MINUTES

KEIZER CITY COUNCIL
Monday, June 1, 1998
Keizer City Hall
Robert L. Simon Council Chambers, Keizer, Oregon

CALL TO ORDER

Mayor Koho called the regular meeting to order at 7:05 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:
Wally Mull, City Manager
H. Marc Adams, Chief of Police
Rob Kissler, Public Works Director
Dianne Hunt, Human Resources Officer
Amy Drought, City Planner
Shannon Johnson, City Attorney
Susan Gahlsdorf, Finance Director
Tracy L. Davis, City Recorder

PUBLIC TESTIMONY

Robert Comstock, 7402 O'Neil Road N, Keizer -Spoke regarding a continuing situation on the correct use of his property. Mr. Compstock purchased property at this address over 14 years ago. Two years ago a neighbor was disputing the use of Mr. Compstock's property so he spoke with the City and was told this would not be a problem since the property was purchased prior to the City being incorporated. Mr. Compstock said he was told to take pictures and put all of his documentation together which he complied with. More complaints were made by this neighbor six months later, and a CSO Officer visited and made some requests of Mr. Compstock which were done. Last November Mr. Compstock stated he was presented with two citations from the Keizer Police Department totaling $16,000. One for operating a business out of his home, which Mr. Compstock denied. The other citation was for parking more than one vehicle, weighing over one ton, without being screened. In

checking with the County he found that they allowed one truck with ample parking. Mr. Compstock removed one of the trucks and now has only one truck. Mr. Compstock shared that he attended a recent Clear Lake Association Meeting he met with Mayor Koho and received support from his neigbors who are in the same situation.

Mr. Compstock felt that the information which he was given regarding his area changing was not correct and feels misled by the City. Mr. Compstock stated that he has conformed to all of the rules and no longer has a truck which is visible on his property. The vehicle is kept in his shop. Mr. Compstock requested a recommendation from the council to protect his rights to continue his style of living.

Mayor Koho indicated he would like more information to get a full understanding of the situation regarding City Ordiances and he requested a staff report to be brought back in two weeks to follow the situation.

There was no further testimony to come before the Council.

COMMITTEE REPORTS

COUNCIL LIAISON REPORTS

Councilor Beach, reporting on the **Keizer Urban Renewal Board** as a liasion stated they did not have a quorum at their last meeting. Councilor Beach hoped that the committee through their Chairman, Stan Compton would adopt rules ordering committee members to attend nine of the twelve meetings a year. Councilor Beach expressed his concern in not being able to conduct business due to the lack of a quorum.

Councilor Beach reported that the Hot-N-Now building had been sold to a coffee drive thru. Councilor Beach said with the Property Improvement Grant Program KURB is working with the 7-11 Stores to develop some landscaping around those stores. Bidding is expected very soon on the Cherry Avenue Project and the Iris Lane Project is to be completed this summer. No report has been received from the Heritage Foundation on the completion of their project. Furthermore, Councilor Beach noted the property at the corner of River Road and Chemawa Way again will be available for purchase.

Mayor Koho shared that he received a letter from John Preston who will be resigning from KURB, due to his business responsiblities. A replacement will be sought right away.

Mayor Koho spoke regarding the **Traffic Safety Committe** Meeting who met last week. Mayor Koho added that he was impressed with how the committee worked together towards solutions. Mayor Koho shared that the committee is working on a public information campaign, and commended the Traffic Safety Committee for obtaining grants totaling $2,500. Mayor Koho felt that the committee is on track to make a decission regarding vision clearance issuses.

Councilor Beach gave his report on the **Audit Committee** of which he is Chairman. Councilor Beach shared that the committee met last week to study vacation accurals for all employees to ensure a system was placed to prevent overages. Councilor Beach shared that the City is putting into place a software program which would prevent the posting of hours above the maximum amount, and that 27 hours was adjusted. Councilor Beach pointed out that needed corrections were made and the necessary safeguards are in place to avoid this in the future.

Councilor Beach voiced his concern with the Statesman Journal editorial, regarding the employee vacation issue. Councilor Beach felt that this was a timing issue and wanted the Committee to meet and review prior to the editorial in the paper which did not happen.

In response to a question from Councilor Miller, Dianne Hunt-Human Resource Officer informed the Council that this is vacation accrural and states that they have no reports that evaluate administrative leave. In regards to safeguards for use of Administrative eave, Ms. Hunt indicated that this is accrured at two days per month and is lost at the end of the month if not used. Councilor Miller expressed his concern that in a four month period 27 hours were taken that should not have, and asked who would be overseeing this in the future. Susan Gahlsdorf, Finance Director indicated that this could be done biweekly through payroll. Ms. Gahlsdorf agreed to oversee this area. Mayor Koho asked if timesheets are approved by a supervisor. Ms. Hunt indicated that the department heads review.

Mayor Koho wanted to present some recommendations to the Council in amendments to the personnel policy and approval of vacation leave of the City Manager and was directed by City Attorney Shannon Miller that this could be directed to the staff and brought back on the consent calendar. Mayor Koho asked if there were any objections to this coming back.

Councilor Miller suggested a change in the verbiage from, "arrange vacation in order to reduce", to, "arrange vacation in order to not exceed the total of the maximum accrural".

Councilor Keller questioned Ms. Hunt in the instance of the City being in a state of an emergency and an employee was unable to take time off and wondered how this would be handled. Ms. Hunt indicated that the City Manager can alter personnel policies which do not set a precedent. Councilor McGee added that he felt like a planned vacation of the City Manager should be approved by the Mayor.

Councilor McGee moved to accept the report from the Audit Committee Report and the recommendations. Mayor Koho seconded the motion.

Councilor Miller suggested a change in wording of the amendment of Personnel Policy Article 6, Section 6.2.5. (It shall be the employee's responsibility to arrange vacation in order to *not exceed* the total to the maximum accural)

The Council agreed by consensus to this change

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)

Mayor Koho directed staff to prepare the appropriate Resolution for Council approval.

OTHER BUSINESS

NEW BUSINESS

Councilor Miller questioned Chief Adams regarding the rumor of a car accident involving two Keizer Police cars. Chief Adams answered that a rear end collision did take place. There was minor damage to the rear end of one of the vehicles, and one of the officers sought medical assistance for a sore neck.

Councilor Beach noted the excavation of the service station at Manzanita and Trail and asked if the City had excess dirt to fill and level this out. City Manager Mull indicated that he would look into this matter.

Susan Gahlsdorf, Finance Director brought to the Council's attention that the bond closing for the Urban Renewal Bond is complete.

Chief Adams presented to the Council that the Police Department was approved for a $450,000 grant from COPS Universal Program to hire six police officers. Chief Adams indicated that the department is also interviewing for an analyst with funds from another grant. There is currently one opening which will be filled by a Lebanon, Oregon police officer who will begin June 15, 1998. Chief Adams shares that the first three positions filled from the grant will be lateral police officers.

Mayor Koho commended Chief Adams on his work.

Councilor Whalen asked Chief Adams if the department has aquired a pickup truck and what purpose it serves. Chief Adams reported that the truck was purchased with seizure vehicles which were traded off, and indicates the truck is used for hauling items such as barricades, bikes, etc., things which cannot be placed in a police vehicle.

OLD BUSINESS

Councilor Miller requested of City Manger Mull that a copy of a letter be sent to the Bednarczyk's and Councilor Miller asked for a response from the Bednarczyk's with the Bednarczyk's response shared with the Council.

PUBLIC HEARINGS

There were no public hearings scheduled before the Council.

ADMINISTRATIVE ACTION

RESOLUTION – APPROVING PLANNING COMMISSION RULES AMENDMENT
RESOLUTION – AMENDING RULES OF THE COMMISSION – AMENDING PLANNING COMMISSION

City Attorney Shannnon Johnson reviewed the Planning Commision Rules and felt the wording should be changed to- "No more than three unexcused absences in a calendar year". Attorney Johnson also shared that any changes in the Commisions rules must be approved by the Council.

Mayor Koho moved a Resolution in the Matter of Approving the Planning Commision Rules. Councilor Keller seconded the Motion.

Councilor Meier requested the definition of an unexcused absence. City Attorney Johnson stated that the Commissioner can ask to be excused by the discretion of the Chair.

RESOLUTION 83-1

Councilor Beach asked if this rule would be something which could apply to KURB.
Attorney Johnson responded that this rule was designed for the Planning Commision, but KURB could adopt similar rules if they felt the need.

Mayor Koho moved a Resolution Approving the Planning Commission Rules Amendment. 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)

WETLAND MITIGATION PROJECT – CLAGGETT CREEK

City Manager Mull brought to the Council the mitigation of wetlands at Claggett Creek for the purpose of building an apartment complex on Fisher Road. City Manager Mull shared that in April this was presented to the Parks Board and received the boards support. City Manager Mull stated that the cost for this project would be borne by the Great Western Construction Company.

City Manager Mull shared a map which indicated the proposal along the edge of the creek with approximately 40 different types of trees. An asphalt walkway is also part of this proposal with the Great Western Construction Company agreeing to maintain the trees for the next five years. City Manager Mull indicated that this would be the final phase in the completion of Claggett Creek Park.

Councilor Whalen requested the cost of maintanence and the appropriateness of a performance bond. City Manager Mull indicated that their would be a written agreement as to the expectations of Great Western Company.

Councilor Miller indicated that this issue was brought up during the Parks Board Meeting and his understanding was that Great Western would need to furnish a bond to ensure that the proper safeguards were in place.

Mayor Koho asked if this project would encroach on the soccer playing area. City Manager Mull indicated that it would not.

Councilor Beach questioned the width of the mitigation. City Manager Mull indicated approximately 50 feet in some areas. Councilor Miller pointed out that there would be four places where the channel would be made wider, and this would enable the table to hold more water and would change the overall appearance.

Mayor Koho moved to direct staff to enter into an agreement with Great Western Construction to do wetland migitation and a partial viewing path along Claggett Creek at Claggett Creek Park. Councilor Whalen seconded the Motion.

Councilor McGee asked that property which was not previously established as wetland area would impact or impinge on future decisions. City Planner Amy Drought indicated that the embankment has been designated as juristictional wetland. Ms. Drought shared that the Division of Wetlands did a local wetland inventory and the areas in question are juristitional.

Councilor McGee requested that staff research other materials besides asphalt for the pathway.

Councilor Miller indicated that through the Parks Board various materials were studied and that althought the asphalt had the greastest cost it also had the least amount of maintanence and would be the best for ADA access. Councilor Miller indicated that Greast Western Construction would be covering these expenses and the City would be receiving it's benefits.

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)

CONSENT CALENDAR

Items on the Consent Calendar were as follows:

a. RESOLUTION – Approving Engineer's Report for Jacobe Estates Street Lighting District

b. Approval of October 6, 1997 City Council Minutes

c. Approval of October 20, 19997 City Council Minutes

d. Approval of November 3, 1997 City Council Minutes

e. Approval of November 17, 1997 City Council Minutes

Councilor Meier removed item "b" from the consent calendar.

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

Councilor Meier requested the October 6, 1997 minutes to be corrected to reflect Jerry Watson as a citizen rather than a Councilor.

The minutes will be returned for approval at the June 15th meeting.

WRITTEN COMMUNICATION

There was no written communication to come before the Council.

AGENDA INPUT

Mayor Koho noted the agenda input items.

ADJOURNMENT

The meeting was adjourned at 8:00 p.m.

Tracy L. Davis

Tracy L. Davis, CMC
City Recorder

APPROVED:

Dennis Koho-Mayor

COUNCIL MEMBERS:

Councilor #1 - Garry Whalen

Councilor #4 - Carl Beach

Councilor #2 - Dawn Meier

Councilor #5 - Al Miller

Council President - Jim Keller

Councilor #6 - Jerry McGee

Minutes approved:

February 16, 1999