CORRECTIONS MADE IN SUBSEQUENT MINUTES

MINUTES

KEIZER CITY COUNCIL
Monday, May 20, 1991
Robert L. Simon Council Chamber
Keizer City Hall

CALL TO ORDER Mayor Orcutt called the regular session to ord taken as follows:

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

Staff
Donald H. Otterman, City Manager
John Morgan, Community Development Director
Charles Stull, Police Chief
John Lein, City Attorney
Shannon Johnson, City Attorney
Roxie McGrath, Acting Recording Secretaroy

AWARD OF BID Mr. Otterman explained that the City, through its Bond Council, received bids for the purchase of the refunding bonds for the 1980 Water Bond Issue at 4:00 p.m. He noted that the City is required to take action on the bids within four hours after their receipt. Mr. Otterman stated that four bids were submitted from United States (U.S.) National Bank of Oregon; Shearson Lehman Hutton; First Interstate Bank of Oregon; and Merrill Lynch Capitol Markets. The low bid was received from U.S. National Bank of Oregon.

Mark Hudspeth, the City's Financial Advisor, discussed the bids, noting that U.S. National Bank had the lowest interest rate, 5.87 percent. As a result of the lower interest rate there will be a 5.6 percent net savings over the next ten years for the City. The gross savings will be approximately $167,000 and the present value savings will be approximately $152,000. He recommends the Council accept U.S. National Bank's bid.

Upon questioning by Councilor Koho Mr. Hudspeth stated that he represents U.S. National Bank and explained that there was no impropriety in the Council accepting a bid from the same bank that acts as the City's financial advisor. Mr. Hudspeth noted that all the bidders submitted sealed bids to the Bond Council at 4:00 p.m. He explained that U.S. Bank is probably one of the largest underwriters of municipal bonds in Oregon and it is not uncommon for U.S. Bank to act as financial advisor as well as underwriter. Mr. Otterman pointed out that the two lowest bids were verified by a representative of the Bond Council. Additionally, an independent CPA will be employed to audit the transaction.

Mr. Otterman recommend that the Council amend their previous resolution by establishing the amount of bond issue at $2,835,000 rather than $2,840,000 as a result of the interest rate savings. He recommended a second resolution which would award the sale of the general obligation water bonds to the low bidder, U.S. National Bank.

FMAGIC

MOTION: Councilor Koho moved for a resolution awarding the sale of $2,835,000 of general obligation water refunding bonds Series 1991 and approving the revisions to certain terms of the bonds. Councilor Hart seconded the motion.

The motion was put to a vote and carried unanimously, as follows:

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

MOTION: Councilor Koho moved for a resolution awarding the sale of $2,835,000 of general obligation water refunding bonds Series 1991. Included in the resolution is the award to United States National Bank of Oregon. Councilor Van Meter seconded the motion.

The motion was put to a vote and carried unanimously, as follows:

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

APPOINTMENT OF PRO-TEM CITY RECORDER

Mr. Otterman recommended that the Council appoint a pro-tem city recorder, since the bonds are required to have the signature of the city recorder. He noted that Howard Rankin, the City's Bond Council, recommended appointing a pro-tem city recorder to sign the bonds. The bonds needed to be signed on May 21st to provide for timely distribution. Mr. Otterman recommended that Pamela S. Haines be appointed pro-tem city recorder. Mr. Otterman pointed out that the pro-tem city recorder could also serve as a back-up when the city recorder is on vacation.

MOTION: Councilor Newton moved that the Council pass a resolution appointing pro-tem city recorder, Pamela S. Haines. Councilor Koho seconded the motion.

It was noted that appointing a pro-tem city recorder does not conflict with the City's charter.

The motion was put to a vote and carried unanimously, as follows:

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

PUBLIC TESTIMONY

There was no public testimony to come before the City Council.

COMMITTEE REPORTS

John Lein, City Attorney, conducted the swearing in ceremony of new reserve officer Jeffrey Wayne Johnson.

Chief Stull reported that the Police Department has applied for two grants under the Oregon Traffic Safety Program. One grant application submittal was to request funding for the third year of the Selective Enforcement Grant, which is included in the 1991-92 City budget. Additionally, a new grant application was submitted for a three year DUII Enforcement Program. Chief Stull will report at a later date on the progress of the grant applications. He noted that only one grant could be accepted.

Sergeant Bruce Jenness discussed the 1990 Keizer Police Department Reserve Unit Program. He noted that regular reserve meeting dates were established, meeting twice a month. The first meeting is a general information meeting, the second a special training meeting. In 1990, extra functions of the reserve units included participating in the Cub Scout Bike Rodeo, distributing Christmas food boxes for the Chamber of Commerce, and providing extra patrols for McNary High School during October. Additionally, Reserve Officer Gary Goggle participated in a first aid instructor course. Then, Officer Goggle trained the Police Department in first aid and CPR.

The reservist participated in the State Fair Crime Prevention Police Booth, an arson investigation, search warrant services, applicant testing for both reserves and regular duty officers, and special prisoner transportation. Training sessions included night stick, firearm, and mace training. Also, the reservists have been trained to enforce handicapped parking requirements.

The average time a reserve spent on duty was 300-400 hours. If the reservists had been paid for their volunteer time the cost would have been $34,000. However, the total paid time for all reservists was only $387.

In the future the reservists plan to complete a home security survey project, at first completing security surveys on burglary victims. If the program is successful, the reservists may complete security surveys upon requests by Keizer residents. Sergeant Jenness noted that the reserve unit is very motivated. Councilor Hart thanked the reserve unit for its hard work.

Councilor Koho expressed concern over only one female reservist in twelve positions. Chief Stull noted that one female reservist was hired as an active duty police officer in 1989.

DISCUSSION - BRIEFING ON MCNARY ACTIVITY CENTER PLAN

Jerry Watson, Chairman of the Planning Commission, was present to address the Council. Mr. Watson thanked staff and Councilor Hart for their contribution to the plan. He noted that his comments would be for information only, since the Commission did not take formal action on the draft at their last meeting due to lack of quorum. He noted that the policies in the draft have been individually approved by the Commission. Mr. Watson discussed the organization of the plan. The plan includes an identification of issues concerning the McNary Activity Center, a listing of options for dealing with the issues, an analysis of these options, and a final strategy for resolving them. It concludes with the most important component which is a list of 16 policies. He noted that when the Plan is approved it would be a stand-alone supplement to the Comprehensive Plan. Staff is reviewing the Comprehensive Plan and the McNary Activity Center Plan for consistency.

Mr. Watson explained that the major land use issue which has been discussed, but is not included in the draft, is the definition of a mixed use zone. His concern is how to encourage an effective use of mixed use zones. The Commission will be dealing with the issue of mixed use zones at their next meeting. The major issues concerning parks and recreation are dealing with the wetlands area which borders River Road and a possible promenade along Staats Lake. The major issue with circulation and access is the appropriate access to Staats Lake. The Commission envisions a complete loop around Staats Lake. The major environmental issue centers around the geese that inhabit Staats Lake. At this point in time the Commission has deferred developing the fiscal impact statement in the Plan. Mr. Watson discussed the Commission's 16 policy statements.

Mr. Watson recommended that the Council and the Commission hold a joint session to determine the role of the Commission in the future.

Councilor Hart noted that on Page six the words "Windsor Island" should be replaced by "Wheatland." The sentence should read "Land between Wheatland Road and River Road."

Mayor Orcutt and Councilor Van Meter expressed concern over a mixed use zone. Mayor Orcutt stated that he will be very interested in reviewing the Commission's definition of a mixed use zone. Mr. Watson suggested that a mixed use zone would be a comprehensive development for an area which would be know at the time a specific plan would be approved.

Mayor Orcutt expressed concern over the Plan recommending public access to Staats Lake (page 11, second paragraph), yet previously cautioning on the liability to the City. He believes there needs to be a clear recommendation. Councilor McGee stated that he interpreted that statement to mean the public would have visual access rather than public access. He encourage a joint session of the Commission and the Council. The Council discussed the fact that fiscal impact would concern mainly traffic impact. Mr. Watson again stated that he was representing himself, at this point in time, rather than the Commission.

Councilor Koho suggested that the draft should be amended to agree with the Comprehensive Plan, rather than visa versa. Mr. Morgan noted that in 1987 the Commission adopted specific requirements for Activity Center (AC) Zones. He explained that basic expectations should be defined in the AC zone rather than outlining specific requirements. Therefore, the Commission will be considering amending the Comprehensive Plan to conform to the present views.

Mr. Morgan noted that there is a public hearing scheduled for the Council's June 3rd meeting.

DISCUSSION - TRAFFIC SAFETY RECOMMEND-ATIONS

Public Works Director Wally Mull discussed the 1991 traffic safety and street improvement projects. He explained that the Traffic Safety & Street Improvement Committee was formed to recommend and prioritize traffic safety improvement projects in Keizer. Sixteen projects were initially listed. The Committees recommendation to the Council is to begin priority projects #1 and #2 immediately. Priority projects #1 include computerized crossing lights at Cummings and Whiteaker; crossing lights at Lockhaven - McClure at Keizer School; crossing lights at North River Road at Keizer Village Shopping Center; and sidewalks at Keizer Road at Kennedy School. Priority project #2 is resurfacing Lockhaven Drive (14th to Mcleod). Priority Projects #3 and #4 are addition of traffic signals at Mcleod and Lockhaven and North River Road and Sandy Drive. Additionally, the Committee recommends landscaping adjacent to the sound wall from River Road North to Windsor Island Road, as the funding is available.

Mr. Mull noted that the bus access at Whiteaker which several Council members were interested in was not included in the priorities, since the property had been purchased for subdivisions and the school did not have adequate funding to participate in development.

Councilor Koho questioned if the City was completely financing the bicycle path on Lockhaven, why there would need to be paths on both sides. Mr. Morgan stated that bicycle paths are "vehicle lanes", therefore they need to

move in conjunction with the traffic they are adjacent to. Councilor Koho questioned if there was a violation of law if one lane was designated so that the opposing bicycle traffic had to be in the regular car lane. Mr. Morgan stated that there is no violation if the bicycle lane is clearly marked one way only. Councilor Van Meter noted that the Traffic Committee discussed the City financing one bicycle path and stated the Committee was concerned that the City might not be able to receive the matching state funds. Therefore, they recommend completing bicycle paths half way (which funds would be matched by the state). Then, next year, requesting additional matching funds to complete the other half of the bicycle paths. Councilor Koho did not agree with this position, however he understood it. Councilor Newton noted that there are more projects than funds available, therefore the priority is for the bicycle paths rather than other projects. Councilor McGee expressed concern that there needs to be bicycle paths on both sides of the road for safety purposes.

Mayor Orcutt requested the projected costs of maintenance on the sound wall. It was noted that there are no project maintenance costs at this point in time.

MOTION: Councilor Van Meter moved that the Council adopt the report of the Keizer Traffic Safety and Street Improvement Committee and that they approve the priorities as listed in the report of May 13, 1991, priorities #1 through #4. Councilor Newton seconded the motion.

The motion was put to a vote and carried, as follows:

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

DISCUSSION - TEMPORARY BUSINESS ORDINANCE

The City Council, at its meeting of April 15, 1991, referred the proposed amendment of the Zoning Ordinance to the Planning Commission and Keizer Chamber of Commerce Governmental Affairs Committee for additional review. However, discussion of several specific issues led the Council to request additional input before moving on to the second reading and adoption. Mr. Morgan noted that due to lack of quorum for the Planning Commission on May 8th no action was taken by the Planning Commission on this subject. Additionally, the Governmental Affairs Committee discussed the issues and decided they needed time for more detailed study and consideration of alternatives. The Governmental Affairs Committee requested that there action be delayed on the temporary business ordinance until August.

Councilor Koho expressed concern that action needed to be taken on this item. He stated that the Council had extended the time frames far too long already. Councilor McGee believes that there has been no problems related to this ordinance since deliberations began on the issue. Mr. Morgan noted that problems in this area would occur during the late summer and early fall. Councilor Newton stated that he preferred more study, especially since the ordinance would allow for government interference in free enterprise.

Council Van Meter believes adequate time has been spent on this issue. He stated that over the two and a half years he has served on the Council the Chamber of Commerce has expressed a need for an ordinance to regulate some of the activities the City is loosely associated with, such as the Iris Festival. He is not opposed to an August continuance, but feels the Council needs to proceed with some resolution as soon as possible. Councilor Hart noted that there were no problems at Christmas or the Iris Festival, as far as he

was aware. He recommended waiting for a complete report. Mayor Orcutt recommended that more time should be allowed for review since the Chamber of Commerce requested the temporary ordinance and the Governmental Affairs Committee is a branch of the organization.

MOTION: Council Koho moved for passage of a bill for an ordinance amending Ordinance No. 87-078 to modify the types of permitted temporary uses. Section 21.03(a) be revised to read as follows:

21.0-3 PERMITTED TEMPORARY USES. The following temporary uses shall be permitted subject to the following limitations and requirements:

(a) Outdoor amusements; outdoor Christmas tree or fireworks sales from a temporary stand or structure; outdoor display and sale of flowers, seeds, bulbs, shrubs, bushes, trees, fresh or dried fruits, nuts, and/or vegetables from a vehicle or a temporary stand or structure are permitted as secondary uses in the CR zone only, provided each activity is located on the same lot for no more than 90 days in any calendar year, does not reduce required parking for primary uses on the same lot to less than required in Chapter 19, or create traffic congestion at driveway entrances or in parking aisles. These temporary uses are permitted only if the primary use conforms to the zoning ordinance and the primary use is an ongoing business and is not vacant.

The Motion died for lack of a second.

MOTION: Councilor Koho moved that the issue be tabled until the second meeting of the Council in August 1991. Councilor Newton seconded the motion.

The motion was put to a vote and carried unanimously, as follows:

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

DISCUSSION - DEPARTMENT HEAD CONTRACTS

The Department Head Contract agenda item was deleted from the agenda.

DISCUSSION - COUNCIL GOAL STRATEGIES

Mr. Morgan distributed the preliminary strategies and timeframes for implementing the Council's FY 91-92 goals, dated May 5, 1991. He questioned if the current staffing levels would be able to accomplish the goals as set forth in the document. He noted that in various parts of the plan consultants would be hired, but twenty-five percent of the present staff's (excluding Kevin Wickman) time would be required to accomplish these goals. He pointed out that many of the projects would be above and beyond the workload currently completed by the staff. Councilor McGee suggested that the goals would not only be completed by staff, rather many of these goals could be completed by non-staff individuals such as volunteers. He suggested that the visions statement development should be completed by various councilors and a subcommittee. He encouraged community involvement.

Councilor Koho agreed and recognized that many of the goals were long-term in nature, such as urban renewal. Councilor Van Meter believed that staff was directed to develop the goals so the Council could help staff develop recommendations on staff priorities for the coming year. Mr. Morgan pointed out that the staff hours listed was the amount of time staff would devote to the projects, such as working with committees or answering questions.

Councilor McGee reiterated that the Council should be charged with developing its mission statement. Mayor Orcutt recommended that the Council review the document for two weeks. Mr. Otterman suggested that the Council review and decide on priority items which staff should complete first, then staff can project what they can accomplish after they accomplish the first set. Councilor Hart pointed out that goals would have to be review every year to see what the Council has accomplished.

Councilor Newton noted that the start date for the contractor to begin the master plans for the parks is listed as July 1, however he suggested that this project should be completed as soon as possible if there is sufficient funds. He suggested that volunteers could be utilized to develop the master plans, as well as accomplishing many of the goals strategies. Councilor Newton agreed with Councilor McGee that the mission statement was a Council matter.

The Council agreed to review the goal strategies at their next meeting.

DISCUSSION - REESTABLISHMENT OF CITIZENS ADVISORY COMMITTEE

Mr. Morgan explained that the City will be working to finalize and adopts its periodic review of the Comprehensive Plan this summer. Additionally, the Planning Commission will begin working on reviewing the zoning and subdivision ordinances, including the process components. The Council also has a goal for community involvement. The City recommends that the Council reform the Citizens Advisory Committee, direct staff to prepare the specific charges to the committee, and direct staff as to how, and to whom, it should solicit volunteers to serve on the Committee.

The Council discussed the appropriateness of their appointing the Committee or whether it was under the mayor's discretion. It was decided that the mayor could appoint the Committee.

Councilor Koho supported the reforming of the Committee, but recommended increasing its size to at least five members. Councilors Van Meter and McGee support the reforming of the Committee. Councilor Newton recommended at the most five members should be appointed, otherwise the bigger the committee the harder it is to find an appropriate meeting time.

Councilor McGee expressed concern that once a committee is formed it should not be allowed to disappear after a certain point in time, such as the Charter Committee.

The Council requested that the charge of the Committee should be discussed at the next Council meeting.

ORDINANCE - KEIZER COMP. PLAN AMENDMENT AND ZONE CHANGE 91-1

MOTION: Councilor Koho moved a bill for an ordinance in the matter of the application of John E. Baker and Baker Brothers Investments, applicants-owners, in which the City granted the zone change and comprehensive plan designation change requested in accordance with Keizer Hearings Officer decision dated April 26, 1991. Councilor Hart seconded the motion.

The motion was put to a vote and carried unanimously, as follows:

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

RESOLUTION - LOCKHAVEN PHASE II CONTRACTS - PRELIMINARY ENGINEERING

The City of Keizer has contacted Marion County Public Works to complete the engineering on Lockhaven Drive Phase 2. Mr. Mull noted that the City's share for the project was incorrect in the contract, it should be 6.0 percent rather than 9.5 percent. He explained that the acceptable standard for engineering fees is approximately 10 percent of the estimated cost of construction.

MOTION: Councilor Van Meter moved the Resolution R-91, Local Advisory Agreement Federal Aid Urban project, preliminary engineering agreement for Lockhaven Drive, between Joan Drive North and Windsor Island Road. City share not to exceed 6 percent. Councilor Koho seconded the motion.

The motion was put to a vote and carried unanimously, as follows:

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

CONSENT CALENDAR

The Consent Calendar consisted of the May 6, 1991 Regular Session Minutes. The Council decided to review the minutes and fill in the name omissions. Councilor McGee noted that a motion was omitted under the Labor Negotiations section concerning moving the discussion of the compensation package for non-represented employees from the Executive Session to public session discussion. He would like the discussion included. Mayor Orcutt agreed.

Councilor Hart noted that on page 10, the words "The Motion died" should be replaced with "The Motion failed." He requested that on Page 15 the councilor's names should be included on the vote for the motion. Councilor Koho stated that he abstained from voting on the motion, and Councilor Miller noted that he cast the declining vote. Mr. Otterman stated that the minutes would be corrected and placed on the next meeting's agenda.

OTHER BUSINESS

MOTION: Councilor Koho moved that the Special and Executive Session scheduled for Tuesday, May 21, 1991 be reschedule for 7:00 p.m., Tuesday, May 28, 1991. Councilor Van Meter seconded the motion.

Mayor Orcutt noted that City Recorder Sue Darby requested the postponement. Councilor Miller stated that he understood the suspension with pay would be effective through May 28th, but recommended that if there were any additional requests for continuance after May 28th it would be without pay. John Lein, City Attorney, stated that suspending with pay requires no Council action. However, if the Council were to suspend an employee without pay there must be due process for the employee. Councilor Miller pointed out that the Council could state that no additional continuances would be granted. Mr. McGee noted that he was unaware the continuance would include pay. He emphasized that the Council was prepared to meet and make a decision, however the employee requested the continuance.

Mr. Van Meter pointed out that his motion was based on that fact that the employee's legal council had requested the extension because he was not

available to meet on May 21st. Additionally, he believed that the personnel policies in effect at this time allow for the employee to have legal representation.

The motion was put to a vote and carried, as follows:

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

Councilor Hart questioned Mr. Mull concerning the repaving of the McNary-Manzanita area. Mr. Mull stated that the project is on standby until there is appropriate weather conditions.

Councilor Koho suggested that the Council meetings should begin a half hour earlier or provide an additional meeting per month, because there is not adequate time to discuss items at appropriate length. Mr. Otterman stated that the ordinance would need to be revised to reestablish a change in meeting time. Councilor Koho stated that he would discuss the issue with individual council members and he would bring up the issue at a later date.

Mr. Morgan discussed handouts concerning National Transportation Week from Partners for Smart Commuting.

WRITTEN COMMUN-ICATIONS

Mayor Orcutt distributed a letter he wrote to the Council members concerning possible violations of the City charter by council members. He noted that members of the Council must refrain from hearing or accepting grievances and complaints from city employees. Councilors should refer any employee to the city manager. If the complaint concerns the city manager, the employee should be referred to the city attorney, the mayor, or the city council as a whole, during public testimony during a public meeting. He noted that the divulging of privileged information is a serious breach of the ethics and the trust of the City Council, which should not and will not be condoned. Councilor Hart stated that he supported the Mayor's letter and suggested a team building session for the Council. Mayor Orcutt stated that the City may explore the possibility of a team building session.

AGENDA INPUT

Mr. Otterman indicated that the meeting on May 3rd would include a public hearing on the McNary Activity Center Plan and discussion of the Council's goal strategies.

EXECUTIVE SESSION

The Council met in Executive Session to discuss ORS 192.660 (1)(b), Disciplinary Action; ORS 192.660 (1)(f), Exempt Public Records; and ORS 192.660 (1)(h), Pending Litigation after the adjournment of the regularly scheduled Council meeting.

ADJOURNMENT

The meeting adjourned at 10:15 p.m.

Respectfully submitted,

Roxie McGrath

Roxie McGrath
Acting Recording Secretary

APPROVED: