

MINUTES

KEIZER CITY COUNCIL

Monday, November 1, 1993

Robert L. Simon Council Chambers
Keizer City Hall

CALL TO ORDER

Mayor Koho called the regular meeting to order at 7:30 p.m.
Roll call was taken as follows:

Present

Dennis Koho, Mayor
Jim Keller, Councilor
Jerry McGee, Councilor
Al Miller, Councilor
Chet Patterson, Councilor
Jerry Watson, Councilor

Absent

Marlene Wellin, Councilor

Staff

Dotty Tryk, City Manager
John Morgan, Community Development Director
Wally Mull, Director of Public Works
Charles R. Stull, Chief of Police
John Lien, City Attorney
Shannon Johnson, City Attorney
Bruce Jenness, Police Lieutenant
Lynn Owen, Administrative Assistant

PUBLIC TESTIMONY

Diane Bassett, 591 Wayne Drive N, Keizer voiced her support for the Chronic Nuisance Ordinance being presented tonight. With adoption of this Ordinance, it will give the City the tools needed to deal with the deterioration of property and also will preserve the liveability of the City.

As a member of the Keizer Planning Commission, Ms. Bassett also supported the Commission's recommendation concerning Interdevelopmental Access.

COMMITTEE REPORTS

Presentation to Keizer Little League

Chief of Police, Charles R. Stull presented the Keizer Little League with a radar gun for use by the boys and girls involved in baseball or softball. The president of the Keizer Little League accepted the radar gun and extended his appreciation to the Keizer Police Department and City for their generosity.

Community Service Officer Business Watch Update

Lt. Bruce Jenness, Keizer Police Department, updated the Council on the Community Service Officer pilot program implemented in July of this year. The initial intent of the project was to focus attention on three separate and specific duties; liaison with the business community, responding to low priority calls for service and code enforcement. Due to inadequate time, a decision was made to focus only on liaisons with the business community. Reserve Officer Kelly VanBlokland was appointed to this temporary position, making over 200 business contacts within the 90 day trial period. Lt. Jenness stated the overall goal of the pilot project was met and the information gathered from the business community was invaluable. Lt. Jenness extended his appreciation to Mr. VanBlokland for his work and dedication to this project.

Councilor McGee inquired if classes or a crime network had been developed as a follow-up to the survey. Lt. Jenness stated a brochure was developed and a class was held in October. Councilor McGee asked about the overall costs of the program. City Manager Tryk will forward the final figures to the Council.

Councilors Keller and Miller commended Mr. VanBlokland and the Police Department for a fine job on the pilot program.

Councilor Watson voiced his concern that Mr. VanBlokland only met one of the three goals of the position; business watch and emphasized the high costs associated with each contact.

Community Policing Implementation Report

Chief Stull reported the Community Policing concept for the Keizer Police Department originally started in 1989. Effective November 1, 1993 the department will implement a six month pilot Community Policing project. The Police Department hopes the project will accomplish the following: educate and

train department personnel in Community Policing, deemphasize traditional policing methods, modify the department's performance evaluation system and develop a system for citizen input and evaluation of Community Policing efforts. Chief Stull stated with the implementation of Community Policing the revenue generated from traffic enforcement may decrease due to the focus of neighborhoods rather than River Road.

Mayor Koho expressed his appreciation for the work the Police Department has completed towards this Council goal. Councilor Keller concurred with Mayor Koho.

Councilor McGee voiced his concern with de-emphasizing traffic control and the evaluation process. Councilor Watson agreed with the concerns of Councilor McGee and also questioned if the six-month trial period will be sufficient to plan and execute the program. Chief Stull stated the Police Department will do 75% Community Policing programs and 25% evaluation. Councilor Watson also raised concern with the acronym - COP - Community Oriented Policing.

In response to a question from Councilor Keller, Chief Stull showed the district breakdown and explained how each was divided according to the number of calls for service.

PUBLIC HEARING AND DELIBERATION

Conditional Use Appeal - Case 91-9 (Chandler)

Mayor Koho reopened the public hearing.

Community Development Director, John Morgan explained this hearing is a continuation from August 2, 1993. The original conditional use hearing was opened in August 1992 which involves the proposed placement of a church in the Special Policy Area surrounding the Willow Lake Treatment Plant.

Presenting testimony were:

Mark Grenz, Multi-Tech Engineering, 1155 13th Street SE, Salem appeared before the Council as a representative for Mr. Dan Chandler. Mr. Grenz advised the Council Mr. Chandler wished to withdraw the conditional use application.

There was no other testimony to come before the Council.

Mayor Koho continued the public hearing until November 15, 1993.

**ORDINANCE -
Orchard Crest
Phase 3 Street
Lighting Local
Improvement
District**

Mayor Koho opened the public hearing.

There was no testimony to come before the Council.

Mayor Koho closed the public hearing.

Councilor Patterson moved for a bill for an Ordinance spreading Assessments to Orchard Crest Phase 3 Street Lighting Local Improvement District. Councilor Watson seconded the Motion.

Councilor McGee voiced his concern for the annual fees listed in the Ordinance bill. City Manager Tryk advised the Council the fees will be discussed at the November 15, 1993 Council Meeting.

The Motion passed as follows:

AYES: Keller, Koho, McGee, Miller, Patterson and Watson
(6)

NAYS: None (0)

ABSTENTIONS: None

ABSENT: Wellin (1)

**ADMINISTRATIVE
ACTION**

**ORDINANCE -
Chronic Nuisance**

John Morgan, Community Development Director presented an Ordinance which had been revised with the changes suggested at the last Council meeting.

Councilor McGee questioned the six-month time period during which three convictions must occur. Councilor Miller voiced his concern with the elimination of prostitution and drugs from the Ordinance. City Attorney Lien stated these are included in the state statute and will include these offenses committed at apartment buildings.

Councilor Watson offered amendments to the proposed Ordinance; savings clause and pattern of behavior. Councilor Miller supported the savings clause amendment but questioned the multi-family unit distinctions listed in the pattern of behavior section.

Councilor Watson moved for an Ordinance for a bill providing for Abatement of a Chronic Public Nuisance for Unlawful Activities. Councilor McGee seconded the Motion.

Councilor Watson moved to amend the Ordinance to include changes to section 3 (b) and section 9; savings clause and pattern of behavior.

The amendment died for a lack of a second.

Councilor McGee moved to amend the Motion to include section 9 - savings clause. Mayor Koho seconded the Motion.

The amendment to the Motion passed as follows:

AYES: Keller, Koho, McGee, Miller, Patterson and Watson
(6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Wellin (1)

The main Motion as amended passed with the following votes:

AYES: Keller, Koho, McGee, Miller, Patterson and Watson
(6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Wellin (1)

**RESOLUTION -
Community Service
Officer
Classification Plan
Amendment**

City Manager, Dotty Tryk proposed a temporary hiring of a Community Service Officer to enforce zoning and solid waste regulations and to respond to low priority police calls. The temporary position would be reviewed during the next budget process for evaluation for permanent funding. The funding for

the position for the remainder of this fiscal year will come from monies received from the school district for reimbursement of the school liaison officer.

Councilor Miller cited his concern the Community Service Officer would answer the low priority calls to the Police Department and not be allowed enough time for code enforcement.

Mayor Koho suggested staff report back to Council if the Community Service Officer spends less than 50% time on Code Enforcement.

Councilor Keller suggested 50% may be too low due to the present back log of complaints. He asked the primary focus be code enforcement. Councilor McGee concurred with the concerns and hopes the Community Service Officer will mainly focus on code enforcement. Chief Stull stated a plan has been developed to have the Community Service Officer make a significant impact on the backlog of code enforcement complaints.

Councilor Patterson stated a six-month period may be insufficient to show any progress. He hopes the focus will be high impact code enforcement. Councilor Watson suggested if time is available the Community Service Officer will have time to work on other functions listed in the job description.

City Manager Tryk committed to the Council the focus for the Community Service Officer will be code enforcement. Mayor Koho suggested staff report back to Council on the progress within the next 90 days.

Councilor McGee questioned the working conditions of the Community Service Officer to deal with combative individuals. Councilor Patterson stated this is a protection clause to make sure the person hired receives the proper training. He also hoped all applicants would be aware this is a temporary position.

Councilor Keller moved for a Resolution amending the Classification Plan establishing a job description for Community Service Officer. Councilor Patterson seconded the Motion.

The Motion passed as follows:

AYES: Keller, Koho, McGee, Miller, Patterson and Watson
(6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Wellin (1)

Councilor Keller moved for a Resolution setting the change in the Compensation Plan. Mayor Koho seconded the Motion.

The Motion passed as follows:

AYES: Keller, Koho, McGee, Miller, Patterson and Watson
(6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Wellin (1)

**ORDINANCE -
Prohibiting Noise
and Providing for
Variance**

Chief Stull presented a final draft of a revised Noise Ordinance for the City of Keizer.

Councilor Miller cited a concern with Section 5-G which needs further clarification for public sanctioned events. Mayor Koho suggested changing the wording to state sponsored, sanctioned or otherwise approved by the City. The Council agreed by consensus to this change.

Councilor Keller inquired of the public notification process and the size of the sign that would be posted. He also questioned the alternate language listed in Section 3 - 4; lawn mowing equipment. Mayor Koho suggested lawn mowing equipment with a combustion engine between 10:00 p.m. and 7:00 a.m. be listed under specific prohibitions; section 3(B)(4).

Presenting testimony to the Council was:

Greg Smith, 285 McNary Heights Drive, Keizer voiced his concern with the lawn mowing at McNary Golf Course. He also complimented the City on the assistance he has received during this process.

City Manager Tryk advised the Council a copy of the draft Ordinance was sent to McNary Golf Course.

Councilor Keller moved for a bill for an Ordinance Prohibiting Noise and Providing for a Variance; Repealing Ordinance 90-190. The Motion was seconded by Councilor Watson.

The Motion passed as follows:

AYES: Keller, Koho, McGee, Miller, Patterson and Watson

(6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Wellin (1)

**Planning
Commission
Recommendation
Concerning
Interdevelopmental
Access**

Community Development Director John Morgan advised the Council the Planning Commission unanimously passed a Resolution urging the City Council to secure access between residential development. Mr. Morgan stated the Planning Commission is concerned new development is taking place without assuring there is ample opportunity for the residents to move freely by any means between developments. They are also concerned the development of Hidden Creek and the Epping property will not have access across Labish Creek to 14th Street.

Presenting testimony to the Council were:

Maur Horton, 6657 14th Avenue NE, Keizer testified in support of adopting the policy contained in the Resolution.

Jim Reimann, 5309 River Road N, Keizer gave testimony to the Council. He is concerned the Hidden Creek development would be required to have an interconnection even though development is in progress. Mr. Morgan stated staff would like to explore the possibility of creating a pedestrian access between the Hidden Creek development and the Epping property.

Councilor Watson said he had encouraged the Planning Commission to bring forward this policy and emphasized his original intention is for better access and movement of people within the City. Councilor Miller stated the policy will allow the City to be overly restrictive.

Councilor Keller cited damage that has occurred to fences and pathways that now connect developments.

Mr. Morgan stated this policy reflects current practice of staff and each development is looked at individually.

Councilor Watson moves a Resolution Establishing Council Policy on Access Between Residential Developments. Councilor McGee seconded the Motion.

Councilor Watson stated the practice of the staff should be supported by a Council policy. He said it will be unfortunate for residents of Hidden Creek to travel around via River Road and back into the neighborhood to the school when a path would allow children to walk across Labish Creek.

The Motion failed with the following votes:

AYES: McGee and Watson (2)

NAYS: Keller, Koho, Miller and Patterson (4)

ABSTENTIONS: None (0)

ABSENT: Wellin (1)

The Council asked staff to return in the near future with options for pedestrian access across Labish Creek.

CONSENT CALENDAR

The Consent Calendar consisted of the following:

- a. Initiate Meadows Phase 7 Street Lighting Local Improvement District
- b. Council Goals - Third Quarter Progress Report
- c. RESOLUTION - Park System Development Charge Amendment
- d. RESOLUTION - Adoption of Grant Application Policy
- e. Approval of October 18, 1993 Regular Session Minutes

Councilor Keller moved for approval of the consent calendar.
Mayor Koho seconded this Motion.

The Motion passed with the following votes:

AYES: Keller, Koho, McGee, Miller, Patterson and Watson
(6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Wellin (1)

OTHER BUSINESS

There was no other business to come before the Council.

**WRITTEN
COMMUNICATION**

There was no written communication to come before the Council.

AGENDA INPUT

Mayor Koho noted the agenda input items listed.

ADJOURNMENT

The meeting was adjourned at 10:00 p.m.

TRACY L. DAVIS
City Recorder

APPROVED:

MAYOR:

(Marlene Wellin absent)

CITY OF KEIZER MISSION STATEMENT
**KEEP CITY GOVERNMENT COSTS AND SERVICES TO A MINIMUM BY
PROVIDING CITY SERVICES TO THE COMMUNITY IN A
COORDINATED, EFFICIENT AND LEAST COST FASHION**

A G E N D A
KEIZER CITY COUNCIL
Monday, November 1, 1993

7:30 p.m.

**Robert L. Simon Council Chambers
Keizer City Hall
Keizer, Oregon 97303**

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC TESTIMONY

This time is provided for citizens to address the Council on matters not scheduled for public hearing.

4. COMMITTEE REPORTS

- a. Presentation to Keizer Little League
- b. Community Service Officer Business Watch Update
- c. Community Policing Implementation Report

5. PUBLIC HEARINGS AND DELIBERATIONS

- a. Conditional Use Appeal-Case No. 91-9 (Chandler) (continued from 8-2-93)
- b. ORDINANCE - Orchard Crest Phase 3 Street Lighting Local Improvement District

6. ADMINISTRATIVE ACTIONS

- a. ORDINANCE - Chronic Nuisance
- b. RESOLUTION - Community Service Officer Classification Plan Amendment
- c. ORDINANCE - Prohibiting Noise and Providing for Variance
- d. Planning Commission Recommendation Concerning Interdevelopmental Access

7. CONSENT CALENDAR

- a. Initiate Meadows Phase 7 Street Lighting Local Improvement District
- b. Council Goals - Third Quarter Progress Report
- c. RESOLUTION - Parks System Development Charge Amendment
- d. RESOLUTION - Adoption of Grant Application Policy
- e. Approval of October 18, 1993 Regular Session Minutes

8. OTHER BUSINESS

This time is provided to allow Council members the opportunity to bring matters before the Council which are not on tonight's agenda.

9. WRITTEN COMMUNICATIONS

To inform the Council of significant written communications and petitions.

10. AGENDA INPUT

November 15, 1993

7:30 p.m. City Council Meeting

Marion County Building Code Administration
Comprehensive Housing Affordability Study Presentation
Lone Oak Deli and O.T.B. Liquor License Public Hearing
Municipal Court Report
Miracle of Christmas Noise Variance
Solid Waste Ordinance Revisions

November 29, 1993

7:00 p.m. Budget Meeting

December 6, 1993

7:30 p.m. City Council Meeting

11. ADJOURN

Upon request, auxiliary aids and/or special services will be provided to participants with disabilities. To request services, please contact us at 390-3700 at least two working days (48 hours) in advance.



November 1993

CITY OF KEIZER CALENDAR OF EVENTS

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	1 1:30pm CITY ENGINEER MEETING(LIB) 6:30pm BUDGET COMMITTEE MEETING(CC) 7:00pm KEIZER HERITAGE (AUD) 7:30pm CITY COUNCIL (CC)	2 7:00pm 4-H DOG CLUB(AUD)	3 —■ 8:00am AR-RAIGNMENTS (CC) 12:00pm - 4:00 PM MCNARY TEACHERS MEETING(LIB) 7:00pm R3B(CC)	4	5	6 8:45am A.A.(LIB) 11:00am - 2:00pm LIBRARY HOURS
7	8 1:30pm CITY ENGINEER MEETING(LIB) —■ 5:30pm COURT HEARINGS(CC)	9 7:00pm 4-H DOG CLUB(AUD) 7:00pm PARKS ADV. BOARD (LIB) <i>Election Day</i>	10 —■ 8:00am AR-RAIGNMENTS (CC) 4:00pm GOVT AFFAIRS(LIB) 7:00pm PLANNING COMM(CC)	11 <i>Veterans Day</i> 	12 KEIZER KEYNOTER COMES OUT	13 8:45am A.A.(LIB) 11:00am - 2:00pm LIBRARY HOURS
14	15 1:30pm CITY ENGINEER MEETING(LIB) —■ 5:30pm COURT HEARINGS(LIB) 7:00pm KEIZER RC (LIB) 7:30pm CITY COUNCIL (CC)	16 6:00pm VOLUNTEER COORD. COMM (MAYOR'S OFFICE) 7:00pm 4-H DOG CLUB(AUD)	17 —■ 8:00am AR-RAIGNMENTS (CC) 7:00pm COMMUNITY POLICING COMMITTEE (AUD)	18 —■ 5:30pm COURT HEARINGS(CC) JUDGE MAYORS AND CHAMBERLAIN	19 7:30pm GB. CHERY (LIB)	20 8:45am A.A.(LIB) 11:00am - 2:00pm LIBRARY HOURS
21	22 1:30pm CITY ENGINEER MEETING(LIB) —■ 5:30pm COURT HEARINGS(CC)	23 6:30pm KEIZER LITTLE LEAGUE MEETING(CC) 7:00pm 4-H DOG CLUB(AUD)	24 —■ 8:00am AR-RAIGNMENTS (CC)	25  <i>Thanksgiving</i>	26	27 8:45am A.A.(LIB) 11:00am - 2:00pm LIBRARY HOURS
28	29 1:30pm CITY ENGINEER MEETING(LIB) 7:00pm BUDGET COMMITTEE MEETING(CC)	30				

SUBJECT TO CHANGE (CC)=COUNCIL CHAMBERS/(LIB)=LIBRARY

10/28/1993



Keizer Police Department

930 Chemawa Rd. N.E. • P.O. Box 21060
Keizer, Oregon 97307-1060 • 390-3713 / FAX 390-8295

Charles R. Stull
Chief of Police

City Council Meeting: Nov. 1, 1993

DATE: October 28, 1993

Agenda Item Number: 4a

TO: Mayor and City Council

THRU: Dotty Tryk, City Manager *Dotty*

FROM: Charles R. Stull, Chief of Police *CRS*

SUBJECT: RADAR GUN DONATION TO KEIZER LITTLE LEAGUE

The Keizer Police Department would like to take this opportunity to donate one of our hand held radar guns to the Keizer Little League. These radars are for their exclusive use in enhancing the fundamentals of baseball and softball to the boys and girls of our community. Mr. John Doneth, the newly elected President of Keizer Little League, is in the audience for the presentation.

crs:cp



Keizer Police Department

930 Chemawa Rd. N.E. • P.O. Box 21060
Keizer, Oregon 97307-1060 • 390-3713 / FAX 390-8295

Charles R. Stull
Chief of Police

DATE: **October 28, 1993**

CITY COUNCIL MEETING: November 1, 1993

TO: **Mayor and City Council**

AGENDA ITEM NUMBER: 4b

THRU: **Dotty Tryk, City Manager**

FROM: **Charles R. Stull, Chief of Police** *CRS*

**SUBJECT: COMMUNITY SERVICE OFFICER
PILOT PROJECT EVALUATION**

Attached, for City Council review, is the evaluation of the recent three month Community Service Officer Pilot Project.

BACKGROUND:

On July 6, the Keizer Police Department began a three month Community Service Officer pilot project. The initial intent of the project was to focus attention on three separate and specific duties, spending approximately thirty days per each assignment: 1) liaison with the business community, 2) responding to low priority calls for service, and 3) code enforcement.

The perimeters of the pilot project confined the working hours of the Community Service Officer to 20 hours per week. It became immediately evident that given the limited work hours, coupled with the thirty day condition of the project, there was insufficient time to adequately address the individual issues as initially planned. With this in mind a decision was made to concentrate on a liaison with the business community to form the ground work for an organized "Business Watch" city wide.

Kelly VanBlokland, a reserve officer with the police department, was appointed to the temporary position. The decision to utilize a reserve officer was made for two reasons. First was the convenience of employing someone who was already familiar with the City, but one who was also intimately acquainted with the operational make up of the police department.

COMMUNITY SERVICE OFFICER PILOT PROJECT EVALUATION

October 28, 1993

Page 2

The second consideration was given to the increased effectiveness of a uniformed representative to accelerate the business contact process by familiarization.

The first order of business was to educate Officer VanBlokland with respect to the concepts and common practices of similar programs in other cities, as well as to develop a plan to meet the short term goals of the project. The Portland Police Bureau, Eugene Police Department, and Gresham Police Department were three law enforcement agencies who provided material and information regarding successful business liaison programs in their jurisdictions. Information was also provided by U.S. West regarding their involvement in the Portland/Metro Business Watch program.

Having completed a period of concept orientation, a plan was developed to contact and survey the business community to identify specific needs and interest in a targeted liaison program. Using the current sub-districts within each of the four major reporting districts, each business was identified and listed to facilitate orderly contact. This consisted of eighteen service districts, of which some were broken down further to accommodate the concentration of businesses in certain districts.

Two forms were developed to aid Officer Vanblokland in surveying the local businesses. One was a Business Contact Form to assist not only in the later development of the program, but for current use as well. This form provided the means for the businesses to identify key individuals who may be contacted in case of emergencies, particularly after normal business hours. The second form was the survey itself (see attached). This survey asked five questions:

1. What type of business do you own and what problems do you encounter in the area of your business?
2. What could the Keizer Police Department do to help deal with the above mentioned problems?
3. If the Police Department offered classes on how to prevent and/or confront crimes such as shoplifting or check fraud would you be interested in attending? Yes/No

COMMUNITY SERVICE OFFICER PILOT PROJECT EVALUATION

October 28, 1993

Page 3

4. If you could receive information about crimes that have been committed locally in same type of business that you own or operate before your store becomes a victim, would you be interested? Yes/No
5. How do you feel a business liaison officer would be accepted into the Keizer business community?

With the preliminary details in place, Officer Vanblokland set out to contact each and every business in the City. We are happy to report that he was successful with the exception of those businesses who's owners or managing employees were unavailable for varying reasons. A personal attempt to make contact was made in all cases. All in all nearly 200 businesses were contacted. A total of 194 businesses cooperated in completing the survey which Officer Vanblokland presented at the time of his contact.

Only questions three and four presented a specific answer choice to facilitate an easy computation of the responses. Question number three, asking if the respondent would be interested in crime prevention classes presented by the police department, 73.2% indicated that they would be interested. Question number four, pertaining to providing specific crime information of interest to the type of business, 96.4% of the respondents indicated that they would be interested in such information.

Overall we feel that the goals of the pilot project were met and feel particularly satisfied that we were able to make the personal business contacts all within the 90 day period. The information that was gathered is tremendously invaluable and certainly lays a sound foundation for continuation of our efforts to join hands with our business community in the fight against crime. The project would seem to clearly indicate a resounding show of support and interest in a future business liaison program.

crs:bwj:cp

KEIZER POLICE DEPARTMENT

930 Chemawa road N.E.

Keizer, Oregon 97307

Business Contact Form

Business Information

1. Company name _____
2. Phone number _____
3. Address _____
4. Business hours _____

Owner Information

1. Name _____
2. Phone number _____
3. Address _____
4. Hours of contact _____

Manager Information

1. Name _____
Phone number _____
Address _____
Work schedule: _____
2. Name _____
Phone number _____
Address _____
Work schedule _____

KEIZER POLICE DEPARTMENT

BUSINESS WATCH QUESTIONNAIRE

The Keizer Police Department is in the process of developing a new program that will assist the area businesses with their problems and concerns. What we are asking of you is to take the time to fill out this questionnaire so that we can better understand if this is a program that is desired in the business community and if so, how to tailor this position to better suit the needs of the community that we are serving.

- 1) What type of business do you own and what problems do you encounter in the area of your business?

- 2) What could the Keizer Police Department do to help deal with the above mentioned problems?

- 3) If the Police Department offered classes on how to prevent and/or confront crimes such as shoplifting or check fraud would you be interested in attending?
YES ☐ NO ☐

- 4) If you could receive information about crimes that have been committed locally in the same type of business that you own or operate before your store becomes a victim, would you be interested?
YES ☐ NO ☐

- 5) How do you feel a business liaison officer would be accepted into the Keizer business community?



Keizer Police Department

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Charles R. Stull
Chief of Police

DATE: October 27, 1993 City Council Meeting: November 1, 1993
TO: Mayor and City Council Agenda Item Number: 4c
THRU: Dotty Tryk, City Manager *Dotty*
FROM: Charles R. Stull, Chief of Police *CRS*
**SUBJECT: IMPLEMENTATION OF THE KEIZER POLICE DEPARTMENT
6-MONTH COMMUNITY POLICING EVALUATION PROJECT**

COUNCIL GOAL:

Enhance public safety by adopting a concept of Community Policing, identifying desired levels of service, and deciding and implementing ways to achieve those levels.

BACKGROUND:

The Mission of COMMUNITY POLICING

A commitment to establishing and maintaining a meaningful and productive PARTNERSHIP with our community. A goal to achieve POLICING EXCELLENCE by facilitating a PARTNERSHIP between the police and the citizens in order to mutually identify and resolve community problems. This PARTNERSHIP will ultimately enhance the safety and QUALITY OF LIFE for our citizens.

IMPLEMENTATION OF THE KEIZER POLICE DEPARTMENT 6-MONTH COMMUNITY POLICING EVALUATION PROJECT

Page 2

The Keizer Police Department's Community Policing Program concept originally began in October of 1989. The department was facing another year of increasing calls for service coupled with extremely limited personnel. The community and local government both had unrealistic expectations of the level, quantity and quality of services the department could provide.

The concept of community policing and its philosophy of policing through development of a partnership between the community and its police department was tailor made for the City of Keizer. Over the past four years, the administration has been developing the foundation for the implementation of the Community Policing Program.

Today the department is ready to begin another major step in the overall implementation of the Community Policing Program. Effective November 1, 1993, the department shall implement a six month Pilot Community Policing project. The pilot program is designed to accomplish the following:

1. Educate and train department personnel about community policing and its philosophy.
2. Deemphasize traditional policing methods.
3. Modify the department's performance evaluation system to incorporate community policing.
4. Develop a system for citizen input and evaluation of our community policing efforts.

We believe that through these initial efforts a strong foundation will be established which will ensure our success in our continued development of the Community Policing Program for the City.

**IMPLEMENTATION OF THE KEIZER POLICE DEPARTMENT
6-MONTH COMMUNITY POLICING EVALUATION PROJECT
Page 3**

FISCAL IMPACT:

There is a possibility of some fiscal impact due to the de-emphasization of traffic enforcement, however, the overall amount of impact cannot be effectively estimated at this time. Any significant changes will be reviewed with the City Manager.

RECOMMENDATION:

Attached for the Council's review is a copy of the department's General Order regarding Community Policing which will be issued to all personnel on November 1, 1993. General Order #93-9 identifies the department's Community Policing mission and philosophy and additionally covers policy, procedure, implementation, evaluation and audit.

Given the high level of enthusiasm from department personnel for the implementation of this project, I am confident that the Keizer Police Department will provide to the citizens of Keizer a higher level of service through its community policing efforts.

crs:cp

Number #93-9

Subject: COMMUNITY ORIENTED POLICING		Effective Date: 11-01-93
		Total Pages: 3
Reference: KPD Policy/Procedures Manual, Chapter 3 (Mission, Goals, Objectives and Values of the Department)	Special Instructions: N/A	
Distribution: All Personnel	Reevaluation Date: When needed	

PURPOSE

The purpose of this order is to establish the institution of Community Oriented Policing in the Keizer Police Department.

POLICY

The Mission of Community Policing is: A commitment to establishing and maintaining a meaningful and productive PARTNERSHIP with our community. A goal to achieve POLICING EXCELLENCE by facilitating a PARTNERSHIP between the police and the citizens in order to mutually identify and resolve community problems. This PARTNERSHIP will ultimately enhance the safety and QUALITY OF LIFE for our citizens.

The primary goal of Community Oriented Policing in Keizer will be to obtain input from the citizens and to gear the COP activities of the Department into areas that are of importance to them in an effort to improve the quality of service to the citizens by:

1. Providing high quality community oriented police services with sensitivity.
2. Encouraging employees to increase their interaction with the community.
3. Assist in the solving of problems in the community.
4. Promoting teamwork with the community and the Department.
5. New and innovative ways of providing police services.
6. Anticipating future service needs of the community.

PROCEDURES

The following procedures are hereby established for the implementation of Community Oriented Policing in the Keizer Police Department.

A. RESPONSIBILITY

1. The responsibility for implementation of community oriented policing shall rest with all members of the police department, both sworn and non-sworn.
2. Employees are encouraged to maintain close contact with the public, and to propose and develop programs which they perceive as beneficial to the well being of the citizens.
3. Supervisors shall give employees guidance and direction in the implementation of their programs and the freedom and encouragement to see them succeed.
4. Management shall give employees the freedom and discretion to explore new methods of accomplishing their goals.
5. The Chief of Police shall insure that the philosophy of the Department reflects the need to provide the services to the community which improves their quality of life.

B. IMPLEMENTATION

1. The employee who perceives a manner in which the Department can better serve the community will prepare the idea and present it to his or her supervisor for discussion and evaluation. Such ideas should be geared to providing an answer to a community need while considering the following:
 - a. Input from the community
 - b. Benefit to the community
 - c. Practicality of the idea
 - d. Effects on other programs
2. The supervisor should encourage the employee in the development of his or her idea while providing needed feedback and support. The supervisor should insure that ideas which are implemented are evaluated for their effectiveness. Supervisors will keep management advised of current programs.

3. Management will provide the employee and the supervisor the discretion to select those programs that they feel would be most effective in providing service and benefit to the community. They will provide available resources, as needed, to implement those programs.

C. EVALUATION

1. Evaluations, when possible, should include citizen feedback and peer evaluation to help assess the effectiveness of a program.
2. Employees developing a specific program should include a method of evaluating the impact on the citizens and the benefits that they receive.
3. Supervisors should monitor the programs developed by the employees working for them and together they should insure that programs that are effective are continued and that programs that are deemed ineffective are discontinued.
4. Management shall monitor the overall implementation of community oriented policing programs to insure that the needs of all parties are being met.

D. COP AUDIT COMMITTEE

1. The purpose of the COP (Community Oriented Policing) Audit Committee is to review the progress of community oriented policing in the Keizer Police Department and to make recommendations to the Chief of Police on ways the effectiveness can be improved.
2. The COP Audit Committee will consist of volunteers from throughout the Department wanting to serve on the committee. Committee members will rotate off the committee every two (2) years to give additional personnel the opportunity to participate.
3. The COP Audit Committee will meet quarterly to review past, ongoing and proposed community oriented policing programs to evaluate their effectiveness and to prepare a report for the Chief of Police. The committee may meet more often to review specific issues relating to community oriented policing.

If you have any questions regarding this order, contact your supervisor.

Approved
crs:cp


Chief of Police

10/29/93
Date



City of Keizer

930 Chemawa Rd. N.E. • P.O. Box 21000
Keizer, Oregon 97307-1000 • (503) 390-3700 • Fax # 393-9437

COUNCIL MEETING: November 1, 1993

AGENDA ITEM NUMBER: 5a

TO: MAYOR KOHO AND CITY COUNCIL

THROUGH: DOTTY TRYK *Dotty*
CITY MANAGER

FROM: JOHN N. MORGAN, AICP
COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: CONDITIONAL USE APPEAL - CHANDLER 91-9
(CONTINUED FROM AUGUST 2, 1993)

ISSUE:

On August 2, 1993 the public hearing on Conditional Use Case 91-9 was continued until November 1, 1993. Attached please find the staff report and supporting documents from that meeting.



City of Keizer

930 Chemawa Rd. N.E. • P.O. Box 21000
Keizer, Oregon 97307-1000 • (503) 390-3700 • Fax # 393-9437

CITY COUNCIL MEETING: August 2, 1993

AGENDA ITEM NUMBER: 5c

TO: MAYOR AND CITY COUNCIL

THROUGH: DOTTY TRYK *Dotty*
CITY MANAGER

FROM: JOHN N. MORGAN, AICP *JN*
COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: CONDITIONAL USE APPEAL - CHANDLER 91-9
(CONTINUED FROM 9/21/92)

DISCUSSION:

Conditional Use Case 91-9 involves the proposed placement of a church in the Special Policy Area surrounding the Willow Lake Treatment Plant. It was continued by the Council for one year so that the results of the Noise and Odor Study could be known and taken into account. However, it was recognized at the time that the study may not be completed by August 2, 1993 and that the hearing may need to be continued, again, for a short time.

The Noise and Odor study is being transmitted to Council this evening. However, no discussion or action is proposed to be taken. Detailed planning to implement the study is intended to be undertaken this coming Fall. Final recommendations may take until January to develop.

The applicant has, by letter (copy attached), requested a 90 day continuance of the hearing. The City of Salem has also requested an 90 day continuance. A copy of Salem's letter is attached. This delay will allow the Noise and Odor Study review to be initiated. It is possible that enough information will be available by November for Council action.

RECOMMENDATION

It is recommended the public hearing on Conditional Use Case 91-9 be continued until November 1, 1993.

"Pride, Spirit and Volunteerism"



MULTI/TECH
ENGINEERING SERVICES, INC.

CONSULTANTS

1155 13th Street, S.E.

Salem, Oregon 97302

(503) 363-9227

July 27, 1993

Mr. Skip Wendolowski
City of Keizer
Planning Department
P.O. Box 21030
Keizer, OR 97307-1030

RE: **Conditional Use 91-9**

Dear Skip:

This letter is intended to notify your office that Mr. Chandler is interested in continuing approval of Conditional Use 91-9.

We have made some attempts to obtain a copy of the Noise and Odor report prepared by the City of Salem that has caused the delay in the original decision.

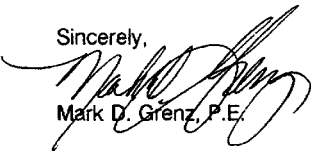
Today we are told that the report is not yet available for our review.

With out the report to review and discuss with the City of Salem Staff, it is not possible for our office your yours to make any logical decision on the matter at this time.

We therefore request that the hearing be continued for an additional 90 days to allow for our review of the report and discussions with the City of Salem on the matter.

If you have any questions, please contact our office.

Sincerely,



Mark D. Grenz, P.E.

B:\CHANDLER\ZCU-91-9.L1



CITY
OF SALEM,
OREGON

City Hall / 555 Liberty St. S.E.
Zip Code 97301-3503

PLANNING DIVISION
Room 305
Telephone (503) 588-6173
FAX (503) 588-6005

July 28, 1993

RECEIVED

'93 JUL 29 AM 11 13

Mayor and City Council
City of Keizer
930 Chemawa Road NE
P.O. Box 21000
Keizer, OR 97307-1000

CITY OF KEIZER
OREGON 97503

RE: Hearing on Proposed Church, 5400 Block Windsor Island Road

Dear Mayor and City Council:

Based on your schedule to continue the Public Hearing on August 2, 1993 for this proposal, Salem City Council has reviewed its position on this land use request. The Salem City Council adopted the recommendation described in the enclosed staff report, 9.2 g.

The City of Salem is interested in having the findings of the Willow Lake noise and odor study used in making the decision on the church proposal since the study will be available by August 2.

Thank you for your consideration in this matter.

Sincerely yours,

Roger J. Budke
Assistant Planning Administrator

Enclosure

cc: John Morgan, Director of Community Development, Keizer
Paul Eckley, Facilities Planning Engineer
Kenn Battaille, Planning Administrator
Jean Lay, City Recorder

FOR COUNCIL MEETING OF: July 26, 1993
AGENDA ITEM NO.: 9.2 g

TO: MAYOR AND CITY COUNCIL

THROUGH: LARRY WACKER, INTERIM CITY MANAGER *L. Wacker*

FROM: *John Selegard for*
RICHARD A. HAYDEN, ACTING DIRECTOR
COMMUNITY DEVELOPMENT

SUBJECT: PROPOSED CHURCH, WILLOW LAKE AREA OF INFLUENCE

ISSUE:

Should the City of Salem request the City of Keizer postpone, for 90 days, consideration of the conditional use application of a proposed church to be located at the 5400 block of Windsor Island Road. The postponement would allow both the City of Salem and the City of Keizer an opportunity to review the Willow Lake Treatment Plant Area of Influence odor and noise study (available to Council on August 2, 1993).

RECOMMENDATION:

The City Council request that the City of Keizer continue the hearing on the church's request for 90 days to allow consideration of the findings of the odor and noise study that will be available to both City Councils on August 2, 1993. If the City of Keizer chooses not to accommodate the 90-day postponement to review of this new environmental data, then the City of Keizer should deny the pending land use action.

POLICY DECISIONS:

Elements of the Salem Area Comprehensive Plan (Attachment 1) and the Willow Lake Treatment Plant dual interest area agreement (Attachment B to Attachment 2) establish City policy.

BACKGROUND:

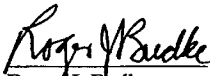
In Spring 1992, a church applied for a conditional use necessary to locate in the 5400 Block of Windsor Island Road (located within the Willow Lake Treatment Plant Area of Influence). Council recommended that the City of Keizer deny the conditional use request

in September of 1992, based on staff reports of August 24, 1992 and September 14, 1992 (Attachments 2 & 3).

Based on last Fall's expectation that an odor/noise study of the Willow Lake Treatment Plant Area of Influence would be completed in early June 1993, the Keizer City Council tabled the appeal of the conditional use denial until August 2, 1993.

FACTS AND FINDINGS:

1. The Willow Lake odor/noise study will be completed later than originally scheduled. It will be presented to Council on August 2, 1993.
2. The study will assist Council in determining whether to reaffirm the September 1992 action (denying the conditional use for the church's location on Windsor Island Road).
3. Two options exist at this point:
 - (a) Council can request that the City of Keizer postpone its decision regarding the church's variance for 90 days. This 90-day extension would allow both the City of Salem and the City of Keizer an opportunity to thoroughly review the Willow Lake odor and noise study, ascertaining if the findings contained therein have a bearing on the status of the church's conditional use request.
 - (b) Council has the option of reaffirming last September's decision on the conditional use denial.


Roger J. Budke
Assistant Planning Administrator

- Attachments:
1. Salem Area Comprehensive Plan, page 23, Regional Policy I. Willow Lake Treatment Plant
 2. Proposed Church, Willow Lake Area of Influence, August 24, 1992
 3. Proposed Church, Willow Lake Area of Influence, September 14, 1992.

3. Changes to the Salem/Keizer urban growth boundary shall be based upon consideration of the following factors. This consideration does not include comparison of the proposed change with lands within the Salem/Keizer urban growth boundary.
 - a. Demonstrated need to accommodate long-range urban population growth requirements consistent with State land use goals.
 - b. Need for housing, employment opportunities and livability.
 - c. Orderly and economic provision for public facilities and services.
 - d. Environmental, energy, economic and social consequences.
 - e. Retention of agricultural land, as defined, with Class I being the highest priority for retention and Class VI the lowest priority.
 - f. Compatibility of the proposed urban uses with nearby agricultural activities.
 - g. Other criteria as required by the State Land Use Goals and Administrative rules.
4. If the Urban Growth Boundary for the Salem Urban Area is expanded to include additional land for residential development, first priority shall be given to lands that have been removed from the 1982 boundary.

H. TRANSPORTATION

1. The Salem/Keizer Area Transportation Study Cooperative Agreement shall provide the coordination mechanism for regional transportation issues within the Salem/Keizer urban growth boundary.

I. WILLOW LAKE TREATMENT PLANT

1. The Willow Lake Treatment Plant dual interest area is defined by an adopted legal description. Development requirements are established in the Willow Lake Treatment Plan dual interest area agreement.

J. SOLID WASTE

1. The disposal of solid wastes shall be accomplished with a minimal negative impact on the land, air and water resources of the region. A balanced program of waste reduction, recycling, resource recovery, landfill and other disposal methods shall be encouraged. The cities and counties shall participate cooperatively in the development of a solid Waste Management Plan for each county and participate in implementation of the plan to the extent it applies to each jurisdiction. The facilities developed to implement the Solid Waste Management Plans are not required to be located in the Salem/Keizer urban area.

TO: MAYOR AND CITY COUNCIL

THROUGH: GARY A. EIDE, CITY MANAGER *Gary Eide*

FROM: ROBERT BRISCOE, DIRECTOR *Robert Briscoe*
COMMUNITY DEVELOPMENT

SUBJECT: PROPOSED CHURCH, WILLOW LAKE AREA OF INFLUENCE

ISSUE

Considering the existing dual interest agreement, should the City of Salem concur in a City of Keizer Conditional Use (91-9) to permit a church within the Willow Lake Treatment Plant Area of Influence?

POLICY DECISIONS

Salem, Keizer, and Marion County have established a dual interest agreement regarding development in the vicinity of the Plant. Under the agreement:

Only those industrial, commercial, and agricultural and related uses that will not be adversely affected by the treatment plant noise and odor will be allowed.

This policy is in effect while the studies are being conducted to identify any noise and odor problems at the Plant. Such studies are to be completed by June 30, 1993, with the implementation of recommendations to follow, should they be required and subject to budget constraints.

The policy decision is, should the City of Keizer allow a church to locate inside the special policy area prior to completion of the study?

BACKGROUND

Salem, Keizer, and Marion County joined together in the dual interest agreement for the Area of Influence of the Willow Lake Treatment Plant based on a recognized need to identify any issues of odor and noise from the Plant and to subsequently define the level of mitigation effects.

The proposal is to establish a church in the 5400 Block of Windsor Island Road (Attachment A). The subject 6.22 acre property is within the Area of Influence and zoned Exclusive Farm Use (EFU) in Keizer.

Salem first received notice of this proposal in January 1992. Based on the dual interest agreement, Salem staff has recommended denial (Attachment B) at the two previous land use review levels (Administrative Review and review by

the Hearings Officer, and the proposal was denied at both of those levels. The proposal is currently under appeal to the Keizer City Council. Some members of the Keizer Council consider the matter an amendment to the dual interest agreement and request Salem's concurrence in making the amendment.

FACTS AND FINDINGS

Salem staff have made a general review of the conditions of approval proposed by the Keizer staff and referred by the Mayor of Keizer for consideration by Salem (Attachment C). The proposed conditions appear to be the type that are appropriate, however, there is no basis at present on which to determine if the conditions are sufficient to deal with the odor. The appropriate conditions may either be greater or lesser than the level of mitigation proposed.

DISCUSSION OF ALTERNATIVES

The Council's alternatives include the following:

Alternative 1. Advise Keizer that until the studies being conducted under the dual interest agreement are completed in June 30, 1993, there is insufficient information on which to make a decision.

This response is consistent with the intent of the dual interest agreement. When the studies are completed, conditions more in scale with the size of problems can be determined, with greater assurance of their appropriateness.

Alternative 2. Advise Keizer that the proposed Conditions of Approval (Attachment C) are sufficient for the church to proceed.

This alternative allows a development with sensitivity to noise and odor within the Area of Influence without taking time to gauge the proposal against the study results. The action sets a precedent that contradicts the intent of the dual interest agreement.

Alternative 3. Advise Keizer that the property may be partitioned, wherein the partitioning meets the code requirements of the Keizer codes, and such that the entire site for the church is outside the arc of the original one fourth mile radius from the plant and that the conditions cited in Attachment C are also applied to the parcel on which the church is to be located.

This alternative allows for the development of the church in an area that was initially excluded from the original definition of the area of influence.

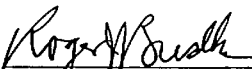
RECOMMENDATION

That Council adopt Alternative 3, which says:

that the property may be partitioned, wherein the partitioning meets the code requirements of the Keizer codes, and such that the entire site for the church is outside the arc of the original one fourth mile radius from the plant and that the conditions cited in Attachment C are also applied to the parcel on which the church is to be located,

however if Keizer is n willing to apply the conditions f Attachment C, then the Council should adopt Alternative 1, which says:

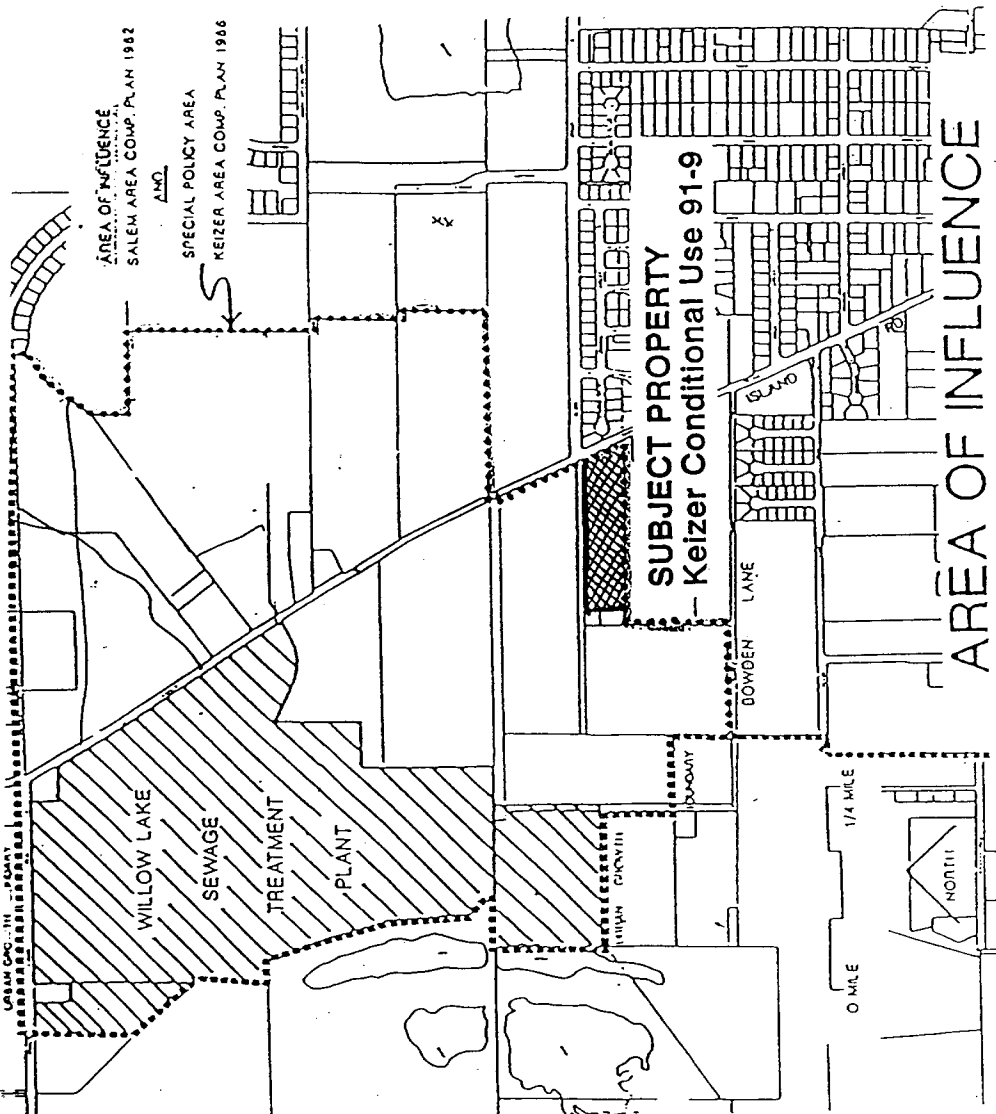
until the studies being conducted under the dual interest agreement are completed in June 30, 1993, there is insufficient information on which to make a decision.


Kenneth P. Battaile
Planning Administrator

- ATTACHMENTS:
- A. Location Map, Subject Property
 - B. Salem Staff Response to City of Keizer, January 17, 1992
 - C. Proposed Conditions of Approval, City of Keizer, August 17, 1992

keizerdau

7.2F



MEMORANDUM

TO: KEIZER COMMUNITY DEVELOPMENT DEPARTMENT
ATTENTION: JOHN MORGAN, DIRECTOR

FROM: ROGER W. BUDKE, ASSISTANT PLANNING DIRECTOR, CITY OF SALEM

DATE: JANUARY 17, 1992

SUBJECT: CONDITIONAL USE NO. 91-9, PROPOSED CHURCH IN EXCLUSIVE FARM USE (EFU) ZONE, 5400 BLOCK WINDSOR ROAD, KEIZER

We have reviewed the conditional use application No. 91-9 for a proposed church located in the Area of Influence of the Willow Lake Wastewater Treatment Plant. This being the same area referred to in the Keizer Comprehensive Plan as the "Special Policy Area (SPA)." Development in this area is a sensitive issue due to odor and noise impacts associated with the operation of the Willow Lake facility.

We conclude that the development of a church in the proposed location is inconsistent with adopted land use policy and therefore Conditional Use No. 91-9 should be denied. Our findings to support this conclusion are as follows:

1. A normal and frequent part of church use involves gatherings of large numbers of people within the church and on the church grounds. Concentrations of people are not compatible with odor and noise associated with the Willow Lake Wastewater Treatment Plant.
2. Church use in the Area of Influence (i.e., SPA) is not consistent with the adopted land use policy of the Salem Area Comprehensive Plan (SACP), the Keizer Comprehensive Plan (an amendment to the SACP), and the Dual Interest Agreement for Willow Lake Treatment Plant Area (Attached). The pertinent policies regarding compatible land use are as follows:

a. Salem Area Comprehensive Plan, General Development Policy 19.

The Willow Lake Sewage Treatment Plant creates some conditions that are not compatible with all urban development and land uses. Only those land uses that will not be adversely affected by the conditions such as noise and odor shall be allowed in the affecting area. Agricultural uses, commercial-industrial warehousing, and other industrial and commercial uses, which are not labor intensive, are compatible with the treatment plant. Other uses may also be compatible if special provisions agreeable to the City are applied which adequately limit the City's liability.

b. Keizer Comprehensive Plan, West Keizer Special Policy Area Policy 1.a.

1. Establish an area, consistent with the Salem Area Comprehensive Plan Map, as a special policy area east of the Willow Lake Sewage Treatment Plant. The purpose of the special policy area is to:

- a. Limit uses to those that will not be adversely affected by noise and odor originating at the Willow Lake Sewage Treatment Plant.

c. Dual Interest Area Agreement, Interim Control 3.a.

3. Until the above-noted studies are implemented, the following policies shall govern development within the area:

- a. Only those industrial, commercial, and agricultural and related uses that will not be adversely affected by treatment plant noises and odor will be allowed.

d. Dual Interest Area Agreement, Regulation Procedure 4.

Quasi judicial procedural rights to notice and opportunity to comment shall be extended to the interested jurisdictions prior to any land use decisions in the area. Should disagreements arise, the SKAPAC conflict resolution process, or an agreed upon lesser process, shall be pursued prior to a final land use decision affecting the area.

DUAL INTEREST AREA AGREEMENT FOR WILLOW LAKE TREATMENT PLANT AREA

WHEREAS, the Salem/Keizer Area Comprehensive Plan provides for establishment of dual interest areas, land use decision making for which may be provided by agreement between affected jurisdictions; and

WHEREAS, Marion and Polk Counties and the Cities of Salem and Keizer have identified the area of the Willow Lake Treatment Plant as a dual interest area, and wish to establish the nature and scope of coordinated land use regulation in the area by dual interest area agreement.

NOW THEREFORE, Marion County and the Cities of Salem and Keizer, the parties having jurisdiction in the Willow Lake Treatment Plant Area, agree as follows:

1. Establishment of Willow Lake Sewage Treatment Plant Dual Interest Area

The Willow Lake Treatment Plant dual interest area is established and described by the legal description attached hereto and incorporated herein.

2. Study to Identify Allowed Uses and Land Use Controls

The three jurisdictions with an interest in the Willow Lake Treatment Plant Interest Area (hereinafter "Area") are the Cities of Keizer and Salem and Marion County. These jurisdictions shall participate jointly in studies to identify 1) those uses and improvements in the area that are compatible with treatment plant operation, 2) those land use policies that operate to minimize the adverse impact of allowed uses on the treatment plant, and 3) practical plant modifications that reasonably mitigate noise and odor. These studies shall be completed by June 30, 1993. Study recommendations should be implemented within a reasonable time thereafter.

3. Interim Controls

Until the above-noted studies are implemented, the following policies shall govern development within the area:

a. Only those industrial, commercial, and agricultural and related uses that will not be adversely affected by treatment plant noise and odor will be allowed.

b. Prior to the establishment of any use or issuance of any development/building permit, the affected property owner shall acknowledge the existence of nuisance impacts associated with the treatment plant and shall, in a signed and recorded document, hold the operator of the Willow Lake Treatment Plant harmless from any adverse impacts from noise or odor related to treatment plant operations.

c. Subdivision of parcels within the area shall not be allowed.

4. Regulation Procedure

Quasi judicial procedural rights to notice and opportunity to comment shall be extended to the interested jurisdictions prior to any land use decisions in the area. Should disagreements arise, the SKAPAC conflict resolution process, or an agreed upon lesser process, shall be pursued prior to a final land use decision affecting the area.

5. Amendments

Amendment to this dual interest agreement shall be in writing and approved by all parties to this agreement.

CITY OF KEIZER

By: [Signature]
Title: Mayor

Approved as to form:

[Signature]
City Attorney

CITY OF SALEM

By: [Signature]
Title:

Approved as to form:

[Signature]
City Attorney

MARION COUNTY

By: [Signature]
Title: Chairman

Approved as to form:

[Signature]
Marion County Counsel

Tract No. 1
Inside UGB

Beginning at the section corner common to Sections 27, 28, 33, and 34, Township 6 South, Range 3 West, Willamette Meridian, City of Keizer, Marion County, Oregon, said point being on the now existing City Limits Line; thence North $89^{\circ} 33'$ West along the South Line of said Section 28 a distance of 580 feet, more or less, to a point on the East Line of Windsor Island Road NE;

thence North $12^{\circ} 34'$ West along the East Line of said Windsor Island Road NE 30 feet, more or less, to the point of intersection of the easterly extension of the North Line of County Road No. 605 (commonly known as Naples Street NE);

thence west along the easterly extension of the North Line and the North Line of said Naples Street NE 160 feet, more or less, to the point of intersection of the northerly extension of a tract of land conveyed to Clifford B., Jr., and Janice A. Bentson by instrument recorded in Reel 690, Page 138, Records, Marion County, Oregon;

thence South $0^{\circ} 27'$ West along the northerly extension of the West Line and the West Line of said Bentson tract 238 feet, more or less, to the southwest corner thereof;

thence South $89^{\circ} 33'$ East along the South Line of said Bentson tract 239 feet, more or less, to a point on the West Line of said Windsor Island Road NE, said point also being on the existing Keizer City Limits Line;

thence South $31^{\circ} 28'$ East along the West Line of said Windsor Island Road NE 1,711.36 feet;

thence South $55^{\circ} 48'$ West a distance of 97.03 feet;

thence along the arc of a 316.48-foot radius curve to the right (the chord of which bears South $86^{\circ} 24'$ West 322.20 feet) 323.37 feet;

thence North 63° West 269.32 feet;

thence South 527.10 feet;

thence West 287 feet;

thence South 885 feet to a point on the South Line of a tract of land conveyed to PGE by instrument recorded in Reel 1, Page 721, Records, Marion County, Oregon;

thence west along the South Line of said PGE tract 250 feet, more or less, to the point of intersection of the northwest corner of a tract of land conveyed to Thomas W. and Inez Bowden by instrument recorded in Reel 742, Page 33, Records, Marion County, Oregon;

thence south along the West Line of said Bowden tract 1,048 feet, more or less, to the southwest corner thereof;

thence east along the South Line of said Bowden tract 445 feet, more or less, to the southeast corner thereof;

thence south along the southerly extension of the East Line of said Bowden tract 383 feet, more or less, to a point on the South Line of Bowden Lane NE;

thence east along the South Line of said Bowden Lane NE 709.03 feet to the southeast corner of a tract of land conveyed to David H. and Mary L. Wallace by instrument recorded in Reel 122, Page 1180, Records, Marion County, Oregon;

thence north along the East Line of said Wallace tract 662.56 feet to the northwest corner of a tract of land conveyed to Leonard E. and Lavelle Cook by

instrument recorded in Volume 671, Page 64, Deed Records, Marion County, Oregon;

thence east along the North Line of said Cook tract 1,220 feet, more or less, to a point on the West Line of said Windsor Island Road NE;

thence North 26° 45' West along the West Line of said Windsor Island Road NE a distance of 932 feet, more or less, to the point of intersection of the South Line of a tract of land conveyed to Arleen Olson, trustee by instrument recorded in No. 27606PCJ, Records, Marion County, Oregon;

thence east along the South Line of said Olson tract 1,245 feet, more or less, to the southwest corner of the Nimrod Ford Donation Land Claim No. 40, in Section 34, Township 6 South, Range 3 West, Willamette Meridian, Marion County, Oregon; also being the southeast corner of said Olson tract;

thence North 0° 9' 14" East 174.86 feet to the northeast corner of said Olson tract;

thence west along the North Line of said Olson tract 64.44 feet to the point of intersection of the East Line of a tract of land conveyed to Zillah Schooley, et al., by instrument recorded in Reel 697, Page 354, Records, Marion County, Oregon;

thence North 0° 7' East along the East Line of said Schooley tract 529.30 feet to the northeast corner thereof;

thence North 89° 30' West along the North Line of said Schooley tract 82.87 feet to the point of intersection of the East Line of a tract of land conveyed to Hayden Island, Inc., by instrument recorded in Reel 312, Page 1626, Records, Marion County, Oregon;

thence North 0° 38' East along the East Line of said Hayden Island, Inc., tract and the northerly extension of the East Line a distance of 1,158.01 feet to the northeast corner of a tract of land conveyed to John N. Olson, et al., by instrument recorded in Reel 133, Page 658, Records, Marion County, Oregon;

thence North 89° 22' West a distance of 543.87 feet to a re-entrant corner in the North Line of said Olson tract;

thence North 0° 35' East 235.83 feet to the point of intersection of the most easterly East Line of a tract of land conveyed to John W. and Barbara B. Weeks, et al., by instrument recorded in Reel 685, Page 462, Records, Marion County, Oregon;

thence North 38° 31' East 360.83 feet;

thence North 57° 27' East 203.10 feet;

thence North 0° 38' East 66 feet to the northeast corner of the James Smart Donation Land Claim No. 42 in Section 34, Township 6 South, Range 3 West, Willamette Meridian, Marion County, Oregon, said point being on the section line common to Sections 27 and 34 of Township 6 South, Range 3 West, Willamette Meridian, Marion County, Oregon;

thence west along the North Line of said Section 34 a distance of 1,676.64 feet to the southwest corner of the Alvis Smith Donation Land Claim No. 69 in Section 27, Township 6 South, Range 3 West, Willamette Meridian, Marion County, Oregon;

thence North 89° 37' 30" West 502.20 feet to the point of beginning.



City of Keizer

Administration

930 Chemawa Rd. N.E. • P.O. Box 21000

Keizer, Oregon 97307-1000 • (503) 390-3700 • Fax # 390-8295

1982

August 17, 1992

R.G. Anderson-Wyckoff, Mayor
City of Salem
555 Liberty Street SE
Salem, OR 97301

Dear Mayor Anderson-Wyckoff:

RE: Keizer Conditional Use Case 91-9 - Chandler

Kenn Battaille, your Planning Administrator, testified before us on this conditional use case on August 3, 1992. Mr. Battaille was in opposition, arguing that this proposed church was not appropriate in the Special Policy Area, and that it violated the Willow Lake Dual Interest Agreement.

Our Council believes conditions can be placed on the church so that it can meet the contested provision of the agreement. This provision reads: "Only those....uses that will not be adversely affected by treatment plant noise and odor will be allowed."

Our respective Staffs have met and created a proposed list of conditions. A copy of the list is attached. Our Council reviewed these at today's Council meeting and found that their implementation will allow the church to be established and still meet the provisions of the dual interest agreement.

I ask the Salem City Council to make the same finding so that we can allow the proposed church to proceed.

Your time and consideration is appreciated.

Sincerely,

Andrew J. Orcutt,
Mayor

cc: City Council
Don Otterman, City Manger
John Morgan, Community Development Director
Dan Chandler, Applicant

ATTACHMENT C

"Pride, Spirit and Volunteerism"

Proposed Conditions of Approval

Conditional Use Case 91-9 (Chandler)

1. The applicant shall prepare an agreement between himself and the Cities of Keizer and Salem with the following provisions:
 - a. The agreement shall be entered into between Dan Chandler and Kelzer Free Methodist Church; and any and all successors and assigns, (applicants) and the City of Keizer and the City of Salem (cities).
 - b. Applicants shall hold the operator of the Willow Lake Treatment Plant, and the cities, harmless from any adverse impacts from noise or odor related to treatment plant operations.
 - c. Applicants, including the property owner, the church as a corporate body, and any officer or representative of the church speaking on behalf of the church or its congregation, shall not raise any complaint about the Willow Lake Treatment Plant or its operations with the cities or any agency of the county, state, or federal government.
 - d. The agreement shall acknowledge that the operation and impacts of the Willow Lake Treatment Plant may change over time, and that such changes do not change the underlying conditions, provisions or requirements of the agreement.
 - e. Applicants shall require that any subsequent owner or operator of the property or the church enter into a new agreement with the cities.
 - f. The agreement shall be signed by all parties and recorded with Marion County.
 - g. The applicant shall prepare this agreement, subject to approval as to form by the City Attorney of each city.
2. The church building and accessory buildings, and all outdoor activities other than parking, shall be located within 300 feet of Windsor Island Road.
3. All buildings shall be equipped with a heating, ventilation, and air conditioning system that will filter odors from the outside air in particular hydrogen sulfide.
4. All buildings shall be fully insulated in the walls and ceilings and shall have fixed, non-operable double pane windows so that all outside noises are eliminated or muffled.

5. The number of parking spaces shall be limited to 100.
6. All buildings shall be limited to a maximum footage of 7,000 square feet.
7. No outside user, such as a club, organization, or business, shall be allowed to use the facilities. No day care facility or operation, regardless of the operator, shall be allowed on the site.

For Council Meeting Of: September 14, 1992

Agenda Item No.: 7.2.e

TO: MAYOR AND CITY COUNCIL
THROUGH: GARY A. EIDE, CITY MANAGER *Gary Eide*
THROUGH: STEPHANIE SMYTHE, CITY ATTORNEY *DPF for*
FROM: DAVID J. DE MARTINO, DEPUTY CITY ATTORNEY *DNOM*
SUBJECT: PROPOSED CHURCH, WILLOW LAKE AREA OF INFLUENCE

BACKGROUND:

The Common Council has taken under advisement whether it should concur in a City of Keizer conditional use to permit a church within the Willow Lake Treatment Plant area of influence. In assisting the Council in reaching its decision the question has been raised whether an indemnity agreement between the church and the City required as an additional condition would provide a measure of protection to the City. The church would indemnify the City for any noise or odor at the treatment plant causing harm to the church or anyone using the church property.

The type of indemnity agreement needed by the City is harsh in terms and not particularly favored by the courts. The basic principle underlying indemnity agreements is that the party in control of conditions that cause the loss indemnifies the party with no control.

Here, the reverse occurs. The person with no control (church) must indemnify the person in control (City) against the negligence of the person in control (City). Such indemnifications are unusual and therefore any agreement must clearly state that the church has weighed the risks of indemnity arising from the City's negligence or failure to properly control the emission of odor or noise from the City's property.

Even if the court were to uphold the terms of indemnification, a court may set aside the agreement if the negligent activity is wanton or criminal in nature. Travelers Indemn. v. American Ins., 278 OR 193, 197 (1977).

"Wanton" conveys several meanings. In the area of negligence it means gross negligence. This is the equivalent of the reckless disregard of others. Fassett v. Santiam Loggers, Inc., 267 OR 505 (1973).

If the odor or noise reached a level amounting to a nuisance and there is available technology to remedy the situation, a court

might hold that the City is acting wantonly in not abating the odor and noise, and therefore refuse to enforce the indemnity provision.

Another issue is the charter limitation under section 24, which prohibits a contract for a longer period than five years. The City's sole obligation under the agreement is to support Keizer's approval of the conditional use. This obligation will be performed within five years. Therefore, no violation of the charter limitation occurs. As an additional precaution, any agreement should specifically provide that the indemnity agreement is a burden which runs with the land as a covenant. The indemnity provision would not be subject to the contract limitation imposed upon the City and would bind successor holders of the property. Any agreement would need to be carefully drafted to sustain any court challenge on whether the indemnity agreement is a covenant which binds the land.

Of course, any lawsuit for noise or odor nuisance is too important to leave to a church to defend in the first instance. The City would need to defend and seek to hold the church or its successor in interest for any judgment of the court including costs. However, there is no assurance that the church or its successor has the financial resource to respond to any judgments. An individual could seek money damages or injunctive relief for abatement of any odor or noise. Abatement costs could be more costly than any money judgment.

In conclusion, an indemnity agreement protecting the City from its own negligent action is probably enforceable except any noise or odor emission which is determined to be the result of wanton conduct by the City. However, it is doubtful in a practical sense that the church has the financial resources to give real meaning to any such indemnity agreement.

RECOMMENDATION:

Information Only.



City of Keizer

Administration

930 Chemawa Rd. N.E. • P.O. Box 21000

Keizer, Oregon 97307-1000 • (503) 390-3700 • Fax # 390-8295

COUNCIL MEETING: November 1, 1993

AGENDA ITEM NO.: 5b

TO: MAYOR KOHO AND CITY COUNCIL

FROM: DOTTY TRYK *Dottry*
CITY MANAGER

THROUGH: TRACY L. DAVIS *Tracy*
CITY RECORDER

SUBJECT: PUBLIC HEARING - To consider remonstrances to an Ordinance spreading assessments to Orchard Crest Phase 3 Street Lighting Local Improvement District

ISSUE

Scheduled is a public hearing to receive remonstrances to Orchard Crest Phase 3 Street Lighting Local Improvement District and subsequent consideration of an Ordinance spreading assessments to the district.

BACKGROUND

In August of 1987, the Keizer City Council adopted Ordinance 87-094 relating to formation of street lighting local improvement districts within the City of Keizer.

In July of 1993, the developer of Orchard Crest Phase 3 filed a petition to form a street lighting local improvement district. In response to this petition, the City Council adopted Resolution R93-665 on August 16, 1993 to initiate a street lighting local improvement district and directing the City Engineer to make a survey and file a written report with the City Recorder. On September 20, 1993 the City Council approved the City Engineer's report and set a public hearing to consider remonstrances to the project. On October 7, 1993 notice of the public hearing and intention to assess for the lighting improvements, as required under Ordinance 87-094, were provided by mail to the property owners and to the Keizertimes newspaper for publication.

ANALYSIS

Included within the agenda packet is the Ordinance to spread assessments to the properties benefitted by the lighting district. The Ordinance provides for first annual estimated assessments and the method for determining second and future annual assessments. Following the City Council's adoption of the Ordinance spreading assessments, the City Manager authorizes the appropriate utility company to install the poles and lights. Depending on the type of poles requested by the City, it takes the utility company from two to six months to have the lights on site and operational.

FISCAL IMPACT

The operating cost of the lights will be billed to the property owners on an annual basis, recovering the City's costs in paying the bills throughout the year. In addition, the bills include the cost of the Engineer's report in the first year, and a 10% administrative charge in the first and subsequent years to recover the City's cost for administering the lighting districts. All funds are budgeted through the Utility Fund.

RECOMMENDATION

1. Open the public hearing to consider oral and written remonstrances to formation of Orchard Crest Phase 3 Street Lighting Local Improvement District.
2. If valid remonstrances of the owners of two-thirds of the land to be specially assessed for the lighting district are presented to the Council at the public hearing, close the hearing and suspend formation of the district for six months.
3. If valid remonstrances of the owners of two-thirds of the land to be specially assessed for the lighting district are not presented to the Council at the public hearing, close the hearing and consider adoption of the ordinance spreading assessments to the district.

1 BILL NO. _____
2
3

ORDINANCE NO. 93- _____

4 A BILL FOR

5 AN ORDINANCE SPREADING ASSESSMENTS TO
6 ORCHARD CREST PHASE 3 STREET LIGHTING LOCAL IMPROVEMENT DISTRICT
7
8

9
10 SECTION 1.

11 WHEREAS, the City Council did heretofore declare its intention to install street lights
12 to serve an area known as Orchard Crest Phase 3 Street Lighting Local Improvement District
13 which is described as follows:

14 Orchard Crest Phase 3 (Lots 108 through 142), in Section 26, Township 6 South,
15 Range 3 West, W.M., in the city of Keizer, Marion County, Oregon
16
17 which includes the installation of nine (9) 100-watt high pressure sodium luminaries on four foot
18 long mast arms, and attached to 25 foot aluminum poles located within the subject local
19 improvement district, all in accordance with the City Engineer's report for Orchard Crest Phase
20 3 Street Lighting Local Improvement District and estimates heretofore duly and regularly
21 adopted by the City Council, which are hereby referred to and made a part hereof, and did fix
22 the time and place for hearing protests against the installation of said improvements, and the
23 assessment and the cost thereof, as aforesaid and

24 WHEREAS, notice was duly mailed and published as required by Ordinance; and

25 WHEREAS, a meeting of the City Council was held at the time and place fixed by public
26 notice for the purpose of considering any such protest and at that time heard and considered all
27 protests submitted relating to the proposed improvements and assessment thereof, and said
28 Council has considered the matter and deeming that construction of said improvements was and
29 is of material benefit to the City, and all the property to be assessed therefore will be benefitted

1 by the improvements to the extent of a per parcel first annual assessment estimated at \$77.83
2 at the time of the City Engineer's report, did order the construction of said improvements; and

3 WHEREAS, the estimated first annual cost of said improvements has been preliminarily
4 determined to be the sum of \$2,646.27.

5 NOW, THEREFORE, the City Council of the City of Keizer ordains as follows:

6 **SECTION 2.**

7 (a) First Annual Assessment. It is hereby determined that the first annual estimated
8 proportionate share of the cost of said improvements, on each parcel and property benefitted
9 thereby, is the amount set opposite the description of each piece or parcel of land as described
10 in Orchard Crest Phase 3 Lighting District Assessment Roll as set forth in Exhibit "A" attached,
11 and that each piece or parcel of land benefitted by the improvements, to the full extent of the
12 amount so set opposite such piece or parcel and that the respective amounts represent the
13 proportionate benefits of said improvements to said respective parcels of property, and the
14 Council does hereby declare that each of the parcels of property described in Orchard Crest
15 Phase 3 Street Lighting District Roll as set forth in Exhibit "A" attached is hereby assessed the
16 first annual estimated amount set opposite each respective description.

17 (1) Summary of first annual costs assessed for formation of the lighting district to
18 serve the area known as "Orchard Crest Phase 3 Street Lighting Local
19 Improvement District":

20	9 - 100 Watt Luminaries & Aluminum Poles	\$ 1,924.56
21	Annual Operations Costs **	240.57
22	Engineers Report	481.14
23	Total First Annual Costs	\$ 2,646.27

(2) The Recorder of the City of Keizer is hereby directed to send a notice of first annual assessment to each owner of assessed property by Registered or Certified mail within ten (10) days after the Ordinance levying the first annual installments has been passed, and to publish notice of the first annual assessment twice in a newspaper of general circulation in the city. The first publication of notice shall be not later than 20 days after the date of the assessment ordinance pursuant to City of Keizer Ordinance 87-094.

(c) Mode of Collecting Assessments. Assessments for said lighting district shall be collected pursuant to ORS 223.866.

SIGNED this _____ day of _____, 1993

City Recorder

EXHIBIT A
NOTICE OF ASSESSMENT

NOTICE IS HEREBY GIVEN that the City Council of the City of Keizer, Oregon, on November 1, 1993 adopted Ordinance No. 93-____, entitled, AN ORDINANCE SPREADING ASSESSMENTS TO ORCHARD CREST PHASE 3 STREET LIGHTING LOCAL IMPROVEMENT DISTRICT.

In accordance with that ordinance, you are hereby given NOTICE of an ASSESSMENT on your property.

The record owners, description of the assessed properties and assessments are:

ASSESSMENT NO. 1

The Meadows Group
5309 River Road N.
P.O. Box 21209
Keizer, Oregon 97307

Lot 108
Orchard Crest Phase 3
First Annual Assessment: \$77.83

ASSESSMENT NO. 2

The Meadows Group
5309 River Road N.
P.O. Box 21209
Keizer, Oregon 97307

Lot 109
Orchard Crest Phase 3
First Annual Assessment: \$77.83

ASSESSMENT NO. 3

The Meadows Group
5309 River Road N.
P.O. Box 21209
Keizer, Oregon 97307

Lot 110
Orchard Crest Phase 3
First Annual Assessment: \$77.83

ASSESSMENT NO. 4

The Meadows Group
5309 River Road N.
P.O. Box 21209
Keizer, Oregon 97307

Lot 111
Orchard Crest Phase 3
First Annual Assessment: \$77.83

ASSESSMENT NO. 5

The Meadows Group
5309 River Road N.
P.O. Box 21209
Keizer, Oregon 97307

Lot 112
Orchard Crest Phase 3
First Annual Assessment: \$77.83

ASSESSMENT NO. 6

The Meadows Group
5309 River Road N.
P.O. Box 21209
Keizer, Oregon 97307

Lot 113
Orchard Crest Phase 3
First Annual Assessment: \$77.83

ASSESSMENT NO. 7

The Meadows Group
5309 River Road N.
P.O. Box 21209
Keizer, Oregon 97307

Lot 114
Orchard Crest Phase 3
First Annual Assessment: \$77.83

ASSESSMENT NO. 8

The Meadows Group
5309 River Road N.
P.O. Box 21209
Keizer, Oregon 97307

Lot 115
Orchard Crest Phase 3
First Annual Assessment: \$77.83

ASSESSMENT NO. 9

The Meadows Group
5309 River Road N.
P.O. Box 21209
Keizer, Oregon 97307

Lot 116
Orchard Crest Phase 3
First Annual Assessment: \$77.83

ASSESSMENT NO. 10

The Meadows Group
5309 River Road N.
P.O. Box 21209
Keizer, Oregon 97307

Lot 117
Orchard Crest Phase 3
First Annual Assessment: \$77.83

ASSESSMENT NO. 11

The Meadows Group
5309 River Road N.
P.O. Box 21209
Keizer, Oregon 97307

Lot 118
Orchard Crest Phase 3
First Annual Assessment: \$77.83

ASSESSMENT NO. 12

The Meadows Group
5309 River Road N.
P.O. Box 21209
Keizer, Oregon 97307

Lot 119
Orchard Crest Phase 3
First Annual Assessment: \$77.83

ASSESSMENT NO. 13

The Meadows Group
5309 River Road N.
P.O. Box 21209
Keizer, Oregon 97307

Lot 120
Orchard Crest Phase 3
First Annual Assessment: \$77.83

ASSESSMENT NO. 14

The Meadows Group
5309 River Road N.
P.O. Box 21209
Keizer, Oregon 97307

Lot 121
Orchard Crest Phase 3
First Annual Assessment: \$77.83

ASSESSMENT NO. 15

The Meadows Group
5309 River Road N.
P.O. Box 21209
Keizer, Oregon 97307

Lot 122
Orchard Crest Phase 3
First Annual Assessment: \$77.83

ASSESSMENT NO. 16

The Meadows Group
5309 River Road N.
P.O. Box 21209
Keizer, Oregon 97307

Lot 123
Orchard Crest Phase 3
First Annual Assessment: \$77.83

ASSESSMENT NO. 17

The Meadows Group
5309 River Road N.
P.O. Box 21209
Keizer, Oregon 97307

Lot 124
Orchard Crest Phase 3
First Annual Assessment: \$77.83

ASSESSMENT NO. 18

The Meadows Group
5309 River Road N.
P.O. Box 21209
Keizer, Oregon 97307

Lot 125
Orchard Crest Phase 3
First Annual Assessment: \$77.83

ASSESSMENT NO. 19

The Meadows Group
5309 River Road N.
P.O. Box 21209
Keizer, Oregon 97307

Lot 126
Orchard Crest Phase 3
First Annual Assessment: \$77.83

ASSESSMENT NO. 20

The Meadows Group
5309 River Road N.
P.O. Box 21209
Keizer, Oregon 97307

Lot 127
Orchard Crest Phase 3
First Annual Assessment: \$77.83

ASSESSMENT NO. 21

The Meadows Group
5309 River Road N.
P.O. Box 21209
Keizer, Oregon 97307

Lot 128
Orchard Crest Phase 3
First Annual Assessment: \$77.83

ASSESSMENT NO. 22

The Meadows Group
5309 River Road N.
P.O. Box 21209
Keizer, Oregon 97307

Lot 129
Orchard Crest Phase 3
First Annual Assessment: \$77.83

ASSESSMENT NO. 23

The Meadows Group
5309 River Road N.
P.O. Box 21209
Keizer, Oregon 97307

Lot 130
Orchard Crest Phase 3
First Annual Assessment: \$77.83

ASSESSMENT NO. 24

The Meadows Group
5309 River Road N.
P.O. Box 21209
Keizer, Oregon 97307

Lot 131
Orchard Crest Phase 3
First Annual Assessment: \$77.83

ASSESSMENT NO. 25

The Meadows Group
5309 River Road N.
P.O. Box 21209
Keizer, Oregon 97307

Lot 132
Orchard Crest Phase 3
First Annual Assessment: \$77.83

ASSESSMENT NO. 26

The Meadows Group
5309 River Road N.
P.O. Box 21209
Keizer, Oregon 97307

Lot 133
Orchard Crest Phase 3
First Annual Assessment: \$77.83

ASSESSMENT NO. 27

The Meadows Group
5309 River Road N.
P.O. Box 21209
Keizer, Oregon 97307

Lot 134
Orchard Crest Phase 3
First Annual Assessment: \$77.83

ASSESSMENT NO. 28

The Meadows Group
5309 River Road N.
P.O. Box 21209
Keizer, Oregon 97307

Lot 135
Orchard Crest Phase 3
First Annual Assessment: \$77.83

ASSESSMENT NO. 29

The Meadows Group
5309 River Road N.
P.O. Box 21209
Keizer, Oregon 97307

Lot 136
Orchard Crest Phase 3
First Annual Assessment: \$77.83

ASSESSMENT NO. 30

The Meadows Group
5309 River Road N.
P.O. Box 21209
Keizer, Oregon 97307

Lot 137
Orchard Crest Phase 3
First Annual Assessment: \$77.83

ASSESSMENT NO. 31

The Meadows Group
5309 River Road N.
P.O. Box 21209
Keizer, Oregon 97307

Lot 138
Orchard Crest Phase 3
First Annual Assessment: \$77.83

ASSESSMENT NO. 32

The Meadows Group
5309 River Road N.
P.O. Box 21209
Keizer, Oregon 97307

Lot 139
Orchard Crest Phase 3
First Annual Assessment: \$77.83

ASSESSMENT NO. 33

The Meadows Group
5309 River Road N.
P.O. Box 21209
Keizer, Oregon 97307

Lot 140
Orchard Crest Phase 3
First Annual Assessment: \$77.83

ASSESSMENT NO. 34

The Meadows Group
5309 River Road N.
P.O. Box 21209
Keizer, Oregon 97307

Lot 141
Orchard Crest Phase 3
First Annual Assessment: \$77.83

ASSESSMENT NO. 35

The Meadows Group
5309 River Road N.
P.O. Box 21209
Keizer, Oregon 97307

Lot 142
Orchard Crest Phase 3
First Annual Assessment: \$77.83

In accordance with City of Keizer Ordinance 87-094, said assessment will be placed on the Assessment Rolls of the Marion County Assessor and collected pursuant to ORS 223.866 by the Marion County Tax Collector at the same time and in the same manner as your annual property taxes. Failure to pay said assessment when due may subject your property to foreclosure proceedings.

Second and subsequent annual assessment amounts against the above described property will be determined annually, based upon electrical consumption and operating costs within Orchard Crest Phase 3 Street Lighting Local Improvement District.

If you have any questions regarding this Notice of Assessment, please contact the City of Keizer, 390-3700.

Senior citizens age 62 or older, under certain conditions, may file for a property tax deferral on payment of the assessment. If you have questions on the property tax deferral program, please call the Oregon Department of Revenue, 371-2244.



City of Keizer — Community Development

Phone: 390-3700 • Fax # 393-9437

930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, Oregon 97307-1000

CITY COUNCIL MEETING: Nov. 1, 1993

AGENDA ITEM NUMBER: 6a

TO: MAYOR AND CITY COUNCIL

THROUGH: DOTTY TRYK, *Dotty*
CITY MANAGER

FROM: JOHN N. MORGAN, AICP
COMMUNITY DEVELOPMENT DIRECTOR *JN*

SUBJECT: CHRONIC NUISANCE ORDINANCE - continued

DISCUSSION:

On October 18, 1993, Staff presented a proposed Chronic Nuisance Ordinance for the Council's consideration. Council directed staff to redraft portions to address several concerns.

A revised ordinance bill is attached. The major change involves separating "Single Family Residence" and "Business" with different laws that apply to each.

Section 3(A) pertains to Single Family Residences. Reference to an area 300 feet from the residence has been removed. The list of offenses has been limited to the civil infractions.

Section 3(B) pertains to Businesses. The definition of business includes any residential rental property. It retains the provision dealing with behavior within 300 of the property. This section includes the civil infractions and the criminal offenses.

These revisions are intended to address the Council's concerns.

As part of the on-going work to strengthen the City's capability to deal with nuisance issues, Staff has reviewed the Solid Waste Ordinance. Several areas of that ordinance have been found, through experience and through this recent review, to be ambiguous and vague. Staff will be returning to the Council within two Council meetings with proposed revisions that will make the ordinance easier to understand and enforce.

RECOMMENDATION:

It is recommended the Chronic Nuisance Ordinance be passed.

1 BILL NO. _____

A BILL

ORDINANCE NO.

93-_____

FOR

AN ORDINANCE

PROVIDING FOR ABATEMENT OF A CHRONIC PUBLIC
NUISANCE FOR UNLAWFUL ACTIVITIES

8 Section 1. PURPOSE. The purpose of this Ordinance is to
9 promote the community value of livable and secure neighborhoods
10 and commercial areas by eliminating ongoing and persistent
11 public nuisances.

12 Section 2. PUBLIC NUISANCE. It is a public nuisance for
13 any owner or other person in charge of property to permit or to
14 cause to exist any single family residence or business where
15 patrons, employees, residents, guests or occupants engage in a
16 pattern of unlawful behavior in the neighborhood.

17 Section 3. PATTERN OF BEHAVIOR. A) Single Family
18 Residence. For purposes of this Ordinance, regarding an owner-
19 occupied single family residence, "pattern of unlawful behavior
20 in the neighborhood" means one or more employees, residents,
21 guests or occupants of the single family residence have been
22 convicted of one or more violations at the single family
23 residence for incidents occurring on three different dates
24 within a six month period for any one or a combination of the
25 following laws or their successors:

26 (a) Solid waste violations, KORD 90-120.

27 (b) State, county or city health code violations.

28 (c) Noise, KORD 90-190.

1 - ORDINANCE NO. 93-_____

LIEN, HOBSON & JOHNSON

Attorneys at Law
4855 River Rd. N.
Keizer, Oregon 97303
(503) 390-1635

- 1 (d) Keizer Zoning Code, KORD 87-078.
- 2 (e) Keizer Subdivision and Partitioning, KORD 87-079.
- 3 (f) Discharging a firearm, KORD 88-127.
- 4 B) Business. For purposes of this Ordinance, regarding a
- 5 business, which includes any multi-family residence and non-
- 6 owner occupied single family residence, "pattern of unlawful
- 7 behavior in the neighborhood" means one or more patrons,
- 8 employees, residents, guests or occupants of the business have
- 9 been convicted of one or more violations at the business, or
- 10 within 300 feet thereof, for incidents occurring on three
- 11 different dates within a six month period for any one or a
- 12 combination of the following laws or their successors:
- 13 (a) Solid waste violations, KORD 90-120.
- 14 (b) State, county or city health code violations.
- 15 (c) Noise, KORD 90-190.
- 16 (d) Assault, ORS 163.160, or ORS 163.165 to 166.185.
- 17 (e) Sexual abuse, ORS 163.415 to 163.427.
- 18 (f) Public indecency, ORS 163.465.
- 19 (g) Criminal mischief, ORS 164.345 to 164.365.
- 20 (h) Criminal trespass, ORS 164.245.
- 21 (i) Disorderly conduct, ORS 166.025.
- 22 (j) Harassment or intimidation, ORS 166.065, ORS 166.155 to
- 23 166.165.
- 24 (k) Minor in possession of alcohol, ORS 471.430.
- 25 (l) Keizer Zoning Code, KORD 87-078.
- 26 (m) Keizer Subdivision and Partitioning, KORD 87-079.

1 (n) Discharging a firearm, KORD 88-127.

2 Section 4. ABATEMENT. If any owner-occupied single family
3 residence or business is found to be a public nuisance or to be
4 used as such, it shall be abated by any appropriate remedies,
5 including but not limited to authorizing a civil complaint in
6 a court of competent jurisdiction which may include seeking
7 fines and/or closure of the property.

8 Section 5. PROCEDURES FOR ABATEMENT. Where there is no
9 imminent danger to human life or property, the following public
10 nuisance abatement procedures shall apply:

11 (a) Notice shall be posted on the premises where the
12 condition, substance, act, or nuisance exists, directing
13 the owner or person in charge of the property to abate the
14 situation.

15 (b) At the time of posting, the City Manager, or designee,
16 shall send a copy of the notice by certified mail to:

- 17 1. the owner at the last known address as listed with
18 the County Tax Assessor's Office; and,
19 2. the person in charge of the property, if different
20 from the owner.

21 (c) If prior notice of abatement was sent to the owner or
22 person in charge of the property within the preceding 12
23 months, and ownership or control of the property has not
24 changed, and the prior notice was returned as undeliverable
25 or if delivery was refused, then notice can be provided by
26 publication as set forth in subsection (e).

(d) The notice to abate shall contain:

1. a description of the real property, by street address or otherwise, on which the condition, substance, act or nuisance exists;

2. a description of the condition, substance, act or nuisance which must be abated;

3. a direction to abate the condition, substance, act or nuisance within 10 days from the date of notice;

4. a statement that unless the condition, substance, act or nuisance is removed, the City may abate the situation and cost of abatement may be assessed to and become a lien on the property;

5. a statement that the owner or person in charge of the property may protest the abatement by giving written notice to the manager within 10 days from the date of notice;

6. a statement that if the cost of abatement is not paid by the owner or person in charge of the property, the cost of abatement may be assessed to and become a lien on the property.

(e) If the notice of delivery is returned as undeliverable or delivery is refused, notice of the nuisance shall be published in a newspaper of general circulation at least 10 days before abatement action is taken.

(f) Upon completion of the posting and mailing, the person posting and mailing the notice shall file a certificate

1 with the manager stating the date and place of the mailing
2 and posting.

3 (g) An error in the name or address of the owner or person
4 in charge of the property or the use of a name other than
5 that of the owner or person in charge of the property shall
6 not make the notice void, and in such case the posted
7 notice shall be sufficient.

8 (h) Within 10 days after the posting and mailing of the
9 notice, the owner or person in charge of the property shall
10 remove the situation, show that the situation does not
11 exist or begin proceedings to the satisfaction of the City
12 to correct the situation in a specified time.

13 (i) A person protesting that the situation does not exist,
14 shall file with the manager a written statement within 10
15 days after the posting and mailing of notice, which shall
16 specify the basis for protesting.

17 (j) The statement of protest shall be referred to the City
18 Council for hearing.

19 (k) If the Council determines the situation does exist, the
20 owner or person in charge of the property shall abate the
21 situation within 10 days after the Council determination or
22 begin proceedings to the satisfaction of the City to
23 correct the situation in a specified time.

24 (l) If the situation has not been abated within the time
25 allowed, the City Manager may cause the situation to be
26 abated, including authorizing a civil complaint in a court

1 of competent jurisdiction which may include seeking fines
2 and/or closure of the property.

3 (m) The person charged with the abatement of the situation
4 shall have the right at reasonable times to enter upon the
5 property to investigate or cause the removal of the
6 situation.

7 Section 6. ASSESSMENT OF COSTS. Assessment of costs shall
8 comply with the following:

9 (a) The manager shall keep an accurate record of the
10 expense incurred by the City for public nuisance
11 abatements. The record shall include the costs of personal
12 services, materials, and an additional charge of 20 percent
13 for administrative overhead.

14 (b) After abatement by the City has been completed, the
15 manager shall send by certified mail to the owner or person
16 in charge of the property, a statement of:

- 17 1. the total cost of abatement, including all
- 18 collection expenses and the administrative overhead;
- 19 2. the cost that will be assessed to and become a lien
- 20 against the property unless paid within 30 days from
- 21 the date of the notice;
- 22 3. notification that if the owner or person in charge
- 23 of the property objects to the cost of abatement as
- 24 indicated, a written objection may be filed with the
- 25 manager within 10 days from the date of notice.

26 ///

(c) A person objecting to the cost of abatement shall file with the manager a written statement within 10 days from the date of the notice of the costs. If the objection is timely, the matter shall be referred to the City Council for hearing.

Section 7. HEARING BEFORE COUNCIL.

(a) If a written statement of protest or objection to the cost of abatement is timely filed, the matter shall be referred to the City Council as part of the regular agenda at the next meeting.

(b) The hearing before the City Council shall be conducted in accordance with Chapter 5 and Chapter 6 of Keizer City Ordinance 90-184; UNIFORM CODE FOR ABATEMENT OF DANGEROUS BUILDINGS.

Section 8. ENFORCEMENT OF COST ASSESSMENT

(a) If the costs of the abatement are not paid within 30 days from:

1. the date of the notice of costs; or
 2. if a protest was timely filed, from the date of City Council determination of the costs,
- an assessment of the costs shall be made by resolution and shall be entered in the docket of city liens and recorded with the Marion County Recorder. When the entry is recorded in the City lien docket, the assessment shall constitute a lien upon the property subject to the abatement.

(b) The lien shall be enforced in the same manner as liens for assessment for local improvement districts are enforced and shall bear interest at a rate determined by resolution of the City Council. The interest shall commence running on the date of the entry of the lien in the city lien docket.

(c) An error in the name of the owner or person in charge of the property shall not void the assessment, nor shall a failure to receive the notice of the proposed assessment render the assessment void, but it shall remain a valid lien against the property.

PASSED this _____ day of _____,

1993.

SIGNED this _____ day of _____,

1993.

Mayor

City Recorder

824.121



City of Keizer

930 Chemawa Rd. N.E. • P.O. Box 21000
Keizer, Oregon 97307-1000 • (503) 390-3700 • Fax # 393-9437

CITY COUNCIL MEETING: November 1, 1993

AGENDA ITEM NUMBER: 6b

TO: MAYOR KOHO AND COUNCIL MEMBERS

FROM: DOTTY TRYK *Dottry*
CITY MANAGER

SUBJECT: Resolution changing the compensation plan by adding a limited duration unrepresented classification job description.

Resolution adding the salary range for the Community Services Officer to the Current compensation Plan.

ISSUE:

Should the Council approve a trial program using a Community Services Officer to enforce zoning and solid waste regulations and respond to low priority police calls for service?

COUNCIL GOAL:

Approving this program would advance the Council goal to "Enhance Public Safety by Adopting a Concept of Community Policing, Identifying Desired Levels of Service, and Deciding and Implementing Ways to Achieve Those Levels."

BACKGROUND:

The staff has been looking at new ways to respond to the needs of our community. Two immediate issues to be dealt with are code enforcement and prioritizing police calls for service.

Code enforcement is a high priority to the Council and community. The codes involved are primarily the solid waste ordinance, zone code and sign code. In 1991, Council adopted a budget that included a Code Enforcement Officer in the Community Development Department. That position was subsequently modified by the Council to an Associate Planner as part of the program moving planning services in-house. The intent for the position was to provide better customer service for the citizens, and combine these duties with code enforcement. This

worked well until development activity began to outpace the resources available during the 1992 building season.

The Community began to experience unprecedented growth. Planning activity took a much larger portion of the Associate Planner's time. Processing of planning applications, review of building permits, and direct citizen contact are the priorities for this position because of legal requirements and because of the immediacy of the need. With the high level of activity in these areas there is little time left for code enforcement resulting in the current backlog of complaints. This high level of activity is predicted to continue for the next several years. Dealing with this and other mandated programs is a full work program for a two person department.

While the planning needs of the community are being addressed, code enforcement is not being adequately handled.

Additionally, the growth of the community is impacting the Police Department through an increase in calls for service. The department is looking at creative alternatives to providing service including community policing and use of non-sworn officers on low priority calls. Until recently, sworn officers handled each call regardless of the severity. This summer the department surveyed citizens who had called for service on low priority matters. They were asked if they would have been satisfied with less than a personal visit from an officer. Although most wanted a personal contact, they felt that a non-sworn officer could successfully respond to their problem. Personal contact with complainants is one of the tenets of community policing which involves problem solving and getting to know the community and looking at the larger picture.

These two issues are related. Code enforcement involves dealing with neighbors and negotiating solutions. Often properties with solid waste violations are the location for other police related problems and are chronic neighborhood issues. Staff has presented an ordinance which would give better enforcement powers to the City for resolving the problem. In order to successfully implement the ordinance, I recommend a trial program which would involve hiring a full time Community Services Officer on a temporary basis placed in the police department. This officer would be non sworn, but uniformed and would be charged with enforcing zoning and solid waste regulations, responding to low priority calls and general public relations. Such a position is different from a patrol officer in that it is lower cost and has a different mission. A job description is attached.

The community services officer would receive code complaints from the Planner and would provide a liaison between the police assigned to the affected neighborhood, the planning office and public works. The emphasis would be on problem solving and using all city resources to solve problems. Staff is working on a form and computer tracking system so that the program can be evaluated in June.

If approved, this person could begin by December and work through July 1. The program would be evaluated for inclusion in the FY'95 budget.

FISCAL IMPACT:

The cost of the program for this year will be less than \$20,000. The wage package for a temporary community services officer for seven months is estimated to be \$13,700. Related costs for materials and supplies would be \$500. Approximately \$5,000 would be available for abatement costs if necessary. Any abatement costs would constitute a lien on the property and be repaid eventually.

The revenue for the program for this year would be general fund dollars made available because the school district has agreed to reimburse the city \$21,000 for half of one School Resource Officer. There would be no additional cost to the taxpayer for this trial period. If the Council chooses to continue the program, it would be one of the many services provided from general fund resources.

POLICY CONSIDERATIONS:

Effective code enforcement and community policing are two programs with the possibility of impacting the community in a very positive way. However, some councilmembers committed to a status quo budget for this year including not adding staff. This trial program would add a temporary position but would not use tax dollars. If the program is successful, I will recommend that it be considered as a permanent addition to city services.

RECOMMENDATION:

Staff recommends the adoption of a resolution amending the classification plan adding the job description for a limited duration classification for a Community Services Officer and the adoption of a resolution setting forth a change in the compensation plan by adding a limited duration, unrepresented classification.

**CITY OF KEIZER
POSITION DESCRIPTION
for
COMMUNITY SERVICES OFFICER**

JOB SUMMARY

Under the direction of the Police Sergeant, this civilian position assists sworn law enforcement personnel in community policing activities and acts as a community relations outreach for City services; enforces and investigates complaints and municipal code violations; assists sworn officers in completing investigations and other related law enforcement tasks.

DUTIES, RESPONSIBILITIES AND ESSENTIAL FUNCTIONS

Community Services Outreach:

Enhances community policing partnerships with businesses by:

- offering community and city resource referrals;
- providing general information regarding municipal codes, procedures, laws and activities;
- listening and reporting the business community's concerns and needs relative to law enforcement and community policing.

Code Enforcement:

Inspects and investigates violations of the City Ordinances and laws relating to nuisance conditions; sign code; and solid waste code compliance and parking.

Completes inspection forms; prepares letters and notices of correction.

Maintains code enforcement records and documentation; monitors compliance process.

Issues citations, prepares evidence and reports for the court process and testifies on the City's behalf. Attempts to resolve code infractions through voluntary compliance through counseling, negotiation and mutual agreement whenever possible.

Public Safety Assistance:

Receives requests from sworn officers for assistance and information gathering; assists sworn officers with investigations of criminal complaints received from the public through phone or field contacts.

Investigates minor traffic accidents; low priority criminal cases; abandoned vehicle complaints; and responds to other low priority service calls.

Processes NSF checks; bicycle licensing and theft reports; fireworks, street closures and residential vacation house checks.

WORKING CONDITIONS

An incumbent in this position will be:

- occasionally working in an office setting;
- frequently working in outside weather conditions, exposed to weather extremes;
- occasionally working in dirty or otherwise disagreeable conditions;
- frequently walking and standing;
- occasionally running, climbing, stooping, crawling, sitting, lifting up to 100 lbs;
- occasionally required to assist with individuals who are combative;
- occasionally required to operate a vehicle;
- occasionally confronting dissatisfied citizens.

DESIRABLE QUALIFICATIONS

Experience and Training:

High school diploma or equivalency, supplemented with coursework in law enforcement or public safety and two years of experience in law and/or municipal code enforcement, paid or unpaid; or equivalent combination of experience to have acquired the knowledge, skills and abilities listed below.

Knowledge, Skills and Abilities:

Knowledge of word processing and data base software;
Knowledge of public safety practices and procedures;
Knowledge of investigative techniques;
Knowledge of basic mathematical computations.

Skill in public speaking;
Skill in writing clear, concise and factual reports.

Ability to effectively communicate with a wide range of individuals;
Ability to resolve problems and/or complaints, diplomatically and courteously;
Ability to establish priorities and organize own workload;
Ability to learn, interpret and explain municipal codes and statutes;

Certifications and Licenses:

Must be able to obtain an Oregon Drivers License at the time of appointment.

APPROVED BY: _____ **DATE:** _____

Dorothy Tryk
Keizer City Manager

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R93- _____

SETTING FORTH A CHANGE IN THE COMPENSATION PLAN BY ADDING A LIMITED DURATION, UNREPRESENTED CLASSIFICATION

The City Council of the City of Keizer does hereby resolve as follows:

SECTION 1. That Resolution R93-653 is hereby repealed in its entirety.

SECTION 2. Salary grades for management employees have been recommended by the City Manager and approved by the City Council, and are currently assigned to the classifications of the following management employees:

<u>CLASS TITLE</u>	<u>BASE MONTHLY PAY RANGES</u>					
	FLAT	1	2	3	4	5
City Manager	\$4,583					
Chief of Police		\$3,893	\$4,088	\$4,292	\$4,507	\$4,732
City Recorder		\$2,261	\$2,374	\$2,493	\$2,617	\$2,748
Police Lieutenant		\$3,367	\$3,535	\$3,712	\$3,898	\$4,093
Police Sergeant		\$2,863	\$3,007	\$3,157	\$3,315	\$3,480
Public Works Director		\$3,863	\$4,056	\$4,258	\$4,471	\$4,695
Community Development Director		\$3,846	\$4,038	\$4,240	\$4,452	\$4,675

SECTION 3. The following salary grades have been recommended by the City Manager and approved by the City Council, and are currently assigned to the classifications of the following Public Works Department employees:

CLASS TITLE	BASE MONTHLY PAY RANGES					
	FLAT	1	2	3	4	5
Water Utility Worker		\$1,625	\$1,707	\$1,792	\$1,882	\$1,976
Waterworks Operator		\$2,010	\$2,110	\$2,216	\$2,326	\$2,443
Waterworks Supervisor		\$2,679	\$2,813	\$2,954	\$3,101	\$3,256
Water Production/Quality Technician		\$2,679	\$2,813	\$2,954	\$3,101	\$3,256
Parks Superintendent/Cross Connection Supervisor		\$2,679	\$2,813	\$2,954	\$3,101	\$3,256

SECTION 4. The following salary grades have been approved by the City Council, and are currently assigned to the classifications of the following Police Department employees:

<u>CLASS TITLE</u>		<u>BASE MONTHLY PAY RANGES</u>					
		FLAT	1	2	3	4	5
Police Officer	1/1/93		\$2,238	\$2,349	\$2,464	\$2,586	\$2,715
Support Specialist	1/1/93		\$1,658	\$1,742	\$1,828	\$1,920	\$2,016

SECTION 5. The following salary grades have been recommended by the City Manager and approved by the City Council, and are currently assigned to the classifications of the following permanent full-time employees and are hereby assigned to the following limited duration employees:

<u>CLASS TITLE</u>	<u>BASE MONTHLY OR HOURLY PAY RANGES</u>					
	FLAT	1	2	3	4	5
Administrative Assistant		\$1,878	\$1,972	\$2,070	\$2,174	\$2,282
Associate Planner		\$2,444	\$2,566	\$2,695	\$2,829	\$2,971
Clerical Specialist		\$1,457	\$1,530	\$1,606	\$1,687	\$1,771
Community Services Officer *		\$1,707	\$1,792	\$1,882	\$1,976	\$2,075
Finance Officer		\$3,044	\$3,196	\$3,356	\$3,523	\$3,700
Municipal Court Clerk		\$ 8.67	\$ 9.10	\$ 9.55	\$10.03	\$10.53
Utility Billing Clerk I		\$1,457	\$1,530	\$1,607	\$1,687	\$1,772
Utility Billing Clerk II		\$1,585	\$1,665	\$1,748	\$1,835	\$1,927
Water Office Supervisor		\$2,188	\$2,297	\$2,412	\$2,533	\$2,659

SECTION 6. The following salary grades have been recommended by the City Manager and approved by the City Council, and are currently assigned to the classifications of the following permanent part-time employees:

<u>CLASS TITLE</u>	<u>BASE HOURLY PAY RANGES</u>					
	FLAT	1	2	3	4	5
Accounting Clerk		8.40	8.82	9.26	9.72	10.21
Maintenance Worker		7.66	8.04	8.44	8.86	9.30
Recording Secretary		8.24	8.65	9.08	9.53	10.01

SECTION 7. The following salary grades, recommended by the City Manager and approved by the City Council, have been assigned to the classifications of the following seasonal employees:

CLASS TITLE

BASE HOURLY PAY RANGES

	FLAT	1	2	3	4	5
Street Sweeper						7.66

SECTION 8. A City employee who is determined to be fluent in a second language which is deemed to be of benefit to the City, shall receive a maximum incentive of \$50.00 per month. Determination of whether the second language is of benefit to the City, will be at the discretion of the City Manager. Fluency will be determined by the City Manager, based upon a standard and testing program which the City will implement by policy with the assistance of high school and/or college faculty members and/or court-approved translators.

PASSED this ____ day of _____, 1993.

SIGNED this ____ day of _____, 1993.

Mayor

City Recorder

* Limited Duration Classification until July 1, 1994



Keizer Police Department

930 Chemawa Rd. N.E. • P.O. Box 21060
Keizer, Oregon 97307-1060 • 390-3713 / FAX 390-8295

Charles R. Stull
Chief of Police

DATE: October 28, 1993 CITY COUNCIL MEETING: Nov. 1, 1993
TO: Mayor and City Council AGENDA ITEM NUMBER: 6c
THRU: Dotty Tryk, City Manager *Dotty*
FROM: Charles R. Stull, Chief of Police *CRS*
SUBJECT: **ADOPTION OF A REVISED NOISE ORDINANCE
FOR THE CITY OF KEIZER**

ISSUE:

Shall the City of Keizer adopt a revised Noise Ordinance to replace current City Ordinance 90-190?

BACKGROUND:

The issue of developing a noise ordinance that would adequately address the needs of our citizens can be traced back almost ten years. During this time period, numerous Keizer City Councils have dealt with the problem of development of a noise ordinance which would effectively meet the needs of this community and also establish a reasonable level of enforceable standards.

On July 16, 1993, I brought the issue of reviewing our current City Noise Ordinance to the City Council. The City Council agreed that the current noise ordinance needed review, and possible revision, and directed staff to proceed with that process. Councilors Jerry Watson, Chet Patterson and Jim Keller were appointed to a committee to work on the review and the possible development of a new noise ordinance proposal which would meet the current needs of the City.

On August 30, 1993, during a special work session, the Keizer City Council reviewed the first draft of a new noise ordinance proposal. Although the majority of the ordinance was acceptable to the council, a few revisions in key specific areas were requested.

**ADOPTION OF A REVISED NOISE ORDINANCE
FOR THE CITY OF KEIZER**

Page 2

On October 14, 1993, the Noise Ordinance Review Committee held its last meeting. The meeting resulted in the approval of the final noise ordinance draft which will be presented to the full City Council on Monday, November 1, 1993.

RECOMMENDATION:

Recommendations by staff to the Keizer City Council are as follows -

1. Review and discuss the new proposed noise ordinance.
2. Approve the adoption of the new ordinance as submitted.

crs:cp

1 BILL NO. _____

A BILL

ORDINANCE NO.
93-_____

2
3 FOR

4 AN ORDINANCE

5 PROHIBITING NOISE AND PROVIDING FOR
6 VARIANCE; REPEALING ORDINANCE 90-190

7
8 The City of Keizer ordains as follows:

9 Section 1. PURPOSE. It is hereby found and declared
10 that:

11 A) The making and creation of excessive, unnecessary or
12 unusually loud noises within the limits of the City of Keizer
13 is a condition which has existed for some time and the extent
14 in volume of such noises is increasing;

15 B) The making, creation, or maintenance of such
16 excessive, unnecessary, unnatural, or unusually loud noises
17 which are prolonged, unusual and unnatural in their time, place
18 and use affect and are a detriment to public health, comfort,
19 convenience, safety, welfare, and prosperity of the residents
20 of the City of Keizer, and

21 C) The necessity in the public interest for provisions
22 and prohibitions hereinafter contained in this ordinance, is
23 declared as a matter of legislative determination and public
24 policy, and it is further declared that the provisions and
25 prohibitions hereinafter contained are in pursuance of and for
26 the purpose of securing and promoting the public health,
27 comfort, convenience, safety, welfare, and prosperity and the
28 peace and quiet of the City of Keizer and its inhabitants.

29 ///

1 - ORDINANCE NO. 93-_____

1 Section 2. DEFINITIONS. As used in this Ordinance:

2 A) "A-scale (dBA)" means the sound levels in decibels
3 measured using the A-weighted network as specified in American
4 National Standard Specification for Sound Level Meters (ANSI
5 S 1.4-1971).

6 B) "Commercial" means any use of an office, service
7 establishment, hotel, motel, retail store, park, amusement or
8 recreation facility, or other use of the same general type, and
9 rights-of-way appurtenant thereto, whether publicly or privately
10 owned.

11 C) "Decibel (dB)" means a unit for measuring the volume
12 of a sound, equal to 20 times the logarithm to the base 10 of
13 the ratio of the pressure of the sound measured to the reference
14 pressure. The reference pressure is 20 micropascals (20
15 micronewtons per square meter).

16 D) "Domestic power equipment" means power tools or
17 equipment used for home or building repair, maintenance,
18 alteration or other home manual arts projects, including but
19 not limited to powered hand tools, lawn mowers, garden equipment
20 and snow removal equipment.

21 E) "Frequency" means the time of repetition of a periodic
22 phenomenon, measured in Hertz (H_z).

23 F) "Impulse sound" means a single pressure peak or single
24 burst (multiple pressure peaks) for a duration of less than one
25 second as measured on a peak unweighted sound level meter.

26 ///

1 G) "Industrial" means any use of a warehouse, factory,
2 mine, wholesale trade establishment, or other use of the same
3 general type, and rights-of-way appurtenant thereto, whether
4 publicly or privately owned.

5 H) "Motor vehicle" means any land vehicle which is
6 designed to be self-propelled.

7 I) "Noise sensitive" means any use of a church, temple,
8 synagogue, day care center, hospital, rest home, retirement
9 home, group care home, school, dwelling unit (single family
10 dwelling, duplex, triplex, multifamily dwelling, or mobile
11 home), or other use of the same general type, and rights-of-
12 way appurtenant thereto, whether publicly or privately owned.

13 J) "Octave band" means an interval in Hertz between two
14 frequencies having a ratio of two to one. For purposes of this
15 ordinance, octave band sound pressure levels may be measured at
16 any of the following center frequencies: 31.5, 63, 125, 250,
17 500, 1000, 2000, 4000 and 8000 Hz.

18 K) "Plainly audible" means unambiguously communicated to
19 the listener. Plainly audible sounds include, but are not
20 limited to understandable musical rhythms, understandable spoken
21 words, and vocal sounds other than speech which are
22 distinguishable as raised or normal.

23 ///

24 ///

25 ///

26 ///

1 L) "Sound level" in dBA means the weighted sound pressure
2 level, measured by the use of an A-weighted sound level meter
3 set at a fast meter response.

4 M) "Sound level meter" means a sound level measuring
5 device, either Type 1 or Type 2, as defined by American National
6 Standard Specification for Sound Level Meters (ANSI S1.4-1971).

7 N) "Sound pressure level" in dB is 20 times the logarithm
8 to the base 10 of the ratio of the root-mean square of the
9 pressure of a given sound to the reference pressure. The
10 reference pressure is 20 micropascals (20 micronewtons per
11 square meter).

12 Section 3. NOISE DISTURBANCE PROHIBITED. A) Generally.
13 In addition to the specific prohibitions in subsection B) of
14 this section and Section 4, it shall be unlawful for any person
15 to knowingly create, assist in creating, permit, continue, or
16 permit the continuance of any noise disturbance. A noise
17 disturbance is any sound, including sound produced by animals,
18 which annoys, disturbs, injures, or endangers the comfort,
19 repose, health, peace, or safety of others, within the limits
20 of the City.

21 B) Specific prohibitions. Unless exempted by Section 5,
22 the following acts are declared to be noise disturbances within
23 the meaning of § 3 A) provided, however, that this enumeration
24 shall not be deemed to be exclusive:

25 ///

26 ///

1 1) Dynamic braking devices. Using any dynamic braking
2 device on any motor vehicle, except to avoid imminent danger to
3 persons or property. A dynamic braking device is one used
4 primarily on trucks and busses to convert a motor from an
5 internal combustion engine to an air compressor for the purpose
6 of vehicle braking without the use of wheel brakes.

7 2) Idling engines on motor vehicles. Operating for more
8 than 15 consecutive minutes on any idling engine in such a
9 manner as to be plainly audible within any dwelling unit between
10 10:00 p.m. and 7:00 a.m.

11 3) Motor vehicle repair and testing. Repairing or
12 testing any motor vehicle in such a manner as to be plainly
13 audible within any dwelling unit between 10:00 p.m. and
14 7:00 a.m.

15 4) Lawn mowing equipment. Operating lawn mowing
16 equipment with a combustion engine between 10:00 p.m. and
17 7:00 a.m.

18 Alternate language

19 4) Law mowing equipment. Operating law mowing equipment
20 in such a manner as to be plainly audible within any dwelling
21 unit between 10:00 p.m. and 7:00 a.m.

22 Section 4. MAXIMUM PERMISSIBLE SOUND LEVELS. A) Except
23 as specifically provided elsewhere in this ordinance, no person
24 shall cause or permit sound to be received on property used as
25 specified herein if the sound exceeds the limits set forth in
26 subsections B) and C). For purposes of this section, "day"

hours are between 7:00 a.m. and 10:00 p.m., and "night" hours are between 10:00 p.m. and 7:00 a.m.

B) Table of Maximum Permissible Sound Levels (in dBA).

Type of Source by Use	Type of Receiver by Use					
	Noise Sensitive		Commercial		Industrial	
	Day	Night	Day	Night	Day	Night
Noise Sensitive	55	45	60	55	65	60
Commercial	55	50	70	65	70	65
Industrial	55	50	70	65	Not Applic.	

1) No sound received on a property shall exceed the established maximum permissible sound levels in the Table of Maximum Permissible Sound Levels by 10 dBA.

2) No sound received on a property shall exceed the established maximum permissible sound levels in the Table of Maximum Permissible Sound Levels by 5 dBA for a cumulative total of greater than one minute, but less than five minutes in any ten minute period.

3) No sound received on a property shall exceed the established maximum permissible sound levels in the Table of Maximum Permissible Sound Levels for a cumulative total of five minutes or more in any ten minute period.

C) Exceptions to the Table of Maximum Permissible Sound Levels.

1) Impulse sound. Notwithstanding any other sound levels in this section, no person shall operate or permit the operation of a noise source which emits an impulse sound which has a peak sound pressure level in excess of 100 dB in the day or 80 dB in the night.

2) Sound producing, amplifying, or reproducing equipment. During night hours, no person shall cause or permit sound produced by a musical instrument, radio, television, phonograph, loudspeaker, or other similar equipment to be plainly audible within any dwelling unit other than the source. This standard replaces the table in subsection B) of this section for night sounds only; day sounds shall be governed by that table.

3) Domestic power equipment. The day sound levels in the table in subsection B) of this section do not apply to sounds produced by domestic power equipment.

During night hours, no person shall operate domestic power equipment in such a manner as to be plainly audible within any dwelling unit other than the source.

4) Commercial construction. The day sound levels in the table in subsection B) of this section do not apply to sounds produced in commercial construction activity.

5) Off-highway vehicles. No person shall operate any self-propelling motor vehicle designed for or capable of travel on or over natural terrain, including but not limited to motorcycles, minibikes, motor scooters, dune buggies, and jeeps, off a public right-of-way in such a manner that the sound level generated thereby exceeds 60 dBA in the day or 55 dBA in the night as measured at or within the boundary of a noise sensitive receiver property.

6) Auxiliary equipment on motor vehicles. No person shall cause, allow, permit, or fail to control the operation of

any auxiliary equipment on a motor vehicle for more than 30 minutes when the sound level generated thereby exceeds 55 dBA in the day or 50 dBA in the night as measured at or within the boundary of noise sensitive property. Auxiliary equipment means a mechanical device which is built in or attached to a motor vehicle, including, but not limited to, refrigeration units, compressors, compactors, chippers, power lifts, mixers, pumps, and blowers.

D) Measurement of sound levels under this section shall be made at one of the following points, whichever is farther from the sound source:

1) 25 feet from that point on a receiver building nearest the sound source, or

2) That point on the receiver property line nearest the sound source.

Section 5. EXEMPTIONS. The following sounds are exempted from the provisions of this Ordinance:

A) Sounds made by work necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from imminent exposure to danger.

B) Sounds made by warning devices to protect persons or property from imminent exposure to danger, provided however that burglar or fire alarms shall not operate continuously for more than 15 minutes. Sounds made by the Keizer Fire District and Marion County Fire District sirens during use and testing.

///

1 C) Sounds made by an emergency vehicle, as defined in
2 ORS 801.260, when responding to or from an emergency or when in
3 pursuit of an actual or suspected violator of the law.

4 D) Sounds made by current employment of land and
5 buildings on a farm for the purpose of obtaining a profit in
6 money by raising, harvesting, and selling crops or by the
7 feeding, breeding, management, and sale of livestock, poultry,
8 fur-bearing animals or honeybees, or the produce thereof, or
9 for dairying and the sale of dairy products or any other
10 agricultural or horticultural operations or any combination
11 thereof including the preparation and storage of the products
12 raised for man's use and animal use and disposal by marketing
13 or otherwise by a farmer on such farm.

14 E) Sounds made by activities by or on direction of the
15 City of Keizer in maintenance, construction, or repair of public
16 improvements in public rights-of-way or easements.

17 F) Sounds produced pursuant to a specific variance
18 granted by the Oregon Environmental Quality Commission, or under
19 Section 7 of this Ordinance.

20 G) Sounds produced by the audience, participants and
21 sound amplifying equipment at athletic events on public property
22 and sponsored or sanctioned by the City or the Salem-Keizer
23 School District 24J.

24 ///

25 ///

26 ///

1 H) Sounds made by motor vehicle exhaust systems that
2 comply with the provisions of ORS 815.250, but this exemption
3 does not apply to violation of Section 3(B)(2) of this
4 Ordinance.

5 Section 6. ENFORCEMENT RESPONSIBILITY AND AUTHORITY.

6 This ordinance shall be jointly enforced by the police
7 department and the City Manager's designee. Enforcement of this
8 Ordinance may include seizure of the sound producing instrument.

9 Section 7. VARIANCES. A) Generally. Any person who
10 owns, controls, or operates any sound source which does not
11 comply with a provision of this Ordinance may apply for:

12 1) A Class A Variance for an event or activity which does
13 not exceed 72 hours in duration; or

14 2) A Class B Variance for an event or activity or series
15 of related events, or activities which are 72 hours or more in
16 duration.

17 B) The City Manager or the City Manager's designee may
18 file application for a Class C variance for a community event
19 or activity of any duration which does not comply with a
20 provision of this Ordinance.

21 Section 8. VARIANCE APPLICATION. A) An applicant for
22 a variance shall submit in writing:

23 1) A reference to the provision from which the variance
24 is sought;

25 2) The reason or reasons why the variance is necessary;

26 3) The physical characteristics of the involved sound;

1 4) The times when the involved sound will be emitted and
2 the anticipated duration of the sound;

3 5) Where the sound will not be generated by a mobile
4 source which moves beyond the boundaries of one block, a site
5 plan sketch which shows the area of sound generation and
6 designates whether the uses in the area within 400 feet of the
7 source of the involved sound are commercial, industrial, or
8 noise sensitive as defined in Section 2, or a combination
9 thereof;

10 6) Any other supporting information which the City
11 Manager or Council may reasonably require to allow consideration
12 of the conditions set forth in Section 10.

13 B) The applicant for a Class A Variance shall submit the
14 application to the City Manager's designee. The applicant for
15 a Class B or Class C Variance shall submit the application to
16 the City Recorder, who shall place the matter on the agenda for
17 the forthcoming Council meeting.

18 Section 9. PUBLIC NOTIFICATION FOR CLASS B OR C VARIANCE.
19 The applicant for a Class B Variance or the City for a Class C
20 Variance shall post notice along the nearest public road at the
21 boundaries of the property containing the sound source so that
22 the notice is visible from the public road, and publish notice
23 in a newspaper of general circulation in the city. Notice shall
24 be posted on the property at least seven (7) days before the
25 public hearing, and notice shall be published at least four (4)
26 days before the public hearing. Notice under this section shall

1 state the date the Council will consider the application, the
2 nature and substance of the variance to be considered, and that
3 recipients of the notification may file written comments on the
4 application with the City Recorder before the Council meeting
5 at which the application will be considered.

6 Section 10. VARIANCE REVIEW. The City Manager or the City
7 Manager's designee or Council may grant a variance, after
8 considering the written application for variance and any written
9 comments submitted by persons specified in Section 9, when it
10 appears that the following conditions exist:

11 1) There are unnecessary or unreasonable hardships or
12 practical difficulties which can be most effectively relieved
13 by granting the variance; and

14 2) That granting the application will not be unreasonably
15 detrimental to the public welfare.

16 Section 11. VARIANCE DECISION. A) The City Manager or
17 the City Manager's designee shall grant or deny a Class A
18 Variance within 3 days of receipt of a complete variance
19 application, excluding Saturdays, Sundays, and holidays.

20 B) The Council shall grant or deny a Class B or Class C
21 Variance within 30 days of receipt of the application, and may,
22 on its own motion, hold a public hearing on the application
23 before deciding to grant or deny the variance.

24 C) The City Manager or Council may impose such
25 limitations, conditions, and safeguards as deemed appropriate,
26 so that the spirit of this ordinance will be observed, and the

1 public safety and welfare secured. A violation of any such
2 condition or limitation shall constitute a violation of this
3 Ordinance.

4 D) A decision to grant or deny a variance shall be in
5 writing and shall state the reasons for such decision. The
6 Council or City Manager shall notify the applicant of the
7 decision and shall make it available to any person who has
8 submitted written comments on the application.

9 Section 12. REVIEW. The decision of the Council to grant
10 or deny a variance is final. The City Manager shall file his
11 or her written decision with the City Recorder, who shall place
12 the matter on the agenda for the forthcoming Council meeting.
13 The decision of the City Manager is final on the date of that
14 Council meeting unless the Council, on its own motion, decides
15 to reverse or modify the decision of the City Manager or to
16 schedule a public hearing on the application. If a public
17 hearing is held, the Council shall grant or deny the variance
18 within 30 days after the hearing, and may impose conditions on
19 the granting of the variances as set forth in Section 11.

20 Section 13. VIOLATIONS. Violation of any provision of
21 this Ordinance is an infraction.

22 Section 14. REPEAL. Ordinance 90-190, Prohibiting Noise,
23 enacted November 5, 1990, is repealed.

24 ///

25 ///

26 ///

Section 15. EMERGENCY. This Ordinance being necessary for the immediate preservation of the public health, safety, and welfare, an emergency is declared to exist and this Ordinance shall take effect immediately upon its passage.

PASSED this _____ day of _____, 1993.

SIGNED this _____ day of _____, 1993.

Mayor

City Recorder

824.114



City of Keizer — Community Development

Phone: 390-3700 • Fax # 393-9437

930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, Oregon 97307-1000

CITY COUNCIL MEETING: Nov. 1, 1993

AGENDA ITEM NUMBER: 6d

TO: MAYOR AND CITY COUNCIL

THROUGH: DOTTY TRYK, *Dotty*
CITY MANAGER

FROM: JOHN N. MORGAN, AICP
COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: PLANNING COMMISSION RECOMMENDATION CONCERNING
INTERDEVELOPMENT ACCESS

BACKGROUND:

At the Planning Commission meeting of October 13, 1993, the Commission unanimously passed the attached resolution. In summary it recommends:

- The Council declare it to be its policy that developments be connected to each other; and
- The City should pursue creating pedestrian/bicycle access between the new developments on the west side of Labish Creek with each other and with the existing neighborhood on the east side.

THE ISSUES:

The Commission's action is driven by two factors. First, the Commission is concerned about new development taking place without assuring there is ample opportunity for residents to move freely by any means between developments. The notion is that many separate developments make up one neighborhood, and the City's interest is in planning for future cohesive neighborhoods. Allowing developments to be totally self contained is contrary to this principal. Plus interties throughout a neighborhood help assure that non-motorized transportation is fast and efficient, thereby reducing the reliance on automobile use. Working toward this end is a requirement of the State Transportation Planning Rule.

Second, the Commission is particularly concerned about the development of Hidden Creek and the Epping property without access across Labish Creek to 14th Street. This concern primarily rests with

the isolation of these projects and especially with the barrier to accessing Gubser School. The Council has informally discussed this situation before. Staff has spent limited time exploring the issue. General alternatives for vehicle or pedestrian crossings have been identified. Discussions have been held with affected property owners. Peterson Engineering has been asked to work up some preliminary design sketches and cost estimates. However, these efforts have been a low priority for staff time. Staff has also discussed with Mr. Epping and Mr. Reimann the possibility of connecting the two projects. Hidden Creek has already been approved and is under construction. Therefore, the City cannot make connection a condition imposed on the property. However, both gentlemen have indicated their willingness to explore a pedestrian/bicycle link.

RESPONSE:

Implementation of the proposed access policy can take two sequential steps. First, by motion, the Council can adopt this as a Council policy and direct the Staff to utilize this principal as applications for new development are considered. A resolution to this effect is attached for the Council's consideration.

Second, as a new local transportation plan and new development code are developed over the next 18 months, both of which are included in the Community Development Department's draft strategic plan, this principal can be officially adopted as Plan policy and incorporated into specific standards within the development code.

If the Council wishes to accelerate the work exploring new crossings of Labish Creek, then Staff suggests a report be prepared identifying the alternatives including the projects costs, with a cost/benefit analysis prepared for each. The report should include recommendations including strategies and time frames for implementation.

RECOMMENDATION:

It is recommended Council adopt the attached resolution.

1 PLANNING COMMISSION, CITY OF KEIZER, STATE OF OREGON

2 RESOLUTION R93-_____

3 URGING CITY COUNCIL TO SECURE ACCESS
4 BETWEEN RESIDENTIAL DEVELOPMENTS

5 WHEREAS, the City of Keizer Planning Commission is concerned
6 that residential developments do not have provisions for connection
7 to other developments;

8 WHEREAS, the Planning Commission is concerned that lack of
9 connection between different developments and lack of "stub" streets
10 for future connections will hinder efficient pedestrian and vehicle
11 movement; NOW THEREFORE,

12 BE IT RESOLVED that the Planning Commission hereby urges that
13 the City of Keizer secure and enforce multiple vehicle and pedestrian
14 access in all future developments in residential and Mixed Use zones;

15 BE IT FURTHER RESOLVED that the Planning Commission hereby urges
16 the City Council to act in short order to assure those accesses for
17 the Hidden Creek and CAWS property development, including securing
18 access to the Stonehedge/Willark Park area across Labish ditch.

19 PASSED this _____ day of _____, 1993.

20 SIGNED this _____ day of _____, 1993.

21 _____
22 Planning Commission Chair

23 _____
24 Community Development Director

25 824.124

1 - RESOLUTION R93-_____

LIEN, HOBSON & JOHNSON

Attorneys at Law
4855 River Rd. N.
Keizer, Oregon 97303
(503) 390-1635

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2
3 RESOLUTION R93-_____

4
5 ESTABLISHING COUNCIL POLICY ON
6 ACCESS BETWEEN RESIDENTIAL DEVELOPMENTS
7

8 WHEREAS, the Keizer City Council is concerned that residential developments
9 do not have provisions for connection to other developments;

10 WHEREAS, the City Council is concerned that lack of connection between
11 different developments and lack of "stub" streets for future connections will hinder
12 efficient pedestrian and vehicle movements;

13 WHEREAS, the Planning Commission, as the official body to advise the Council
14 on matters involving the development of community has petitioned the Council to adopt a
15 policy requiring access between developments for the reasons stated above; NOW
16 THEREFORE,

17 BE IT RESOLVED that the City Council adopts the following as a Council
18 Policy:

19 It is the policy of the City Council of the City of Keizer to require new residential
20 and mixed-use developments to be designed so that they are connected together
21 for vehicle and pedestrian access and so that they make provisions for such
22 connections with future developments in all cases except where there is a clear
23 showing on a case-by-case basis that such connection is not in the long-term
24 public interest.

25
26 BE IT FURTHER RESOLVED that the Staff of the City of Keizer is directed to
27 utilize this policy as it reviews residential and mixed-use development proposals;

BE IT FURTHER RESOLVED that the Staff is directed to explore options for creating access between Hidden Creek Subdivision and the CAWS property to the north and between these properties and the Stonehedge/Wilark Park area across Labish Creek and to report to the Council in March 1994 on its findings.

PASSED this _____ day of _____, 1993.

SIGNED this _____ day of _____, 1993.

Mayor

ATTEST:

City Recorder



City of Keizer

930 Chemawa Rd. N.E. • P.O. Box 21000
Keizer, Oregon 97307-1000 • (503) 390-3700 • Fax # 393-9437

COUNCIL MEETING: November 1, 1993

AGENDA ITEM NUMBER: 7a

TO: MAYOR AND CITY COUNCIL

THROUGH: DOTTY TRYK *Dotty*
CITY MANAGER

FROM: TRACY L. DAVIS *Tracy*
CITY RECORDER

SUBJECT: INITIATING THE MEADOWS PHASE 7 STREET LIGHTING DISTRICT

ISSUE:

Shall the City Council initiate The Meadows Phase 7 Street Lighting Local Improvement District?

DISCUSSION:

An application was filed on September 27, 1993 by The Meadows Group to form a local improvement district for street lights in The Meadows Phase 7 subdivision. The petition contained the required signatures of the property owners as outlined by City of Keizer Ordinance 87-094.

RECOMMENDATION:

It is recommended that the City Council approve the Resolution initiating the The Meadows Phase 7 Street Lighting Local Improvement District.

Resolution R93- _____

WHEREAS, the City Council of the City of Keizer has received a petition to initiate a street lighting district at The Meadows Phase 7, in the City of Keizer, Oregon; and

BE IT RESOLVED by the City Council of the City of Keizer that:

- PASSED this _____ day of _____, 1993.

SIGNED this _____ day of _____, 1993.

Mayor

City Recorder



City of Keizer

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Keizer, Oregon 97307-1000 • (503) 390-3700 • Fax # 393-9437

CITY COUNCIL MEETING: November 1, 1993

AGENDA ITEM NUMBER: 7b

TO: MAYOR KOHO AND COUNCIL MEMBERS

FROM: DOTTY TRYK *Dotty*
CITY MANAGER

SUBJECT: COUNCIL GOALS REPORT, SEPTEMBER 30, 1993

BACKGROUND:

Attached is the staff report on the progress made in the third quarter of 1993 on the Council Goals established in April.

This report is for your information. If you are comfortable with the activities and how they are furthering the goals, no action is required. If you wish to discuss these activities or redirect staff efforts, you may wish to have some discussion.

RECOMMENDATION:

No action is required.

CITY OF KEIZER
COUNCIL GOALS 1993
PROGRESS REPORT
September 30, 1993

- I. IMPLEMENT URBAN RENEWAL BY ADOPTING THE DESIGN PLAN, SECURING THE FUNDING, AND COMPLETING PHASE I CONSTRUCTION ON RIVER ROAD BY LATE 1994.

Progress: The storm drain line is under construction along Appleblossom from River Road to the Willamette River. Easements have been acquired on lands east of River Road allowing the project to move toward Cherry Avenue as part of this construction contract.

Signal revisions have begun with the addition of "all-way red" phases on all River Road signals creating an additional moment of safety. The signal interconnect plan is being finished and should be implementing by January.

Design for the Undergrounding Project is complete. Easements for the necessary above-ground structures are being acquired. Work is planned to begin shortly after the first of the year. R3B made a presentation to the Salem Electric Board of Directors on October 26 requesting that Salem Electric participate in the cost of the undergrounding project. The matter was tabled by the Board.

Bi-Mart is reviewing the design for Iris Lane. Assuming it is acceptable and additional revisions are not necessary, construction should begin by Spring, 1994.

- II. ENHANCE PUBLIC SAFETY BY ADOPTING A CONCEPT OF COMMUNITY POLICING, IDENTIFYING DESIRED LEVELS OF SERVICE, AND DECIDING AND IMPLEMENTING WAYS TO ACHIEVE THOSE LEVELS.

Progress: The Mayor appointed 25 members to the Community Policing Committee and identified a Chair. The Manager and Police Chief met with the Chair to develop a process for the committee's work and an initial meeting date of November 17 at 7:00 p.m. has been set.

The management staff of the police department developed a recommendation to begin the implementation of a six month Community Policing Pilot Program. This pilot program would allow the department to begin the initial steps toward full implementation of community policing. A report on the implementation of this program will be presented at the November 1 Council meeting.

III. IMPROVE COMMUNICATION WITH RESIDENTS BY USE OF A NEWSLETTER, TOWN HALL MEETINGS, NEWSPAPER COLUMNS, AND AN OPEN AND RESPONSIVE CITY HALL.

Progress: The third edition of "Keizer on the Move..." was delivered to the residents of Keizer in early October. Response to the newsletter has been positive. The next edition of the newsletter should be included with the December billing statements from the Water Department.

The Mayor and City Councilors have continued to write bi-monthly columns in the Keizertimes to heighten the citizens awareness of events happening within the City.

On October 11, 14 and 21, the Keizer Budget Committee invited 300 Keizer citizens to an open forum to discuss the levels of service the community desired. The input received during these sessions will help guide the City in the preparation of the budget document.

Recently a staff representative visited an open forum sponsored by the Statesman-Journal to voice our concerns and comments regarding news coverage for the City of Keizer.

IV. RESOLVE ISSUES INVOLVING CONGESTION, SAFETY AND LIABILITY AROUND MCNARY HIGH SCHOOL BY CLOSING, LIMITING, OR ALTERING ONE OR MORE ACCESS POINTS.

Progress: Staff has been meeting with school district staff and with the Catholic Church Pastor to develop an implementation plan for closing Sandy Drive and providing an alternative pedestrian access. A meeting with church officials is scheduled for October 28.

V. SECURE STABLE FUNDING FOR THE CITY BY OBTAINING APPROVAL OF AN UPDATED TAX BASE OR MULTI-YEAR LEVY IN 1994.

Progress: The Council and Budget Committee held a series of three community forums to discuss the levels of service the community wants from its local government. Based on this input the staff will prepare a budget and multi year operating plan.



City of Keizer

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Keizer, Oregon 97307-1000 • (503) 390-3700 • Fax # 393-9437

CITY COUNCIL MEETING: November 1, 1993

AGENDA ITEM NUMBER: 7c

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

THROUGH: DOTTY TRYK *Dotty*
CITY MANAGER

FROM: E. SHANNON JOHNSON
CITY ATTORNEY

SUBJECT: CLARIFICATION OF PARKS SYSTEM DEVELOPMENT CHARGES

ISSUE:

Staff has a concern that the Resolution setting the amount of Parks System Development charges may be misinterpreted to indicate that one duplex would pay only \$300.00 when staff believes the intent of Council was to have the charges throughout the Resolution be per dwelling unit. The same argument could apply in the multi-family area where it is clear the \$200.00 fee is per unit, not per building.

Consequently, we have drafted the enclosed Resolution amending Resolution R92-564 to clarify that the fees are per dwelling unit. I have also attached Resolution R92-564 for comparison.

RECOMMENDATION:

It is recommended Council adopt a Resolution clarifying the Parks System Development Charges and amending Resolution R92-564.

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 Resolution R93-_____

3 A RESOLUTION CLARIFYING THE PARKS
4 SYSTEM DEVELOPMENT CHARGES AND
5 AMENDING RESOLUTION R92-564

6 WHEREAS, Ordinance 92-231 sets forth that the amount of
7 the parks system development charge may be established by
8 resolution;

9 WHEREAS, Resolution R92-564 adopts the methodology for
10 determining the maximum parks system development charge;

11 WHEREAS, Resolution R92-564 sets forth the amount of the
12 parks system development charge;

13 WHEREAS, clarification of Resolution R92-564 is needed to
14 indicate that the fees set forth therein are per dwelling unit;
15 NOW, THEREFORE,

16 BE IT RESOLVED by the City Council of the City of Keizer
17 that Resolution R92-564 is hereby amended at Lines 13 through
18 19 inclusive to read as follows:

19 "\$300.00 per dwelling unit for the following
20 types of structures: single-family dwellings,
21 duplexes, condominiums, developed mobile home park
22 spaces, and mobile homes placed on lots not within a
23 mobile home park or subdivision.

24 "\$200.00 per dwelling unit for the following
25 types of structures: multi-family dwellings consisting
26 of three or more dwelling units in a single building."

27 PASSED this _____ day of _____, 1992.

28 SIGNED this _____ day of _____, 1992.

29 _____
30 Mayor

31 _____
32 City Recorder

33 824H.018

PAGE 1 - Resolution R93-_____

LIEN, HOBSON & JOHNSON

Attorneys at Law
4855 River Rd. N.
Keizer, Oregon 97303
(503) 390-1635

COPY

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R92- 564

A RESOLUTION ESTABLISHING THE AMOUNT OF THE
PARKS SYSTEM DEVELOPMENT CHARGE

WHEREAS, the City of Keizer has adopted a methodology for determining the parks system development charge; and

WHEREAS, pursuant to Ordinance 92- 231, the amount of the parks system development charge may be established by resolution;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the parks system development charges authorized by Ordinance 92- 231 shall be as follows:

\$300.00 for each of the following types of dwellings: single-family dwellings, duplexes, condominiums, developed mobile home park spaces, and mobile homes placed on lots not within a mobile home park or subdivision.

\$200.00 for each of the following types of dwellings: multi-family dwellings consisting of three or more dwellings in a single building.

These fees are improvement fees only.

All system development charges collected hereunder shall be used only for the improvements to the three community parks, acquisition of land for the proposed three new neighborhood parks and improvements thereto, all as identified in the Comprehensive Park System Development Plan, along with administrative costs directly attributable to the above.

///

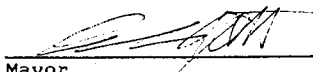
///

1 BE IT FURTHER RESOLVED by the City Council of the City of
2 Keizer that the charges established herein shall become effective
3 June 1, 1992.

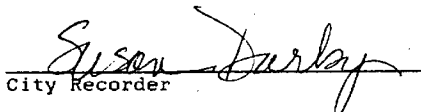
4 PASSED this 1st day of June, 1992.

5 SIGNED this 3rd day of June, 1992.

6
7


Mayor

8
9


City Recorder

10 824H.007



City of Keizer

930 Chemawa Rd. N.E. • P.O. Box 21000
Keizer, Oregon 97307-1000 • (503) 390-3700 • Fax # 393-9437

CITY COUNCIL MEETING: November 1, 1993

AGENDA ITEM NUMBER: 7d

TO: MAYOR KOHO AND COUNCIL MEMBERS

FROM: DOTTY TRYK *Dotly*
CITY MANAGER

SUBJECT: Resolution Adopting a Policy Governing the Application for Grant Funds

BACKGROUND:

The Council asked staff to propose a policy to be used when considering applying for grant funding. The attached policy allows the staff to apply for grant funds when any; local match requirement is within the budget authority; when the project is consistent with long range plans and Council Goals; and when the project does not require the addition of personnel. All other grant applications will be authorized by the Council.

RECOMMENDATION:

It is recommended the Resolution adopting the policy be adopted.

**EFFECTIVE:****REVISED:****APPROVED:****Dorothy Tryk, City Manager**

Subject: Grant Funds, Application for

Applicability: City employees, agents and representatives.

Responsibility: The City Manager is responsible for oversight and compliance.

Purpose: To clarify City Manager's authority over the initiation of certain grant applications.

POLICY STATEMENT GOVERNING THE APPLICATION FOR GRANT FUNDS

The City of Keizer believes it is in the best interest of the citizens to aggressively pursue outside grant funding for local projects when feasible, and to be constantly aware of opportunities to leverage local dollars for projects that are of benefit to the community.

The City Manager will have authority to make grant applications for projects under the guidelines listed below. Any grant application which exceeds these guidelines will require Council approval prior to submitting the application.

Guidelines:

- The local match funds for the project is within current budget authority.
- The project is consistent with approved long-range plans and is in keeping with the City's mission and goals.
- The project does not require the addition of personnel.

MINUTES

KEIZER CITY COUNCIL

Monday, October 18, 1993

**Robert L. Simon Council Chambers
Keizer City Hall**

CALL TO ORDER

Mayor Koho called the regular meeting to order at 7:30 p.m.
Roll call was taken as follows:

Present

Dennis Koho, Mayor
Jim Keller, Councilor
Jerry McGee, Councilor
Al Miller, Councilor
Chet Patterson, Councilor
Jerry Watson, Councilor
Marlene Wellin, Councilor

Staff

Dotty Tryk, City Manager
John Morgan, Community Development Director
Wally Mull, Director of Public Works
Bruce Jenness, Police Lieutenant
John Lien, City Attorney
Kevin Wickman, Parks Director
Lynn Owen, Administrative Assistant
Tracy L. Davis, City Recorder

PUBLIC TESTIMONY

There was no public testimony to come before the Council.

COMMITTEE REPORTS

Governmental Affairs Committee Report

Councilor Patterson reported the Chamber Governmental Affairs Committee is returning the backyard burning issue to the Council for their consideration. June Abbott and Chuck Lawson of the Governmental Affairs Committee have volunteered to serve on this committee. Councilor McGee agreed to chair the Committee. The first meeting will be scheduled at the end of November or early December.

**PUBLIC HEARING
AND
DELIBERATION**

**ADA Self
Evaluation**

Mayor Koho opened the public hearing.

Lynn Owen, Administrative Assistant reported to the Council that the Americans with Disabilities Act (ADA) requires public entities to assess their policies, procedures, laws and facilities to assure compliance with all the ADA requirements. The City of Keizer has conducted a self-evaluation test and found the City is not out of compliance in any of the ADA requirements.

Councilor Watson inquired of the process the City will use to determine which businesses or public entities have discriminated against individuals with disabilities. Ms. Owen stated as the ADA awareness heightens, these entities will be singled out.

There was no testimony to come before the Council.

Mayor Koho closed the public hearing.

**ADMINISTRATIVE
ACTION**

**RESOLUTION -
Adopting Policy for
ADA Grievance
Procedure**

Councilor Watson moved for a Resolution adopting policy for ADA Grievance Procedure. Councilor Patterson seconded the Motion.

The Motion passed as follows:

AYES: Keller, Koho, McGee, Miller, Patterson, Watson and Wellin (7)

NAYS: None (0)

ABSTENTIONS: None

ABSENT: None (0)

**ORDINANCE -
Chronic
Nuisance/Solid
Waste Abatement**

John Morgan, Community Development Director, said the Chronic Nuisance Ordinance is part of the ongoing look at housing issues in our community. The City has been a part of the North Willamette Valley Housing Coalition which has studied housing issues and has found a direct relationship between housing conditions and illegal activities on properties. The Chronic Nuisance Ordinance would be an effective tool to assure that housing is maintained in a safe and sanitary manner.

If this Ordinance was adopted it would address some of the civil issues the City is facing in regards to solid waste violations or zoning violations. Mr. Morgan cited examples of how this Ordinance could alleviate some of the present solid waste problems. The Ordinance contains a formula by which the City could abate the property for a period of time or in extreme cases close the property. Mr. Morgan recommended the Council adopt the Chronic Nuisance Ordinance.

Councilor Keller asked who would be responsible for the enforcement of this Ordinance. Mr. Morgan stated the complaints would still be forwarded to the Police Department or Community Development Department as they are presently. The Chronic Nuisance Ordinance would allow the City a tool to deal with the most extreme cases.

Councilor McGee questioned the non-enforcement of Ordinances by the Police Department until a complaint has been received. City Manager Tryk stated the Police Department has not responded to the solid waste violations due to the larger scale issues they have to deal with. She also advised the Council she will be bringing a recommendation to the Council at the next meeting for a Community Service Officer to handle solid waste and code enforcement issues. Councilor McGee also suggested establishing a budget fund that would be available to assist in the cleanup of the problem areas.

Councilor Watson questioned the fairness of the Ordinance when the property owner may not be directly responsible for the violation. He also expressed his concern for the lack of definition of place; violation within 300 feet of place or business. Councilor Watson suggested tightening up the language dealing with the rights of people that are not within their direct control or responsibility.

Another suggestion from Councilor Watson changed the wording in Section 2 of the Ordinance to read: It is a public nuisance for any owner or other person in charge of property to permit, or to cause to exist, any place or business where patrons, employees, residents, or occupants engage in a pattern of unlawful behavior in the neighborhood. He also voiced his

concern for punishing the owner on the basis of arrest or issuance of a citation prior to a conviction.

Councilor Watson suggested the Ordinance be redrafted and brought back at the next Council meeting.

In response to a question from Councilor Patterson, Mr. Morgan stated the ultimate goal of this Ordinance is to control the nuisance behavior of the occupants to control the quality of housing in Keizer.

Councilor Miller expressed concern for a situation where three different citations could be issued in one instance. He hoped staff would address this possibility.

Councilor Watson moved to send this Ordinance back to staff for revision, specifically to add the word owner in section 2, place be defined more specifically and include other suggestions made this evening. Councilor Miller seconded the Motion.

The Motion passed with the following votes:

AYES: Keller, Koho, McGee, Miller, Patterson, Watson and Wellin (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

CONSENT CALENDAR

The Consent Calendar consisted of the following:

- a. Approval of October 4, 1993 Regular Session Minutes

Councilor Keller moved for approval of the consent calendar. Councilor Patterson seconded this Motion.

The Motion passed with the following votes:

AYES: Keller, Koho, McGee, Miller, Patterson, Watson and Wellin (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

OTHER BUSINESS
Keizer Little League
Park Alternative
Uses

Councilor Miller stated the Council agreed on September 20, 1993 to form a Committee to study alternative uses at the Keizer Little League Park. Councilor Miller read the charge to the Committee and the conditions. This charge and conditions would allow the Committee to look at the issues and provide a recommendation to the Council. Councilor Miller submitted a list of names to the Mayor to serve on this Committee and recommended allowing the Committee to proceed.

Councilor Miller moved for the formation of a Committee to study alternative uses at the Keizer Little League Park.
Councilor McGee seconded the Motion.

Councilor Keller stated he recently has heard several concerns from the community in reference to the type of uses that may be allowed at the Park. He voiced his concern for the City Council to initiate alternative uses for Keizer Little League Park. He would favor a Committee to discuss alternative uses and the possible development of other areas within Keizer.

Councilor Watson stated by having a Committee discuss these issues it will not commit the City to anything other than looking at the issue. The Council obligated themselves to form a committee to study these issues and accept public input at the meeting on September 20, 1993.

Mayor Koho stated the Committee could be made up of three Council members, Keizer Little League representatives, two non-Little league members, an neighborhood representative and a representative of Keizer Soccer League.

Councilor McGee supported the creation of a Committee in order to bring closure to the issue. This would give the community an opportunity to voice their concerns.

Councilor Miller stated the current use agreement for Keizer Little League allows anyone to apply to use the fields outside of February 1st through August 31st through written application to the City. The Committee would look at the use of the Park between February 1st and August 31st.

Councilor Patterson stated he feels the City should not be involved in this issue since this is an exclusive use contract with the Keizer Little League. The City will be dismantling the Keizer Little League by interfering in their activity. The City should protect the Keizer Little League and what it has done for the community. He suggested if a committee is created they should study the Parks Development Plan and find a some solutions by using other areas that could be developed as playing fields. He also said the Keizer Little League is doing a great job running the Park now and the City should stay out of it.

Councilor Wellin agreed with Councilor Patterson stating the Keizer Little League is doing a terrific job. She suggested the Parks Board look at possible areas for soccer, softball and other uses to deal with the growth.

Councilor Miller clarified he did not suggest Keizer Little League would not manage the fields or possibly terminate the agreement. He does not feel there are problems with the Keizer Little League, only a shortage of fields in the community for the children. He suggested since Keizer Little League is willing to discuss these issues, the City should proceed with the formation of the Committee.

Councilor Patterson further voiced his concerns and stated the Keizer Little League Park would not exist if it were not for the Little League Association, which has done a great job in developing this program.

Councilor McGee stated the community has not had an opportunity to voice their concerns in this issue and by forming

the Committee this would allow it to be discussed and put to rest.

The Motion failed with the following votes:

AYES: McGee, Miller and Watson (3)

NAYS: Keller, Koho, Patterson and Wellin (4)

ABSTENTIONS: None

ABSENT: None

Mayor Koho inquired of the creation of the Local Improvement District for the unimproved streets. Public Works Director, Wally Mull stated the City Engineer is presently working on this issue and it will be back to Council in the near future.

Councilor McGee voiced his concern for the Urban Renewal breakdown amount listed on the property tax statements. He stated there was an informal agreement made to keep the amount \$1.00 or under. Councilor McGee asked the City Manager to present options to the Council of what can be done to reduce this amount from \$1.13.

Councilor Patterson asked staff to create a "basket" to catch items which are pending. These items could then be reviewed on a quarterly basis.

**WRITTEN
COMMUNICATION**

There was no written communication to come before the Council.

**EXECUTIVE
SESSION**

The Council meeting recessed at 8:32 p.m. to enter an Executive Session pursuant to ORS 192.660(1)(h) - Towing Litigation.

The Executive Session adjourned at 8:53 p.m.

AGENDA INPUT

Mayor Koho noted the agenda input items listed on the Agenda.

ADJOURNMENT

The meeting was adjourned at 8:53 p.m.

TRACY L. DAVIS
City Recorder

APPROVED:

MAYOR:

November 1, 1993

Keizer City Council
Keizer, Oregon

Dear Sirs:

In the way of introduction, my name is Diane Bassett and I reside at 591 Wayne Drive, North in Keizer. I am presently serving on the Keizer Planning Commission.

I am writing in favor of the adoption of a chronic nuisance ordinance that is presently before you. I worked with a committee of a coalition of small towns in North Marion County who are experiencing the same chronic problems. In the course of meeting for a year, it became apparent that ordinances were needed to address the problem of continuing deterioration of parts of these towns. Keizer is not the only city that will be considering ordinances. We heard from enforcement officers, John Elegant of Salem and county officials.

One common theme occurred. The fact that deterioration of one property spreads throughout neighborhoods. This is especially true of absentee land owners who rent and do not respond to complaints or take responsibility for the upkeep of property. From this squalor comes danger to people residing in the dwellings, increased crime areas and reduced land values. This is especially sad to home owners who live in those neighborhoods, who, through no fault of their own, see their land devalued and their livability reduced because of lack of laws to protect them.

I am sure some absentee land owners and some developers will oppose this ordinance. I do believe first consideration should be given to people who live in the neighborhoods and support the city, schools and make Keizer an excellent place to live. In order to have a system that works, all must take the responsibility of preserving livability in all neighborhoods.

The City is charged with the health, safety and welfare of its citizenry, to the best of its ability. An ordinance such as the one you are considering will go a long way toward meeting that responsibility.

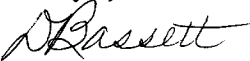
Multi millions of dollars are being spent on beautifying River Road for the sake of the City of Keizer and its residents. What good is it going to do to have a beautiful road in the center of town, but one block away slums are starting? If we are going to spend that much money, let's spend another \$20,000. for an enforcement officer and give him the tools he needs so River Road project will not just be a facade, but rather an example of what we are.

It is very frustrating to neighborhoods to experience a mess such as the one fire-fighters were called to recently. Complaints were met with excuses and lack of enforcement ability to help them. The fire could have been a tragedy. Unsafe, run down and neglected houses can lead to more expense for the City in the form of increased need of police and fire personnel.

If this ordinance is passed, it needs to have teeth in it and an enforcement officer empowered to act. Please don't pass a watered down version that is just another law on the books, but does not help neighborhoods with blight problems.

Let's not have to deal with fire bombings, terrible sanitary conditions and unsafe neighborhoods. Now is the time to address this issue before tragedy happens.

Thank you,

A handwritten signature in cursive script, appearing to read "D Bassett".

Diane Bassett
591 Wayne Drive, N.
Keizer, Oregon 97303
Ph. 393-1941

Proposed Amendment to Chronic Nuisance Ordinance

I propose that the draft Bill for an Ordinance be amended by adding the highlighted language and deleting any crossed out wording as follows:

Section 3. PATTERN OF BEHAVIOR. A) Single Family Residences and Multi Family Residences with 8 or fewer units. For purposes of this Ordinance, regarding single family residences and multi family residences with 8 or fewer units, "pattern of unlawful behavior in the neighborhood."...

B) Business and Multi Family Residences with more than 8 units. For purposes of this Ordinance, regarding a business and Multi Family Residences with more than 8 units, "pattern of unlawful behavior in the neighborhood" means one or more patrons, employees, residents, guests or occupants of the business or multi family residence have been convicted of one or more violations at the business or multi family residence, or within 300 feet thereof, for incidents occurring three different dates within a six month period, or have been convicted of one or more violations at or within 300 feet of the business or multi family residence for incidents occurring on five different dates within a six month period, for any one or a combination of the following laws or their successors:

 [NEW] Section 9. SAVINGS CLAUSE. In the event any portion or provision of this Ordinance shall be determined by a Court of law to be unconstitutional or unenforceable, the remainder of this Ordinance shall not be affected thereby, but shall be valid as to all purposes, shall continue in effect, and shall be fully enforceable as provided herein.

Rationale for the Proposed Amendment: I am pleased that the staff has revised this Ordinance. Those revisions, including adoption of language that requires a conviction rather than merely a citation, are generally positive. Listed above are several additional changes which deal directly with some of my remaining concerns. One makes slightly different requirements for smaller multi-family residential housing, the other deals with a savings clause. It is my understanding that legal counsel approves both the form and the substance of this Ordinance. While I am prepared to rely on that opinion, I continue to be concerned that making people liable for the acts of others beyond their premises can be challenged on constitutional grounds. Therefore, I think that a savings clause should be adopted to limit the effect of any successful legal challenge.

PUBLIC TESTIMONY

IF YOU ARE INTERESTED IN ADDRESSING THE COUNCIL ON AN ISSUE NOT LISTED ON THE AGENDA OR AN ITEM ON THE AGENDA NOT SCHEDULED FOR A PUBLIC HEARING, PLEASE FILL OUT THE INFORMATION BELOW AND GIVE TO THE CITY RECORDER OR STAFF GREETER PRIOR TO THE START OF THE MEETING. THE MAYOR WILL RECOGNIZE YOU AND ASK FOR YOUR TESTIMONY AT EITHER THE PUBLIC TESTIMONY SECTION OF THE MEETING OR THE APPROPRIATE AGENDA ITEM.

EACH PERSON'S COMMENTS WILL BE LIMITED TO FIVE MINUTES.

Name: Maur Horton

Address: 6657 4th Avenue NE

Kaizer, OR 97303

Subject or Agenda Item Number: 6.d.

Your Comments:

Proponent _____ Opponent _____ General x

Date 11/1/93

PUBLIC TESTIMONY

IF YOU ARE INTERESTED IN ADDRESSING THE COUNCIL ON AN ISSUE NOT LISTED ON THE AGENDA OR AN ITEM ON THE AGENDA NOT SCHEDULED FOR A PUBLIC HEARING, PLEASE FILL OUT THE INFORMATION BELOW AND GIVE TO THE CITY RECORDER OR STAFF GREETER PRIOR TO THE START OF THE MEETING. THE MAYOR WILL RECOGNIZE YOU AND ASK FOR YOUR TESTIMONY AT EITHER THE PUBLIC TESTIMONY SECTION OF THE MEETING OR THE APPROPRIATE AGENDA ITEM.

EACH PERSON'S COMMENTS WILL BE LIMITED TO FIVE MINUTES.

Name: Bob French

Address: 1384 Manzanita St. NE,
Berger, Or 97303

Subject or Agenda Item Number: 6A.

Your Comments:

Proponent ☒ Opponent _____ General _____

Date 4/11/93

did not speak

PUBLIC TESTIMONY

IF YOU ARE INTERESTED IN ADDRESSING THE COUNCIL ON AN ISSUE NOT LISTED ON THE AGENDA OR AN ITEM ON THE AGENDA NOT SCHEDULED FOR A PUBLIC HEARING, PLEASE FILL OUT THE INFORMATION BELOW AND GIVE TO THE CITY RECORDER OR STAFF GREETER PRIOR TO THE START OF THE MEETING. THE MAYOR WILL RECOGNIZE YOU AND ASK FOR YOUR TESTIMONY AT EITHER THE PUBLIC TESTIMONY SECTION OF THE MEETING OR THE APPROPRIATE AGENDA ITEM.

EACH PERSON'S COMMENTS WILL BE LIMITED TO FIVE MINUTES.

Name: _____

DIANE BASSETT

Address: _____

591 WAYNE DR. N
KEIZER, OR 97303

Subject or Agenda Item Number: _____

6a

CHRONIC NUISANCE ORD

Your Comments:

Proponent

☒

Opponent

General

Date

11/1/93

CONDITIONAL USE PERMIT (CHANDLER) ⁹¹⁻⁹

DATE: 11-1-93

BEFORE: city council

PLACE: Winnipeg

TIME: 7:30 PM

[illegible]

PUBLIC HEARING REGARDING: ORCHARD CREST PH. 3 STREET LIGHTS DATE: 11-1-93
BEFORE: CITY COUNCIL PLACE: COUNCIL CHAMBERS TIME: 7:30 PM

[illegible]