# MINUTES

## KEIZER CITY COUNCIL
## Monday, July 6, 1998
## Keizer City Hall
## Robert L. Simon Council Chambers, Keizer, Oregon

**CALL TO ORDER**

Mayor Koho called the regular meeting to order at 7:03 p.m. Roll call was taken as follows:

**Present:**
Dennis Koho, Mayor
Carl Beach, Councilor
Jim Keller, Council President
Jerry McGee, Councilor
Dawn Meier, Councilor
Al Miller, Councilor
Garry Whalen, Councilor

**Staff:**
Wally Mull, City Manager
H. Marc Adams, Chief of Police
Kent Barker, Keizer Police Lieutenant
Dianne Hunt, Human Resources Officer
Rob Kissler, Public Works Director
Susan Gahlsdorf, Finance Director
Amy Drought, City Planner
Shannon Johnson, City Attorney
Tracy L. Davis, City Recorder

**PUBLIC TESTIMONY**

**Appearing before the Council was:**

**Neil and Marcia Bednarczyk, 7775 O'Neil Road NE, Keizer** addressed the Council regarding their property located on O'Neil Road. Referring to a packet of information distributed to the Council, Mrs. Bednarczyk voiced her appreciation for being able to address the June 3rd staff report and to provide additional information on the development of the ten acre parcel south of her home. She described the previous condition of the land and the distribution of any excess storm/rain water drainage. As the development continues, the drainage is being forced onto their property at a increased flow three times greater than before. Mrs. Bednarczyk expressed her concern for the damage this runoff is



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creating and the lack of cooperation by the developer or the City to alleviate this problem.

In reference to the agreement previously signed, Mrs. Bednarczyk reviewed the status of each of the items of concern. She noted the continued problems with builders and developers dumping unwanted materials, dirt, and cement on their property. Mrs. Bednarczyk requested the following items:

1. The fill left on the two lots adjacent to her property be reduced or it will be impossible for the foundation to down to the undisturbed soil level. A request has been made with the Planning Department to review these lots.
2. Is it City policy for staff to bypass the homeowner when City business is involved? Shouldn't there be a policy in place that City staff deal with the taxpayer/property owner first?
3. She requested the City place some sort of drainage pipe or tiles on their property to retain the runoff water from the Waterford subdivision.

In regards to the photographs contained in the documentation submitted, Mr. Bednarczyk indicated they were taken during the last two winters. He noted these pictures do not show the water at the highest depths. In addition, the new homes are being built on sloping land that will force additional water onto his property. He requested a satisfactory resolution to these issues.

In response to an inquiry from Mayor Koho, Mrs. Bednarczyk believed the City should make these improvements at the taxpayers expense or require the developers to pay for it. These problems have escalated due to the intensity of the allowed development in the area and the lack of a competent plan to deal with the runoff. Mrs. Bednarczyk acknowledged the City Engineer's continued belief that the drainage issues will be solved when all homes are built, however she is concerned with the current drainage. She will continue to raise this issue at any opportunity for public testimony.

Wally Mull, City Manager confirmed the existence of a drainage pipe under the subdivision street that will remove excess water. However, until the homes are built and hooked to this pipe, the water will continue to run towards the Bednarczyk home. Mr. Mull indicated staff is continuing to work with the developers and Bednarczyks to resolve these issues.

Mayor Koho requested staff report back to the Council on the status of this matter.

**There was no further testimony to come before the Council.**

## COMMITTEE REPORTS

### SWEARING IN OF KEIZER POLICE

Chief H. Marc Adams announced the promotion of Kent Baker from Sergeant to Lieutenant and the promotion of John Troncoso from Detective to Detective Sergeant. Each of these promotions was effective on July 1st, 1998.

Shannon Johnson, City Attorney issued the oath of office to Lieutenant Barker and Sergeant Troncoso.

### KEIZER PLANNING COMMISSION APPOINTMENTS

Wally Mull, City Manager reported the recent resignations of Alan Youse and Elaine Smith from the Planning Commission. At the June 23, 1998 Volunteer Coordinating Committee meeting applications were reviewed and recommendations for appointments have been forwarded to the Council.

<u>Council President Keller moved to appoint Daniel Nelson and Bruce Anderson to fill the vacancies on the Keizer Planning Commission. Councilor McGee seconded the Motion.</u>

<u>The Motion passed as follows:</u>

<u>AYES:</u> Beach, Keller, Koho, McGee, Meier, Miller and Whalen (7)
<u>NAYS:</u> None (0)
<u>ABSTENTIONS:</u> None (0)
<u>ABSENT:</u> None (0)

### KEIZER BUDGET COMMITTEE APPOINTMENTS

Wally Mull, City Manager reported the Budget Committee terms of Douglas Pilant and Gene Clemens are scheduled to expire in August. At the June 23, 1998 meeting of the Volunteer Coordinating Committee, a motion was unanimously passed to recommend the reappointment of these individuals to another three-year term on the Budget Committee.

<u>Council President Keller moved to reappoint Douglas Pilant and Gene Clemens to another three-year term on the Keizer Budget Committee. Councilor Beach seconded the Motion.</u>

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Meier, Miller and Whalen (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

**COUNCIL LIAISON REPORTS**

Councilor Beach reported the **Keizer Urban Renewal Board** met on June 24th with two new members in attendance. Discussion items included meeting attendance requirements and project/development updates. In addition, June Abbott was unanimously recommended as the chair due to the resignation of Stan Compton. A vice-chair will be elected at the next meeting.

Mayor Koho reaffirmed June Abbott will serve as chair of the Keizer Urban Renewal Board.

Council President Keller informed the Council the **Planning Commission** did not have a formal meeting in June, however hosted a brainstorming session on the Keizer Transportation Plan. This project is being coordinated by the Council of Governments. Council President Keller expressed his appreciation to all the representatives from other associations or committees that attended this meeting.

Mayor Koho reported the **Traffic Safety Commission** met on June 25th, however he was unable to attend the meeting. Ken Layton has been appointed to fill the Community Policing representative position on the Commission. In addition, Fred George will represent the Traffic Safety Commission on the Community Policing Committee.

## OTHER BUSINESS

## NEW BUSINESS

Mayor Koho presented Councilor Dawn Meier with a plaque in appreciation for her service to the Keizer City Council. Her resignation is effective July 7, 1998. The Mayor and staff expressed their appreciation for her service to the community.

Rob Kissler, Public Works Director updated the Council on the progress of the Keizer Skate Park. In addition, he announced the

National Guard is near completion on the covered picnic shelter at Claggett Creek Park. He reminded the Council of the annual parks tour and barbecue scheduled for August 10, 1998 at 5:15 p.m. This will be held at the new shelter at Claggett Creek Park.

Councilor McGee requested the parks tour include a stop at Palma Cia Park. Mr. Kissler pointed out the parks tour will focus on undeveloped parks within the City.

## OLD BUSINESS

Council President Keller announced his firm support for the **impounding of vehicles** being driven by drivers with suspended license or no insurance. He requested regular updates on the number of cars towed each month.

In addition, Council President Keller requested a status report on the **flooding issues**; spillway at Parkersville Dam, status of the appeal on the flood map, Corp of Engineers assessment of the dike, and flooding issues in southeast Keizer along Claggett Creek.

Councilor Meier expressed her desire for continued investigation on the rapid rise of Claggett Creek during the past winter.

Mayor Koho pointed out the **work session** for July has been canceled by staff, however if there are issues to be discussed it could be put back on the calendar. The Council did not have any pending issues to discuss on July 13, 1998. Mayor Koho announced the work session would then be cancelled.

Councilor Beach requested staff investigate the possibility of **impounding or seizing vehicles** for those owing past due fines to the City. Councilor McGee agreed that this is an issue that should be pursued. He requested a report be brought back to the Council in August.

Councilor Miller noted the report should designate between impounding and seizing a vehicle for unpaid fines and our current practice of impounding for driving while suspended or driving under the influence of intoxicants. He believed we are legally empowered under current law to hold the impounded vehicle until all fines are paid.

## PUBLIC HEARINGS

**Mayor Koho opened the public hearing.**

**RESOLUTION ADOPTING AGREEMENTS FOR CITY OF KEIZER NON-PREFERENCE TOWING SERVICES**

Shannon Johnson, City Attorney announced the agreement with the towing companies for non-preference tows has expired. A new agreement was drafted and distributed for comments. Based upon various input from the towing companies, the agreement has been revised and is now before the Council for approval. Mr. Johnson summarized the changes.

**There was no testimony to come before the Council.**

Councilor Miller expressed his desire to have the changes highlighted in the agreement. He did not feel comfortable approving the agreement until he could review each change.

Agreeing, Councilor Keller requested the hearing be continued in order to review the changes and gather input from various towing companies.

Responding to an inquiry from Councilor McGee, Mr. Johnson indicated a delay would not cause any further burden on the process. He noted the previous agreements have been expired for one and a half years.

**Mayor Koho recessed the hearing and continued it until Monday, August 3, 1998.**

**ORDER – DEFINING WHEN SOLID WASTE COLLECTION RATES WILL BE IMPOSED (AMENDING ORDER DATED JUNE 16, 1997)**

**Mayor Koho opened the public hearing.**

Shannon Johnson, City Attorney announced the franchise solid waste collectors have requested consideration of defining when commercial collection rates are imposed. The current rate order contains no discussion in this regard.

Councilor McGee confirmed this order adds the definition of commercial service.

**There was no testimony to come before the Council.**

**Mayor Koho closed the public hearing.**

Mayor Koho moved an Order in the Matter of Defining When Commercial Solid Waste Collection Rates Will Be Imposed. (Amending Order Dated June 16, 1997). Councilor Whalen seconded the Motion.

Councilor McGee explained home occupations are becoming a common occurrence within the City. Therefore the addition of this definition will assist the solid waste collectors and consumers on when the commercial rate applies.

Responding to an inquiry by Councilor Beach, Mr. Johnson indicated both of the solid waste collection owners in Keizer are in favor of this addition.

Wally Mull, City Manager noted the home occupations are defined in the zoning ordinance and are regulated based upon application or knowledge.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Meier, Miller and Whalen (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

**LOCAL LAW ENFORCEMENT BLOCK GRANT – CRIME PREVENTION PROGRAM**

**Mayor Koho opened the public hearing.**

Jodi Sherwood, Community Services Coordinator reported the Keizer Police Department received a Local Law Enforcement Block Grant from the U.S. Department of Justice. These funds are to be used for projects to reduce crime and improve public safety. The total amount funded under the grant is $12,322 with a local match of $1,369.

Ms. Sherwood noted a requirement of the program is to hold a public hearing on the use of these funds.

The proposed use of the funds is as follows:

- $1500 – Security Program for Senior Citizens
- $1300 – Bring Law Enforcement and Students Together (B.L.A.S.T.)
- $2000 – McGruff Costume

- $2000 – Display Stand
- $1000 Binding Equipment/Scanner
- $4000 – Printer and Software for Brochure and Material Development
- $1891 – Materials for Brochure Development

Ms. Sherwood pointed out the match for this grant is being funded through the crime prevention and office materials line items.

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

**Mayor Koho closed the public hearing.**

**LOCAL LAW ENFORCEMENT BLOCK GRANT – OVERTIME FOR COMMUNITY POLICING ACTIVIITES**

Jodi Sherwood, Community Services Coordinator reported the Keizer Police Department received a grant from the U.S. Department of Justice to provide government units with funds to underwrite projects to reduce crime and improve public safety. The total amount of this grant is $12,966 with a local match of $1,439. This equates to 412 hours of overtime at an average amount of $35.00 per hour.

The proposed uses for the funds are:

- 268 overtime hours for programs, presentations and operations of Community Policing related activities
- 72 overtime hours for development and presentation of Crime Prevention Courses for Businesses
- 48 overtime hours for officer development and presentation in city wide Neighborhood Watch Conference
- 24 overtime hours for officer participation in the Keizer Police Kid's Day or other Crime Prevention Fair

Ms. Sherwood pointed out the match for this grant is being funded through the police overtime line item.

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

**Mayor Koho closed the public hearing.**

Councilor McGee requested an evaluation system be devised to rate how these funds have assisted the City's dedication to the Community Policing Program.

Ms. Sherwood noted the grant requires an evaluation report be submitted upon conclusion of the programs. Funds for the evaluations are not covered under the grant program. She will provide evaluation information to the Council upon conclusion of the program.

**Mayor Koho announced an executive session will be held at the conclusion of the Council meeting. This session is being called under ORS 192.660(1)(h) – potential litigation.**

## ADMINISTRATIVE ACTION

### ORDINANCE – INCREASING IMPOUNDMENT FEE

H. Marc Adams, Chief of Police reported the City Council adopted an Ordinance in 1994 allowing for impoundment of vehicles which are being driven by drivers who are driving without driving privileges, or whose licenses are suspended or revoked and vehicles being driven without insurance. In 1995 the Council adopted an ordinance allowing for vehicles to be impounded for driving under the influence of intoxicants. In each of these ordinances an administrative fee of $50.00 is imposed to cover the costs. Chief Adams indicated during the budget process, a proposal was discussed to increase the fee to $75.00. This increase would help recover the costs associated with the police officers time, the expense of the police equipment, dispatch services, and clerical staff time. Chief Adams believed most agencies around the State are charging approximately this amount.

In response to an inquiry by Councilor Miller, Chief Adams explained the personnel costs, fuel, dispatch services have increased since adoption of these ordinances. This fee is used to offset the costs associated with this program. Chief Adams noted the City of Salem charges $65.00 for the fee.

Council President Keller believed the administrative cost is justified for this very important program.

Councilor McGee fully supported the concept of the ordinances, however fee increases should be based on true administrative costs. He requested the staff review the actual costs and report back to the Council in the near future.

Council President Keller moved a bill for an Ordinance Increasing the Administrative Fee for Vehicles Operated by Persons Under the Influence of Intoxicants; Amending Ordinance No. 95-322. Councilor Beach seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Meier, Miller and Whalen (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

Council President Keller moved a bill for an Ordinance Increasing the Administrative Fee for Vehicles that are Uninsured or Driven by Drivers Without Driving Privileges; Amending Ordinance No. 94-310. Councilor McGee seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Meier, Miller and Whalen (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

**RESOLUTION – AMENDING COMPENSATION PLAN FOR NON-REPRESENTED EMPLOYEES**

**RESOLUTION – ENTERING AGREEMENT FOR ALTERNATIVE 457 DEFERRED COMPENSATION PLAN**

Dianne Hunt, Human Resources Officer reported during the 1998-99 budget process a 3.3% cost of living increased was discussed for all non-represented personnel. This is based upon the CPI-W for 1997. In addition, the represented employees are entitled to a 5% cost of living increase based upon the collective bargaining agreement dated July 1, 1996. These increased are reflected in the Resolution amending the compensation plan.

Ms. Hunt noted the compensation plan includes two new classifications; Senior Planner and Facility Maintenance Worker. These positions were approved during the budget process. Also, during the budget process two additional police support specialists were approved. Based upon a reorganization of the records division, it is being recommended these two positions be changed to a Police Support Supervisor and a Police Records Technician. There will be no fiscal impact by this change.

In addition, staff is recommending an option to the City's 457 deferred compensation plan, currently with ICMA. The new plan would be provided by PEBSCO (Public Employees Benefit Services Corporation). Ms. Hunt recommended these changes be adopted effective July 1, 1998.

In response to a question by Mayor Koho, Ms. Hunt noted the Police Support Supervisor will not be a management/department head position. It will be classified as a lead worker and not part of the bargaining unit.

In discussing the telephone responsibilities, Chief Adams indicated telephone calls will be answered later into the evening hours with the addition of the records staff. He is unsure at this time if the telephone automated system can be fully eliminated, however he will work towards this goal. Council President Keller strongly recommended all telephone calls be answered by police personnel.

Councilor Miller believed during the budget process the support for the additional police personnel was based upon a promise that phone calls will be answered by a staff member.

Lt. Barker explained the present telephone system operation allows callers to go directly to the employees extension rather than through the receptionist. All extensions are published in newsletters and are available through a telephone directory. He believes this is a compromise and is user friendly for a majority of the callers.

Councilor Whalen understood the situation, however he believes customer service is greatly enhanced by a "live" voice answering the phone.

Councilor McGee reaffirmed the Council's desire to have all incoming phone calls answered by staff members. This should be considered an operation policy and if additional funds are necessary to provide this service, it should be brought forth during the budget process.

<u>Mayor Koho moved a Resolution Amending the Compensation Plan and Certain Fringe Benefits for Non-Represented Employees, Effective July 1, 1998. Councilor Whalen seconded the Motion.</u>

Councilor McGee suggested the classification plan reflect the abolishment of the Community Development Director.

Councilor McGee moved to amend the Motion to remove the Community Development Director position be removed from the Classification Plan. Councilor Miller seconded the Motion.

The amendment to the Motion passed:

AYES: Beach, Keller, McGee, Meier, Miller and Whalen (6)
NAYS: Koho (1)
ABSTENTIONS: None (0)
ABSENT: None (0)

The Motion as amended passed as follows:

AYES: Beach, Keller, Koho, McGee, Meier, Miller and Whalen (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

Mayor Koho moved a Resolution Authorizing the City Manager to Enter Into Agreement with U.S. Conference of Mayors Deferred Compensation Plan Administered by Public Employees Benefit Services Corporation (PEBSCO). Councilor Beach seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Meier, Miller and Whalen (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

**RESOLUTION – AMENDMENTS TO PERSONNEL POLICIES (DEPARTMENT HEADS)**

Wally Mull, City Manager reported that in 1993 the City Council approved the current Personnel Policies as well as employment agreements for Department Heads. During the last year, transitions have occurred with management staff and a review of the "at will" agreements has been discussed. The only two remaining agreements were Susan Gahlsdorf, Finance Officer and Tracy Davis, City Recorder. Mr. Mull pointed out a review of other cities indicated employment agreements are not widely used.

In 1997 a Personnel Policy Committee was formed to review and update the City policies. Councilors Whalen, Meier, and McGee served on this committee and proposed that the "at will" employment agreements be terminated and provisions be included under the personnel policies for department heads. Mr. Mull pointed out department heads have reviewed and agree with the changes.

In response to a question by Council President Keller, Ms. Hunt explained administrative leave language has changed to state leave may be granted up to two (2) days per month in recognition of time spent outside of regular business hours.

Councilor Miller expressed his concern with the changes to the administrative leave section. He noted administrative leave cannot be accrued and must be used within the one month period or it is forfeited. The policy also fails to state the leave must be approved in writing prior to its use.

Councilor Whalen indicated the City Manager is responsible for overseeing the management team. He should have the flexibility to manage this program.

Councilor Meier understood administrative leave cannot be accrued, however the policy does not clearly state this. She suggested language be added to clarify this.

Based upon past experience, Councilor Miller voiced his concern with the elimination of a record keeping system to oversee the use of administrative leave. He also suggested leave requests be submitted and approved in writing.

Councilor McGee appreciated the safeguards being put into place to regulate the administrative leave, however he feels the entire section could be eliminated based upon the professional managers who work beyond the normal office hours to ensure the job is done. He believes the City Manager should be able to administer the program and grant time away from the office as necessary.

Council President Keller agreed with Councilor McGee's concept, however he believes the language should not be removed to cover the individuals who out of the office during regular business hours.

Ms. Hunt noted the management employees will use a FLSA exempt employee leave sheet which will record administrative time, vacation time, sick leave, and other appropriate leaves as used. It will not track the actual hours worked.

Councilor Meier suggested removing the administrative leave section for a one-year trial period and allow the City Manager to administer the program. Upon conclusion of the year, the issue can be reviewed and changed as necessary.

Mayor Koho proposed language....*Unused administrative leave is non-accruable and the employee shall not be paid for unused administrative leave upon leaving employment of the City. This section will not be in effect until July 1, 1999.* This would put something in place after a one-year trial period if other changes are not made.

Opposing the suggested language, Councilor Miller believed the leave should be requested and approved in writing. There are no controls in place to oversee this leave.

<u>Mayor Koho moved a Resolution Amending the Personnel Policies for the City of Keizer – Amending Resolution R93-620. Councilor McGee seconded the Motion.</u>

<u>Mayor Koho moved to amend the Motion to change Section 6.3 – Administrative Leave to read as follows:</u>

<u>6.3.1. – City Manager, City Recorder, Chief of Police, Finance Director, Public Works Director, and Police Lieutenant are eligible to receive Administrative Leave.</u>

<u>6.3.2 – Department heads and Police Lieutenants may be granted administrative leave of up to two days per month in recognition of time spent outside of normal office hours. Such leave must be approved by the City Manager for department heads. The Chief of Police will approve such leave for the Police Lieutenants.</u>

<u>6.3.3 – The use of administrative leave shall be approved by the City Manager, in writing, prior to its use.</u>

<u>6.3.4. – Administrative leave earned and administrative time taken shall be shown on the management time sheet for the applicable pay period.</u>

<u>6.3.5. – Unused administrative leave is non-accruable and the</u>

employee shall not be paid for unused administrative leave upon leaving employment with the City.

This entire section is not in effect until July 1, 1999.

Councilor McGee seconded the amendment to the Motion.

Councilor Beach expressed his concern with the amount of time that can be spent to get the job done.

Mayor Koho explained during the next year, the City Manager would administer the program and report back to the Council prior to July 1, 1999. In essence, there will be no administrative leave program during this period of time.

The vote on the amendment passed as follows:

AYES: Keller, Koho, McGee, Meier and Whalen (5)
NAYS: Beach and Miller (2)
ABSTENTIONS: None (0)
ABSENT: None (0)

In regards to the elimination of the "at will" contracts, Mr. Mull explained the personnel policies can be utilized to oversee the employee performance and deal with any issues of concern. In addition, this eliminates the requirement for the severance pay.

Councilor Miller disagreed citing past experience with having policies which bestow property rights. He reminded the Council of the legal problems surrounding this issue.

Councilor McGee pointed out the City Manager is responsible for the evaluations of employees and overall performance. Therefore, the City Manager is accountable to the Council.

Council President Keller pointed out the employment agreements were initiated due to dissatisfaction with previous managers. He believes the hiring process presently in place has provided well qualified individuals to manage the various departments. The City Manager has a vested interest in maintaining the successful operation of the City and the City Council is responsible for hiring a qualified manager to run the City.

Mayor Koho reiterated his concern with eliminating the employment agreements. He believes the "at-will" agreement is essential in removing an ineffective department head.

Councilor Miller stated with the present City Manager there may not be a need to have the employment agreements, however future changes in management may necessitate a need. He reiterated his concern that the elimination of the agreements will bestow a property right to an employee. Councilor Miller requested a legal opinion be obtained on this issue.

Based upon a showing of hands (5-2 – Koho and Miller in opposition), the Council moved forward to other topics under this issue.

The Motion as amended passed as follows:

AYES: Keller, Koho, McGee, Meier and Whalen (5)
NAYS: Beach and Miller (2)
ABSTENTIONS: None (0)
ABSENT: None (0)

**CABLE REGULATORY COMMISSION AGREEMENT**

Mayor Koho moved a Resolution Authorizing the Mayor to Sign the Intergovernmental Agreement – Mid-Willamette Valley Cable Regulatory Commission. Councilor Meier seconded the Motion.

Councilor McGee requested a committee be established to oversee the production and quality of the program. He suggested viewers, staff members, CCTV personnel and a member of the Council get together to produce a quality program for those watching over the cable program.

Gary Williams, CCTV representative addressed the Council. He explained the audio problems will be improved in the near future. He volunteered to participate on the committee.

Mayor Koho appointed Councilor McGee to chair this committee and volunteered to assist with the Committee.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Meier and Whalen (6)
NAYS: Miller (1)
ABSTENTIONS: None (0)
ABSENT: None (0)

**APPOINTMENT PROCESS FOR COUNCIL POSITION NUMBER 2**

Mayor Koho explained due to the resignation of Councilor Meier, effective July 7, 1998, an appointment to fill this vacancy is necessary.

Council President Keller requested those individuals interested in serving on the City Council to fulfil this term, should submit a letter of interest and an outline of their qualifications. He hoped this position could be filled at the August 3rd City Council meeting.

Mayor Koho announced a work session will be scheduled for Monday, July 27, 1998 at 5:30 p.m. to review these letters of interest. All letters should be submitted by 5:00 p.m. on Thursday, July 23, 1998.

Councilor Miller pointed out the filing deadline for the upcoming Council election is August 25th. He believed one of the individuals running unopposed should be considered for this appointment. Then, the newly elected Council will appoint an individual to fill the vacancy in January, 1999.

Councilor Beach requested notices be distributed to seek interested candidates to fill this position. However, he did not feel gender should play a role in the appointment.

Councilor Meier believed the appointment should be to a person who will fulfill the remaining two years of the term.

The Council agreed by consensus to seek letters from interested parties to fill this position. The deadline for submission will be Thursday, July 23rd, 1998 at 5:00 p.m. Letters should be submitted to Tracy Davis, City Recorder. The Council will meet in a special session on Monday, July 27, 1998 at 5:30 p.m. to review these letters of interest. Appointment will be made on Monday, August 3rd, 1998.

**CONSENT CALENDAR**

**Items on the Consent Calendar were as follows:**

a. Resolution – Authorizing City Manager to Enter Agreement with Morse Bros., Inc for Resurfacing of Various City Streets

b. Resolution – Authorizing City Manager to Enter Agreement with Capital Concrete Construction for Cherry Avenue Street and Storm Drain Improvements
Resolution – Authorizing City Manager to Enter Agreement with Capital Concrete Construction for Iris Lane Construction and Traffic Signals

c. Resolution – Authorizing City Manager to Enter Agreement with Capital Concrete Construction for McLeod Lane Improvements

d. Resolution – Approving Engineer's Report for Bahnsen Woods Street Lighting Local Improvement District

e. Resolution – Approving Engineer's Report for Wittenberg Lane Street Lighting District

Councilor McGee requested items "a", "b", and "c" be removed from Consent Calendar.

Mayor Koho moved for approval of the remaining items on the consent calendar. Council President Keller seconded the Motion.

The Motion passed with the following votes:

AYES: Beach, Keller, Koho, McGee, Meier, Miller and Whalen (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

***Item "a"***

In regards to an inquiry by Councilor McGee, Rob Kissler explained this agreement with Morse Bros is a result of their submittal of the lowest bid for the project. The City works in conjunction with Marion County on this street pavement maintenance program.

Councilor McGee moved a Resolution Authorizing the City Manager to Enter an Agreement with Morse Bros., Inc. for Resurfacing of Various City Streets. Mayor Koho seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Meier, Miller, and Whalen (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

***Item "b"***

Councilor McGee explained these items are significant and should be announced to the public. These projects are for the improvements to Cherry Avenue and creation of Iris Lane. Each of these bids were below the engineer's estimates. The projects are a great accomplishment for the City of Keizer.

Councilor McGee moved a Resolution Authorizing the City Manager to Enter an Agreement with Capital Concrete Construction for Cherry Avenue Street and Storm Drain Improvements. Mayor Koho seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Meier, Miller, and Whalen (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

Councilor McGee moved a Resolution Authorizing the City Manager to Enter an Agreement with Capital Concrete Construction for Iris Lane Construction and Traffic Signals. Mayor Koho seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Meier, Miller, and Whalen (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

Councilor McGee requested a sign be erected near the construction projects to alert the taxpayers that urban renewal funds are being used for these improvements. He felt this was important information.

***item "c"***

Councilor McGee explained bike lanes, curbs, sidewalks, and overlays of the travel lanes along McLeod Lane will begin in the next week. He believed these improvements were beneficial to the residents of Keizer.

Mayor Koho moved a Resolution Authorizing the City Manager to Enter an Agreement with Capital Concrete Construction for McLeod Lane Improvements. Councilor McGee seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Meier, Miller, and Whalen (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

**WRITTEN COMMUNICATION**

Mayor Koho announced there were no written communications to come before the Council.

**AGENDA INPUT**

Mayor Koho noted the agenda input items. He reminded the Council of the cancellation of the July 13th work session and the July 20th Council meeting. In addition, he noted the special session that would be held on July 27th at 5:30 p.m. for review of the applications for the City Council vacancy.

**ADJOURNMENT** The City Council meeting was adjourned at 10:04 p.m.

After a ten minute break the Council reconvened in an executive session pursuant to ORS 192.660(1)(h) – Potential Litigation.

Tracy L. Davis, CMC
City Recorder

**APPROVED:**

Dennis Koho-Mayor

**COUNCIL MEMBERS:**

Councilor #1 - Garry Whalen

Councilor #2 - Dawn Meier

Council President - Jim Keller

Councilor #4 - Carl Beach

Councilor #5 - Al Miller

Councilor #6 - Jerry McGee

Minutes approved:

August 3, 1998