

M I N U T E S

KEIZER CITY COUNCIL
Monday, July 16, 1990
Robert L. Simon Council Chambers
Keizer City Hall

CALL TO ORDER

Mayor Orcutt called the regular session to order at 7:32 p.m. Roll call was taken as follows:

Present: Andrew J. Orcutt, Mayor
Phil Bay, Councilor
Yvonne Fischer, Councilor
Mike Hart, Councilor
Bob Newton, Councilor

Absent: Bob Pritchard, Councilor
Joe Van Meter, Councilor (arrived later)

Staff: Donald H. Otterman, City Manager
John Lien, City Attorney
Joe Hobson, City Attorney
Bill Peterson, City Engineer
Sue Darby, City Recorder

PUBLIC
TESTIMONY

Ted Anagnos, President of the Keizer Chamber of Commerce, addressed the Council with respect to some misunderstandings between the Chamber and the City and, specifically, the police force. These misunderstandings occurred over the City's recent levy election.

Mr. Anagnos explained that the Chamber is very supportive of the City and its endeavors, especially those that pertain to the business community. He indicated that the Chamber Board of Directors was unable to take a position on the City's levy election because there was insufficient time to poll the Chamber members. The Board did not feel it should take a stance on the levy without first soliciting input from its membership. Mr. Anagnos suggested that the Chief take steps to ensure that the members of the police force do not have any hard feelings because the Board was unable to take a position on the election.

With respect to formation of the "Keizer Tomorrow" Committee, Mr. Anagnos noted that the Keizer Chamber of Commerce will be represented by an appointment by the President, and the KBRAD Committee will be represented by an

appointing to be made by the Chairman. He questioned the solicitation of another business representative that is "not on the Chamber Board of Directors." Mr. Otterman explained that this should have been "not a member of the Chamber of Commerce" rather than identifying the Board specifically. He indicated that not all business interests in Keizer are members of the Chamber and he wished to be sure that business is well represented - not only through the Chamber.

Mr. Anagnos suggested that if the City wishes to obtain the input of the Chamber on any business-related issues, the City should give Ted a call in plenty of time to allow him to solicit input from the membership.

Councilor Bay commented that at an earlier meeting, he appreciated Mr. Anagnos' comment that the Chamber should be more than social club.

COMMITTEE REPORTS

There were no committee reports to come before the Council.

GARBAGE/ RECYCLING RATE ADJUSTMENT

Jackie Thackery, representing Loren's Sanitation, 1141 Chemawa Road N., Keizer, stated that the City of Salem approved a rate adjustment to become effective October 1, 1990. This increase, she explained, is necessary to offset the costs of recycling. Ms. Thackery asked that the City Council recommend approval of the rate adjustment to the Marion County Board of Commissions.

Sam Bretano, President of the Mid-Valley Garbage & Recycling Association, explained that the recycling program developed in this area is very progressive and environmentally sound. The garbage haulers have been attempting to increase recycling awareness in the county. One method they are suggesting is the use of a red basket for recyclable materials which homeowners can place alongside their refuse cans. These baskets will be provided to residential customers. New customers will be provided baskets if they request them. He explained that the multi-family and commercial business have recycled to a lesser degree than single family residential. Mr. Bretano indicated that the haulers have spent about \$80,000 more for the recycling program than they have collected. This, he explained, is due to a collapsing

recyclables market. For example, the haulers face additional liability costs in storing used oil in their shops, and then must pay to have it properly disposed. In addition, there are few markets for plastic containers, however, the customers have demanded this service.

Mary Kanz, Executive Director of the Mid-Valley Garbage & Recycling Association, presented slides on the educational efforts by the haulers on recycling. She indicated that the program in use by the local haulers far exceeds the requirements of Senate Bill 405. SB 405 requires, among other things, that haulers give customers the opportunity to recycle once each month. The haulers provide this service on a weekly basis to its customers. In addition, the a recycling curriculum has been developed for grades K through 12, and the interest at the school level for these classes have dramatically increased.

Responding to a question from Councilor Van Meter, Ms. Kanz stated that SB 405 requires that only cities with populations of 4,000 or greater offer recycling programs once a month. The local haulers far exceed this requirement as well as the promotional/educational requirements.

Mr. Bretano stated that the haulers will be going further in the hole financially because of the recycling, however, they hope to recover some of the costs through an increase in recycled materials.

Councilor Van Meter noted that some of the recommended rate increases are greater than 5%. Ms. Kanz responded that this is an attempt to correct the rate disparities between the rates charged in Salem and the rates charged in Keizer. Councilor Van Meter commented that although Keizer appreciates the community involvement by Jackie and Wayne Thackery of Loren's Sanitation, what Salem does is not necessarily what Keizer does.

Councilor Bay stated that the haulers should be entitled to a fair rate of return. Mr. Bretano indicated that the haulers are attempting to recover some of their costs. The haulers are currently losing about \$80,000 and this loss is expected to increase in the future. This, he indicated, is part of the cost of doing

business.

Responding to a question from Councilor Newton, Mr. Bretano stated that a new processing plant is soon coming on line for newspaper recycling. However, the costs to recycle material is much higher than even two years ago. For example, in 1988 newspaper was sold for \$100/ton. Now they get only \$35/ton. Markets for glass and other recyclables are becoming picky about what they will accept.

Mr. Bretano indicated that he anticipates the possibility of state-wide legislation mandating recycling. He hopes the public will make a concerted effort to purchase and reuse recyclable products.

Councilor Newton questioned whether the charges to customers for recycling versus other disposals should be separated out on the bill. Mr. Bretano indicated that the customer considers all of this removable material and the average person does not care how it is eventually handled as long as it is removed.

Councilor Hart noted that the cost to dispose of a second can of garbage will cost proportionately more than 5%. Mayor Orcutt agreed that the 67% for this second can is a great disparity.

Jim Sears, Director of Solid Waste Management for Marion County, stated that the County Board of Commissions will hold a public hearing to set the rates. He will be asking the Board to schedule the hearing for August 8.

Councilor Newton suggested that a recommendation from the City Council to the Board be withheld until there has been an opportunity to discuss the proposed rate increase with the residents of Keizer. Mr. Sears explained that a survey has been conducted which, in general, supports recycling efforts.

Councilor Hart moved to recommend that the 5% rate increase, as proposed, be approved.
Councilor Fischer seconded the motion.

Councilor Bay moved to amend the main motion to increase the cost of the second can to a maximum of 5% from the present rate. Councilor Fischer seconded the motion.

Mr. Bretano indicated that Salem adopted this higher rate for the second can. His view, however, is that this penalizes a larger family.

The amendment was put to a vote and passed as follows:

AYES: Orcutt, Bay, Fischer, Hart, Newton (5)
NAYS: Van Meter (1)
ABSENT: Pritchard (1)

Prior to voting on the main motion, Councilor Newton reiterated that he would prefer to discuss this proposal with his neighbors. He suggested the issue be brought up again at the August 6 Council meeting for a vote. His concern included the fact that there are other increases besides those for recycling included in this proposal. Ms. Kanz stated that those items which represent a change as marked by an asterisk. Some are in excess of 5%, but would be in line with Salem's rates.

Councilor Van Meter moved to table the item until the August 6, 1990 meeting. Councilor Newton seconded the motion. The motion was put to a vote and failed, as follows:

AYES: Newton, Van Meter (2)
NAYS: Orcutt, Bay, Fischer, Hart, (3)
ABSENT: Pritchard (1)

The main motion, as amended, was passed by the following vote:

AYES: Orcutt, Bay, Fischer, Hart (4)
NAYS: Newton, Van Meter (2)
ABSENT: Pritchard (1)

TRAIL AVENUE
PROJECT

City Engineer Bill Peterson reported that bids were opened on the two Trail Avenue projects last Monday and this Monday. He anticipates an award of bid on August 6.

Mr. Peterson reported that McNary Estates will share in the cost of the improvements at a cost of about \$105,000. The City's share will be about \$107,000. According to the City's figures five years ago, the City share was estimated at \$105,000. McNary posted security for their share of the improvements at that time. The engineer's estimate for the street construction

was \$180,000. The low bid was \$156,000 plus some engineering costs. The overlay is included in this cost.

ORDINANCE -
ELKS LODGE/
WALKER
ZONE CHANGE
CASE 90-4

Mr. Otterman explained that the zone change application for the Elks Lodge property has been before the Hearings Officer, and a recommendation has been made to approve the request with conditions.

Councilor Van Meter moved for passage of an ordinance in the matter of the application of Frank Walker and Keizer Elks Lodge No. 2472 (Applicant) to grant a zone change from RM (Medium Density Residential) to CR (Commercial Retail) on property located near the southeast corner of Manbrin Drive and Cherry Avenue in Keizer, Oregon, (Case No. KZC 90-4) in which the City granted the zone change requested in accordance with the Keizer Hearings Officer decision dated June 20, 1990. Councilor Fischer seconded the motion. The motion was put to a vote and passed on first reading by the following vote:

AYES: Orcutt, Bay, Fischer, Hart, Newton, Van Meter (6)

NAYS: None (0)

ABSENT: Pritchard (1)

ORDINANCE -
VACATING
FIR CONE
DRIVE

Councilor Hart moved for passage of an ordinance to vacate a portion of Fir Cone Drive in the City of Keizer, State of Oregon. Councilor Newton seconded the motion. The motion was put to a vote and passed on first reading by the following vote:

AYES: Orcutt, Bay, Fischer, Hart, Newton, Van Meter (6)

NAYS: None (0)

ABSENT: Pritchard (1)

MUNICIPAL
JUDGE
RECRUITMENT

Mr. Otterman explained that the City needs to appoint a new presiding municipal judge because of Bob Cannon's resignation. The Council discussed the various alternatives as well as the duties to be performed by the presiding judge. Mr. Erik Larson, one of the pro tem judges, has offered his services at a rate of \$1,150 per month (25 hours per month at \$46 per hour) to include both court time and administrative time. Two other attorneys, Ira Feitelson and Al Depenbrock have also expressed an interest in the position if it is

compensated.

Councilor Van Meter favored locating a volunteer to serve in this capacity, perhaps a student from the law school or a private attorney who would like to have this type of service on their resume.

The Council concurred to advertise the need for a presiding judge in the Marion County Bar Bulletin. Mr. Lien stated that the City may face increased liability exposure if the presiding judge does not have a solid legal background and be capable of determining the elements of the offense. He strongly recommended the judge be an attorney.

Councilor Newton noted that this matter should have been handled as soon as Bob Cannon submitted his resignation, rather than waiting this long. Mayor Orcutt explained that upon receiving Bob's resignation, he sent a letter asking Bob for suggestions on his replacement. Numerous unsuccessful attempts were made to contact each other by telephone.

Councilor Newton moved to retain the service of Erik Larson at \$46/hour pending the search for a volunteer judge. Councilor Bay seconded the motion. The motion was put to a vote and passed by the following vote:

AYES: Orcutt, Bay, Fischer, Hart, Newton (5)
NAYS: Van Meter (1)
ABSENT: Pritchard (1)

REGIONAL
POLICY
ISSUES

Mr. Otterman explained that he met with City Attorney Joe Hobson and representatives of LCDC and other regional jurisdictions to discuss a proposal by LCDC to participate in a resolution dispute conference to resolve the remaining land use regional issues. The result of that meeting was that none of the jurisdictions could commit to such a resolution process without the approval of their respective governing bodies.

The remaining issues involve development around the Willow Lake Treatment Plant and residential densities within the Urban Growth Boundary. LCDC has offered to pay the cost of putting the framework for the proposal together, with the jurisdictions sharing the cost of the actual negotiations. Mr. Hobson stated that introducing a fifth disinterested party as a

negotiator may help to resolve some of the issues.

Mr. Otterman indicated that Keizer will be receiving some additional information from LCDC on the proposal for review and acceptance. Mr. Hobson noted that, if the jurisdictions do not accept this proposal, LCDC will probably put pressure on the jurisdictions to resolve the differences soon. Failure to do so may result in a withholding of State funds, i.e., gas and cigarette taxes, revenue sharing, etc. For this reason, Mr. Otterman felt the possibility is worth exploring further. When additional information is available, including anticipated costs, he will submit it to the Council.

Councilor Van Meter moved to proceed with the next step for LCDC to develop the framework at LCDC's expense and to have staff return to Council with the costs to determine whether to proceed further. Councilor Hart seconded the motion. The motion was put to a vote and passed by the following vote:

AYES: Orcutt, Bay, Fischer, Hart, Newton, Van Meter (6)
NAYS: None (0)
ABSENT: Pritchard (1)

CONSENT
CALENDAR

The Consent Calendar consisted of the City Council minutes of July 2, 1990.

Councilor Van Meter moved for approval of the Consent Calendar. Councilor Hart seconded the motion. The motion was approved by the following vote:

AYES: Orcutt, Fischer, Hart, Newton, Van Meter (5)
NAYS: None (0)
ABSTENTIONS: Bay (1)
ABSENT: Pritchard (1)

OTHER
BUSINESS

Amended
Resolution
Levying Ad
Valorem
Taxes

Mr. Otterman stated that the City Council adopted a resolution in June to levy ad valorem taxes. Because the total amount to be levied was rounded up instead of down, the Department of Revenue has advised that a new resolution must be adopted with the revised lower figure.

Councilor Van Meter moved for approval of a resolution levying ad valorem taxes. Councilor Fischer seconded the motion. The motion passed

by the following vote:

AYES: Orcutt, Bay, Fischer, Hart, Newton, Van
Meter (6)
NAYS: None (0)
ABSENT: Pritchard (1)

EXECUTIVE
SESSION

The Council entered into Executive Session pursuant to the provisions of ORS 192.660 to discuss matters of litigation and labor negotiations.

Following the close of the Executive Session, Councilor Bay moved to authorize the City Manager to sign the Memorandum of Understanding between the City of Keizer and the Keizer Police Association authorizing a 5% salary increase and maintenance of benefits. Councilor Hart seconded the motion. The motion was passed by the following vote:

AYES: Orcutt, Bay, Fischer, Hart, Newton, Van
Meter (6)
NAYS: None (0)
ABSENT: Pritchard (1)

ADJOURNMENT

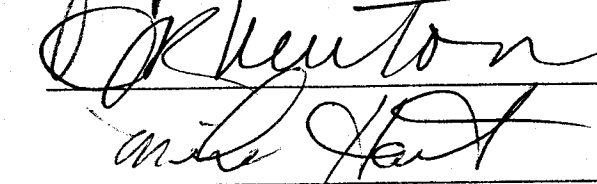
The meeting adjourned at 10:46 p.m.

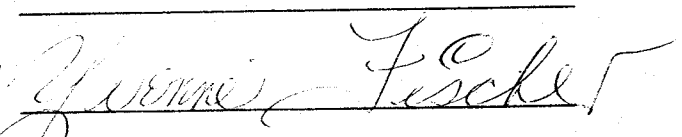
Respectfully submitted,


Susan Darby, City Recorder

APPROVED:


MAYOR


(COUNCILOR PRITCHARD ABSENT)