

MINUTES

KEIZER CITY COUNCIL
Monday, September 16, 1991
Robert L. Simon Council Chambers
Keizer City Hall

CALL TO ORDER

Mayor 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

Absent

Joe Van Meter, Councilor

Staff

John Morgan, Community Development Coordinator
Joe Hobson, City Attorney
Shannon Johnson, City Attorney
Susan Darby, City Recorder

PUBLIC TESTIMONY

There was no public testimony to come before the Council.

COMMITTEE REPORTS

There were no committee reports offered to the Council.

PUBLIC HEARING -

PERIODIC REVIEW ORDER

Mayor Orcutt reopened the continued public hearing regarding periodic review of the Salem Area Comprehensive Plan.

Mr. Morgan reviewed the staff report regarding this item, noting that periodic review of comprehensive plans occur five years after adoption. He submitted into the record a letter from Michael J. Kurtz, Manager, Suburban East Salem Water District, dated September 13, 1991 responding to some of the proposed language changes. He asked the Council to continue the public hearing on this matter to its October 7 meeting and to consider deliberation at that time.

Mayor Orcutt noted that Mr. Kurtz' letter refers to specific language on page 30, item 18, which concerns annexation of contiguous property to the City of Salem. He asked Mr. Morgan to pass this information on to the other jurisdictions.

There being no further testimony, Mayor Orcutt recessed the public hearing to the City Council's October 7 meeting.

**ANNEXATION - REECE, BLACKMAN,
CROTEAU AND WHEATLAND AUTOMOTIVE**

Mr. Morgan provided a status report on the issue of annexing the Reece, Blackman, Croteau and Wheatland Automotive, Inc. properties. He indicated that the question at the September 3 meeting was the exact location of the annexation line. A general understanding has been worked out that the line will be toward the top of the bluff and Mr. James Reimann is preparing the appropriate legal description for consideration by staff. Staff will place this on the October 7 City Council agenda for discussion.

Councilor Koho asked whether the affected property owners who did not offer support have been contacted. Mr. Morgan responded that he has attempted to reach these property owners but has been unsuccessful. He will continue to make those contacts.

CODIFICATION

Ms. Darby reviewed the staff report regarding codification of the City's general ordinances, explaining the difference between a mechanical compilation and a full codification. Staff agreed that it would be preferable to do the full codification, and the low bid received was from Sterling Codifiers at an estimated price of \$6,850. In addition to the codification is the future expense of maintaining the code with updates. This, she explained, will cost about \$300 to \$400 annually, depending on the number of pages that will be revised. In addition, the City may wish to purchase a software program which would allow the code to be placed on the City's network. This is an additional expense which can be considered at a later time.

Councilor Koho moved for approval of a resolution for codification. Councilor Hart seconded the motion.

Responding to questions from the Council members, Ms. Darby explained that she has available a sample of the work performed by Sterling Codifiers and that she has checked references from other jurisdictions. Councilor McGee noted that codification will make it easier for the public to review the City's ordinances. Councilor Hart asked for a recap of the supplements. Ms. Darby stated that supplements can be done on a monthly, quarterly or semi-annual or annual basis, depending on the City's needs. Mr. Morgan added that the City of Salem supplements their code on a quarterly basis and that appears to be satisfactory for them.

The motion was put to a vote and carried unanimously by the following vote:

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

NAYS: None (0)

ABSENT: Van Meter (1)

NUISANCE ABATEMENT

Mr. Hobson reviewed his report regarding adoption of an ordinance relating to the abatement of nuisances created by the accumulation of waste, solid waste or inoperable vehicles. He explained that he has been working on this issue since early 1983, soon after the City incorporated. At that time, the City decided to defer regulation of solid waste matters to Marion County under its ordinance. Working with staff members of the City, County, franchised haulers and other interested parties, the proposed ordinance has been patterned after the current county ordinance which has been handling solid waste issues in Keizer until just recently. The primary focus has been on updating the ordinance to reflect the City as the administrator.

Councilor Koho asked for a correction on page 5, Section 7, to reflect the reference to Section 3 rather than Section 4.

Councilor Koho also asked about sanctions as provided in Section 10. Mr. Hobson explained that alternatives available to the City would be to bring an injunction in court or to pursue remedies available under the City's civil infraction ordinance. This particular ordinance does not provide the City with the approach of cleaning up the property and then billing the responsible party. Doing so could incur substantial costs for the City.

Mr. Morgan indicated that the issue of inspecting private properties raises an issue that is not addressed in this ordinance. In the case of the recent apartment building issue, if the City takes abatement action, it would have had to pay the past due bill of \$3,600. The City does not have the manpower or equipment available to do this kind of job.

Responding to a question from Councilor Miller, Mr. Hobson explained that Ordinance 86-063 is the City's civil infraction ordinance which sets out a civil infraction process which the City uses to pursue those in violation of certain ordinances. Essentially, a person who is found in violation of the ordinance is given a citation which is processed through the Municipal Court. The penalty is monetary. If the City prevails, and the defendant fails to pay, the charge becomes a lien against the property. Councilor Miller questioned whether the proposed ordinance violates federal constitutional law by failing to indicate that violation of the ordinance could result in a fine. He believed that this should be incorporated into the ordinance to give the public notice of the penalty. Mr. Hobson explained that in the opinion of the City Attorney's Office, the reference to the civil infraction ordinance is legally acceptable. Mayor Orcutt added that the ordinances are worded in this manner so it is possible to change only the civil infraction ordinance should the fines change. Councilor Miller asked if Ordinance 86-063 could be provided to a citizen on the spot. Mr. Hobson indicated that this is his understanding.

Mr. Morgan stated that the vast majority of solid waste issues are handled over the telephone. Staff takes the complaint over the telephone and fills out a form which goes to Marion County. Marion County prepares its findings and returns the form to Keizer and Keizer then decides whether to take action. The process has been informal but it seems to work well. Two or more steps will be taken out of the process by moving it in-house.

Councilor McGee asked about the number of violations that one sees on a daily basis. Mr. Morgan explained that staff does not patrol the streets looking for violations. The process is complaint driven.

Councilor Koho indicated he would like an opportunity at a later time to discuss and vote on the issue of inspecting private property and language on abatement. Mr. Morgan indicated that perhaps the best strategy is one of the vision statements coming out of the Keizer Tomorrow Committee to encourage rehabilitation of existing housing.

Mr. Hobson indicated that a couple of technical changes need to be made to the proposed ordinance. The first, on page 4, line 16, is to add after the word "animals" the following language: ", infectious waste as defined in ORS 459.387,". On page 5, line 14, change the reference from Section 4 to Section 3.

Councilor Koho moved for passage of an ordinance relating to the abatement of nuisances created by the accumulation of waste, solid waste or inoperable vehicles; and declaring an emergency. Councilor McGee seconded the motion. The motion was put to a vote and carried unanimously on first reading, as follows:

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

NAYS: None (0)

ABSENT: Van Meter (1)

CONSENT CALENDAR

The Consent Calendar consisted of the following items:

- August 19, 1991 City Council Minutes
- Resolution - Certification of Lighting District Accounts
- Resolution - Adjusting Employee Pay Ranges

Councilor Miller asked that the resolution regarding employee pay adjustments be removed from the Consent Calendar.

Councilor Hart moved for approval of the remainder of the Consent Calendar. Councilor Koho seconded the motion.

Councilor Miller asked for clarification on the difference between flat pay ranges and step pay ranges specifically with respect to the City Recorder and Police

Sergeant in the Management section. Mayor Orcutt stated that there are five pay ranges which are adjusted annually. Ms. Darby added that the annual adjustments are based on merit and are not automatic. Councilor Miller asked that this clarification be included in the resolution. Ms. Darby responded that this is contained within the personnel policies.

Councilor Miller also asked for clarification on the hourly amounts versus monthly amounts. Mayor Orcutt clarified that there are certain positions which are paid based on an hourly wage and these are reflected in the resolution as such.

Councilor Hart moved for approval of a resolution setting forth a change in compensation for non-bargaining unit employees including certain employees of the Water Department and Police Department, certain permanent part-time employees and certain Management employees. Councilor Koho seconded the motion. The motion was put to a vote and passed unanimously as follows:

AYES: Orcutt, Hart, Koho, McGee, Miller, Newton (5)

NAYS: None (0)

ABSENT: Van Meter (1)

OTHER BUSINESS

Stayton Community Center

Mr. Morgan indicated that representatives of the City have been invited to attend a tour of the Stayton Community Center.

Planning Commission Appointments

Mr. Morgan stated that the terms of office for two Planning Commission members will expire at the end of September. Both of those members, Mark Siegel and Sam Goesch, have expressed interest in being reappointed to the Commission and have forwarded letters indicating this interest. Mr. Morgan indicated that the Volunteer Coordinating Committee is in the process of forming at this time. Therefore, he suggested the following alternative:

- Allow these terms of office to expire
- Reappoint both members to the Planning Commission
- Fill the two vacancies with these existing members on a temporary basis

Councilor Koho suggested using the system which has been put in place through the Volunteer Coordinating Committee to ensure that the members are attending the meetings and participating. He would recommend temporary appointments pending this process.

Councilor McGee did not believe it was the Volunteer Coordinating Committee's responsibility to monitor the committees and commissions. He understood that the appointments would still be made and monitored by the City Council or staff. He does not believe it appropriate for the Volunteer

Coordinating Committee to be checking into the attendance and participation of the members of other committees.

Councilor Hart, as liaison to the Planning Commission, stated that both of these gentlemen have been in good attendance and have participated in the meetings. He has had some differences in the past with Mr. Siegel, but those have been resolved. In addition, neither of these two individuals have had the opportunity to serve a complete term of office. He supported the reappointment of Mr. Siegel and Mr. Goesch to the Planning Commission.

Councilor Newton moved for reappointment of Dave Siegel and Sam Goesch to full three year terms of office on the Planning Commission. Councilor McGee seconded the motion.

Mayor Orcutt indicated that he discussed with Ms. Darby today the establishment of criteria for judging reappointments to various committees. Some of the criteria that may be used includes attendance and participation in the meetings. The Volunteer Coordinating Committee is currently working on the Police Advisory Committee, the Charter Review Committee and the Citizens Advisory Committee. In any case, the Planning Commission appointments would be put on the back burner until these other committees were resolved. Mayor Orcutt added that he expects the Volunteer Coordinating Committee to make recommendations on all committees, including appointments, reappointments, etc. He apologized if there was any misunderstanding by any of the Council members with respect to his intent.

In response to a question from Councilor Hart, Ms. Darby stated that the Volunteer Coordinating Committee will be conducting interviews of applicants for the Police Advisory Committee on September 23 and September 24. Councilor Hart indicated that he is looking forward to seeing some new blood on the volunteer committees.

The motion was put to a vote and carried unanimously by the following vote:

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

NAYS: None (0)

ABSENT: Van Meter (1)

Councilor Koho indicated that he hopes the City Council will not delegate its authority for appointment on committees, and that the Volunteer Coordinating Committee will come back with multiple recommendations for positions.

Aggregate Extraction Planning Case

Mr. Morgan reported that, as directed by the City Council, he appeared on the conditional use permit for the aggregate extraction land use case. The Hearings Officer granted the extension requested by Keizer and left the record open to

analyze the points. She will be holding the hearing on the conditional use permit, however, there she found there were fatal errors in the notice requirements for the comprehensive plan amendment and will reopen the public hearing probably in November. Because staff will not have another opportunity to come back to the Council before the public hearing is closed, Mr. Morgan drafted a letter to the Hearings Officer expressing Keizer's position in the matter. Mr. Morgan read this letter to the Council.

Councilor Miller moved to authorize the Mayor to sign the letter and to send it to the Hearings Officer. Councilor Koho seconded the motion. The motion was put to a vote and carried unanimously by the following vote:

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

NAYS: None (0)

ABSENT: Van Meter (1)

City Manager Performance/ Job Description

Councilor McGee indicated that at the last meeting he was insistent about obtaining a copy of the City Manager's job description. Upon receiving the contract, he discovered that it did not include the job description. If one does not exist, then it is the City Council's job to develop one very soon. He noted that the contract refers to the job description in three different places. In addition, the City Manager is overdue for his performance evaluation and, therefore, the Council is not in concurrence with its own contract.

Councilor McGee moved to hold a special meeting at the earliest convenient time to evaluate the City Manager's performance according to the contract requirements. Councilor Miller seconded the motion.

Councilor Newton indicated that he recalls the last evaluation was done in late 1989 or early 1990. Councilor Hart stated that the criteria upon which to base the Manager's performance is to evaluate how the Council's goals were accomplished. Councilor McGee agreed that this would be one tool to conduct the evaluation.

Councilor Koho indicated that he would prefer to place on the agenda a discussion item to determine the approach for evaluating the City Manager. Councilor Miller indicated that if a job description exists, it should be given to the Council members as soon as possible by the end of this week. He suggested that the evaluation be conducted on a day separate from a Council meeting in case it is long. He suggested a 7 p.m. starting time so there would be adequate time to do the job.

Councilor McGee indicated that he feels a sense of urgency, however, a format should be developed which would apply in this case and in future cases. He

suggested a meeting date in October.

Mayor Orcutt indicated that the Council first needs to decide on the format so that it will be prepared. He does not see the urgency as Councilor McGee does, and he suggested that the format could be discussed at the next Council meeting. Councilor Miller suggested the evaluation be conducted within 30 days.

Councilor Koho offered a substitute motion to set a specific time.

Councilor McGee moved to amend the main motion to conduct the performance evaluation within 30 days. Councilor Miller seconded the amendment. The motion was put to a vote and carried unanimously as follows:

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

NAYS: None (0)

ABSENT: Van Meter (1)

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

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

NAYS: None (0)

ABSENT: Van Meter (1)

Bike Path Routes

Councilor Koho indicated that the City will be receiving a copy of a letter addressed to the Marion County Commissioners regarding connection of bike paths from Willamette Mission Park to Wheatland Road.

Councilor Newton asked about the September 3 minutes. Ms. Darby explained that with the short week and a conference, the September 3 minutes have not yet been completed. She indicated that they would be available before the next meeting.

Sandy Drive

Councilor Newton indicated that there has been some problem with parking on the south side of Sandy Drive which has caused impaired traffic flow.

Fir Cone Subdivision

Councilor Hart mentioned that a barrier will be placed along the street in the Fir Cone Subdivision and any driver going north or south will see the barrier.

Councilor Hart reported on a meeting he attended in Independence last week. There will be six meetings regarding the Oregon sales tax proposal. Another meeting will be held on Saturday at the Salem Armory with respect to different counties and cities working within the jurisdictions to disseminate the information. He encouraged other Council members and the staff to attend Saturday's meeting at 1 p.m.

City Hall Painting

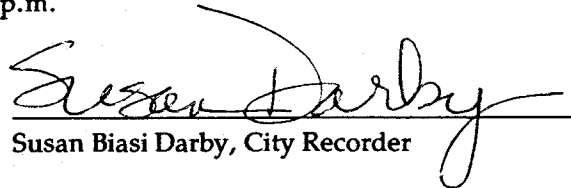
Councilor McGee indicated that the painting of City Hall has begun. He indicated that the building is in need of some repairs before any painting is done. He asked the Council members to participate and to bring their neighbors between the hours of 5:30 and 7:30 p.m. It takes two to three coats to cover the existing paint. Mayor Orcutt thanked Councilor McGee for coordinating the volunteer effort.

AGENDA INPUT

There were no additional items added to the agenda input for October 7.

ADJOURNMENT

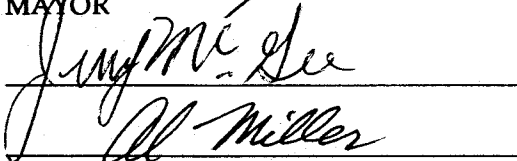
The meeting adjourned at 8:53 p.m.


Susan Biasi Darby, City Recorder

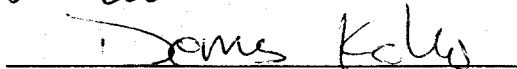
APPROVED:

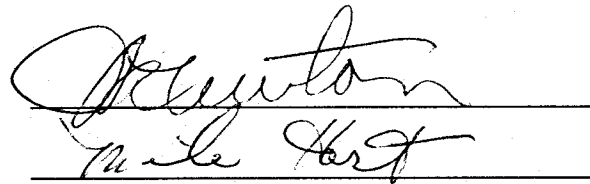


MAYOR









(COUNCILOR VAN METER ABSENT)