MINUTES

KEIZER CITY COUNCIL
Monday, June 16, 1997
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Koho called the regular meeting to order at 7:08 p.m. Roll call was taken as follows:

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

Staff:
John Morgan, Community Development Director
Dianne Suek, Personnel Manager
Shannon Johnson, City Attorney
Pat Bowe, Lieutenant, Keizer Police Department
Tracy L. Davis, City Recorder

PUBLIC TESTIMONY

Presenting testimony to the Council were:

Steve Entz, 672 Springridge Drive NE, Keizer came before the Council to request approval for previously planned duplexes in Springridge Estates to be placed in another subdivision. He said 14 of the 15 homeowners did not know two lots had been set aside for duplexes when they purchased their homes. Lydon Construction Company suggested placing the duplexes in the planned development at O'Neil and Clearlake. Mr. Entz submitted a petition of thirty signatures requesting the trade.

Mayor Koho noted the letter and petition had been received by the Council Members. He asked staff for the appropriate process on the matter.

John Morgan, Community Development Director, said the duplexes were required as a specific condition of approval for the subdivision plan. In a response to the neighbors, he had discussed the density issue. At this point, he believed Mr. Lydon needed to petition for an amendment to the subdivision plan approval to eliminate the condition.

FMAGIC

Shannon Johnson, City Attorney, asked if Mr. Lydon owned the remaining vacant subdivision lots. Mr. Entz answered positively. Mr. Johnson agreed with Mr. Morgan about the process, stating that corner lots are allowed as duplexes. Mr. Morgan commented that in this case, duplexes were compelled because of the large lots in the remainder of the subdivision. He said that would be dealt with in a subsequent application.

Councilor Meier noted that a number of developments in Keizer seem to have cul-de-sacs with duplexes in the front. She suggested most single family dwellings would prefer not to have duplexes in front of them and asked if this stipulation is being required universally throughout the city. Mr. Morgan said Country Glen was an example of a situation where duplexes were required to meet the density ratio, but other subdivisions build duplexes to meet market demand.

Mayor Koho asked staff to make certain Mr. Lydon understood the process.

Mr. Entz suggested duplexes fit well with starter home developments while they might be inconsistent next to a different type of home. He also noted there are two developments in the area without any duplexes, so a trade would not be unique.

Amber Dunn, 713 Max Court N, Keizer explained they bought a house in Keizer in April 1996. She said that in August 1996, they began receiving a delinquent water/sewer bill for the previous owner. She said they had been receiving the bills for a year. The amount in question is approximately $95.00. The City had been notified of the previous owner's new address and phone number. Ms. Dunn said each time she contacted the City, she was told about the City's ordinance insuring the bill will be paid, regardless of the property owner. She did not believe that was fair and asked about the purpose.

Mayor Koho believed the ordinance was a lien against the property to protect other citizens for the service rendered to the property. Councilor Meier questioned why the bill would not show up on a title search. Mayor Koho thought the title policy, which should protect them against such liens, needed examination.

Ms. Dunn stated she checked with the title company and at the time of the search, all the bills showed current. Her main concern is that this issue has continued for a year. A City staff person stated after a certain number of times of contacting the previous owner, the action is considered harassment. Ms. Dunn asked why continued contact of the present owner, who did not incur the bill, would not be considered harassment.

Shannon Johnson, City Attorney suggested Ms. Dunn leave her phone number and staff would investigate this issue and contact her. They could verify the dates of service and hopefully resolve the issue.

Beth Daniell, P.O. Box 6078, Salem, OR 97304, spoke from the Gubser Neighborhood Association on the Labish Ditch widening. She noted her appreciation for the time given her by Mr. Peterson, Mr. Grenz and Mr. Mull. She brought to the Council's attention the results of a survey of neighbors living along the Labish Ditch and their level of nervousness about the flooding experience. Since the homes along the cul-de-sac had foundations that were 4-7 feet from the water, they were especially concerned about the proposed berm.

Mayor Koho said the issue would be discussed at a work session, yet to be scheduled. Councilor Keller noted he gets phone calls and visits almost daily regarding the Ditch issue. He had spoken to Wally Mull, Public Works Director, who is on vacation, and a report was expected, probably at the next meeting.

Mayor Koho stated the proposal to widen Labish Ditch originated from an engineering firm and might be adopted by the City. He clarified his recent understanding of the plan being to make the Ditch uniformly wide at all parts. Ms. Daniell said at present, the Ditch is 15 feet wide by her house and would be widened to 40 feet consistently.

Greg Lamb, 2323 Latona Drive NE, Keizer, spoke as president of the Gubser Neighborhood Association. He stated he had received numerous calls regarding traffic routing for the new baseball stadium. He asked for a copy of the letter to be sent to season ticket holders regarding the traffic plan. A Neighborhood Association meeting will be held on Thursday and Mr. Lamb would like to share the information then.

Mr. Morgan said the letter will be sent from the baseball team, but a copy of the total traffic plan could be made available for Mr. Lamb. Mayor Koho stated the City of Keizer has extensive experience with one-way traffic directing from the yearly Christmas lighting show and he believed the stadium traffic situation would be easier. Changes can be made to adjust any problems with the plan.

Mr. Lamb said he formerly lived at the Hillsboro Airport, so he had personal experience with control by the police. He asked if a police officer could be placed at the Tepper Street closure, since there was concern about the barrier being moved. Gubser residents also offered to serve at that location if police were not available, especially for the first game.

Pat Bowe, Police Department Lieutenant, stated two officers would be located at Lockhaven and Radiant while two additional officers would be available to patrol trouble spots. More staff could be used if needed and the ball park security will be in the parking lot area.

Councilor Meier, Liaison for Community Policing, asked if a Police Department staff member could attend the Gubser Neighborhood Association meeting. Mr. Bowe said an officer could be located at Tepper Lane if there is a problem. Councilor Keller suggested an officer be designated there. Mr. Johnson suggested if a parking lot attendant were present, west of the parking lot, that should be sufficient for the end of the game.

Councilor Miller asked if a letter would be going out to the residents on Radiant Street offering options for them to reach or leave their homes. Mr. Morgan said that would be done this week, if it has not already done. Mayor Koho offered to hand deliver the letter to the Radiant homeowners.

Mr. Lamb asked when the lighting test would take place to determine the brightness of the stadium lights. Councilor Keller understood that the lights were designed in such a way that lighting spillover would be minimal, less even than the Little League field lights.

There was no further public testimony.

COMMITTEE REPORTS

COUNCIL LIAISON REPORTS

Mayor Koho said the **Parks Advisory Board** report would be given at the next meeting.

Councilor Whalen gave the **Community Policing** meeting report. He introduced the Chair of the Community Policing main Committee.

Craig Campbell, 6736 Fenwick Court, Keizer, said their group reviewed the truancy and curfew ordinances. A concern was raised regarding home schooled children which will be addressed by the Committee in the presentation next month. District reports were given from each of the three districts. The Community Policing Resolution, which will appear later on the agenda, was discussed. Finally, Mr. Campbell said the meeting included information on the new Police Department grant.

Mayor Koho was unable to attend the **Claggett Creek Task Force** meeting but noted the group was considering formation of a water shed council.

Since Councilor Keller was unable to attend the **Planning Commission** meeting, Mr. Morgan gave the report. Mr. Morgan said a public hearing was held on the draft Development Code, with diverse and positive testimony. The Commission discussed the standards and continued the hearing until the July meeting. More time will be spent with developers at that time and hopefully, deliberation will take place at the close of the hearing. A draft ordinance is planned for presentation to the Council by fall.

A second issue considered at the meeting was the local Transportation Plan. Mr. Morgan stated a public hearing was held earlier on bicycle planning. A lively discussion took place regarding issues and needs to be addressed.

At this point, Mr. Morgan said an inventory of city-wide street conditions for bikes has been completed. He said ODOT has announced a grant to enhance the safety of school children using bicycles. A local application will be submitted by September, and the Bike Committee will take the lead on preparation. A draft will be presented to the Council for permission to submit.

Councilor Keller reported on the **Council Management Committee** meeting. He related those attending and noted the discussion held on a letter from CCTV. Legal counsel also reported on a letter to be sent to Mr. Stull.

Councilor McGee asked if a specific plan has been arranged for the flow of information from the Committee to the Council. Mayor Koho said the arrangement is in place but presently is informal. He also said his own employment change might make it difficult for him to attend the meetings which would change the rotation of participants earlier than anticipated.

CITY MANAGER RECRUITMENT UPDATE

Mayor Koho announced the City Manager Screening Committee has been selected and will include: Council President Keller, Councilor Miller, Craig Campbell, John Weeks (alternate Sam Goesch), Jacque Moir and himself. The goal is to have a meeting before the end of the month.

Dianne Suek, Personnel Manager, reported 59 applications were received. Sixteen solidly qualify, 19 potentially qualify and 24 definitely do not qualify. Mayor Koho said the committee will review quickly those not qualifying, but spend most of their time on the top 16. He suggested the meeting begin at noon on June 25, 1997. Ms. Suek will arrange the schedule and notify the members of the committee.

KEIZER POLICE DEPARTMENT SERVICE AWARDS

Lieutenant Bowe introduced three officers from the Keizer Police Department who are being recognized for their service and contributions; Officer Raymond Byrd, Officer Juan Mendoza and Reserve Officer Ed Sigurdson.

Officer Byrd has completed five years with the Department and is currently the School Resource Officer at McNary, along with teaching the DARE program to 5th graders. Officer Mendoza, also being honored for five years on the force, serves as a Patrol Officer in District one. His Spanish fluency is an asset to the Department.

Reserve Officer Sigurdson, who was appointed as an officer in 1988, has elected to retire this year. He has helped with numerous computer projects, bike rodeos and fair exhibits.

Mayor Koho presented each of the officers an engraved plaque.

OTHER BUSINESS

There was no new business to come before the Council.

There was no discussion on the old business items.

PUBLIC HEARINGS

<u>ORDER</u> - APPEAL OF HEARINGS OFFICER DECISION - APPROVAL OF SUBDIVISION - CASE NO. 97-03 (REIMANN)

Mayor Koho reopened the hearing, continued from June 2, 1997.

Shannon Johnson, City Attorney gave the staff report. He reviewed the applicable criteria and procedures for this hearing. Mr. Johnson noted although the Council did not offer direction, he had prepared an order for consideration after the hearing is closed. Since he talked to the City Engineer following preparation, Mr. Johnson noted some changes to the order.

In conversation with Bill Peterson, City Engineer, Mr. Johnson learned engineering choices for sewer placement are made at the time the development goes in. There is no certainty that even if a subdivision is approved, the building will take place as scheduled. At the time of the actual building, the discovery may be made that a previously approved sewer line might be appropriate at another spot. Thus, sewer line choices are made at the time of building.

Mr. Johnson suggested a change to the report under the "Alternative A" section. He stated "Applicant should connect to Wheatland Road line or other line as approved by Public Works" should replace the final line on page 1. In keeping with that wording, the action section should have a sentence reading, "In the alternative, the applicant may connect to another line(s) approved in writing by the Keizer Public Works Department."

Mr. Johnson reiterated the sewer lines will be owned by the City when the development is completed. He said if an agreement is reached, then the condition would need to be changed. He understood the changes to be flexible language.

With regard to "Alternative B", Mr. Johnson stated he did not receive direction from Council but felt two alternatives should be included in fairness to both parties. He said the interpretation question for Council related to the statement in Mr. Simon's appeal document regarding the future plan to have all sewers serviced by gravity lines. He believed the fair interpretation would be Alternative A, while Alternative B would be difficult to follow.

Councilor Keller asked if the same flexibility would be available were the hearings officer decision simply upheld. Mr. Johnson said yes, the Council could chose to do that. He clarified that his order was a reiteration of the hearings officer order in a more appropriate format. The order could be adopted which would not give direction regarding the sewer. The engineering decision on the sewer would then be made as it has traditionally, when the subdivision is built.

Presenting testimony was:

Derek Brown, 6969 SW Hampton Street #101, Portland, signed up to answer any questions from the Council. He also clarified that the sewer line project would be built in one phase.

Mayor Koho stated the Council received an appeal from Robert Simon.

There was no further testimony to come before the Council.

<u>Councilor Miller moved an Order in the Matter of the Application of Reimann and Associates for Conceptual Approval of a 57-lot Subdivision on a 12.07 Acre Parcel in the vicinity of the northeast corner of Wheatland Road North and Bair Road North (Case K-Sub 97-02) with alternative "A" and the amendment as recommend by Mr. Johnson. Councilor Beach seconded the motion.</u>

<u>The Motion passed unanimously:</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)

LIQUOR LICENSE APPLICATION

Mayor Koho opened the public hearing for the Salem-Keizer Baseball stadium liquor license.

John Morgan, Community Development Director reported the application was from the food vendor for the stadium. He recommended the hearing be opened to allow testimony, closed and then the Council respond favorably. He noted one letter had been received in opposition from Tina Sloan.

Presenting testimony was:

Glen Putnam, Orchard Street N, Keizer, strongly recommended with the potential traffic problems on Radiant Drive, that one season be completed without alcohol served at the park, before a decision is made.

There was no further testimony to come before the Council.

Mayor Koho closed the hearing.

Councilor Miller pointed out this issue had been debated and voted upon with the signing of the lease. He noted less than a week remained until opening night and wondered if action tonight would allow the food vendor time before Sunday.

Councilor McGee said according to the OLCC it would be impossible to get the application passed before opening night. He said the proprietors were asked to proceed on a cater's permit until a permanent permit can be finalized. Serving of hard alcohol or wine in the sky boxes would not be possible under the cater's license. Alcohol cannot be stored on the premises, and each event exceeding 800 people would require official notification without the permanent license.

Continuing with questions, Councilor Miller, asked whether a retail malt beverage license as was listed on the application, included hard alcohol in the sky boxes. Tracy Davis, City Recorder, said that would come under a different license and would require amendment of their application.

Councilor McGee agreed the issue was debated repeatedly previously, but he believed the critical part of the application to the OLCC was the control element. That would be the protection for the community. He reviewed a copy of the control plan for the Council. Some of the details include the shut off of alcohol sales at the 7th inning, alcohol being sold in a unique cup and beer sold from audience vendors. Councilor McGee was concerned that 40 ounces of beer (two 20 ounce cups) could be purchased before last call for consumption before driving home. He suggested the last call consumption limit be reduced to the 14 ounce cup, only, which would decrease intake significantly.

Finally, Councilor McGee wondered why the owners did not have their name on the liquor permit request. He thought it might be related to the liability issue and believed their names should be on the application. Mr. Johnson stated that on the application, the Walker's corporation was included. Councilor McGee believed the information should be pointed out to OLCC.

Councilor Whalen asked if the same standard is used for other enterprises throughout the community. Councilor McGee said anyone having a financial interest in the alcohol sale is included on the application. Councilor Beach believed Councilor McGee's point was well taken, but he commented other enterprises ran the sale themselves and did not have a sublessor.

Councilor McGee moved to recommend approval of the liquor license with a condition that during the 7th inning only 14 oz. beer be sold.

The motion died for lack of a second.

Mayor Koho moved to recommend approval of the liquor license application for Food Management Corporation at the Salem-Keizer Baseball Stadium. Councilor Miller seconded the motion.

Councilor McGee moved to amend the motion to add a condition that as part of the OLCC control plan, the last call for beer sales in the 7th inning only be served in 14 oz. cups. Councilor Beach seconded the motion to amend.

Councilor Miller said many businesses in Keizer sell alcohol. He stated there was no restriction on their last call and he did not see why one should be imposed in this situation. He believed the safeguards in the plan were sufficient.

Councilor McGee agreed that was a good point but believed this facility was unique. He mentioned the number of cars that will be driven from the facility in a short amount of time. He believed some people go to the park simply to drink and control is needed.

Mayor Koho said he could not imagine paying a cover charge to buy the most expensive alcohol in town. Councilor Keller was uncomfortable with the characterization that park attenders would be heavy drinkers. Councilor McGee apologized if his comments were misinterpreted. He believed the control plans were for the minority who might hurt the community.

The Motion to amend failed as follows:

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

The original Motion passed unanimously:

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

ADMINISTRATIVE ACTION

ORDER - SOLID WASTE COLLECTION RATE INCREASE

John Morgan, Community Development Director gave the staff report, stating the Council would be considering an order based on exclusion of the yard debris program. Mayor Koho clarified that although the yard debris program may be required later, it was not included in the present proposal.

Mayor Koho moved an Order in the Matter of the Rates for Franchised Solid Waste Collection within the City of Keizer, Effective as of September 1, 1997, Until Placed. Councilor McGee seconded the Motion.

Councilor Whalen asked if any research has been done on changing the limit for opting out of the yard debris program to 32 gallon cans. Mr. Morgan said once the Council made their decision, no further discussion took place. He believed the County will insist the program be considered again soon.

Councilor McGee hoped the next proposal would presented by the Council to the community. Councilor Beach agreed, but believed the Council should wait until another entity requires action.

The Motion passed unanimously:

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

RESOLUTION - COMMUNITY POLICING COMMITTEE

Jodi Sherwood, Community Policing Coordinator, presented a resolution re-establishing the Community Policing committees. The new resolution would acknowledge changes made since the original resolution in November 1993. She said the resolution included the basics of the committees as presently functioning, with the addition of an Executive committee. Ms. Sherwood also said roles for staff, committee members, elections and procedures were included. She reviewed the basic framework of the resolution for the Council.

The main committee remains the same as previously stated but the new resolution makes the group more formal and allows for growth. Councilor Meier asked about the purpose stating "the Keizer

Community Policing committee will be a policy advisory group to the Keizer Policing group, the Council and City staff." She questioned if this was the role of the committee. Mayor Koho replied that the Council serves as the policy setters, but the definition of the word policy might affect the purpose. Councilor Meier also asked about the objectives of the Committee, questioning whether the committee would be autonomous in carrying out the programs. Ms. Sherwood said further in the document explanations about the relationship between the Council and the committee would be explained.

Craig Campbell, chair of the Community Policing committee, clarified that the committee would be following a directed focus from time to time. The group will carry out projects on their own, but anything with a policy or budget impact would be brought to the Council first.

Ms. Sherwood continued the review, noting the provision for removal of members, inclusion of officer procedures and roles of the members. She noted some of the issues have been reviewed previously by the Council subcommittee and are already in place, i.e. reporting, etc. She stated the roles of the Vice-Chair, Police Chief, and the Community Policing Coordinator were all explained. An annual report will be given both to the Council and to the Community. The resolution, along with the committee's goals, will be reviewed yearly.

Mr. Campbell said procedures for the committee to return to the Council for needed authorization was not included in the resolution but found instead in the Communications Plan. He said the wording could be incorporated into the resolution if needed. Councilor Meier thought incorporation might be a good idea for clarification purposes.

Mr. Campbell reviewed the creation of the new Executive committee. The group would be composed of the Community Policing committee Chair and Vice-Chair plus the chairs of the three District committees, the Police Chief, and the Community Policing Coordinator. Meetings for the Executive committee would be sporadic and basically occur for action on behalf of the total committee when time was an issue. They also might meet when an issue needed further development. Approval of the full committee would be required for decisions.

Councilor Meier asked why the Council Liaison would not be included on the Executive committee. Mr. Campbell said the question was discussed but no decision made. He believed addition would be no problem, so the Liaison was added.

Councilor Beach asked Councilor Meier about her memo and the appropriate time for discussion. Councilor Meier explained she originated the memo, thinking the Council would have time for discussion prior to introduction of the resolution. Councilor Beach thought perhaps the resolution could be tabled so Council input could be given. Ms. Sherwood said the resolution work was done on a fine timeline but discussion and changes could be accepted.

Councilor Beach wanted the Council to have time to offer suggestions. Councilor McGee said he would hold his comments if the issue would be discussed later. Councilor Keller believed the focus needs to be placed on the Neighborhood Associations and committee works should originate there. He mentioned the conflict of meetings on the same night.

<u>Council President Keller moved to table this matter until a later date.</u>

<u>The Motion died for a lack of a second.</u>

Councilor Meier said without a resolution, the committee is not meeting legally. Mr. Johnson concurred and said he had discussed the issue with Ms. Sherwood. He recommended not meeting at all, except possibly meet for discussion without decision making. He also wondered if the Council could work informally on the resolution without a work session. Mayor Koho believed that would not be possible. Councilor Whalen suggested the Council could continue discussion in the present meeting.

<u>Mayor Koho moved to allow the Community Policing committee to continue operating until revisions to the resolution can be discussed at the August 11, 1997 work session. Councilor Meier seconded the Motion.</u>

Councilor Meier said the committee needs to meet formally so they can work on the two ordinances which expire in August. Councilor Keller asked Lieutenant Bowe if the ordinance success information would be generated from the Police Department. He said yes.

<u>The Motion passed unanimously:</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)

RESOLUTION - AUTHORIZING CO-CITY MANAGERS TO SIGN KEIZER POLICE ASSOCIATION AGREEMENT

Dianne Suek, Personnel Manager, gave the staff report on the Keizer Police Association Agreement. She reported the hard work began over a year ago, included unsuccessful mediation, and has appeared before the Council previously. She highlighted the major points having a financial impact on the City.

Ms. Suek stated wages were set to rise 5% in July 1996, another 5% in July 1997 and an additional 5% in July 1998. The first year additional costs to the City would be $19,000, which was included in the budget. Incentives were changed from a flat rate of $50.00 and $100.00 to 2½% and 5% with a maximum of 12½% of base pay. The cost would be an additional $6,000 for the current six individuals. The City will increase their matching portion from 2% to 7% for retirement. The clothing allowance for the undercover narcotics investigator will be decreased. The City will reimburse 50% of the co-payments paid for health benefits in excess of $100 which should cost approximately $1,000 per year.

Finally, Ms. Suek said longevity is still an open item and bargaining will begin again within 30 days of approval of the proposed agreement. The contract will be in effect through June 30, 1999. She recommended the Council adopt the resolution.

Councilor Miller related that during the budget process, he had previously asked about the longevity item and had been told it had been dropped. Ms. Suek said the Council was not misinformed. Misunderstanding about the longevity issue was clarified in the final stages of negotiation and an agreement made to continue discussion at a later date. The issue was dropped from the present contract but could be included in the contract once discussions take place.

<u>Council President Keller moved a Resolution Ratifying a Collective Bargaining Agreement with the Keizer Police Association and authorizing the Co-City Managers to sign. Mayor Koho seconded the Motion.</u>

<u>The Motion passed unanimously:</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)

ORDINANCE - COMP PLAN AMENDMENT/ ZONE CHANGE/ SUBDIVISION CASE NO. 96-05

Mayor Koho asked if this item could be referred to the July 7th meeting.

<u>The Council agreed by consensus to move this item to the July 7, 1997 Council agenda.</u>

CONSENT CALENDAR

The consent calendar consisted of the following:

a. RESOLUTION - Awarding Bid for Lockhaven Widening - McLeod to 14th

b. ORDER - Amendment to PUD/Conditional Use/Floodplain Development Case No. 93-02 (Staats Lake)

c. Authorization of Payment for Lobbyist Services (Measure 47/50)

Mayor Koho removed item "c" from the consent calendar.

Mayor Koho moved for approval of the items "a" and "b" 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 "c" - payment of lobbyist services

Mayor Koho stated he had received approval from the Council for up to $500 for lobbyist payment. At that time he indicated the cost might be more which he would request from the Council. He now discovered the lobbyist had been paid $2,000. The lobbyist had planned to charge Keizer $1,000 and Mayor Koho said the Council was to approve the payment prior. Mr. Markee, the lobbyist, planned to refund the excess.

Councilor Miller believed the refund should be placed in the General Fund, from where the payment originated. Councilor McGee asked clarifying questions regarding how the authorization changed from $500 to $2,000. Mayor Koho stated the change should not have been made. He explained that the bills were generated and Mr. Markee was willing to wait, to receive money from the other three involved cities. He said internal City processes allowed the bill to be paid.

Councilor McGee was very concerned about the issue and wondered who authorized the payment. Mr. Morgan said he authorized the check because he did not understand the previous commitment from the material submitted by Mr. Markee. He then went to Mayor Koho to request the item appear before the Council.

Councilor Beach hoped the approval process would be changed. He believed the agreement should be considered to discover the financial commitment. He also did not think Keizer should assist with billing the other cities.

Mayor Koho said normal lobbying services might have been as expensive as $10,000. Mr. Markee, as a Keizer citizen, wanted to assist. Discussions included the plan to receive funding from other cities so the total would be approximately $5,000. Mr. Markee understood the only authorization from the Council was $500 to explore the issue. All that has been spent has been $500 but the Mayor believed $1000 would be a bargain.

Councilor Keller asked if Keizer is liable for other cities. Mayor Koho said the lobbyist understood he might only receive only $500. He said the other mayors agreed to pay but have not yet. Mr. Morgan believed they would pay. He said the information from Mr. Markee was confusing as to who would receive the funds for the payment.

Councilor McGee's concern was not the amount of the bill but how a service bill could be paid without an agreement. He believed business should be done by contractual agreement. In this case, he thought only $500 should be paid to Mr. Markee and staff needed to address the loophole that allowed more money to be paid.

Mr. Morgan said he had discussed the issue with Mr. Mull and at present there is not even a purchase order system in place. He hoped that would be accomplished in the next few months. Councilor Miller believed the former City Manager had a limit for items, outside the budget, of $500 expenditures without Council approval. Mr. Morgan clarified the amount was $5,000. Councilor Miller thought that related to items inside the budget, while the limit for items outside was $500.

Mayor Koho believed the agreement the Council had was $500, with the knowledge that the amount might increase. Both the City Manager and Finance Director have changed since the agreement was made. He still believed $1,000 was the appropriate amount for payment. Councilor Beach said without any submission of time invested or hours spent, he was uncertain the Council could approve $1,000 as appropriate. He desired an itemized bill.

Mayor Koho did not think the Council should limit the payment to $500 but said Mr. Markee understood that was the agreement from the beginning. The Mayor related that Mr. Markee provided the key contacts with Bill Sizemore and others that resulted in the inclusion of Keizer in Measure 50. Councilor Miller believed Mr. Markee provided a valuable service to Keizer, with the cost of one election being significantly higher.

Councilor Miller moved to pay Jim Markee and Associates the sum of $1000 for lobbying services. Mayor Koho seconded the Motion.

Councilor Keller said he would support the motion but he was troubled by the process. Councilor Whalen would also support the motion, remembering the Council approved the $500 on the basis of the total being higher. He believed the work benefited the community.

Councilor Beach mentioned the motion was not appropriate because Mr. Markee has already been paid. Councilor McGee could not support the motion, reading the original resolution. He believed Mr. Markee knew what was authorized and that is what should be paid.

Mayor Koho said the City does have a billing. He thought there was an agreement to represent the City, as well as discussion about the original resolution. Councilor Meier wanted to thank Mr. Morgan for taking the blame for the error. She will support the motion, despite the original resolution, and she remembered discussion about $500 not being sufficient. She believed a commitment was made and should be honored.

The Motion passed with the following votes:

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

WRITTEN COMMUNICATION

There was no written communication to come before the Council.

AGENDA INPUT

Mayor Koho asked if time could be found for an additional work session on the Labish Ditch issue. Councilor Keller questioned why the June 23 meeting was scheduled to begin at 4:00 p.m. The Mayor replied that some Councilors had other commitments for the evening.

The Council discussed a time for the work session, suggesting as a possibility the time after the June 23 meeting. Councilor Meier believed the Council should consider this as a separate work session issue. Councilor Beach suggested beginning discussion after the work session.

Councilor Miller brought up the idea of moving Council meeting times earlier for the July 7, August 4 and August 18 meetings. Discussion will take place later.

ADJOURNMENT **The meeting was adjourned at 9:36 p.m.**

Tracy L. Davis

Tracy L. Davis
City Recorder

APPROVED:

Dennis Koho-Mayor

COUNCIL MEMBERS:

Garry L. Whalen
Councilor #1 - Garry Whalen

Carl E. Beach
Councilor #4 - Carl Beach

Dawn Meier
Councilor #2 - Dawn Meier

Al Miller
Councilor #5 - Al Miller

Councilor # 3 - Jim Keller

Jerry McGee
Councilor #6 - Jerry McGee

Minutes approved:
September 15, 1997