MINUTES

KEIZER CITY COUNCIL
Monday, August 17, 1992
Robert L. Simon Council Chambers
Keizer City Hall

CALL TO ORDER

Mayor Orcutt called the regular meeting to order at 7:35 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
Charles Stull, Chief of Police
Wally Mull, Public Works Director
Skip Wendolowski, City Planner
John Lien, City Attorney
Shannon Johnson, City Attorney
Bill Peterson, City Engineer
Linda Sanders, Recording Secretary

PUBLIC TESTIMONY

Giving testimony was:

Bob French, 1384 Manzanita Street N., Keizer, Oregon 97303. Mr. French spoke as the Chairperson of the "Yes" for Keizer Committee. He invited all the Council members to the Town Hall meeting. He explained that City department heads will be making presentations but Councilors will not be expected to respond to specific questions. Councilor McGee noted he would not be able to attend due to a prior commitment and Mr. French said that would be announced at the meeting.

Mr. French elaborated on the setup for the evening. He will serve as the host and Les Zaitz will be the moderator. Two persons opposing the levy will speak along with two persons supporting the levy. The evening will also include an explanation of city government, its functions and its budget.

PUBLIC HEARINGS
Recruitment of City Manager

The Mayor opened the Public Hearing.

Speaking in the hearing was:
Mr. Bob French, 1384 Manzanita Way NE, Keizer, Oregon 97303. Mr. French hoped that

FMAGIC

a few things might be done differently in this recruitment process as compared to 1983 and 1989. He complimented the editorial from Les Zaitz in the Keizertimes on the complexities facing a City Manager in Keizer. He encouraged the Council to discover the management style of the applicants and make certain the staff and Councilors could be comfortable with it. He cited past experiences when City administrators with highly differing management styles followed each other and the staff had problems adjusting to the new supervisor.

The Public Hearing was closed.

Amendments to Sewer Master Plan

Mayor Orcutt reopened the Public Hearing which was continued from August 3, 1992.

Mr. Peterson, City Engineer, gave an update on the history of the Sewer Master plan and the agreement as negotiated between the City of Keizer and the Meadows group to construct trunk lines to serve the northern part of Keizer. Mr. Peterson noted that Mr. Reimann, the developer in the area, is concerned about the time line for the work to be done. He had received approval to put in a pump station but would work with the City in putting the same amount of money toward gravity lines if the work is done timely. Gravity lines would require obtaining easements through other properties in the area. The Master Sewer Plan Update - Clearlake Sector would allow for the overall Master Plan to remain the same but the agreement would offer additional time to acquire easements and financing. If that should not be able to be accomplished, Mr. Peterson said he would probably come back to the Council with a request that the developer be able to put in a pump station.

Councilor Van Meter clarified that the maximum cost per acre for those other than the developer would be $2600. Mr. Peterson said that approval was subject to the developer paying $2000. Councilor McGee said it sounded like good staff and collective work. He also commented that Numbers 5 and 8 in the agreement carry a commitment that if easements do not work, then the Council would have the willingness to proceed. Mr. Peterson thought the developer was concerned that if no date was included, the project would not work. He thought it was able to be done within the time frame.

Councilor Newton asked if Mr. Peterson believed it is the best solution to this issue for the City, the property owners and the developer. Mr. Peterson said from the history, everything the developer is proposing to do is going to accelerate the process and is in the City's best interests.

Councilor Hart asked if a pump station had to be used would the whole Clear Lake area have sewers. Mr. Peterson answered that if a pump station is used it will be designated as a master facility. It would cost more and it puts a surcharge into the system. Already there are problems with capacity downstream and the gravity system would allow for a steady flow.

Speaking in the hearing was:
Jim Reimann, 459 Palmer Drive N., Keizer, Oregon 97303. Mr. Reimann commented that he believed this agreement was a win-win situation. He did believe the strong support of the Council would be required to get easements that could not be achieved initially. He felt the project needed to get working as quickly as possible since they are thinking of

building in segments. There are some places where the water table is high which get wet causing problems. He felt it was in the best interest of the City and the developer to see it started soon. He also felt that the Eppings and Nolans would work with the project but he did not want a bottle neck to occur down the road. He stated it was crucial to get the line all the way over to Wheatland Road and it was crucial to have the support of the Council.

Councilor Hart asked if the Nolan and Epping properties would be connectors only even though they are off of River Road. Mr. Reimann said conditions are being worked out with the Nolans regarding their property and a plan of some sort will probably be filed in the very near future. Councilor Hart commented that main sewer lines often follow roadways. Mr. Reimann said they are attempting to do that and it would take relatively significant easements.

The Mayor closed the Public Hearing.

Readopting Salem Comprehensive Plan

Mr. Morgan gave the staff report, stating that until the new Salem and Keizer Comprehensive Plans are adopted, the old plan is in effect which requires concurrence by all four jurisdictions. After the Council had adopted the Salem Plan, Marion County raised the question of a policy requiring industrial land divisions no smaller than 40 acres. Salem has now made changes in their plan and are asking Keizer to reconcur. Mr. Morgan said Salem is probably going to adopt the change even though the Land Conservation and Development Commission has said that is not a strict enough policy. Mr. Morgan pointed out that the informal position in Keizer is that this policy should not be in the Keizer Comprehensive Plan. If the Council chooses to concur, then the negotiating position of the City may be damaged. There is a possibility that Marion County will say that if Salem adopts the policy, Keizer needs to also. Mr. Morgan recommended that the Hearing be held open until September 21 for any resolution between Salem, Marion County and LCDC. He said if the Council chose to concur an ordinance bill was attached.

Mayor Orcutt continued the Public Hearing until September 21, 1992.

DELIBERATION
Recruitment - City Manager

Councilor Van Meter moved that the Council approve the City Manager's Recruitment Time Schedule as presented by Alan Hershey of the Council of Governments. The motion was seconded by Councilor Koho.

Councilor Koho mentioned he was in favor of this with the understanding that the dates are target dates. Councilor McGee felt that the time table could not be approved before the salary range is determined. Mayor Orcutt stated he thought the time table of the process could be voted on before a salary is set. Councilor Van Meter said he made the motion because the document is timely and has a new City Manager on board on or before February 1, 1993.

The motion passed with the following votes:

AYES: Hart, Newton, Orcutt, Van Meter, Koho, Miller, McGee (7)

NAYS: None
ABSTENTIONS: None
ABSENT: None

Councilor McGee moved that the salary range be $45-55,000 compiled by adding a 4% compounded cost of living raise to the range of $40-50,000 offered three years ago. The motion was seconded by Councilor Hart.

Councilor Koho agreed with the motion and noted it did not include fringe benefits.

The motion passed unanimously with the following votes:

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

Councilor McGee asked that the Council discuss fringe benefits. He wanted the City to reimburse travel and not have a travel allowance. He thought the advertisement could be worded to say "typical or normal fringe benefits." Mayor Orcutt agreed that the advertisement would not get that specific and guaranteed there will not be a car allowance. Councilor McGee also wanted to discuss in-kind income. He felt it should be part of the benefit package if it is offered. Mayor Orcutt stated the advertisement will include the salary range "plus benefits."

Sewer Plan Update

Councilor Newton moved that the Council adopt the Clearlake Sector portion of the Master Sewer Plan Update and authorize the Mayor to sign the agreement between the City of Keizer and the Meadows Group to allow the planning and construction of the sewer trunk lines to begin. The motion was seconded by Councilor McGee.

Mayor Orcutt declared conflict of interest.

The motion passed with the following votes:

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

Charter Amendments

Mr. Otterman reported that the work had been done to make the changes requested by the Council in their last meeting. The packet includes the Revised Charter, a Charter Revision election resolution, the ballot title and explanation for the Voter's Pamphlet. In answer to a question from the previous work session, Mr. Otterman pointed out that on page 4, number 4 under the Powers and Duties of the City Manager allowed for the Manager "to organize and reorganize the department structure of the city government."

Councilor Koho moved a resolution authorizing the Charter revisions election. The motion was seconded by Councilor Van Meter.

The motion passed unanimously with the following votes:

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

DISCUSSION
Police Newsletter

Chief Stull introduced the newsletter produced by the Police Department for distribution to the community. The Community Policing plan calls for the public to be informed. In the past, Chief Stull stated only the local media, small informational meetings or service clubs were used to share issues facing the Police Department. Chief Stull said they had originally planned to mail the newsletter but the cost was so prohibitive that they worked with the Keizertimes to have it placed in the Spotlight which is distributed to 10,000 homes. Chief Stull asked for the approval of the Council to distribute the newsletters.

Councilor Koho applauded the efforts of the Chief and the Department, saying he hoped it would be mailed out in the future in water and sewer bills. He did believe the timing is not right and the public might see it as campaign literature. Councilor Hart asked how often this would be done. Chief Stull stated the original idea was quarterly but realisticallyit might be twice a year. Councilor McGee agreed with Councilor Koho and thought it should wait until after the election. He would like to see one from other City departments in the future. He also stated there were not available funds under the current budget.

Chief Stull noted that there is money in both the status quo budget and the serial levy budget. Mr. Otterman noted that the line item was decreased by the Budget Committee from $3000 to $1500. He said that since Chief Stull was able to come up with another way to get the newsletter distributed, there was money in the printing line item. Councilor Hart wanted to let the Chief know that the Council was supporting his idea but he was concerned about what the message might be at this time. He felt the September levy must be protected.

Councilor Hart moved that Chief Stull has the authority to distribute the newsletter after the levy. Councilor McGee seconded the motion.

Councilor Newton felt the Council should step back and look at the newsletter. He felt any newsletter that is mailed out should include all the city departments. He wanted to determine the best way to communicate with the City and he reminded the Council of their investigationof using Public Access for the Council meetings as one method. Councilor Newton felt a cost to do the newsletter quarterly or annually with additional information about other departments should be researched as well as the Public Access cost.

Councilor Van Meter disagreed with the previous speakers stating that he believed that the newsletter merely gave facts and figures about crime. He felt this was the type of information that the citizens wanted and when a department head came forward to provide that information, the Council was saying no.

The motion passed with the following votes:

AYES: Hart, Newton, Koho, McGee, (4)
NAYS: Orcutt, Van Meter, Miller (3)
ABSTENTIONS: None
ABSENT: None

Appeal 91-9 Chandler

Mr. Morgan reported that he and Mr. Johnson, City Attorney had met with Ken Battaile of the City of Salem with Mark Grenz, representative for the Church as an observer. The City staff presented a list of conditions that could be put on the church to make them fit within the provisions of the Dual Interest Agreement. The list was attached to the packets of the Councilors. Mr. Battaile agreed to take it to the Salem City Council and ask for concurrence if the Keizer City Council wished. A draft letter was available for the Mayor to sign if the Council approved. The second part of the resolution was to authorize staff to get together a joint meeting if the Salem Council does not concur.

Councilor Van Meter moved that the Council authorize the Mayor to sign a letter to the Salem City Council and to direct staff to set up a joint meeting if the Salem Council does not concur with the proposed conditions of approval. Councilor Koho seconded the motion.

Mayor Orcutt declared conflict of interest since he is an agent in Mr. Chandler's firm. Councilor Koho complimented the staff on the agreement and asked about the last condition which would limit outside users of the church. Mr. Morgan clarified that church sponsored activities would not be included such as Boy Scouts, etc. He also pointed out the agreement does not preclude the church asking for amendments should the study come back with favorable results. Councilor Koho also asked if the church indicated agreement. Mr. Morgan said Mark Grenz as their representative concurred with the agreement.

Mr. Grenz came to the podium to answer questions as the representative of the church. Councilor McGee was concerned with the provision of letter C of the agreement, not allowing for any complaint to be raised regarding any running of the Willow Lake Treatment plant. He wanted only complaints regarding noise and odor included, not other areas such as the possibility of toxic waste being dumped. Councilor Van Meter asked Mr. Grenz if the church had agreed to C. Mr. Grenz responded that the discussion taking place was about noise and odor and he had not thought about other possibilities such as Councilor McGee mentioned. Mr. Morgan said he didn't think there would be a problem with discussing this and he might highlight that area when he took it down to the City of Salem.

Mr. Grenz stated he was able to sit in the meeting and that Mr. Morgan and Mr. Johnson did an excellent job of negotiating. They appeared firm and interested in finding a solution for the Council.

The motion passed with the following votes:

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

RESOLUTION
Orchard Crest Phase 2

A motion was made by Councilor Van Meter that the Resolution be passed. The motion was seconded by Councilor Newton.

The motion passed unanimously with the following votes:

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

CONSENT CALENDAR

a. Approval of June 30, 1992 Special Session Minutes

b. Approval of August 3, 1992 Regular Session Minutes

c. RESOLUTION - Initiation of Legislative Amendment to the Keizer Comprehensive Plan

Councilor Hart moved the approval of the Consent Calendar. Councilor Newton seconded the motion.

Councilor Miller pointed out he was not voting specific approval of the June 30, 1992 Minutes since he was absent at the meeting.

The motion passed unanimously with the following votes:

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

OTHER BUSINESS

Mr. Otterman stated that the City is following up on a complaint from the Meadows Subdivision where a piece of heavy equipment was moved on public streets and damage was done. He said the staff has talked to the Meadows Group and they are going to get the street repaired. Councilor McGee noted this was a good example of neighbors seeing a problem and going through City government to get something done. He said the entire city would have had to pay for the repair in taxes. He wanted to encourage citizens to be watch dogs which will result in saving the entire city money.

Councilor Hart asked that Mr. Otterman continue to let the Councilors know his schedule regarding the days he would be gone until October.

Councilor Miller asked about the progress on a process for streamlining the obtaining of easements. Mr. Lien, City Attorney, stated that the provision is already embodied in State law and would not need to be incorporated in City ordinances.

Councilor McGee asked if all Mr. Otterman's vacation, comp time and leave would be used by October 2. Mr. Otterman stated that it would.

Mayor Orcutt asked the Council to again discuss possibility of appointing an interim City Manager. Mr. Otterman said that discussion at the last Council meeting included the impact to the City if an interim were appointed from the present staff. He had asked Mr. Morgan to prepare a memo as to what would happen if an interim were appointed. Mayor Orcutt noted he was not looking for a specific appointment but wanted the Council to decide if they desire to look internally or externally.

Councilor Miller said he had spoken with Alan Hershey who had information on some available retired City Managers who wouldn't require much training. He suggested the decision be made at the meeting on Monday, August 24. Councilor Koho pointed out that at least one of the Councilors would not be present at that meeting. He thought there were some advantages to appointing someone on staff including the opportunity for professional development. Council Van Meter said there would be a salary savings with an in-house manager.

Councilor Hart supported an in-house interim and thought they should be given some increase in pay. Councilor McGee thought that it would require staff time to bring an outsider up to speed, staff time which he did not want to use that way. He also said traditionally 5% out of class pay is offered to interims. Councilor Miller did not believe there would be much of a salary savings since other staff would have to cover for that person. He also questioned the appropriateness of appointing someone who is a candidate and would not support that action.

Councilor Koho moved that the City Council appoint John Morgan as interim City Manager on the effective date of Don Otterman's leaving and that he be paid an 5% increase in salary. Councilor Van Meter seconded the motion.

Councilor Miller asked Mr. Morgan if he intended to apply for the job. Mr. Morgan responded yes. Councilor Miller thought it was premature to make a decision tonight, since the other department heads have not even been asked if they wanted to apply for the interim manager's position. He thought they should have that opportunity and the decision should be made in a week or so. Councilor McGee said there were three staff who could serve as managers and he would have supported either Mr. Morgan or Mr. Mull although he would look for broader City experience that Mr. Stull has.

Councilor Van Meter moved that the motion be tabled until next week. Councilor Miller seconded the motion to table.

Councilor Van Meter commented that perhaps the Council needed to hear from Mr. Mull, Mr. Stull and Alan Hershey.

The motion to table failed:

AYES: Hart, Van Meter, Miller, (3)
NAYS: Newton, Koho, Orcutt, McGee (4)
ABSTENTIONS: None
ABSENT: None

Mr. Mull stated that in the last transition, Bob Simon, former Mayor served as the interim Manager. Even with all his knowledge staff time was required to bring him up to speed. Mr. Mull noted that he would not be interested in the position himself.

The original motion passed with voting as follows:

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

WRITTEN COMMUNICATIONS

There were no written communications to come before the Council.

AGENDA INPUT

The Council will be meeting on Monday, August 24 at 7:00 p.m. to continue discussion of the City Manager recruitment. Councilor Newton noted there may be an executive session regarding property negotiations.

ADJOURNMENT

The meeting was adjourned at 9:00 p.m.

Linda S. Sanders,
Recording Secretary

APPROVED:

MAYOR