# MINUTES

**KEIZER CITY COUNCIL**
**Monday, June 1, 1992**
**Robert L. Simon Council Chambers**
**Keizer City Hall**

## CALL TO ORDER

Mayor Orcutt called the regular session to order at 7:30 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
Shannon Johnson, City Attorney
Susan Darby, City Recorder

## PUBLIC TESTIMONY

Charles Lawson, 7013 8th Court, Keizer, as a member of the Keizer Tomorrow Committee, stated that the vision document from this comment was an excellent starting place for Keizer. He stated that maintaining the status quo for Keizer's future is not practical nor can it be done if all 22,000 residents wanted it done. Mr. Lawson explained that citizens wanted results tailored to the individual and to give them choices. More and more citizens expect to participate in the decisions that affect their lives. Citizens say no to taxation that does not allow for their early participation. More and more citizens are shifting from holding the line to an attitude of shifting taxes and reducing spending. Entrepreneurial efforts are needed where results are awarded, and where networking and volunteering meet the basic needs of all of the citizens. Keizer should look at other models where inventive leaders have stepped forward to form action teams, not to theorize but to demonstrate new ways to govern which are overwhelmingly effective. The entrepreneurial approach will solve many of

Keizer's problems in the future as well as Oregon's tax problems. He urged the Council to quit relying on managers and employees to set policies and for the Council to compound the gridlock. Mr. Lawson suggested that the City retain the managers, clerks for the manager and inspectors, and that all other services be contracted out. He suggested setting up citizen oversight committees to make sure the contracted services are properly managed. Mr. Lawson stressed a reliance on volunteers, and on providing information to the citizens.

Mr. Lawson stated that it has been a pleasure serving his community and that he looks forward to the opportunity to helping make those visions a reality. Mr. Lawson recommended that the Council read the book titled, Reinventing Government, which addressed those communities that have taken an entrepreneurial approach to governance. Mr. Morgan indicated that he has the book.

**COMMITTEE REPORTS**

There were no committee reports to come before the Council.

**PUBLIC HEARING -**
**ZONE CODE TEXT CHANGE -**
**PRINTING AND PUBLISHING**

Mayor Orcutt opened the public hearing on the amendment to the Keizer Zoning Ordinance related to "printing and publishing" in the commercial retail zone.

Mr. Morgan summarized the staff's report, stating that Mr. Les Zaitz is in the process of relocating the Keizertimes office into the CR zone. It was discovered that such a use is not allowed in the CR zone so, rather than go through a zone change to CG, staff explored whether the ordinance itself was appropriate. This matter was brought up to the Planning Commission and that body unanimously agreed that "printing and publishing" should be allowed in the CR zone.

One of the reasons for making this recommendation is that commercial printing is allowed in the CR zone and, yet, "printing and publishing" is disallowed in that same zone.

Mr. Morgan indicated that an ordinance is before the Council which would amend the CR zone to include "printing and publishing."

Councilor Koho asked about the use of emergency clauses. He suggested a general review of this practice. He questioned whether this ordinance should be passed on an emergency basis for the preservation of the public health, safety and welfare. Mr. Morgan responded that Mr. Zaitz is in the process of moving his business. Mr. Johnson noted that the only time an emergency

clause is not used, in general, is when an ordinance has fairly broad implications. Without an emergency clause, an ordinance would become effective 30 days from its passage. It is typical to use the emergency clause on land use decision cases. Mr. Johnson clarified that passing an ordinance with an emergency clause does not require a unanimous vote. If an ordinance doesn't pass unanimously, it must return for second reading.
Les Zaitz, publisher of the Keizertimes newspaper, 142 Chemawa Road N., Keizer, testified that this is an attempt to make common sense of statutory language. Mr. Zaitz believed that omitting "printing and publishing" from the CR zone was an oversight when the original code was adopted. In an analysis of how a legislative amendment concurs with the comprehensive plan, Mr. Zaitz said that it is explicit that Keizertimes wants to be in Keizer, and that the comprehensive plan encourages new business and the expansion of existing business. The comprehensive plan also indicates that development should use local development, labor and management. Keizertimes' request complies with this provision.

Mr. Zaitz stated that the inconsistency in the zone code becomes apparent in comparing the CG and CR uses. He indicated that the Keizertimes office looks much like any other office. They do not have heavy printing presses, delivery systems, etc. which are normally associated with large newspaper operations.

Mr. Zaitz said that the CR zone allows far more uses than the CG zone. The CG zone is suitable for warehousing, wholesale commercial sales and storage. Keizertimes fits none of these uses and the CR zone, in fact, is a better fit for this use under the professional and general commercial offices uses.

Mr. Zaitz indicated that there are three allied fields associated with the CR zone, including commercial printing, publications and newsdealers/newsstands. The impact of the Keizertimes' operation would be significantly less than other existing uses in the CR zone, such as grocery stores, pizza restaurants, etc.

Mr. Zaitz asked that the CR zone be expanded to include "printing and publishing."

Responding to a question from Councilor Newton, Mr. Zaitz said that the Keizertimes newspaper is not published in Keizer. That would be a long range plan for which space is available should that decision be made in the future.

Councilor Miller asked if the zone text amendment would still be necessary if the newspaper does not plan to print in Keizer. Mr. Zaitz said that under the CR zone, he can build a printing plant and print around the clock and have heavy trucks going in and out. But, because of specific definitions, newspaper publishing, which is the actual writing (front office elements) are for some reason not allowed in the CR zone. Mr. Morgan agreed that it would be appropriate in the CR zone. He noted that Keizer's code is extremely specific to the extend that staff is working with the Planning Commission to increase the flexibility. The specific SIC classificationcalls the use "printing and publishing," so staff used those exact words, which includes the publishing offices of the newspaper.

There being no further testimony to come before the Council, Mayor Orcutt closed the public hearing.

**VARIANCE 92-3**
**ACKERLEY COMMUNICATIONS**

Mayor Orcutt opened the public hearing on Variance No. 92-3, Ackerley Communications.

Mr. Johnson stated that the applicant's attorney called last Friday and asked for a continuance to the next Council meeting. He believed it would be appropriate for the Council to consider that continuance now. If the Council desires, staff could present his staff report at the continued hearing.

Mayor Orcutt indicated that the Council will still take testimony tonight from anyone interested.

Responding to a question from Councilor McGee, Mr. Johnson stated that the 120 day limit is still sometime away since this was called up for initial hearing before the City Council.

There being no objection from the Council, Mayor Orcutt announced that the hearing would be continued to June 15. Those in the audience indicated that they would prefer to hold their testimony until that time.

**1991-92 SUPPLEMENTAL BUDGET**

Mayor Orcutt opened the public hearing on the 1991-92 supplemental budget.

Mr. Otterman highlighted the staff's report regarding the purchase of property at 4950 Bailey Road and the loan of funds for the purchase from the Water Fund to the General Fund. He also discussed the possible use of urban renewal funds to offset a portion of the purchase cost. The two questions before the Council tonight are:

1. Whether the City Council wishes to approve the loan of funds from the Water Fund to the General Fund to cover the entire purchase of the property, or

2. Whether the City Council wishes to authorize an expenditure of urban renewal funds of $16,698 that has been budgeted for capital improvement projects, and to approve a supplemental budget that would authorize a transfer of funds from the Water Fund to the General Fund to make up the difference between $49,000 and $16,698.

Mr. Otterman indicated that members of the River Road Redevelopment Board were polled and, for the most part, they supported the concept with a couple of stipulations. A memorandum addressing those positions is included with the agenda packet.

Mayor Orcutt called for testimony from the public; there was no response. Mayor Orcutt then closed the public hearing.

**ORDINANCE - ZONE CODE AMENDMENT TO ALLOW PRINTING AND PUBLISHING**

Mayor Orcutt stated that due to repeated vicious and malicious attacks on him, he would abstain from the voting on the request of Les Zaitz and the Keizertimes for a change of the CR zone to include "printing and publishing."

Councilor Koho moved for passage of a bill for an ordinance amending Ordinance 87-078 (Keizer Zoning Ordinance) to add "printing and publishing" as a permitted use in the CR zone. Councilor McGee seconded the motion. The motion carried on first reading by the following vote:

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

**VARIANCE 92-3, ACKERLEY COMMUNICATIONS**

Mayor Orcutt indicated that the action on Variance 92-3, Ackerley Communications, would be postponed until June 15, 1992.

**1991-92 SUPPLEMENTAL BUDGET**

Mayor Orcutt declared a potential conflict of interest since his company has listed the subject property for sale at 4950 Bailey Road. He indicated he would not participate in the discussion nor vote on the matter.

Councilor Koho preferred not to use urban renewal funds. Councilor Miller agreed.

Councilor McGee questioned Mayor Orcutt's declaration of potential conflict. He indicated that the decision to purchase the property has already been made. He did not believe there was a conflict of interest. Mayor Orcutt explained that if the Council does not approve the supplemental budget, the City cannot purchase the property. It would be a conflict if he were the deciding vote in the matter.

Councilor McGee said that the City has already made the decision to purchase the property, and they are now discussing the method to fund that purchase. Mayor Orcutt stated that if the City decides not to fund the purchase, then the City cannot purchase the property.

Councilor McGee said that he would support a loan from the Water Fund since there is a precedent for this action. Councilor Hart agreed.

Councilor Hart moved to transfer $49,000 from the Water Fund to the General Fund for the purchase of the property at 4950 Bailey Road N.E. Councilor Koho seconded the motion.

Councilor Newton suggested that funding may be available by the end of June in order to repay the loan. Mr. Otterman indicated that if the City Council chose to do so, the loan could be as short term as two weeks.

The motion passed unanimously by the following vote:

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

**TERRACE GREEN/NOTTINGHAM RESERVE STRIP**

Mr. Morgan indicated that this issue was held over for two weeks to give Terrace Green the opportunity to explain their side of the issue revolving around the reserve strip on Nottingham Drive. As noted in the staff report, Mr. Morgan talked with Cheryl Jaskowski of the Terrace Green Homeowners' Association. Mr. Norm Webb, representing the Terrace Green Association, asked that the matter be held over for two weeks because of a scheduling conflict. Mr. Morgan suggested that Mr. Webb contacted Mr. Gerald Horner's attorney, Mr. Lilligard. Ms. Jaskowski apparently attempted to make contact with Mr. Webb but has received no response to date. Also, Mr. Horner is unaware of any request to postpone the action.

Mr. Morgan noted that the issue before the Council tonight is one of the erroneous dedication of the Nottingham one foot reserve strip to the Terrace

Green Association. Mr. Horner has indicated that he wants the strip dedicated to the City so that he may proceed with development of his property.

Responding to a question from Councilor McGee, Mr. Morgan stated that the deed was legally transmitted to the Terrace Green Association. It just wasn't given to the right body.

Mr. Morgan indicated that, technically, Keizer could find a violation of the subdivision ordinance for not properly completing the conditions of subdivision approval 25 years ago. Staff is asking to what degree the City Council wishes staff to investigate and take legal action to secure legal access to the reserve strip.

Councilor Newton indicated that the county has had this in their ballpark for two years and have now just decided that it will be expensive to rectify, and that Keizer should spend its legal funds to obtain proper title. Mr. Morgan indicated that Marion County has expressed an interest in working with Keizer on obtaining the title. Mr. Johnson added that the county has offered to join in any litigation. The county's letter explained their position that this is more of a planning decision. He noted that, at this stage, Mr. Horner's attorney has not asked the City to file suit on behalf of his client, but has asked Keizer to look into the problem and pursue resolving the matter.

Councilor Newton indicated that he would like staff to pursue this matter. He preferred that Keizer communicate with Terrace Green and ask them to voluntarily deed the reserve strip to Keizer. Mr. Morgan suggested that he send a letter to Terrace Green along with a deed, asking them to execute and return the deed. If Terrace Green refuses to sign, staff can bring the matter back to the Council for follow-up and discussion with Terrace Green Association. Councilor Newton preferred trying to resolve the matter before extensive legal costs are incurred.

Councilor Hart stated that he has a conflict of interest since he lives in Terrace Green. He asked about the extent of the reserve strip, noting that there appears to be some inconsistency since the discussion is focusing on one block; however, there are three blocks which are affected. He also noted that the trees which are used as a border for Terrace Green are 60 to 70 feet high all the way along Nottingham. Councilor Hart also indicated that the issue was that a mistake was made along the way, and the deed was put into the name of the Terrace Green Association who have had it in its ownership for over 20 years. He questioned the direction Keizer should be going on this matter.

Responding to a question from Councilor McGee, Councilor Hart said that it is his understanding from the staff report that Mr. Horner wishes to remove the trees along Nottingham Drive. Councilor McGee said that things are negotiable and it may be possible to remove only those necessary for development.

Councilor Hart indicated that not included in the staff report is the fact that Mr. Horner did a curb cut three years ago and removed two of the trees. Mr. Horner had to eventually put the curb back and plant two new trees.

Mr. Horner said that his petition is with the City of Keizer; not with the Terrace Green Association. He is relying on the City to obtain legal access to his property. Mr. Horner stressed that it is time to clear this matter up; that the subdivision agreement has never been fulfilled. Mr. Horner clarified that he did not make the curb cut; it was done by the former owner, Ms. Wanda Cochran. Ms. Cochran did obtain a legal driveway permit and had the trees removed. Mr. Horner stated that he intends to do nothing illegal or contrary to the City's zoning ordinance.

Mr. Horner said that it is not his attorney's position to tell the City Attorney how to acquire legal access. His attorney has indicated that Mr. Horner has a legal right to have access to his property, and he has requested this access from the City.

Councilor Koho said that while he appreciates Mr. Horner's frustration in attempting to resolve this issue, he is unwilling to commit the City to any legal course of action that could involve lawsuits without at least discussing the matter and trying to work cooperatively with the Terrace Green Association.

Responding to a question from Councilor Miller, Mr. Horner explained that his property is 750 feet long. There is a row of trees along Nottingham Drive, including arborvitae and Southern cedar. Adjacent to his property is a curb and a right of way 49 feet in total width with a one foot reserve strip between his property and the trees and the curb. That one foot strip was deeded to Terrace Green Association and effectively separates his property from the right of way. The trees are on city property; the one foot reserve strip is on the north side of the city property. Mr. Horner said that Terrace Green can retain the trees on their side of the street. As a part of this action, he would like the city to remove the trees on his side of the street or give him permission to remove the trees. There are about 60 trees that overhand the street and are in the way of the sidewalk. Councilor Koho indicated that he is not sure that the City would be willing to have the trees removed. Mr. Morgan said that this would be a totally separate issue from the deed to the reserve strip.

Chuck Lawson, a resident of Terrace Green, said that this community was originally planned 25 years ago to be insulated and to have walkways and greenways and that row of trees to separate them from development and to protect the aesthetic integrity. Mr. Lawson said that he believes most of the community would say they purchased their property because of that aesthetic integrity and the amenities for $40 per month including a swimming pool, etc. He said that while he doesn't know what the Association's position is, some decisions might be made in terms of what Mr. Horner wishes to do with his property and to meet Terrace Green's as well as the City's needs.

Councilor Newton asked that a report on Terrace Green's reaction be provided to the Council at the June 15 meeting. He suggested going back to the original points of contention and resurrecting the discussions that occurred in the past.

There being no objections, Mayor Orcutt indicated that the matter would be continued to the June 15 meeting.

## RESOLUTION - WATER FUND LOAN

Mr. Otterman indicated that lines 12 and 13 should include the amount of the transfer, and line 18 should refer to the Water Fund rather than the Street Fund.

<u>Councilor Van Meter moved for passage of a resolution authorizing a loan of $49,000 from the Water Fund to the General Fund. Councilor Koho seconded the motion. The motion passed unanimously as follows:</u>

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

## RECONSIDERATION - ZONE CODE TEXT AMENDMENT/ZAITZ-KEIZERTIMES

<u>Councilor Miller moved to reconsider the vote on the zoning ordinance amendment for "printing and publishing" for the Keizertimes. Councilor Koho seconded the motion.</u>

Councilor Miller said that all of the members of the City Council have had disagreements but are sitting as a body of elected officials and are called upon to overlook their personal opinions for the better of the city. By not having a unanimous vote, Keizertimes will be delayed in their process of moving their offices.

Councilor Van Meter asked whether a total revamp will be done of the zoning ordinance and whether this should be a part of that revamp. He also expressed concern about Mr. Zaitz' comment that he plans on putting a publishing plant next to his new offices. Mr. Morgan said that it will be some time before the zoning ordinance is redrafted and the first of next year before the Council sees the revisions. He believed the omission of "printing and publishing" in the CR zone is ludicrous and one which should be cleared up in this instance. Mr. Morgan added that Mr. Zaitz does not need a zone change to print the newspaper. If this specific request had not come up, the change would have come before the Council nine months from now when the code is revised.

Responding to a question from Councilor McGee, Mr. Johnson said that the ordinance will pass unanimously on a 6 to 0 vote with an abstention.

The motion to reconsider passed unanimously as follows:

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

Councilor Koho moved for passage of a bill for an ordinance amending Ordinance 87-078 (Keizer Zoning Ordinance) to add "printing and publishing" as a permitted use in the CR zone. Councilor Miller seconded the motion. The motion carried on first reading by the following vote:

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

## PARKS SYSTEM DEVELOPMENT CHARGE

Mr. Morgan reported that at the last meeting the Council had a draft of the comprehensive mater plan for the parks and discussion was held on the development charge. Before the Council tonight is the staff report prepared by Mr. Wickman regarding the methodology for arriving at the proposed charge.

Mr. Morgan explained that out of the last legislative session, there are five public arenas that can be imposed for systems development charge, and parks is one of them. The statutes also establish the basic guidelines for setting the rates based on rational methodology oriented to new development. If money is collected for new development, that money must basically benefit that development. The methodology was developed as part of the parks system master plan. Using that methodology, an analysis was made of necessary costs to expand the parks. It was determined that three specific community parks would be appropriate for assessment: Little League Park, Claggett Creek Park and Northridge Park. In addition, there are three neighborhood parks which would be appropriate for systems development charges. Those include any park adjacent to the Keizer school, a park in conjunction with Clearlake School, and a park located in the southeast portion of the community. Each of those six parks have been found to be appropriate for application of the systems development charge. Using cost estimates, the consultant has arrived at a $400 per dwelling unit charge as the cost to provide those new park facilities.

Mr. Morgan asked to what degree the City Council wishes to assess the cost of new growth. In the past, the City has collected $100 for single family or condominium dwelling units. Mr. Morgan indicated that $400 would be legally justifiable because the statutes allow the City to collect 100% of the cost. Any balance would be subsidized from the General Fund, which would provide that the full community bears some of the cost of new development. Mr. Morgan stressed that this is a policy decision on the Council's part. He noted that the City of Salem recently enacted a $400 per dwelling unit systems development charge for parks. Mr. Eric Meurer, representing the Salem Homebuilders Association, has taken issue with the entire concept and then suggests that the charge be $200 for single family and $150 or $100 for multi family units.

Councilor Van Meter questioned whether the multi-family dwelling unit cost should be less than the single family since families in the multi family dwellings do not have a yard and would, therefore, probably use the park more often. Mr. Morgan stated that many communities have concluded that. However, he suggested thinking in terms of scale, based on the amount of land area.

Responding to a question from Councilor Koho, Mr. Johnson indicated that the City has leeway to charge less than the $407.23 as provided in the methodology, but it may not charge more.

<u>Councilor Koho moved for passage of a bill for an ordinance establishing a parks system development charge. Councilor Van Meter seconded the motion.</u>

In response to a question from Mayor Orcutt, Mr. Johnson stated that the ordinance itself does not limit the money to sole use for capital improvements at community parks and new parks. There are two additional documents for Council's consideration tonight. Discussion on the last document, a resolution regarding the dollar amount, would be the appropriate place to address this issue. As drafted, these ordinance and resolutions would allow the systems development charge to be used only for improvements to the three community parks and acquisition of land for three new parks and improvements to those three new parks. None of the systems development charge would be used for improvements to existing neighborhood parks or to maintenance of any parks.

Councilor McGee said that the concept of systems development charges is relative new but the one of impact charges is very old. He believes it is generally conceded that systems development charges will reduce the amount of affordable housing as a hidden cost charged to a home buyer. He said he will support the systems development charge for parks but will address methodology and cost.

In response to a concern from Councilor Hart, Mr. Johnson clarified the intent of the ordinance and two resolutions before the Council tonight. He explained that the ordinance is broad based to cover future changes without having to change the ordinance. Councilor Hart asked about Section 11 regarding methodology. Mr. Johnson said that Section 11(a) is of no use at the present time; it was included for future flexibility. Councilor Koho believed that if the City wishes to have a special parks tax, it should adopt it by special ordinance at that time.

Councilor Koho moved to amend the motion to delete Subsection 11(a) on page 6 from the ordinance and to reletter the remaining subsections as appropriate. Councilor Hart seconded the motion.

Mr. Johnson explained that Section 11(a) was included to prevent the need to amend the ordinance in the future. If a reimbursement fee were established, a hearing would be held. The Council briefly discussed the concept of a parks reimbursement fee.

The motion passed by the following vote:

AYES: Orcutt, Hart, Koho, McGee, Miller, Newton (6)
NAYS: Van Meter (1)

The main motion, as amended, passed unanimously on first reading by the following vote:

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

The Council then discussed the resolution to establish the methodology for a parks system development charge. Councilor Miller said that he would oppose the resolution until it is revised to use systems development money to make improvements in existing parks as the City sees fit. He preferred that the City does not limit itself in this way. Councilor McGee said that this would be impossible. Writing such an ordinance would not meet State law requirements.

Mr. Johnson clarified that the intent of the fees is to increase user capacity rather than making the existing parks nicer. He explained that the fees could be used, for example, to purchase another jungle gym for a park, but could not be used to paint the old one. He stressed that the needs will require more funds than what these fees will bring in. Mr. Johnson indicated that the methodology would need to be reworked if Councilor Miller's suggestion was held in favor by the rest of the Council.

Mr. Morgan stated that the monies collected, for example, from the Meadows development and new subdivisions in the north end will be pooled and used to purchase a park at the south end. Councilor Miller said that he wants the funds to be used city-wide. Mayor Orcutt indicated that since this action will not do this, he suggested that Councilor Miller vote in opposition to the motion.

<u>Councilor Koho moved to amend the motion to remove the first paragraph, change to the term "projected population," and add the word "maximum" in front of "final calculation" for the systems development fee. Councilor Van Meter seconded the motion. The motion passed unanimously as follows:</u>

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

Responding to a comment from Councilor McGee, Mayor Orcutt said that the systems development charge will not bring in enough money to buy and build parks for the anticipated population increase. The existing residents, as well as the new residents, will be supporting the parks. A benefit to existing residents is that the existing parks will be less crowded.

Councilor McGee said that he believed the $400 was too much to collect. In ten years, $400 will be worth $684.

Councilor Van Meter said that one of the many reasons people move to Keizer is because it is a wonderful place to raise kids. This includes the good parks system and the City should maintain that system.

Councilor Koho said that if the City collects and saves all of the systems development fees, the rate of inflation might equal the amount received from interest. He indicated that the City would not be saving the money but spending it to purchase parks. In this case, the City will lose to inflation but will gain from interest.

<u>The main motion, as amended, passed unanimously as follows:</u>

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

With respect to the resolution establishing the systems development fee, Mr. Johnson suggested a change to the wording in the proposed resolution to state as follows: "All systems development charges collected hereunder shall be used only for the improvements to the three community parks, acquisition of land for the proposed three new neighborhood parks and improvements thereto, as identified in the comprehensive parks system development plan, and administrative costs directly attributable to the above."

Councilor Hart moved for passage of a resolution establishing the amount of the parks system development charge with the new language proposed by Mr. Johnson minus the improvements to existing parks, and to establish the fee at $250. Councilor McGee seconded the motion.

Councilor Hart stated that this would remove any improvements to existing parks, which would leave a per unit fee of approximately $250. Councilor Miller objected to a fee which would not be spent for all new parks and improvements, not just the three new parks. He said he would support a fee of $200 for single family and $100 for multi-family units. Mr. Morgan clarified that the current fee of $100 per dwelling unit was done by motion rather than by ordinance, and staff has followed that policy.

Councilor Miller moved to amend the systems development charge to $200 for single family units and $100 for multi-family units. The motion died for lack of a second.

Councilor Van Meter noted that during deliberations with the Parks Advisory Committee and OTAK, there was a definite delineation between neighborhood parks and community parks. For example, the Keizer Little League Park, because of its heavy use, needs much more upkeep. Development needs to occur along the creek according to the master plan and access for the disabled is also needed.

Councilor Koho indicated that the Council can discuss levying something less than the $400 per unit fee, but shouldn't restrict itself to say that none of the development charge would ever go to improvements in the existing parks. If the Council did not want to consider improvements to existing community parks, then that provision should not have been added into the computation for the systems development charge in the previous resolution.

Mr. Morgan stated that the estimated number of people per household is an average of 2.1. Based on the 1990 census, the number for single family residents was closer to 2.59 and multi-family was 1.9 to 2.0. The ratio between single and multi family was about two to one or a little more, including mobile homes. Councilor McGee said the unfairness comes when an apartment unit is developed by the same developer. If the charge were levied at final construction point, it would ease the load on apartment development. Mayor Orcutt added that Bancroft bonding could also be used.

Councilor Miller said that multi family housing does not put as much load on the parks system as single family housing. Councilor Van Meter suggested another point of view, with two people per apartment complex and no yard, they may be putting more pressure on the park system for barbecues, walks, playgrounds, etc.

Councilor Miller moved to amend the motion to establish the systems development charge for multi-family units at $150. Councilor Newton seconded the motion.

Mr. Morgan stated that the different fee would not be difficult to administer as long as it is clear, i.e., condominiums, duplexes, mobile homes, etc. He indicated that single family dwellings, mobile homes and duplexes would be considered as single family; the rest would be multi-family.

The motion failed by the following vote:

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

The main motion failed by the following vote:

AYES: Hart, McGee (2)
NAYS: Orcutt, Koho, Miller, Newton, Van Meter (5)

Councilor Koho moved for passage of a resolution establishing the amount of the parks system development charge, including Mr. Johnson's earlier amendment, setting the fees at $300 for single family, duplexes and mobile homes, and $200 for multi-family. Councilor Van Meter seconded the motion.

Councilor Miller said that he will not support any amounts higher than $250 and $150 because it is an unfair burden on new people coming into the community.

Councilor Van Meter stressed that $300 and $200 is too low, but by the discussion it is obvious that the fee will not be increased to $400 across the board. Councilor Van Meter maintained that $300 and $200 are inadequate and that there is substantial documentation in the parks plan for the higher fee.

The motion passed by the following vote:

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

**INSURANCE AGENT OF RECORD**

Mr. Otterman addressed the issue of appointing an insurance agent of record. He explained that Joe Phillippay has been the agent of record for the past three years. Staff sent out requests for proposals to interested individuals and published the advertisement in the local newspaper and insurance periodical as required by Oregon Administrative Rules. Three proposals were submitted by insurance agencies, and the firms were interviewed by Councilor McGee, the City Recorder and himself. This committee is recommending that Huggins Insurance Company be appointed as the City's insurance agent of record for the next three years, beginning July 1, 1992. Mr. Otterman said that he contacted several references, including the City of Newberg and COG. He also discussed Huggins Insurance with Phil Bay and Mr. Bay believed the recommendation of the committee was appropriate.

Councilor Koho moved for passage of a resolution appointing Huggins Insurance Agency as Insurance Agent of Record for the period of July 1, 1992 to June 30, 1995. Councilor Miller seconded the motion.

Responding to a question from Councilor Hart, Mr. Otterman explained that Huggins was being recommended because of their strong risk management program, their nearby location and their extensive background in municipal government insurance.

Councilor McGee said that the recommendation of the committee was unanimous and that he was impressed by the risk management program offered by Huggins.

The motion passed unanimously by the following vote:

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

**HEARINGS OFFICER AWARD OF CONTRACT**

Mr. Morgan stated that the committee who interviewed the individuals for hearings officer are recommending the contract be awarded to Janet McCoy with Mike Hansen as a back-up.

Councilor Miller said that he has reviewed all of the proposals and applications, resumes and examples. He said that he did not see any difference in abilities or qualifications or experience except the price. He said that Mr. Hansen has a hourly rate that is $15 lower than Ms. McCoy. Mr. Morgan explained that it was a difficult decision between the two, however the final decision was made when contacting Ms. McCoy's references. Hearings officer work is a part of her regular caseload. For Mr. Hansen, it is a moonlighting position as he is assistant legal counsel for Marion County. The committee believed that Ms. McCoy would be more committed because this is her regular type of work. In addition, the committee agreed that Ms. McCoy prepared a better sample decision.

Councilor Miller asked if the committee believed that since Mr. Hansen doesn't do this work full time whether the City would receive any less service. Mr. Morgan indicated that there was no such information.

Councilor Miller asked about terminating the hearings officer contract. Mr. Morgan explained that it could be terminated with 30 days notice.

Councilor Miller said that with Mr. Hansen, the City would still get hearings officer services for $15 less per hour.

Responding to a question from Councilor McGee, Mr. Morgan indicated that Ms. McCoy does her own work, and she does not pay for an office or a support staff.

Councilor Koho indicated that when you sometimes interview people, you come away with a feeling of their enthusiasm for the work. Mr. Hansen was professional, confident and would do a good job. Despite the difference in fees, Ms. McCoy displayed the personality and an enthusiasm for the job that was immeasurable and a willingness to work with staff, along with the documentation that was given in the way of her written work. He indicated that this work would be her number one priority where it would not be with Mr. Hansen.

<u>Councilor Miller moved to appoint Mike Hansen as hearings officer. Councilor McGee seconded the motion.</u>

Councilor Miller said that this motion intends that Ms. McCoy would be the back-up.

In response to a question from Councilor Van Meter, Mr. Morgan indicated that the City is averaging about 12 cases each year, with Mr. Hansen charging a flat rate of $350 per month and $35 more per hour for more than 12 hearings or 14 cases in a year. Councilor Miller said that Mr. Hansen's proposal was an "either/or" - he would charge either $35 per hour or the flat fee. He said that Mr. Hansen was more than willing to settle for a straight $35 per hour.

Councilor Miller said that his motion includes appointing Mike Hansen at $35 per hour. Mr. Morgan said that he believes the City would get a better deal the other way.

Councilor Koho stated that while he understands the economics of the additional $15 per hour, he hoped the Council would show some deference to the team that took time to interview these people and make the recommendation. Councilor Miller said that there appears to be little difference between the two and it was a flip of the coin.

Councilor Hart indicated that he would prefer a flat rate of $350 per month rather than $35 per hour.

Mayor Orcutt indicated that the committee that interviewed the individuals have a better concept of what the individuals will do for the City. He said he is leaning towards Ms. McCoy.

Councilor Miller said that, based on Mr. Morgan's comments, he would withdraw the part of his motion regarding the $35 per hour and leave it up to staff. Mr. Morgan said that it would be whichever way is to the City's advantage.

The motion failed by the following vote:

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

Councilor Van Meter moved to accept the recommendation of the committee to appoint Janet McCoy as hearings officer. Councilor Koho seconded the motion.

Councilor Newton said that he appreciates the time and effort of the committee conducting the interviews and would support the motion if there was a meritorious significance between the two individuals. Councilor Koho said that if there wasn't a difference between the two, the committee would have recommended the lower rate.

The motion failed by the following vote:

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

Councilor Hart moved to appoint Mike Hansen as hearings officer at a flat fee of $350 month with $35 per hour for more than 12 hearings or 14 cases in a year and to appoint Janet McCoy as back-up. Councilor McGee seconded the motion.

Clarification was provided that this motion is not a reconsideration but a new motion because of the flat fee arrangement.

The motion passed by the following vote:

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

CONSENT CALENDAR

The Consent Calendar consisted of:

- Resolution - Revenue Sharing
- March 11, 1992 Public Hearing Minutes
- March 30, 1992 Special Budget Meeting Minutes
- May 18, 1992 Regular Session Minutes

Councilor Koho asked for a check on the vote on page 6 of the May 18 minutes. It was subsequently noted that the vote on the parks system development charge motion by Councilor Koho should show Councilor Koho voting in favor of the motion.

Councilor Van Meter moved to approve the Consent Calendar. Councilor Newton seconded the motion. The motion passed unanimously as follows:

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

OTHER BUSINESS

SKATS Letter

Mr. Morgan suggested that the Council members read the SKATS letter which was included with the Council packet.

Urban Renewal

Mayor Orcutt set an Urban Renewal Agency meeting for Monday, June 8 at 7 p.m.

Town Hall Meeting

Councilor Koho informed the Council that he was sponsoring another town hall meeting on Thursday, June 11 at 7:30 p.m. at the Fire Hall. He said he would be trying to invite those residents who voted against the City's tax base, although the session will be open to all City issues.

**Lindquist Request/Clearview**

Councilor Hart received a letter from the Lindquist family regarding a parking issue on Clearview and their request for "no parking" signs. Mayor Orcutt indicated that still will distribute copies to the Council and will follow up on the matter.

**AGENDA INPUT**

There were no further additions to the agenda for June 15.

**ADJOURNMENT**

The meeting adjourned at 10:20 p.m.

Susan Darby

Susan Darby, City Recorder

APPROVED:

MAYOR