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
EXECUTIVE SESSION

Monday, October 20, 2008
6:00 p.m.
Keizer City Hall
Keizer, Oregon 97303

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **DISCUSSION**

   a. **Pursuant to ORS 192.660(2)(h) –** ***To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.***

   b. **Pursuant to ORS 192.660(2)(e) –** ***To conduct deliberations with persons designated by the governing body to negotiate real property transactions***

4. **ADJOURN**

[redacted]

The Oregon Public Meeting Law authorizes governing bodies to meet in executive session in certain limited situations. An executive session is defined as any meeting or part of a meeting of a governing body which is closed to certain persons for deliberations on certain matters as defined by ORS 192.660. These sessions are closed to the public. The media may attend the session, unless the Oregon State Statutes specifically prohibits media attendance. The governing body is not allowed to take any final action or make any final decisions during the executive sessions. Any final action or decision must be made after returning or at the next regularly scheduled meeting.

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

AGENDA

KEIZER CITY COUNCIL
REGULAR SESSION
Monday, October 20, 2008
7:00 p.m.
Robert L. Simon Council Chambers
Keizer, Oregon

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **PLEDGE OF ALLEGIANCE**

4. **PUBLIC TESTIMONY**

   This time is provided for citizens to address the Council on any matters other than those on the agenda scheduled for public hearing.

5. **PUBLIC HEARINGS**

   a. **Keizer Parks and Recreation System Development Charge Methodology Update**

6. **ADMINISTRATIVE ACTION**

   a. **ORDINANCE – Amending the Ordinance Regulating the Maintenance, Planting, and Removal of Certain Trees (Tree Preservation Ordinance 95-332)**

7. **CONSENT CALENDAR**

   a. **RESOLUTION – Authorization for Supplemental Budget – Oregon Department of Parks and Recreation Grant – Keizer Rapids Park**

   b. **RESOLUTION – Authorization for Supplemental Budget/Appropriation Transfer – Oregon Department of Land Conservation – Visioning Project – Oregon Marine Board Grant – Keizer Rapids Park**

c. **<u>RESOLUTION</u> – Adopting an Identify Theft Prevention Program In Accordance with the Federal Fair and Accurate Credit Transaction Act of 2003**

d. **Approval of September 8, 2008 Work Session Minutes**

e. **Approval of September 15, 2008 Regular Session Minutes**

8. <u>COMMITTEE REPORTS</u>

a. **<u>PROCLAMATION</u> – Domestic Violence Awareness Month**

9. <u>OTHER BUSINESS</u>

This time is provided to allow the Mayor, City Council members, or staff an opportunity to bring new or old matters before the Council that are not on tonight's agenda.

a. **New Business or Old Business Issues**

10. <u>WRITTEN COMMUNICATIONS</u>

To inform the Council of significant written communications.

11. <u>AGENDA INPUT</u>

<u>November 3, 2008</u>
<u>7:00 p.m. City Council Meeting</u>

<u>November 10, 2008</u>
<u>5:45 p.m. City Council Work Session</u>

<u>November 17, 2008</u>
<u>7:00 p.m. City Council Meeting</u>

12. <u>ADJOURNMENT</u>

CITY COUNCIL MEETING:_____________________

AGENDA ITEM NUMBER:_________________

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

THROUGH: ROB KISSLER
DIRECTOR OF PUBLIC WORKS

FROM: BILL LAWYER
PUBLIC WORKS SUPERINTENDENT

SUBJECT: PARKS SDC METHODOLOGY UPDATE

DATE: October 16, 2008

BACKGROUND:

The City Council and the Parks Advisory Board held a joint work session on September 8th 2008 to discuss the proposed Parks SDC Methodology update. Several questions were asked of the consultant and staff during the work session which resulted in revisions to the document. Staff directed the consultant to add the costs for acquisition and development of 2 additional small City Parks reduce the number of Master Plan updates funded by SDC's from 3 to 1 and remove the acquisition portion from the Joint School Use Parks and place those funds in development at various sites. The revisions have been made and are reflected in the document attachment "A" on pages 6 through10, and in the appendix.

FISCAL IMPACT:

There is no immediate fiscal impact on current City budgets with adoption of the SDC Methodology Update.

RECOMMENDATION:

Staff recommends Council open a public hearing, receive testimony, close the public hearing, deliberate the issue and pass a motion directing staff to prepare appropriate resolutions adopting the new methodology and setting the new SDC rate.

Please contact me with any questions or concerns.

"Pride, Spirit and Volunteerism"

PARKS AND RECREATION SYSTEM DEVELOPMENT CHARGES METHODOLOGY UPDATE REPORT

revised draft as of
October 14, 2008

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Don Ganer & Associates, Inc.

CONTENTS

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TABLES

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City of Keizer

Parks and Recreation System Development Charges
Methodology Update Report

1.0 INTRODUCTION

System Development Charges (SDCs) are one-time fees charged to new development to help pay a portion of the costs associated with building capital facilities to meet needs created by growth. The City of Keizer (City) first adopted Parks SDCs in 1992, and adopted an updated SDC methodology in 2000.

In April 2008, the City engaged Don Ganer & Associates, Inc. to review the City's recently adopted Parks & Recreation Master Plan (Master Plan), and prepare an updated parks and recreation SDCs methodology report to reflect the growth portion of facility needs identified in the Master Plan.

Section 2.0 of this report presents authority and background information including (1) legislative authority for SDCs; (2) an explanation of "improvement fee" and "reimbursement fee" SDCs; and (3) requirements and options for credits, exemptions and discounts. Section 3.0 presents the methodology used to update the Parks and Recreation SDCs, and section 4.0 presents the calculation of Parks and Recreation SDC Rates.

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2.0 AUTHORITY AND BACKGROUND INFORMATION

A. *Legislative Authority*

The source of authority for the adoption of SDCs is found both in state statute and in the City's own plenary authority to adopt this type of fee. While SDCs have been in use in Oregon since the mid-1970's, State legislation regarding SDCs was not adopted until 1989, when the Oregon Systems Development Act (ORS 223.297 - 223.314) was passed. The purpose of this Act was to "...provide a uniform framework for the imposition of system development charges...". Legislative additions and modifications to the Act were made in 1993, 1999, 2001, and 2003. The Oregon SDC Act requires local governments that enact SDCs to:

- adopt SDCs by ordinance or resolution;
- develop a methodology outlining how the SDCs were developed;
- adopt a plan and project list to designate capital improvements that can be funded with "improvement fee" SDC revenues;
- provide credit against the amount of the SDC for the construction of certain "qualified public improvements";
- separately account for and report receipt and expenditure of SDC revenues, and develop procedures for challenging expenditures; and
- use SDC revenues for capital improvements and compliance costs only - operations and maintenance uses are prohibited.

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B. *"Improvement fee" and "Reimbursement fee"* SDCs

The Oregon Systems Development Act provides for the imposition of two types of SDCs: (1) "improvement fee" SDCs, and (2) "reimbursement fee" SDCs. "Improvement fee" SDCs may be charged for new capital improvements that will increase the capacity of the system in order to provide service to the new development. Revenues from "improvement fee" SDCs may be used for capacity-increasing capital improvements included in a required plan and list of projects that identifies the expected timing, cost, and growth-required percentage for each project. "Reimbursement fee" SDCs may be charged for the costs of existing capital facilities if "excess capacity" is available to accommodate growth. Revenues from "reimbursement fees" may be used for *any* capital improvement project, including major repairs, upgrades, or renovations. Capital improvements to be funded with "reimbursement fee" SDCs do not need to increase capacity, but they must be included in the list of projects to be funded with SDC revenues.

C. Requirements and Options for Credits, Exemptions, and Discounts

<u>(1) Credits</u>

A credit is a reduction in the amount of the SDC for a specific development. The Oregon SDC Act requires that credit be allowed for the construction of any "qualified public improvement" that (1) is required as a condition of development approval, (2) is identified in the plan and list of projects on which improvement fee SDC revenues may be used, and (3) either is not located on or contiguous to property that is the subject of development approval, or is located on or contiguous to such property and is required to be built larger or with greater capacity than is necessary to meet the needs of the particular development project.

The credit for a qualified public improvement may only be applied against an SDC for the same type of improvement (e.g., a parks improvement can only be used for a credit for a parks SDC), and may be granted only for the cost of that portion of an improvement which exceeds the minimum standard facility size or capacity needed to serve the particular project. For multi-phase projects, any excess credit may be applied against SDCs that accrue in subsequent phases of the original development project.

In addition to these required credits, the City may, if it so chooses, provide a greater credit, establish a system providing for the transferability of credits, provide a credit for a capital improvement not identified in the City's plan and list of projects, or provide a share of the cost of an improvement by other means (i.e., partnerships, other City revenues, etc.).

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<u>(2) Exemptions</u>

The City may "exempt" certain types of development, such as "affordable housing" from the requirement to pay parks SDCs. Unless an alternative source of funding for SDCs is identified, exemptions reduce SDC revenues and, therefore, increase the amounts that must come from other sources, such as property taxes.

(3) Discounts

The City may "discount" the amount of the SDC by reducing the portion of growth-required improvements to be funded with SDCs. For example, the City may decide to charge new development an SDC rate sufficient to pay only a percentage (i.e., 80%, 60%, etc.) of identified growth-required costs.

Because discounts reduce SDC revenues, they increase the amounts that must come from other sources, such as property taxes, in order to achieve or maintain desired levels of service.

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3.0 PARKS AND RECREATION SDC METHODOLOGY

The City's Master Plan includes projects designed to address both growth and non-growth needs within the City. The methodology used to develop the City's Parks and Recreation SDCs establishes the required connection between the demands of growth and the SDC by analyzing the proportionate need of facilities for use by current and future residents. The SDCs to be paid by a development meet statutory requirements because they are based on the nature of the development and the extent of the impact of the development on the need for parks and recreation facilities for which they are charged. The Parks and Recreation SDCs are based on population, and the SDC rates are calculated based on the specific impacts developments are expected to have on the City's population.

A. Population Growth

The Parks and Recreation SDCs are based on costs per "capita" (person) for each new person expected during the planning period. Table 3.1, below, shows projected population growth for the City through the year 2030.

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TABLE 3.1

PROJECTED POPULATION
INCREASE FROM NEW DEVELOPMENT (2007 - 2030)

Projected 2030	-	Estimated 2007	=	Projected Increase
39,994		34,735		5,259

B. Persons Per Dwelling Unit

The Parks and Recreation SDC rates are based on costs per capita and are calculated based on the number of persons per dwelling unit. To determine the appropriate number of persons per dwelling unit, official U.S. Census data for Keizer for the year 2000 was collected and is displayed in Table 3.2, page 6.

TABLE 3.2

AVERAGE NUMBER OF PERSONS PER DWELLING UNIT

	2000 Census Avg. Persons Per Dwelling Unit
Single Family Dwelling Unit (1 - 2 units)	2.75
Multi-Family Dwelling Unit (3 or more units)	2.18

C. Facility Needs

The City's Parks & Recreation Master Plan is incorporated into this report by reference. The plan identifies facilities designed to address both growth and non-growth needs for the City. The Capital Improvements Plan (Appendix) identifies projects designed to meet these needs.

Table 3.3, below, presents a summary of facility needs through the year 2030. The "Current Need" is the share needed to provide facilities to current residents at the levels of service resulting from facilities planned for 2030. The "Growth Need" is the share needed to provide facilities to future residents at the levels of service resulting from facilities planned for 2030.

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TABLE 3.3

FACILITIES REQUIRED FOR GROWTH NEEDS

Facility Type	2030 LOS (Units/1000)	Current Inventory	Current Need	Surplus (Defic.)	2030 Planned Units	**Growth Need**
Developed Waterfront and Regional Parks (acres)	1.11	1.50	38.47	(36.97)	44.30	**5.83**
Developed Small Parks (acres)	1.08	27.00	37.43	(10.43)	43.10	**5.67**
Developed Large and Special Use Parks (acres)	0.94	26.00	32.65	(6.65)	37.59	**4.94**
Natural Areas and Undeveloped Park Land (acres)	n/a	157.20	n/a	n/a	n/a	**0.00**
Trails & Pathways (miles)	0.64	24.97	22.38	2.59	25.77	**0.80**

Based on planned 2030 levels of service, there is a 36.97 acre deficiency in developed Waterfront and Regional Parks, a 10.43 acre deficiency in developed Small Parks, and a 6.65 acre deficiency in Large and Special Use Area Parks. Improvement fee SDC revenues may be used only for growth needs, and may not be used to remedy deficiencies. Alternative revenues must be used to repair these deficiencies.

D. Facility Costs

The Capital Improvements Plan, included as an appendix to this report, identifies new facilities needed to serve parks and recreation needs of the City's planning area through the year 2030. The total funding needed for all projects included in the Plan is $17,046,000. The SDC-eligible growth costs included in the Plan total $5,949,305, including $2,759,000 for new parkland, $2,946,305 for new park development, and $244,000 for trails and pathways.

For each project, the Capital Improvements Plan includes the total project cost, the growth-required portion (percentage), the SDC-eligible cost, and the estimated timing priority.

E. Compliance/Administrative Costs

The City incurs costs in the development and administration of the SDCs and may recoup a portion of those costs in accordance with ORS 223.307(5). Compliance/administrative costs through the year 2030 have been estimated as shown in Table 3.5, below.

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TABLE 3.4

COMPLIANCE/ADMINISTRATIVE COST ESTIMATES

Compliance/Administrative Cost	Total
Annual SDC-CIP Management, Accounting and Reporting Costs (approximately $10,000 per year for planning, financial reporting and staff services)	$220,000
Master Plan Update (1 X $100,000)	$100,000
Total Estimated Compliance/Administrative Costs	$320,000

F. Total SDC-Eligible Costs

The City's total SDC-eligible costs include the total growth costs (from Appendix) and compliance/administrative costs (from Table 3.4, above). The Total SDC-eligible costs are shown in Table 3.5, below.

TABLE 3.5

TOTAL SDC-ELIGIBLE COSTS

	Total SDC Eligible Costs
Growth Facility Costs	$5,949,305
PLUS: Compliance/Admin Costs	320,000
Total SDC-Eligible Costs	$6,269,305

4.0 PARKS AND RECREATION SDC RATES

The City's SDC rates are calculated using a series of sequential formulas which, when completed, yield the total parks and recreation SDC for each new dwelling unit in the City. The formulas identify:

a) the improvements cost per capita (Formula 4a, below),
b) the improvements cost per dwelling unit (Formula 4b, page 9)
c) the property tax credit per dwelling unit (Formula 4c, page 9), and
d) the net SDC per dwelling unit (Formula 4d, page 10).

The SDC rate is an "improvement fee" only, and does not include a "reimbursement fee" component.

A. Formula 4a: Improvements Cost Per Capita

The improvements cost per capita is calculated by dividing the SDC-eligible costs (identified in Table 3.5, page 7) by the increase in population expected to be created by new development through 2030 (from Table 3.1, page 5).

4a.	SDC Eligible Costs	÷	Population Increase	=	Improvements Cost Per Capita

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Table 4.1 presents the calculation of the improvements costs per capita.

TABLE 4.1

IMPROVEMENTS COST PER CAPITA

SDC Eligible Costs	÷	Population Increase	=	Improvements Cost Per Capita
$6,269,305		5,259		$1,192

B. Formula 4b: Improvements Cost Per Dwelling Unit

The improvements cost per dwelling unit is calculated by multiplying the average number of persons per dwelling unit (from Table 3.2, page 6) by the improvements cost per capita (from Table 4.1, page 9).

4b.	Persons Per Dwelling Unit	X	Improvements Cost Per Capita	=	Improvements Cost Per Dwelling Unit

The results of these calculations are displayed in Table 4.2, below.

TABLE 4.2

IMPROVEMENTS COST PER DWELLING UNIT

Type of Dwelling Unit	Average Persons Per Dwelling Unit	X	Improvements Cost Per Capita	=	Improvements Cost Per Dwelling Unit
Single Family (1 - 2 units)	2.75		$1,192		$3,278
Multi-Family (3 or more units)	2.18		$1,192		$2,599

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C. Formula 4c: Property Tax Credit Per Dwelling Unit

Debt instruments may be used to fund facilities needed to repair deficiencies, and a portion of these debts will be repaid from property taxes paid by growth. A tax credit has been calculated to account for potential payments in order to avoid charging growth twice; once through the SDC, and a second time through property taxes. A credit has been calculated for each type of dwelling unit using the following assumptions:

- $8 million in general obligation bonds issued in the year 2013,
- 6.0% average annual increase in total City property valuation for taxes,
- 3.0% annual increase in assessed property valuations,
- 3.0% annual inflation (decrease in value of money),
- average 2008 property valuations for new construction at $300,000 for single family and $150,000 for multi-family dwelling units.

4c.	Present Value of Future Property Tax Payments	=	SDC Tax Credit Per Dwelling Unit

The amount of this credit is shown in Table 4.3, below.

TABLE 4.3

TAX CREDIT PER DWELLING UNIT

	Tax Credit Per Dwelling Unit
Single Family Dwelling Unit:	$962
Multi-Family Dwelling Unit:	$481

D. Formula 4d: Net SDC Per Dwelling Unit

The net SDC rate per dwelling unit is calculated by subtracting the tax credit per dwelling unit (Table 4.3, above) from the improvements cost per dwelling unit (Table 4.2, page 9).

4d.	Improvements Cost Per Dwelling Unit	-	SDC Tax Credit Per Dwelling Unit	=	Net SDC Per Dwelling Unit

The results of these calculations are shown in Table 4.4, below.

TABLE 4.4

NET SDC PER DWELLING UNIT

	Improvements Cost Per Dwelling Unit	-	SDC Tax Credit Per Dwelling Unit	=	Net SDC Per Dwelling Unit
Single-Family:	$3,278		($962)		$2,316
Multi-Family:	$2,599		($481)		$2,118

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APPENDIX

KEIZER PARKS
CAPITAL IMPROVEMENTS PLAN

10/14/08

A. WATERFRONT PARKS SDC-CIP Project Number	Facility / Action		Estimated Project Cost ($)	Growth-Required Portion (%)	SDC-Eligible Growth Share ($)	Project Timing Priority
WP - 1	**Palma Ciea Park** Develop new park facilities on existing undeveloped parkland to meet growth and non-growth needs.					
	acres = 1.60	Acquisition	$0	0.0%	$0	
		Development	$170,000	13.6%	$23,120	to be added
		Total Cost	$170,000		$23,120	
WP - 2	**Wallace House Park** Develop new park facilities on existing undeveloped parkland to meet growth and non-growth needs.					
	acres = 11.20	Acquisition	$0	0.0%	$0	to be added
		Development	$700,000	13.6%	$95,200	
		Total Cost	$700,000		$95,200	
Waterfront Parks Subtotals						
Acquisition	0.00		$0		$0	
Development	12.80		$870,000		$118,320	
TOTAL	**12.80**		**$870,000**		**$118,320**	

B. SMALL CITY PARKS SDC-CIP Project Number	Facility / Action		Estimated Project Cost ($)	Growth-Required Portion (%)	SDC-Eligible Growth Share ($)	Project Timing Priority
SP - 1	**Blair Park** Develop new park facilities on existing undeveloped parkland to meet growth and non-growth needs.					
	acres = 2.10	Acquisition	$0	0.0%	$0	
		Development	$100,000	35.2%	$35,200	to be added
		Total Cost	$100,000		$35,200	
SP - 2	**Ben Miller Family Park** Renovate and upgrade existing park facilities non-growth needs.					
	acres = 2.40	Acquisition	$0	0.0%	$0	to be added
		Renovate & Upgrade	$30,000	0.0%	$0	
		Total Cost	$30,000		$0	
SP - 3	**Bob Newton Family Park** Renovate and upgrade existing park facilities non-growth needs.					
	acres = 5.90	Acquisition	$0	0.0%	$0	to be added
		Renovate & Upgrade	$100,000	0.0%	$0	
		Total Cost	$100,000		$0	
SP - 4	**Calmers-Jones Park/Carlson Skate Park** Renovate and upgrade existing park facilities non-growth needs.					
	acres = 2.90	Acquisition	$0	0.0%	$0	
		Renovate & Upgrade	$50,000	0.0%	$0	to be added
		Total Cost	$50,000		$0	
SP - 5	**Clear Lake Park** Renovate and upgrade existing park facilities non-growth needs.					
	acres = 4.00	Acquisition	$0	0.0%	$0	to be added
		Renovate & Upgrade	$10,000	0.0%	$0	
		Total Cost	$10,000		$0	

APPENDIX

KEIZER PARKS CAPITAL IMPROVEMENTS PLAN					page 2 10/14/08
B. SMALL CITY PARKS (continued) SDC-CIP Project Number / Facility / Action		Estimated Project Cost ($)	Growth-Required Portion (%)	SDC-Eligible Growth Share ($)	Project Timing Priority
SP - 6	**Country Glen Park** Renovate and upgrade existing park facilities non-growth needs.				
	acres = 5.90 Acquisition	$0	0.0%	$0	
	Renovate & Upgrade	$50,000	0.0%	$0	to be added
	Total Cost	$50,000		$0	
SP - 7	**Keizer Station Park** Develop new park facilities on existing undeveloped parkland to meet growth and non-growth needs. (Donation)				
	acres = 1.30 Acquisition	$0	0.0%	$0	
	Development	$0	35.2%	$0	to be added
	Total Cost	$50,000		$0	
SP - 8	**Meadows Park** Renovate and upgrade existing park facilities non-growth needs.				
	acres = 3.00 Acquisition	$0	0.0%	$0	to be added
	Renovate & Upgrade	$10,000	0.0%	$0	
	Total Cost	$10,000		$0	
SP - 9	**Northview Terrace Park** Renovate and upgrade existing park facilities non-growth needs.				
	acres = 2.10 Acquisition	$0	0.0%	$0	to be added
	Renovate & Upgrade	$200,000	0.0%	$0	
	Total Cost	$200,000		$0	
SP - 10	**Willamette Manor Park** Renovate and upgrade existing park facilities non-growth needs.				
	acres = 2.40 Acquisition	$0	0.0%	$0	to be added
	Renovate & Upgrade	$120,000	0.0%	$0	
	Total Cost	$120,000		$0	
SP - 11	**Joint School Use Parks (Sites Unidentified)** Develop new park facilities for joint use at public schools..				
	acres = 6.00 Acquisition	$0	0.0%	$0	to be added
	Development	$1,000,000	35.2%	$352,000	
	Total Cost	$1,000,000		$352,000	
SP - 12	**New Small Park (Site Unidentified)** Acquire land and develop small park to meet growth and non-growth needs.				
	acres = 4.00 Acquisition	$800,000	100.0%	$800,000	to be added
	Development	$1,600,000	35.2%	$563,200	
	Total Cost	$2,400,000		$1,363,200	
SP - 13	**New Small Park (Site Unidentified)** Acquire land and develop small park to meet growth and non-growth needs.				
	acres = 4.00 Acquisition	$800,000	100.0%	$800,000	to be added
	Development	$1,600,000	35.2%	$563,200	
	Total Cost	$2,400,000		$1,363,200	
Small Parks Subtotals					
Acquisition	8.00	$1,600,000		$1,600,000	
Development	16.10	$4,870,000		$1,513,600	
TOTAL	**16.10**	**$6,470,000**		**$3,113,600**	

APPENDIX

C. LARGE CITY PARKS SDC-CIP Project Number	Facility	Action	Estimated Project Cost ($)	Growth-Required Portion (%)	SDC-Eligible Growth Share ($)	Project Timing Priority
LP - 1	**Claggett Creek Park** Acquired and develop additional land for expansion of the park to serve growth and non-growth needs					
	acres = 11.59	Acquisition	$1,159,000	100.0%	$1,159,000	to be added
		Development	$641,000	42.6%	$273,066	
		Total Cost	$1,800,000		$1,432,066	
Acquisition	11.59		$1,159,000		$1,159,000	
Development	11.59		$641,000		$273,066	
TOTAL	**11.59**		**$1,800,000**		**$1,432,066**	

D. REGIONAL PARKS & SPECIAL USE FACILITIES SDC-CIP Project Number	Facility	Action	Estimated Project Cost ($)	Growth-Required Portion (%)	SDC-Eligible Growth Share ($)	Project Timing Priority
RP - 1	**Keizer Rapids Park** Develop new facilities to serve growth and non-growth needs.					
	acres = 30.00	Acquisition	$0	0.0%	$0	to be added
		Development	$7,500,000	13.6%	$1,020,000	
		Total Cost	$7,500,000		$1,020,000	
SU - 1	**Indoor Recreation Facility** Perform Feasibility study for facilities to serve growth and non-growth needs					
	acres = 0.00	Acquisition	$0	0.0%	$0	to be added
		Feasibility Study	$50,000	13.2%	$6,580	
		Total Cost	$50,000		$6,580	
Regional Parks & Special Use Facilities Subtotals						
Acquisition	0.00		$0		$0	
Development	30.00		$7,550,000		$1,026,580	
SUB-TOTAL	**30.00**		**$7,550,000**		**$1,026,580**	

APPENDIX

KEIZER PARKS
CAPITAL IMPROVEMENTS PLAN

E. NATURAL AREA/OPEN SPACE & UNDEVELOPED PARKS SDC-CIP Project Number	Facility	Action	Estimated Project Cost ($)	Growth-Required Portion (%)	SDC-Eligible Growth Share ($)	Project Timing Priority
OS - 1	**Hidden Creek Park** Develop facilities to meet growth and non-growth needs.					
	acres = 3.70	Acquisition	$0	0.0%	$0	to be added
		Development	$2,000	13.2%	$263	
		Total Cost	$2,000		$263	
OS - 2	**Northridge Park** Develop facilities to meet growth and non-growth needs.					
	acres = 9.50	Acquisition	$0	0.0%	$0	to be added
		Development	$80,000	13.2%	$10,528	
		Total Cost	$80,000		$10,528	
UP - 1	**Mike Whittam Park** Develop facilities to meet growth and non-growth needs.					
	acres = 6.10	Acquisition	$0	0.0%	$0	to be added
		Development	$30,000	13.2%	$3,948	
		Total Cost	$30,000		$3,948	
Natural Area/Open Space Subtotals						
Acquisition	0.00		$0		$0	
Development	19.30		$112,000		$14,739	
TOTAL	**19.30**		**$112,000**		**$14,739**	

F. PATHWAYS AND CONNECTIVITY SDC-CIP Project Number	Facility	Action	Estimated Project Cost ($)	Growth-Required Portion (%)	SDC-Eligible Growth Share ($)	Project Timing Priority
PC - 1	**Multi-Use Pathway (Clagett Creek)** Develop new multi-use pathway facilities to serve growth and non-growth needs.					
	miles =. 0.80	Development	$244,000	100.0%	$244,000	to be added
		Total Cost	$244,000		$244,000	
Bike/Pathways Subtotal						
Development (miles)	0.80		$244,000		$244,000	
TOTAL MILES	**0.80**		**$244,000**		**$244,000**	

CITY COUNCIL MEETING:____________________

AGENDA ITEM NUMBER:________________

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

THROUGH: CHRIS EPPLEY
CITY MANAGER

FROM: ROB KISSLER
DIRECTOR OF PUBLIC WORKS

SUBJECT: ORDINANCE 95-332 REGULATING STREET TREES

DATE: OCTOBER 14, 2008

BACKGROUND:

The current City Ordinance regulating trees planted in the public right of way ether new or as replacement trees is out of date. New and improved tree species are available to reduce the risk of sidewalk or curb damage from tree root systems. Section 2f in the existing Ordinance identifies the current tree specie list (Attachment A).

During the design and construction of the Dearborn Improvements, a concerned citizen with many years of experience in the Oregon State Extension Service approach City staff to see if we were interested in a new more current specie list suitable for the public rights of way. Staff requested a list of tree species from our customer for consideration. Staff has refined the tree specie list provided to the appropriate trees for right of way applications. (Attachment B).

FISCAL IMPACT:

No fiscal impact anticipated in the proposed amendment to the Ordinance.

RECOMMENDATION:

Staff recommends the City Council adopt the attached amended Ordinance 95-332 regulating street trees section 2f inserting the new street tree specie list. Please contact me if you have questions.

BILL NO. 314 | A BILL FOR AN ORDINANCE | ORDINANCE NO. 95-332

REGULATING THE MAINTENANCE, PLANTING AND REMOVAL OF CERTAIN TREES (TREE PRESERVATION ORDINANCE)

The City of Keizer ordains as follows:

Section 1. PURPOSE. The purpose of this ordinance is to regulate the planting, maintenance, and removal of trees abutting and in public right-of-ways or municipally owned property, the regulation of trees in parks, and to set forth a process to designate and protect certain trees as "Heritage Trees."

Section 2. TREES IN THE PUBLIC RIGHT-OF-WAY.

a. Maintenance and Protection of Trees. Trees located in the public right-of-way, including parking strips between streets and sidewalks, shall be maintained by the immediately abutting property owner ("owner") and shall not be cut down, removed, topped, or transplanted without first obtaining a permit from the City of Keizer. "Topping" is defined as the severe cutting back of trunk and/or limbs to stubs within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. It shall be unlawful to intentionally damage, deface or attach any rope, wire, nail, sign, poster, or any other manmade object to any tree located in the public right-of-way.

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b. Removal of Trees. Removal of trees located near or within the public right-of-way is the responsibility of the owner and is required in the following circumstances:

i. When there is damage occurring to the surrounding lawn, street, sidewalk, and/or curb.

ii. When a tree is damaged or sick or creating imminent danger to persons or property.

iii. When a tree is infected by or harbors any injurious fungus, insect or disease which constitutes a potential threat to other trees within the city.

iv. When a tree by reason of its nature is or may become injurious to sewers, electric power lines, gas lines, water lines, or public improvements of any type.

v. Stumps of trees in the public right-of-way may remain if they do not interfere with the integrity of saved trees, so long as said stumps shall be removed to a depth of eight inches below the level of the sidewalk, or if no sidewalk exists, eight inches below the grade of the center line of the right-of-way. Stumps shall be cut at ground level if removal of the stump or the cutting of the stump below the surface shall have a harmful effect on any saved tree or trees.

c. Interference with Street Lighting and Traffic Devices. Every owner of any tree located in or overhanging any street or public right-

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of-way within the City of Keizer shall prune all branches so that such branches shall not:

i. Obstruct the view of any public or private intersection pursuant to Keizer Zoning Ordinance Section 17.18.

ii. Obstruct the view of any traffic control device or sign.

iii. Severely obstruct the light from any streetlight.

iv. Protrude into the area thirteen (13) feet above the street surface or eight (8) feet above the sidewalk surface.

d. Nuisance Declared. The City of Keizer hereby declares that all trees described in subsections (b) and (c) above are deemed to be nuisances and are subject to abatement.

e. Trees Exempted. Trees on or adjacent to public right-of-ways or which are severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the Keizer Public Works Department. Tree limbs that grow near high voltage electrical wires and equipment shall be maintained clear of such conductors by the electric utility company in compliance with any applicable franchise agreements.

f. Planting Trees in Public Right-of-Way. Any tree removed from the public right-of-way must be replaced with a new tree. It shall be unlawful to plant any tree in the public right-of-way without first obtaining written permission from the City of Keizer. Applications for

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removal/planting of trees shall be combined into one form. No fee shall be charged for the permitting process. The trees listed below may be approved for planting in the right-of-way:

TREES

Latin Name	Common Name
Acer compestre	Hedge Maple
Acer grandidentatum	Rocky Mountain Glow Maple
Acer platanoides & var.	Norway Maple & Var.
Acer pseudoplatanus	Sycamore Maple
Acer rubrum & var.	Red Maple & Var.
Acer saccharum & var.	Sugar Maple & Var.
Betula jacquemontii	Jacquemontii Birch
Catalpa bignoniodes 'aurea'	Goldon Catalpa
Carpinus betulus 'fastigiata'	Columnar Hornbeam
Fagus sylvatica & var.	Beech & Var.
Fraxinus americana & var.	White Ash & Var.
Fraxinus oxycarpa 'raywood'	Raywood Ash
Fraxinus pannsylvanica & var.	Green Ash & Var.
Gleditsia triacanthos & var.	Thornless Honey Locust & Var.
Liquidambar styraciflua 'maraine'	Moraine Sweetgum
liriodendron tulipifera fastigiatum	Arnold Tuliptree
Platanus acerfolia & var.	London Plane Tree & Var.
Magnolia kobus	Kobus Magnolia
Prunus sargentii & Columnaris	Sargent Cherry
Prunus serrulata 'Kwanzan'	Kwanzan Cherry
Pyrus calleryana & var.	Flowering Pear & Var.
Quercus bicolor	Swamp White Oak
Quercus coccinea	Scarlet Oak
Quercus palustris	Pin Oak
Quercus robur & var.	English Oak & Var.
Quercus rubra	Red Oak
Quercus shumardii	Shumard Oak
Tilia cordata 'salem'	Salem Linden
Ulmus parvifolia	Chinese Elm
Zelkova serrata 'green vase'	Green Vase Zelkova

Another variety of tree may be acceptable if approved by the City.

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g. Heritage Trees in the public right-of-way shall be regulated pursuant to Section 4 of this Ordinance. This Section 2 (Trees in the Public Right-of-Way) is not applicable to Heritage Trees.

Section 3. TREES LOCATED IN CITY PARKS OR ON MUNICIPALLY OWNED PROPERTY.

a. Removal, Planting and Pruning of Trees. No person, other than an employee of the City of Keizer acting at the direction of the Parks Superintendent, or persons authorized by the City of Keizer, shall plant, prune, otherwise cut, remove, or transplant any tree in any city park or on any municipally owned property. The City of Keizer retains the right to take any action it deems prudent with regard to any tree located in a city park or on municipally-owned property.

b. Damaging Trees Unlawful. It shall be unlawful to intentionally damage, deface, or attach any rope, wire, nail, sign, poster, or any other manmade object to any tree located in a city park.

Section 4. HERITAGE TREES.

a. Designated Heritage Trees. Heritage Trees are those trees designated by the City Council as such due to their location, size or age of their species, botanical interest, commemorative plantings, or historical significance. The trees may be designated by the City Council through nominations from the general public.

b. Nomination for Designation. The nominations shall include the following information:

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i. Type of tree.

ii. Size of tree.

iii. General location of tree.

iv. Reason for nomination of tree.

v. Written permission for the designation from the property owner where the tree is located.

City staff will review all nominations and send recommendations to the City Council.

c. Certificate of Designation. If a nominated tree is designated by the City Council as a Heritage Tree, the property owner will receive a certificate evidencing the designation. No fee shall be charged for the nomination/designation process.

d. Recorded Notice. After a tree has been officially designated as a Heritage Tree, the City shall cause the designation to be filed with the Marion County Recorder and made a part of the title record of the real property on which the tree is located in order to apprise future purchasers of the designation and accompanying restrictions.

e. Damage to Heritage Trees Unlawful. It shall be unlawful to cut down, prune or top a tree designated as a Heritage Tree without first obtaining written permission from the City of Keizer. It shall also be unlawful to intentionally damage, deface, or attach any rope, wire, nail, sign, poster, or any other manmade object to any Heritage Tree.

f. In the event the City desires to cut down, prune, or top a tree

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which has been designated as a Heritage Tree, and which is located in the public right-of-way, the City shall provide the immediate property owner with at least thirty (30) days prior written notice of its intent to do so. The property owner shall then have the right to appeal the City's decision to the City Council. If a Heritage Tree is located in the public right-of-way and poses an imminent danger to persons or property, the City shall have the right to cause or order the removal of said tree, or any part thereof, without first providing the immediate property owner with written notice and the property owner shall have no right to appeal.

Section 5. REMEDIES. Violations of this Code are infractions, and the responsible parties may be cited under the Keizer Civil Infraction Ordinance. The Keizer Municipal Court may fine an individual who is found to have violated this ordinance a fine not to exceed a maximum of $500.00 per separate offense, which shall include, but is not limited to, each tree removed or damaged in violation of this Ordinance. In addition, the nuisance may be abated under Keizer Nuisance Abatement Procedures, Ordinance No. 94-282. Pursuant to such ordinance, the costs of nuisance abatement, including, but not limited to, the costs of replacing trees shall be charged to the violator in addition to any fine imposed. These procedures and/or remedies shall not prohibit in any way any alternative remedies set out in city ordinances or state statutes intended to alleviate ordinance violations. The remedies set forth herein are not exclusive, but are in addition to any and all common law remedies for the abatement of nuisances.

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Section 6. 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 7 day of August, 1995.

SIGNED this 7 day of August, 1995.

Dennis Koho
Mayor

Wanda Davis
City Recorder

4152COK2.005

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APPROVED LIST OF STREET TREES
LOCATED IN PUBLIC RIGHTS OF WAY

	COMMON NAME
Acer campestre “Panacek”	Metro Gold Maple
Acer grandidentatum “Schmidt”	Rocky Mtn, Glow Maple
Acer miyabei “Morton”	State Street Maple
Acer platanoides “Columnar”	Columnar Norway Maple
Acer rubrum “Armstrong”	Armstrong Red Maple
Acer rubrum “Bowhall”	Bowhall Red Maple
Acer rubrum “Frank Jr”	Redpointe Red Maple
Acer rubrum “Franksred”	Red Sunset Maple
Acer rubrum “New World”	New World Red Maple
Acer rubrum “Scarsen”	Scarlet Sentinel Red Maple
Acer saccharum “Legacy”	Legacy Sugar Maple
Acer x freemanil “Jeffersred”	Autumn Blaze Maple
Carpinus betulus “Fastigiata”	Pyramidal European Hornbeam
Carpinus betulus “Frans Fontaine”	Frans Fontaine Hornbeam
Fagus sylvestris “Fastigiata”	Fastigiate or Dawyck Beech
Ginkgo biloba “Autumn Gold”	Autumn Gold Ginkgo
Ginkgo biloba “Golden Colonnade”	Gold Colonnade Ginkgo
Ginkgo biloba “Magyar”	Magyar Ginkgo
Ginkgo biloba “Princeton Sentry”	Princeton Sentry Ginkgo
Ginkgo biloba	Ginkgo, Maidenhair Tree
Gymnocladus dioicus “Espresso”	Espresso Kentucky Coffee Tree
Liriodendron tulipfera “Fastigiatum”	Columnar Tulip Tree
Liriodendron tulipifera	Tulip Tree
Metasequoia glyptostroboides	Dawn Redwood
Prunus “First Lady”	First Lady Cherry
Prunus “Okame”	Okame Cherry
Prunus sargentil “JFS-KW58”	Pink Flair Cherry
Prunus x hillieril “Spire”	Spire Cherry
Prunus Xyedoensis “Akebono”	Akebono Cherry
Pyrus calleryana “Artistocrat”	Aristocrat Ornamental Pear
Pyrus calleryana “Cambridge”	Cambridge Orn. Pear
Pyrus calleryana “Capital”	Capital Ornamental Pear
Pyrus calleryana “Chanticleer”	Chanticleer Orn. Pear
Pyrus calleryana cvs.	Ornamental Pears
Quercus alba x Q robur “Crimschmidt”	Crimson Spire Oak
Quercus robur “Fastigiata”	Skyrocket Oak
Quercus robur “Pyramich”	Skymaster Oak
Quercus robur x “Asjes”	Rosehill Oak
Quercus robur x bicolor “Long”	Regal Prince Oak
Taxodium distichum “Mickelson”	Shawnee Brave Bald Cypress
Ulmus “Morton Glossy”	Triumph Elm
Ulmus “Patriot”	Patriot Elm
Ulmus parvifolia “Emer I”	Allee Chinese Elm
Ulmus parvifolia “UPMTF”	Bosque Chinese Elm
Ulmus wilsoniana “Prospector”	Prospector Elm
Zelkova serrata “Green Vase”	Green Vase Zelkova
Zelkova serrata “Halka”	Halka Zelkova
Zelkova serrata “Musashino”	Musashino Columnar Zelkova
Zelkova serrata “Schmidtlow”	Wireless Zelkova

BILL NO. ____ A BILL ORDINANCE NO. 2008-__________

FOR

AN ORDINANCE

AMENDING THE ORDINANCE REGULATING THE MAINTENANCE, PLANTING AND REMOVAL OF CERTAIN TREES (TREE PRESERVATION ORDINANCE); **(AMENDING ORDINANCE NO. 95-332)**

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

Section 1. AMENDMENT OF ORDINANCE NO. 95-332. Ordinance No. 95-332 (Regulating the Maintenance, Planting and Removal of Certain Trees – Tree Preservation Ordinance) is hereby amended at Section 2.f. to read as follows:

"f. Planting Trees in Public Right-of-Way. Any tree removed from the public right-of-way must be replaced with a new tree. It shall be unlawful to plant any tree in the public right-of-way without first obtaining written permission from the City of Keizer. Applications for removal/planting of trees shall be combined into one form. No fee shall be charged for the permitting process. The trees listed below may be approved for planting in the right-of-way:

APPROVED LIST OF STREET TREES (R.O.W.)

LATIN NAME	**COMMON NAME**
Acer campestre "Panacek"	Metro Gold Maple
Acer grandidentatum "Schmidt"	Rocky Mtn, Glow Maple
Acer miyabei "Morton"	State Street Maple
Acer platanoides "Columnar"	Columnar Norway Maple
Acer rubrum "Armstrong"	Armstrong Red Maple
Acer rubrum "Bowhall"	Bowhall Red Maple
Acer rubrum "Frank Jr"	Redpointe Red Maple
Acer rubrum "Franksred"	Red Sunset Maple

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Acer rubrum “New World”	New World Red Maple
Acer rubrum “Scarsen”	Scarlet Sentinel Red Maple
Acer saccharum “Legacy”	Legacy Sugar Maple
Acer x freemanil “Jeffersred”	Autumn Blaze Maple
Carpinus betulus “Fastigiata”	Pyramidal European Hornbeam
Carpinus betulus “Frans Fontaine”	Frans Fontaine Hornbeam
Fagus sylvestris “Fastigiata”	Fastigiate or Dawyck Beech
Ginkgo biloba “Autumn Gold”	Autumn Gold Ginkgo
Ginkgo biloba “Golden Colonnade”	Gold Colonnade Ginkgo
Ginkgo biloba “Magyar”	Magyar Ginkgo
Ginkgo biloba “Princeton Sentry”	Princeton Sentry Ginkgo
Ginkgo biloba	Ginkgo, Maidenhair Tree
Gymnocladus dioicus “Espresso”	Espresso Kentucky Coffee Tree
Liriodendron tulipfera “Fastigiatum”	Columnar Tulip Tree
Liriodendron tulipifera	Tulip Tree
Metasequoia glyptostroboides	Dawn Redwood
Prunus “First Lady”	First Lady Cherry
Prunus “Okame”	Okame Cherry
Prunus sargentil “JFS-KW58”	Pink Flair Cherry
Prunus x hillieril “Spire”	Spire Cherry
Prunus Xyedoensis “Akebono”	Akebono Cherry
Pyrus calleryana “Artistocrat”	Aristocrat Ornamental Pear
Pyrus calleryana “Cambridge”	Cambridge Orn. Pear
Pyrus calleryana “Capital”	Capital Ornamental Pear
Pyrus calleryana “Chanticleer”	Chanticleer Orn. Pear
Pyrus calleryana cvs.	Ornamental Pears
Quercus alba x Q robur “Crimschmidt”	Crimson Spire Oak
Quercus robur “Fastigiata”	Skyrocket Oak
Quercus robur “Pyramich”	Skymaster Oak
Quercus robur x “Asjes”	Rosehill Oak
Quercus robur x bicolor “Long”	Regal Prince Oak
Taxodium distichum “Mickelson”	Shawnee Brave Bald Cypress
Ulmus “Morton Glossy”	Triumph Elm
Ulmus “Patriot”	Patriot Elm
Ulmus parvifolia “Emer I”	Allee Chinese Elm
Ulmus parvifolia “UPMTF”	Bosque Chinese Elm
Ulmus wilsoniana “Prospector”	Prospector Elm
Zelkova serrata “Green Vase”	Green Vase Zelkova
Zelkova serrata “Halka”	Halka Zelkova
Zelkova serrata “Musashino”	Musashino Columnar Zelkova
Zelkova serrata “Schmidtlow”	Wireless Zelkova

Another variety of tree may be acceptable if approved by the

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City."

Section 2. ORDINANCE REMAINS IN EFFECT. Except as amended herein, Ordinance No. 95-332 (Regulating the Maintenance, Planting and Removal of Certain Trees – Tree Preservation Ordinance) remains in full force and effect.

Section 3. EFFECTIVE DATE. This Ordinance shall take effect thirty (30) days after its passage.

PASSED this ________ day of ___________________, 2008.

SIGNED this ________ day of ___________________, 2008.

____
Mayor

____
City Recorder

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COUNCIL MEETING: October20, 2008

AGENDA ITEM NUMBER:______________

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRIS EPPLEY
CITY MANAGER

FROM: ROB KISSLER, PUBLIC WORKS DIRECTOR
AND
SUSAN GAHLSDORF, CPA
FINANCE DIRECTOR

SUBJECT: Authorization for Supplemental Budget

ISSUE: ***Oregon Parks and Recreation Grant for Keizer Rapids Park***

The Oregon Department of Parks and Recreation has awarded the City of Keizer a grant for $45,000 for trails and parking lot paving at Keizer Rapids Park (grant number LGP0299). This grant has been approved by the City Manager. The money is to be expended out of the Park Improvement Fund. The Parking lot portion of this project has been completed. City staff is beginning the process of obtaining estimates for the trails sections.

Oregon Budget Law allows for the expenditure of funds when money that was not anticipated when the adopted budget was prepared is made available by another unit of federal, state or local government (ORS 294.480);

Oregon Budget Law further provides that a resolution or ordinance be passed to provide authority for the expenditure of these funds.

FISCAL IMPACT: The City anticipates receiving $45,000 in grant funds and expending this same amount for park improvements having zero net effect on the City's Budget.

RECOMMENDATION: Staff recommends the council adopt the attached resolution authorizing the expenditure of funds as described above.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2008-_____

AUTHORIZATION FOR SUPPLEMENTAL BUDGET – OREGON DEPARTMENT OF PARKS AND RECREATION – KEIZER RAPIDS PARK

WHEREAS ORS 294.480 allows for the expenditure of funds when money that was not anticipated when the adopted budget was prepared is made available by another unit of federal, state or local government;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Keizer, that the following appropriations be made for fiscal year ending June 30, 2009:

Park Improvement Fund	Increase	Decrease
Capital Outlay	$45,000	
Revenue	$45,000	

The Oregon Department of Parks and Recreation has awarded the City of Keizer a grant for improvements at Keizer Rapids Park. An appropriation is needed to expended these grant funds.

PASSED this _____ day of __________________, 2008

SIGNED this _____ day of __________________, 2008

____
Mayor

____
City Recorder

COUNCIL MEETING: October 20, 2008

AGENDA ITEM NUMBER:_______________

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRIS EPPLEY
CITY MANAGER

FROM: SAM LITKE, SENIOR PLANNER
AND
SUSAN GAHLSDORF, CPA
FINANCE DIRECTOR

SUBJECT: Authorization for Supplemental Budget and Resolution Transfer

ISSUE: ***Department of Land Conservation and Development Grant for Community Development Visioning Project and Oregon Marine Board Grant for Keizer Rapids Park***

The **Oregon Department of Land Conservation and Development** has awarded the City of Keizer a grant for $50,000 for the Community Development Department's Visioning Project. The visioning project will engage citizen opinions and aspirations on a 20-year vision for the City of Keizer. This process will utilize a citizen advisory committee, surveys, and community forums as a means to engage the public on issues of concern facing Keizer in the coming years. For example. these issues will include economic development, quality of life, growth, and other factors determined to be important to Keizer citizens.

The City Manager has approved this grant and the Parking lot portion of this project has been completed. City staff is beginning the process of obtaining estimates for the trail sections. The Grant funds are to be expended out of the Park Improvement Fund. This grant requires a $10,000 City in-kind match. The in-kind match is included in the General Fund – Community Development budget and does not require a budget adjustment.

The **Oregon Marine Board** has awarded the City of Keizer a grant for $56,250 to pay the costs of all required permits from both the state and federal jurisdictions before a boat ramp and parking lot can be constructed in the Keizer Rapids Park providing access to the Willamette River. This is a reimbursement grant. The grant provides for a $11,250 City cash match and $7,500 City in-kind match. Following approval of all required permits, a future grant will allow for the construction of the boat ramp.

The City Manager has approved this grant. The Grant funds and the City cash match are to be expended out of the Park Improvement Fund. The $7,500 City in-kind match is included in the General Fund – Community Development budget and does not require a budget adjustment.

Oregon Budget Law allows for the expenditure of funds when money that was not anticipated when the adopted budget was prepared is made available by another unit of federal, state or local government (ORS 294.480);

Oregon Budget Law allows for the transfer of appropriations within a fund during the fiscal year (ORS 294.450);

Oregon Budget Law further provides that a resolution or ordinance be passed to provide authority for the expenditure of these funds.

FISCAL IMPACT: The City anticipates receiving $106,250 in grant funds and expending $117,500 giving a net expenditure in the Park Improvement Fund of $11,250. Staff recommends using Capital Outlay Contingency funds to cover the $11,250 additional expenditure.

RECOMMENDATION: Staff recommends the council adopt the attached resolution authorizing the expenditure of funds as described above.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2008-_____

**AUTHORIZATION FOR SUPPLEMENTAL BUDGET AND RESOLUTION TRANSFER
OREGON DEPARTMENT OF LAND CONSERVATION – VISIONING PROJECT
OREGON MARINE BOARD – KEIZER RAPIDS PARK**

WHEREAS ORS 294.480 allows for the expenditure of funds when money that was not anticipated when the adopted budget was prepared is made available by another unit of federal, state or local government;

WHEREAS ORS 294.450 allows for the transfer of appropriation authority within a fund during the fiscal year;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Keizer, that the following appropriations be made for fiscal year ending June 30, 2009:

General Fund – Community Development Department	**Increase**	**Decrease**
Materials & Services	**$50,000**	
Revenue	**$50,000**	

The Oregon Department of Land Conservation and Development has awarded the City of Keizer a grant for the Community Development Department Visioning Project.

Park Improvement Fund	**Increase**	**Decrease**
Capital Outlay Expenditures	**$67,500**	
Revenue – Grant Funds	**$56,250**	
Capital Outlay Contingency		**$11,250**

The Oregon Marine Board has awarded the City of Keizer a grant to pay for Federal and State permits required for the construction of a boat ramp and parking lot at Keizer Rapids Park.

PASSED this _____ day of __________________, 2008

SIGNED this _____ day of __________________, 2008

____

Mayor

____

City Recorder

COUNCIL MEETING: **October 20, 2008**

AGENDA ITEM NUMBER: ______________

TO: **MAYOR CHRISTOPHER AND CITY COUNCILORS**

THROUGH: **CHRIS EPPLEY, CITY MANAGER**

FROM: **SUSAN GAHLSDORF, CPA, FINANCE DIRECTOR**

SUBJECT: **Identity Theft Red Flag Program**

ISSUE: The Red Flags Rule implements portions of the Fair and Accurate Credit Transactions Act of 2003 (FACTA). Section 111 of FACTA defines "Identity Theft" as "fraud committed using the identifying information of another person."

Under the Red Flags Rule, every financial institution and "creditor" (defined below) is required to establish an Identity Theft Prevention Program tailored to its size, complexity and the nature of its operation. The program must contain reasonable policies and procedures to:

- Identify relevant Red Flags for new and existing "covered accounts" (defined below) and incorporate those Red Flags into the Program;
- Detect Red Flags that have been incorporated into the Program;
- Respond appropriately to any Red Flags that are detected to prevent and mitigate Identity Theft; and
- Ensure the Program is updated periodically to reflect changes in risks to customers or to the safety and soundness of the creditor from Identity Theft.

According to the Rule, a municipal utility is a "creditor" subject to the Rule requirements. "Covered Accounts" are all the individual utility service accounts held by customers of the utility whether residential, commercial or industrial.

Utilities, as well as all other applicable creditors, have until November 1, 2008 to have a written program in place that identifies and detects warning signs, also known as "Red Flags" of identity theft. City staff became aware of this mandate in mid-September. Utility Billing staff has been trained in the implementation of this program and will begin implementation upon approval by Council.

FISCAL IMPACT: There is no direct fiscal impact to implementing this program.

RECOMMENDATION: Staff recommends the City Council adopt the attached resolution adopting an Identity Theft Red Flag Program for the City of Keizer as a municipal utility.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2008-_____

ADOPTING AN IDENTITY THEFT PREVENTION PROGRAM IN ACCORDANCE WITH THE FEDERAL FAIR AND ACCURATE CREDIT TRANSACTIONS ACT OF 2003

WHEREAS, the Federal Trade Commission (FTC) adopted rules concerning the adoption of identity theft prevention programs required by the Fair and Accurate Credit Transactions (FACT) Act of 2003, which took effect on January 1, 2008;

WHEREAS, the FTC's rules (Red Flags Rule) require creditors, such as City utilities, to establish identity theft prevention programs for covered accounts, including utility accounts;

WHEREAS, the Red Flags Rule requires identity theft prevention programs to provide for the identification, detection, and response to patterns, practices, or specific activities, known as "red flags," that could indicate identity theft;

WHEREAS, City staff has evaluated the number and type of accounts covered by FACT, the likelihood of damage from identity theft, the cost and operational burden in tracking "red flags," and appropriate responses in the event an identity theft situation develops;

WHEREAS, the Finance Director has prepared the attached Identity Theft Prevention Program for the City, which is commensurate with the size and complexity of the City's customer accounts and scope of its activities as a creditor for utilities and

Lien & Johnson
Attorneys at Law
4855 River Road North
Keizer, Oregon 97303
503-390-1635

Municipal Court obligations; and

WHEREAS, FACT requires the Identity Theft Prevention Program to be effective no later than November 1, 2008.

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the Identity Theft Prevention Program attached to this Resolution is adopted.

BE IF FURTHER RESOLVED by the City Council of the City of Keizer that this Resolution shall take effect on November 1, 2008.

PASSED this __________ day of _________________, 2008.

SIGNED this __________ day of _________________, 2008.

____
Mayor

____
City Recorder

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Attorneys at Law
4855 River Road North
Keizer, Oregon 97303
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City of Keizer

Identity Theft Prevention Program

Effective beginning November 1, 2008

I. PROGRAM ADOPTION

The City of Keizer ("Utility") developed this Identity Theft Prevention Program ("Program") pursuant to the Federal Trade Commission's Red Flags Rule ("Rule"), which implements Section 114 of the Fair and Accurate Credit Transactions Act of 2003. 16 C. F. R. § 681.2. This Program was developed with oversight and approval of the City Council. After consideration of the size and complexity of the Utility's operations and account systems, and the nature and scope of the Utility's activities, the City Council determined that this Program was appropriate for the City of Keizer, and therefore adopted this Program on October 20, 2008.

II. PROGRAM PURPOSE AND DEFINITIONS

A. Fulfilling requirements of the Red Flags Rule

Under the Red Flag Rule, every financial institution and creditor is required to establish an "Identity Theft Prevention Program" tailored to its size, complexity and the nature of its operation. Each program must contain reasonable policies and procedures to:

1. Identify relevant Red Flags for new and existing covered accounts and incorporate those Red Flags into the Program;
2. Detect Red Flags that have been incorporated into the Program;
3. Respond appropriately to any Red Flags that are detected to prevent and mitigate Identity Theft; and
4. Ensure the Program is updated periodically, to reflect changes in risks to customers or to the safety and soundness of the creditor from Identity Theft.

B. Red Flags Rule definitions used in this Program

The Red Flags Rule defines "Identity Theft" as "fraud committed using the identifying information of another person" and a "Red Flag" as "a pattern, practice, or specific activity that indicates the possible existence of Identity Theft."

According to the Rule, a municipal utility is a creditor subject to the Rule requirements. The Rule defines creditors "to include finance companies, automobile dealers, mortgage brokers, utility companies, and telecommunications companies. Where non-profit and government entities defer payment for goods or services, they, too, are to be considered creditors."

All the Utility's accounts that are individual utility service accounts held by customers of the utility whether residential, commercial or industrial are covered by the Rule. Under the Rule, a "covered account" is:

1. Any account the Utility offers or maintains primarily for personal, family or household purposes, that involves multiple payments or transactions; and

2. Any other account the Utility offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the Utility from Identity Theft.

"Identifying information" is defined under the Rule as "any name or number that may be used, alone or in conjunction with any other information, to identify a specific person," including: name, address, telephone number, social security number, date of birth, government issued driver's license or identification number, alien registration number, government passport number, employer or taxpayer identification number, unique electronic identification number, computer's Internet Protocol address, or routing code.

III. IDENTIFICATION OF RED FLAGS.

In order to identify relevant Red Flags, the Utility considers the types of accounts that it offers and maintains, the methods it provides to open its accounts, the methods it provides to access its accounts, and its previous experiences with Identity Theft. The Utility identifies the following red flags, in each of the listed categories:

A. Notifications and Warnings From Credit Reporting Agencies

Red Flags

1) Report of fraud accompanying a credit report;
2) Notice or report from a credit agency of a credit freeze on a customer or applicant;
3) Notice or report from a credit agency of an active duty alert for an applicant; and
4) Indication from a credit report of activity that is inconsistent with a customer's usual pattern or activity.

B. Suspicious Documents

Red Flags

1. Identification document or card that appears to be forged, altered or inauthentic;
2. Identification document or card on which a person's photograph or physical description is not consistent with the person presenting the document;
3. Other document with information that is not consistent with existing customer information (such as if a person's signature on a check appears forged); and
4. Application for service that appears to have been altered or forged.

C. Suspicious Personal Identifying Information

Red Flags

1. Identifying information presented that is inconsistent with other information the customer provides (example: inconsistent birth dates);
2. Identifying information presented that is inconsistent with other sources of information (for instance, an address not matching an address on a credit report);
3. Identifying information presented that is the same as information shown on other applications that were found to be fraudulent;
4. Identifying information presented that is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address);
5. Social security number presented that is the same as one given by another customer;
6. An address or phone number presented that is the same as that of another person;
7. A person fails to provide complete personal identifying information on an application when reminded to do so (however, by law social security numbers must not be required); and
8. A person's identifying information is not consistent with the information that is on file for the customer.

D. Suspicious Account Activity or Unusual Use of Account

Red Flags

1. Change of address for an account followed by a request to change the account holder's name;
2. Payments stop on an otherwise consistently up-to-date account;
3. Account used in a way that is not consistent with prior use (example: very high activity);
4. Mail sent to the account holder is repeatedly returned as undeliverable;
5. Notice to the Utility that a customer is not receiving mail sent by the Utility;
6. Notice to the Utility that an account has unauthorized activity;
7. Breach in the Utility's computer system security; and
8. Unauthorized access to or use of customer account information.

E. Alerts from Others

Red Flag

1. Notice to the Utility from a customer, identity theft victim, law enforcement or other person that it has opened or is maintaining a fraudulent account for a person engaged in Identity Theft.

IV. DETECTING RED FLAGS.

A. New Accounts

In order to detect any of the Red Flags identified above associated with the opening of a **new account**, Utility personnel will take the following steps to obtain and verify the identity of the person opening the account:

Detect

1. Require certain identifying information such as name, date of birth, residential or business address, principal place of business for an entity, driver's license or other identification;
2. Verify the customer's identity (for instance, review a driver's license or other identification card);
3. Review documentation showing the existence of a business entity; and
4. Independently contact the customer.

B. Existing Accounts

In order to detect any of the Red Flags identified above for an **existing account**, Utility personnel will take the following steps to monitor transactions with an account:

Detect

1. Verify the identification of customers if they request information (in person, via telephone, via facsimile, via email);
2. Verify the validity of requests to change billing addresses; and
3. Verify changes in banking information given for billing and payment purposes.

V. PREVENTING AND MITIGATING IDENTITY THEFT

In the event Utility personnel detect any identified Red Flags, such personnel shall take one or more of the following steps, depending on the degree of risk posed by the Red Flag:

Prevent and Mitigate

1. Continue to monitor an account for evidence of Identity Theft;
2. Contact the customer;
3. Change any passwords or other security devices that permit access to accounts;
4. Not open a new account;
5. Close an existing account;
6. Reopen an account with a new number;
7. Notify the Program Administrator for determination of the appropriate step(s) to take;

8. Notify law enforcement; or
9. Determine that no response is warranted under the particular circumstances.

Protect customer identifying information

In order to further prevent the likelihood of Identity Theft occurring with respect to Utility accounts, the Utility will take the following steps with respect to its internal operating procedures to protect customer identifying information:

1. Ensure that its website is secure or provide clear notice that the website is not secure;
2. Ensure complete and secure destruction of paper documents and computer files containing customer information;
3. Ensure that office computers are password protected and that computer screens lock after a set period of time;
4. Keep offices clear of papers containing customer information;
5. Request only the last 4 digits of social security numbers (if any);
6. Ensure computer virus protection is up to date; and
7. Require and keep only the kinds of customer information that are necessary for utility purposes.

VI. PROGRAM UPDATES

The Program Administrator will periodically review and update this Program to reflect changes in risks to customers and the soundness of the Utility from Identity Theft. In doing so, the Program Administrator will consider the Utility's experiences with Identity Theft situations, changes in Identity Theft methods, changes in Identity Theft detection and prevention methods, and changes in the Utility's business arrangements with other entities. After considering these factors, the Program Administrator will determine whether changes to the Program, including the listing of Red Flags, are warranted. If warranted, the Program Administrator will update the Program or present the City Council with his or her recommended changes and the City Council will make a determination of whether to accept, modify or reject those changes to the Program.

VII. PROGRAM ADMINISTRATION.

A. Oversight

Responsibility for developing, implementing and updating this Program lies with an Identity Theft Committee for the Utility. The Committee is headed by the City Manager or his or her designee. The Finance Director, who oversees the City’s Utility Billing operation and the Assistant to the City Manager, who oversees the City’s Information Systems shall comprise the remainder of the committee membership. The City Manager, or his or her designee, will be responsible for the Program administration, for ensuring appropriate training of Utility staff on the Program, for reviewing any staff reports regarding the detection of Red Flags and the steps for preventing and mitigating Identity Theft, determining which steps of prevention and mitigation should be taken in particular circumstances and considering periodic changes to the Program.

B. Staff Training and Reports

Utility staff responsible for implementing the Program shall be trained either by or under the direction of the Program Administrator in the detection of Red Flags, and the responsive steps to be taken when a Red Flag is detected. Training shall occur at least annually for all Utility Billing staff and during orientation for new hires.

C. Service Provider Arrangements

In the event the Utility engages a service provider to perform an activity in connection with one or more accounts, the Utility will take the following steps to ensure the service provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of Identity Theft.

1. Require, by contract, that service providers have such policies and procedures in place; and
2. Require, by contract, that service providers review the Utility's Program and report any Red Flags to the Program Administrator.

D. Non-disclosure of Specific Practices

For the effectiveness of this Identity Theft Prevention Program, knowledge about specific Red Flag identification, detection, mitigation and prevention practices must be limited to the Identity Theft Committee who developed this Program and to those employees with a need to know them. Any documents that may have been produced or are produced in order to develop or implement this program that list or describe such specific practices and the information those documents contain are considered “security information” as defined in Oregon Revised Statutes Section 192.501(23) and are unavailable to the public because disclosure of them would be likely to substantially jeopardized the security of information against improper use, that use being to circumvent the Utility’s Identity Theft prevention efforts in order to facilitate the commission of Identity Theft.

MINUTES
KEIZER CITY COUNCIL
WORK SESSION
Monday, September 8, 2008
Keizer City Hall, Council Chambers
Keizer, Oregon

CALL TO ORDER Mayor Christopher called the work session to order at 6:00 pm. The following were present:

Councilors:	Parks Advisory Board:	Staff
Lore Christopher, Mayor	Vickie Hilgemann, Chair	Chris Eppley, City Manager
Richard Walsh, Council President	Garry Whalen, Vice Chair	Rob Kissler, Public Works
Cathy Clark, Councilor	Marlene Quinn	Bill Lawyer, Public Works
Jim Taylor, Councilor	Jeanne Bond-Esser	Shannon Johnson, City Attorney
Brandon Smith, Councilor	David Philbrick	Tracy Davis, City Recorder
David McKane, Councilor		
Jacque Moir, Councilor		

DISCUSSION

a. Parks & Recreation System Development Charges Methodology Update Report

Public Works Director, Rob Kissler, reviewed the update process noting that this report was the third draft. He reviewed various pages and figures, suggested changes, and fielded questions. Discussion took place regarding expansion of the Urban Growth Boundary, joint use agreements, SDC costs, acquisition funds, adjustment of the CIP, removal of proposed city parks, the Parks Master Plan, funding from sources other than SDCs, including trails as part of Parks as they relate to SDCs, basing methodology on a project list and flexibility in structure and implementation. Mike Erdman with the Home Builders Association pointed out that the time for land acquisition is now while prices are low. Discussion then continued regarding percentages and the SDC methodology, the rate structure and proportionality. Jeff Hawkins, with Emerald Pointe, contributed to the proportionality discussion as well.

Councilors requested the following information and action:

- Total expected SDCs over the plan period and adding additional dollars.
- Add additional acquisition dollars for one park.
- Clarification of acquisition per-acre cost for 4-acre parcels
- If the SDC was at $2500, how much money would be raised over the course of 20 years?
- Elimination of outside trails from the parks SDC plan
- SDCs determined proportionally by percentage for buildings with multiple units, taking into consideration residents such as single seniors (senior housing) and considering single, studio, one- two- and three bedroom apartments.

- Realistic expectations of park development over the next 20 years.

In conclusion, Rob Kissler urged Councilors to thoroughly review the report and pointed out that the percentages are very different than the current SDC methodology.

David Philbrick then informed Council of the opportunity to acquire parts of the sternwheeler "The Jean" if they could be transported from Portland to Keizer. He fielded questions from Councilors regarding the cost of the transportation and added that Jerry Nuttbrock had volunteered to store it.

Council was unwilling to give a consensus on this due to lack of information on costs but encouraged Mr. Philbrick to get more information and they could call an emergency meeting.

ADJOURNMENT Meeting adjourned at 7:50 p.m.

APPROVED:

MAYOR:

____
Debbie Lockhart, Deputy City Recorder

____
Lore Christopher

COUNCIL MEMBERS

Councilor #1 – David McKane	Councilor #4 – Cathy Clark
Councilor #2 – Brandon Smith	Councilor #5 – Richard Walsh
Councilor #3 – Jacque Moir	Councilor #6 – James Taylor

Minutes approved:

____

MINUTES
KEIZER CITY COUNCIL REGULAR SESSION
Monday, September 15, 2008
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Christopher called the regular session to order at 7:06 pm. Roll Call was taken as follows:

Present:	Staff:
Mayor Lore Christopher	Chris Eppley, City Manager
Richard Walsh, Council President	Kevin Watson, Assistant to the City Manager
Brandon Smith, Councilor	Shannon Johnson, City Attorney
Cathy Clark, Councilor	Nate Brown, Community Development Director
David McKane, Councilor	Rob Kissler, Public Works Director
James Taylor, Councilor	Marc Adams, Police Chief
Absent:	Tracy Davis, City Recorder
Jacque Moir, Councilor	

FLAG SALUTE

Mayor Christopher led the pledge of allegiance.

PUBLIC TESTIMONY

Marilyn Conner, representing the Assistance League of Salem and the Cook's Tour title sponsor, Eye Care Physicians & Surgeons, requested permission to hang banners advertising the tour in Keizer. Mayor Christopher and City Attorney Shannon Johnson provided clarifying information. Discussion followed regarding size, procedures for permission and prohibitions with Ms. Conner fielding additional questions.

Christine Dieker, Keizer, representing the Parks Advisory Board, reported on recent Board activities including acquisition, transportation and storage of parts of the riverboat, "The Jean", possible projects funded by the Parks Foundation, joint use agreements with 24J, disposition of grant funds and waiving of SDC charges for Habitat for Humanity projects.

Joseph Pellico, Keizer, reported that he would be hosting an Eagle Scout project placing a bark chip path around the Keizer Rapids Dog Park, solicited volunteers and added that some Park closures may occur during this time. He also reviewed activities of his troop (Troop 121).

Greg Rands, Keizer, representing the Planning Commission, reported that John Rizzo had been sworn in as a new Commissioner and reviewed actions of the Commission including updates on the Transit Center, possible review of the fencing code and discussion on tree regulations. He added that he, Rizzo and Jacks had volunteered to serve on the Visioning Task Force and reviewed the task of that group. Mr. Rands concluded that the Civic Center is on time and on budget and the Chemawa Road project was put in first place at MWACT with the pedestrian bridge over the Parkway number 5 on a separate list. Discussion then took place regarding tree replacement and landscaping of developed properties.

Martin Matiskainen, Keizer, voiced his opinion that Salem should be included in the evaluation and funding of a pedestrian bridge across the Parkway to the Kroc Center and recommended that Keizer contact all potential players in this project prior to committing significant City resources. Mayor Christopher responded that both ODOT and Salem understand the situation and want to find a solution. Councilor Clark and Mr. Brown provided clarification as well. Mr. Eppley added that grant, and not City, funding sources are being explored. Additional discussion took place regarding the infrastructure necessary to move the children from Keizer to the bridge, the transit system and adjustment of the Urban Renewal District.

Don Blair, Keizer, addressed Council regarding the ordinance prohibiting fuel stations at River and Chemawa. He suggested that times had changed and in the interest of serving the citizens of Keizer a station should be allowed in the Safeway parking lot. He noted that he did not know if Safety would be in favor of this. Discussion took place regarding whether or not an interest had been shown to establish this sort of business in this location and Fire District approval.

PUBLIC HEARING

a. Keizer Development Code Text Amendments for Electronic Message Signs
(cont. from 8/4/08)

(*Taken after all other business except the Consent Calendar.)* Community Development Director, Nate Brown, pointed out that responses from the Chamber questionnaire were included in the packet and reminded Council that staff recommendation is to allow electronic message signs in the public zone with a one-hour time limitation for the changing message.

Councilor Taylor recused himself from this decision due to potential conflict of interest.

Mayor Christopher reopened the Public Hearing.

Mayor Christopher read into the record written testimony submitted by *Linda Nelson, Keizer,* which voiced opposition to allowing LED signage.

Marty Matiskainen, Keizer, spoke in opposition of allowing electronic message signs and concluded that this restriction would make Keizer a community that stands out and does not replicate the current fashion.

Tony Kreitzberg, Salem, representing Willamette Valley Bank, reviewed items submitted for the record, spoke in favor of allowing electronic signage citing their energy efficiency, noted that the U.S. Department of Transportation recommended 8-minute intervals and concluded that the bank was willing to accept an amendment that would allow changing of the message every 10 minutes. Mr. Kreitzberg then fielded questions regarding regulation of content, willingness to sign an agreement allowing the City to change the changing intervals and exemption of time and temperature signs.

With no further testimony, Mayor Christopher closed the public hearing.

Councilor Walsh moved to designate the appropriate time for electronic signs to be 10 minutes. Motion died for lack of second.

Discussion followed regarding the appropriate time for electronic signage, requiring public service announcements, size, space and location limitations, adding a requirement for new signs to be monument style incorporating the more sophisticated look of the River Road updates, appropriate verbiage for the motion, grandfathering, conditional use permitting on individual signs and conformance to the sign code.

Councilor Walsh moved to amend the Text Amendment Section 2.308.06(P) to read that signs change no more frequently than once per 15 minutes rather than once per hour. Mayor Christopher seconded.

Councilor McKane offered a friendly amendment to change the interval to 10 minutes. Councilor Walsh accepted the amendment but Mayor Christopher did not.

Motion passed as follows:

AYES: Christopher, Walsh, Smith, McKane and Clark (5)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Taylor and Moir (2)

Councilor Walsh moved to grandfather existing time and temperature signs. Mayor Christopher seconded.

Discussion followed regarding future time and temperature signs and regulating content.

Motion passed as follows:

AYES: Christopher, Walsh, Smith, McKane and Clark (5)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Moir and Taylor (2)

Following significant discussion regarding prohibition of electronic wall signs including those located at integrated business centers, Council agreed that they supported this prohibition. An amendment was not necessary.

Additional discussion then took place regarding limitation of sign brightness perhaps with a standard similar to that of Salem which is a subjective standard limiting the brightness to no greater than that of a standard sign. Mr. Brown noted that this standard has not yet been adopted by Salem. Council also considered addressing other conditions such as aesthetics.

Councilor Smith noted that rotating and revolving signs should be removed from number 7 at the top of page 17. Council agreed by consensus to strike "rotating and revolving" at the top of page 17.

Councilor McKane urged staff to encourage business owners considering electronic message signs to contemplate perhaps a smaller but more aesthetically pleasing sign. He concluded that if the text on the sign is changing it would attract attention without being as large as a static sign.

Councilor Walsh inquired if businesses would be signing an agreement regarding future adjustment of time intervals on electronic message signs. Council agreed by consensus that they supported this requirement.

Councilor Clark urged that improved/updated mounting of signs be addressed in the near future. Mr. Brown responded that staff would work on how best to accomplish this.

Councilor Walsh moved to direct staff to prepare an ordinance to adopt the proposed revisions of 2.308 of the Keizer Development Code as amended. Councilor Smith seconded. Motion passed as follows:

AYES: Christopher, Walsh, Smith, McKane and Clark (5)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Moir and Taylor (2)

ADMINISTRATIVE ACTION

a. Placement of Banners for 2008 Assistance League Cook's Tour

Community Development Director Nate Brown reviewed this issue reminding Council that they have the authority to allow signage and that commercial speech has not previously been allowed. He voiced concern that allowing this signage might set a precedent and concluded that staff recommends development of a specific criteria on how to govern requests to provide guidance in the future.

Discussion followed regarding the current process, setting limitations, timing, one-time authorization vs. development of a permanent process and use of the light poles for non-profit.

Councilor Walsh moved to allow the sign as presented to be hung and that staff be directed to develop criteria for the next time a request comes forward. Councilor McKane seconded.

Councilor Clark clarified the intent of the direction to staff regarding size of logo and time allowed for display; Mayor Christopher urged staff to make the criteria somewhat consistent with the policy of Salem.

Rob Kissler suggested that the motion include that the signs are hung on the light poles with brackets in the existing size. Mayor Christopher responded that this was inferred in the motion. Additional discussion took place regarding hanging banners in Keizer Station.

Motion passed unanimously as follows:

AYES: Christopher, Walsh, Smith, McKane, Clark and Taylor (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Moir (1)

b. Habitat for Humanity – Request for Waiver of SDC Fees

City Attorney Shannon Johnson noted that after reviewing SDC ordinances and the statute he found no provision to allow a waiver but Council could change the ordinance to allow the exemption. He added that most jurisdictions to not allow this exemption but find other areas to cover the cost. He noted that the exemption could also be allowed by amending the implementing ordinances. Discussion then took place regarding different options, such as putting a lien on the property with a nominal interest rate, bancrofting, paying from another fund and implementing a budget line item. City Manager Chris Eppley reviewed in detail the results of a survey of actions 30 other cities have taken in this regard. Council then directed that further discussion take place with Habitat and something be brought back at a future meeting. Mr. Johnson summarized that Council is uncomfortable with an exemption but would like to assist perhaps through some method other than a waiver.

CONSENT CALENDAR

A. RESOLUTION – Authorization for Appropriation Transfer
B. Approval of August 18, 2008 Work Session Minutes
C. Approval of August 18, 2008 Regular Session Minutes
D. Approval of September 2, 2008 Regular Session Minutes

Mayor Christopher pulled item D.

Councilor Walsh moved to approve Items A, B and C of the Consent Calendar. Councilor Clark seconded. Motion passed as follows:

AYES: Christopher, Walsh, Smith, McKane and Clark (5)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Moir and Taylor (2)

Councilor Walsh moved to approve item D of the Consent Calendar. Councilor Clark seconded. Motion passed as follows:

AYES: Walsh, Smith, McKane and Clark (4)
NAYS: None (0)
ABSTENTIONS: Christopher (1)
ABSENT: Moir and Taylor (2)

COMMITTEE REPORTS

a. Volunteer Proclamations

Taken out of Order.

Mayor Christopher read the individual proclamations for John Rizzo, Planning Commission; Terry Gordon, David Dempster and Sandi King, Budget Committee; and Toni Whitler, Stormwater Advisory Board. Sandi, David and John received their proclamations in person and briefly summarized their reasons for volunteering to serve.

COMMITTEE REPORTS

Postponed due to the late hour.

OTHER BUSINESS
a. New Business
b. Old Business

Mayor Christopher pointed out that the shelves are bare at the Keizer Community Bank and urged the public to donate food at John Knox Presbyterian Church on Cummings Lane just west or River Road.

Councilor McKane commended the Fire District for their annual 9-11 memorial and thanked Councilors for attending. Councilor Smith echoed Councilor McKane's comments.

Councilor Walsh briefly reviewed his participation in the Department of the Interior Senior Executive Service seminar which included an overview of Keizer Rapids and Water Trail projects. He noted that the organization had encouraged him to apply for another grant. Mr. Walsh added that the amphitheater is almost done and commended all the volunteers for their efforts.

Councilor Clark reviewed activities of the Oregon Transportation Commission noting that she anticipates more interaction with the Mid-Willamette Advisory Commission on Transportation in the future. She reviewed Emergency Volunteers Assisting Keizer activities including a recent training and working with the Fire District.

Police Chief Adams thanked Utah Crowson, neighbor to the Police Department, who has allowed the City to use the back part of his property for storage and parking without asking anything in return.

Public Works Director, Rob Kissler reported on paving progress at Keizer Rapids Park.

Kevin Watson, Assistant to the City Manager, updated Council on the progress of the T. D. Keizur statue noting that anticipated completion is 15 months.

WRITTEN COMMUNICATIONS

None

AGENDA INPUT

October 6, 2008

7:00 p.m. City Council Meeting

- Local Government Grant – Keizer Rapids Park Trail/Parking
- Mini Super Liquor License Public Hearing

October 13, 2008

5:45 p.m. City Council Work Session

- Sidewalks

October 20, 2008

7:00 p.m. City Council Meeting

- Parks system Development Charge Public Hearing
- Proclamation – Domestic Violence Awareness Month

ADJOURNMENT Mayor Christopher adjourned the meeting at 10:19 p.m.

APPROVED:

MAYOR:

Debbie Lockhart, Deputy City Recorder

Lore Christopher

COUNCIL MEMBERS

Councilor #1 – David McKane

Councilor #4 – Cathy Clark

Councilor #2 – Brandon Smith

Councilor #5 – Richard Walsh

~ Absent ~

Councilor #3 – Jacque Moir

Councilor #6 – James Taylor

Minutes approved:

COUNCIL MEETING: October 20, 2008

AGENDA ITEM NUMBER: ________________

TO: **MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS**

THROUGH: **CHRIS C. EPPLEY**
CITY MANAGER

FROM: **TRACY L. DAVIS, MMC**
CITY RECORDER

SUBJECT: **PROCLAMATION – DOMESTIC VIOLENCE AWARENESS MONTH**

ISSUE:

Marion County District Attorney Walt Beglau and the Executive Director of Mid-Valley Women's Crisis Service, Jayne Downing will be at the City Council meeting to make a few comments about domestic violence in our community.

RECOMMENDATION:

It is recommended the Mayor read the attached proclamation and proclaim October 2008 as Domestic Violence Awareness Month in the City of Keizer.

CITY OF KEIZER PROCLAMATION
DOMESTIC VIOLENCE AWARENESS MONTH
OCTOBER 2008

Whereas, domestic violence is a serious and widespread social problem in our community; and

Whereas, survivors of domestic violence and their children are faced with scarce resources and options to help them escape their abusers; and

Whereas, more than 1,200 reports of domestic violence were received into the Marion County District Attorney's office in the last year; and

Whereas, Mid-Valley Women's Crisis Service received 10,813 calls to their hotline last year; and

Whereas, more than 516 survivors walked into Mid-Valley Women's Crisis Service for help last year; and

Whereas, 315 women and children lived in Mid-Valley Women's Crisis Service's shelter last year; and

Whereas, two out of every three residents of the shelter are children;

NOW, THEREFORE, I, LORE CHRISTOPHER, Mayor of the City of Keizer, State of Oregon, do hereby proclaim the month of October, 2008 as

Domestic Violence Awareness Month

And resolve that as a community we will unite to advocate for relationships free from violence and strive to increase society's intolerance towards domestic violence in an effort to bring hope and healing to survivors.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Keizer, Oregon to affixed this 20th day of October, 2008.

____

MAYOR LORE CHRISTOPHER
CITY OF KEIZER