MINUTES

KEIZER CITY COUNCIL
Monday, July 15, 1991
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
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
John Lien, City Attorney
Shannon Johnson, City Attorney
Susan Darby, City Recorder

PUBLIC TESTIMONY
Cummings Disabled Parking

Tom Tyler, Principal of Cummings Elementary School, solicited the City's assistance in placing disabled parking spaces at the school. He stated that there are two children who attend Cummings, and two parents, who need this type of access. Mr. Tyler hoped that this could be accomplished through a joint City-School District endeavor. Mr. Tyler explained that the area to be paved is 24 feet by 10 feet. He asked that the City excavate this area to a depth of 3 inches. The School District will pave the strip, and the City would stripe and provide signage. Mr. Tyler stated that the parking for Cummings Elementary School, including the subject strip, is within the City right-of-way. Mr. Tyler said that the School District is asking for this assistance because it does not have the necessary backhoe equipment although it does have the dump truck, roller and access to the blacktop material. The blacktop material, however, is only available through July 17.

FMAGIC

COMMITTEE REPORTS

The one committee report was taken up following the next agenda item.

PLANNING COMMISSIONER PERFORMANCE

Mr. Morgan stated that the question of potential conflict for Planning Commissioner Mark Grenz was brought up by Councilor Koho with respect to possible conflicts of interest in performing his Planning Commission duties. The Council has received a memorandum from Mr. Johnson citing the applicable statute regarding removal of a Planning Commissioner from his position. In addition, Mr. Morgan distributed a memorandum outlining the responsibilities of the Planning Commission, including Ordinance No. 83-006 which established the Commission. Mr. Morgan explained that the Planning Commission generally does not handle the current planning, such as zone changes, subdivisions, etc. These cases are handled by staff or by the Hearings Officer. The Planning Commission generally performs long range planning, along with the preparation and updating of planning related ordinances such as the zoning ordinance. The Planning Commission, however, has expressed an interest in becoming more involved in the current planning arena for Keizer.

Councilor Koho indicated that some of the charges of the Commission are curious. He questioned some of the provisions set out in Ordinance 83-006. Mr. Morgan explained that the ordinance empowers the Commission to do a wide variety of things, although many of those duties are not typically done by Keizer's Planning Commission. Mr. Johnson interjected that the City's ordinance setting forth the charges for the Planning Commission is basically verbatim from State statute.

Mr. Johnson stated that the agenda tonight indicates that this is a discussion item. He indicated that should the Council decide to investigate this matter further, it would be appropriate for the Council to pass a motion to schedule a hearing and to take up the issue again at that hearing. If this occurs, he recommended that a letter be sent to Mr. Grenz informing him of the type of misconduct for which the Council is considering his removal from the Commission. Councilor Koho indicated that he does not wish to become involved again in drawing up letters of charges to anyone. He noted that it clearly is not a matter of misconduct on Mr. Grenz' part. Councilor Koho stated that non performance of duties would mean that the individual does not attend Commission meetings. Mr. Grenz has excused himself from discussion when it has been proper to do so. Councilor Koho stated that his biggest concern is the appearance of impropriety to the public who may not known Mr. Grenz as well as some of these officials know him.

Mr. Grenz stated that it is sometimes easy to see that the general public does not understand what the Planning Commission does. He noted that it was not his desire when he offered to serve on the Commission that it would be detrimental to the City, his clients or the public. He merely believed his

expertise would be helpful in the upcoming issues to be addressed by the Commission, including the zone code revision. Mr. Grenz said that he has made it clear that should the Commission become involved in land use actions, that it would be inappropriate for him to serve in his position because of his representation of private developers through his business. Mr. Grenz commented that while he does not intend to step down from the Planning Commission at this point in time, he did not wish to create a problem for the City. He said he would need to consider any potential problems that may arise from his service on the Commission. Mr. Grenz assured the Council that he did not make any mistakes and has been very careful to avoid any misconduct in performing his duties as a Commissioner. He does not want the Council to lose its confidence in the Planning Commission, in him, or in the actions taken by the Commission.

Councilor Newton thanked Mr. Grenz for being here tonight as well as for his service to the community as a volunteer. He believed that the city is an open government and while the potential for impropriety was present, it was not created by those here tonight. Councilor Newton stated that he would defend Mr. Grenz' performance and that he looks forward to him continuing on the Planning Commission. Councilor Miller echoed Councilor Newton's comments.

Councilor McGee stated that the potential conflict of interest was discussed at the time of Mr. Grenz' appointment. Mr. Grenz pledged to announce any conflicts of interest which he has done. Councilor McGee said that misconduct in itself is a non-issue. Non performance also is not an issue since abstaining from discussion is performing. He noted Mr. Grenz' nearly perfect attendance record at the Commission meetings, and that Mr. Grenz' background is needed on the Commission. He stated that the City will continue to monitor Mr. Grenz' performance as will the entire community, as well as the Council's own performance.

Councilor Koho said that he has been convinced by people he has talked with that Mr. Grenz' does provide a valuable service to the community and that Councilor Koho has no desire to pursue this issue. However, he asked Mr. Grenz to be mindful of the kinds of things that might come up in the future where a potential conflict may be present.

Councilor Hart indicated that, as liaison to the Commission, he has had the opportunity to witness the performance of the Commission members. The only issue Mr. Grenz has withdrawn from is the McNary Activity Center and this is only because of Mr. Grenz' representation of McNary Estates development. However, Mr. Grenz has participated in some of the discussion, including the mixed use zone provision.

Councilor Hart moved to not pursue this issue any further. Councilor McGee seconded the motion. The motion passed unanimously by the following vote:

AYES: Orcutt, Hart, Koho, McGee, Miller, Newton, Van Meter (7)
NAYS: None (0)

Mayor Orcutt reiterated that it has been the public view or perception that the Council is dealing with. Mr. Grenz commented that he did not take the issue personally and that he understands Councilor Koho's intent. He also noted that it may not be as clear cut as he sees the situation.

KEIZER PARKS APPOINTMENT

Mr. Otterman reviewed the staff report regarding reappointment of Shannon Blake-Thiess to the Parks Committee for a new three year term. He explained that there are two other vacancies for which staff is soliciting interested applicants. Mayor Orcutt added that the Volunteer Coordinating Committee may be able to handle the recruitment depending on the action taken later tonight by the Council.

Councilor Koho moved to reappoint Shannon Blake-Thiess to the Parks Committee. Councilor McGee seconded the motion. The motion passed unanimously by the following vote:

AYES: Orcutt, Hart, Koho, McGee, Miller, Newton, Van Meter (7)
NAYS: None (0)

TEAM BUILDING FACILITATOR SELECTION

Mr. Otterman reviewed the staff report regarding selection of a facilitator for the City Council's team building session. Those who have expressed an interest include Marv Himmell, Vern Ho, Alan Hershey, John Lenssen, and Ray Redburn. The Council discussed the qualifications and references of those individuals. Councilor Hart indicated that he was interested in the creativeness expressed by Mr. Redburn in his letter to the Council. He favored narrowing the field down to either Marv Himmell or Ray Redburn. Councilor Koho indicated that while he usually has an aversion to consultant-type activities, he has worked with Mr. Redburn in the past. Mr. Redburn keeps things moving. Councilor McGee indicated that he was impressed with Mr. Redburn's proposal, and the fact that they would use two facilitators rather than one.

In response to a question from Councilor Newton, Mr. Otterman said that he did not consider Alan Hershey because of Mr. Hershey's familiarity with the Council members. He questioned whether Mr. Hershey could be objective enough and get the participants to say what needs to be said.

Mayor Orcutt indicated that he liked Mr. Redburn's and Mr. Hershey's proposals the best. While Mr. Ho has wonderful references, he does not address the type of system he would be utilizing.

Mayor Orcutt moved to contract with the firm of Bittinger & Redburn for the Council team building session on a Saturday as soon as possible. Councilor Hart seconded the motion. The motion passed unanimously by the following vote:

AYES: Orcutt, Hart, Koho, McGee, Miller, Newton, Van Meter (7)
NAYS: None (0)

CUMMINGS SCHOOL DISABILITY ACCESS

Mr. Mull reviewed the staff report regarding a request from the School District to install disabled parking spaces next to Cummings School.

Councilor Miller suggested that the entire strip along Delight Street be improved. Mr. Mull indicated that the proposed disabled parking strip is 24 feet long. The School District apparently installed the rock in this location at some earlier time. If the District's request is approved, the City would pay for the striping and signs.

Councilor Miller told Mr. Tyler that he was concerned with what the City had been told that the District has provided this type of parking for all of the other schools. He questioned why the District wishes Keizer to participate in this project. Mr. Tyler explained that the disabled parking for all of the other District schools is on District property. The parking for Cummings School is on City owned right-of-way, which Mr. Mull verified.

Councilor Miller asked whether the LSAC has been asked to participate in the costs. Mr. Tyler explained that the LSAC does not have any money. The money used to blacktop by the school gymnasium is from the Parent-Teacher Club. He did not believe the LSAC has spoken to the Parent-Teacher Club about this project.

In response to a question from Councilor Newton, Mr. Mull stated that Clearlake School is probably in a similar situation with parking on City right-of-way.

Councilor Van Meter asked whether there is any State or Federal formula for determining the required number of disabled parking spaces proportionate to the building occupancy. Mr. Mull was not aware of any; this request came from the School District.

Councilor McGee stated that accessibility will be provided as required by Federal law. He indicated that the cost to the City to participate in the project

would become a moot point because it would probably cost $1,000 to negotiate the issue with the School District. In addition, such an improvement would beautify the corner as well as making it much safer.

Councilor McGee moved to accept the Keizer-Salem School District proposal and proceed at once with the necessary blacktopping to make the handicapped access. Councilor Newton seconded the motion.

Responding to a question from Councilor Koho, Mr. Mull did not believe that the Lowthers were informed of the Council's discussion on this matter tonight. He also noted, in response to Councilor Miller's earlier comment, that to pave the entire stretch would involve about 200 feet.

Councilor Hart favored the project, but staying with it as originally proposed rather than paving the entire length. An additional 200 feet could make the project ten times more expensive, and the project needs to be completed in two days. In addition, expanding the scope of the project would commit the School District to an additional expense it may not be willing to meet. Councilor McGee did not believe the project should be expanded in scope.

Mr. Mull noted that the excavation work will either be contracted out by the City or will be performed by the Water crews. Mr. Tyler indicated that it would be sufficient if the City could excavate by Wednesday. Mr. Mull explained that if Water crews perform the work, the Street Fund will reimburse the Water fund for the costs. Whether it is contracted out or the Water crews do the work, the Street Fund will pay the cost.

The motion passed unanimously by the following vote:

AYES: Orcutt, Hart, Koho, McGee, Miller, Newton, Van Meter (7)
NAYS: None (0)

REGIONAL FUELS TAX

Mr. Morgan introduced Richard Schmid, Transportation Coordinator for the Salem-Keizer Area Transportation Study. Mr. Morgan distributed informational sheets to the Council showing the purpose and financial impact of the proposed regional fuels tax.

Mr. Schmid indicated that SKATS is a group of elected officials representing various area jurisdictions. Councilor Koho is the current representative for the City of Keizer on this group. The SKATS group has identified the need for street improvements versus the available funding over the next 15 to 20 years. The SKATS group then formed the Transportation Funding Needs Committee to review available options for addressing those transportation needs. Six alternative methods for financing improvement projects in use around the area and other States include fuels taxes, vehicle registration fees, public/private

partnerships, impact fees on new development, highway toll district and road bonds. Of these alternatives, the committee is recommending that the regional fuels tax be considered. A poll, conducted in Marion County, indicated that the majority of people recognize the need for increased street maintenance and funding. The majority responded favorably to whether they would support a fuels tax. They did not support a vehicle registration fee. The policy committee established a subcommittee and that group is proposing a three cent tax on all types of motor vehicle fuel. However, to make it as simple as possible, those uses which are exempt from the State fuel tax would also be exempt from the regional fuels tax. The funds generated from the fuels tax would be split between Marion and Polk counties. The regional plan was considered so that people do not jump cities to buy gas where the tax is not charged.

Mr. Schmid stated that the proposal is the result of the Transportation Funding Needs Committee study and is being circulated to involved jurisdictions. An informational meeting has been scheduled in about two weeks to get the reaction from all of the cities. However, because Keizer would be a major player in Marion County, they believed it was appropriate to discuss this with the city individually. Mr. Schmid commented on how Keizer's streets are maintained in a better condition than those in Salem, although Keizer still has its needs.

Mr. Schmid estimated that Keizer would receive about $349,000 with a three cent fuels tax. The State fuel tax generates about $87,000 for Keizer. He noted that the money collected through the regional fuels tax would stay in the local area.

Mr. Schmid noted that they are still gathering information and plan to take this to the voters if the cities agree with the need for additional funding. Although Marion County has the power to impose the tax, the Board of Commissioners has indicated that it will not do so. Before putting this to a vote of the people, however, the Board will require the support of the cities.

Responding to a question from Councilor Koho, Mr. Schmid stated that Woodburn has a local one cent fuel tax and is supporting this proposal, as is the city of Salem and Polk County.

Councilor Newton asked whether there is any possibility that the State would revamp its distribution formula to distribute more State gas monies to remove areas should this proposal pass. Mr. Schmid responded that the State is considering a new distribution formula but it would be restricted to new taxes rather than existing gas taxes.

Councilor McGee said that while more Federal taxes are collected than are spent locally, had the recent earthquake been 60 miles east, Federal money would

have been used to rebuild the infrastructure. He noted that everyone will be taking overhead off of the regional fuels tax. He asked whether dealers will be compensated as adjunct tax collectors. Mr. Schmid responded that dealers will be required to become licensed as motor vehicle dealers and the license fee would be based on how many gallons they sell.

Councilor McGee asked what would happen if other cities agreed to the proposal but Keizer does not. Mr. Schmid indicated that if all other cities supported the proposal, it would go on the ballot area-wide. Councilor McGee indicated that the greatest need is in other nearby cities, and that those cities can outvote Keizer.

Councilor Van Meter stated that while he supports better streets, he believes the timing of this proposal is bad. He indicated he would not support such an increase in fuels tax.

Councilor Hart moved for no support for the regional fuels tax from the City of Keizer. Councilor McGee seconded the motion.

Mayor Orcutt stated that transportation funding is needed in other areas more than in Keizer. With the passage of Ballot Measure 5, Mayor Orcutt indicated that the City has shown fiscal responsibility by not levying the full amount of taxes it was authorized by the voters. To support the regional fuels tax now would destroy that credibility.

Councilor Newton indicated that he would like to hear the officials' briefing on this matter before a decision is made. He cautioned that the City should not be short-sighted in this issue. Councilor Newton disagreed with Councilor Van Meter regarding the timing of this proposal; he believed there is no good time to propose a new tax. Councilor Newton stated that while Keizer's streets may be in better repair than its neighbor's, Keizer is also falling behind in its transportation needs and resurfacing program.

Mayor Orcutt asked whether this briefing will be similar to the one he attended a year or so ago in Woodburn where the Board of Commissioners declared the need for improvements but would not stick its neck out unless the cities supported the proposal. Mr. Schmid indicated there will be some additional numbers and facts beyond what he has provided the Council tonight.

Councilor McGee moved to table this matter. Councilor Newton seconded the motion. The motion failed by the following vote:

AYES: Hart, Newton, McGee (3)
NAYS: Orcutt, Koho, Miller, Van Meter (4)

The main motion passed unanimously by the following vote:

AYES: Orcutt, Hart, Koho, McGee, Miller, Newton, Van Meter (7)
NAYS: None (0)

VOLUNTEER COORDINATING COMMITTEE

Mr. Otterman proposed that the City Council establish a Volunteer Coordinating Committee to handle the recruitment, work coordination and recognition of City volunteers. He noted that there have been volunteers for the past two years who have not been recognized by the City. He put together a type of job description for the Council's consideration.

Councilor Newton stated that he was on the original volunteer committee when the city was first formed. The committee received a large number of applications, interviewed the individuals and recommended their placement. That committee was eventually abolished when the majority of their work was completed. Councilor Newton believed this would be a good proposal especially to establish a volunteer recognition program.

Councilor Newton moved to authorize the Mayor to appoint a Volunteer Coordinating Committee. Councilor Van Meter seconded the motion.

Councilor McGee believed it would be appropriate to include a sunset clause for all volunteer committees. Otherwise, there could be a great proliferation of committees.

Councilor Van Meter indicated that he especially likes the volunteer recognition program that could be put together by the committee. He noted that there was some nice recognition for one of the Parks volunteers recently, and there are other long term volunteers who deserve recognition.

The motion passed unanimously by the following vote:

AYES: Orcutt, Hart, Koho, McGee, Miller, Newton, Van Meter (7)
NAYS: None (0)

CONSENT CALENDAR

The Consent Calendar consisted of:

a. June 17, 1991 Regular Session Minutes
b. June 28, 1991 Special Session Minutes
c. July 1, 1991 Regular Session Minutes
d. Resolution - Approval of an Intergovernmental Agreement with Marion County regarding dispersal of civilly forfeited assets
e. Resolution - Mid-Willamette Valley Police Mutual Aid Agreement

Councilor Hart asked that the Police Mutual Aid Agreement be pulled off the Consent Calendar.

Councilor Koho moved for approval of the remainder of the Consent Calendar. Councilor Van Meter seconded the motion.

Councilor Hart asked that the June 17 minutes reflect his attendance on the first page. Councilor McGee indicated he did not make the comment on the bottom of Page 4, last sentence, regarding the outline of the Parks Committee involvement. In addition, on Page 5, he indicated he did not agree with Councilor Koho that the Police Advisory Committee should be on an ad hoc basis. Councilor Koho indicated that he did not state this with respect to the ad hoc committee.

The motion passed unanimously by the following vote:

AYES: Orcutt, Hart, Koho, McGee, Miller, Newton, Van Meter (7)
NAYS: None (0)

Police Mutual Aid Agreement

The Council discussed whether the Police Mutual Aid Agreement contains an expiration clause. It was determined that there will be an annual review of the agreement rather than an expiration date.

Councilor Newton questioned the amount of mutual aid given to Salem in the past for parades. Mr. Otterman indicated that he was not aware of any mutual aid. Councilor Koho believed the Iris Festival which begins at Fred Meyer North and proceeds into Keizer may be the only instance.

Councilor Koho moved for adoption of a resolution approving the Mid-Willamette Valley Police Mutual Aid Agreement and Repealing Resolution R88-337. Councilor Newton seconded the motion. The motion passed unanimously by the following vote:

AYES: Orcutt, Hart, Koho, McGee, Miller, Newton, Van Meter (7)
NAYS: None (0)

OTHER BUSINESS

Triangle

Councilor Koho brought up the topic of the triangle. Mr. Otterman indicated that he has spoken to Mr. Morgan about this matter and will put something together.

Fir Cone Drive

Councilor Miller indicated there have been some additional accidents at the intersection of River Road and Fir Cone Drive since this issue was last discussed by the Council. Mr. Mull indicated that he has contacted a traffic engineer to look at the intersection. Councilor Hart noted that the speed sign is missing as well as the curve sign on River Road.

Keizer Tomorrow

Mr. Morgan informed the Council that he placed invitations to the Keizer Tomorrow Committee meeting in the Council members' boxes. The meeting, to be held on Wednesday, July 17, is being held to finalize the draft vision and presentation method to the community. He encouraged the attendance of the Council members at 7 p.m.

Joint City/School District Meetings

Mr. Otterman proposed that the City contact School District 24J about holding periodic meetings to discuss matters of mutual concern. He recommended that Dave Bauer, Dave Guile, Mayor Orcutt and he meet on a routine basis to exchange ideas, discuss problems, etc.. He also proposed that the full Council meet with the full School Board. Both agencies could prepare their own agendas of what they would like to discuss, including growth issues. He will bring both of these issues back to the Council at its August 5 meeting.

Team Building Date

Responding to a question from Councilor Miller, Mr. Otterman stated that he plans to hold the City Council's team building session during July or August.

Kershaw Personnel Matter

In response to a question from Councilor Newton, Mr. Otterman stated that former Police Sgt. Kershaw has appealed his disciplinary action and that Mr. Otterman needs to talk with Akin Blitz about the process to be used. He indicated that he plans to set a 5 p.m. meeting sometime next week. He explained that he needs to discuss with Mr. Blitz exactly how the process will be handled since it is a different due process procedure with department heads as it is with other employees. He indicated he would call all of the Council members to set up the meeting.

AGENDA INPUT

There were no additional agenda items added to the August 5 schedule.

ADJOURNMENT

The meeting adjourned at 9:12 p.m.

Susan Biasi Darby
City Recorder

APPROVED: