MINUTES

KEIZER CITY COUNCIL
Monday, June 17, 1991
Robert L. Simon Council Chambers
Keizer City Hall

CALL TO ORDER

Mayor Orcutt called the regular session to order at 7:33 p.m. Roll call was taken as follows:

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

Staff
Donald H. Otterman, City Manager
John Morgan, Community Development Director
Wally Mull, Public Works Director
Chuck Stull, Police Chief
Sue Darby, City Recorder

PUBLIC TESTIMONY

There was no public testimony to come before the Council.

COMMITTEE REPORTS

There were no committee reports to come before the Council.

PUBLIC HEARING
McNary Activity Center Plan

Mayor Orcutt opened the continued public hearing on the McNary Activity Center Plan.

Mr. Morgan indicated that the hearing was opened two weeks ago and continued to tonight in order to allow the Planning Commission to finalize its review of the plan and to submit it to the City Council for review.

Mr. Morgan indicated that the Commission's recommendation is divided into four basic components, including the draft McNary Activity Center Plan, the draft mixed use zone, draft revisions to the comprehensive plan, and draft revisions to the activity center and other zones. Mr. Morgan reviewed the staff report and

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highlighted specific portions of the plan, including access and circulation action and policies; parks, recreation and environmental issues; and the implementation process.

Responding to a question from Councilor Koho, Mr. Morgan stated that the Department of Fish & Wildlife could veto the plan under the proposed wording. He suggested some alternatives to the proposed language be explored to prevent a veto by this department or by the developer because of the environmental concerns.

In response to a question from Councilor Miller, Mr. Morgan stated that access to the proposed park would be through use agreement with the school district, in the same manner as the City of Salem uses the school parks.

Councilor Hart asked about the mixed use zone. Mr. Morgan responded that the area north of Lockhaven is a unique opportunity and it should be recognized as such. It should not be zoned entirely commercial for strip development nor should it be entirely residential development. Adoption of a mixed use zone would affect the entire city as it would change the zone code.

Mr. Morgan complimented the Planning Commission for the amount of intense work done on this plan. He recommended that the City Council receive testimony tonight, if any, and to continue the public hearing to the City Council's July 1, 1991 meeting.

Councilor Van Meter noted that he had conversations with Sandy Staats and Ernie Fish regarding the McNary Activity Center. Those discussions were in general, however, and no specifics were addressed. Councilor Koho indicated that he also had discussions with Sandy Staats.

Councilor Miller declared a potential conflict of interest because he resides in McNary Estates.

Mayor Orcutt indicated that the Planning Commission's recommendation and the staff report have just been distributed and the parties need additional time within which to review the information. For those who have not yet received the report, Mr. Morgan indicated that copies will be available to the general public on Tuesday afternoon at City Hall.

Jim Cockrell, 2525 Niagara N., Keizer, believed that the City should give more comprehensive guidelines to the developer. He commented on the price of properties east of River Road at a value greater than $10 per square foot. Mr. Cockrell stated that the Staats lake is a significant issue to this community, including such concerns as pollution of the lake, ground water pollution, wetlands, wildlife, etc. Also of concern is the limited parking space if the school property is used for a public park. He noted that eminent domain is one available option for connecting to McNary Estates. Mr. Cockrell expressed concern with the mixed use zone and whether it would be feasible. In closing, Mr. Cockrell indicated that more stringent impositions must be placed on the developer rather than giving carte blanche approval.

Joann Cunningham, 210 Snead Drive N., Keizer, testified in opposition to the mixed use zone and proposed density. She expressed concerns with the possibility of increased traffic congestion, air pollution, etc. Ms. Cunningham indicated that it would be irresponsible to move forward with this project without a fiscal impact study and without a financial feasibility statement of the developer. She opposed urban renewal funding for the project. With respect to connecting the Jungwirth property to McNary Estates Drive, Ms. Cunningham indicated that the property owners in McNary Estates would not allow their street to be used in this manner.

Gordon Cunningham, 210 Snead Drive N., Keizer, expressed displeasure with the lack of public information available on this matter. He indicated that it has been a major hassle to obtain information.

Responding to a question from Councilor Koho, Mr. Morgan indicated that it would be possible for the City Council to propose extending the boundary of the project south on River Road.

With respect to Mr. Cummingham's comments, Mr. Morgan stated that the City is required to provide public notice through the newspaper. In addition to this, the City has compiled a list of all property owners within the affected area. The McNary homeowners association has also been notified and he has been trying to keep the Statesman and Keizertimes apprised.

In response to a question from Councilor McGee, Mr. Morgan indicated he would be preparing a response to whether or not there is consideration of a homeowners association.

There being no further testimony to come before the Council tonight, Mayor Orcutt recessed the hearing to the July 1, 1991 meeting.

PERIODIC REVIEW

Mr. Morgan reviewed with the Council an update on the periodic review process. He recommended approval of the strategy and projected time frame for finalizing the work as outlined in the staff report.

<u>Councilor Newton moved to approve the strategy for completing periodic review as outlined in the staff report. Councilor Van Meter seconded the motion.</u>

Responding to a question from Councilor Koho, Mr. Morgan stated that density standards are being reviewed not only in this jurisdiction, but also state-wide. He indicated that the city could blindly accept Marion County's proposal, or to flatly reject it; however, he would not recommend either action. The proposed 6.5 units were acre is probably an ill-founded number, especially when there has been no public input into the concept.

Councilor McGee indicated that he would like to see such a requirement placed on Marion County with respect to their land, i.e., mall strip development, and the rural residential land such as that along Macleay Drive.

Mr. Morgan indicated that Salem Planning Director Kenn Battaile feels much the same way. There needs to be some strategy to deal with this issue on both sides of the table. In addition, such density requirements will impact the infrastructure.

The motion passed unanimously by the following vote:

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

AUDITING SERVICES

Mr. Otterman informed the Council that four proposals were received for financial auditing services. He explained that eleven requests for proposal were sent out. Staff is recommending that the City enter into an agreement with Boldt, Carlisle & Smith, the lowest priced proposal.

Councilor McGee moved to accept the bid of Boldt, Carlisle & Smith as being the lowest bid for the City's auditing services for the next three years. Councilor Van Meter seconded the motion. The motion passed unanimously by the following vote:

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

FERNWOOD PARK

Mr. Morgan reviewed the staff report regarding the status of Fernwood Park and the desire of Learning Tree Day Care , Inc., to use a portion of the park as an outdoor play area. Mr. Morgan reported that the Parks Committee will be reviewing this issue at its July 16 meeting and hopes to have a resolution to the situation during July.

Councilor Koho indicated that he would prefer to see the issue thoroughly evaluated prior to any action being taken.

Responding to a question from Councilor Hart, Mr. Morgan indicated that the Learning Tree Day Care, Inc., is one of a chain based, he believed, out of Portland. He believes the business is financially secure.

Councilor Van Meter noted that at the last Parks Committee meeting he attended, he was under the impression that the Committee had no involvement in the Fernwood Park issue. Councilor McGee indicated that on page 2 of the staff report is an outline showing the Parks Committee involvement.

Councilor Koho asked for clarificationon the role of the City of Keizer in the park. Councilor Newton indicated that staff needs to present to the Parks Committee the issues related to Fernwood Park. Mr. Morgan stated that staff's intention is if the proposed strategy is approved, a list of property owners within the Fernwood Subdivision will be compiled.

Councilor Koho moved for approval of the strategy as outlined in the staff report. Councilor Miller seconded the motion. The motion was passed unanimously as follows:

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

POLICE ADVISORY COMMITTEE

Mr. Otterman reviewed the staff report regarding establishmentof a police advisory committee. This, he believed, is the first step toward opening the lines of communication between the citizens and the city.

Councilor Koho indicated that while he is very supportive of the concept, the committee should not be personnel-related. He favored it being an ad hoc committee and to meet on, perhaps, a quarterly basis rather than being reactive.

Councilor McGee disagreed with the staff recommendation with respect to the committee'scharge in that it should be to assistin improving the overall operation of the Police Department. He favored removal of the words "image and." He agreed with Councilor Koho that the committee should be ad hoc, and should consider such issues as the crime rate, safety of the city and response time.

Mr. Otterman stated that he is trying to get at the same thing mentioned by Councilor McGee, which is to improve the operation rather than the image.

Councilor Koho moved that the Mayor be authorized to form a police advisory committee comprised of five members. Councilor Hart seconded the motion.

Councilor Newton opposed the concept of appointing another committee. He explained that, with the small staff, a temporary task force could do the same thing to explore the level of services. In addition, there will be the recommendationsof the Keizer Tomorrow Committee to take into consideration when they have completed their study.

Mr. Otterman stated that a staff committee, comprised of himself, the Police Chief and one or two sergeants could look into the technical aspects of the department. This is an attempt to formally open the lines of communication from the community.

Responding to a question from Councilor Newton, Mr. Otterman stated that the committee would study more than just how many patrol cars are on the street. An example might include community policing and how it would work in this city. Staff would be involved from the aspect of how many people would be needed, the cost to operate such a program, etc. Another area might include response time as well as crimes in certain areas of the city.

Councilor Van Meter left the meeting at 8:53 p.m.

With respect to whether the committee should be appointed on a standing or ad hoc basis, Mr. Otterman indicated that once the committee feels it has completed its work, the chairman could then report to the City Council.

<u>The motion passed unanimously as follows:</u>

AYES: Orcutt, Hart, Koho, McGee, Miller, Newton (6)
NAYS: None (0)
ABSENT: Van Meter (1)

WATER SYSTEMS
DEVELOPMENT CHARGE

Mr. Morgan reviewed the staff report regarding the water systems development charge ordinance and companion resolution. He explained that this ordinance revises the former "charge against the property" to a "charge against the developer" and is based on a rational computation of actual costs of the benefits received by the property. He added that the ordinance otherwise provides basic housekeeping changes. There will be no change in the rates as a result of the adoption of this ordinance and resolution. If a rate adjustment is necessary, staff will return to the Council at a later time. Mr. Morgan added that the City of Salem just adopted its sewer systems development charge ordinance. Keizer will also need to adopt a sewer system development charge ordinance, and he plans on returning to the Council with that document at its meeting on June 28.

Councilor Hart inquired about the blanks on Page 10 of the draft ordinance. Mr. Morgan explained that on large systems development charges, the owner would be given the opportunity to make time payments. He suggested that the administrative fee be zeroed out at this point in time. This has never been a problem and the ordinance can be changed if a problem develops in the future.

Councilor McGee asked about the wording on Page 12, line 9, which states that "A project financed by city revenues is exempt from all portions of the systems development charge." Following discussion, the Council discussed revising the wording to state, "A project paid by city revenues..."

Responding to a concern by Councilor Newton, Mr. Lien indicated that the Council may place zeros in the blanks on page 10.

Councilor Koho moved for passage of a ordinance establishing a systems development charge for the Keizer water supply, treatment and distribution system; repealing Ordinance No. 88-134 and 89-141, inserting zeros in the two blanks on page 10 and changing the word "financed" to "paid" on page 12, line 9. Councilor Hart seconded the motion. The motion passed unanimously on first reading by the following vote:

AYES: Orcutt, Hart, Koho, McGee, Miller, Newton (6)
NAYS: None (0)
ABSENT: Van Meter (1)

Councilor Hart moved for approval of a resolution adopting methodology used to establish the water supply, treatment and distribution system development charge improvement fee. Councilor Newton seconded the motion. The motion passed by the following vote:

AYES: Orcutt, Hart, Koho, McGee, Miller, Newton (6)
NAYS: None (0)
ABSENT: Van Meter (1)

Councilor Koho moved for approval of a resolution establishing the system development charge improvement fee for the Keizer water supply, treatment and distribution system. Councilor Hart seconded the motion. The motion passed by the following vote:

AYES: Orcutt, Hart, Koho, McGee, Miller, Newton (6)
NAYS: None (0)
ABSENT: Van Meter (1)

CONSENT CALENDAR

The Consent Calendar consisted of the following items:

- June 3, 1991 City Council regular session minutes
- Authorization for usage of credit cards in municipal court
- Set special meeting date for budget adoption
- Computer System Upgrade Proposal

Councilor Koho asked that the minutes be pulled for an amendment.

Councilor McGee asked that the budget adoption and computer upgrade reports be pulled from the Consent Calendar.

Councilor Koho moved for approval of the remainder of the Consent Calendar. Councilor Newton seconded the motion. The motion passed unanimously by the following vote:

AYES: Orcutt, Hart, Koho, McGee, Miller, Newton (6)

NAYS: None (0)
ABSENT: Van Meter (1)

Approval of Minutes

Councilor Koho asked that the June 3 minutes, on page 12, reflect that he disagreed with Councilor Miller's statement. He indicated that the minutes reflect a comment made by Councilor Koho in jest.

Councilor Miller asked that the word "had" be inserted on page 4, third line from the bottom, in the statement "Councilor Miller stated that after the last meeting, he delivered to Mr. Blitz and Mr. Lien a legal memorandum which he **had** prepared, along with copies of case law."

Councilor Miller also asked that the words "at a City Council meeting" be inserted on page 5, second paragraph, to read, "Councilor Miller responded that he had asked Mr. Lien **at a City Council meeting** for some authority on this subject because Councilor Miller was concerned about the City's liability."

Councilor Koho moved for approval of the June 3, 1991 minutes as amended. Councilor McGee seconded the motion. The motion passed unanimously by the following vote:

AYES: Orcutt, Hart, Koho, McGee, Miller, Newton (6)
NAYS: None (0)
ABSENT: Van Meter (1)

Budget Adoption

Councilor McGee stated that it is proposed that the City Council meeting on Friday, June 28, 1991 at 7:30 a.m. to discuss adoption of the 1991-92 budget. He indicated that he has not had the opportunity to discuss several major issues with other Council members with respect to the budget, questioning whether the other Council members feel the meeting will only last half an hour. The Compensation Committee's recommendation is one of these items which should be discussed.

Mayor Orcutt indicated that Friday is the only day that was available because of the filing requirements. Mr. Morgan added that it was necessary to advertise the meeting at least 15 days in advance.

Councilor McGee indicated that he has many questions, especially regarding the urban development concept. Mayor Orcutt assured him that the Council will spend the necessary time to review the budget prior to adoption.

Computer System Upgrade Proposal

Councilor McGee expressed concern with the computer system upgrade proposal and his lack of familiarity with this issue. Councilor Koho reassured him that the City is receiving a good bargain in the proposal.

Councilor Koho moved for approval of a resolution authorizing acceptance of bid from Cascade Computer Maintenance, Inc. Councilor McGee seconded the motion. The motion passed unanimously by the following vote:

AYES: Orcutt, Hart, Koho, McGee, Miller, Newton (6)
NAYS: None (0)
ABSENT: Van Meter (1)

OTHER BUSINESS
Compensation Committee

The Employee Compensation Committee, comprised of Councilors McGee, Koho and Newton, will be setting a meeting within the week.

Overlay of Unimproved Streets

Councilor Hart indicated that the Streets Committee may wish to consider paving some of the graveled streets in the city rather than spending all of the funds on overlays of existing paved streets. He suggested that this be considered in the next year's budget. Mr. Mull indicated that there is money available to do other projects in the street maintenance budget. He asked Councilors to let him know if there are special concerns.

Hearings Officer and Planning Commission Concerns

Councilor Koho indicated that he would like the Council to review the status of the hearings officer contract and the procedure for performance evaluations and appointments. He also suggested a similar review be conducted for pro tem judges, and he expressed concern about one Planning Commissioner.

Mr. Otterman stated that the hearings officer is a contracted employee serving at the will of the City Council. If there is a concern about a specific member of the Planning Commission, then it would be appropriate for the City Council to review the issue.

Councilor Koho felt there is a real conflict of interest problem with one particular member. He asked if the hearings officer contract has a termination date. Mr. Otterman believed the contract is open ended with a 30 day notice provision. Mr. Morgan indicated that he has had discussions with other individuals who may be interested in the hearings officer contract. He suggested that the City may wish to consider issuing a request for proposals.

Release of Blitz Letter

Councilor Koho moved for approval to release to the Keizertimes a letter from Akin Blitz related to discussion held in Executive Session. Councilor Miller seconded the motion. The motion passed unanimously by the following vote:

AYES: Orcutt, Hart, Koho, McGee, Miller, Newton (6)
NAYS: None (0)
ABSENT: Van Meter (1)

Team Building

The City Council discussed team building. Mayor Orcutt indicated that he would like to have authorization within reason to hire a facilitator to conduct an all-day team building exercise with the Council.

Councilor Miller indicated that he has misgivings about using City funds for this purpose, although he supports the concept of team building. He suggested that the Council members personally contribute toward the cost of the facilitator which would be in the area of $600 to $900.

Mr. Otterman indicated that he has discussed a lower fee with Alan Hershey.

Councilor Miller stated that each of the Council members could contribute one-seventh of the total amount of the facilitator's bill, indicating that he would not expect the citizens to pay for this.

Councilor McGee concurred with Councilor Miller's suggestion, adding that he feels very strongly that the Council members should pay the bill.

Mayor Orcutt indicated that he contributes his time not only for Council meetings, but for various meetings throughout each week, year after year. He believed it is not unreasonable for the City to pay $100 on behalf of each of the Council members to participate in the team building for the benefit of the community.

Councilor McGee moved that the Council members personally pay for the cost of the team building facilitator. Councilor Miller seconded the motion.

Mayor Orcutt disagreed with the motion. He explained that the Mayor and City Council members are not paid positions, with the exception of expenses. However, he has never once requested reimbursement of his expenses from the City.

Councilor McGee indicated that he feels very strongly that the Council members should personally pay the facilitator's bill.

Councilor Koho indicated that it would be a good thing for the Council members to learn to work together and favors the concept of team building. He indicated he is aware of a couple of people who conduct these sessions and would like the City to consider them. He noted that the lowest bidder may not necessarily be the best facilitator.

Councilor Hart indicated that in his eight years on the City Council, his expenses reimbursed by the City have been very low. The expenses he does submit for reimbursement are generally the League of Oregon Cities' conferences once a year. He stated that it is necessary to have the session, and that he would favor the City paying the facilitator's bill for it.

The motion failed by the following vote:

AYES: McGee, Miller (2)
NAYS: Orcutt, Hart, Koho, Newton (4)

ABSENT: Van Meter (1)

Councilor Koho moved for the City Manager to bring back proposals from facilitatorsat the next City Council meeting. Councilor Hart seconded the motion.

Councilor Newton indicated that he will not be available the next two Saturdays for team building. Mr. Otterman added that the facilitator'sare generally booked four to five weeks in advance for Saturdays. He asked the Council members to contact either Sue Darby or himself to advise of their availabilityduring July.

The motion passed by the following vote:

AYES: Orcutt, Hart, Koho, Miller, Newton (5)
NAYS: McGee (1)
ABSENT: Van Meter (1)

ADJOURNMENT

The meeting adjourned at 9:32 p.m.

Respectfully submitted,

Susan Darby

Susan Darby, City Recorder

APPROVED:

MAYOR