The parcel to the north was recently rezoned to CR. Currently containing dwellings, this property is expected to be developed with a Pizza Hut restaurant. (See EXHIBIT "A".)

5. The applicant is requesting Variance approval to permit the placement of signs exceeding the sign area requirements contained in Chapter 15. (See EXHIBIT "B".)

B. FINDINGS AND CONCLUSIONS

1. Section 15.70(1), of the Keizer Zoning Ordinance, limits the amount of signage that may be placed on a property. The maximum permitted sign area is established by multiplying the building frontage, or building entrance, by 1.5. Based on the submitted site plan, the building entrance dimension is 60 feet, thereby permitting a maximum of 90 square feet of sign area on the subject property.

2. The subject property also contains an outdoor advertising sign which is under separate ownership from the restaurant. The sign contains at least 200 square feet of area which exceeds the maximum allowable signage of 90 square feet permitted under Section 15.70(1). Section 15.30(2) prohibits the issuance of any sign permit unless <u>all</u> signs on the business comply with current sign regulations, including sign area. Therefore, the outdoor advertising sign must either be removed or severely reduced in size before any additional permanent signs are allowed on the property.

3. The owner of the outdoor advertising sign does not wish to significantly reduce, or remove, the sign. The applicant's only alternative is a sign variance permitting an increase in the maximum allowable sign area. The applicant applied for the variance which is the subject of this report.

4. The proposal would add 71 to 83 square feet of additional signage to the property by placing a 20 square foot or 32 square foot free-standing sign adjacent to River Road and placing 17 square foot signs at each of the three entrances. Staff notes the proposed signs comply with the sign code and that the variance request is do solely to the existing outdoor sign on the property. In addition, the existing directional signs and menu board are permitted outright. Their total sign area does not count toward the maximum allowable sign area.

5. The decision criteria for a variance to the sign regulations are contained in Section 15.90 of the Keizer Zoning Ordinance. The criteria, and staff response to each of the criteria, are noted below:

   (a) Granting of the variance would not decrease traffic safety nor adversely affect other identified items of public welfare.

   The free-standing sign along River Road would be located at least 42 feet from the street centerline. This complies with Ordinance requirements regarding setbacks and vision clearance along a street. The remaining signs comply with Ordinance requirements for location, height and lighting. Given the proposed locations, staff does not believe the signs will adversely impact or interfere with public safety or otherwise affect public services. The proposal complies with this item.

(b) There are unique circumstances or conditions such that the variance compensates for those circumstances in a matter that does not grant a special privilege.

Other than the existing outdoor sign, the applicant did not identify any unique circumstances or conditions which require the variance. The outdoor advertising sign is non-conforming with regard to the sign regulations for sign height and sign area. By Ordinance, <u>all</u> non-conforming signs must be removed or modified to conform with sign regulations by May, 1997. Staff finds it difficult to conclude existing non-conforming land uses can form the basis for a special circumstance requiring a variance. Approval of this variance to permit an increase in the permitted sign area would effectively grant a special privilege to the property owner that is not otherwise obtainable by other businesses within the City. The proposal does not comply with item (b).

(c) The variance will not result in a special advertising advantage in relation to neighborhood businesses.

Ordinance sign regulations do not regulate sign content. While unlikely, there is nothing to prohibit the current property owner (Taco Bell) from using the large free-standing sign for advertising the business. Further, the property owner obtains an additional privilege by being able to rent or lease sign advertising space; a privilege not available to other businesses. For these reasons the proposal does not comply with item (c).

(d) Granting of the variance would not obstruct views of other buildings, signs, unique architectural features or landscaping.

Other than the increase in sign area, all the proposed signs comply with Ordinance requirements concerning size and location and will not obstruct views of other buildings, signs, special features or landscaping. The proposal complies with this item.

(e) The size, placement, texture, color and graphics of the proposed sign results in a more attractive sign than would otherwise be permitted under strict interpretation of the code.

The variance request is to allow additional sign area on the property. Aesthetic issues regarding the placement, texture, color and graphics of the proposed sign are not applicable to the request. Compliance with this item is therefore not required.

(f) The variance request is not the result of a self-imposed condition or hardship.

Evidence in the record indicates the applicant was aware of the potential sign problem prior to constructing the restaurant. This evidence is in the form of correspondence with the sign company (Obie) regarding removal of the sign. Therefore, this variance request is the direct result of a self-imposed condition or hardship and fails to comply with the criteria in item (f).

C. RECOMMENDATION

1. The variance request is able to comply with some of the decision criteria contained in Section 15.90. However, approval of a variance requires compliance with <u>all</u> the relevant criteria. Staff specifically notes there does not appear to be any special circumstance or condition that justifies a variance. The establishment of the sign effectively grants a special privilege to the property owner and has the potential of providing additional sign area for the existing business. Finally, the variance request is singularly the result of a condition or hardship created by the applicant.

2. Based on the above findings, the Community Development Department recommends the City Council **DENY** the variance request.

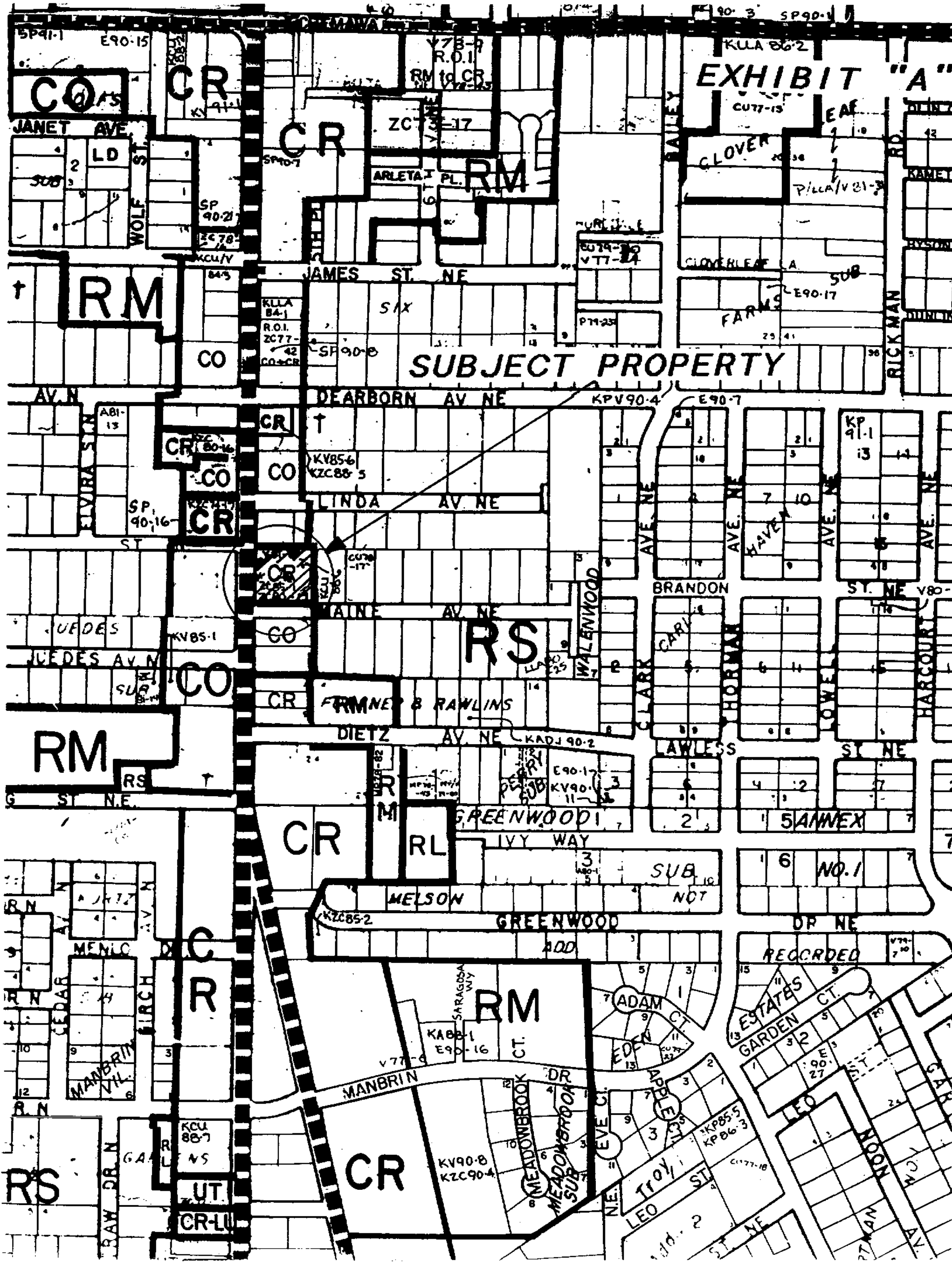
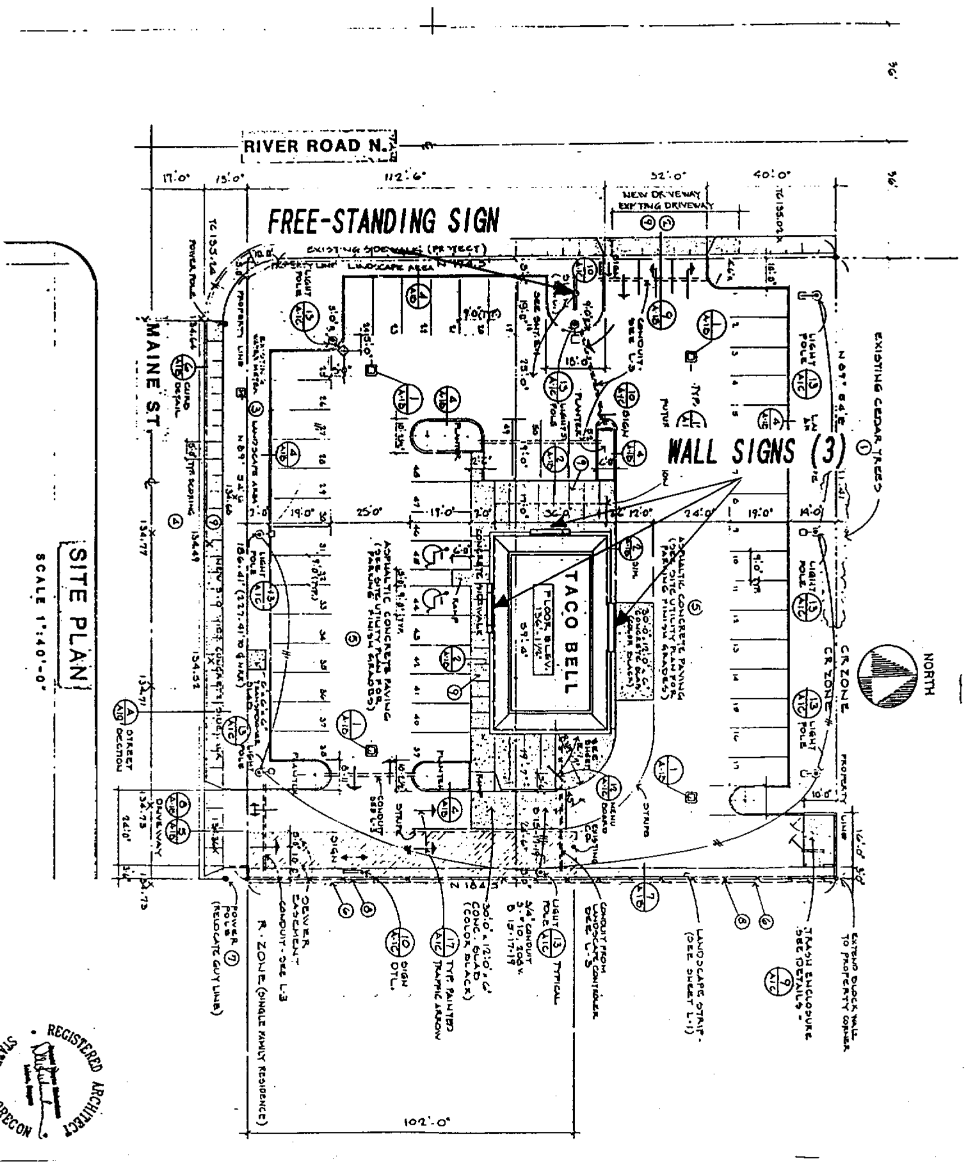
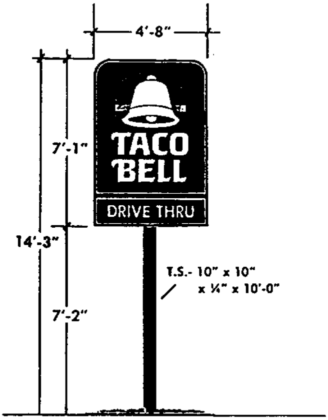


EXHIBIT "A"
SUBJECT PROPERTY
CO
CR
RM
LD
RS
RL
UT
CR-LU
JANET AVE.
JAMES ST. NE
DEARBORN AV NE
LINDA AV NE
MAINE AV NE
DIETZ AV NE
GREENWOOD
IVY WAY
MELSON
GREENWOOD DR NE
MANBRIN DR
BRANDON
LAWLESS ST NE
CLOVER LEAF
CLOVERLEAF LA.
SIX
FARMS SUB
WALENWOOD
CLARK
HORMAN
HAVEN
HARCOURT
RICKMAN
CHEMAWA
WOLF ST
ARLETA
JUEDES AV N
FRAMMER & RAWLINS
SUB NOT RECORDED
ANNEX NO. 1
ADD
ADAM CT.
EDEN CT.
EVE CT.
APPLE CT.
GARDEN CT.
ESTATES
SARAGOSA WY
MEADOWBROOK CT.
MEADOWBROOK SUB
TROY ST NE
LEO ST
MENLO
CEDAR
BIRCH
MANBRIN VIL.
GARDENS
KPV 90-4
E90-7
E90-17
SP90-8
KV85-6
KZC88-5
KV85-1
KADJ 90-2
KZC85-2
KV90-8
KZC90-4
KA88-1
E90-16
KCU 88-7
KP85-5
KP86-3

EXHIBIT "B"

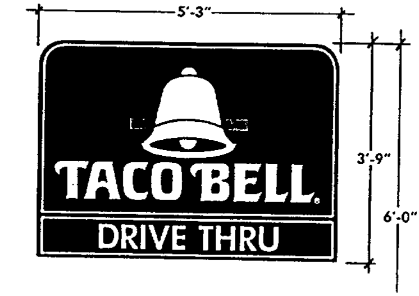

RIVER ROAD N.
FREE-STANDING SIGN
NEW DRIVEWAY
EXISTING DRIVEWAY
WALL SIGNS (3)
MAINE ST
TACO BELL
NORTH
SITE PLAN
SCALE 1"=40'-0"
102'-0"

FREE-STANDING SIGN (RIVER ROAD)



P1 32 Square Feet
7'-1" x 4'-8" DF C-P Logo Sign
at 15' OAH

OR



M-5 20 Square Feet
3'-9" x 5'-3" DF T-P Monument Sign

WALL SIGNS (3)

B-2 17 Square Feet
2' x 3' Mini Bell with 15" Neonized Letters

CITY OF KEIZER
ADJUSTMENT/CONDITIONAL USE/VARIANCE APPLICATION

APPLICATIONS RETURNED BY MAIL WILL NOT BE ACCEPTED

Applicant: Please check what you are applying for:

CONDITIONAL USE ( )
Fee: $

VARIANCE (x)
Fee: $ 200.00

ADJUSTMENT ( )
Fee: $

If there are any questions about this application, who should be contacted?

GREGORY B. STEVENS
Name

388 State Street S.E. - 710
Salem, OR 97301
Address

363-3760
Daytime telephone (8:30 a.m. to 5:00 p.m.)

1. **Applicant**
ES-O-EN CORP.

Address and zip code
P.O. Box 3260
Salem, OR 97302

2. **Property owners** (if other than applicant)

Address and zip code

3. **Contract and/or mortgage holders (if any)**
CITICORP

Address and zip code
450 Mamaroneck Avenue
Harrison, NY 10528

4. The owners of record of the subject property do hereby request permission to install building letters and erect a logo sign on the subject property.

5. Address of subject property 4690 River Road N.E., Keizer, OR

6. Size of subject property (include all contiguous tax lots in same ownership) .82 AC

FOR OFFICE USE ONLY

Section ___ Township___ Range_____

Tax lot number(s) ________

Zone ________

Zone map number________

9/12/92
Date app. determined to be complete

Application elements submitted:

✓ (a) Title transfer instrument
✓ (b) Assessor's map
✓ (c) Plot plan
✓ (d) Applicant's statement
✓ (e) Adjacent property owner's list
✓ (f) Filing fee $200

9/11/92
Application accepted by

7. Applicants: To have a complete application, you will need to attach the following at the time you submit this application.

(a) A copy of the latest officially recorded title transfer instrument (deed, warranty deed, or contract) giving the legal description for the subject property.

(b) A copy of the most recent Assessor's maps for the subject property: Available at the Marion County Assessor's Office in the Courthouse.

(c) Plot plan drawn in black ink on a separate sheet of paper, 81/2 x 11, showing the location of the proposed conditional use, variance or adjustment and its distance from other structures, property lines, roads, and other features. See attached example.

(d) A written statement explaining your reasons for the proposed adjustment, conditional use or variance, and how your proposal conforms to City of Keizer development policies and the requirements of the particular zone (applicable for conditional uses). Insert extraordinary circumstances which may apply.

(e) A list of all property owners within 100 feet of the subject property. The list must be certified by a Title Company or County Assessor's Office (see attached "Procedures for Preparing Notification List"). The list must have been prepared to be current to within 30 days of the date of application.

(f) Filing fee made payable to the City of Keizer.

8. SIGNATURES of each owner (husband and wife) and any contract holder of the subject property.

[signature] Pres. ____________________

____________________ ____________________

DATED this 14TH day of SEPTEMBER, 1992.

9. THE APPLICANT(S) SHALL CERTIFY THAT:

(a) The above request does not violate any deed restrictions that may be attached to or imposed upon the subject property.
(b) If the application is granted, the applicant(s) will exercise the rights granted in accordance with the terms and subject to all the conditions and limitations of the approval.
(c) All the above statements and the statements in the plot plan, attachments and exhibits transmitted herewith are true; and the applicants so acknowledge that any permit issued on the basis of this application may be revoked if it is found that any such statements are false.
(d) The applicants have read the entire contents of the application, including the policies and criteria, and understand the requirements for approving or denying the application.

SIGNATURE of Applicant(s): [signature] PRESIDENT

DATED this 14TH day of SEPTEMBER, 1992.

145800 W.V.T.

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That LLOYD A. WEIGEL as to Parcel I; LLOYD A. WEIGEL and JUANITA R. WEIGEL, as tenants by the entirety, as to Parcel II, *Grantor* s *in consideration of* TWO HUNDRED TWENTY FIVE THOUSAND AND NO/100 --------------- *Dollars, to* them *paid by the Grantee herein, do hereby grant, bargain, sell and convey unto* ES-O-EN CORP.

Grantee the following described real property, situate in the County of MARION *and State of Oregon, to wit:*

See Exhibit A which is attached hereto and made a part hereof...

Parcel # 53198-000 53199-000

To Have and to Hold the granted premises unto the said Grantee, its *Heirs and Assigns forever.*

*And the Grantor*s *do covenant that* they are *lawfully seized in fee simple of the above granted premises free from all encumbrances,* See Attached Exhibit A...

and that they *will and* their *heirs, executors and administrators, shall warrant and forever defend the granted premises, against the lawful claims and demands of all persons, except as above stated.*

Witness our *hand*s *and seal this* 10th *day of* March, *19* 92.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

Lloyd A. Weigel *(SEAL)*
LLOYD A. WEIGEL

Juanita R. Weigel *(SEAL)*
JUANITA R. WEIGEL

(SEAL)

(SEAL)

STATE OF OREGON
County of Marion } *ss.*

BE IT REMEMBERED, That on this 10th *day of* March, *19* 92, *before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named* Lloyd A. Weigel and Juanita R. Weigel

known to me to be the identical individual s *described in and who executed the within instrument and acknowledged to me that* they *executed the same freely and voluntarily.*

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Debra Sue Smith
Notary Public for Oregon.
My Commission expires 7-10-94

OFFICIAL SEAL
DEBRA SUE SMITH
NOTARY PUBLIC - OREGON
COMMISSION NO. 000100
MY COMMISSION EXPIRES JULY 10, 1994

COPY

UNTIL A CHANGE IS REQUESTED, ALL TAX STATEMENTS SHALL BE SENT TO THE FOLLOWING ADDRESS:

ES-O-EN Corporation
PO BOX 3461
Salem, OR 97302

Return to:

ES-O-EN Corporation
PO BOX 3461
Salem, OR 97302

STATE OF OREGON
County of } *ss.*

I certify that the within instrument was received for record on at o'clock, and was recorded in Book Page Record of Deeds of said county.

Recorder of Conveyances

By
Deputy

EXHIBIT A

PARCEL I

Beginning in the center of the County Road at a point that is 765.75 feet North from the Southwest corner of the John M. Pugh and wife Donation Land Claim No. 55 in Township 7 South, Range 3 West of the Willamette Meridian in Marion County, Oregon; thence North 92.25 feet; thence North 89° 54' East 227.41 feet; thence South 92/25 feet; thence South 89° 54' West 227.41 feet to the place of beginning, and being a part of said John M. Pugh Donation Land Claim No. 55.

PARCEL II

Beginning in the center of the County Road at a point that is 673.50 feet North from the Southwest corner of the Donation Land Claim of John M. Pugh and wife, No. 55, in Township 7 South, Range 3 West of the Willamette Meridian, Marion County, Oregon thence North 92.25 feet; thence North 89° 54' East 227.41 feet; thence South 92.25 feet; thence South 89° 54' West 227.41 feet to the place of beginning.

SAVE AND EXCEPT from the above described parcels those portions deeded to Marion County, a political subdivision of the State of Oregon, by deeds recorded March 23, 1982, in Reel 276, Page 1036 and Reel 276, Page 1039, Film Records for Marion County, Oregon.

SUBJECT TO:

1) These premises are within the boundaries of the Keizer Water District;
2) These premises are within the boundaries of the Keizer Sewer District;
3) Conditions and restrictions recorded March 6, 1945 in Book 317, Page 236, Marion County, Oregon;
4) Easement recorded May 9, 1967 in Volume 631, Page 100, Marion County, Oregon;
5) Easement recorded May 9, 1967 in Volume 631, Page 101, Marion County, Oregon;
6) Slope Easements as contained in deeds to Marion County, Oregon, recorded March 23, 1982 in Reel 276, Page 1036 and Reel 276, Page 1039, Marion County, Oregon.

STATE OF OREGON

County of Marion

I hereby certify that the within was received and duly recorded by me in Marion County records:

REEL 932 PAGE 119

MAR 13 4 57 PM '92

ALAN H. DAVIDSON
MARION COUNTY CLERK
BY [signature] DEPUTY

Fee $ 40.00

Hand Returned ☐

STATEMENT

RE: VARIANCE FROM CITY OF KEIZER, OREGON SIGN CODE
ORDINANCE #90-173
CHAPTER 15, SECTION 15.70(1)(a); 15.70(1)(b)

1. VARIANCE REQUESTED.

ES-O-EN CORP. dba TACO BELL seeks a variance from the City of Keizer, Oregon Sign Code in the following respects:

1. To permit Taco Bell to erect a free standing sign as identified in Attachment #1 as a Ground Mounted Logo Sign, P1 32 Square Feet; or in the alternative,

   To permit Taco Bell to erect a free standing sign as identified in Attachment #2 as a Monument Sign, M-5 20 Square Feet.

2. To permit Taco Bell to mount to the building above each of the building's three entrances, a sign as identified in Attachment #3 as Building Mounted Signs, B-2 17 Square Feet, 2' x 3' Mini Bell and Attachment #4 as Building Letters, 15" Neon Letters with Recessed Raceway.

2. REASON FOR REQUESTED VARIANCE.

The above-listed request for variance to the sign code is made because at the present time there exists on the property a billboard sign, owned and operated by Obie Outdoor Advertising, Inc., which more than exceeds the total allowed sign area for the subject property as allowed under Section 15.70(1)(a).

3. STATEMENT.

As it applies in this case, the requested variance is consistent with the City of Keizer development policies and meets the criteria as required for variance applications as follows:

(a) it is the smallest free-standing sign and building mounted signs that Taco Bell makes. The total square footage of the requested signage is 83 sq.ft., which without the billboard sign is well below the allowable maximum of 150 sq. ft. under Section 15.70(1)(a).

(b) there has not been a previous land use action approved on the basis that variances would not be allowed.

(c) the variance will not be unreasonably detrimental to property or improvements in the neighborhood.

(d) the variance will not significantly affect the health or safety of persons working or residing in the vicinity.

(e) the variance is consistent with the intent and purpose of the sign code in that it is an equitable method of business identification, there is no signage conflict, it promotes traffic and pedestrian safety by allowing customers to easier identify the business location.

(f) the granting of the variance will not decrease traffic safety nor detrimentally effect any other identified item of public welfare.

(g) there is a unique circumstance in this matter, in that a variance would not be required at all, except for the existence of the aforementioned billboard sign. The billboard sign is a unique circumstance not applicable to most other properties. The granting of the variance does not represent a special privilege to Taco Bell and is the minimum necessary to alleviate the unique condition of the property.

(h) there is not special advertising advantage gained by Taco Bell in relation to neighboring businesses or businesses of a similar nature.

(i) granting of the variance will not obstruct views of other buildings or signs or cover unique architectural features of a building or detract from landscape areas.

(j) the size, placement, color, and graphics of the proposed signage will not result in more attractive signage than that allowed under strict interpretation of the code.

(k) although the billboard sign located on the property was in existence before purchase and construction began, all continuing requests to have Obie Outdoor Advertising, Inc. remove the sign, which legally we believe they were required to do, have met without success and they continue to operate the sign. It was our sincere belief that upon purchase and development of the subject property, the non-conforming billboard sign would be removed and no variance of the sign code would have been required. This is not a self-imposed condition.

CERTIFICATION OF MAILING

STATE OF OREGON)
) SS
County of Marion)

I, Cynthia S York, hereby certify that I have sent a Notice to the individuals on the attached list on this 29 day of September 1992. I certify that I deposited 11 separate envelopes, postage prepaid, in which contained a true and correct copy of the Notice of Public Hearing to be held before the Keizer City Council/Hearings Officer on the application/petition of ES-O-EN CORP for land use case type VARIANCE, case No. 92-6, copy of which Notice is attached hereto, and by this mention made a part hereof. Said envelopes were addressed to the person whose name appears on the application/petition submitted by said applicant/petitioner as being the names and addresses of the persons owning property abutting the premises affected by said land use case type Variance, case No. 92-6.

Dated at Keizer, Oregon this 29 day of September, 1992

VARIANCE CASE NO. 92-6

PURPOSE OF HEARING BEFORE THE CITY COUNCIL: To hear an application for a Variance to the sign area and height standards in Section 15.70(1) of the Keizer Zoning Ordinance on CR (COMMERCIAL RETAIL) zoned property located at 4690 River Road North; (Sec. 02BD; T7S; R3W; Tax Lot #'s 13100 and #13200).

APPLICANTS: ES-O-EN Corporation

DATE AND TIME OF HEARING: October 19, 1992; 7:30 P.M.

LOCATION OF HEARING: Keizer City Council Chambers, Keizer City Hall, 930 Chemawa Road NE, Keizer.

HOW TO PARTICIPATE: Anyone desiring to speak for or against the proposal may do so in person, or by representative, at the public hearing; or, may submit written comments with the Keizer Community Development Department prior to the public hearing. **Written commentary must be notarized to be accepted as testimony.**

The application form, all documents and evidence relied upon by the applicant, and the applicable decision criteria are available for inspection at the Community Development Department. The staff report and recommendations concerning this case will be available at least seven (7) days prior to the hearing.

After the close of the hearing the decision maker may approve or deny the application, may remand the case to the Community Development Department or may approve a modified proposal. Failure of an issue to be raised in the hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes appeal to the Land Use Board of Appeals (LUBA) based on that issue.

LAND USE DECISION CRITERIA: The criteria upon which the decision on this application will be based include the following:

I. VARIANCE

A. Keizer Zoning Ordinance Section 15.90.

DATED this September 28, 1992.

Keizer Community Development Department
930 Chemawa Road NE
Keizer, Oregon 97303

Phone: 390-3700

City Planner: Skip Wendolowski

ES-O-EN CORP
PO Box 3260
Salem, OR 97302

ES-O-EN CORP

VAR 92-6
mailing list

CITICORP
450 Mamaroneck Avenue
Harrison, NY 10528

Gregory Stevens
388 State Street SE - 710
Salem, OR 97301

First Interstate Bank of Oregon
PO Box 3131
Portland, OR 97208

Richfield Oil Corp
OR Atlantic Richfield Co
PO Box 2485
Los Angeles, CA 90051

James & Donna Conley
653 Maine Avenue
Salem, OR 97303

Norman & Ellen West
623 Maine Avenue NE
Salem, OR 97303

Richard D. Beck
OR Phyllis Nelson
4485 River Road S
Salem, OR 97302

Edward & Deborah Schunke
644 Linda Avenue NE
Salem, OR 97303

Norman & Sherrill Wargnier
622 Maine Avenue NE
Salem, OR 97303

Priscilla-Estate Rollins OR
Darwing & Eunice Burks
4630 River Road N
Keizer, OR 97303

ES-O-EN CORP
PO Box 3260
Salem, OR 97302

CITICORP
450 Mamaroneck Avenue
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Norman & Sherrill Wargnier
622 Maine Avenue NE
Salem, OR 97303

Priscilla-Estate Rollins OR
Darwing & Eunice Burks
4630 River Road N
Keizer, OR 97303

TACO BELL.

ES-O-EN Corp.
A Franchisee of Taco Bell Corp.
Post Office Box 3260
Salem, Oregon 97302
Telephone 503 585 6060

January 20, 1992

Obie Outdoor Advertising Inc.
P.O. Box 1356
Eugene, OR 97440

RECEIVED
'92 JAN 22 AM 9 40

Re: Removal of Sign at 4690 River Rd., Keizer

Dear sirs:

We will shortly begin construction of a new building and business on the above mentioned site and, according to the terms and conditions of a lease dated August 29, 1989 and signed by Lloyd Weigel and Gary Obie, we hereby ask you to remove the sign located on the northwest corner of the lot, which is approximately 150 feet north of the corner of River Road N and Maine NE. I have enclosed a copy of the building permit as directed in the lease.

It is my understanding that the Weigel's have already directed you to remove the sign and have even attempted to refund you the balance of the rent. I am assured that the remaining balance will be sent immediately upon request.

The City of Keizer has repeatedly told us that it will not grant us a sign permit as long as the billboard is still there. We have no choice but to order its removal. The City has offered to discuss the matter, but I stress that any discussion must be done soon as we are very near to beginning construction.

If I can be of any help in this matter please call me.

Sincerely,

Timothy W. Nicolaysen, President

cc. Lloyd and Juanita Weigel
Skip Wendolowski, Keizer City Planner
John Morgan, Director of Community Development, City of Keizer

OBIE OUTDOOR ADVERTISING INC.

PO BOX 1356 EUGENE, OR 97440
FAX (503) 345-4339
(503) 686-8400

RECEIVED MAY 4 1992

'92 MAY 5 AM 11 29

April 29, 1992

Timothy W. Nicolaysen, President
ES-O-EN Corp.
PO Box 3260
Salem, OR 97302

RE: Lease No. 9203-0031
4690 River Road, Keizer

Dear Mr. Nicolaysen:

Thank you for your "reminder" letter of April 24, 1992.

I believe we have communicated with you several times verbally in regards to taking the sign down at 4690 River Road.

Our interpretation of the lease does not agree with yours as to, conditions existing that would allow for cancellation of the same. We leased the property in good faith for ten (10) years with option to renew for two additional five (5) year terms. Based on the lease, we invested a considerable amount of money to create an income producing asset for the life of the lease and the renewal options. The anticipated income over the life of the lease is well in excess of $250,000.00 in today's dollars. I am sure you can appreciate the resulting value of the sign.

While we are prepared to cooperate with you in any manner possible, we are also prepared to defend our lease and the subject asset.

At your request, I will call Mr. Morgan, even though I am unsure how he can help in resolving this matter.

If I can be of any help, please do not hesitate to call on me.

Sincerely,

Brian B. Obie
President

ko
cc: Lease file

City of Keizer — Community Development

1982

Phone: 390-3700 • Fax # 390-8295
930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, Oregon 97307-1000

May 5, 1992

Brian B. Obie, President
Obie Outdoor Advertising, Inc.
PO Box 1356
Eugene, OR 97440

Dear Mr. Obie:

RE: Your sign at 4690 River Road, Keizer

This letter is intended to clarify the situation surrounding your sign on this property, which is the site of the Taco Bell restaurant currently under construction.

Your sign is a non-conforming sign subject to the requirements of the Keizer Sign Code. This code includes an amortization period for non-conforming signs of seven years, which expires in May of 1997. At that time, all non-conforming signs must be removed.

We are requiring Mr. Nicolaysen of ES-O-EN Corporation to construct a driveway for the Taco Bell adjacent to the northern property line of the subject property. This is consistent with the City's policy requiring joint driveways where ever possible along River Road. This driveway location will require removal of your sign.

The City will not issue a permit for relocation of the sign to another site on the property, as this would be in violation of the sign ordinance.

If you have any questions, please contact me at your convenience.

Yours truly,

John N. Morgan, AICP
Community Development Director

cc: Tim Nicolaysen, ES-O-EN Corporation
Don Otterman, City Manger
Skip Wendolowski, City Planner

OBIE OUTDOOR ADVERTISING INC.

PO BOX 1356 EUGENE, OR 97440
FAX (503) 345-4339
(503) 686-8400

RECEIVED

'92 MAY 13 AM 10 24

May 11, 1992

John N. Morgan, AICP
Community Development Director
City of Keizer
PO Box 21000
Keizer, OR 97307-1000

RE: 4690 River Road - Keizer

Dear Mr. Morgan:

Thank you for your letter of May 5, 1992. We desire to be cooperative in the matter of the sign at 4690 River Road.

However, it would appear there is not recognition of the investment value of our lease, or legal permit we hold or for the structure itself. It is obvious the placement of the driveways in this location does not require removal of the sign as an island can be built to separate traffic and allow room for the sign pole to remain. It is also arbitrary and capricious for the City to insist on the driveways in this particular location.

If the City or property owner has an alternative location where we can move the sign, we would be glad to discuss this possibility.

In regard to the seven (7) year amortization as to the Keizer City Ordinance. I am positive you or your legal council will discover in time this would represent an illegal taking and will require compensation if the city wants to remove the sign.

I am available to meet with you and or the property owners at any time to search for a viable solution to this issue.

Sincerely,

Brian B. Obie
President

ko
cc: Bruce Storey
Tim Nicolaysen
Don Otterman
Skip Wendolowski

OBIE OUTDOOR ADVERTISING INC.
P. O. Box 1356
Eugene, Oregon 97440

Telephone (503) 686-8400

ADVERTISING SIGN SITE LEASE

No.________________

Date August 29, 1989

The undersigned Lessor for valuable consideration hereby leases and grants exclusively to Obie Outdoor Advertising Inc., Lessee, the property ("the Site") designated in the Sign Location Description set forth below (a legal description of which shall, at Lessee's request, be provided by Lessor and attached as Exhibit A hereto) for the purposes of erecting and maintaining advertising signs, including necessary structures, devices, illumination and connections, upon the terms and conditions herein contained. The Site is situated in or near the City of Salem, County of Marion, State of Oregon. The primary term of the lease shall begin on date of construction 1989 ("lease commencement date") and shall end on the tenth (10th) anniversary of the rental commencement date.

The rental shall be $1,200.00 annually, and shall be payable by Lessee in equal annual installments in advance. The rental commencement date shall be the first day of the month following completion of construction of an advertising sign structure on the Site. The first rental payment shall be paid by Lessee within 10 days after the rental commencement date. If the rental commencement date shall not occur within 12 months after the lease commencement date, then Lessor shall have the right to terminate the lease by giving Lessee written notice of Lessor's intent to terminate the lease unless Lessee commences rental payments within 30 days after receipt of the notice.

The person signing the lease as or for Lessor represents and warrants that he is the owner or representative of the owner of the Site (or is the lessee of the Site under a lease extending throughout the term of this Site lease) and is duly authorized to execute this Site Lease. The word "Lessor" as herein used shall include and mean all persons signing this Site Lease or on whose behalf this Site Lease is signed as "Lessor". The lease is binding upon the heirs, assigns and successors of both the Lessor and Lessee. It is understood and agreed that the name "Obie Outdoor Advertising Inc." and the word "Lessee" shall mean and include other individuals, partnerships and corporations who are affiliated with Obie Outdoor Advertising Inc.

The rental shall be $1800.00 annually and all other terms to remain the same

THE TERMS AND CONDITIONS SET FORTH ON THE REVERSE SIDE HEREOF ARE INCORPORATED HEREIN BY REFERENCE AND EXPRESSLY MADE A PART OF THIS LEASE.

LESSOR

Lloyd A Weigel
(Name of Lessor printed)

[signature]
(Signature of Lessor or representative)

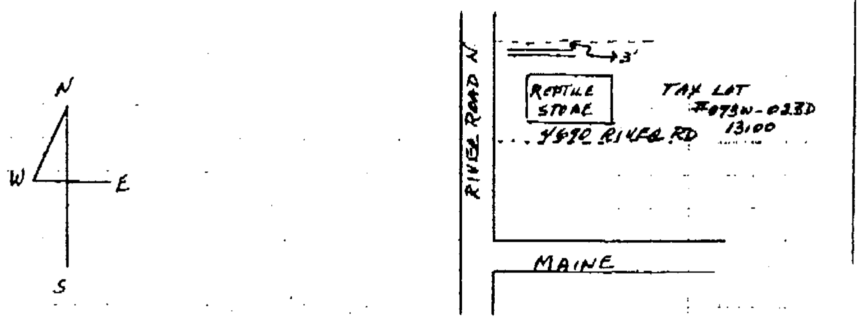
7877 Wheatland Rd N
Address
Telephone: 393-2202
Taxpayer I.D. No. 543-44-7591

LESSEE
By Gary Obie [signature]
OBIE OUTDOOR ADVERTISING INC.

ACCEPTED BY:
____
Date:__/__/____ Title: ____________

Sign location description:
RIVER ROAD EL 150' N/O MAINE

SIGN(S) LOCATION DIAGRAM



ADDITIONAL TERMS AND PROVISIONS

Lessor shall have the right to terminate the lease at any time the Site property is improved by erecting thereon a permanent building or other improvement the reasonable use of which requires removal of the sign. Lessee shall remove its signs within ninety days after receipt of written notice from Lessor that such permanent improvement is to be made, together with a copy of Lessor's building permit and a rebate of all unearned rent. If Lessor fails to commence such permanent improvement within ninety days after Lessee removes its signs, or in case of any use or proposed use of the property for advertising purposes before the end of the term, Lessee shall again have the right to enter the property and maintain its signs subject to the provisions of this lease, and Lessor shall promptly reimburse Lessee the amount of Lessee's reasonable costs of reconstruction of the signs. If any portion of the property is not permanently improved in a manner which precludes operating the sign, Lessee has the option to use such remaining portion on the same terms except the rent shall be reduced in proportion to the reduction in Lessee's revenue.

Lessee shall have the right to terminate the lease at the end of any yearly period upon written notice to Lessor, served not less than thirty days before the end of such yearly period.

If the view of the Site or of Lessee's signs is obstructed or impaired, or the advertising value of the signs is diminished by reason of diversion or reduction of traffic or for any other reason not within Lessee's control, then Lessee shall have the right to reduce rental in direct proportion to its loss in revenue. If, for any reason, a building permit for the erection of such signs is denied, or the use of such signs shall otherwise be prevented by law, or Lessee is unable for any period of 90 consecutive days or more to secure and maintain a suitable advertising contract for the signs, then Lessee shall have the option (1) to terminate this lease, in which case Lessor shall refund to Lessee all rent paid for the unexpired term, or (2) to continue the lease in force, in which event no rent shall accrue while such condition continues.

The Lessor agrees not to erect or permit any other party to erect any advertising signs or displays on the Site or on any other property owned or controlled by the Lessor within a radius of six hundred (600) feet of Lessee's signs, nor to permit any other obstruction partially or completely to obscure the normal highway view of Lessee's signs, and the Lessee is hereby authorized to remove any such other advertising display or other obstruction at its option.

If this lease is not sooner terminated under other provisions of the lease, then at the expiration of the primary term Lessee shall have the option to extend the lease for an additional 5 years ("first extended term"), and, if so extended, then at the expiration of the first extended term Lessee shall have the option to extend the lease for an additional 5 years ("second extended term"). Lessee's payment of rent for the first month of the first or second extended term shall operate as an automatic exercise by Lessee of its option to continue the lease for such extended term.

The lease shall continue in force from year to year after expiration of the primary or any extended term, unless terminated at the end of such term or any additional year, upon written notice of termination by Lessor or Lessee, given not less than thirty days before the end of such term or additional year.

Lessee shall remain the owner of all signs and improvements placed by it on the Site and has the right to remove the signs at any time prior to or within a reasonable time after the termination of this lease or any extension thereof. Lessor agrees to allow Lessee full access to the Site for the purpose of erecting, maintaining, changing or removing the signs at any time. If the signs or the land underlying the signs shall be appropriated or taken under the power of eminent domain by any public or quasi-public authority, the Lessee shall be entitled to receive the entire award or compensation in such proceedings for the signs and the value of Lessee's leasehold interest hereunder.

In the event of any change of ownership of the Site, the Lessor agrees to notify the Lessee promptly of such change, and the Lessor also agrees to give the new owner formal written notice of the existence of this Site Lease and to deliver a copy thereof to such new owner.

This Lease becomes binding on Lessee only when the Lessee's acceptance thereof is executed by an officer of Obie Outdoor Advertising Inc. in the space indicated therefor after the words "Accepted By" on the face page of the Lease.

The base rent shall be adjusted every five years beginning with the commencement date equal to the percentage change, if any, in the Revised Consumer Price Index (Portland, Oregon area), U.S. City Average for all Items, published by the United States Bureau of Labor Statistics. The percentage change, if any, shall be determined by comparison of the Index figure commencement date with that of each five year period taking into account any change resulting from a change in the base year used by the Bureau of Labor Statistics in computing the Index, as well as changes in the Index itself. In no event shall annual rental be reduced below the original base rental rate. If the Bureau of Labor Statistics discontinues publication of the Consumer Price Index, the rent adjustment shall be based upon comparable data showing changes in the cost of living published by a responsible financial periodical of recognized authority. However, in no event shall said increase exceed a maximum of eight percent (8%) for the 5 year period.

CITY COUNCIL MEETING: October 19, 1992

AGENDA ITEM NUMBER: 7a

MEMORANDUM

TO: Mayor and City Council

THROUGH: John Morgan, AICP

FROM: E. Shannon Johnson, City Attorney

RE: Ordinance Establishing Procedure for Apportionment of Assessments

DATE: October 15, 1992

The City has local improvement districts for sewer, water and street improvement projects. Such improvements are paid for by issuing "Bancroft bonds" and the affected property owners pay off such bonds by making biannual assessment payments directly to the City. The payments are secured by assessment liens against the subject properties. Such installments are not part of the citizens' tax bills.

Sometimes property owners partition or subdivide their property after an assessment is in place, but before it is paid off. Currently, there is no procedure to apportion the improvement assessments between the newly created parcels. The attached ordinance provides for such a process.

This situation arose recently because a property owner had previously partitioned his property and then much later went to sell the front portion with the house. He was unaware that typically a buyer will require such an assessment to be paid off at closing, as the real estate industry treats the assessment like a mortgage and any lender would require that to be paid off before closing the loan. This individual seller was disappointed that the assessment would have to be paid off at all, and even more disappointed that the City would require the entire assessment to be paid before releasing its lien. Consequently, the escrow has held back the amount necessary for paying off the total assessment until a proper apportionment can be completed. When the apportionment is completed, then escrow will pay the City the funds necessary to pay off the front parcel, and release the remaining funds to the seller.

We will be coming back to Council for a hearing and actual apportionment with regard to this particular case at an upcoming Council meeting. The attached ordinance allows for the process to be initiated for this particular property owner, and other property owners who may be similarly situated.

If you have any questions in this regard, I will be happy to answer them. Thank you.

ESJ:clt

BILL NO. ____ A BILL ORDINANCE NO. 92-________

FOR

AN ORDINANCE

ESTABLISHING PROCEDURE FOR EQUITABLE APPORTIONMENT FOR LOCAL IMPROVEMENT ASSESSMENTS

WHEREAS, from time to time assessments for local improvement are made against parcels of real property in the city of Keizer;

WHEREAS, subsequent to such assessments, some parcels may be partitioned, subdivided, or otherwise divided into smaller parcels;

WHEREAS, a method needs to be developed to fairly and equitably apportion assessments to newly created or reduced parcels; NOW, THEREFORE,

The City of Keizer ordains as follows:

Section 1. STATUTORY AUTHORITY. ORS 223.317 through ORS 223.327 sets forth the authority for the City of Keizer to apportion special assessments. ORS 223.327 states that a governmental unit shall adopt an ordinance or other regulations establishing procedures.

Section 2. APPLICATION. An owner, mortgagee or lienholder of a parcel of real property that was formed from the partition, subdivision, or other division of the larger tract, may seek apportionment of final assessment or assessments by making application on a form provided by the City Recorder. Information required on such application shall include, but is not limited to, the names and addresses of the parties holding title to the parcels in question, the name of any contract purchaser, the legal descriptions and street addresses of all parcels involved in the

LIEN, HOBSON & JOHNSON
Attorneys at Law
4855 River Rd. N.
Keizer, Oregon 97303
(503) 390-1635

partition or subdivision, and a title company certification showing property owners' names and mailing addresses. Along with the application, the applicant shall submit a copy of the recorded deed or deeds with the new descriptions, and evidence that the property was, or is in the process of being, legally subdivided or partitioned. Such application and documents shall be submitted to the City Recorder. The City Council may set an application fee by resolution.

<u>Section 3</u>: COMMUNITY DEVELOPMENT DEPARTMENT REVIEW. Following submittal of the application, if the application is complete, then it shall be reviewed by the Community Development Department to determine that the partition or other division of land was completed in accordance with ORS 92.010 to ORS 92.190 and is consistent with the Keizer Comprehensive Plan, and other applicable land use regulations.

<u>Section 4</u>. CITY ENGINEER REVIEW AND CALCULATION OF APPORTIONMENT. Following review by the Community Development Department, the application shall be submitted to the City Engineer for apportionment of the assessment between the subject parcels. The City Engineer shall submit a report showing the total amount still owing on the assessment and indicating how it should be apportioned between the subject parcels.

<u>Section 5</u>. NOTICE TO AFFECTED PROPERTY OWNERS. City Council review of the apportionment shall be scheduled, and notification of the date of City Council review shall be sent to all property owners along with a copy of the City Engineer's report. Such

LIEN, HOBSON & JOHNSON
Attorneys at Law
4855 River Rd. N.
Keizer, Oregon 97303
(503) 390-1635

notice shall be sent by certified mail and by regular mail no later than ten (10) days prior to the City Council hearing on the matter. Any property owner objecting to the apportionment may file written objections with the City Recorder or appear at the City Council hearing.

Section 6. CITY COUNCIL REVIEW AND APPROVAL. The City Council shall review the City Engineer's report and consider any objections thereto. If the City Council finds that the subject parcels were legally divided, and that there is no payment now due or delinquent on the assessment, then the Council shall, by resolution, apportion the assessments in a fair and equitable manner between the subject parcels.

Section 7. EMERGENCY CLAUSE. This act being necessary for the immediate preservation of the public health, safety and welfare of the community, an emergency is declared to exist and this Ordinance shall take effect upon its passage.

PASSED this ____________ day of ______________________, 1992.

SIGNED this ____________ day of ______________________, 1992.

____
Mayor

____
City Recorder

824.075

LIEN, HOBSON & JOHNSON
Attorneys at Law
4855 River Rd. N.
Keizer, Oregon 97303
(503) 390-1635

CITY COUNCIL MEETING: October 19, 1992

AGENDA ITEM NUMBER: 8a

MEMORANDUM

TO: Mayor and City Council

FROM: Screening Committee for City Manager Recruitment
Lydia Gaona-Muniz, Chair
Ted Anagnos
Jim Reimann
Councilor Dennis Koho
Councilor Al Miller
Councilor Jerry McGee

Lydia Muniz

SUBJECT: **SELECTION OF FINALISTS FOR INTERVIEW**

1. As provided in the process adopted by the City Council, we met for most of the day (10:15 a.m. to 3:45 p.m.) on October 13th to review the applications and select up to six finalists for interview.

2. There were 195 applications. Attached is a profile of the applicants prepared by Alan Hershey, the recruitment consultant, who served as the committee's staff.

3. When we began our meeting we were provided with a) the Job Announcement, b) the Profile of Desired Skills & Abilities, c) a list of every applicant's name and d) three stacks of applications:

   I. Those "Not Qualified" because they did not have the desired qualifications set out in the Job Announcement, inluding experience and training. Especially important was the requirement: ". . . a minimum of five years of progressively responsible experience as a public administrator, assistant administrator, or other significant top management experience providing a working knowledge of finance and budgeting, personnel, public works, law enforcement and planning. . . ." This was the largest group of applications.

   II. Those applicants who were "Qualified", meaning they met the test of the experience and training set out in the Job Announcement. This was the second largest group -- over 90 persons.

   III. Those who were "Most Qualified" meaning they met the test of the job announcement and appeared to best meet the City Council's Profile of Most Desired Skills and Abilities. There were 21 applicants in this category.

4. We scanned the "Not Qualified" stack and moved one applicant up to "Qualified" and one other up for consideration as "Most Qualified". We

also scanned the "Qualified" stack and made no changes. We reviewed the "Most Qualified" applicants (now 23 in number) so that each member of the committee read the whole application, made notes on it and each member made a list of his/her choice of the ten best applicants.

5. We ranked our choices and voted to prioritize them. We chose six finalists and four alternates. The four alternates are in priority order so that should one or more finalists drop out, we know who would advance first to fill a vacancy.

6. There was substantial discussion of reasons for our choices throughout our deliberations. Overall the committee members worked well together and reached conclusions as a team. We believe Keizer has a very well qualified group of finalists for interview on November 13 and 14.

7. If the Council believes our committee work is complete, we will not meet again. On the day following the Council meeting of October 19 we understand the Mayor will sign letters inviting the finalists to interview. Four of the top six have been contacted by phone and are available for interview. The other two are to return calls by Monday.

8. Thank you for the opportunity to serve the City of Keizer in this important undertaking.

Attachment: Applicant Profile

APPLICANT PROFILE

KEIZER CITY MANAGER

MALE	FEMALE
185	10

MINORITY APPLICANTS	6

Applications Received From:

KEIZER	5
SALEM	2
OTHER OREGON CITIES	42
CALIFORNIA	47
WASHINGTON	7
OTHER STATES (no OR, WA, CA)	85
OVERSEAS	2

TOTAL APPLICATIONS RECEIVED	195

City of Keizer
Administration
930 Chemawa Rd. N.E. • P.O. Box 21000
Keizer, Oregon 97307-1000 • (503) 390-3700 • Fax # 390-8295

CITY COUNCIL MEETING: October 19, 1992

AGENDA ITEM NUMBER: 8b

TO: MAYOR AND CITY COUNCIL

FROM: TRACY L. DAVIS
CITY RECORDER

SUBJECT: CITY MANAGER RECRUITMENT - REPORT FROM ALAN HERSHEY

Alan Hershey will distribute material concerning the reimbursement to the Final Candidates for costs associated with the interview process.

MID-WILLAMETTE VALLEY
COUNCIL OF GOVERNMENTS
105 HIGH STREET S.E.
SALEM, OREGON 97301
Telephone (503) 588-6177
FAX (503) 588-6094

1957-1992
35
Years
of
Service

CHAIR:
COMMISSIONER DENNIS GOECKS
YAMHILL COUNTY

VICE CHAIR:
DR. CRAIG SMITH
SALEM/KEIZER SCHOOL DISTRICT

DIRECTOR: ALAN H. HERSHEY

MEMORANDUM

TO: Mayor and City Council
City of Keizer

DATE: October 19, 1992

FROM: Alan H. Hershey
Executive Director Alan Hershey

SUBJECT: **REIMBURSEMENT OF EXPENSES FOR FINAL INTERVIEWS OF CITY MANAGER CANDIDATES**

Recommendation

Authorize reimbursement of reasonable expenses for candidates within the following subtotals:

a.	Airfare subtotal	$1,500.00
b.	Mileage allowance (fixed sums) for Oregonians and reimbursement to out-of-state candidates for ground travel (HUT or car rental) from the Portland Airport up to the following total	250.00
c.	One night's lodging	505.00
d.	One day's meals (3)	200.00
	TOTAL	$2,455.00

Background

It has been customary for Keizer to provide a minimum expense allowance for candidates for City Manager.

All costs have been checked by phone as to least cost (for instance coach air travel with Saturday night stay). We would expect most candidates to incur their own extra costs if they want to visit the community.

1932

City of Keizer — Community Development

Phone: 390-3700 • Fax # 390-8295
930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, Oregon 97307-1000

CITY COUNCIL MEETING: Oct. 19, 1992

AGENDA ITEM NUMBER: 8c

TO: MAYOR AND CITY COUNCIL

FROM: JOHN N. MORGAN
INTERIM CITY MANAGER

SUBJECT: HIRING OF ADMINISTRATIVE SECRETARY

DISCUSSION:

Staff is in the process of filling the vacant Administrative Secretary position. The selection needs to be confirmed by the Council. The intention was to have the process complete by Friday morning so that a report could be included in the Council agenda packets. However, after initial interview of five candidates on Wednesday, it was decided that the two top candidates should be reinterviewed. This was done late Friday morning. References checks are being done Friday afternoon and, if necessary, on Monday. Therefore, a report with a recommendation will be brought to Council at the meeting Monday evening.

1982

City of Keizer — Community Development

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930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, Oregon 97307-1000

CITY COUNCIL MEETING: Oct. 19, 1992

AGENDA ITEM NUMBER: 8c - Supplemental

TO: MAYOR AND CITY COUNCIL

FROM: JOHN N. MORGAN
INTERIM CITY MANAGER

SUBJECT: HIRING OF ADMINISTRATIVE SECRETARY

DISCUSSION:

After an extensive interview and evaluation process, the Administrative Secretary Selection Committee has picked Lynn Owens as its recommendation for the position.

The Committee, which consisted of Jan Holler, Tracy Davis, Wally Mull, and John Morgan, found Ms. Owens to have excellent skills to bring to this important position. Plus, she has extensive background in similar work. She was office manager for Senator Tricia Smith during the 1991 Legislative Session and most recently held a temporary assignment as Building Use Coordinator for the State Capitol Visitors Service Office.

Several references reported Ms. Owens is highly skilled in all aspects of secretarial work, is excellent in working with the public, and is very professional in her manner. The Committee also observed these traits in the interview process.

The position is being offered at step one on a five step scale. She will be on probation for six months. At the end of probation she will be eligible for a five percent merit increase.

An interim City Manager, according to the City Charter, cannot hire an employee without the consent of 75 percent of the Council.

RECOMMENDATION:

It is recommended Council confirm the appointment of Lynn Owens to the position of Administrative Secretary.

1982

City of Keizer — Community Development

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930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, Oregon 97307-1000

CITY COUNCIL MEETING: Oct. 19, 1992

AGENDA ITEM NUMBER: 8d

TO: MAYOR AND CITY COUNCIL

FROM: JOHN N. MORGAN
INTERIM CITY MANAGER

SUBJECT: BUDGET CALENDAR FOR FY 93-94

DISCUSSION:

Our one month reprieve from thinking about the budget is over and it is time to go back to work.

The process for preparing a budget for Fiscal Year 1993-1994 is driven by two basic decisions:

- Will the Council go to the voters for an operating levy; and if so,
- Which election date should be targeted?

In order to prepare a draft budget calendar, staff is assuming the answer to the first question is "yes", and the second is "as soon as possible." The first answer is driven by the obvious necessity to have a levy to provide the required funds over the tax base to provide needed services. The second is based on allowing maximum time to explore other options if the levy fails at the polls. This means an election on March 23, 1993.

One of the first tasks of the Council and/or Budget Committee is to confirm or reject these assumptions. However, assuming they are correct, the following schedule for developing, reviewing, and acting on the FY 93-94 budget is proposed:

October 26	<u>Budget Committee</u> meets to adopt the budget calendar and set general direction and expectations for the preparation of the draft budget by staff.
November 9	<u>Budget Committee</u> meets to receive the draft Budget, discuss revenue projections, and discuss the proposed Administration, City Recorder, Municipal Court, and Community Development budgets.
November 23	<u>Budget Committee</u> meets to discuss the Police budget.

November 30	Budget Committee meets to discuss the Public Works and Parks budgets, and wrap up as necessary.
December 14	Budget Committee holds a public hearing and deliberates on the draft budget and the levy request.
January 11	City Council holds a public hearing on the draft budget.
January 25	City Council approves the budget and sets a March 23 election.
March 23	The Voters approve or reject the levy.

Attached to this report is a copy of the City Manager's budget instructions to the Department Heads. The instructions were issued and discussed at the Department Head meeting of October 15. The Council's comments, corrections, or endorsements of the tone, direction, and specifics of the instructions will be appreciated.

RECOMMENDATION:

It is recommended Council:

1. adopt the budget calendar and forward it to the Budget Committee for its use; and

2. confirm or amend the direction of the Budget Instructions.

City of Keizer

Community Development Department

MEMORANDUM

DATE: October 15, 1992

TO: Department Heads

FROM: John Morgan

SUBJECT: BUDGET INSTRUCTION FOR FY 93-94

We have a major task at hand. We also have a terrific opportunity to provide the Council, Budget Committee, and the Community the best possible document we could to tell the story about our city government and to help regain some of the trust that has been lost over the last two years.

The 93-94 budget we will be drafting over the next few weeks must be based on the many lessons that the last six months and three elections have taught. I believe those lessons boil down to these three points:

- The community wants to keep its tax rate low unless they can be very carefully brought along in developing specific new programs that are worthy of additional tax support.
- FY 93-94 is not the year to be proposing new programs. We just gained the voters' confidence at a given level after a very hard fought battle. We can only keep the confidence if we show good faith by holding the line this next year. The following year expansions or new programs may be acceptable if we have earned the respect of the community and worked with them to design and support the changes.
- The budget document is a very important communication tool. The current document is abysmal. No one can look at it and get any descent idea what we do and what services we provide. Yet it is our "annual report" to the community. This must change.

Based on these findings we will be writing our draft 93-94 budget.

I will be discussing a time frame for developing the budget with the Council Monday night. I will be proposing a Budget Committee meeting the last week of the month. The purpose of the meeting will be to discuss the direction for the budget and to finalize the schedule. I anticipate the Budget Committee then meeting on off-Monday nights through mid-December with the Committee's public hearing December 14th. The Council can take it up in January with a hearing at the first Council meeting and adoption of a budget to send the voters at the second meeting. This will put the issue on the ballot on March 23.

I will propose the budget process have three objectives:

1. Create a document that will provide the citizens a guide on services and cost.

2. Provide a plan to the Budget Committee to help them evaluate services and allocate resources.

3. Satisfy state budget law.

While the line item budget will be similar to what we have now, there will be a whole new section for each department. The focus of this new section is to present to the community a concise list of the programs the city provides, where those programs are going, and what they will cost. These then become understandable decision packages.

For each Department, I expect the Department Head to prepare the following:

<u>Program Descriptions</u> - Describe in one paragraph, in English, each distinct program the Department provides. One of the programs will be Administration.

<u>Program Objectives</u> - Describe the objectives the Department has for each program for FY 93-94. Highlight major activities and improvements.

<u>Program Resource Needs</u> - Without the detail of line items, summarize the staffing, materials and services, and capital outlay that are proposed to support each program.

<u>Program Resources</u> - Show, via graphics, where the money comes from to support each program. Identify any revenue that the program creates, such a ticket revenue or planning fees.

<u>Significant Budget Changes</u> - Identify every budget change that is more, or less, than a simple inflationary adjustment.

<u>Training and Support</u> - Include a description of the specific types of training, materials, conferences, memberships, etc., that the Dues, Training, Travel, etc., line items support.

<u>Capital Outlay</u> - Describe each item proposed for capital outlay. Provide a justification that shows how the proposed item will improve the City's capability to provide services. If a payback can be identified, include it. These descriptions should be short and concise.

Each of these will be the introduction to the line item budget for each Department. I hope that we will be able to get away from a "Fund" based budget and go to a "Department" based budget in this year's process. I will be working with Paul and the Auditors to see is this can happen. It just doesn't make sense to anyone reading the budget to see the Community Development Director in five different places instead of seeing the Community Development Director in one place with five different revenue sources supporting the position.

I will be working with Paul to identify the "adjustment factors" you should be using in the line items. I need to see some major justification for increases of material and services items over your actual expenditures.

Please plan on having your total draft budget document completed and to me by **October 30**. Your budget will be reviewed in detail by all the Department Heads and must pass muster with the group, and especially with me, before it goes public.

Of course, we will deal with General Fund issues first, but I want Public Works to work on the same schedule so we have a comprehensive view of City Government.

Thanks for your good work in advance.

City of Keizer
1982
Administration
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Keizer, Oregon 97307-1000 • (503) 390-3700 • Fax # 390-8295

CITY COUNCIL MEETING: October 19, 1992

AGENDA ITEM NUMBER: 8e

TO: MAYOR AND CITY COUNCIL

THROUGH: JOHN N. MORGAN
INTERIM CITY MANAGER

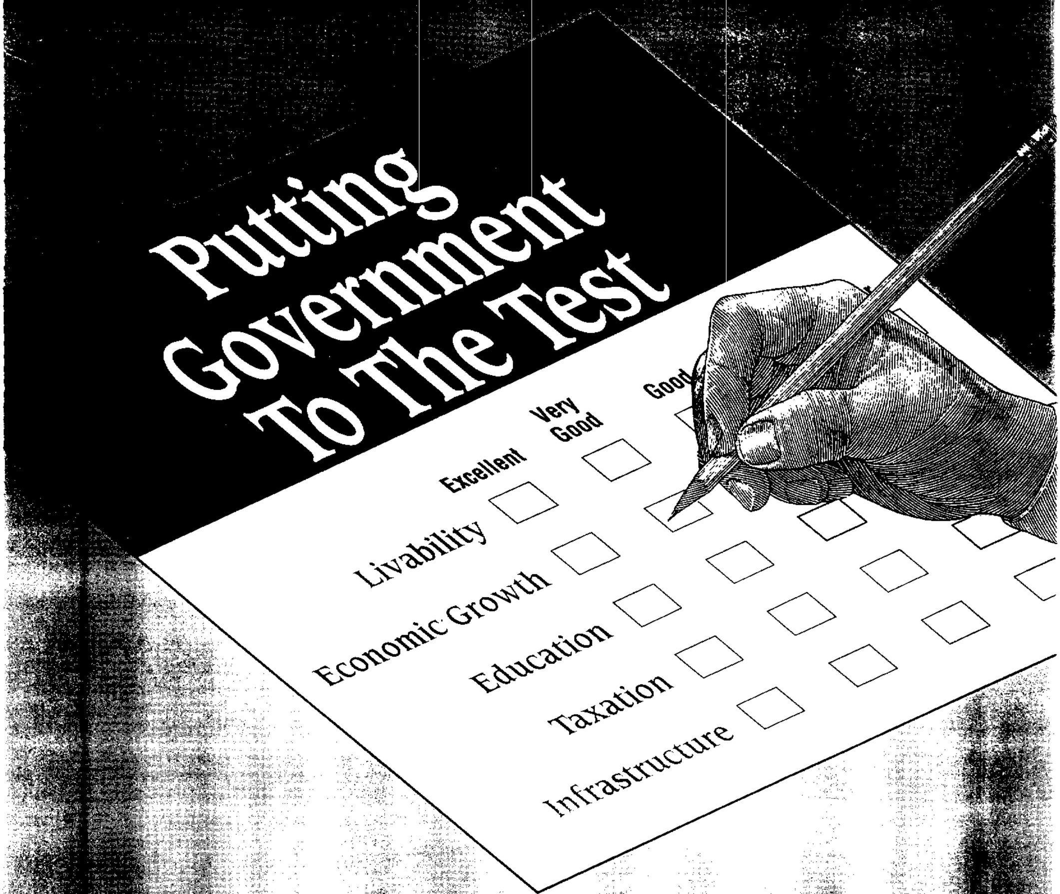
FROM: TRACY L. DAVIS
CITY RECORDER

SUBJECT: LEAGUE OF OREGON CITIES ANNUAL CONFERENCE

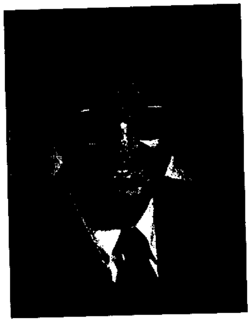
The League of Oregon Cities Annual Conference is scheduled for November 14 - 16, 1992, at Jantzen Beach Red Lion in Portland. Room reservations and conference deadlines are fast approaching. Attached is a copy of the conference brochure and registration form.

Also attached is a letter received from the League of Oregon Cities with the voting delegate and equipment exchange forms. Council will need to determine who the voting delegate and an alternate will be. These will need to be returned to the League by October 30, 1992.

LEAGUE OF OREGON CITIES



November 14-16, 1992
RED LION INN • JANTZEN BEACH



Dear Colleagues:

Welcome to the 67th Annual League of Oregon Cities Conference and Business Meeting!

Over the past year we have seen a flurry of activity surrounding tax reform and our cities' role in that debate. You are all to be commended for sending the message throughout the state: *A healthy state cannot exist without healthy communities.*

Having said this, we must now follow through with more hard work. Livable communities is a vision we all have for Oregon, but it only becomes a reality if legislators understand how fundamental local government is to "livability." Our theme for this year's conference is: *"Putting Government to the Test."* Let's move forward with this conference and show our citizens and the state's elected leadership that we're up to the challenge.

You will notice from the program that there are numerous concurrent sessions for us to attend. Along with these, I urge you to take part in the discussion of policy issues at the Sunday Resolutions Committee meeting, and participate in Monday's annual business meeting.

In addition to the substantive program, various meals and other social functions provide an opportunity for each of you to renew old friendships and make new ones.

Prosperity for our communities depends on a continuing commitment by individuals like yourselves, who provide enthusiastic leadership. I look forward to meeting with you and to a worthwhile conference. As they say in Pendleton, "Let 'er buck!"

Sincerely,

Joe McLaughlin

Joe McLaughlin
President
Mayor, Pendleton

WELCOME!

On behalf of the citizens of Portland, it is my great pleasure to welcome you to Portland for the 67th Annual Conference of the League of Oregon Cities. Once again, we are proud to host this year's conference in the "City of Roses".

It has been the mission of the League of Oregon Cities to strengthen cities. The program and activities planned for this year's conference will aid all of us in reinforcing that mission.

During your stay in Portland, I hope you will take some time to enjoy all our city has to offer, including the Skidmore Fountain which bears the quote by Portlander C.E.S. Wood: "Good citizens are the riches of a city" – a quote which I believe is very relevant in all our cities.

My best wishes for another very successful conference.

Warmest regards,

Bud

J.E. Bud Clark
Mayor, Portland

League of Oregon Cities' 67th Annual Conference and Business Meeting

November 14-16, 1992

Red Lion Inn, Jantzen Beach

Elected and appointed officials have a special responsibility to serve the needs of their citizens. The League of Oregon Cities' 67th Annual Conference is important because it provides an opportunity to learn from its many workshops, general sessions, and speeches designed to help city officials respond more effectively to challenges and choices for the coming year.

Conference Registration Information.
Every delegate, guest, speaker, representative of the media, and any other conference participant MUST REGISTER WITH THIS FORM. Please complete the form in full and return it along with your check or voucher covering payment of all appropriate conference registration fees payable to: League of Oregon Cities' Conference, P.O. Box 928, Salem, Oregon, 97308. Forms received after November 6 will be processed on site. Copies of the registration form will be accepted if legible and same size as original.

NOTE: No registration will be processed without payment in full or an accompanying purchase order or city voucher. NO FAXED OR TELEPHONE REGISTRATIONS WILL BE ACCEPTED.

Preregistration Saves Money!
Register by October 22nd and save $25. Also, by preregistering, you will be assured that you have meal reservations and a full packet of conference materials including a name badge, conference program and tickets to meals and special events ready for you upon your arrival at the Red Lion Inn.

Conference Registration Fees.
"Member" rates apply to city officials and staff from cities as well as state, regional, county, and federal officials. "Non-member" rates apply to individuals from private organizations and other interested parties.

There is a minimal fee of $20.00 for spouse/guest registration. This fee helps to defray the cost of handling guest registrations and the programming of special events for spouses and guests of conference participants. It also entitles your spouse/guest to a badge, to attend all general conference sessions, and admission to hosted receptions and special events.

Cancellations/Changes.
Registration and meal cancellations and changes will be accepted by the League office until November 10th at no charge. Cancellations made after 5 p.m. November 10th, 1992, will not be refunded. Because space is limited, it is advisable to preregister for conference meal functions. Vegetarian meals can be arranged; please indicate on registration form by making a "V" by the meal and indicate how many.

Parking.
There is ample free parking at the Red Lion Inns. The hotels are within walking distance of each other and with the abundance of parking, no shuttle will be provided.

GUEST ACTIVITIES

COLUMBIA RIVER GORGE TOUR **Sunday, November 15, 9:30 a.m. - 3:00 p.m.**
Traveling east from Portland you will journey into the Columbia River Gorge, a National Scenic Waterway that cuts the boundary between the states of Oregon and Washington. Your coach will travel via the Olde Columbia River Highway, a beautifully restored road from 1913 that winds through the Gorge. Along this road you will see the myriad of cascading waterfalls, lush vegetation and panoramic view of the mighty Columbia. On the route you will stop at Multnomah Falls, the second tallest waterfall in the United States. This is an ideal spot for picture taking, browsing through the gift shop, or taking a short walk up to the falls. Additional stops will include Bonneville Dam Fish Hatchery and ladder and the Visitor Center, as well as Crown Point and the Vista House which offers a panoramic thirty-five mile view. The Columbia River Gorge National Scenic Area is one of the most photographed areas in Oregon, so be sure to bring your camera. Box lunch is included. Cost: $29 per person. (Minimum of 25 people required.)

PORTLAND AREA SHOPPING **Monday, November 16, 9:30 a.m. - 5:00 p.m.**
Located in the heart of downtown Portland, **Pioneer Place** is the region's most fashionable shopping destination. Over 70 distinctive shops, complemented by Saks Fifth Avenue, create an urban shopping destination for Portland residents and visitors from around the world. Four levels of shops, many of them exclusive to the Northwest, open onto a spectacular glass-covered atrium. On the lower level, 14 eateries in the Cascades Food Court offer a broad menu of international food.

Lloyd Center has been a landmark shopping center in the Pacific Northwest for over three decades. When Lloyd Center originally opened in 1960 it was the nation's largest urban shopping center and it quickly became a destination and gathering place for local residents. The recent multi-million dollar renovation of the shopping center returns established traditions to Lloyd Center in a state-of-the-art retail setting for the 1990's.

Lloyd Center offers more then 150 specialty shops and is anchored by Meier & Frank, Nordstrom, JCPenney, Lamonts and Newberry's. It includes: a 15 restaurant Food Court with seating for 900; an all new Ice Pavilion complete with an ice rink, snack bar and pro shop; a medical wing; a financial block for your banking needs; a European atmosphere marketplace in Holladay's Market, and an 8-screen cinema inside the mall as well as a 10-screen cinema on Multnomah Street across from the mall. The center provides free customer parking for about 7500 cars, most of which are located in covered parking garages just steps away from your favorite shops. Lloyd Center continues to stand for tradition and innovation. *Continuous transportation provided to and from the Red Lion at no charge.*

Donald M. Fraser, Mayor of Minneapolis and First Vice President of the National League of Cities

Mayor Don Fraser of Minneapolis is NLC's first vice president, putting him in line to become NLC president in 1993.

Fraser was elected mayor of Minneapolis in 1979 after serving 16 years as a Member of Congress from Minnesota's 5th congressional district. After serving a two-year term as mayor, he was elected to four-year terms in 1981, 1985 and again in 1989. Prior to his election to Congress, he was a Minnesota state senator for eight years and also served as city attorney of Brooklyn Center, a Minneapolis suburb.

A native of Minneapolis, Mayor Fraser has been heavily involved in many community activities, especially those focusing on children and families, throughout his career as a public official. Working with the city council, the private sector, local service organizations and neighborhood groups, he has made Minneapolis a national leader in helping to prepare young people for school, jobs and productive roles in their community, winning recognition from both NLC and the U.S. Conference of Mayors for the city's innovative and far-reaching local programs.

He has chaired NLC's Human Development Policy Committee and Task Force on Urban Unemployment, co-chaired the Task Force on Children and Education, served on the NLC Board of Directors and Advisory Council, and has been a member of the NLC Election '88 Task Force and the Finance, Administration and Intergovernmental Relations Steering Committee.

Mayor Fraser chaired the League of Minnesota Cities' Commission on Cities in the 80's, and is a member of the state League's Tax Coordinating Committee. He also serves on the U.S. Advisory Commission on Intergovernmental Relations, the National Community Partnerships Board, the Board for International Volunteer Service, and as vice president of Americans for Democratic Action. He chairs the Minneapolis Youth Coordinating Board and serves on the board of United Way, United Arts and several other organizations. He is a lifetime member of the Minneapolis NAACP.

Born in 1924, Fraser graduated with honors in 1944 from the University of Minnesota. After naval service as a radar officer aboard a destroyer in the Pacific during World War II, he returned home to earn a law degree from the University of Minnesota in 1948 and also served on the Minnesota Law Review. He became a partner in a Minneapolis law firm where he practiced until his election to Congress in 1962.

He is married to the former Arvonne Skelton, and they have four children.

Mayor Fraser will deliver the Keynote address on Monday, November 16, at 10:00 a.m.

Ted A. Gaebler

Ted Gaebler is Managing Director of Strategic Services for Municipal Resource Consultants, a company which specializes in assisting state and local government agencies restructure existing resources and implement change through economic and organizational development.

Ted is the co-author of the best-selling book titled Reinventing Government which illuminates the new means people across America have begun to develop - in fits and starts, by trial and error - to do the public's business. The book provides snapshots of existing entrepreneurial governments, and outlines the ten principles upon which they are constructed. The book provides a map, a simple, clear outline of a new way of conducting the public's business. Accordingly, the book is as bullish on the future of government as it is bearish on the current condition of governments.

As an advocate for public entrepreneurial management, Ted speaks to both public and private sector groups across the nation, explaining how public entities have changed their mindsets (paradigm) and corporate culture to enhance government's competitiveness in today's social and economic markets.

Recently Ted has been the keynote speaker for the International City/County Management Association and the Canadian Association of Municipal Administrators. He has specialized in working with elected officials and government leaders in installing entrepreneurial practices in governments.

Ted's public service includes 10 years as a City Manager and 10 years as an Assistant City Manager in California, Oregon, Ohio, Pennsylvania and Maryland.

Ted received a BA Degree in Public Administration from Miami University, and a Master of Governmental Administration from Wharton Graduate School of Business Administration, University of Pennsylvania.

He lives in San Rafael, California, is married to a Housing Director, and has two grown children, both of whom are government professionals.

Mr. Gaebler will facilitate the O-ICMA Workshop Saturday, November 14 and conduct a session for city officials on Sunday, November 15.

Program Outline

(Tentative)

Friday, November 13

10:00 a.m. - 4:00 p.m.	LOC Board of Directors

Saturday, November 14

8:00 a.m. - 4:30 p.m.	Registration Open
9:00 a.m. - 12 :00 n.n.	Mayors Workshop
9:00 a.m. - 4:00 p.m.	O-ICMA Workshop
12:00 noon - 1:00 p.m.	Mayors Lunch/Business Meeting
1:00 p.m. - 4:00 p.m.	Decision Making for Elected and Appointed Officials
5:00 p.m. - 6:00 p.m.	Reception

Sunday, November 15

6:30 a.m. - 5:30 p.m.	Registration Open
7:00 a.m. - 8:45 a.m.	O-ICMA Breakfast/Business Meeting
7:30 a.m. - 8:45 a.m.	Affiliate Breakfasts/Business Meetings (personnel directors, police chiefs/fire chiefs, planning directors, redevelopment agencies, municipal recorders, parks and recreation directors, public works directors)
9:00 a.m. - 11:30 a.m.	Resolutions Committee
11:45 a.m. - 1:30 p.m.	Lunch and Opening Session
11:45 a.m. - 1:30 p.m.	City Attorneys Lunch
1:45 p.m. - 3:15 p.m.	Concurrent Sessions: environmental protection, culture/leisure activities, tax coordination, health issues, fire service issues, library computer network (OPAC), an urban renewal workshop, reinventing government
1:45 p.m. - 5:00 p.m.	Concurrent Sessions: legal issues, newly elected officials workshop, small cities program
3:30 p.m. - 5:00 p.m.	Concurrent Sessions: water issues, law enforcement, government partnership vs. conflict, Employee Benefits Services, risk management, OPAC, empowering communities
5:30 p.m. - 6:30 p.m.	Nominating Committee
	Dinner on your own

11:00 a.m. - 5:00 p.m. Exhibits

Monday, November 16

7:00 a.m. - 5:00 p.m.	Registration Open
7:30 a.m. - 9:45 a.m.	LOC Breakfast/Business Meeting
10:00 a.m. - 11:00 a.m.	Keynote Address
11:30 a.m. - 12:45 p.m.	Lunch
1:00 p.m. - 2:30 p.m.	Concurrent Sessions: cutback management, franchise renewal, affordable housing, personnel and labor relations, downtown development, libraries, garbage in - garbage out, chimneys, tailpipes & smokestacks, federal issues
1:00 p.m. - 4:15 p.m.	Concurrent Sessions: transportation planning, a vision for Oregon
2:45 p.m. - 4:15 p.m.	Concurrent Sessions: Metro taskforce on government services, water "101", Oregon Trail, legislative lobbying, state/local taxation, hazardous materials
5:30 p.m. - 6:30 p.m.	Reception
6:30 p.m. -12:00 m.m.	Annual Banquet and Dance

9:00 a.m. - 6:30 p.m. Exhibits

O-ICMA Workshop
"Reinventing Government"

Ted Gaebler will discuss the good news and bad news for the 1990's; how we can change government from inside: sensitively, courageously, and dramatically.

This concept continues to grow in popularity as government searches for ways to stay competitive in today's society. Ted Gaebler, a leader in promoting the concept of entrepreneurial government, will present information on how public entities can apply private management techniques to their daily routines in order to enhance government's competitiveness in today's social and economic markets.

As an advocate for public entrepreneurial management, Ted Gaebler speaks nationally to both public and private sector groups explaining how public entities have changed their mindsets (paradigms) and corporate culture to enhance government's competitiveness in today's social and economic markets. A nationally recognized authority in the field of public entrepreneurial management, he is particularly interested in the process of creating vision and achieving commitment.

Ted Gaebler talks about ten principles around which entrepreneurial organizations are built and suggests ways to develop strategies for implementing these principles.

Ten Principles of Entrepreneurial Organizations:

(1) Steer more then row
(2) Empower communities rather than simply deliver services
(3) Encourage competition rather than monopoly
(4) Mission-driven rather then rule-driven
(5) Fund outcomes rather than inputs
(6) Meet the needs of the customer, not the bureaucracy
(7) Concentrate on earning, not just spending
(8) Invest in prevention rather than cure
(9) Decentralize authority
(10) Solve problems by leveraging the marketplace rather than simply creating public programs

Understanding the changes in government...why current structures both external and internal to government agencies might be less effective than in the past...new models and structures are introduced. Ted Gaebler, co-author of *Reinventing Government*, the *New York Times* reviewed best seller that has turned the public administration world upside down, will discuss the entrepreneurial revolution in government.

* The O-ICMA workshop "Reinventing Government: How the entrepreneurial spirit is revolutionizing how our government does business" will be held Saturday, November 14. Lunch included. *Registration required. *Targeted audience is managers, assistants, and department heads.*

Oregon Mayor's Association

On Saturday, the OMA Session will begin at 9 a.m. with facilitated roundtable discussions. A variety of topics will be covered, including: intergovernmental cooperation, the recall process, liability insurance for city officials and tax reform. Roundtables will be followed by a group lunch and the annual business meeting. The business meeting will include election of officers and selection of the 1994 OMA conference site.

OPUS 5

This extremely talented, five piece group combines many years of national and international touring and performing experience into a versatile, polished, and sophisticated dance band. They are equally at home with Jazz, Pop, R & B, Rock'n Roll, and the romantic, sentimental favorites of the past.

Housing Reservation Information

Deadline: Reservations must be made by October 22

The Red Lion Inn, Jantzen Beach is the headquarters hotel. All conference sessions will be held in this facility, with the exception of the Monday, November 16 Keynote address, which will be held at the Columbia River location. The overflow facility, Red Lion Inn, Columbia River is holding a room block for our conference. Rates are indicated.

Procedure: **All room reservations must be made directly with the hotels.** Direct numbers are listed below. When making reservations please identify yourself as a delegate of the League of Oregon Cities in order to receive special room rates. **A non-refundable deposit for the first night is required for each room reserved.** We hope this new policy will prevent over-booking. There is an adequate number of rooms in these two hotels for everyone attending the conference. Your cooperation is appreciated in helping us locate all delegates close together.

Please do not call the League office for room reservations. Room confirmations will be sent directly from the hotel.

Room reservations must be made no later than October 22. After that date any available rooms will cost the regular rate, which is considerably higher. Any additions, changes, or cancellations of reservations should be made by contacting the hotel directly.

The rooms at Red Lion Inn, Jantzen Beach, will be filled first, then Red Lion Inn, Columbia River, unless otherwise specified. We look forward to seeing you at our 67th Annual Conference and Business Meeting.

Conference Hotels

	Single (1 person)	Double (2 people)	Triple	Suite
1. Red Lion Inn, Jantzen Beach 909 North Hayden Island Dr. Portland, OR 97217 Direct (503) 283-4466	$68	$78	$88	Vary
2. Red Lion Inn, Columbia River 1401 North Hayden Island Dr. Portland, OR 97217 Direct (503) 283-2111	$68	$78	$88	Vary

Rates do not include city room tax.

1992 Conference Registration Form

(please fill out one form per registrant)

This is my first League Conference ☐

Name ______ Name for Badge ______

Title ______ Representing ______

Billing Address ______ City ______ Zip ______

Spouse/Guest Full Name (if attending) ______ Phone ______

Forms received after **November 6th** will be processed on-site. Registration fee includes admission to all concurrent sessions, workshops, and receptions. Meals, pre-conference sessions (Sat.), and guest activities are additional.

COMPLETE AND RETURN THIS FORM BY OCTOBER 22, 1992, TO: League of Oregon Cities, P.O. Box 928, Salem, OR 97308
Registration **must** be accompanied by voucher or payment in full

Registration		**Price**	**No.**	**Amount**
Member Fee	3 days	$ 75.00	___	___
	*1 day	65.00	___	___
Non-member Fee	3 days	145.00	___	___
	*1 day	125.00	___	___
Late Fee (after Oct. 22)	Add	25.00	___	___
Guest Registration		20.00	___	___

*indicate which day attending ______

Saturday, November 14	**Price**	**No.**	**Amount**
Decision Making	N/C	___	N/C
O-ICMA Workshop (including lunch)	75.00	___	___
OMA Workshop (including lunch)	12.50	___	___

	Price	**No.**	**Amount**
Sunday, November 15			
Breakfast Meetings (✓ below)			
Redev. Agencies ___	$ 11.00	___	___
Municipal Recorders ___	11.00	___	___
City/County Managers ___	11.00	___	___
Parks & Rec. ___	11.00	___	___
Personnel Directors ___	11.00	___	___
Planners ___	11.00	___	___
Police/Fire ___	11.00	___	___
Public Works Directors ___	11.00	___	___
Luncheon/General Session	15.00	___	___
City Attorneys Lunch	15.00	___	___
Columbia Gorge Tour	29.00	___	___
Monday, November 16			
LOC Breakfast/Business Meeting	$ 9.00	___	___
Luncheon	15.00	___	___
Annual Banquet	25.00	___	___
		TOTAL	___

Any cancellation made after 5 p.m. November 10th, 1992 **will not be refunded.** Cancellations will be accepted by the League office until November 10th at no charge.

FOR OFFICE USE ONLY

Pd. $ ______ PO# ______ CODE# ______

League of Oregon Cities

Local Government Center, 1201 Court St. N.E., P.O. Box 928, Salem 97308 • Telephone: (503) 588-6550; 1-800-452-0338 toll free; FAX: 378-5859

October 6, 1992

TO: City Managers/Recorders

FROM: League of Oregon Cities

Enclosed are the **voting delegate** and **equipment exchange** forms. These forms need to be completed and returned to the League office by Friday, October 30. Please note that delegates ***may not vote without a voting card***, and voting cards will be ***issued only to the person on the form***. Voting by proxy will not be permitted. The voting cards will be available the morning of the 16th, prior to the business meeting.

Thank you for your cooperation.

JR/hs

Equipment Exchange

LEAGUE OF OREGON CITIES' CONFERENCE AND BUSINESS MEETING
RED LION INN, JANTZEN BEACH -- NOVEMBER 14-16, 1992

1. I would like to advertise the following used vehicles, equipment or other surplus items on the equipment exchange display board at the League Conference (include brief description and asking price):

2. We are interested in purchasing the following used equipment or vehicle(s):

Please complete and return by October 30 to:

League of Oregon Cities
P.O. Box 928
Salem, OR 97308

Submitted by ______________________

Title ______________________

City/Agency ______________________

Address ______________________

Phone ______________________

EQUIPMENT

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R92-________

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KEIZER AMENDING CERTAIN FRINGE BENEFITS FOR NON REPRESENTED EMPLOYEES

WHEREAS, the City Council wishes to make amendments to certain fringe benefits of non-represented employees;

NOW, therefore, the City Council resolves as follows:

SECTION 1. Holiday schedules for all non-represented employees are as follows:

New Years Day
Martin Luther Kings Birthday
Presidents Day
Memorial Day
Independence Day
One Personal Leave Day
Labor Day
Veterans Day
Thanksgiving Day
Christmas Day
One Floating Holiday

SECTION 2. Vacation schedules for all full time non-represented employees are as follows:

REGULAR EMPLOYEES	DEPARTMENT HEADS
1-2 yrs. @ 6.7 hrs	1-4 yrs. @ 10 hrs
3-4 yrs. @ 8 hrs	5-9 yrs. @ 12 hrs
5-9 yrs. @ 10 hrs	10-14 yrs. @ 13.33 hrs
10-14 yrs. @ 12 hrs	15+ yrs. @ 16.67 hrs
15+ yrs. @ 16.67 hrs	

Note: 6.7 hours = 10 days; 8 hours = 12 days; 10 hours = 15 days; 12 hours = 18 days; 13.33 hours = 20 days; 16.67 hours = 25 days.

Half time employees accrue vacation at one-half the above rate; three-quarter time employees accrue at three-quarter the above rate.

SECTION 3. Mileage reimbursement for all employees is $.27 per mile.

SECTION 4. Standby pay for Water Department is $100.00 per week for 24-hour standby.

SECTION 5. Sick-leave shall accrue at the rate of 8 hours per month for full-time employees, and shall be prorated accordingly for part time employees. Sick-leave may be accumulated to a maximum of 960 hours and carried over to the next year.

SECTION 6. The City shall pay an incentive of $50.00 per month to a Sergeant holding an Associate of Arts Degree. The City shall pay $100.00 per month to a Sergeant holding a Bachelor of Arts or Bachelor of Science degree from an accredited college or university.

SECTION 7. Medicare withholding for all employees will be paid by the City.

SECTION 8. The effective date of these provisions shall be July 1, 1992.

PASSED this ______ day of ______________________________, 1992.

SIGNED this ______ day of ______________________________, 1992.

____
Mayor

____
City Recorder

MINUTES

KEIZER CITY COUNCIL
Monday, September 21, 1992
Robert L. Simon Council Chambers
Keizer City Hall

CALL TO ORDER

Mayor Orcutt called the regular meeting to order at 7:37 p.m. Roll call was taken as follows:

Present
Andrew J. Orcutt, Mayor
Mike Hart, Councilor
Dennis Koho, Councilor
Jerry McGee, Councilor
Al Miller, Councilor
Bob Newton, Councilor
Joe Van Meter, Councilor

Staff
Donald H. Otterman, City Manager
John Morgan, Community Development Director
Wally Mull, Public Works Director
Charles Stull, Police Chief
Bill Peterson, City Engineer
Tracy Davis, City Recorder Pro Tem
John Lien, City Attorney
Shannon Johnson, City Attorney
Linda Sanders, Recording Secretary

PUBLIC TESTIMONY

Speaking was:

Richard Inman, 832 Cummings Avenue N., Keizer, Oregon 97305. Mr. Inman asked for resolution of a complaint filed with the City Administration the first week of May. He gave the background on the situation with the field of the property owner next to his home. After the complaint was filed, the owner mowed part of the field. In mid July, Mr. Inman met with the City Manager and a final warning was to be sent. Mr. Inman stated he was then told by the City Manager and Public Works Director that the field would be mowed by the 1st week of September. At present, the field has still not been mowed. He asked that the field be mowed and the City's slow action not be repeated.

Mayor Orcutt asked for a report from the City Manager regarding resolution of the situation. Mr. Otterman stated he would include an update on Friday. He commented that several extenuating circumstances were involved. Notices to the property owner sent certified mail have come back unclaimed. The owner also has 2 citations pending in court on solid waste violations. Councilor Miller suggested a police officer could hand deliver the notices.

COMMITTEE REPORTS

Volunteer of the Month

Chief Stull introduced Ms. Diane Burns as the Volunteer of the Month. She was nominated by the Police Department for her extensive work with the Neighborhood Watch programs and Neighborhood Night Out. She has worked in other neighborhoods as well as her own.

Mayor Orcutt presented the September Volunteer of the Month Award to Ms. Burns.

PUBLIC HEARINGS

Flamingo Club Liquor License

The Mayor opened the Public Hearing. Mr. Otterman reported that an application was received by the City and processed through standard procedures including a background check on the applications. The investigation showed action had been taken against one applicant for serving minors. One of the applicants stated there was no court action pending on his application when in fact there is an action pending for Driving Under the Influence. A petition was received from the Salem Area Seniors with 331 signatures recommending to the City Council that the application be denied. Mr. Otterman also stated that there are 15 liquor licenses in the area bounded by Mandrin and the Salem Parkway. He recommended that due to the background investigation, incorrect information on the application and the saturation of liquor in the area that the application be denied.

Speaking was:
John Lench, applicant. Mr. Lench stated that due to the turnout and the overwhelming sentiment and since he would not want to operate a business where the neighbors would not want it, he felt it would be to everyone's best interest to have the Council deny the application. Councilor McGee asked why he did not withdraw the application. Mr. Lench stated his lease required he go through the application process. In answer to a question regarding what he would be saying to the Oregon Liquor Control Commission, Mr. Lench also stated he wouldn't want to have a business where there is animosity.

Terry Eivers, 666 Salem Heights Avenue S., Salem, Oregon. Ms. Eivers stated she appreciated Mr. Lench's withdrawal and hoped he would keep his word.

Gene Watson, 9711 Arekara, Tualatin, Oregon. Mr. Watson stated he was pleased with the results.

Dorothea Pickette, 3918 Meadowlawn SE, Salem, Oregon. Ms. Pickette agreed with the previous speakers.

Vera Beecroft, 190 Menlo Drive N., Keizer, Oregon. Ms. Beecroft stated she had always been able to do business in the community without having to get near a tavern. She said it scared her to death to think that she might not feel secure going to the Senior Center. She would not feel safe if a tavern were located near the Center.

Harold Christiansen, 2387 Wintergreen Avenue NW, Salem, Oregon. Mr. Christiansen agree with prior speakers.

Van O'Sullivan, 2200 Lancaster Drive SE, Salem, Oregon. Ms. O'Sullivan stated the Seniors had been very happy in Keizer and feel at home there. She wanted that feeling to continue.

Mayor Orcutt closed the Public Hearing.

Conditional Use Appeal
91-9-(Chandler)

Mayor Orcutt opened the Public Hearing. Mr. Morgan gave the staff report. He stated that the Salem City Council had rejected the proposal made by the City staffs. The rejection was based on the City attorney's opinion. The Council was concerned that a liability might exist for them and they did not want to get involved. Mr. Morgan reported that 4 options are available for the City of Keizer. The Councilors could: approve the Conditional Use which would probably result in a LUBA appeal from Salem, convene a SKAPAC meeting which would unlikely change the Salem Council position significantly, deny the Conditional Use or table the Conditional Use which would continue the hearing until the study is completed. The staff recommended that option number four be chosen to allow the hearing to be continued until August 1993.

Speaking was:
Mark Grenz, Multi-Tech Engineering, 1155 13th Street SE, Salem, Oregon. Mr. Grenz spoke as the representative of the Church. He stated he would support the staff's recommendation although his first choice would be to convene a SKAPAC meeting. He felt the Salem City Council was mainly concerned about their liabilities instead of the pluses and minuses of the appeal. He was concerned that even after the study is completed, nothing will be known but that there is an

odor.

Councilor McGee commended the City Staff for their professional presentation to the Salem Council. He felt the Council responded by lecturing in a patronizing fashion. He asked if the City of Keizer could indemnify the church. Councilor Koho shared the same concerns and said he also had ideas for the deliberation section.

Mayor Orcutt recessed the Public Hearing until no certain date.

Readopting Salem's Comprehensive Plan

The Mayor reopened the Public Hearing continued from August 17. Mr. Morgan reported on the history of the Keizer Comprehensive Plan and the work being done to bring all four jurisdictions in concurrence. The basic issue of difference is the industrial lands policy. Since Keizer only has one piece of land with 67 acres under this policy, the Council is opposed to requiring a 40 acre parcel must remain if the land is divided.

Mr. Morgan reported that the City of Salem staff recommended Keizer revise its policy to correspond with the one in the revised Salem Comprehensive Plan. This policy states that division of industrial lands requires a review and approval process. Parcels will only be divided so that no more than 30% of the original parcel is divided into parcels of less than 20 acres. Mr. Morgan stated the Salem City Manager had felt there would be little difficulty in getting this adopted by the Salem Council. Mr. Morgan reported that Mr. Epping, the owner of the one Keizer parcel, is out of town until the 28th and cannot comment. He also reported that at least two County Commissioners have agreed to the policy.

Mr. Morgan summarized the major point as whether the Council was willing to accept the change. The LCDC has told the Salem City Staff their industrial lands policy is not strict enough. Salem is planning a study in the spring which may result in a change. The staff recommendation is for the Council to adopt Salem's order.

Councilor Miller asked if it would be possible to defer action until it could be discovered if Salem and Marion County would concur with Keizer's plan. Mr. Morgan said Salem is under order to concur by the 1st of October. Councilor Koho stated his wish for the Councils to consider the ordinance on the same night. Mr. Morgan reported the Councils do not meet on the same night but Keizer could say they will adopt as soon as Salem adopts.

Mayor Orcutt stated now is the time to get the adoption out of the way. He said someone has to be first and he spoke in favor of Keizer doing so. Councilor McGee agreed that it is time to show the Council could be statesmen and professional but he was interested in simultaneous meetings.

Amended Budget 1992-93

Mayor Orcutt opened the Public Hearing on the Budget. Mr. Otterman reported that the Council needed to adopt a budget based on the levy request. Following the Public Hearing and questions, the approval of the budget is included in the Consent Calendar.

No one wished to speak so Mayor Orcutt closed the Hearing.

DELIBERATION

Flamingo Liquor License

A motion was made by Councilor Hart to recommend to the OLCC denial of the liquor license request for the Flamingo Club. The motion was seconded by Councilor Koho.

The Councilors discussed whether the motion needed to include the reasons for denial. Mr. Otterman commented that the recommendation will include the reasons for staff recommendation of denial, the staff report and the minutes. Mr. Lien, City Attorney, stated that the motion probably would not need to include any more specifics.

The motion passed unanimously.

AYES: Hart, Newton, Orcutt, Van Meter, Koho, Miller, McGee (7)
NAYS:None
ABSTENTIONS: None
ABSENT: None

Conditional Use Appeal (Chandler)

Councilor Koho stated he still believed that the church would be one of the best uses for the property. He also asked about the idea mentioned before of dividing the property so that a piece would be in the special use zone and another would be outside. Mr. Morgan stated the agreement has a legal description which goes around the total property and the only way to do that would be to remove a piece of property from the zone. Councilor Koho stated he would like to convene SKAPAC, hoping some of the problems could be worked out.

Councilor Van Meter stated he believed the attitude of the Salem City Council was not new and was also shared by the County Commissioners. He did not think their attitudes were going to be changed. Councilor Hart reminded the Council of the history of working through the initial 45 issues down to 14 and then struggling with the final 14 one by one. He felt the issue was one individual who was not necessarily anti City of Keizer but treated his own City Council and City staff in the same manner. He agreed with the Mayor that the issue should be finished.
Councilor McGee requested a reaction from the Council, City staff and legal staff regarding the possibility of removing the fear of liability from the Salem City Council. Mayor Orcutt spoke against going into the insurance business and putting the legal council's resources on the line. Mr. Morgan clarified that the facility is a regional one, administered by Salem, and the real disagreement is over management of the facility.

Councilor Newton moved that the Public Hearing be continued until the noise and odor study is completed. Councilor Van Meter seconded the motion.

Councilor Miller asked for a date to be included in the motion and he suggested August 2, 1993. Councilor Newton accepted the request and added the date to his motion. Councilor Van Meter, as the second, also agreed. Mayor Orcutt stated he would abstain since he is employed with Mr. Chandler's firm.

The motion is for the Public Hearing to be continued until the study is completed, not later than August 2, 1993. The motion passed with the following votes:

AYES: Hart, Newton, Van Meter, Koho, Miller, McGee (6)
NAYS: None
ABSTENTIONS: Orcutt (1)
ABSENT: None

Salem Area Comprehensive Plan

Councilor Hart asked that his previous testimony be considered in this deliberation.

Councilor Hart moved that the Bill for an Ordinance in the Matter of the City of Keizer's Concurrence with the Salem Final Local Review Order (July 1991) as Amended by the May 27, 1992 Errata Sheet; amending Ordinance 92-221 be approved. The motion was seconded by Councilor Van Meter.

Councilor McGee requested a simultaneous signing.

The motion passed with the voting as follows:
AYES: Hart, Newton, Van Meter, Koho, Miller, Orcutt(6)
NAYS: McGee (1)
ABSTENTIONS: None
ABSENT: None

Councilor McGee asked if he would be allowed to change his vote so that the order would not have to return to the Council. Mayor Orcutt allowed the change.

The Amended votes are as follow:
AYES: Hart, Newton, Van Meter, Koho, Miller, McGee, Orcutt (7)
NAYS: None
ABSTENTIONS: None
ABSENT: None

Amended 1992-93 Budget

Mr. Otterman stated no action was needed since a Resolution was included in the Consent Calendar.

ORDINANCES

Disposing of Surplus Property

Mr. Otterman reported that the present ordinance requires an auction which has proved very cumbersome for staff. An alternative is to become a part of the State surplus property disposal program. This could be done by amending the present ordinance to add a Section G. That section would allow for the use of the surplus program when the net return would be higher than if the property were sold at public auction. The change in the ordinance would result in the property being considered on a case by case basis.

Councilor Van Meter moved to pass a bill for an ordinance for Amending Ordinance 88-117 for disposing of unclaimed property, surplus property, firearms and contraband by authorizing disposition through the state of Oregon Surplus Property Program. The motion was seconded by Councilor Koho.

Councilor McGee also noted that if the net return is equal the use of the program saves a lot of problems associated with a public auction.

The motion was passed unanimously.
AYES: Hart, Newton, Van Meter, Koho, Miller, McGee, Orcutt (7)
NAYS: None
ABSTENTIONS: None
ABSENT: None

The Council recessed briefly at 8:40 p.m.

The Council was reconvened at 8:55 p.m.

DISCUSSION
ES-O-EN Variance Request

Mr. Morgan reported the major policy issue has been introduced by the ES-O-EN Company. It will result in appeals since the staff has no option but to deny. The Hearings Officer will probably deny. The question is whether to call up the Variance Request for the October 19th meeting and bypass the Hearings Officer and the staff on this.

Councilor Koho stated he did not want to bypass the staff report. Mr. Morgan clarified that the staff report will be written just the same.

Councilor McGee moved that the Variance Request be called up for October 19. The motion was seconded by Councilor Newton.

Councilor McGee noted the move will save time for the City, time for the applicant and money for the City. Councilor Miller stated he agreed with Councilor Koho. He wanted not only the staff report but the outlining of the issue that takes place during the process. He did not think all the arguments will take place if the Request is called up to the Council in a one shot approach. Councilor Hart asked if the request would be in compliance if the billboard were not included. Mr. Morgan stated yes. Councilor McGee stated that if the necessary information was not available, then the Council could continue the hearing process to make it as exhaustive as it needed to be.

Councilor Newton stated that ES-O-EN understood a precedent was being established and they wanted to get to the bottom line at the earliest possible date so they can get on with their business. He asked if they would have a rebuttal. Mr. Morgan said they could file a LUBA appeal although he did not think they would. Councilor Koho stated the real issue is billboards and what the Council is going to do about it. Councilor Hart supported a sign code but felt the present one was too restrictive and corrections need to be made.

The motion passed with voting:
AYES: Newton, Van Meter, McGee, Orcutt (4)
NAYS: Hart, Koho, Miller (3)
ABSTENTIONS: None
ABSENT: None

Bid Award
Lockhaven/McLeod

Mr. Peterson gave the staff report. The bid opening was held on Friday but the final recommendation will be made when the sale agreement is made on all the parcels which should be within the next two to three weeks. At the bid opening, the Gelco Construction Company was the lowest bidder. The City has 45 days to make the bid award. The completion date was extended to early in the spring of 1993.

Councilor Newton asked when the estimated time of completion would be. Mr. Peterson stated it was some time in May since he did not believe the contractor can move fast enough to get the paving done before the winter. They would like to get the curb at State Farm Insurance done soon. A contractor is interested in moving the remaining house to another location. Mayor Orcutt stated he would like to see the City require a performance bond for that move so that if the work is not done there will be money for it to be done. Mr. Peterson said he would express that to the contractor.

Councilor Newton asked if there was anything that could be done to minimize the danger of construction and traffic using the street. Mr. Peterson said a traffic control plan is required from the contractor.

Recruitment-City Manager
Job Description

Mayor Orcutt suggested that the word "Desirable" be removed from the section entitled "Desirable Qualifications."

Councilor Koho moved for approval of the Job Description with the removal of "Desirable" from "Desirable Qualifications". The motion was seconded by Councilor Van Meter.

The motion passed unanimously:
AYES: Hart, Newton, Van Meter, Koho, Miller, McGee, Orcutt (7)
NAYS: None
ABSTENTIONS: None
ABSENT: None

Recruitment-City Manager
Screening Committee

Mayor Orcutt asked for nominations from the Council members for public members of the Screening Committee. Each Council member will then vote for three nominees and the top three vote getters will be chosen.

The nominations were as follows:
Councilor Hart nominated Richard Sawyer.
Councilor Koho nominated Lydia Muniz, Chet Patterson,

Jim Keller, Betsy Dal Ponte and Jerry Watson.
Councilor Miller nominated Ted Anagnos and Jim Reimann.
Councilor McGee nominated Robert Keilbach.

The Councilors voted for three nominees:
Councilor Hart - Richard Sawyer, Chet Patterson, Betsy Dal Ponte
Councilor Newton - Robert Keilbach, Ted Anagnos, Jim Reimann
Councilor Van Meter - Lydia Muniz, Betsy Dal Ponte, Ted Anagnos
Mayor Orcutt - Lydia Muniz, Ted Anagnos, Richard Sawyer
Councilor Koho - Lydia Muniz, Betsy Dal Ponte, Chet Patterson
Councilor Miller - Ted Anagnos, Jim Reimann, Robert Keilbach
Councilor McGee - Robert Keilbach, Ted Anagnos, Jim Reimann

Councilor Miller commented that since the elected candidates will be involved in the later stages and this is the initial screening committee, he thought it was important to elect 3 citizens who will not be involved in the screening later.

The result of the first ballot was:
Ted Anagnos - 5 votes
Lydia Muniz - 3 votes
Betsy Dal Ponte - 3 votes
Jim Reimann - 3 votes
Robert Keilbach - 3 votes
Richard Sawyer - 2 votes
Chet Patterson - 2 votes

Ted Anagnos was the first member of the Committee selected. Councilor McGee asked it the Committee size was restricted to 3 citizens. Mayor Orcutt thought 5 citizens and 3 Council members would be a large number to be involved. Councilor Koho was in favor of appointing all those who had received who received 3 or more votes.

Councilor McGee moved that the Committee be expanded to include 5 public members. Councilor Koho seconded the motion.

The motion failed with votes:
AYES: Koho, Newton, McGee (3)
NAYS: Orcutt, Van Meter, Miller, Hart (4)
ABSTENTIONS: None
ABSENT: None

The nominees with 3 votes, Lydia Muniz, Betsy Dal Ponte, Jim Reimann and Robert Keilbach, were considered again. The Councilors voted for two nominees:

Councilor Hart - Betsy Dal Ponte, Jim Reimann
Councilor Newton - Robert Keilbach, Jim Reimann
Councilor Van Meter - Lydia Muniz, Betsy Dal Ponte
Mayor Orcutt - Lydia Muniz, Richard Sawyer (vote not included because nominee was not included)
Councilor Koho - Lydia Muniz, Betsy Dal Ponte
Councilor Miller - Jim Reimann, Robert Keilbach
Councilor McGee - Robert Keilbach, Jim Reimann

The results in the second voting were:
Jim Reimann - 4 votes
Lydia Muniz - 3 votes
Betsy Dal Ponte - 3 votes
Robert Keilbach - 3 votes

Jim Reimann was added to the Committee. The remaining three nominees were included in a third balloting. The Councilors voted:

Councilor Hart - Betsy Dal Ponte
Councilor Newton - Robert Keilbach
Councilor Van Meter - Lydia Muniz
Mayor Orcutt - Lydia Muniz
Councilor Koho - Lydia Muniz
Councilor Miller - Robert Keilbach
Councilor McGee - Robert Keilbach

The results in the third balloting were:
Lydia Muniz - 3 votes
Robert Keilbach - 3 votes
Betsy Dal Ponte - 1 vote

Since the vote resulted in a tie, Mayor asked for a voice vote between Lydia Muniz and Robert Keilbach. The votes were:
Lydia Muniz: Hart, Van Meter, Orcutt, Koho (4)
Robert Keilbach: Newton, Miller, McGee (3)

Ms. Muniz will be asked to be a part of the committee. Councilor Miller asked that the screening process take place prior to 2:00 p.m. for Mr. Anagnos' schedule. He suggested if Mr. Anagnos could not participate Mr. Keilbach be appointed. Mr. Hershey of COG noted that 75 applications have been received.

Recruitment-City Manager Profile Adoption

In discussing the profile, Councilor McGee stated that he felt very strongly that since the Skills and Abilities were supposedly listed in order, integrity should be number 1 instead of number 6. Councilor Koho commented that sometimes in the national arena, officials who have the most integrity haven't been able to get things done. He would be happy to suggest that the sentence stating "the list is in priority order" might be deleted. Councilor Van Meter stated the Council spent a lot of time discussing the prioritization and the point is that integrity is integral to all the other skills prior to it. Councilor McGee felt it was wrong to announce that basic honesty was number 6 on the list. Councilor Van Meter asked for support from the Council to move the integrity section to the preamble and condense it. Councilor McGee agreed with him.

Councilor Van Meter moved that the section on Draft #2 entitled "integrity" be made into one paragraph and moved to the preamble. The motion was seconded by Councilor Koho.

The motion to amend passed unanimously:
AYES: Hart, Newton, Van Meter, Koho, Miller, McGee, Orcutt (7)
NAYS: None
ABSTENTIONS: None
ABSENT: None

A motion was made by Councilor Newton that the Profile of Most Desired Skills and Abilities be adopted as amended. Councilor Van Meter seconded the motion.

The motion to adopt passed unanimously:

AYES: Hart, Newton, Van Meter, Koho, Miller, McGee, Orcutt (7)
NAYS: None
ABSTENTIONS: None
ABSENT: None

CONSENT CALENDAR

a. RESOLUTION - Change in Compensation for Certain Employees

b. RESOLUTION - Amending Certain Fringe Benefits for Non-Represented Employees

c. Utility Billing Clerk II Reclassification

d. RESOLUTION - Levying Ad Valorem Taxes

e. RESOLUTION - Making Appropriations (Amending R92-580)

f. RESOLUTION - Adoption of 1992-93 Budget

g. RESOLUTION - Approving Intergovernmental

Agreement for Surplus Property Disposal

h. <u>RESOLUTION</u> - Declaring Public Necessity and Purpose for Acquiring Clear Lake Sector Sewer Easements

Mayor Orcutt stated that a., b., and c., would not be considered tonight. Councilor McGee asked that f. also be pulled for more discussion.

<u>Councilor Koho moved the approval of the Consent Calendar. Councilor Van Meter seconded the motion.</u>

<u>The motion passed unanimously with the following votes:</u>

AYES: Hart, Newton, Van Meter, Koho, Miller, McGee, Orcutt (7)
NAYS: None
ABSTENTIONS: None
ABSENT: None

Councilor McGee asked if the Personnel Analyst's salary and benefits needed to be split out among all the departments that use the services. Mr. Otterman suggested that after the City audit is received a supplemental budget will be needed. The costs can be split out on that budget based on the number of employees for each department. Councilor McGee also asked a question regarding whether the Municipal Code Codification was a Materials and Services line item or a Capital Outlay. Mr. Otterman stated it belonged under Materials and Services.

<u>Councilor Hart moved the approval of Item f. of the Consent Calendar. The motion was seconded by Councilor Newton.</u>

<u>The motion passed unanimously:</u>
AYES: Hart, Newton, Van Meter, Koho, Miller, McGee Orcutt (7)
NAYS: None
ABSTENTIONS: None
ABSENT: None

Councilor Van Meter asked if the other three items could not be considered since the City Employees are looking to the Council for a decision. Mr. Otterman stated questions have arisen from the Compensation Committee regarding the Personnel Analyst and the recommendation on holidays. He also stated more work needs to be done on the decision regarding the Reclassification until the decision is made on the responsibilities of the City Recorder. He suggested bringing back Items a. and b. next time and waiting on

Item c. until the outcome is known on the charter revisions.

OTHER BUSINESS

Councilor McGee stated that he had seen nothing in writing concerning the Council's changing their mind on the range of the salary of the City Manager. He would have voted against it but he wanted to have the minutes include a record of the change. Mayor Orcutt stated it was his impression that the range passed by the Council was the starting range. Councilor Koho commented that the same words were used but there were differing perceptions. Mr. Otterman said the action took place at the August 24th Council meeting and the Minutes of that meeting should include the discussion. Councilor McGee was satisfied since it was a matter of record.

Councilor Miller stated he might be out of town on the next meeting. Councilor Newton reported he will be updating the emergency operations plan for the city.

Councilor McGee wished Mr. Otterman well on his new career. Mr. Otterman stated he was looking forward to making the change.

Councilor Koho noted he filed an annual Statement of Economic Interest with the Ethics Commission voluntarily. He hoped the matter of requesting Councilors to file would be discussed in the next few months.

WRITTEN COMMUNICATIONS

There were no written communications to come before the Council.

AGENDA INPUT

There were no additional items added to the agenda.

ADJOURNMENT

The meeting was adjourned at 9:55 p.m.

Linda S. Sanders,
Recording Secretary

APPROVED:

MAYOR

MINUTES

KEIZER CITY COUNCIL
Monday, October 5, 1992
Robert L. Simon Council Chambers
Keizer City Hall

CALL TO ORDER

Mayor Orcutt called the regular meeting to order at 7:34 p.m. Roll call was taken as follows:

Present
Andrew J. Orcutt, Mayor
Mike Hart, Councilor
Dennis Koho, Councilor
Jerry McGee, Councilor
Bob Newton, Councilor
Joe Van Meter, Councilor

Absent
Al Miller, Councilor

Staff
John Morgan, Interim City Manager
Wally Mull, Public Works Director
Charles Stull, Chief of Police
Tracy Davis, City Recorder Pro Tem
John Lien, City Attorney
Shannon Johnson, City Attorney
Linda Sanders, Recording Secretary

PUBLIC TESTIMONY

Speaking was:

Sharon Bilyeu, 5167 8th Avenue, Keizer, Oregon 97303. Ms. Bilyeu reported a problem on their street where a neighbor had cut down a red maple tree, built a compost box and is composting in the front yard. She stated the red maple trees have been a part of the beauty of the street and she, along with other neighbors, wished to have a ruling which would keep the trees from being cut.

Mr. Mull reported that the area is in the right of way and the tree was supposedly cut as a vision hazard. He had informed the resident that a planter box was acceptable in the right of way as long as it was able to be maintained. Ms. Bilyeu stated the box is being used as a composter. She would like to see the tree replaced. Mr. Morgan stated a report would be done for the Council on the issue.

Marsha Newton, Marion County 4-H Guide Dog Club. Ms. Newton asked for the help of the Council in finding a meeting room for their club which meets twice a month. Councilor McGee encouraged the staff to investigate the issue since this program is the type the Council and the City have supported in the past. Mr. Morgan stated his office would assist Ms. Newton.

COMMITTEE REPORTS

Volunteer of the Month

JoAnne Beilke of the Volunteer Coordinating Committee introduced Mr. Chet Patterson as the Volunteer of the Month for October. Ms. Beilke cited his history of volunteerism with the City of Keizer, including membership on the incorporation committee, work on the recent Charter Revision committee and his term as a former City Councilor. Mr. Patterson will also become a City Councilor in January. His hobbies include his wife and family, hiking and backpacking. He works at the Mennonite Home in Albany and is involved at the Salem Alliance Church.

Mayor Orcutt presented the October Volunteer of the Month Award to Mr Patterson.

Volunteer Coordinating Committee

Ms. Beilke reported from the Volunteer Coordinating Committee suggested appointments to various City Committees. For the Planning Commission, the Committee suggested the return of Dawn Meier and Jerry Watson. The new member would be Arthur Gottfried. In regard to the Police Advisory Committee, the Volunteer Coordinating Committee had some ideas about redefining goals which Ms. Beilke wished to discuss with the Council at a later date. Nominations for that Committee were Robert Ferguson and Candice Phillips. For the Budget Committee, Robert Emmerich was nominated.

Ms. Beilke stated more nominations for Volunteer of the Month will be coming before the Council as well as nominations for other City Committees. She noted Mr. Bill Pearl had done a great deal of work on the files and was working with the City Department heads to determine needs. The Committee is also considering an attendance policy which might include alternates to the Committee. She said there is a good supply of applicants available.

<u>Councilor Koho moved that Dawn Meier, Jerry Watson and Arthur Gottfried be appointed to the Planning Commission and Robert Emmerich be appointed to the Budget Committee. The motion was seconded by Councilor Van Meter.</u>

<u>The motion passed in a unanimous vote:</u>

AYES: Hart, Newton, Orcutt, Van Meter, Koho, McGee (6)
NAYS: None
ABSTENTIONS: None
ABSENT: Miller (1)

Chief Stull announced the death of Police Department Volunteer Kathleen Harabaugh. She had volunteered since 1900 and was a great help to the Department. The Memorial service was to be held October 6 at 11:30 a.m.

PUBLIC HEARINGS
Orchard Crest Lighting

Mayor Orcutt opened the Public Hearing. No one was present to speak, so the hearing was closed.

DELIBERATION
Orchard Crest Lighting

There was no deliberation regarding the Ordinance.

ORDINANCE
Orchard Crest Lighting

A motion was made by Councilor Van Meter that a Bill for an Ordinance spreading Assessments to Orchard Crest Phase 2 Street Lighting Local Improvement District be approved. The motion was seconded by Councilor Koho.

The motion was passed unanimously:
AYES: Hart, Newton, Orcutt, Van Meter, Koho, McGee (6)
NAYS: None
ABSTENTIONS: None
ABSENT: Miller (1)

DISCUSSION
Town Hall Forums

Councilor Koho stated that he had done Town Hall Forums in the past and the recent meetings, sponsored by the Chamber and the newspaper, have provided good opportunities for citizens to talk in an informal manner. He suggested a regular process be set up to sponsor the forums away from City Hall every few months. Councilor Hart agreed but suggested the Council wait until the election is done. Councilor Newton agreed with the timing problem. He also suggested that the times be used to inform the public on the key functions of the City Departments with briefings done by Department heads. He liked the idea of a quarterly schedule.

The Councilors agreed the idea was a good one and the timing was poor. Councilor Koho apologized for the timing, stating he was thinking to begin after the election or after the 1st of the year. Mayor Orcutt stated the Council will work toward that and get a schedule finalized.

Finalization - Personnel Issues

Mr. Morgan introduced the staff report which included the personnel issues needing to be finalized. He stated the issues result from staff being given interim positions and referred the Councilors to 8 points in the staff report. Councilor Newton said he had asked Mr. Morgan to look into the matter of the City Recorder and see about the options of direct appointment or contracting. Mr. Morgan stated he and City Attorney, John Lien had discussed it briefly and it was the choice of the Council. It is possible that Department Heads will be made at-will employees and the change could be made now for the City Recorder. In the interim, that position would be the only at-will employee which might be unfair. The other option would be to hire in the same manner as the other department heads and change at a later date which might result in some protest. Mr. Lien stated that action tonight would result in that employee having the same status as other Department Heads. If there were to be a change to contract, there would be due process for the Department heads including the City Recorder.

Councilor Newton moved to adopt staff's recommendations to appoint Tracy Davis as City Recorder and reclassify the Senior Utility Clerk to Water Office Supervisor. The motion was seconded by Councilor Van Meter.

Councilor Koho asked if advertising must be done before an appointment is made. Mr. Lien stated it was an in-house appointment and not a new hire. Councilor McGee asked about the method of deciding upon the salary range for the City Recorder. Mr. Morgan stated the new Range is a reduction of the former City Recorder's range by about $200 and is a result of the LGPI study and the staff study. The level was set at the median. The City Recorder will start at Step 1.

Councilor McGee asked if a position was being abolished and establishing a new position in the Water Office Supervisor's situation. Mr. Morgan stated that it is eliminating a position and moving a person. It is a promotion where the person is asked to be promoted into the position. Mr. Lien said that it was appropriate for the Council to do, since the action was classifying and reclassifying, requiring Council approval.

Councilor McGee assumed that in the future the position should partially be charged to the Administrative Department. Mr. Morgan stated that the employee's primary action was relating to the Water Department but some costs should probably be included in

Administration. That would be done in the 93-94 Budget and could be included in the Supplemental Budget if the Council requested. He clarified that she would do general oversight of the office decorum and vacation for employees not under her which would not be a change from her present duties.

Councilor McGee commended Mr. Morgan for addressing some personnel issues that he felt should have been done in the past. He also stated this would be the last time he would vote for reclassification or a new position in an ad hoc situation without the staff presenting a position justification, job description, organizational chart and a financial support plan.

The motion passed unanimously:
AYES: Hart, Newton, Orcutt, Van Meter, Koho, McGee (6)
NAYS: None
ABSTENTIONS: None
ABSENT: Miller (1)

Mr. Morgan stated he intended to bring back the Acting Police Sergeant position to the Council later. He also asked whether the Council would like to consider the Personnel policies after the first of the year or at the November 16th meeting. He pointed out that probable areas of discussion would be a change for Department heads to at-will employees, grievance procedures and issues from the Police Sergeants. He said he would try to bring it in November.

Councilor Newton would like to have it considered in November so the present Council could deal on it. Mayor Orcutt agreed, stating that it is fairly complex and the present Council is apprised of the issues. He thought it would take a while for the new Council to come up to speed. Councilor Koho stated he was interested in having it done as soon as possible although he would be absent on November 16th. Councilor McGee agreed with the November request. Councilor Newton pointed out the Council did want all the information, both good and bad, so that an educated decision might be made. Mr. Morgan assured him that would be the case.

City Manager Recruitment

Alan Hershey reported that 203 applications had been received and a few more were expected during the week. Councilor Koho asked if incomplete applications would be considered. Mr. Hershey stated that if the resume is a sound one, then an application would be requested so that the information is on 2 pages. He also said that applications have come from as far as Western Europe.

Mr. Hershey stated that he would be telling the screening committee if they would like to include in the interview process one of the candidates that does not fit the profile, the Council would need to name that person by name on October 19th. Councilor McGee asked if that would be a person who does not meet the requirements. Mr. Hershey responded that it might be a person on staff who would be a promising candidate or a person from the community who the Council might like to compare to the others. Councilor McGee stated it seemed this would only be done if there were some political purpose and he would not be in favor of considering some one not qualified.

Mr. Hershey stated he would not be recommending that kind of situation but he did want to let the Council know about the Open Records law. Councilor Koho hoped the Committee would bring only qualified persons. Mayor Orcutt stated this was for informational purposes only if the Council wanted to interview a candidate who might be lacking one out of six qualifications. He said that if the candidate did not meet the profile as written, the Council would have to explain why they are interviewing the person.

CONSENT CALENDAR

a. **RESOLUTION - Change in Compensation for Certain Employees**

b. **RESOLUTION - Amending Certain Fringe Benefits for Non-Represented Employees**

c. **RESOLUTION - Initiating Rivercrest Phase II Street Lighting District**

d. **RESOLUTION - Certification of Lighting District Amounts**

e. **RESOLUTION - Intent to Appoint City Manager**

f. **RESOLUTION - Appointment of City Manager Pro tem**

g. **RESOLUTION - Approving Purchase of Property on McLeod**

h. **Bid Award - Lockhaven/McLeod Intersection**

i. **Approval August 24, 1992 Special Session Minutes**

j. **Approval September 8, 1992 Regular Session Minutes**

Councilor McGee asked to have Items a. and b. removed from the Consent Calendar.

A motion was made for approval of the Consent Calendar excluding items a. and b. by Councilor Van Meter and seconded by Councilor Newton.

The motion passed unanimously:
AYES: Hart, Newton, Orcutt, Van Meter, Koho, McGee (6)
NAYS: None
ABSTENTIONS: None
ABSENT: Miller (1)

Councilor McGee stated he would be more comfortable if the City Manager's flat fee is omitted from Item a. Change in Compensation for Certain Employees. Councilor Hart stated that the amount is the money that is being budgeted and was not an exact line item. He was comfortable with having it in. Mr. Morgan stated the item was there because it was a list of the employees who were eligible for back pay and the Manager would be included. No employees had received the 4.1% increase as approved by the Council. Councilor Newton pointed out the increase was agreed upon and the Council was waiting for the budget to be passed.

Councilor Newton moved for the adoption of the Change in Compensation for Certain Employees with the withdrawal of $4821 from the City Manager's line item. The motion was seconded by Councilor McGee.

Councilor Koho moved to amend the Resolution by adding a Section 9 stating: "The following salary grade has been adjusted based on cost of living as recommended by the City Manager and approved by the City Council, and is hereby assigned to the classification of the following management employee effective July 1, 1992 to October 2, 1992, City Manager, $4821." The amendment was seconded by Councilor McGee.

The amendment passed by the following votes:
AYES: Newton, Van Meter, Koho, McGee (4)
NAYS: Hart, Orcutt (2)
ABSTENTIONS: None
ABSENT: Miller (1)

Councilor McGee spoke in favor of the motion and asked if all the former City Manager's tasks had been completed before his departure. Mr. Morgan stated that all the things that were on the list provided him were done with the exception of the review of the Council's goals. One performance evaluation of a Department head was drafted.

The amended motion passed with voting:
AYES: Newton, Van Meter, Koho, Orcutt, McGee (5)
NAYS: Hart (1)
ABSTENTIONS: None
ABSENT: Miller (1)

In discussion of Item b. - A Resolution Amending Certain Fringe Benefits for Non-Represented Employees, Councilor McGee asked that the Report go back to the Compensation committee if no one would be disadvantaged by the timing. Mr. Morgan stated one of the things missing on the Resolution was the effective date, which he suggested be July 1, 1992. The Resolution would not affect anyone at this time. Councilor Koho stated that a lot of time was spent doing the Resolution and he remembered everything as being accurate with the exception of the vacation schedule where he did not remember the specifics. He was prepared to take action tonight. Councilor Newton thought that revisiting the report and refreshing the memories of the Committee would save time. He wanted the Committee to meet one time before the next Council meeting.

Councilor Van Meter moved to pass Resolution 92-___ Amending Certain Fringe Benefits for Non Represented Employees to be effective on July 1, 1992. Councilor Koho seconded the motion.

Councilor Van Meter spoke in favor of passing the motion. Councilor McGee questioned the amount of time that had been spent by the Council on the Resolution.

The motion failed with a tie vote:
AYES: Orcutt, Van Meter, Koho (3)
NAYS: Hart, McGee, Newton (3)
ABSTENTIONS: None
ABSENT: Miller (1)

The Compensation Committee will look at the Resolution again and report to the Council.

OTHER BUSINESS

Mr. Morgan announced the River Road Redevelopment Board would have a display at Roths's this week and Marth's next week with a Public Hearing on the 21st. The Redevelopment Plan will be coming to the Council on November 2nd.

Councilor McGee requested a report on the agenda from a meeting with Ms. Beilke, Mayor Orcutt and Mr. Morgan regarding the Police Action Committee. He also asked about the proceeding of amendments to the Comprehensive Parks Plan. Mr. Morgan reported that the amendment went to the Parks Committee 2 weeks ago, will be going to the Planning Commission on October 14 and will be back at Council on November 19th. Councilor McGee asked if other issues could be considered in discussing the proposed amendment, i.e. Palma Cia park. Mr. Morgan stated the Resolution was very specific and another amendment would need to be initiated. Councilor Newton asked for the minutes of the Park's Committee. He was concerned about the Meadow's Park. Mr. Morgan said he would bring a status report on the 19th.

WRITTEN COMMUNICATIONS

There were no written communications to come before the Council.

AGENDA INPUT

There were no additional items added to the agenda.

ADJOURNMENT

The meeting was adjourned at 8:55 p.m.

Linda S. Sanders,
Recording Secretary

APPROVED:

MAYOR