MINUTES

KEIZER CITY COUNCIL
Monday, October 7, 1991
Robert L. Simon Council Chambers
Keizer City Hall

CALL TO ORDER

Mayor Orcutt called the regular session to order at 7:31 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
John Lien, City Attorney
Shannon Johnson, City Attorney
Susan Darby, City Recorder

PUBLIC TESTIMONY
DeMartino Court Case

David De Martino, 7162 S.E. Darling, Salem, asked the City Council to rectify a wrong that has occurred to him. He stated that he received a traffic infraction citation and that the City Attorney prosecuted him in Municipal Court. Such prosecution is not done in other courts under these circumstances. Mr. De Martino believed that he was singled out and that he suffered a miscarriage of justice. He appealed the citation and the City then dropped the case.

Mr. De Martino indicated that he believed the police officer did certain incorrect things, and that he eventually had to pay $77 to appeal the conviction to a higher court. The police officer admitted that he falsified a document involving permission for his spouse to ride along with the officer. In early September, Mr. De Martino read in the Keizertimes that the same officer was terminated from employment for falsifying other documents. Mr. De Martino asked that the City apologize to him and that it reimburse him for the $77 appeal fee.

FMAGIC

Mr. De Martino expressed concern that the City spent $800 in prosecution costs for a $50 citation. If the City refunds the $77, he would be happy to donate it back to the City for painting or other needs. However, he believes he was singled out because he pointed out what he believed to be a problem in the Police Department's policy regarding spouses riding along. In addition, he noted that when he contacted the Police Department to find out who was riding along with the officer that evening, the Police Department staff had no idea who was in the vehicle. Mr. De Martino indicated that he wrote a letter to the City Manager regarding this matter.

Responding to a question from Councilor Koho, Mr. De Martino stated that he paid $77 out of his pocket to appeal the case which the City eventually dropped against him.

Councilor Miller questioned Mr. De Martino regarding the officer's wife being with her spouse in the patrol vehicle. Mr. De Martino indicated that he was told that the officer's spouse was riding along with her husband. However, he believed the policy to be a poor one because an officer would not put himself in danger when a loved one is in the vehicle. In addition, the officer than has a built in witness.

In response to a question from Councilor Miller, Mr. De Martino indicated that he does not believe the woman who was riding along with the officer was the officer's wife because of a difference in the physical appearance.

Councilor McGee suggested that this matter be thoroughly investigated. Once that is completed, the City would need to correct whatever needs to be adjusted, if necessary, and to apologize to Mr. De Martino if the situation warrants it, as well as reimbursing him for his costs.

Councilor Hart said that no further investigation needs to be done; the judicial system has done this already. As a result of having to file the appeal, the City Council could correct the monetary harm to Mr. De Martino.

<u>Councilor Hart moved to reimburse Mr. De Martino his cost for filing the appeal. Councilor Koho seconded the motion.</u>

Councilor McGee stated that he does not wish to get into the mode of making these decisions without more information and deliberation.

Councilor Newton said he would like to hear from staff on this issue prior to responding to Mr. De Martino's concerns.

Councilor Miller stated that appeals can be dropped for many reasons. He asked for Mr. Lien's input. Mr. Lien responded that Shannon Johnson handled the original hearing, and that there was quite a bit of disagreement at the

Municipal Court level, and Mr. De Martino appealed the conviction. Because the officer admitted to falsifying the ride along form, and because of the amount of time necessary to prosecute the case, the City Attorney moved for dismissal.

Councilor McGee asked if it is common to put the City's resources into prosecution of these citations. Mr. Lien stated that as a general rule, the City Attorney does not appear in Municipal Court cases. Questioned further by Councilor McGee, Mr. Lien indicated that the decision to prosecute was jointly made by the City Manager, Chief of Police and himself.

<u>The motion was put to a vote and carried, as follows:</u>

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

Chapman/Chemawa Road Work

Pat Chapman, 2235 Chemawa Road N.E., Keizer, asked the Council what would be done about the damage that has occurred to her curbs because of the county road grader, about the asphalt on her property, and about the survey stakes that were pulled out of her property.

Mr. Morgan explained that Public Works Director Wally Mull has been involved in this situation, however, he is out of town at the present time. He stated that there was some question as to whether the widening of the pavement resulted in a taking of a portion of Ms. Chapman's property, however, it was later determined that no such incident occurred. Mr. Morgan indicated that benchmarks were located at the inner edge of her property which is usual and customary, according to Mr. Mull. With respect to the curbs, Mr. Morgan stated that some scraping had apparently occurred and that Mr. Mull is aware of this and will deal with it as appropriate. There is still a disagreement, however, over the issue of the survey stakes. Mr. Mull will be better able to address this when he returns.

Ms. Chapman indicated that she is having estimates done of the work to repair the curb. She is also having a new survey done.

Mr. Morgan suggested that the City Council may wish to bring this back at its October 21 meeting when Mr. Mull is back.

Councilor Koho cautioned Ms. Chapman about having the work done before the issue is resolved.

Responding to a question from Councilor Van Meter, Mr. Morgan indicated that this is a unique situation in that the curbs belong to Ms. Chapman.

Mayor Orcutt indicated that staff will follow up on this when Mr. Mull returns, and that she will be contacted.

Newberg Drive Traffic

Judy Lathrop, 5433 Newberg Drive N., Keizer, testified that there has been a tremendous increase in traffic on Newberg since Lockhaven Drive was opened up. Traffic from McNary High School uses this access from Lockhaven Drive. she stated that there is no police patrolling the street and that the noise is intolerable. She suggested that the high school be required to open an access from Lockhaven Drive on the north side of the school's property. Although there is a direct access from Chemawa, it is easier and quicker for the students to use Newberg from Lockhaven.

Lono Dunn, 5303 Newberg Drive N., Keizer, stated that since Lockhaven opened to Newberg, the neighbors refer to the "peak hours of I-5". He spoke to school officials in an attempt to limit the amount of traffic that utilizes Newberg Drive. Also, opening the access to Chemawa was supposed to help, but it has not. On one afternoon he counted 16 buses on Newberg, on another he counted 25 buses. There are 500 cars on Newberg on any day. On a game night, a fire truck would not be able to travel down Newberg Drive because of the parking problem. Mr. Dunn stated that he has lived on Newberg for 17 years and that the neighbors are asking for the City's help in resolving the traffic problem.

Councilor Hart noted that he rode along with an officer recently and that two vehicles were cited for parking in front of fire plugs.

Mr. Dunn indicated that he has polled almost every resident on Newberg. He suggested options including the closure of Sandy and Newberg except for emergency traffic, opening a school entrance off of Lockhaven Drive, requiring residential parking permits, and adopting or enforcing a loitering ordinance. He added that Newberg and Sandy could remain open for pedestrian traffic. Another suggestion he received from a neighbor was to place a 3-way stop at Mc Arthur and Newberg.

Councilor McGee suggested this be channeled through the Traffic Safety Committee. Mayor Orcutt stressed that without the cooperation of the school district, there isn't much that the City can do. He indicated that he would assign this to the Traffic Safety Committee for further investigation.

Councilor Newton indicated that the Council was aware there may be some problems created when Lockhaven opened, however, the time may have come for the school district to look at opening a northern entrance even though it will impact their playing fields.

Councilor Van Meter suggested that the Police Department increase its patrols through the neighborhood, especially during the busy hours of the day. Mr. Otterman noted that there is a liaison officer assigned to McNary. He has been concentrating on Sandy Drive recently, but he can split his time between the two streets for a higher profile on Newberg Drive.

Councilor Newton suggested looking at whether a State law exists with respect to loitering. The City may be able to enforce this rather than adopt a new ordinance.

COMMITTEE REPORTS
Volunteer Recognition Program

JoAnne Beilke, Chairman of the Volunteer Coordinating Committee, addressed the Council with respect to recent accomplishments of the committee. She stated that the first two major tasks assigned to them included the recruitment of the Police Advisory Committee members and establishment of a volunteer recognition program. The Mayor recently appointed members to the Police Advisory Committee. She reported that this process went very smoothly. The subcommittee revised the volunteer application form and the full committee then interviewed the final 15 or so candidates. At the end of the interviews, the committee took a straw vote on the top seven candidates. She indicated that the top seven choices represented a unanimous vote among the committee members.

With respect to the volunteer recognition program, Ms. Beilke stated that the committee is recommending an annual potluck or picnic, a photo display at City Hall, and recognition in the Keizertimes and Statesman-Journal newspapers. In addition, the committee is working on a program to recognize a volunteer of the month at City Hall. An inventory of the existing volunteers is being done at the present time.

Ms. Beilke requested a commitment of $300 from the City to provide this recognition to the volunteers.

Councilor Koho commended the Volunteer Coordinating Committee for their quick work. Ms. Beilke noted that the committee members have worked many hours to put this together.

<u>Councilor Koho moved to authorize the expenditure of $300 for the volunteer recognition program for 1991-92. Councilor Miller seconded the motion.</u>

Councilor Van Meter encouraged the committee to look not only at volunteers who work directly for the City of Keizer, but also those who contribute to the community in other ways. Ms. Beilke asked for clarification on the status of the volunteers who do work at the Little League fields. Her original understanding from the Mayor was that the Volunteer Coordinating Committee was to recognize only those volunteers who do work for the City of Keizer itself. Councilor Newton indicated that he believes the committee is, at least for the present time, heading in the right direction, although the City may change the direction of the committee at some later point.

The motion was passed unanimously, as follows:

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

Responding to a question from Councilor Hart, Ms. Beilke stated that the committee is now recruiting for members to the Charter Review Committee. Press releases are being done for this committee, as well as for a couple of vacancies on the Parks Committee. She indicated that the recognition program will be ready for the Council's first meeting in January.

Councilor Newton left the meeting at 8:09 p.m.

Planning Commission

Jerry Watson, representing the Planning Commission, highlighted some of the accomplishments and work of the commission, including:

- McNary Activity Center Plan involving four main components:
    - general patterns of land use
    - wetlands
    - parks
    - McClure Street
- Temporary Business Ordinance
- Manufactured Housing Ordinance

The commission held a special session on September 25 which was comparable to an in-house retreat. At this session, the members came up with future issues they will be studying:

- Comprehensive plan revisions for the periodic review process
- Temporary business ordinance
- Zone code revisions
- Systems development charges
- Planning Commission taking on an additional role in the current planning activities, i.e., variances, conditional uses, etc.

He reported that several commission members attended Portland's City Club meeting, some of the results of which have been incorporated into the McNary Activity Center Plan. The commission is also involved in the Keizer Tomorrow Committee process. Several commission members visited Stayton City Hall to see what other communities are doing.

Councilor Miller thanked Mr. Watson and the other members of the commission for their work. He asked whether the commission had resolved the issue of a developer who was interested in putting a development near Kennedy School earlier in the year and the amount of park land to be dedicated. Mr. Morgan responded that the Planning Commission did not review this issue. This involved the systems development charge of $100 per dwelling for park land. State law says that developments must be developed based on a rational plan and that the systems development charge directly reflect the costs. Keizer's parks do not yet have that system in place. He believed this is an issue that will be addressed next spring, and that both the Parks Committee and Planning Commission will be looking at the issue.

Councilor Hart reported, as liaison to the Planning Commission, that the members will be attending City Council meetings. Mr. Watson indicated that the commission is benefitted by Councilor Hart's attendance at their meetings, and the commission determined it would be beneficial for the Planning Commission members to attend City Council meetings on a monthly, rotating basis. Sam Goesch will be attending the next two City Council meetings.

PUBLIC HEARING - PERIODIC REVIEW ORDER

Mayor Orcutt reopened the public hearing to consider testimony on the adoption of a periodic review order. The public hearing had been continued from the City Council's September 16, 1991 meeting.

Mr. Morgan reported that staff will be meeting with Salem officials and representatives from the Department of Land Conservation and Development to put together the final order for adoption.

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

<u>Councilor Koho moved to direct staff to return to the Council with the final periodic review order after consulting with other appropriate agencies. Councilor McGee seconded the motion. The motion passed unanimously, by the following vote:</u>

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

ABSENT: Newton (1)

PUBLIC HEARING - MCNARY ACTIVITY CENTER PLAN

Mayor Orcutt reopened the public hearing on the McNary Activity Center Design Plan. The public hearing had been continued from the September 3, 1991 City Council meeting.

Mr. Morgan stated that he is working with the parties to incorporate all of the agreed upon changes into a new draft document. That document is not yet finished. He asked the Council to hold this matter over to the next meeting to give the parties an opportunity to review the document once it is completed.

Mr. Morgan indicated that a second issue involves the McClure Street extension and the desirability for a turnaround. He met with representatives of Hillman Properties and McNary Estates to discuss possible alternatives. Mr. Morgan indicated that moving the turnaround onto Staats' property is a private matter between the parties, however, the negotiations between those two groups were unsuccessful. In order to move off the stalemate, he sketched several alternatives for achieving a turnaround without requiring additional property from Staats. One of those alternatives appeared to be acceptable to Hillman Properties. Mr. Morgan distributed a letter dated October 7 addressed to Ms. Staats and Mr. Fish which was prepared in an effort to clarify the facts of the situation and the staff's position concerning the controversy surrounding McClure Street. Attached the his letter was a letter dated October 3 from Mark Grenz and a suggested preliminary McClure Street access with a hammer head turnaround. Mr. Morgan indicated that McClure is the designated collector for the area and McNary Estates Drive is a functional collector.

Responding to a question from Councilor Miller, Mr. Morgan stated that the $50,000 to be paid by Hillman may be in the ballpark for completion of the McClure Street extension. The hammer head design as proposed could be accomplished within the 60 foot right-of-way. The 60 foot right-of-way is what Staats will be required to donate to the City.

Gordon Cunningham, 210 Snead Drive N., Keizer, indicated that McNary Estates includes $30 million in property value and it will continue to grow. He questioned why the developer is treated so badly. He said that Staats is not particularly interested in being involved in a solution to this problem of the turnaround. Mr. Cunningham stated that Mayor Orcutt asked that a decision be delayed on this matter for two weeks; that was 14 months ago. The street has to go in, and it is past time for the City to see that this is accomplished.

Mark Grenz, Multi/Tech Engineering Services, Inc., 1155 13th Street S.E., Salem, testified on behalf of Hillman Properties. He explained that he will be addressing the issue of the turnaround. Mr. Grenz disagreed with Mr. Morgan's statement that the McClure Street issue be separated from the McNary Activity Center Plan. He noted that there has always been some form of contention between Staats and Hillman with respect to McClure Street. The turnaround, however, does not pose a problem unless the McNary Estates Homeowners Association decides it wishes to gate McNary Estates Drive at some future time. The main area of contention appears to be the additional right-of-way which is creating the burden for Staats Corporation. With the proposed hammer head design, there would be no additional right-of-way necessary and, therefore, no detriment to Staats.

Responding to a question from Mayor Orcutt, Mr. Grenz explained that the turnaround would work by a vehicle pulling up the gate, backing into the hammer head, and pulling out.

Councilor Miller questioned whether it would be better to design McClure Street with the hammer head now rather than to come back and redesign it later. Mr. Grenz explained that this could pose an additional liability to the City and to Hillman Properties. Drivers probably would not understand such a design if the gate is not yet in place. Once the gate is installed, however, the liability is decreased because vehicles would not be allowed to travel past the gate and they would need to turn around. He acknowledged that there will be additional costs in the future when McClure is redesigned for the hammer head.

Donald Guthrie, Vice President/ResidentialDivision, Hillman Properties, 900 N. Tomahawk Drive, Portland, provided a chronological history of McClure Street. He stressed that Hillman Properties is required, under agreement with the City, to contribute a maximum of $50,000 to developing the McClure Street extension. However, Staats Corporation has suggested a number of conditions which would cost Hillman Properties in the area of $288,000 in order to place the turnaround on the south side of McNary Estates Drive. He noted that a meeting was held to negotiate the issue, but representatives of the Staats Corporation did not attend. Mr. Guthrie noted that there are some benefits to Staats in building the McClure Street extension and the $50,000 commitment from Hillman Properties. Mr. Guthrie stressed that an additional commitment of $288,000 is unacceptable to Hillman Properties.

Jim Roop, 6428 Crampton Drive N., Keizer, stated that the homeowners in McNary Estates are very strongly opposed to placing the turnaround on the north side of McNary Estates Drive. He noted that a memorandum was sent to all McNary owners asking for their comments on placing the turnaround on the south side. Not one letter in opposition to this proposal was received.

Ernie Fish, 269 McNary Estates Drive N., Keizer, believed that Mr. Morgan takes lightly the development of 350 units at McNary Estates Drive. Future development may need to be halted if the issue of McClure Street cannot be resolved immediately. He urged the Council to take a stand on the situation.

Ken Sherman, Jr., Attorney at Law representing Staats Corporation, 687 Court Street N.E., Salem, agreed with staff's recommendation to bring the final draft document back to the City Council at its October 21 meeting. This will give the parties adequate time to review the draft, assuming it is completed in the near future.

Mr. Sherman indicated that Hillman Properties now makes it seem that a turnaround within the McNary Estates development would be a terrible thing to occur. With respect to the meeting held to negotiate, Mr. Sherman indicated that they were told by Mr. Morgan not to attend.

Mr. Sherman noted that in 1985, the Staats' family gave to the City the land for McClure Street with the understanding that it would not be extended through. The intent was to benefit the new school. Mr. Sherman indicated that while Mr. Guthrie is concerned about an agreement committing Hillman Properties to pay $50,000 for the extension, he himself is concerned about earlier agreements between the Staats family and the City. He stated that driveways are limited off of collector streets. As a consequence, there would be significant devaluing of his client's property. With respect to the conditions proposed to Hillman Properties, he noted that those were starting proposals only.

Responding to a question from Councilor Hart, Mr. Sherman stated that it was his client's understanding that McClure would not need to be extended for one to two years. Now, tonight, he learns that this is an issue that needs to be resolved immediately.

Mr. Morgan stated that McClure is a designated collector street in the comprehensive plan and in the Year 2000 SKATS plan. The City would need to either purchase or condemn the right-of-way from Staats. Mr. Lien noted that such a condemnation proceeding could take eight to twelve months.

Responding to a question from Councilor Miller, Mr. Sherman said that his client was told that McClure Street would not be extended through, and that the school was also concerned about such an extension. Responding to a question from Councilor Miller, Mr. Sherman stated that a school located immediately next to residential property does not increase its value but rather decreases the value. A school two blocks away, however, is an advantage.

Councilor Miller asked if Staats realized any tax benefits by donating the land for McClure Street. Mr. Sherman indicated he did not know, but that if they did, it is not 100%.

Councilor Miller said that when Mr. Guthrie was outlining the proposal from Staats, there was no mention of not extending McClure by Staats Corporation. Mr. Sherman explained that his client is trying to be practical and accommodating and realizes that the street will probably be extended. He added that Staats did not suggest any specific dollar figures; the figures used by Mr. Guthrie are those developed by Hillman Properties. However, Hillman Properties has not come back to negotiate the conditions.

Councilor Miller declared a potential conflict of interest since he resides at McNary Estates.

Sandy Staats, Staats Corporation, 1950 Turner Road, Salem, stressed that she is still willing to work with Hillman Properties and McNary Estates on the negotiations.

Mr. Guthrie addressed a May, 1985 Marion County Planning Division partitioning and lot line adjustment decision which includes that one-third of the total residential growth will occur in the area of Olsen Street between River Road and Windsor Island Road, and that there is no north-south street to carry that traffic. With respect to the $288,000 cost to meet Staats' conditions, Mr. Guthrie indicated that he is fairly certain of these costs, give or take $10,000. He again stressed that Hillman Properties is committed for $50,000.

Mr. Morgan clarified that it is staff's position that the turnaround issue be separated from the McNary Activity Center Plan, however, the extension of McClure Street is an integral part of the overall plan. He hoped that within the next two weeks Staats and Hillman came come back with some resolution. Mr. Morgan asked whether the City Council wishes staff to be involved in these negotiations.

Mr. Fish questioned why Mr. Morgan appears now to be changing his mind with respect to the City's commitment to the turnaround as he proposed. Mr. Morgan responded that he sketched out half a dozen alternatives that would technically work. It is up to the parties to determine whether any of those sketches would politically work. Responding to a question from Mr. Guthrie, Mr. Morgan indicated that the City can pretty much do what it wishes within the right-of-way, however, it wouldn't proceed without the input of the affected parties.

Mayor Orcutt indicated that he will be recessing the public hearing to the City Council's October 21 meeting, and that he will be looking for a resolution at that time.

Councilor McGee commented that he enjoyed the debate, and asked that all of the parties go back to the table to negotiate, using staff as a facilitatorif both parties so desire.

Councilor Koho suggested that the Council wait until October 21, but that he would urge the Council to take action at that time regardless of whether the parties come to an agreement.

ANNEXATION - KA 91-1

Mr. Morgan reviewed the staff report regarding the annexation of the Reece, Blackman, Croteau and Wheatland Automotive, Inc., properties. An issue regarding the boundary was brought out in previous meetings. In discussions with Marion County, the Board of Commissioners has agreed to allow the use of the 170 foot contour, contrary to the recommendation of Russ Nebon, Marion County Planning Director. Mr. Morgan indicated that although the legal description included with the ordinance tonight is not specific, it is adequate for the purposes of annexation and he recommended that the Council proceed with passage of the ordinance as proposed.

Councilor Van Meter moved for passage of an ordinance annexing a portion of property to the City of Keizer. Councilor Miller seconded the motion.

In response to a question from Councilor Van Meter, Mr. Reimann indicated that he anticipates there will be some type of attached residential housing on the property, however, that decision will be made in the next 1 to 1-1/2 years.

The motion was passed unanimously, by the following vote:

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

LEAGUE OF OREGON CITIES
VOTING DELEGATE

Mayor Orcutt indicated that Councilor Newton has agreed to serve as the voting delegate to the 1992 League of Oregon Cities' Conference.

Councilor Koho moved to appoint Councilor Newton as the voting delegate for the 1992 League of Oregon Cities' Conference. Councilor Van Meter seconded the motion. The motion passed unanimously, as follows:

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

CITY MANAGER PERFORMANCE
EVALUATION FORMAT

Mr. Otterman distributed information to the Council regarding the process used by other jurisdictions in evaluating their city managers. One of these, from the

City of Hillsboro, appears to be concise and comprehensive. With respect to prior evaluations, Mr. Otterman stated that his personnel file shows that the last evaluation was conducted in December of 1990 for the period covering January to December of 1990. He believed the current evaluation should, therefore, cover the period from January 1991 to the present.

Councilor McGee indicated that he had requested a copy of the last written evaluation, and then learned that the last evaluation was oral. The information he received was a summary of the oral evaluation.

Councilor Hart stated that the Council should have more time following the end of the fiscal year should it decide to evaluate the manager on that schedule. He suggested that instead of conducting the evaluation in July of each year, that it be postponed to the first of August.

Councilor Koho suggested conducting the evaluation at the end of the calendar year, perhaps between Thanksgiving and Christmas. Otherwise, they would run into fall election cycles and other factors. He favored the process utilized by the City of Hillsboro.

Councilor McGee indicated that if the Council wishes to evaluate the manager on a date other than what is in the current agreement, then it will need to amend the contract. Otherwise, the City must comply with the terms of the contract as it is written.

Responding to a question from Councilor Koho, Mr. Lien stated that the City Council could amend the employment agreement by motion or by resolution.

Mr. Otterman indicated that since progress on the Council's goals will be a part of the evaluation, the Council may wish to postpone the evaluation until the end of the year when more goals could be accomplished. He believed it was the Council's earlier action that the process for evaluating the city manager be established within 30 days, not that the actual evaluation occur within 30 days.

Councilor McGee stated that the Council will not necessary evaluate him on how many goals are accomplished at that time, but rather on how he manages the goals.

Councilor Miller said that up until these recent goals were established, there were no new goals for two years. The December evaluation does not reflect whether the goals were considered. He indicated that the last evaluation was not done properly, nor has a proper evaluation been done for two years.

Councilor Van Meter stated that the December evaluation was a lengthy oral one and it was as evaluations are supposed to be. If a written evaluation is desired, the employee should have some input into that process since this was not specified in his contract.

Councilor Koho suggested a three member Council committee to put together a proposed evaluation criteria form, and that the evaluation be conducted between Thanksgiving and Christmas.

Councilor Miller clarified his earlier remarks that a proper evaluation should be reduced to writing and the employer and employee should both sign the document. Councilor McGee indicated that while the city manager should have some input and be aware of the evaluation, it is not necessary that he agree with the outcome.

Councilor McGee said he would like to be on the committee to put together the evaluation form, but that if he is not selected he will not be upset. He wants the committee to meet in time to propose the format to the City Council on October 21 and for the Council to conduct the evaluation the following week. He noted that the City is already in breach of its contract since the evaluation should have been completed in July by the terms of the contract. Several comments were made with respect to the Council members who were unavailable the following week for the evaluation.

Councilor McGee moved to authorize the Mayor to appoint a three member City Council committee to develop an evaluation criteria form for the City Manager performance evaluation, with the City Manager's input, and to return to the Council on October 21 for approval of the form, and to set a specific date for the evaluation to take place. Councilor Koho seconded the motion. The motion passed by the following vote:

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

CONSENT CALENDAR

The Consent Calendar consisted of the following items:

- September 3, 1991 City Council Minutes
- September 16, 1991 City Council Minutes
- Resolution - The Meadows Phase 4 Street Lighting District
- Resolution - Orchard Crest Street Lighting District

Councilor Van Meter noted that he was absent during the meeting of September 16, 1991.

Councilor Hart moved for approval of the Consent Calendar. Councilor Koho seconded the motion. The motion carried unanimously by the following vote:

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

OTHER BUSINESS
Checking Account Signers

Mr. Otterman said that a resolution has been distributed tonight with respect to changing the designated checking account signers. He explained that one of the staff signers has resigned. He is recommending that the Acting Office Supervisor be designated.

Councilor Koho moved for approval of a resolution designating checking account signers. Mayor Orcutt seconded the motion.

Councilor McGee believed that an individual in the Police Department was designated because there was a need to have someone in that department as a check signer. Mayor Orcutt and Mr. Otterman explained that there was no particular reason at the time for the other staff signer to be from the Police Department.

The motion was passed unanimously by the following vote:

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

Spring Meadow Estates Lighting District

Mr. Otterman explained that the original owner of Spring Meadow Estates petitioned for a street lighting district in the mobile home park. At that time, three street lights were approved by the Council. The new owners are now desiring to install a total of 22 street lights in the park. He spoke with the property owner today and informed him of the estimated annual assessment. The City Attorney has reviewed and approved the ordinance form.

Councilor Koho moved for passage of an ordinance spreading assessments to Spring Meadow Estates Street Lighting Local Improvement District, and amending Ordinance 90-166. Councilor Hart seconded the motion. The motion passed unanimously on first reading, as follows:

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

Enhanced 9-1-1

Councilor Hart informed the Council that he had the opportunity to see the new enhanced 9-1-1 dispatch center.

Sandy Drive Bike Path

Councilor Hart asked for staff to check into the situation with the bike path on the south side of Sandy Drive. Apparently vehicles have been parking in the bike path because it is not marked.

Council Social

Councilor Hart invited the Council members to his residence for a social within the next three to five weeks. Invitations will be sent out. He indicated that Mr. Otterman would be invited as well as spouses. Councilor Koho said that he was unavailable on October 23. Mr. Lien stated that the Council could get together in a social setting as long as business is not discussed.

Job Descriptions

Councilor McGee questioned whether staff job descriptions and the organizational chart have been completed. Mr. Otterman indicated that those have been done and the Council was so notified in one of his Friday memorandums to the Council. Councilor McGee asked for copies of all of the information.

AGENDA INPUT

Because of the heavy load on the October 21, 1991 Council agenda, Mayor Orcutt asked if any items might be moved to the next meeting. It was decided that the OLCC/LaBrisa issue could be temporarily postponed.

ADJOURNMENT

There being no further business, the meeting adjourned at approximately 11 p.m.

Susan Darby
Susan Darby, City Recorder

APPROVED:

MAYOR

Al Miller

Al Auton

Kay McGee

Mike Hart

Doris Kelly