MINUTES

KEIZER CITY COUNCIL
Monday, October 19, 1992
Robert L. Simon Council Chambers
Keizer City Hall

CALL TO ORDER

Mayor Orcutt called the regular meeting to order at 7:40 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

Absent
Joe Van Meter, Councilor

Staff
John N. Morgan, Interim City Manager
Charles Stull, Chief of Police
John Lien, City Attorney
Shannon Johnson, City Attorney
Tracy L. Davis, City Recorder

PUBLIC TESTIMONY

There was no public testimony given.

COMMITTEE REPORTS
Swearing In Of Police Officers

Chief of Police, Charles Stull, introduced the four newest Police Officers to the Keizer Police Department. After a short introduction of each, City Attorney, John Lien issued the oath to Officer Juan Mendoza, Officer Raymond Byrd, Officer Tyler Wampler, and Officer J.R. Baker. Mayor Orcutt presented each of the officers with certificates.

PUBLIC HEARING
Variance Request by ES-O-EN Corporation (Taco Bell)

The Mayor opened the public hearing. Mr. Morgan presented a brief history of the issues ES-O-EN Corporation has faced regarding the signs at Taco Bell. ES-O-EN Corporation has been unable to place signs at their business due to an existing outdoor sign placed on the property by OBIE sign company, prior to the purchase. Due to failed negotiations with OBIE to remove the sign, ES-O-EN Corporation filed a variance application to permit the installation of one-free standing and three wall signs at Taco Bell. Mr. Morgan outlined the decision criteria for the variance in the Section 15.90 of the Keizer Zoning Ordinance. ES-O-EN Corporation fails to comply with the criteria regarding unique circumstances or conditions, advertising advantages, and whether the variance request is a result of a self-imposed hardship or condition. Therefore, based upon this criteria, Mr. Morgan recommended to deny the variance. He also stated that this could be a reoccurring problem with future undeveloped land in Keizer where outdoor signs exist. In addition, he recommended to amend the ordinance to allow additional signage where outdoor advertising signs now exist on the property.

Councilor Hart stated that it was clear from the material received, that OBIE was not willing to remove their outdoor sign prior to the Taco Bell being built. He also stated that the sign code is too restrictive in this area. Councilor Newton inquired if the City had been faced with this issue previously. Mr. Morgan replied that this has been dealt with regarding an existing business, but not with a new business. He cited other undeveloped property in the City of Keizer with outdoor signs in place. He also stated that if this issue was dealt with now, it would remove the "cloud" on these properties to be developed.

Speaking were:

Timothy Nicolaysen, 5988 Sir Lancelot Court N.E., Keizer, Oregon. Mr. Nicolaysen stated that he had been involved in the Taco Bell business for approximately 24 years. He owns ten Taco Bell restaurants and has hired over 1000 local employees. He decided to move the business to Keizer after being at the Broadway location for almost 20 years.

Gregory B. Stevens, 388 State Street #710, Salem, Oregon. Mr. Stevens is the corporate counsel for ES-O-EN Corporation. He stated that Taco Bell was aware of the lease with OBIE advertising from the beginning. He stated that they have reached the end of negotiations process with OBIE advertising. Therefore, they have been forced to operate without any signs, which has caused a decrease in their business percentages. Mr. Stevens hoped that the Council would be able to follow the recommendation of the staff.

Speaking in opposition were:

Mary Lou Copeland, 703 Maine Ave N.E. Keizer, Oregon. Ms. Copeland stated that anything that effects Taco Bell effects Maine Avenue. She was concerned about the traffic flow. She disagreed that the lack of signs has damaged the Taco Bell business.

Sheryl Warnier, 622 Maine Street N.E., Keizer, Oregon. Ms. Warnier stated that she is concerned with the traffic that turns around in front of her house due to the arrows that were placed on the entrance of Taco Bell. She feels that if the arrow signs were removed, this would alleviate some of the problems.

Mr. Morgan stated the issue before the Council tonight deals with signs not traffic. He stated that the traffic engineer is working on a report for the Council and residents should be able to provide input for this report.

Bill Hanauska, 673 Maine Avenue N.E., Keizer, Oregon. Mr. Hanauska stated that traffic issue is very important to all residents on Maine Avenue.

Betty Hanauska, 673 Maine Avenue N.E., Keizer, Oregon. Ms. Hanauska concerned about why Council would not follow staff's recommendation to deny variance. Stated that she was not against wall signs.

Mr. Nicolaysen stated that he appreciated the concerns of the neighbors. He shares the desire to have the large outdoor sign removed from the property. Previously, he felt he had been in a good position to have the sign removed, but failed.

Mayor Orcutt closed the public hearing.

DELIBERATION Variance Request by ES-O-EN Corporation (Taco Bell)

<u>Councilor Mike Hart moved to approve the variance and direct staff to amend the Sign Code to allow normal business signage on any business lot that has outdoor business signs on them.</u> The Motion died for a lack of second.

<u>Councilor McGee moved to 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. The Motion was seconded by Councilor Newton.</u>

Councilor Hart stated his opposition to the Motion due to the amount of time the City has made Taco Bell wait for their signs. He also felt that the outdoor advertising sign issue is one area of the sign code that makes it too restrictive. Councilor McGee said he understands this could be a financial detriment to the business, but feels it should go back to the Planning Commission so that it is corrected for any future needs. Councilor Miller stated he will be supporting the motion but did not have sympathy for Taco Bell since they knew about the problem prior to building. He also inquired about changes to the sign code that were to be made by the Planning Commission. Mr. Morgan stated that the Planning Commission has dealt with some of the issues and will be continuing these issues on November 11, 1992. Councilor Newton indicated that the Planning Commission is fully aware of all the angles of the sign code and they could give this issue great consideration. He also suggested that this issue go the Chamber committee to see what impact this might have on them. Councilor

Koho thought it was a good idea for the Chamber committee to discuss. He has been supportive of the sign code, but feels the large outdoor sign issue has become a stumbling block, and will come back every time. Councilor McGee said that one reason he wanted it to go back to the Planning Commission was so it could be amended correctly for similar situations in the future.

The Motion passed with the following votes:
AYES: Koho, Newton, McGee, Miller, Orcutt (5)
NAYS: Hart (1)
ABSTENTIONS: None
ABSENT: Van Meter (1)

ORDINANCE: Apportionment for Local Improvement Districts

City Attorney Shannon Johnson explained that this is a housekeeping matter. Currently there is not a procedure to apportion the improvement assessments between newly created parcels. This ordinance provides for such a process. Councilor Hart inquired if this is the first time in the City's ten year history that this has came about. Mr. Johnson explained that the only situation he was aware of.

Councilor Koho moved for a Bill for an Ordinance establishing Procedure for Equitable Apportionment for Local Improvement Assessments. Councilor Hart seconded the Motion.

The Motion passed unanimously on the first reading.
AYES: Hart, Koho, Newton, McGee, Miller, Orcutt (6)
NAYS: None
ABSTENTIONS: None
ABSENT: Van Meter (1)

CITY MANAGER RECRUITMENT

Alan Hershey gave a short report on the scope of applications received for the City Manager position, and also a brief summary of the results of the screening committees work.

Mayor Orcutt moved to accept the screening committee's report and amend it to add John Morgan for an interview. Councilor Newton seconded the motion.

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

As a member of the screening committee, Councilor Miller stated that there was a strong field of applicants and the final seven candidates are extremely well qualified. Mayor Orcutt thanked the lay people of the screening committee for their participation in this process.

Alan Hershey presented the Council with a report for travel reimbursement for expenses for the seven final candidates. Mr. Hershey assured the Council that this amount was based upon the lowest fares. Councilor McGee stated that these expenses were necessary to portray a good impression to the finalist.

Councilor McGee moved to accept the report from Mr. Hershey to spend up to $2500.00 for travel reimbursement for the final candidates for the City Manager position. The Motion was seconded by Councilor Hart.

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

Mr. Hershey reminded the Council that suggested questions for the interview process should be submitted to him no later than Thursday, October 29, 1992.

ADMINISTRATIVE SECRETARY APPOINTMENT

Interim City Manager, John Morgan, advised the Council that the selection committee had chosen Lynn Owen for the position of Administrative Secretary. Ms. Owen has extensive background in governmental work and was highly recommended for this position.

Councilor Koho moved to accept the staff recommendation of Lynn Owen. Councilor Hart seconded the motion.

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

1993-94 BUDGET COMMITTEE SCHEDULE

Mr. Morgan asked the Council for direction for preparation of the 1993-94 Budget Schedule. Councilor Hart complimented Mr. Morgan on the budget instructions and will be supportive of the schedule suggested in the staff report. Councilor McGee stated that it is an aggressive schedule, although he supports the schedule. He also commended Mr. Morgan on the budget instructions attached to the report. He would like to see the City stay within the 6% percent limitations in order to set the stage for a future try at a tax base. Councilor Newton requested that an invitation to the incoming councilors be made to allow them to be involved in the budget process. Councilor Miller was concerned with the pressure the Department Heads will have to present their budgets by October 30. Mr. Morgan stated that the Department Heads are prepared to meet the schedule. Mayor Orcutt stated that the Budget Committee will meet on October 26, 1992 at 7:00 p.m. to adopt the budget schedule.

LEAGUE OF OREGON CITIES CONFERENCE

Councilor Miller stated that he will be attending the League of Oregon Cities conference on November 14 - 16. Councilor McGee asked that the incoming Council members be allowed to attend the conference. Any member wishing to attend, should contact the City Recorder. Al Miller was chosen as the voting delegate for the City of Keizer.

CONSENT CALENDAR

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

b. Approval of September 21, 1992 Regular Session Minutes.

c. Approval of October 5, 1992 Regular Session Minutes.

Councilor Newton asked to have Item a. removed from the Consent Calendar.

A Motion was made for approval of the Consent Calendar by Councilor Newton. The Motion was seconded by Councilor Koho.

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

Councilor Newton gave a brief report of the changes decided by the Compensation Committee that are outlined in this resolution. Councilor Miller inquired about the holidays given to the represented employees. Councilor Newton stated that the represented employees holidays are not specified.

Councilor Newton moved to adopt the Resolution of the City Council of the City of Keizer amending certain fringe benefits for non represented employees. Councilor Koho seconded the Motion.

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

OTHER BUSINESS

John Morgan added a few brief announcements. There will be a Housing Code organizational meeting on Thursday, October 29, 1992, at Woodburn. He will be attending this meeting to share some of Keizer's experience.

There will be a Decide and Discuss Meeting for all City staff on Wednesday, October 21, 1992 at 11:00 a.m. at City Hall. Council was invited to attend.

Mr. Morgan asked for volunteers to meet with the Police Department, McNary High School representatives, and residents of Sandy Drive to resolve some pending issues. This meeting will be held in the Police Department auditorium on Tuesday, October 20, 1992, at 6:00 p.m. Councilors McGee and Newton volunteered to attend.

Mr. Morgan requested to have a meeting to discuss the Council Chambers remodel project. Councilors McGee and Newton will meet with Mr. Morgan and Mr. Wally Mull to discuss this issue.

Councilor Miller inquired about the problem at the end of Cummings Lane; mowing of the field. Mr. Morgan stated that it was mowed and will be submitting a written report to the Council.

Councilor McGee asked to initiate an amendment to the resolution appointing members to the Urban Renewal Agency for appointed terms. Therefore if a Council member leaves, their nomination to the committee would be able to fulfill the term. He suggested four-year terms. Councilor

Miller agreed. Mr. Morgan will provide Council with a copy of the resolution.

Councilor McGee stated that the Compensation Committee initiated an idea for a sick-leave incentive program. He would like to do the research on this matter. Mayor Orcutt permitted Mr. McGee to do this investigation.

WRITTEN COMMUNICATIONS There was no written communication to come before the Council.

AGENDA INPUT Mr. Morgan stated that the November 2, 1992 Council Meeting will focus on the River Road Design Plan.

ADJOURNMENT The Meeting was adjourned at 9:25 p.m.

Tracy L. Davis

TRACY L. DAVIS
City Recorder

APPROVED:

MAYOR:

Bob Newton

Jerry McGee

(VAN METER ABSENT)