MINUTES

KEIZER CITY COUNCIL
Monday, October 5, 1992
Robert L. Simon Council Chambers
Keizer City Hall

CALL TO ORDER

Mayor Orcutt called the regular meeting to order at 7:34 p.m. Roll call was taken as follows:

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

Absent
Al Miller, Councilor

Staff
John Morgan, Interim City Manager
Wally Mull, Public Works Director
Charles Stull, Chief of Police
Tracy Davis, City Recorder Pro Tem
John Lien, City Attorney
Shannon Johnson, City Attorney
Linda Sanders, Recording Secretary

PUBLIC TESTIMONY

Speaking was:

Sharon Bilyeu, 5167 8th Avenue, Keizer, Oregon 97303. Ms. Bilyeu reported a problem on their street where a neighbor had cut down a red maple tree, built a compost box and is composting in the front yard. She stated the red maple trees have been a part of the beauty of the street and she, along with other neighbors, wished to have a ruling which would keep the trees from being cut.

Mr. Mull reported that the area is in the right of way and the tree was supposedly cut as a vision hazard. He had informed the resident that a planter box was acceptable in the right of way as long as it was able to be maintained. Ms. Bilyeu stated the box is being used as a composter. She would like to see the tree replaced. Mr. Morgan stated a report would be done for the Council on the issue.

Marsha Newton, Marion County 4-H Guide Dog Club. Ms. Newton asked for the help of the Council in finding a

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meeting room for their club which meets twice a month. Councilor McGee encouraged the staff to investigate the issue since this program is the type the Council and the City have supported in the past. Mr. Morgan stated his office would assist Ms. Newton.

COMMITTEE REPORTS

Volunteer of the Month

JoAnne Beilke of the Volunteer Coordinating Committee introduced Mr. Chet Patterson as the Volunteer of the Month for October. Ms. Beilke cited his history of volunteerism with the City of Keizer, including membership on the incorporation committee, work on the recent Charter Revision committee and his term as a former City Councilor. Mr. Patterson will also become a City Councilor in January. His hobbies include his wife and family, hiking and backpacking. He works at the Mennonite Home in Albany and is involved at the Salem Alliance Church.

Mayor Orcutt presented the October Volunteer of the Month Award to Mr Patterson.

Volunteer Coordinating Committee

Ms. Beilke reported from the Volunteer Coordinating Committee suggested appointments to various City Committees. For the Planning Commission, the Committee suggested the return of Dawn Meier and Jerry Watson. The new member would be Arthur Gottfried. In regard to the Police Advisory Committee, the Volunteer Coordinating Committee had some ideas about redefining goals which Ms. Beilke wished to discuss with the Council at a later date. Nominations for that Committee were Robert Ferguson and Candice Phillips. For the Budget Committee, Robert Emmerich was nominated.

Ms. Beilke stated more nominations for Volunteer of the Month will be coming before the Council as well as nominations for other City Committees. She noted Mr. Bill Pearl had done a great deal of work on the files and was working with the City Department heads to determine needs. The Committee is also considering an attendance policy which might include alternates to the Committee. She said there is a good supply of applicants available.

<u>Councilor Koho moved that Dawn Meier, Jerry Watson and Arthur Gottfried be appointed to the Planning Commission and Robert Emmerich be appointed to the Budget Committee. The motion was seconded by Councilor Van Meter.</u>

<u>The motion passed in a unanimous vote:</u>

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

Chief Stull announced the death of Police Department Volunteer Kathleen Harabaugh. She had volunteered since 1900 and was a great help to the Department. The Memorial service was to be held October 6 at 11:30 a.m.

PUBLIC HEARINGS
Orchard Crest Lighting

Mayor Orcutt opened the Public Hearing. No one was present to speak, so the hearing was closed.

DELIBERATION
Orchard Crest Lighting

There was no deliberation regarding the Ordinance.

ORDINANCE
Orchard Crest Lighting

A motion was made by Councilor Van Meter that a Bill for an Ordinance spreading Assessments to Orchard Crest Phase 2 Street Lighting Local Improvement District be approved. The motion was seconded by Councilor Koho.

The motion was passed unanimously:
AYES: Hart, Newton, Orcutt, Van Meter, Koho, McGee (6)
NAYS: None
ABSTENTIONS: None
ABSENT: Miller (1)

DISCUSSION
Town Hall Forums

Councilor Koho stated that he had done Town Hall Forums in the past and the recent meetings, sponsored by the Chamber and the newspaper, have provided good opportunities for citizens to talk in an informal manner. He suggested a regular process be set up to sponsor the forums away from City Hall every few months. Councilor Hart agreed but suggested the Council wait until the election is done. Councilor Newton agreed with the timing problem. He also suggested that the times be used to inform the public on the key functions of the City Departments with briefings done by Department heads. He liked the idea of a quarterly schedule.

The Councilors agreed the idea was a good one and the timing was poor. Councilor Koho apologized for the timing, stating he was thinking to begin after the election or after the 1st of the year. Mayor Orcutt stated the Council will work toward that and get a schedule finalized.

Finalization - Personnel Issues

Mr. Morgan introduced the staff report which included the personnel issues needing to be finalized. He stated the issues result from staff being given interim positions and referred the Councilors to 8 points in the staff report. Councilor Newton said he had asked Mr. Morgan to look into the matter of the City Recorder and see about the options of direct appointment or contracting. Mr. Morgan stated he and City Attorney, John Lien had discussed it briefly and it was the choice of the Council. It is possible that Department Heads will be made at-will employees and the change could be made now for the City Recorder. In the interim, that position would be the only at-will employee which might be unfair. The other option would be to hire in the same manner as the other department heads and change at a later date which might result in some protest. Mr. Lien stated that action tonight would result in that employee having the same status as other Department Heads. If there were to be a change to contract, there would be due process for the Department heads including the City Recorder.

<u>Councilor Newton moved to adopt staff's recommendations to appoint Tracy Davis as City Recorder and reclassify the Senior Utility Clerk to Water Office Supervisor. The motion was seconded by Councilor Van Meter.</u>

Councilor Koho asked if advertising must be done before an appointment is made. Mr. Lien stated it was an in-house appointment and not a new hire. Councilor McGee asked about the method of deciding upon the salary range for the City Recorder. Mr. Morgan stated the new Range is a reduction of the former City Recorder's range by about $200 and is a result of the LGPI study and the staff study. The level was set at the median. The City Recorder will start at Step 1.

Councilor McGee asked if a position was being abolished and establishing a new position in the Water Office Supervisor's situation. Mr. Morgan stated that it is eliminating a position and moving a person. It is a promotion where the person is asked to be promoted into the position. Mr. Lien said that it was appropriate for the Council to do, since the action was classifying and reclassifying, requiring Council approval.

Councilor McGee assumed that in the future the position should partially be charged to the Administrative Department. Mr. Morgan stated that the employee's primary action was relating to the Water Department but some costs should probably be included in

Administration. That would be done in the 93-94 Budget and could be included in the Supplemental Budget if the Council requested. He clarified that she would do general oversight of the office decorum and vacation for employees not under her which would not be a change from her present duties.

Councilor McGee commended Mr. Morgan for addressing some personnel issues that he felt should have been done in the past. He also stated this would be the last time he would vote for reclassification or a new position in an ad hoc situation without the staff presenting a position justification, job description, organizational chart and a financial support plan.

<u>The motion passed unanimously:</u>
AYES: Hart, Newton, Orcutt, Van Meter, Koho, McGee (6)
NAYS: None
ABSTENTIONS: None
ABSENT: Miller (1)

Mr. Morgan stated he intended to bring back the Acting Police Sergeant position to the Council later. He also asked whether the Council would like to consider the Personnel policies after the first of the year or at the November 16th meeting. He pointed out that probable areas of discussion would be a change for Department heads to at-will employees, grievance procedures and issues from the Police Sergeants. He said he would try to bring it in November.

Councilor Newton would like to have it considered in November so the present Council could deal on it. Mayor Orcutt agreed, stating that it is fairly complex and the present Council is apprised of the issues. He thought it would take a while for the new Council to come up to speed. Councilor Koho stated he was interested in having it done as soon as possible although he would be absent on November 16th. Councilor McGee agreed with the November request. Councilor Newton pointed out the Council did want all the information, both good and bad, so that an educated decision might be made. Mr. Morgan assured him that would be the case.

City Manager Recruitment

Alan Hershey reported that 203 applications had been received and a few more were expected during the week. Councilor Koho asked if incomplete applications would be considered. Mr. Hershey stated that if the resume is a sound one, then an application would be requested so that the information is on 2 pages. He also said that applications have come from as far as Western Europe.

Mr. Hershey stated that he would be telling the screening committee if they would like to include in the interview process one of the candidates that does not fit the profile, the Council would need to name that person by name on October 19th. Councilor McGee asked if that would be a person who does not meet the requirements. Mr. Hershey responded that it might be a person on staff who would be a promising candidate or a person from the community who the Council might like to compare to the others. Councilor McGee stated it seemed this would only be done if there were some political purpose and he would not be in favor of considering some one not qualified.

Mr. Hershey stated he would not be recommending that kind of situation but he did want to let the Council know about the Open Records law. Councilor Koho hoped the Committee would bring only qualified persons. Mayor Orcutt stated this was for informational purposes only if the Council wanted to interview a candidate who might be lacking one out of six qualifications. He said that if the candidate did not meet the profile as written, the Council would have to explain why they are interviewing the person.

CONSENT CALENDAR

a. **RESOLUTION** - **Change in Compensation for Certain Employees**

b. **RESOLUTION** - **Amending Certain Fringe Benefits for Non-Represented Employees**

c. **RESOLUTION** - **Initiating Rivercrest Phase II Street Lighting District**

d. **RESOLUTION** - **Certification of Lighting District Amounts**

e. **RESOLUTION** - **Intent to Appoint City Manager**

f. **RESOLUTION** - **Appointment of City Manager Pro tem**

g. **RESOLUTION** - **Approving Purchase of Property on McLeod**

h. **Bid Award - Lockhaven/McLeod Intersection**

i. **Approval August 24, 1992 Special Session Minutes**

j. **Approval September 8, 1992 Regular Session Minutes**

Councilor McGee asked to have Items a. and b. removed from the Consent Calendar.

A motion was made for approval of the Consent Calendar excluding items a. and b. by Councilor Van Meter and seconded by Councilor Newton.

The motion passed unanimously:
AYES: Hart, Newton, Orcutt, Van Meter, Koho, McGee (6)
NAYS: None
ABSTENTIONS: None
ABSENT: Miller (1)

Councilor McGee stated he would be more comfortable if the City Manager's flat fee is omitted from Item a. Change in Compensation for Certain Employees. Councilor Hart stated that the amount is the money that is being budgeted and was not an exact line item. He was comfortable with having it in. Mr. Morgan stated the item was there because it was a list of the employees who were eligible for back pay and the Manager would be included. No employees had received the 4.1% increase as approved by the Council. Councilor Newton pointed out the increase was agreed upon and the Council was waiting for the budget to be passed.

Councilor Newton moved for the adoption of the Change in Compensation for Certain Employees with the withdrawal of $4821 from the City Manager's line item. The motion was seconded by Councilor McGee.

Councilor Koho moved to amend the Resolution by adding a Section 9 stating: "The following salary grade has been adjusted based on cost of living as recommended by the City Manager and approved by the City Council, and is hereby assigned to the classification of the following management employee effective July 1, 1992 to October 2, 1992, City Manager, $4821." The amendment was seconded by Councilor McGee.

The amendment passed by the following votes:
AYES: Newton, Van Meter, Koho, McGee (4)
NAYS: Hart, Orcutt (2)
ABSTENTIONS: None
ABSENT: Miller (1)

Councilor McGee spoke in favor of the motion and asked if all the former City Manager's tasks had been completed before his departure. Mr. Morgan stated that all the things that were on the list provided him were done with the exception of the review of the Council's goals. One performance evaluation of a Department head was drafted.

The amended motion passed with voting:
AYES: Newton, Van Meter, Koho, Orcutt, McGee (5)
NAYS: Hart (1)
ABSTENTIONS: None
ABSENT: Miller (1)

In discussion of Item b. - A Resolution Amending Certain Fringe Benefits for Non-Represented Employees, Councilor McGee asked that the Report go back to the Compensation committee if no one would be disadvantaged by the timing. Mr. Morgan stated one of the things missing on the Resolution was the effective date, which he suggested be July 1, 1992. The Resolution would not affect anyone at this time. Councilor Koho stated that a lot of time was spent doing the Resolution and he remembered everything as being accurate with the exception of the vacation schedule where he did not remember the specifics. He was prepared to take action tonight. Councilor Newton thought that revisiting the report and refreshing the memories of the Committee would save time. He wanted the Committee to meet one time before the next Council meeting.

Councilor Van Meter moved to pass Resolution 92-___ Amending Certain Fringe Benefits for Non Represented Employees to be effective on July 1, 1992. Councilor Koho seconded the motion.

Councilor Van Meter spoke in favor of passing the motion. Councilor McGee questioned the amount of time that had been spent by the Council on the Resolution.

The motion failed with a tie vote:
AYES: Orcutt, Van Meter, Koho (3)
NAYS: Hart, McGee, Newton (3)
ABSTENTIONS: None
ABSENT: Miller (1)

The Compensation Committee will look at the Resolution again and report to the Council.

OTHER BUSINESS

Mr. Morgan announced the River Road Redevelopment Board would have a display at Roths's this week and Marth's next week with a Public Hearing on the 21st. The Redevelopment Plan will be coming to the Council on November 2nd.

Councilor McGee requested a report on the agenda from a meeting with Ms. Beilke, Mayor Orcutt and Mr. Morgan regarding the Police Action Committee. He also asked about the proceeding of amendments to the Comprehensive Parks Plan. Mr. Morgan reported that the amendment went to the Parks Committee 2 weeks ago, will be going to the Planning Commission on October 14 and will be back at Council on November 19th. Councilor McGee asked if other issues could be considered in discussing the proposed amendment, i.e. Palma Cia park. Mr. Morgan stated the Resolution was very specific and another amendment would need to be initiated. Councilor Newton asked for the minutes of the Park's Committee. He was concerned about the Meadow's Park. Mr. Morgan said he would bring a status report on the 19th.

WRITTEN COMMUNICATIONS

There were no written communications to come before the Council.

AGENDA INPUT

There were no additional items added to the agenda.

ADJOURNMENT

The meeting was adjourned at 8:55 p.m.

Linda S. Sanders

Linda S. Sanders,
Recording Secretary

APPROVED:

MAYOR

(AL MILLER ABSENT)