MINUTES
KEIZER CITY COUNCIL
Monday, June 19, 2000
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

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

Present:
Bob Newton, Mayor
Lore Christopher, Council President
Craig Campbell, Councilor
Jim Keller, Councilor
Jerry McGee, Councilor
Jacque Moir, Councilor
J. L. Wilson, Councilor

Staff:

Chris Eppley, City Manager
Wally Mull, Outgoing City Manager
Susan Gahlsdorf, Finance Director
Dianne Hunt, Human Resources Manager
Rob Kissler, Public Works Director
Marc Adams, Chief of Police
Tracy L. Davis, City Recorder
Shannon Johnson, City Attorney

PUBLIC TESTIMONY

Cathy Clark, 715 Ventura Street North, Keizer- stressed the importance of CCTV to the City of Keizer and it's public. She noted if the city withdrew from the CRC that Keizer residents would not have the opportunity to produce television programs. Ms. Clark noted the opportunities available by continuing with CCTV. She encouraged the Council to keep the funds in the budget to continue for the use of CCTV.

Mayor Newton thanked Ms. Clark for her presentation.

COMMITTEE REPORTS

a. Swearing in of Keizer Police Reserve Officers

Chief Marc Adams introduced the Police Reserve Officers and provided their background. The officers being sworn in were Tammi Bellshaw, Brian Corcoran, Endre Haaheim and Mike Salchenberger.

City Attorney, Shannon Johnson administered the oath of

FMAGIC

office to the officers.

Mayor Newton welcomed the officers to the City.

OTHER BUSINESS

a. New Business

Presentation to Outgoing City Manager, Wally Mull
Mayor Newton presented a plaque to Mr. Mull expressing appreciation for his work with the City of Keizer.

Mr. Mull thanked everyone for the support that he had received throughout his career.

b. Old Business
Public Works Director, Rob Kissler noted that the River Road overlay is scheduled to begin the middle of July, 2000. He indicated they were still in the process of working the details of when the work would be completed, either at night or during the day.

Mr. Kissler shared that the School District had met on June 13, 2000 and approved the dedication of right-of-way along Barnick Road. With the successful passage of the budget the project would be completed over the summer months.

Mr. Kissler reported that they were in the process of completing the Consumer Process Report of the City's Water Quality.

Councilor Keller requested in consideration of the businesses along River Road during the paving process that staff attempt to minimize closure of the business driveways during business hours as not to impact the businesses.

Responding to questions, Mr. Kissler reported the underground utility work along River Road was almost complete.

Mayor Newton noted the appreciation from the community regarding the contractor keeping the traffic moving along River Road.

PUBLIC HEARINGS

a. Urban Transition (UT) Zone Public Hearing

Mayor Newton opened the public hearing.

In the absence of Senior Planner, Maria Meier, City Attorney, Shannon Johnson reported the history of the UT Zone as written in the staff report. He indicated in

January 2000 the issue of eliminating the UT Zone was brought before the Planning Commission as the zone was difficult to administer under the new Development Code.

Mr. Johnson stated that the Planning Commission considered the matter and listened to a great deal of testimony. The Commission was short one member and had two tie votes pertaining to the UT Zone. The Planning Commission due to the tie votes made no formal recommendation to the Council.

Mr. Johnson reviewed the primary issues, which were discussed by the Planning Commission. Those included:

1. *Is there a requirement for a dwelling to hook up to sanitary sewer?*

- If the zone were to change from UT to RS, dwellings currently on septic would continue to use septic. The change of zone does not require a dwelling to hook up to sanitary sewer. If a septic were to fail, DEQ (Department of Environmental Quality) regulates the distance of a dwelling to a sanitary sewer line to determine if a dwelling would need to hook to sanitary sewer. The zone of a property does not regulate this issue.

2. *Farm Use as a Permitted Use in the UT Zone*
   - If the zone were to change from UT to RS, properties that currently operate a farm use may continue that use a "Legal Non-Conforming Use". If the farm use is discontinued for greater than one year, the farm use may not be able to be re-established.

3. *Tax Assessments*
   - If the zone were to change from UT to RS, properties wold not be taxed any differently. This information was not readily available at the time of the Planning Commission's review. A letter written by the Marion County Assessor's Office was submitted verifying that changing of the zone from UT to RS does not automatically trigger a re-valuing of the property by the Assessor's Office.

4. *Public Opinion*
   - Testimony received from the public at the hearing before the Planning Commission was in opposition of the proposed zone change.

Mr. Johnson reviewed each issue and summarized some of the discussions that took place during the Planning Commission meeting.

Responding to questions, Mr. Johnson indicated the change in ownership of property runs with the grand fathered right of the property. He also noted that there was not testimony in favor of eliminating the UT Zone.

Mr. Johnson indicated the main fiscal impact of the UT Zone was the amount of staff time that is used to process a partition in the area.

Mr. Mull noted it was not unusual for a partition in the Clear Lake area to consume 10-20 hours of staff time, including public works, planning and legal.

Mr. Johnson addressed issues brought out in information supplied by the residents in the Clear Lake area. He indicated he was not aware of any case where the elimination of the UT Zone would restrict the current rights of the property owners. Also the issue of hook up to sewer and water for an existing dwelling would not change. There could be a change for future dwellings depending upon proximity to the sewer line.

The Council discussed the issues of sewer and water hook up within the current UT Zone vs. it's change from UT to RS and some of the subjects that would need to be addressed if the zone was eliminated.

Responding to questions, Public Works Director, Rob Kissler indicated that sewer trunk lines were not complete in various portions of the Clear Lake area. He went on to explain that wells in the area are shallower than the city's aquifer.

Mayor Newton noted for the record that letters of objection to the elimination of the UT Zone were received from the Barnicks and the Grelich's.

Public Testimony

Bob Ohrn, 7950 Timothy Lane NE, Keizer- representing Clear Lake Neighborhood Association, he supplied handouts and a history of documented septic failure by DEQ in 1984 and the changes that were made to correct this. He reviewed some of the proposed changes to the Development Code in 1998 that included changing the UT

Zone to RS in the Clear Lake Area. He expressed his frustration with the UT issue being brought forth once again.

Responding to Mr. Ohrn's questions, Mayor Newton noted the only correspondence that he had received pertaining to the issue were in opposition of the proposal.

Councilor Moir indicated three individuals who were in favor of eliminating the UT Zone had contacted her but she had not received permission from them to supply their names for the record. Councilor Moir indicated that these individuals had purchased homes next to properties zoned UT and they did not want to take the chance that someone else would come in and use the property for a use that would not be compatible to the area.

Mr. Ohrn went on to state that property owners that he has spoken to appreciated the rural character of the area and he did not feel a tremendous amount of support for elimination of the UT Zone.

Councilor Moir referred to the DEQ survey supplied by Mr. Ohrn. She indicated that no where in the survey did it state that the 26 failing and 20 septic in marginal failure had been corrected. She requested this information from Mr. Ohrn.

Mr. Ohrn noted that other members of the association did have this information and he was supplied with information that these problems had been addressed.

Mayor Newton thanked Mr. Ohrn for his testimony.

Virginia Matthis, 8015 O'Neil Road, Keizer- reported that two of the properties in question for septic failure in the 1984 survey had been corrected and were part of a new development. She expressed her concerns with future Council and staff that if her property was changed to RS she would be required to hook up to city water and sewer even though she is being told this would not happen. Ms. Matthis stated in discussions with her new neighbors that they all appreciated the rural atmosphere of her property that abuts many of the new homes and she did not feel the reasons for eliminating the UT Zone were valid.

Councilor McGee addressed the compatibility issue and Ms. Matthis indicated that the compatibility issue should

work both ways.

Marcia Bednarczyk, 7775 O'Neil Road, Keizer- spoke as Clear Lake Neighborhood Association President. Ms. Bednarczyk highlighted some of the issues discussed during the Planning Commission meeting pertaining to the UT Zone. She urged the Council to retain the UT Zone with modifications. Ms. Bednarczyk reiterated some of the comments made by Mr. Ohm and Ms. Matthis.

Ms. Bednarczyk felt that by eliminating the UT Zone would be an infringement of their property rights by limiting the uses of their property, which they did not have in the past. She also noted discussions with John Henry from the School District and they do not have a problem with the area retaining the UT Zone around the new school property. She addressed comments from staff and their reason for requesting the UT Zone is eliminated.

Ms. Bednarczyk noted some modifications that could be made to the UT Zone that included, omitting priority areas, requiring city services upon land divisions and requiring zone changes as part of a partition.

She also addressed the DEQ survey from 1984 indicating that the properties involved in the survey either had hooked up to city services or had made the necessary corrections in their septic service and the property owners have the documentation to verify the corrections. Ms. Bednarczyk strongly felt that the survey should not have been included in the report for other than historical purposes and that staff should have followed up on this report before basing their staff report on eliminating the UT Zone from the 1984 survey.

She summarized the Planning Commission's discussions and vote, which were a three to two vote to retain the UT Zone.

Councilor Moir questioned Ms. Bednarczyk regarding a flyer that was distributed requesting that people attend the Clear Lake Neighborhood Association Meeting on March 28th to discuss the UT Zone Elimination. Councilor Moir felt that the flyer contained information that was slanted and she asked if the document was distributed to the entire Clear Lake Neighborhood or only those in the UT Zone.

Ms. Bednarczyk noted the flyer was passed out at

random and thought the majority of them were distributed to people in the UT Zone.

Responding to additional questions, Ms. Bednarczyk noted that the flyer was not part of their petition to obtain signatures.

Councilor Moir asked why the petition was not circulated to property owners on Keystone, St. Charles or Ericka.

Ms. Bednarczyk noted the petition was circulated to those located within the UT Zone.

Clarifying issues of farm use in the UT Zone Mr. Johnson reported generally if you have a farm use in the UT Zone the use can be changed if there is no discontinuation of use and still qualify. He went on to state if you now have a nursery and the property is changed to RS that would be a separate use listed and you may not be able to change from a nursery to a "normal" farm use.

Responding to questions, Mr. Johnson indicated in deliberations of the Planning Commission there was discussion regarding modifying the nonconforming use to allow a more extended discontinuation of use without the property owner losing their right to continue that use. This detail was not reached due to the vote not to eliminate the UT Zone.

Dave Madison, 1265 Barnick Road, Keizer- noted discussions with Don Woodley from Marion County he was told that within the right of way if a property was within 300 feet of sewer. If the sewer septic failed the property owner would not be granted the permit to repair or replace the septic. He noted that by changing his property to an RS zone would nullify his right to repair and maintain his septic system. He urged the Council to improve the UT Zone and not to eliminate it.

Ollie Allman, 7759 Timothy Lane NE, Keizer- questioned Mr. Mull how long partitions take in other areas since he made the comment it takes 10-20 hours of staff time in the Clear Lake Area.

Mr. Mull noted all partitions encompass a tremendous amount of staff time.

Ms. Allman indicated she provided her attorney with information regarding her husbands business that uses

equipment, which is parked on their property. She indicated if the zoning was changed to RS and complaints were filed that they would be required to move their equipment.

Gail Vaandering, 7815 O'Neil Road, Keizer- stressed that many of the residents in the area are longtime residents. He read a statement in an attempt to put a face on individuals in the area. Mr. Vaandering shared that he and his wife and three children moved to their home in 1992. He described the country-like setting of their home located in the UT Zone. He went on to explain the changes that had taken place along with the difficulties he had incurred while development was taking place.

He questioned Keizer's original premise of less government being better government and how he was seeing that original idea slip away.

Mr. Vaandering shared the story of his wife's illness and death and urged the Council to retain the UT Zone.

Mayor Newton thanked Mr. Vaandering for his testimony.

With no additional testimony Mayor Newton closed the public hearing.

City Attorney, Shannon Johnson clarified that the distance would be 300 feet to onsite sewage disposal in a straight line from the existing sewer line with certain frontage and dimensions requirements. He noted additional restrictions depending on the size of the lot.

Mr. Johnson read from the code noting the home occupation requirements for vehicles.

Councilor Keller noted after hearing all the information he would not be making a motion to make the zone change.

Mr. Mull indicated that the Planning Department was reviewing the Development Code and suggested changes and recommendations will be brought before the Council in the near future.

Councilor McGee felt there was not a compelling reason to eliminate the UT Zone and stated he would not support the elimination of the UT Zone.

Councilor Keller moved to retain the UT Zone within the Clear Lake Area. Council President Christopher seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Campbell, Keller, McGee, Moir, Newton and Wilson (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

Mayor Newton recessed the meeting at 8:44 p.m.

Mayor Newton reconvened the meeting at 8:53 p.m.

b. City of Keizer 2000-2001 Budget

Mayor Newton opened the public hearing.

Finance Director, Susan Gahlsdorf reported that the Budget Committee approved the Manager's Recommended Budget for Fiscal year 2000-2001 as amended. Staff recommended that the Council conduct a public hearing, close the hearing, deliberate on the City budget and adopt the budget with amendments.

Responding to questions, Ms. Gahlsdorf indicated the CCTV would effect the 2000-2001 budget. She noted if option one was chosen with the one fifth split that this would bring forward $65,000 into the working capital carry forward.

Public Testimony

Lela Taylor, 6967 Ridgetop Drive, Keizer- expressed her support of CCTV and noted the options available to the community in allowing the public to produce their own programs.

Responding to questions, Ms. Taylor was unsure why Keizer's affiliation with CCTV had not been promoted more.

Cathy Clark, 715 Ventura Street North, Keizer- noted she has been a board member for Keizer CCTV for a year and half she also stressed how she would like to retain Keizer within the CCTV organization.

Greg and Kathy Fish- left before supplying testimony.

Robert Herberger, 2805 Chemawa Road NE, Keizer, President of the Gubser Neighborhood Association- asks whether the funds for neighborhood associations remained within the budget.

Councilor McGee indicated that funds remained, but were reduced to $5,000 based upon the history of funds spent.

Mr. Herberger wished to go on record stating the Gubser Neighborhood Association considers the loss of CCTV a loss to Keizer residents. He urged the Council to retain the use of CCTV.

Mr. Mull noted that the expense for the neighborhood associations was listed in the budget at $3,000.

Responding to questions, Mr. Johnson summarized the current status of the neighborhood associations and in his opinion they are not public bodies and not subject to public meeting or public record law. Pertaining to the ADA he suggested the associations would need to research this information, as he could not represent a non-city body. He indicated the memo that he compiled was forwarded to the Council and Ken Gierloff.

Mayor Newton noted this action should be formalized in the next month to make the neighborhood associations aware of this situation.

Responding to questions, Mayor Newton noted that there were limitations on the use of the funds for the neighborhood associations and this was covered under a separate document.

Mr. Johnson noted that as a homeowner they might wish to check with their insurance company regarding an umbrella policy. He was unsure if this would cover concerns that Mr. Gierloff had brought to the Council, but he urged them to check into this.

Abe Estimade, Statesman Journal, 280 Church Street, Salem- asked the number of seasonal parks personnel and the allocation for these workers.

Councilor McGee noted they only specified the dollar amount in the budget, which was $13,000 and the number of personnel would be at the discretion of staff.

Public Works Director, Rob Kissler reported that there would be for two seasonal employees and one full-time park's person.

With no additional testimony, Mayor Newton closed the public hearing.

ADMINISTRATIVE ACTION

a. RESOLUTION- Adoption of 2000-2001 City of Keizer Budget and Making Appropriations

Councilor Keller moved a Resolution Adopting the FY '01 Budget, Making Appropriations and Imposing and Categorizing Taxes. Councilor McGee seconded the motion.

Councilor Campbell moved to amend the motion to adjust the Ending Fund Balance of the Street Fund, Utility Fund, Street Lighting District Fund and the Water Fund to reflect compensation to the General Fund for CRC expenditures from the previous budget bringing in $65,029 to the General Fund based on Plan A. Councilor McGee seconded the amendment to the motion.

Councilor McGee noted that either option was acceptable, but option one placed the General Fund in a better position and would be his choice.

Ms. Gahlsdorf noted the Utility Fund could not support this under the current budget situation and she recommended reducing the transfer from the Utility Fund to the General Fund by a like amount, approximately $15,000.

Responding to questions, Ms. Gahlsdorf indicated the end result on the Utility Fund would be a zero sum and the net increase to the General Fund would be $50,000.

Councilor Campbell accepted Ms. Gahlsdorf's suggestion as a friendly amendment to the motion.

The amendment on the vote passed as follows:

AYES: Christopher, Campbell, Keller, McGee, Moir, Newton and Wilson (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

Mayor Newton expressed his disappointment that the City

was not able to extend the CCTV contract due to budget constraints. He hoped in the future that the invitation to come back to CCTV would be an option.

Councilor's Campbell, Christopher and Keller echoed Mayor Newton's comments and noted other areas that the City may have the option of offering information to the public that were being researched.

Mr. Johnson noted benefits of being a member of the CRC and indicated there would be some costs that would be absorbed by the City without the assistance of the CRC membership. He also noted he was not aware of what the asset buy-in would be if the City decided to join CCTV again.

The main motion passed as follows:

AYES: Christopher, Campbell, Keller, McGee, Moir, Newton and Wilson (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

b. RESOLUTION- Transferring Appropriations for Fiscal year 1999-2000.

Finance Director, Susan Gahlsdorf reviewed the funds that this would effect and the amount from each fund.

Councilor Campbell moved a Resolution "Option A" with contingency decrease of $16, 257 Transferring Appropriations for Fiscal year 1999-2000. Councilor Moir seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Campbell, Keller, McGee, Moir, Newton and Wilson (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

Additional New Business

Councilor Campbell requested to return to the order of new business, which Mayor Newton granted.

In lieu of personnel commitments Councilor Campbell resigned his City Council position number five effective July 1, 2000.

Councilor McGee moved to suspend the rules to accept

Councilor Campbell's resignation. Councilor Keller seconded the motion.

Mayor Newton thanked Councilor Campbell on behalf of the Council for the outstanding work he did on the Council.

The motion passed unanimously as follows:

AYES: Christopher Keller, McGee, Moir, Newton and Wilson (6)
NAYS: None (0)
ABSTENTIONS: Campbell (1)
ABSENT: None (0)

CITY COUNCIL APPOINTMENT PROCESS

At the Mayor's request it was the consensus of the Council to review the appointment process as outlined in the packet.

Councilor Keller moved a Resolution Declaring a Vacancy, effective July 1, 2000, for City Council Position Number Five. Council President Christopher seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Campbell, Keller, McGee, Moir, Newton and Wilson (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

Councilor Keller made the motion to Adopt the Process Outline/Timeline to Fill Council Position Number Five Vacancy as submitted. Councilor Moir seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Campbell, Keller, McGee, Moir, Newton and Wilson (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

Mayor Newton presented a plaque to Councilor Campbell for his recognition, work and dedication to the City of Keizer.

CONSENT CALENDAR

a. RESOLUTION-Land Use Application Fee Amendments

b. RESOLUTION-Election to Receive State Shared Revenue

c. RESOLUTION- Certifying City of Keizer Provides Four or More Services

d. RESOLUTION- Approval of Engineer's Report for Sparrow Addition Street Lighting District

e. Approval of June 5, 2000 Regular Session Minutes

Councilor Keller moved for Approval of the Consent Calendar. Councilor Moir seconded the motion.

Mayor Newton noted the items on the Consent Calendar.

Mr. Johnson reminded the Council that if the Sizemore Initiative passed the City might have to submit refunds in regards to the fees.

The motion passed unanimously as follows:

AYES: Christopher, Campbell, Keller, McGee, Moir, Newton and Wilson (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

WRITTEN COMMUNICATIONS

Mayor Newton urged the Council to read the confidential memo supplied to them this evening.

AGENDA INPUT

July 3, 2000
City Council Meeting Cancelled

July 10, 2000
7:00 p.m. Keizer City Council Special Session

July 17, 2000
7:00 p.m. Keizer City Council Meeting

August 7, 2000
7:00 p.m. Keizer City Council Meeting
Transportation System Plan Public Hearing-continued from 6/5/2000

Mayor Newton noted the agenda items.

Councilor Campbell indicated that the Library Task Force would like to speak to the Council at the August 7th Council Meeting.

Mayor Newton thanked all the volunteers and employees of CCTV for there work with the City.

ADJOURNMENT

Chair Newton adjourned the meeting at 9:45 p.m.

Tracy L. Davis
City Recorder

APPROVED:
MAYOR:

Bob Newton

COUNCIL MEMBERS:

Councilor #1 - J. L. Wilson

Councilor #4 - Jacque Moir

Councilor #2 - Lore Christopher

Councilor #5 - Craig Campbell

Councilor #3 - Jim Keller

Councilor #6 - Jerry McGee

Minutes approved:
July 10, 2000