

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
REGULAR SESSION

Monday, October 2, 2000

7:00 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 any matters other than those on the agenda scheduled for public hearing.

4. COMMITTEE REPORTS

a. Swearing in of Keizer Police Department Personnel

- **Sergeant Lance Inman**
- **Officer Rodney Bamford**
- **Officer Vaughn Edsall**
- **Officer David Zavala**

5. OTHER BUSINESS

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

a. New Business

b. Old Business

6. PUBLIC HEARINGS

a. Caruso's Italian Café Liquor License Application

7. ADMINISTRATIVE ACTION

a. Fernwood Park Vacation

b. RESOLUTION – Authorizing the City Manager to Sign the Willow Lake Settlement Agreement

c. ORDINANCE – Disposing of Unclaimed Personal Property, Personal Surplus Property, Firearms and Contraband (Repealing Ordinance 95-341)

- d. RESOLUTION – Authorizing the Disposition of Surplus Property
- e. RESOLUTION – Authorizing Mayor to Execute Agreement for Distribution of 911 Funds
- f. ORDINANCE – Establishing Permits Regarding Approach to City Roads and Public Right of Way
- g. Audit of Keizer Heritage Foundation

8. CONSENT CALENDAR

- a. RESOLUTION – Transferring Appropriations for FY 2000-01 (Police Surplus Property)
- b. RESOLUTION – Transferring Appropriations for FY 2000-01 (Personal Services)
- c. Approval of September 18, 2000 Regular Session Minutes

9. WRITTEN COMMUNICATIONS

To inform the Council of significant written communications.

10. AGENDA INPUT

October 9, 2000

5:30 p.m. City Council Work Session

- Public Input for Radiant Drive Realignment/ Improvements

October 16, 2000

7:00 p.m. Keizer City Council Meeting

- Report on Transit Bus Pull Out – River Road
- Deliberation on Disposal of Property at River/Chemawa Road

October 23, 2000

5:30 p.m. City Council Work Session

- 2000-2001 Goal Setting (continued from 9-25-00)

11. ADJOURN

Upon request, auxiliary aids and/or special services will be provided. To request services; please contact us at 390-3700 or through Oregon Relay 1-800-735-2900 at least two working days (48 hours) in advance.



October 2, 2000

AGENDA ITEM 4a

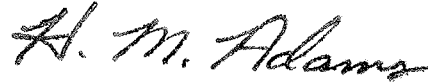
SWEARING IN OF KEIZER POLICE PERSONNEL

CITY COUNCIL MEETING OF OCTOBER 2, 2000

AGENDA ITEM NO. _____

TO: Mayor and City Council

FROM: H. Marc Adams, Chief of Police



SUBJECT: **Swearing In of Police Department Members**

The Keizer Police Department is pleased to announce the following:

Sergeant Lance Inman

On September 1st, promoted to Patrol Sergeant. Has worked for Keizer Police for 9 years, since September 27, 1991, in the patrol division, is a DRE recognition expert, and most recently as a motorcycle/traffic officer. Lance is married to Lee and they live in Keizer.

Officer Rodney Bamford

Hired as a Patrol Officer on September 30th. Has been an officer for Lebanon Police Department for the past 5 years, and also worked for Aumsville Police Department as both a Police and Reserve Officer. Obtained his bachelors degree from Western Oregon University in law enforcement. Rod is married to Barbara and they are expecting their first child.

Officer Vaughn Edsall

Hired as a Patrol Officer as of October 1st. Has been an officer with North Bend Police Department for the past 5 years; previously was in the US Navy for almost 9 years. Has attended college and is currently working toward his degree in law enforcement. Vaughn is married to Mary Ann and they have a (almost) 4 year old son, Ryan.

Officer David Zavala

Hired as a Patrol Officer as of October 3rd. Has been an officer with Coquille Police Department for over a year; previously was in the US Army for almost 6 years. David is a local McNary High School graduate. He is married to Alisa and they have 2 sons, Daniel and Aaron.

hma:cp



October 2, 2000

AGENDA ITEM 6a

CARUSO'S ITALIAN CAFÉ LIQUOR LICENSE

CITY COUNCIL MEETING: October 2, 2000

AGENDA ITEM NUMBER: _____

TO: MAYOR NEWTON AND CITY COUNCIL MEMBERS

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

FROM: TRACY L. DAVIS, CMC 
CITY RECORDER

**SUBJECT: CARUSO'S ITALIAN CAFÉ LIQUOR LICENSE APPLICATION
RESTAURANT LICENSE**

BACKGROUND:

On August 31, 2000 Gerald M. Phipps and Angela E. Phipps submitted an application for a restaurant liquor license for Caruso's Italian Café located at 4907 River Road North, Keizer, Oregon. Attached is ORS 471.250 which outlines the guidelines and criteria for a restaurant liquor license.

As required by Keizer Ordinance 95-318, a public hearing was scheduled, notice was published in the Keizertimes and mailed to all property owners within 200 feet of the proposed establishment. As of the writing of this report, we have not received any negative responses to these notices.

On September 1, 2000 a request was sent to the Keizer Police Department to conduct a background check on the applicants. The response is attached to this report. In addition, the Keizer Planning Department finds the location of the establishment to be properly zoned.

RECOMMENDATION:

It is recommended the public hearing be opened to allow testimony from the applicant or other interested individuals and upon completion, the hearing be closed. It is further recommended the Council approve the application for a restaurant liquor license for Caruso's Italian Café under the guidelines as established by ORS 471.250 and the Ordinances of the City of Keizer and forward this recommendation to the Oregon Liquor Control Commission.

case available to be sold and the handling fee is uniform for all licensees.

471.240 [Amended by 1955 c.657 §3; 1957 c.223 §2; repealed by 1973 c.395 §10]

471.242 Warehouse license. (1) A warehouse license shall allow the licensee to store, import, bottle, produce, blend, transport and export nontax paid, bonded wine or wine on which the tax is paid and to store, import and export nontax paid malt beverages or malt beverages on which the tax is paid. Wine and malt beverages may be removed from the licensed premises only for:

- (a) Sale for export;
 - (b) Sale or shipment to a wholesale malt beverage and wine licensee;
 - (c) Sale or shipment to another warehouse licensee;
 - (d) Sale or shipment to a winery licensee;
- or

(e) Shipment of wine produced by a winery licensee to a licensee of the Oregon Liquor Control Commission authorized to sell wine at retail if the shipment is made pursuant to a sale to the retail licensee by a winery licensed under ORS 471.223.

(2) A license applicant must hold an approved registration for a bonded wine cellar or winery under federal law.

(3) For the purposes of tax reporting, payment and record keeping, the provisions that shall apply to a manufacturer under ORS chapter 473 shall apply to a warehouse licensee.

(4) A warehouse must be physically secure in an area zoned for the intended use and be physically separated from any other use.

(5) For purposes of ORS 471.392 to 471.400, a warehouse licensee shall be considered a manufacturer.

(6) For purposes of ORS 473.045, a warehouse licensee shall be considered a winery licensee. [1985 c.628 §2; 1989 c.553 §1; 1995 c.35 §1; 1995 c.301 §83]

Note: The amendments to 471.242 by section 67, chapter 351, Oregon Laws 1999, take effect January 1, 2001. See section 81, chapter 351, Oregon Laws 1999. The text that is effective on and after January 1, 2001, is set forth for the user's convenience.

471.242. (1) A warehouse license shall allow the licensee to store, import, bottle, produce, blend, transport and export nontax paid, bonded wine or wine on which the tax is paid and to store, import and export nontax paid malt beverages and cider, or malt beverages and cider on which the tax is paid. Wine, cider and malt beverages may be removed from the licensed premises only for:

- (a) Sale for export;
- (b) Sale or shipment to a wholesale malt beverage and wine licensee;
- (c) Sale or shipment to another warehouse licensee;
- (d) Sale or shipment to a winery licensee; or

(e) Shipment of wine or cider produced by a winery licensee to a licensee of the Oregon Liquor Control Commission authorized to sell wine or cider at retail if the shipment is made pursuant to a sale to the retail licensee by a winery licensed under ORS 471.223.

(2) A license applicant must hold an approved registration for a bonded wine cellar or winery under federal law.

(3) For the purposes of tax reporting, payment and record keeping, the provisions that shall apply to a manufacturer under ORS chapter 473 shall apply to a warehouse licensee.

(4) A warehouse must be physically secure in an area zoned for the intended use and be physically separated from any other use.

(5) For purposes of ORS 471.392 to 471.400, a warehouse licensee shall be considered a manufacturer.

(6) For purposes of ORS 473.045, a warehouse licensee shall be considered a winery licensee.

471.245 Bottler license. A bottler license shall allow the licensee to bottle wine containing not more than 21 percent of alcohol by volume or malt beverages containing not more than eight percent of alcohol by weight. Such license shall not be issued to any person unless the Oregon Liquor Control Commission is satisfied that the person has adequate machinery, equipment and facilities for properly bottling such alcoholic liquors. In no event shall such license be issued to any person who does not hold a wholesale malt beverage and wine license. [Amended by 1979 c.236 §7; 1981 c.199 §1]

Note: 471.245 is repealed January 1, 2001. See sections 11 and 81, chapter 351, Oregon Laws 1999.

(Retail Licenses Until January 1, 2001)

Note: 471.250 to 471.287 are repealed January 1, 2001. See sections 8, 11 and 81, chapter 351, Oregon Laws 1999. See note preceding 471.175.

471.250 Restaurant license. (1) A restaurant license shall allow the licensee to sell malt beverages and wine containing not more than 21 percent alcohol by volume to customers for consumption on the licensed premises and shall permit the patron to remove from the premises a container of wine the contents of which have been only partially consumed.

(2) In the absence of any municipal ordinance or local regulation to the contrary, restaurant licensees shall be permitted to have any proper form of entertainment for customers upon the licensed premises.

(3) Unless otherwise restricted, the privileges granted by any such restaurant license to a hotel shall apply to all portions of the hotel controlled or operated by the person to whom the license is issued.

(4) A restaurant licensed under this section must have adequate kitchen and dining room equipment and must cater to and serve bona fide meals to the general public. [Amended by 1965 c.280 §2; 1973 c.395 §2; 1977 c.332 §6; 1981 c.328 §1; 1987 c.608 §6; 1995 c.301 §17a]



City Council Meeting of _____

Agenda Item No. _____

To: Mayor and City Council
Thru: Chris Eppley, City Manager
From: Marc Adams, Chief of Police
Rita Powers, Police Support Supervisor

Subject: Liquor License Application of Caruso's Italian Cafe
4907 River Rd. N., Keizer, OR 97303

Issue

Shall the City Council approve the liquor license application of Caruso's Italian Café, 4907 River Rd. N., Keizer, OR 97303

Background

The Keizer Police Department responded to two (2) calls for service at the address of 4907 River Rd. N. Keizer, OR from Sept 1, 1999 through August 31, 2000. This address has been vacant for the duration stated.

The calls for service (alarms) were not in conflict with the ordinance. The applicants, Angela and Gerald Phipps have no recent and/or significant criminal history on record. Thus, the background review did not reveal any history or events that would be in direct conflict with the City of Keizer City Ordinance 95-318.

Recommendation

The Keizer Police Department recommends approval of the liquor license for Caruso's Italian Café.

APPLICATION

STATE OF OREGON
OREGON LIQUOR CONTROL COMMISSION

Return To:

1-#9068
\$70.00
8/31/00

GENERAL INFORMATION

A non-refundable processing fee is assessed when you submit this completed form to the Commission (except for Druggist and Health Care Facility Licenses). The filing of this application does not commit the Commission to the granting of the license for which you are applying nor does it permit you to operate the business named below.

(THIS SPACE IS FOR OLCC OFFICE USE)

Application is being made for:

- ☐ DISPENSER, CLASS A
☐ DISPENSER, CLASS B
☐ DISPENSER, CLASS C
☐ PACKAGE STORE
☒ RESTAURANT
☐ RETAIL MALT BEVERAGE
☐ SEASONAL DISPENSER
☐ WHOLESALE MALT BEVERAGE & WINE
☐ WINERY

- ☐ Add Partner
☐ Additional Privilege
☐ Change Location
☐ Change Ownership
☐ Change of Privilege
☐ Greater Privilege
☐ Lesser Privilege
☒ New Outlet
☐ Other

RECEIVED
OREGON LIQUOR CONTROL COMMISSION

OTHER:

AUG 16 2000

SALEM REGIONAL OFFICE

Received \$52.60
 Processing fee
 Receipt #1278 P. Mitchell

(THIS SPACE IS FOR CITY OR COUNTY USE)

NOTICE TO CITIES AND COUNTIES: Do not consider this application unless it has been stamped and signed at the left by an OLCC representative.

THE CITY COUNCIL, COUNTY COMMISSION, OR COUNTY

COURT OF _____
(Name of City or County)

RECOMMENDS THAT THIS LICENSE BE: GRANTED _____

DENIED _____

DATE _____

BY _____
(Signature)

TITLE _____

CAUTION: If your operation of this business depends on your receiving a liquor license, OLCC cautions you not to purchase, remodel, or start construction until your license is granted.

1. Name of Corporation, Partnership, or Individual Applicants:

- 1) GERALD M Phipps 2) _____
 3) ANGELA E. Phipps 4) _____
 5) _____ 6) _____

(EACH PERSON LISTED ABOVE MUST FILE AN INDIVIDUAL HISTORY AND A FINANCIAL STATEMENT)

2. Present Trade Name

CARUSO'S ITALIAN CAFE

3. New Trade Name

Year filed _____
with Corporation Commission

4. Premises address

4907 RIVER RD N. KEIZER MARION OR 97303
 (Number, Street, Rural Route) (City) (County) (State) (Zip)

5. Business mailing address

6125 KITE CT N KEIZER OR 97303
 (P.O. Box, Number, Street, Rural Route) (City) (State) (Zip)

6. Was premises previously licensed by OLCC? Yes _____ No X Year _____

7. If yes, to whom: _____ Type of license: _____

8. Will you have a manager: Yes X No _____ Name ANGELA Phipps
(Manager must fill out Individual History)9. Will anyone else not signing this application share in the ownership or receive a percentage of profits or bonus from business? Yes _____ No X10. What is the local governing body where your premises is located? CITY OF KEIZER
(Name of City or County)11. OLCC representative making investigation may contact: GERALD Phipps (Name)

6125 KITE CT N. KEIZER OR 97303 503-393-1619
 (Address) (Tel. No. — home, business, message)

_____ must be notified if you are contacted by anybody offering



October 2, 2000

AGENDA ITEM 7a

FERNWOOD PARK VACATION

CITY COUNCIL MEETING: _____

AGENDA ITEM NUMBER: _____

TO: MAYOR NEWTON AND CITY COUNCIL MEMBERS

THRU: CHRIS EPPLEY, CITY MANAGER

FROM: RICK DAY, PARKS ADVISORY BOARD CHAIR

SUBJECT: FERNWOOD PARK VACATION

DATE: September 27, 2000

BACKGROUND:

The City of Keizer currently has jurisdiction over property commonly referred to as Fernwood Park. This property is not owned by the City, but was dedicated for public use much the same as a street would be. This property consists of 2 lots containing 0.9 acres of land.

The property is not developed as a park at this time. The property has limited access from the School House Square parking lot. A pedestrian access to Elizabeth street is no longer used due to neighborhood request.

ISSUE:

The property could be vacated with ownership reverting to the City. This property then could be sold to neighboring property owners, or the adjoining commercial property, and the funds placed in the Parks improvement fund for purchase of a more accessible piece of property for park use.

FISCAL IMPACT:

No fiscal impact to the current City budget is anticipated. Any funds generated would be placed for future property acquisition.

RECOMMENDATION:

The City Parks Advisory Board recommends vacating the property to obtain ownership, and then selling the property to the neighbors bordering the property, or to another interested party.



October 2, 2000

AGENDA ITEM 7b

RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN THE
WILLOW LAKE SETTLEMENT AGREEMENT

CITY COUNCIL MEETING: October 2, 2000

AGENDA ITEM NUMBER: _____

TO: MAYOR NEWTON AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: *WILLOW LAKE SETTLEMENT AGREEMENT*

The Willow Lake SPA/Dual Interest Area Agreement (DIAA) issues have been a matter of concern for Keizer for many years. Last year, Monterey Development Company and F.R.T.W. Investment Company, LLC filed suit against the cities of Salem, Keizer, as well as Marion County alleging that the DIAA restricts plaintiffs' use of their property unlawfully.

In the course of working through the many issues in the lawsuit, it became apparent that the broader issue of settlement between Keizer, Marion County and Salem of the long standing dispute would be appropriate. Plaintiffs agreed and the parties met in formal mediation on July 14, 2000. The mediation resulted in a tentative agreement on the framework of the settlement. However, many technical details needed to be discussed and worked through.

Respective legal counsel, assisted by the mediator and Judge Dickey, have reached an agreement on the language for the Willow Lake Settlement Agreement. (Settlement agreement will be sent under separate cover.)

RECOMMENDATION:

Adopt the attached Resolution authorizing the City Manager to sign the Willow Lake Settlement Agreement.

Please contact me if you have any questions in this regard. Thank you.

ESJ/tmh
attachment

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 Resolution R2000-_____

3 AUTHORIZING THE CITY MANAGER TO SIGN THE
4 WILLOW LAKE SETTLEMENT AGREEMENT

5 WHEREAS, a lawsuit has been filed by Monterey Development Company and
6 F.R.T.W. Investment Company, LLC against the cities of Keizer and Salem, and Marion
7 County alleging that the current Dual Interest Area Agreement (DIAA) unlawfully restricts
8 plaintiffs' property;

9 WHEREAS, such complaint has brought into question the appropriateness of the
10 DIAA and the effect that such agreement has on the Willow Lake "zone of influence";

11 WHEREAS, Keizer, Salem, Marion County and plaintiffs entered into mediation to
12 resolve the differences between and among the parties with regard to plaintiffs' property and
13 other properties subject to the DIAA;

14 WHEREAS, in settlement of the litigation the parties have agreed to a framework
15 settlement agreement that is conditioned on occurrence of certain events;

16 WHEREAS, it is appropriate and in the public interest to settle the litigation and
17 outstanding issues between the jurisdictions by entering into the Willow Lake Settlement
18 Agreement;

19 NOW, THEREFORE,

1 BE IT RESOLVED by the City Council of the City of Keizer that the City Manager
2 is authorized to execute the Willow Lake Settlement Agreement, a copy of which is attached
3 as Exhibit "A", and by this reference incorporated herein.

4 PASSED this _____ day of _____, 2000.

5 SIGNED this _____ day of _____, 2000.

6 _____
7 Mayor

8 _____
9 City Recorder



October 2, 2000

AGENDA ITEM 7C

ORDINANCE – DISPOSING OF UNCLAIMED PERSONAL PROPERTY,
PERSONAL SURPLUS PROPERTY, FIREARMS AND CONTRABAND

CITY COUNCIL MEETING: October 2, 2000

AGENDA ITEM NUMBER: _____

TO: MAYOR NEWTON AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

**FROM: MARC ADAMS
CHIEF OF POLICE**

SUBJECT: CITY ORDINANCE 95-341

DATE: SEPTMBER 26, 2000

BACKGROUND:

City Ordinance 95-341 line 24 & 25 of page 1, currently defines Surplus Property as:

That property that the department head responsible for its control determines to be of no further use for public purposes and the City Manager approves such determination.

“Surplus personal property does not include firearms or contraband.”

The ordinance further states on lines 5, 6, 7, 8, 9, 10 & 11 of page 6, firearms that are surplus shall be either:

Destroyed in such a manner that the firearms are rendered wholly and entirely ineffective and useless for the purpose for which they were manufactured; or

Sold or donated to a law enforcement agency, but only if such agency covenants in writing that such firearms shall be destroyed when such agency has no further use for them.

The ordinance in its current form prevents the City from being able to financially benefit from trading our used department pistols into a Federally licensed firearms dealer for new pistols.

RECOMMENDATION:

It is recommended the City Council repeal Ordinance 95-431 and adopt the new Ordinance to allow surplus firearms to be traded with the approval of the City Council. The City Attorney has drafted the new Ordinance which highlights the required changes.

1 BILL NO. _____

A BILL

ORDINANCE NO.

2

2000-_____

3

FOR

4

AN ORDINANCE

5

AN ORDINANCE DISPOSING OF UNCLAIMED PERSONAL

6

PROPERTY, SURPLUS PERSONAL PROPERTY, FIREARMS AND

7

CONTRABAND; **REPEALING ORDINANCE 95-341**; DECLARING

8

AN EMERGENCY

9

WHEREAS, from time to time, the City of Keizer has unclaimed property,

10

surplus property, firearms and contraband which it needs to dispose of; and

11

WHEREAS, the City of Keizer desires to create a process which fairly disposes

12

of such property in a manner that best serves the public interests;

13

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

14

Section 1. DEFINITIONS.

15

A. Unclaimed personal property. Property that has been in the custody of

16

Keizer for more than six (6) months and is unclaimed or ownership has not been

17

established after the Keizer Police Department has made a reasonable effort to identify

18

and notify the owner of the property. "Unclaimed personal property" does not include

19

firearms or contraband.

20

B. Surplus personal property. Property that the department head responsible

21

for its control determines to be of no further use for public purposes, and the City

1 Manager approves such determination. "Surplus personal property" does not include
2 ~~firearms or~~ contraband.

3 C. Nominal value. Property has nominal value when the value of such
4 property does not exceed the total expenses of its sale as estimated by the City Manager.
5 Before an item of personal property can be determined to have a nominal value, the City
6 Manager must conclude that such property cannot practicably be combined with other
7 properties so that the total value of the properties would exceed the total expenses of
8 sale.

9 Section 2. GENERAL DISPOSITION PROVISIONS. Unless stated otherwise,
10 the following provisions apply to all unclaimed personal property or surplus personal
11 property, whether or not such property is of nominal value:

12 A. Upon recommendation by the Keizer City Manager and approval by the
13 Keizer City Council, unclaimed personal property and surplus personal property may be
14 donated to an organization which has received Internal Revenue Service tax status as a
15 nonprofit organization.

16 B. Upon recommendation by the Keizer City Manager and approval by the
17 Keizer City Council, unclaimed personal property and surplus personal property may be
18 sold or transferred with or without consideration to any agency of the State of Oregon
19 or any political subdivision thereof authorized by law to enter into public contracts and
20 any public body created by intergovernmental agreement or to the federal government.

1 C. Upon recommendation by the Keizer City Manager and approval by the
2 Keizer City Council, unclaimed personal property in Keizer's possession may be
3 appropriated for public purposes by Keizer and not disposed of under the terms of this
4 Ordinance.

5 D. Upon recommendation by the Keizer City Manager and approval by the
6 Keizer City Council, unclaimed or surplus property (including surplus firearms) may be
7 used as a trade-in for credit against other property the City is purchasing.

8 E. Upon recommendation by the Keizer City Manager and approval by the
9 Keizer City Council, unclaimed personal property which is of nominal value and surplus
10 personal property which is of nominal value may be destroyed.

11 Section 3. DISPOSITION OF PERSONAL PROPERTY OF GREATER THAN
12 NOMINAL VALUE. The following provisions apply to unclaimed personal property
13 and surplus personal property of more than nominal value:

14 A. The City Manager, if he or she determines it is in the City's best interests,
15 may determine that unclaimed and /or surplus personal property shall be sold at public
16 auction. Such auction shall be conducted as set forth in Section 4 of this Ordinance.

17 ///

18 ///

19 ///

20 ///

1 B. As an alternative to a public auction, the City Manager may authorize
2 disposition of unclaimed and surplus personal property through the State of Oregon
3 Surplus Property Program if the City Manager determines that utilizing such program
4 will probably result in a higher net return than if the property were sold at public
5 auction.

6 C. As an alternative to a public auction or disposition through the State of
7 Oregon Surplus Property Program, the City Manager shall solicit proposals from persons
8 or organizations for unclaimed and surplus personal property by causing notice to be
9 published in a newspaper of general circulation in the City at least one (1) week prior
10 to the date set for opening of such proposals. Upon recommendation of the City
11 Manager and approval by the City Council, the property shall be sold to the personal or
12 organization making the best offer. The property shall be delivered to the successful
13 purchaser upon receipt of full payment.

14 Section 4. AUCTION.

15 A. When the City Manager determines that a public auction is necessary, the
16 City Manager shall:

17 ///

18 ///

19 ///

20 ///

1 i. Cause a notice of public auction to be published in a newspaper of
2 general circulation in Keizer at least ten days prior to the date of such
3 auction. The notice shall include at a minimum a list of the property to be
4 sold, and the time and place where the property can be viewed as well as
5 the time and place of the auction itself.

6 ii. Insure that all property shall be available for viewing by
7 prospective buyers on the auction premises at least one-half hour prior to
8 sale time.

9 iii. Sell the unclaimed and surplus property to the highest bidder. The
10 City Manager may establish minimum bids for any and all items. Items
11 may be grouped for sale as particular lots, if it is in the City's best interest
12 to do so. Payment must be made before the property can be removed.
13 Payment shall be in the form of cash, cashier's check, or money order or
14 first party personal check. A receipt shall be issued for each article
15 purchased.

16 B. All articles sold at auction having a title or registration shall require a Bill
17 of Sale. The Bill of Sale shall be signed by the City Manager.

18 C. The City Manager may hire a public auctioneer that is licensed and bonded
19 to conduct the public auction.

1 Section 5. PROCEEDS. Proceeds from the sale or auction of unclaimed and
2 surplus personal property shall be used first to pay all costs connected with such sale or
3 auction, including, but not limited to, expenses of sale, storage and maintenance costs,
4 and any public notice publication costs. Any proceeds remaining shall go to Keizer's
5 General Fund.

6 Section 6. FIREARMS DISPOSITION OF CONTRABAND FIREARMS

7 A. Firearms which were seized under ORS 166.270 (Certain ex-convicts
8 forbidden to possess arms) and not being held as evidence shall be classified as
9 contraband. Firearms seized under ORS 166.280 (Seizure of concealed weapons) and
10 not being held as evidence shall be classified as contraband.

11 B. Except as noted in Section 6(C) below, firearms classified as contraband
12 shall be destroyed in such a manner that the firearms are rendered wholly and entirely
13 ineffective and useless for the purpose of which they were manufactured.

14 C. Upon the request of the Keizer Police Department and the issuance of a
15 certificate by a judge or district attorney pursuant to ORS 166.280, firearms classified
16 as contraband or firearms remaining unclaimed after adjudication may be preserved and
17 not destroyed.

18 D. ~~Firearms that are surplus shall be either:~~

1 ~~i. Destroyed in such a manner that the firearms are rendered wholly~~
2 ~~and entirely ineffective and useless for the purpose for which they were~~
3 ~~manufactured; or~~

4 ~~ii. Sold or donated to a law enforcement agency, but only if such~~
5 ~~agency covenants in writing that such firearms shall be destroyed when~~
6 ~~such agency has no further use for them.~~

7 Section 7. DISPOSAL OF OTHER CONTRABAND.

8 A. As used herein, "contraband" means any personal property (except
9 firearms) which is unlawful to produce or possess, including, without limitation, illegal
10 weapons, controlled substances as defined in ORS 475.005 and drug paraphernalia as
11 defined in ORS 475.525.

12 B. All contraband shall be rendered unusable by destruction in a legally
13 acceptable manner. The destruction of contraband shall be recorded by the property
14 controller and witnessed by a member of the Keizer Police Department.

15 C. Contraband in the form of controlled substances shall also be destroyed
16 in a legally acceptable manner, except when it is authorized by the District Attorney or
17 a court of competent jurisdiction to be used as an investigative tool. In every instance,
18 authorization to use a controlled substance as an investigative tool shall be obtained in
19 writing from the Keizer Chief of Police. All such authorizations shall be in writing and
20 shall accompany the property control report.

1 D. Controlled substances used as an investigative tool shall be returned to the
2 property controller when the specific investigation is completed. The property controller
3 shall again inventory, weigh and verify the substance.

4 Section 8. REPEAL. Ordinance number 95-341, Disposition of Unclaimed
5 Property, Surplus Property, Firearms and Contraband, enacted October 16, 1995, is
6 repealed.

7 Section 9. EMERGENCY. This Ordinance being necessary for the immediate
8 preservation of the public health, safety, and welfare, an emergency is declared to exist
9 and this Ordinance shall take effect immediately upon its passage.

10 PASSED this _____ day of _____, 2000.

11 SIGNED this _____ day of _____, 2000.

12 _____
13 Mayor

14 _____
15 City Recorder

1 BILL NO. _____ A BILL ORDINANCE NO.
2 2000-_____
3 FOR
4 AN ORDINANCE

5 AN ORDINANCE DISPOSING OF UNCLAIMED PERSONAL
6 PROPERTY, SURPLUS PERSONAL PROPERTY, FIREARMS AND
7 CONTRABAND; **REPEALING ORDINANCE 95-341**; DECLARING
8 AN EMERGENCY

9 WHEREAS, from time to time, the City of Keizer has unclaimed property,
10 surplus property, firearms and contraband which it needs to dispose of; and

11 WHEREAS, the City of Keizer desires to create a process which fairly disposes
12 of such property in a manner that best serves the public interests;

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

14 Section 1. DEFINITIONS.

15 A. Unclaimed personal property. Property that has been in the custody of
16 Keizer for more than six (6) months and is unclaimed or ownership has not been
17 established after the Keizer Police Department has made a reasonable effort to identify
18 and notify the owner of the property. "Unclaimed personal property" does not include
19 firearms or contraband.

20 B. Surplus personal property. Property that the department head responsible
21 for its control determines to be of no further use for public purposes, and the City

1 Manager approves such determination. "Surplus personal property" does not include
2 contraband.

3 C. Nominal value. Property has nominal value when the value of such
4 property does not exceed the total expenses of its sale as estimated by the City Manager.
5 Before an item of personal property can be determined to have a nominal value, the City
6 Manager must conclude that such property cannot practicably be combined with other
7 properties so that the total value of the properties would exceed the total expenses of
8 sale.

9 Section 2. GENERAL DISPOSITION PROVISIONS. Unless stated otherwise,
10 the following provisions apply to all unclaimed personal property or surplus personal
11 property, whether or not such property is of nominal value:

12 A. Upon recommendation by the Keizer City Manager and approval by the
13 Keizer City Council, unclaimed personal property and surplus personal property may be
14 donated to an organization which has received Internal Revenue Service tax status as a
15 nonprofit organization.

16 B. Upon recommendation by the Keizer City Manager and approval by the
17 Keizer City Council, unclaimed personal property and surplus personal property may be
18 sold or transferred with or without consideration to any agency of the State of Oregon
19 or any political subdivision thereof authorized by law to enter into public contracts and
20 any public body created by intergovernmental agreement or to the federal government.

1 C. Upon recommendation by the Keizer City Manager and approval by the
2 Keizer City Council, unclaimed personal property in Keizer's possession may be
3 appropriated for public purposes by Keizer and not disposed of under the terms of this
4 Ordinance.

5 D. Upon recommendation by the Keizer City Manager and approval by the
6 Keizer City Council, unclaimed or surplus property (including surplus firearms) may be
7 used as a trade-in for credit against other property the City is purchasing.

8 E. Upon recommendation by the Keizer City Manager and approval by the
9 Keizer City Council, unclaimed personal property which is of nominal value and surplus
10 personal property which is of nominal value may be destroyed.

11 Section 3. DISPOSITION OF PERSONAL PROPERTY OF GREATER THAN
12 NOMINAL VALUE. The following provisions apply to unclaimed personal property
13 and surplus personal property of more than nominal value:

14 A. The City Manager, if he or she determines it is in the City's best interests,
15 may determine that unclaimed and /or surplus personal property shall be sold at public
16 auction. Such auction shall be conducted as set forth in Section 4 of this Ordinance.

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1 B. As an alternative to a public auction, the City Manager may authorize
2 disposition of unclaimed and surplus personal property through the State of Oregon
3 Surplus Property Program if the City Manager determines that utilizing such program
4 will probably result in a higher net return than if the property were sold at public
5 auction.

6 C. As an alternative to a public auction or disposition through the State of
7 Oregon Surplus Property Program, the City Manager shall solicit proposals from persons
8 or organizations for unclaimed and surplus personal property by causing notice to be
9 published in a newspaper of general circulation in the City at least one (1) week prior
10 to the date set for opening of such proposals. Upon recommendation of the City
11 Manager and approval by the City Council, the property shall be sold to the personal or
12 organization making the best offer. The property shall be delivered to the successful
13 purchaser upon receipt of full payment.

14 Section 4. AUCTION.

15 A. When the City Manager determines that a public auction is necessary, the
16 City Manager shall:

17 ///

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1 i. Cause a notice of public auction to be published in a newspaper of
2 general circulation in Keizer at least ten days prior to the date of such
3 auction. The notice shall include at a minimum a list of the property to be
4 sold, and the time and place where the property can be viewed as well as
5 the time and place of the auction itself.

6 ii. Insure that all property shall be available for viewing by
7 prospective buyers on the auction premises at least one-half hour prior to
8 sale time.

9 iii. Sell the unclaimed and surplus property to the highest bidder. The
10 City Manager may establish minimum bids for any and all items. Items
11 may be grouped for sale as particular lots, if it is in the City's best interest
12 to do so. Payment must be made before the property can be removed.
13 Payment shall be in the form of cash, cashier's check, or money order or
14 first party personal check. A receipt shall be issued for each article
15 purchased.

16 B. All articles sold at auction having a title or registration shall require a Bill
17 of Sale. The Bill of Sale shall be signed by the City Manager.

18 C. The City Manager may hire a public auctioneer that is licensed and bonded
19 to conduct the public auction.

1 Section 5. PROCEEDS. Proceeds from the sale or auction of unclaimed and
2 surplus personal property shall be used first to pay all costs connected with such sale or
3 auction, including, but not limited to, expenses of sale, storage and maintenance costs,
4 and any public notice publication costs. Any proceeds remaining shall go to Keizer's
5 General Fund.

6 Section 6. DISPOSITION OF CONTRABAND FIREARMS.

7 A. Firearms which were seized under ORS 166.270 (Certain ex-convicts
8 forbidden to possess arms) and not being held as evidence shall be classified as
9 contraband. Firearms seized under ORS 166.280 (Seizure of concealed weapons) and
10 not being held as evidence shall be classified as contraband.

11 B. Except as noted in Section 6(C) below, firearms classified as contraband
12 shall be destroyed in such a manner that the firearms are rendered wholly and entirely
13 ineffective and useless for the purpose of which they were manufactured.

14 C. Upon the request of the Keizer Police Department and the issuance of a
15 certificate by a judge or district attorney pursuant to ORS 166.280, firearms classified
16 as contraband or firearms remaining unclaimed after adjudication may be preserved and
17 not destroyed.

18 ///

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1 Section 7. DISPOSAL OF OTHER CONTRABAND.

2 A. As used herein, "contraband" means any personal property (except
3 firearms) which is unlawful to produce or possess, including, without limitation, illegal
4 weapons, controlled substances as defined in ORS 475.005 and drug paraphernalia as
5 defined in ORS 475.525.

6 B. All contraband shall be rendered unusable by destruction in a legally
7 acceptable manner. The destruction of contraband shall be recorded by the property
8 controller and witnessed by a member of the Keizer Police Department.

9 C. Contraband in the form of controlled substances shall also be destroyed
10 in a legally acceptable manner, except when it is authorized by the District Attorney or
11 a court of competent jurisdiction to be used as an investigative tool. In every instance,
12 authorization to use a controlled substance as an investigative tool shall be obtained in
13 writing from the Keizer Chief of Police. All such authorizations shall be in writing and
14 shall accompany the property control report.

15 D. Controlled substances used as an investigative tool shall be returned to the
16 property controller when the specific investigation is completed. The property controller
17 shall again inventory, weigh and verify the substance.

18 Section 8. REPEAL. Ordinance number 95-341, Disposition of Unclaimed
19 Property, Surplus Property, Firearms and Contraband, enacted October 16, 1995, is
20 repealed.



October 2, 2000

AGENDA ITEM 7d

**RESOLUTION – AUTHORIZING THE DISPOSITION OF SURPLUS
PROPERTY**

CITY COUNCIL MEETING: October 2, 2000

AGENDA ITEM NUMBER: _____

TO: MAYOR NEWTON AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

**FROM: MARC ADAMS
CHIEF OF POLICE**

SUBJECT: DISPOSING OF SURPLUS PROPERTY

BACKGROUND:

In September of 2000 the Firearms Committee of the Police Department conducted a review of the current KPD issued duty pistol. The committee recommends that the KPD change from the current pistol to the new Glock Model 31. It was the Firearms Committee's finding that the Glock Model 31 provides a distinct improvement over our current duty weapon.

The committee also recommended that the department begin supplying the duty pistols to our Reserve Police Officers (currently the volunteer officers are required to purchase their own pistol).

The committee recommended the department acquire two Remington Marine Magnum 870 all-weather shotguns for less-lethal (bean bag) operations and two Glock Model 21 pistols for our officers assigned to the Salem PD SWAT Team.

In addition to the firearms, holsters, magazines, magazine holders and other miscellaneous duty equipment was identified as needed in order to make the duty weapon change.

The total cost for the firearms and miscellaneous equipment needed is \$33,452.54. This amount was not budgeted. In order to make the change I compiled a list of the various articles of "Surplus Equipment" on hand at the Police Department. The committee then took the list of "Surplus Equipment" to the State of Oregon Surplus Action office and had them place an estimated value on the equipment. The committee then contacted the Glock distributors in Oregon and California and attempted to barter our surplus equipment for the needed new equipment. The Shooters Mercantile Company of Salem, Oregon was the only respondent to our offer. The Shooters Mercantile offered us a credit of \$33,493.00 for our surplus equipment.

FISCAL IMPACT

If Council approves the trade, there will be zero impact to the City budget.

RECOMMENDATION

It is recommended the City Council adopt the attached Resolution declaring certain City owned equipment as surplus property and approving the trade-in of such property for credit against the purchase of the listed equipment in the Resolution.

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 Resolution R2000-_____

3 AUTHORIZING THE DISPOSITION OF SURPLUS
4 PROPERTY IN EXCHANGE FOR CERTAIN FIREARMS
5 AND OTHER POLICE DEPARTMENT EQUIPMENT

6 WHEREAS, Ordinance 2000-_____ allows for the disposition of surplus property in
7 exchange for other property the City is acquiring;

8 WHEREAS, the Keizer Police Department proposes to convey the property listed on
9 Exhibit "A" to Shooter's Mercantile in exchange for equipment to acquired listed on Exhibit
10 "B";

11 WHEREAS, the Chief of Police and City Manager approve such exchange;

12 WHEREAS, Ordinance No. 2000-_____ requires City Council approval for such
13 exchange;

14 NOW, THEREFORE,

15 BE IT RESOLVED by the City Council of the City of Keizer as follows:

16 1. DECLARATION OF SURPLUS PROPERTY. The City Council declares the
17 property listed in Exhibit "A" as surplus property.

18 2. CONVEYANCE OF PROPERTY. The City Council hereby authorizes the
19 conveyance of the property listed in Exhibit "A" for a credit of \$33,493.00 to Shooter's
20 Mercantile in exchange for the property listed in Exhibit "B" which has a value of

1 \$33,452.54. Shooter's Mercantile shall post a net credit in the amount of \$40.46 to the City
2 of Keizer's account to equalize the transaction.

3 3. BIDDING EXEMPTION. The City Council hereby finds that awarding of a
4 contract without competitive bidding will result in cost savings and the amount is more than
5 \$5,000.00 and less than \$75,000.00 and that the requirements of OAR 125-310-0012 have
6 been met.

7 4. FINALIZATION OF TRANSACTION. The City Manager and the Chief of
8 Police are authorized to take any and all necessary acts to effectuate the exchange as set forth
9 herein.

10 PASSED this _____ day of _____, 2000.

11 SIGNED this _____ day of _____, 2000.

12 _____
13 Mayor

14 _____
15 City Recorder

Equipment to be Traded by the Keizer Police Dept.

Vehicles:

1994 Chevrolet Caprice K9 car with all lights, siren and cage. VIN# 1G1BL52P4RR165025
1994 Chevrolet Caprice with all lights, siren, cage and plastic back seat.
VIN# 1G1BL52P8RR164511
1995 Kawasaki 1100 motorcycle with all lights. VIN# JKAKZCP2XSB513362
1989 Pontiac Firebird. VIN# 1G2FS21EXJL258041
1989 Chevrolet Caprice VIN# 1G1BL5173KR172670
1995 Chevrolet Caprice VIN# 1G1BL52POSR173760 (Delivery in December 2000)
Seven (7) sets of Chevrolet Caprice rear seats

Leather/Nylon Goods:

51 duty belts of various brands
39 Nelson leather magazine cases
32 Nelson leather handcuff cases
15 flashlight rings of various brands
24 ASP baton holders of various brands
26 Nelson leather OC carriers
32 Nelson leather radio carriers
34 various holsters
Six (6) Galco Miami classics holsters
Six (6) Uncle Mike's tactical thigh holsters
Two (2) Safariland SSIII 070 holsters, nylon finish
Two (2) AccuMold magazine cases
One (1) AccuMold 2 1/4" duty belt, large
12 Uncle Mike's Mirage high ride holsters, basketweave
17 Uncle Mike's Mirage Pro-3 holsters
Nine (9) Uncle Mike's Mirage Jacket Slot holsters

Firearms:

47 SIG Sauer P220 .45 handguns
Three (3) SIG Sauer P230 .380 handguns
One (1) Ruger Mini-14 rifle

Other:

5000 rounds of Blazer FMJ .45 practice ammunition
500 rounds of Winchester Ranger Talon .45 duty ammunition
Miscellaneous SIG Sauer P220 and P230 parts

XXX

Equipment to be Purchased by the Keizer Police Dept.

<u>Quant.</u>	<u>Item(s)</u>
02	Glock 21 with night sights and three magazines
53	Glock 31 with night sights and three magazines
02	Remington Marine Magnum 870 12 gauge shotguns
11	Uncle Mike's Mirage 2" duty belts, basketweave
11	Uncle Mike's inner belts
11	Uncle Mike's Mirage double handcuff cases, basketweave
11	Uncle Mike's Mirage OC carriers, basketweave
11	Uncle Mike's Mirage radio carriers, basketweave
11	Uncle Mike's Mirage double magazine cases for Glock 31 magazines, basketweave
11	Uncle Mike's Mirage glove carriers, basketweave
11	Uncle Mike's Mirage keepers, basketweave, four per pack
11	ASP baton 21" carriers, basketweave
31	Uncle Mike's Mirage Pro-3 holsters for Glock 31, basketweave, 30 RH, 1 LH
12	Uncle Mike's Mirage High Ride holsters for Glock 31, basketweave
09	Uncle Mike's Mirage Jacket Slot holsters for Glock 31, basketweave
05	Uncle Mike's Mirage thigh holsters for Glock 31, basketweave
01	Uncle Mike's tactical thigh holster for Glock 21, accomodates light, Cordura nylon
02	Galco Miami Classic full shoulder holsters for Glock 31, black with handcuff case
07	Safariland pancake holsters for Glock 31
02	Safariland SSIII 070 holsters for Glock 31, nylon finish
07	Safariland handcuffs and magazine carrier, black
02	AccuMold magazine carriers for Glock 31
01	AccuMold 2 1/4 duty belts, medium
01	Uncle Mike's double magazine case for Glock 21 magazines. Cordura nylon
01	Tactical barrel light for Glock 21
6000	Rounds of Blazer 357 SIG practice ammunition
3000	Rounds of Winchester Ranger Talon 357 SIG duty ammunition

The Keizer Police Department shall purchase the merchandise listed above from Shooter's Mercantile for \$33,452.54.

Purchase Order # _____ (attached).

Authorized signature for Shooter's Mercantile: _____ Date: _____

Printed Name: _____ Position: _____

Authorized signature for the Keizer Police Dept. : _____ Date: _____

Printed Name: _____ Position: _____



October 2, 2000

AGENDA ITEM 7e

**RESOLUTION – AUTHORIZING MAYOR TO EXECUTE AGREEMENT
FOR DISTRIBUTION OF 911 FUNDS**

CITY COUNCIL MEETING: October 2, 2000

AGENDA ITEM NUMBER: _____

TO: MAYOR NEWTON AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: *REVISING 9-1-1 DISTRIBUTION FORMULA*

Keizer Rural Fire Protection District, Marion County Fire District No. 1 and the City share 9-1-1 funds pursuant to a 1990 agreement. Such agreement provides for the following distribution formula:

City	75.0%
Keizer FD	22.5%
Marion FD	2.5%

Some time ago discussions ensued between the jurisdictions regarding the respective burdens of the jurisdictions in terms of emergency calls for service. Following that discussion and during the City's budget process it was concluded that a revision of the distribution formula would be appropriate. The distribution formula was proposed to be changed as follows:

City	57.0%
Keizer FD	39.0%
Marion FD	4.0%

Attached is a resolution authorizing the Mayor to sign the amendment to change the distribution formula, along with the agreement itself.

RECOMMENDATION:

Adopt the attached Resolution.

Please contact me if you have any questions in this regard. Thank you.

ESJ/tmh
attachment

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 Resolution R2000-_____

3 AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT
4 AMENDING THE INTERGOVERNMENTAL AGREEMENT BETWEEN
5 THE CITY OF KEIZER, KEIZER RURAL FIRE PROTECTION DISTRICT,
6 AND MARION COUNTY FIRE DISTRICT NO. 1 REGARDING
7 DISTRIBUTION OF 9-1-1 FUNDS

8 WHEREAS, the City of Keizer, the Keizer Rural Fire Protection District and Marion
9 County Fire District No. 1 entered into that certain Intergovernmental Agreement regarding
10 distribution of 9-1-1 funds on or about April 10, 1990;

11 WHEREAS, upon consideration of the demand for services and funds available, the
12 parties have agreed to change the distribution formula of such 9-1-1 funds;

13 WHEREAS, the parties wish to enter into an agreement to amend the above
14 referenced intergovernmental agreement to provide for such change in the distribution
15 formula;

16 NOW, THEREFORE,

17 BE IT RESOLVED by the City Council of the City of Keizer that the Mayor is
18 authorized to execute the attached Agreement Amending Intergovernmental Agreement
19 regarding 9-1-1 fund distribution.

20 PASSED this _____ day of _____, 2000.
21 SIGNED this _____ day of _____, 2000.

22 _____
23 Mayor

24 _____
25 City Recorder

Lien & Johnson

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

AGREEMENT AMENDING INTERGOVERNMENTAL AGREEMENT
BETWEEN CITY OF KEIZER, KEIZER RURAL FIRE
PROTECTION DISTRICT, AND MARION COUNTY FIRE
DISTRICT NO.1 FOR THE DISTRIBUTION OF 9-1-1 FUNDS
TO ELIGIBLE LOCAL JURISDICTIONS WITHIN THE CITY OF KEIZER

WHEREAS, the City of Keizer ("City"), the Keizer Rural Fire Protection District ("Keizer FD"), and the Marion County Fire District No. 1 ("Marion FD") entered into that certain Intergovernmental Agreement with regard to distribution of 9-1-1 funds on or about April 10, 1990;

WHEREAS, upon discussion between the above referenced parties it was concluded the distribution formula for 9-1-1 funds should be revised;

NOW THEREFORE, the parties agree as follows:

AGREEMENT:

1. AMENDMENT. The section of the Intergovernmental Agreement regarding the distribution formula shall be amended as follows:

City	57.0%
Keizer FD	39.0%
Marion FD	4.0%

2. EFFECTIVE DATE. This amended distribution formula shall take effect for all revenues budgeted for fiscal year 2001 and all succeeding fiscal years.

3. Except as amended herein, the Intergovernmental Agreement shall continue in full force and effect without change.

CITY OF KEIZER:

KEIZER RURAL FIRE PROTECTION
DISTRICT:

Mayor
DATED: _____

Chairman
DATED: _____

MARION COUNTY FIRE DISTRICT
NO. 1:

Chairman
DATED: _____

AGREEMENT AMENDING INTERGOVERNMENTAL AGREEMENT
BETWEEN CITY OF KEIZER, KEIZER RURAL FIRE
PROTECTION DISTRICT, AND MARION COUNTY FIRE
DISTRICT NO.1 FOR THE DISTRIBUTION OF 9-1-1 FUNDS
TO ELIGIBLE LOCAL JURISDICTIONS WITHIN THE CITY OF KEIZER

WHEREAS, the City of Keizer ("City"), the Keizer Rural Fire Protection District ("Keizer FD"), and the Marion County Fire District No. 1 ("Marion FD") entered into that certain Intergovernmental Agreement with regard to distribution of 9-1-1 funds on or about April 10, 1990;

WHEREAS, upon discussion between the above referenced parties it was concluded the distribution formula for 9-1-1 funds should be revised;

NOW THEREFORE, the parties agree as follows:

AGREEMENT:

1. AMENDMENT. The section of the Intergovernmental Agreement regarding the distribution formula shall be amended as follows:

City	57.0%
Keizer FD	39.0%
Marion FD	4.0%

2. EFFECTIVE DATE. This amended distribution formula shall take effect for all revenues budgeted for fiscal year 2001 and all succeeding fiscal years.

3. Except as amended herein, the Intergovernmental Agreement shall continue in full force and effect without change.

CITY OF KEIZER:

KEIZER RURAL FIRE PROTECTION
DISTRICT:

Mayor
DATED: _____

Chairman
DATED: _____

MARION COUNTY FIRE DISTRICT
NO. 1:

Chairman
DATED: _____



October 2, 2000

AGENDA ITEM 7f

ORDINANCE – ESTABLISHING PERMITS REGARDING APPROACH
TO CITY ROADS AND PUBLIC RIGHT OF WAY

COUNCIL MEETING: October 2, 2000

AGENDA ITEM NUMBER: _____

TO: MAYOR NEWTON AND CITY COUNCILOR MEMBERS

THROUGH: CHRIS C. EPPLEY
CITY MANAGER

FROM: ROB KISSLER 
DIRECTOR OF PUBLIC WORKS

SUBJECT: ORDINANCE – PERMIT FOR APPROACH TO CITY ROADS AND PUBLIC
RIGHT OF WAY

ISSUE:

On September 18, 2000 the City Council directed staff to prepare an Ordinance establishing driveway access permits to be administered by the Keizer Public Works Department. Currently Marion County issues these permits at an established fee of \$50.00. The attached Ordinance provides that the fee remain the same and is to be reviewed on an annual basis.

RECOMMENDATION:

It is recommended the Council adopt the attached Ordinance Establishing Permits Regarding the Approach to City Roads and Public Right of Ways.

1 **BILL NO.** _____

ORDINANCE NO. _____

2
3 **A BILL**
4 **FOR**
5 **AN ORDINANCE**

6 **IN THE MATTER OF APPROVAL AND ESTABLISHING PERMITS REGARDING**
7 **APPROACH TO CITY ROADS AND PUBLIC RIGHT OF WAY**

8
9
10
11 The City of Keizer ordains as follows:

12
13 Section 1 – PURPOSE. The purpose of this Ordinance is to protect the public
14 health, safety and welfare in the City of Keizer by elimination of the hazards of unrestricted and
15 unregulated entry onto City Roads and Public Rights-of-Way from adjacent properties such as,
16 but not limited to, subdivisions, planned unit developments, partitionings, properties including
17 residential, commercial, and industrial properties.

18
19 Section 2 – AUTHORITY. The Keizer City Council, pursuant to state law, may issue
20 written permission for the construction of any approach road, or any appurtenance thereto, or a
21 substantial alteration of any such approach road or appurtenance or the change in use of such
22 approach road adjacent to any City Road or Public Road Right-of-way.

23
24 Section 3 – DELEGATION OF AUTHORITY. The Keizer City Council finds that the
25 Director of Public Works is equipped by reason of knowledge and information to administer the
26 issuance of written approval, in the form of a permit as prescribed by the Director, for the
27 construction, reconstruction, alteration or change in use of any approach road. The City
28 Council hereby delegates to the Director of Public Works the authority to implement the
29 provisions of this Ordinance.

30
31 Section 4 – DEFINITIONS. As used herein, unless the context requires otherwise, the
32 following terms are defined as follows:

- 1 (1) "Applicant" means: Any person, firm or corporation, public or private, being the
2 owner in fee of the property abutting the roadway or the lessee or other holder of a
3 lawful interest in the property abutting the roadway with the written permission to
4 construct an approach road adjacent to a City Road or Public Road right of way. A
5 person who is the holder of a lawful easement or other similar holder of a property
6 interest may also be an applicant under the terms of this Ordinance.
- 7 (2) "Approach road" means: Any public or private roadway or driveway connection
8 between the outside edge of the shoulder or curb line and the right-of-way line of a
9 Public or City Road, intended to provide vehicular access to, from, or across said
10 Public City Road and the adjacent or adjoining property.
- 11 (3) "Change in use" means: Any activity, which substantially increases the traffic volume,
12 speed character of the types of vehicles using the approach road.
- 13 (4) "City Road" means: Any public road under the jurisdiction of the City of Keizer that
14 has been designated as a City Road pursuant to state law.
- 15 (5) "Department" means: The City of Keizer Public Works Department.
- 16 (6) "Director" means: The City of Keizer Director of Public Works or designee.
- 17 (7) "Engineer" means: A registered professional civil or traffic engineer, licensed by the
18 State of Oregon.
- 19 (8) "Permit" means: A written approval by the Director of Public Works in the manner
20 prescribed by the Director. The permit shall include all special provisions deemed
21 necessary by the Director.
- 22 (9) "Public Road" or "Public Road Right-of-Way" means any public road or local access
23 road, as defined by state law, under the jurisdiction of the City of Keizer.
- 24 (10) "Residential use" means: Any building or facility used as a single-family dwelling or
25 any structure in conjunction with the residential use of the property.
- 26 (11) "Subdivision" means: An area or tract of land from which four or more lots have been
27 created.
- 28 (12) "Utility" or "Utilities" means: Any water, gas, sanitary or storm sewer, electrical
29 telephone, drainage way, wire, or television communication service.

30 /////

31 /////

1 Section 5 – PERMIT.

2 (1) An application for a permit may be made by an agent (i.e., contractor, sub divider,
3 builder, employee, etc.) of the applicant. This action will not relieve the property
4 owner, lessee, easement holder or other holder of a legal or lawful interest in the
5 property for which a permit has been made of any privileges or obligations made
6 under the permit or terms of this ordinance.

7 (2) A permit shall be obtained from the City by any person, firm, or corporation prior to
8 building or constructing on the right-of-way of A Public or City Road, any approach
9 road or appurtenances thereto, or substantially altering any approach road or
10 appurtenance, or changing the use of an existing approach road, public right-of-way
11 or City Road.

12 (3) Failure to obtain a permit may result in the removal or repair of the installation of the
13 approach road.

14 (4) Application for a permit will be made in the manner and the form approved by the
15 Director.

16 (5) Plans prepared by an engineer shall be submitted to the Director, unless waived by
17 the Director, for the proposed approach roads, from whatever source, and approval of
18 said plans shall be considered as part of the permit process under this Ordinance.

19 (6) The applicant shall place a marker, such as a stake or lath, at the right-of-way line
20 where the centerline of the proposed approach road will intersect with a Public or
21 City Road.

22 (7) No permit will be valid until signed by the Director. No work can begin on the
23 approach road, City Road or Public Road right-of-way until the applicant has
24 obtained a valid permit.

25 (8) The applicant shall be responsible for relocating any utility within the right-of-way.
26 Construction of the approach road shall not begin until the relocation of the utility
27 has been completed to the satisfaction of the Director and the affected utility.

28 (9) The applicant shall be solely responsible for providing correct and complete
29 information as required by the Director. If the Director determines that any fact
30 provided by the applicant which is/was material to the assessment of the approach
31 road's impact upon traffic safety, convenience or the property rights of any person, is

1 false, incorrect or omitted, the Director may deny or revoke the permit and may
2 require the applicant to remove the approach road or to modify the approach road to a
3 condition acceptable to the Director. All expenses incurred will be the responsibility
4 of the applicant.

- 5 (10) The Director may require the applicant to provide, at the applicant's expense, such
6 additional safeguards and design features as the Director deems reasonably required
7 for the protection of the Public or City Road and the traveling public.
8

9 Section 6. IMPROVEMENTS AND ENGINEERING REQUIREMENTS

- 10 (1) If it is determined by the Director that additional traffic controls (e.g. acceleration or
11 deceleration lanes, widening of the roadway to provide left turn refuges, traffic
12 warning lights, traffic signals or other similar control devices) or right-of-way
13 therefore are necessary on the approach road, or Public or City Road to protect the
14 traveling public, the applicant shall dedicate the required right-of-way and construct
15 the required improvements at the applicant's own expense, except as may otherwise
16 be provided by the City, including the entire cost of design, construction and
17 installation.

- 18 (2) In making a determination whether additional traffic controls are reasonably
19 necessary, the Director may require the applicant to submit a traffic study prepared
20 by a traffic engineer to assess:

21 (a) The extent and nature of the change in use of the approach road, Public or
22 City Road (if applicable); and

23 (b) In light of current and projected conditions, traffic speeds, sight distances,
24 and road conditions on both the Public and City Road and the approach road,
25 whether additional traffic controls are necessary and which controls or
26 combinations thereof would be necessary to adequately ensure the safety and
27 convenience of the traveling public.

28 //

29 //

30 //

31 //

1 Section 7 – LOCATION

- 2 (1) Approach roads shall be located where they do not create a hazard or undue interference
3 with the free movement of normal roadway or pedestrian traffic. Approach roads located
4 on sharp curves, steep grades, areas of restricted sight distance or locations which
5 interfere with the placement and proper functioning of traffic control signals, signs,
6 lighting or other devices will not be permitted.
- 7 (2) No facilities shall be constructed at locations where rights of access to or from the
8 abutting property have been previously restricted.
- 9 (3) One approach road will be allowed to a single lot except where the Director determines
10 that additional approach roads are necessary to accommodate and serve such traffic as
11 may be reasonably anticipated.

12
13 Section 8 – DESIGN -

- 14 (1) Approach roads shall be designed to allow movement to and from the roadway by
15 vehicles which can reasonably be expected to utilize the approach road without undue
16 conflict with other traffic.
- 17 (2) Residential and commercial access roads will be constructed in accordance with
18 adopted City design standards. Business or commercial activity which the Director
19 reasonably expects to generate traffic of the volume and character requiring additional
20 traffic controls (e.g., channelization and signalization) must be designed on an
21 individual basis. When an individual design is required by the Director, the applicant
22 shall submit a traffic study which shall include plans and specifications for the
23 required traffic improvements. The Traffic Engineer may include recommendations
24 that are based upon phased construction for the applicant's property or the proposed
25 users of the approach road.
- 26 (3) The applicant may be required to construct curbing along its frontage, and to pave the
27 area between the existing roadway pavement and the curbing. The applicant may be
28 required to install drainage facilities as part of the road approach permit. The
29 applicants may be required to construct curbing, sidewalks, guard rails, ditches or
30 plantings to limit access to the abutting property as part of the approach road permit.

- 1 (4) Permits for approach roads serving business, commercial, residential, or paved areas
2 may include provisions for connecting the paved area to the roadway drainage system.
3 If the Director finds the roadway drainage system is not adequate to handle the
4 accelerated runoff, applicant shall make provisions required by the City to prevent
5 surface runoff from the paved areas into the roadway drainage system. All costs for
6 providing drainage from the property shall be borne by applicant.
7

8 Section 9 – CONSTRUCTION.

- 9 (1) Applicant or his contractor shall advise the Director's office at least 48 hours in advance
10 of commencing construction of a facility approved by permit.
11 (2) The facility shall be constructed in conformance with City standards and the terms of the
12 permit, including the special provisions of the permit and exhibits attached thereto.
13 (3) Applicant shall notify the Director when construction of the facility has been completed.
14 The Director shall inspect the completed facility. If any deficiencies are noted, applicant
15 shall promptly correct them as required by the Director.
16 (4) The planting or placing of adornments not prohibited by law on the right-of-way by
17 applicant shall be limited to low growing shrubs, grass, or flowers that do not attain
18 sufficient height to obstruct clear vision in any direction in accordance with Section
19 2.312.09 of the Keizer Development Code. No curbs, posts, signs or other structures
20 shall be placed on the roadway right-of-way unless applicant has obtained a permit to do
21 so from the Director.
22

23 Section 10 - MAINTENANCE

- 24 (1) Maintenance of an approach road shall be the responsibility of applicant unless the
25 approach road is a public right-of-way and the roadway has been formally
26 accepted into the City road system. All driveway approach roads shall be maintained by
27 applicant from the outside edge of the Public or City road shoulder or curb line to the
28 right-of-way line.
29 (2) In all cases where traffic signals have been required, all maintenance will be performed
30 by the City.
31

1 Section 11 – EFFECTIVE PERIOD

- 2 (1) Unless otherwise provided in the special provisions, once the driveway or approach
3 road is constructed, the permit shall be in effect for an indefinite period of time from
4 the date issued, unless sooner revoked by mutual consent, or by the Director for
5 failure of applicant to abide by the terms and conditions of the permit, or by
6 operation of law.
- 7 (2) Failure of applicant to comply with any of the terms and conditions of the permit or
8 to maintain the approach road and facilities shall be sufficient cause for cancellation
9 of the permit and may result in removal of the approach road and facilities by the
10 City at applicant's expense.
- 11 (3) The permit, including all of the privileges and obligations of applicant therein, shall
12 be binding upon the successors and assigns of applicant.
- 13 (4) If applicant fails to complete installation of the approach road and facilities covered
14 by the permit within the period specified in the permit, the permit shall be deemed
15 null and void and all privileges there under forfeited, unless a written extension of
16 time is obtained from the Director.
- 17 (5) The construction, maintenance, operation and use of the approach road and facilities
18 are subject to the paramount control of the City Council over the Public and City
19 roadway system, and no right or privilege granted by the permit shall be deemed or
20 construed to be beyond the power or authority of the City Council to control the
21 roadway system.

22
23 Section 12 – RESPONSIBILITY OF COST

- 24 (1) The entire expense of right-of-way, design, construction, and installation of the
25 approach road and facilities shall be borne by applicant. This shall also include the
26 cost of all materials, labor, signs, signals, structures, equipment, traffic
27 channelization and other permit requirements.
- 28 (2) Costs of any items, or portion thereof, described under Subsection (1) above may
29 become the responsibility of the City, provided they are a part of the terms and
30 conditions of the permit or other written agreement.

- 1 (3) Any widening or other improvement of the approach road or facilities at the
2 applicant's request shall be done only under authority of a new permit and at the
3 expense of applicant.
- 4 (4) The cost of maintenance of the approach road from the outside edge of the Public or
5 County road shoulder or curb line to the right-of-way line shall be the responsibility
6 of applicant, unless the approach road becomes a City maintained road through
7 formal acceptance into the City system by the Keizer City Council.
- 8 (5) If the roadway surface or facilities are damaged by applicant, applicant shall be held
9 liable for all costs to replace or restore the roadway or facilities to a condition
10 satisfactory to the Director of Public Works.
- 11 (6) Work Performed under the permit shall be in accordance with the current "Manual
12 on Uniform Traffic Control Devices for Streets and Highways" as amended or
13 supplemented by the City or the Oregon Transportation Commission, and be at
14 applicant's expense.

15
16 Section 13 – LIABILITY. Applicant shall be responsible and liable for all damage or
17 injury to any person or property resulting from the construction, maintenance, repair, operation
18 or use of the facility for which applicant has been granted a permit and for which applicant may
19 be legally liable, and applicant shall indemnify and hold harmless City of Keizer, the Director,
20 Department, and all officers, employees or agents of the Department against any and all
21 damages, claims, demands, actions, causes of action, costs and expenses of whatsoever nature
22 which they or any of them may sustain by reasons of the acts, conduct or operation of applicant,
23 his agents or employees in connection with the construction, maintenance, repair, operation or
24 use of said approach road and facilities.

25
26 Section 14 – FEES.

- 27 (1) An administrative and inspection fee shall be required for each approach road
28 access permit issued. The City Council hereby establishes this fee at \$50.00 per
29 permit. The fee will be reviewed on an annual basis.
- 30 (2) Any revenue received pursuant to this Ordinance shall be deposited in the City of
31 Keizer Street Fund.

1 (3) The Director may waive the fee if applicant is a federal, state, county, or other
2 public body.

3 (4) No fee will be charged for work being done by or under a contract with the City of
4 Keizer.

5
6 Section 15 – REPEAL - This Ordinance shall supersede and repeal any other ordinance, or
7 part thereof, which is in conflict herewith.

8
9 Section 16 – SEVERABILITY CLAUSE. Should any article, section, subsection,
10 paragraph, sentence, clause or phrase of this ordinance be declared invalid, such declaration shall
11 not affect the validity of any other article, section, subsection, paragraph, sentence, clause, or
12 phrase; and if this ordinance or portion thereof should be held to be invalid on one ground but
13 valid on another, it shall be construed that the valid ground is the one upon which said ordinance
14 or such portion thereof was enacted.

15
16 Section 17 – EMERGENCY CLAUSE. This ordinance being necessary for the
17 immediate preservation of the public health, safety, and welfare, an emergency is declared to
18 exist and this Ordinance shall take effect immediately upon its passage.

19
20 PASSED this ____ day of _____, 2000.

21 SIGNED this ____ day of _____, 2000.

22
23 _____
24 Mayor

25 _____
26 City Recorder
27
28
29
30



October 2, 2000

AGENDA ITEM 7g

AUDIT OF KEIZER HERITAGE FOUNDATION

COUNCIL MEETING:

October 2, 2000

AGENDA ITEM NUMBER: _____

TO: MAYOR NEWTON AND COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

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



SUBJECT: AUDIT OF KEIZER HERITAGE FOUNDATION

ISSUE:

The Keizer Heritage Ground Lease agreement requires an annual opinion audit (see attached). Al Rasmus of the Keizer Heritage Foundation spoke with our audit firm, Grove, Mueller, & Swank P.C., regarding this issue. The firm explained that an opinion audit would be costly and may be beyond the level of assurance the City Council needs or wants. Al asked for my assistance in this matter. I spoke with Shannon Johnson who recommended we amend the ground lease agreement to require something less than an opinion audit if the council so wishes.

Below is a proposed change in Section 4.11 of the Ground Lease for the City Council's consideration.

4.11 Annual Financial Statements. No later than 120 days after the end of its fiscal year, Keizer Heritage Foundation, Inc. shall provide its annual financial statements to the City. Such financial statements shall include the balance of the established sinking fund to provide for maintenance and repairs to the Building. The underlying accounting records shall be examined by an independent certified public accountant using procedures agreed upon by the Keizer City Council. Such agreed upon procedures may change from year to year.

The proposed changes replace an opinion audit with "agreed upon procedures". This will give the Council the flexibility to have the auditors' increase/decrease the scope of their examination each year if issues warrant.

FISCAL IMPACT:

The change in the Ground Lease agreement has no fiscal impact on the City of Keizer since audit costs would be paid by the Keizer Heritage Foundation unless otherwise agreed upon.

RECOMMENDATION:

It appears from the Ground Lease agreement that the intent of an audit was to ensure sufficient funds are collected from tenants to maintain the facility. Therefore, staff recommends the council revise the Heritage Foundation Ground Lease as specified above. Furthermore, staff recommend Council identify the agreed upon procedures to be used by an independent certified public accountant in examining the records of the Heritage Foundation at its fiscal year end. Staff suggests the following procedures for Council consideration:

1. Listing of tenants
2. Annual rent charged and collected by each tenant
3. Balance of the established sinking fund to provide for maintenance and repairs to the Building.
4. Total cost of maintenance and repairs for fiscal year under examination.

FIRST AMENDMENT OF GROUND LEASE

DATE: May 24, 1999

PARTIES:

CITY OF KEIZER,
an Oregon municipal corporation (hereinafter "the City")

KEIZER HERITAGE FOUNDATION, INC.,
an Oregon nonprofit corporation (hereinafter "Keizer Heritage")

RECITALS:

A. The City and Keizer Heritage are parties to that certain Ground Lease signed on or about July 19, 1995. The purpose of such Ground Lease was to provide Keizer Heritage with property on the city hall complex to place the Old Keizer School (the "Building") and to refurbish such school.

B. The Ground Lease provides that Keizer Heritage shall complete the refurbishment (the "Project") within one (1) year after it is commenced.

C. Keizer Heritage has requested that the City grant it an extension of time to complete the Project.

D. The City is willing to grant such request conditioned upon the modification of the Lease regarding the remedies available to the City should Keizer Heritage fail to complete the Project in a timely manner, in addition to certain other Lease modifications.

NOW THEREFORE, based on the mutual promises and covenants made herein, the parties agree as follows:

AGREEMENT:

1. Section 2.1 of the Ground Lease is hereby deleted and replaced with the following:

2.1 Completion of Project. Keizer Heritage shall construct the Project in accordance with the final plans and specifications approved by the City, which approval shall not be unreasonably withheld or delayed. Excavation for the

foundation of the Building shall commence no later than 90 days after the satisfaction or waiver of the condition to this Lease stated in Section 1.1. above. Keizer Heritage shall complete the Project no later than December 31, 1999, with exception of the required landscaping, which shall be fully completed on or before June 30, 2000. The Project shall be deemed completed only when Keizer Heritage has received its permanent occupancy permit for the entire structure. The work shall be performed in accordance with all legal requirements ("Legal Requirements") and in a good and professional manner. For the purposes of this Lease, the term "Legal Requirements" includes all present and future laws, ordinances, orders, rules, regulations, and requirements of all federal, state, and municipal governments, departments, commissions, boards, and officers, foreseen or unforeseen, ordinary as well as extraordinary. The City shall have the right to inspect the work at reasonable intervals subject to the supervision of Keizer Heritage and in a manner that will minimize any interference with the work. Execution of this Agreement by the City does not constitute approval of any Legal Requirements, nor is it any promise or indication that the City will in the future approve any Legal Requirements.

2. The following new Section shall be added regarding annual financial statements and sinking fund as a new Section 4.11:

4.11 Annual Financial Statement. No later than 120 days after the end of its fiscal year, Keizer Heritage shall provide its annual financial statement to the City. Such annual financial statement shall have been audited by an independent certified public accountant using generally accepted auditing procedures and such audit report shall accompany the annual financial statement. Such financial statement shall also include the balance of the established sinking fund to provide for maintenance and repairs to the Building.

2. Section 16.2 of the Ground Lease relating to assignment of the Lease to Keizer Art Association, Inc. is hereby deleted.

3. The last sentence of Section 17.1.2 of the Ground Lease relating to default notice being given to Keizer Art Association, Inc. is hereby deleted.

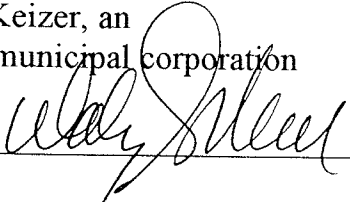
4. The following new Section shall be added as an item of default as new Section 17.1.3:

17.1.3 If Keizer Heritage fails to complete the Project as set forth in Section 2.1 after thirty (30) day notice from the City requiring completion.

5. Section 24 of the Ground Lease relating to the building being permanently kept for public use is hereby deleted.

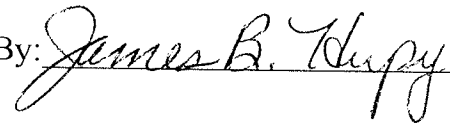
6. Except as expressly modified herein, all terms and conditions of the Ground Lease remain in full force and effect.

City of Keizer, an
Oregon municipal corporation

By: 

DATED: May 24, 1999

Keizer Heritage Foundation, Inc.,
an Oregon nonprofit corporation

By: 

DATED: May 20, 1999



October 2, 2000

AGENDA ITEM 8a

RESOLUTION – TRANSFERRING APPROPRIATIONS FOR FISCAL
YEAR 2000-01 (POLICE SURPLUS PROPERTY)

COUNCIL MEETING: October 2, 2000

AGENDA ITEM NUMBER: _____

TO: MAYOR NEWTON AND CITY COUNCILORS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

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



SUBJECT: Supplemental Budget for Police Equipment Trade

ISSUE:

Upon successful approval of the barter agreement between the Keizer Police Department and Shooter's Mercantile the City Council needs to pass a supplemental budget to provide budget authority for this fiscal transaction.

FISCAL IMPACT:

The barter agreement results in \$33,493 in unanticipated revenues and \$33,453 in unanticipated expenditures leaving a \$40 credit to the Police Department.

RECOMMENDATION:

Staff recommend the City Council approve the attached resolution to provide budget authority to expend the full amount of the credit issued by Shooter's Mercantile for the exchange of equipment.

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 Resolution R2000-_____

3 TRANSFERRING APPROPRIATIONS FOR FISCAL YEAR 2000-2001
4

5
6 WHEREAS, the Keizer City Council adopted a budget for the City of Keizer
7 for the 2000-2001 fiscal year on June 19, 2000;

8 WHEREAS, there have been occurrences which were specifically
9 unanticipated at the time of the preparation of the budget for the 2000-2001 fiscal
10 year for the funds identified below. Such expenditures are necessary for the
11 operations of the City's services;

12 WHEREAS, ORS 294.450(3) provides for the transfer of appropriations within
13 a fund; NOW, THEREFORE,

14 BE IT RESOLVED by the City Council of the City of Keizer, that
15 appropriations for the fiscal year ending June 30, 2001 be transferred in the
16 amounts indicated below:

17 General Fund	<u>Increase</u>	<u>Decrease</u>
18		
19 <u>Police Department</u>		
20 Expenditure - Weapons	\$33,493	
21 Revenue – Exchange of Equipment		\$33,493
22		
23		
24		

25 PASSED this _____ day of _____, 2000.

26 SIGNED this _____ day of _____, 2000.

27
28
29
30 _____
31 Mayor

32
33 _____
City Recorder



October 2, 2000

AGENDA ITEM 8b

RESOLUTION – TRANSFERRING APPROPRIATIONS FOR FISCAL
YEAR 2000-01 (PERSONAL SERVICES)

COUNCIL MEETING: October 2, 2000

AGENDA ITEM NUMBER: _____

TO: MAYOR NEWTON AND CITY COUNCILORS

THROUGH: CHRIS EPPLEY
CITY MANAGER

FROM: SUSAN GAHLSDORF, CPA
FINANCE DIRECTOR



SUBJECT: Transferring Appropriation for Fiscal Year 2000-01

BACKGROUND:

During the budget hearings for Fiscal Year 2000-2001 the Budget Committee directed staff, through the Personnel Policy Committee, to implement the Salary Survey by August 31, 2000. It was not known at the time of these hearings, the true fiscal impact of the survey. The survey has since been implemented and the fiscal impact has been calculated.

Since the budget hearings, the City has realized certain savings in Insurance premiums over the amounts budgeted.

FISCAL IMPACT:

The fiscal impact of these changes is shown, by fund, on the attached resolution. It should be noted that future savings as a result of the salary survey, will be realized in future budget years.

RECOMMENDATION:

Staff recommends the City Council approve the attached resolution giving the appropriate budget authority to implement the salary survey net of the savings in insurance premium costs.

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 Resolution R2000-_____

3 TRANSFERRING APPROPRIATIONS FOR FISCAL YEAR 2000-2001
4

5
6 WHEREAS, the Keizer City Council adopted a budget for the City of Keizer
7 for the 2000-2001 fiscal year on June 19, 2000;

8 WHEREAS, there have been occurrences which were specifically
9 unanticipated at the time of the preparation of the budget for the 2000-2001 fiscal
10 year for the funds identified below. Such expenditures are necessary for the
11 operations of the City's services;

12 WHEREAS, ORS 294.450(3) provides for the transfer of appropriations within
13 a fund; NOW, THEREFORE,

14 BE IT RESOLVED by the City Council of the City of Keizer, that
15 appropriations for the fiscal year ending June 30, 2001 be transferred in the
16 amounts indicated below:

17	General Fund	<u>Increase</u>	<u>Decrease</u>
18			
19	Personal Services – Administration	\$10,633	
20	Personal Services – Parks	326	
21	Personal Services – Planning	9,337	
22	Personal Services – Recorder/Court	1,215	
23	Personal Services – Police		\$9,048
24	Contingency		12,463
25			
26			
27	Street Fund		
28			
29	Personal Services	\$1,132	
30	Contingency		\$1,132
31			

1 **Water Fund**

2
3 **Personal Services**
4 **Contingency**

\$1,827

\$1,827

5
6
7
8
9
10
11
12 **PASSED this** _____ **day of** _____, 2000.

13 **SIGNED this** _____ **day of** _____, 2000.

14
15
16
17 _____
18 **Mayor**

19 _____
20 **City Recorder**



October 2, 2000

AGENDA ITEM 8C

APPROVAL OF SEPTEMBER 18, 2000 REGULAR SESSION MINUTES

MINUTES
KEIZER CITY COUNCIL
Monday, September 18, 2000
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Newton called the regular meeting to order at 7:02 p.m. Roll Call was taken as follows:

Present:

Bob Newton, Mayor
Jim Keller, Councilor
Jerry McGee, Councilor
Jacque Moir, Councilor
Richard Walsh, Councilor
J. L. Wilson, Councilor

Absent:

Lore Christopher, Council President

Staff:

Chris Eppley, City Manager
Maria Meier, Senior Planner
Kent Barker, Lieutenant
Dianne Hunt, Human Resources Director
Shannon Johnson, City Attorney
Tracy L. Davis, City Recorder

PUBLIC TESTIMONY

No public testimony was brought before the Council.

**COMMITTEE
REPORTS**

a. Proclamation-Disability Employment Awareness Month

Mayor Newton announced the Proclamation noting that October 2000 is Disability Employment Awareness Month.

b. Swearing In of Keizer Police Department Reserve
Lieutenant Kent Barker introduced Reserve Police Officer Ian Wilson and provided his background.

City Attorney, Shannon Johnson supplied the oath of office to Officer Wilson.

OTHER BUSINESS

a. New Business

Councilor Moir shared that the Keizer Parks and

Recreation Department would be sponsoring the NFL Gatorade Punt, Pass and Kick Competition on Saturday, September 23rd from 9:00 a.m.- noon at the Volcanoes Stadium.

Mayor Newton shared a letter he received from Oregon Emergency Management expressing appreciation to Bob Emmerich and Ted Plumb commending them regarding their presentation at the Emergency Management presentation in Eugene. He requested that a letter of appreciation be submitted from the Council to Mr. Emmerich and Mr. Plumb.

Mayor Newton supplied the names of the candidates filing for council and mayor's position in the November election.

Mayor's position: Lore Christopher

Council Position #1: Roy Duncan and Judy Smith

Council Position #2: Ray Kelly

Council Position #3: Dee Lane and Charles E. Lee

Mayor Newton shared that he attended a meeting in Silverton regarding passenger train service. He noted this effort dealt with rail service from Woodburn through Mt. Angel to Silverton.

Mayor Newton provided information regarding some of the ballot measures that would be on the November ballot. He indicated that at the recent Mayor's Conference, which he attended, and noted the group would be submitting a letter endorsing Measure's 84 and 87. They would also be opposing Measures 7, 8, 91 and 93. He requested that the Council review the information that he submitted to allow the Council to make a determination regarding these measures, as some of them would have an adverse affect in limiting the local taxing authority.

b. Old Business

Responding to questions, City Manager Eppley reported how the striping and widths of the lanes would be placed along River Road. He also noted at this time there would not be bike lanes placed on River Road due to the lack of right-of-way currently available. Right of way could be obtained in the future if bike lanes along River Road were deemed necessary.

PUBLIC HEARINGS

a. ORDINANCE- Comp

City Attorney, Shannon Johnson reviewed the applicable criteria and requested a waiving of the reading of the criteria.

**Plan/Zone Change Case
No. 00-51 (Monterey
Development)**

Senior Planner, Maria Meier reported that the density for low density residential comprehensive plan designation gives a maximum density of eight units per acre with a minimum of four units per acre.

Ms. Meier reported that the subject properties are located at the west end of McNary Estates Drive North and combined contain approximately 40.41 acres. She indicated that the Special Policy Area covered approximately 31.49 acres within the 40.41 acres and she provided a breakdown of the zoning for the remaining acreage. It was noted that studies done in the area indicated that odor emitted from the treatment plant would not effect the area being requested for development. She supplied the remainder of the staff report recommending that the public hearing be conducted and the application be reviewed and approved with the conditions listed within the staff report.

Mayor Newton opened the public hearing.

Ken Sherman, 475 Cottage Street, Salem- spoke representing Monterey Development Company (applicant). He noted highlights from Ms. Meier's staff report and noted the statewide goals in which the applicant was meeting. Mr. Sherman also stated that the SPA was not considered to be a permanent designation and allowed for studies that had been completed to permit the ground to be developed. Mr. Sherman indicated that the applicant does not have a development plan for the acreage and that this information would be brought back at a later date. He stressed the developer's proposition to be consistent with the current development at McNary Estates.

Mr. Sherman reiterated that the hearing was for a Comprehensive Plan/Zone Change and not a hearing to cover specific details of the development. He noted when that issue was brought forward that the developers would be happy to meet with the neighborhood to address their concerns.

Responding to questions, Mr. Sherman indicated that the proposed land was annexed into McNary Estates approximately two to three years ago. He also noted he was not aware of any roadway discussed to be developed from the latest development onto Windsor Island Road.

Jim Reimann, Monterey Development- responded to the Council's questions. He supplied a history of the McNary Estates development and some of the issues that had been covered regarding the SPA. Mr. Reimann shared that in December 1998 the Council reduced the minimum number of units in McNary Estates from 626 to 543 with Ordinance 98-01 with the understanding that the SPA issue would be resolved. He reiterated Mr. Sherman's comments that they would be happy to meet with homeowners to discuss the plans for the area and indicated that there were no plans currently to build a secondary road onto Windsor Island Road but this road would be used as a temporary road during construction.

Responding to questions, Mr. Reimann noted that the new development would fall under the same CCR's as the current development.

Mayor Newton called names from the public hearing sign up sheet and the following citizens offered testimony

Ted Goobic, 6049 Crampton Drive- Vice President of McNary Home Owners Association, although he was not speaking for the Association. He addressed the staff report noting that he felt the inconsistencies noted in the report pertaining to the population. He asked if the study was adequate in view of the growth of Keizer above and beyond the expectations.

City Attorney, Shannon Johnson noted that this report was submitted by the applicant and was not part of the staff report and offered to have the applicant respond.

George Abel, 230 Snead Drive North, Keizer- expressed his opposition of the proposed development due to reasons of sanitary sewers and traffic issues. He felt the current facilities would not be adequate to take on the additional impact of further development and stressed that McNary Estates roads were privately maintained and that the homeowners did not wish to have the traffic from the development using the private streets.

Mr. Abel indicated that he felt the City must have significant concerns to request easement waivers releasing the City of Salem and the City of Keizer from the liability of noise and odor impacts. He stressed that they did not want McNary Estates associated with any

litigation or negative publicity as it would reduce their property values. Mr. Able requested that the city performs and review comprehensive studies on all adjoining communities associated with the development of the property prior to any zone change being approved. Mr. Able polled the audience with a show of hands as to agreed with his assessment.

Bud Heaman, 6423 Casper Drive- felt there was a problem with ingress and egress and drainage issues in the proposed subdivision and he urged the Council to consider this before taking action.

Ken Ewert, 799 McNary Estates Drive- felt information that he had received regarding the development that had taken place on McClure and the condominiums across from Crampton Drive had been misrepresented to him prior to the purchase of his home. He was told that this development would not take place in that area and he expressed he felt deceived that the developments did take place.

Steve Johnston, 660 Snead Drive- stressed that he felt a new study should be done at the treatment plant based on the amount of volume advancing from the plant at this date. He stressed that the Council consider the public involvement and note that McNary Estates is not interested in additional development taking place connected with McNary Estates. He felt the land within the SPA would be more suitable as farmland.

Jamie Gossett, 924 Irwin Court North- noted that the smell from the treatment plant had become worse and felt that additional development would increase this problem as well as, cause additional traffic problems to the area.

Dave Silverman, 6088 Crampton Drive- expressed concerns with who would be required to sign the easement and waiver releasing the Cities of Salem, Keizer and Marion County from possible litigation in the future.

City Attorney, Shannon Johnson indicated that the condition would be set forth in the ordinance and would be the developer prior to any platting. Also, those future purchasers of the property would understand that the property is subject to odor.

Myron Emery, 755 Castle Pines Drive- addressed the

CCR's for McNary Estates. He felt that it has become difficult for the homeowners association to maintain the CCR's as they are written and stressed with the addition of more development would stretch them beyond their limits to seek compliance.

Marcia Bednarczyk, 7775 O'Neil Road- referred to the report and requested that staff review the potential problems with homes being developed this close to the treatment plant.

Fred Lynn, 885 Crenshaw Loop- hoped that with the amount of turnout and resistance from McNary Estates that the Council would consider this prior to making any decision.

Roger McClain, 628 Palmer Drive- requested the legal status of McNary Estates pertaining to the rights of private property being required to allow public infrastructure to be attached to it.

City Attorney, Shannon Johnson indicated that this matter was between the homeowners and the developer. He noted that the city was not in a position to decide the McNary Estates privacy issues.

Councilor Keller shared Mr. McClain's interest in addressing whether this development was part of the original PUD.

Ed Heiman, 609 McNary Estates Drive-addressed the access issues along McNary Estates Drive. He felt Windsor Island Road should be considered as the access and egress for the new development.

Ted Goobic, 6049 Crampton Drive- indicated that he did not receive an answer to his question and did not feel the proponent should respond since the information he was addressing was in the staff report.

Responding to Mr. Goobic's concerns, City Attorney Shannon Johnson noted that it would be up to the Council to determine if the word "recent" in the report submitted by the applicant was an error. Mr. Johnson noted that the report Mr. Goobic was referring to did not indicate that the study was done in 1995 but that the plan "predicted by" 1995. Mr. Johnson also noted that the references to McNary Estates as part of the development was due to the fact that the applicant had referred to the development

as part of McNary Estates.

Donna Jongsma, 948 McNary Estates Drive- addressed problems with the drinking water. She indicated when the water table drops they draw from water from a pool that contains heavy iron, which causes staining and sometimes emits an odor.

Responding to questions, City Manager Eppley indicated that since the water is ground water it contains minerals, which can cause the discoloration and smell. He also noted that this situation does not strictly pertain to McNary Estates.

Councilor McGee indicated that the city's aqua fir was supplied west of Mount Hood and that rain and storm water weres not impacting the aqua fir.

Ms. Jongsma stressed that this should be researched as she had information which showed that wells were also being fed into the aqua fir.

Councilor Walsh requested that any written information that Ms. Jongsma could supply he would be interested in reading.

Steve Johnston, 660 Snead Drive- indicated that he felt the legal issue regarding McNary Estates property rights should be something that the city is interested in if the city is issuing permits to cut into private property.

Ken Sherman- supplied a rebuttal to the information supplied stressing that the developer had worked with the community and had strove to develop a less dense housing style and footprint than was originally planned.

Mr. Sherman addressed concerns regarding the odor from the treatment plan. He indicated that technology had improved and would continue to improve thus the city's confidence to reduce the footprint of the SPA. Mr. Sherman also addressed homeowner's concerns regarding issues of traffic, water and sewer stressing that once the once the Comprehensive Plan/Zone Change was approved the homeowner's issues would be addressed.

Mr. Sherman reviewed the suggested Indemnity Agreement and also stated that none of the proposed development was within the 1/2- mile radius and the

agreement would restore the original 1/2- mile radius. He also argued that he felt it would be in the best interest to keep this development as part of McNary Estates to allow the upkeep of the CCR's and for the new homeowners to pay for their share of improvements to the facility. He urged homeowners in McNary Estates to review their CCR's that state the right of the declarant to annex additional property into McNary Estates.

Jim Reimann- reiterated that the property they are asking to develop is outside of the 1/2- mile radius of the SPA and restated the comments that were made by Mr. Sherman pertaining to the easement situation.

Responding to questions from Council, Mr. Reimann indicated that the streets within McNary Estates were considered private and that the property in which they were attempting to develop had been annexed into McNary Estates approximately three years ago. He stressed that there was less development planned for this piece of property as originally shown in the PUD 20 years ago. Mr. Reimann also noted that his group had owned the property since the early 1970's with the understanding that the area would be developed once the issue of the treatment plant were resolved and that the infrastructure for the development was constructed primarily to handle 900 units. He stressed the wish to work with the homeowners in McNary Estates to address some of their concerns.

In response to Councilor Wilson's questions, City Attorney Shannon Johnson stated that the access question of a new subdivision through McNary Estates would be a question that would take place during the subdivision application. He again stressed that this hearing was for a Comprehensive Plan Map Change/Zone Change to change the property from its current designation to residential.

With further citizens wishing to testify the applicant indicated receiving further testimony was acceptable to him with his reserved right for rebuttal.

Janet Sides, 855 Crenshaw Loop- shared a copy of a letter dated September 6th to Stan Studerford, General Manager of McNary Estates. Ms. Sides read from the letter submitted by Marty Townsend and indicated that the letter read that the go ahead for the development had already been determined.

Mayor Newton indicated that was not the case.

Ken Sherman provided rebuttal to the letter stating that the development of the subdivision was subject to the approval of Council and they would continue to make a reasonable attempt to work with the property owners in McNary Estates.

Mayor Newton closed the public hearing and called a recess at 9:12 p.m.

The meeting was called back to order at 9:25 p.m.

Councilor Keller requested that the Ordinance contain the option for another access to the subdivision onto Windsor Island Road.

City Attorney, Shannon Johnson noted that this could be done, but normally was addressed during the subdivision approval process. He indicated if Council wished to add this information to the ordinance that it should be placed as part of Exhibit E Condition Number seven.

Mr. Johnson went on to state that all the conditions written in Exhibit E should be amended as mandatory requirements and not recommendations by the Public Works Department.

To clarify Councilor Keller's request for the optional access he indicated that this request would be to allow the Council and the developer to prepare for the possibility of another access at the time of the subdivision application.

Responding to questions, City Engineer Bill Peterson noted that the water system was comprised of 14 wells, a reservoir that was recently built with plans of one being built near the Activity Center. He indicated that the city's water source comes from 250 feet below the surface and noted the requirements from the state for this. Mr. Peterson went on to state that McNary Estates water source is fed from three sources noting the closest being near McNary High School. He shared that some of the discoloration and odor some residents experienced in their water was due to the water not circulating enough through the water lines and this is the reason for the public works department flushing the lines in an attempt

to minimize this effect. Mr. Peterson indicated that with the addition of new homes in McNary Estates that this additional development would not make any difference in the water quality in the area.

Councilor Keller moved a Bill for an Ordinance in the Application of Monterey Development Company for a Comprehensive Plan Map Change and Zone Change for Approximate 12.41 Acre Parcel Containing Portions of Tax Lots 700 and 900 Located West of McNary Estates PUD (Case No 00-51); Declaring an Emergency and Amending Exhibit E after Number Six, adding Number Seven to Read, " That the Developer Show an Optional Access to Windsor Island Road at the Time the Subdivision Plan is Submitted for Approval". Councilor Moir seconded the Motion.

Responding to questions, Mr. Johnson indicated that on the title report for the new homes being built in the area would indicate the plume area and easement for fumes.

Mayor Newton thanked the citizens for their input and noted the history of the SPA. He shared how the Council had continued to work this issue and stressed how they have successfully made progress with this topic and were looking forward to a resolution with the litigation with the City of Salem pertaining to the SPA area.

Councilor McGee concurred with Mayor Newton's comments and indicated that a great deal of the information brought out during the public hearing would be addressed during the public hearing of the subdivision. He went on to state that it was not appropriate land management to have this property remain as exclusive farm use within the UGB.

Councilor Walsh re-noted the many issues that were brought up by the public. He felt the issues addressed were important and would be further addressed at the time of the subdivision hearing.

The motion passed unanimously as follows:

AYES: Keller, McGee, Moir, Newton, Walsh and Wilson
(6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Christopher (1)

ADMINISTRATIVE ACTION

a. Radiant Drive Improvements

City Manager Eppley reported that Council had requested that staff investigate options available to improve access from the Lockhaven Drive/ Radiant Drive intersection to the Tepper Lane/Radiant Drive intersection and he introduced City Engineer Bill Peterson to provide additional information.

Mr. Peterson provided visual aids indicating Radiant Drive current alignment and three options for upgrade. He indicated that by off setting Radiant Drive to the east would be less expensive since they would be dealing with less property owners and the need to purchase right-of-way.

Responding to questions, Mr. Peterson indicated that these options also included estimates for infrastructure.

Mr. Peterson reviewed the options below as listed in the staff report and answered questions from the Council.

Option 1-A

Widening Radiant Drive on both sides that would result in negotiations with approximately 26 property owners. Some of the property acquisitions would involve compensation for existing improvements as well as property acquisition.

Option 1-B

Widening Radiant Drive on the easterly side only would result in negotiations with approximately 15 property owners. Additionally, development would also involve compensation for existing improvements, as well as, property acquisition.

Option 1-C

Widening Radiant Drive on the westerly side only would result in negotiations with approximately 12 property owners. Additionally, development would also involve compensation for existing improvements as well as property acquisition.

Option 2

This option involves widening the present Chemawa Road right of way along Lockhaven Drive to 68 feet and extending the improvement northerly along the I-5 right of way to a point that intersects with a southerly extension of Radiant Drive from it's intersection with Tepper Lane. Approximately 19 parcels are involved in Option 2.

Option 3

This option involves widening the present Radiant Drive right of way from Lockhaven Drive northerly to a point where a new roadway could be developed that would bypass much of the existing Radiant Drive improvement and also align with a southerly extension of Radiant Drive from it's intersection with Tepper Lane. Approximately 14 parcels are involved with Option 3.

The estimated costs for the options based without utility, sewer, water, legal, engineering surveying costs and contingencies are: Option 1(a)- \$1.4 million Option 1(b)- \$1.4 million and Option 1(c)- \$1.5 million. Option 2- \$1.8 million and Option 3- \$1.5 million. Mr. Peterson indicated by adding 25% to these totals would address the costs for legal, engineering and contingency costs.

Responding to questions Mr. Peterson indicated total costs for the options would be: Option 1(a) \$2.4 million, Option 1(b)- \$2.4 million, Option 1(c)- \$2.5 million, Option 2- \$2.5 million and Option 3- \$2.3 million. He noted that this did not include the 25% factor for contingencies.

The Council discussed the various options and felt public input was important. The Council also requested that Mr. Eppey contact the Walkers with Volcanoes Stadium to address the possibility of an extension of the lease pertaining to Radiant Drive improvements.

It was the consensus of the Council to receive public input during a work session on Monday, October 9th at 5:30 p.m.

b. Driveway Permit Process Transfer from Marion County

City Manager Eppey reported that Marion County currently issues driveway access permits for the City of Keizer. It was noted that County inspectors were not aware of all potential issues regarding driveway permits, such as access locations, Public Improvements required or not required drainage control issues and private drive versus public right of way.

Staff proposed to take over this inspection duty under the Public Works Department and recommended that Council direct staff to prepare an ordinance establishing a driveway access permit system effective October 2, 2000 with the current fee of \$50.00.

Councilor McGee requested the appropriate fee be designated opposed to using the \$50.00 since this is what

was charged when the County reviewed the permits.

Councilor Keller moved to direct staff to prepare a City Ordinance Establishing a Driveway Access Permit System Effective October 2, 2000, administered by the Keizer Public Works Department with the Current Fee of \$50.00 to be Review annually for the CPI. Councilor Moir seconded the Motion.

Councilor McGee requested an amendment of the Motion directing staff to review the costs related to the fee and bring the information back to the Council for Review. Mayor Newton seconded the amendment to the Motion.

Councilor Keller suggested keeping the fee at \$50.00 and reviewing again in one year.

Councilor Walsh added a friendly amendment that the fee would be re-evaluated in one year. Councilor Keller accepted the amendment.

The amendment to the Motion failed as follows:

AYES: None (0)

NAYS: Keller, McGee, Moir, Newton, Walsh and Wilson (7)

ABSTENTIONS: None (0)

ABSENT: Christopher (1)

The Main Motion containing the friendly amendment passed as follows:

AYES: Christopher, Keller, McGee, Moir, Newton, Walsh and Wilson (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

c. City of Keizer Legal Services Requests for Qualifications

Human Resources Director, Dianne Hunt reported that Council requested that staff prepare a Request for Qualification for Legal Services.

Ms. Hunt noted how the position was advertised and the responses received. She also outlined the timeline and based on the receipt on one RFQ she recommended that the process be shortened and requested direction from the Council.

Responding to questions, City Manager Eppley indicated

that candidates that did not respond by returning the RFQ were contacted and that the response time was not an issue only the amount of workload in which they currently held.

Councilor Keller recommended that Council initiate discussions and negotiations with Lien and Johnson. He felt the Mayor and one senior Councilor attend these discussions.

Councilor McGee requested that a formal practice be outlined regarding the Council's authority to retain or remove legal counsel.

Mr. Eppley indicated language could be draw up pertaining to this.

Councilor Keller moved to recommend that Councilor McGee and Mayor Newton initiate discussions and negotiations for a Contract with Lien and Johnson. Councilor Moir seconded the Motion.

The motion passed unanimously as follows:

AYES: Christopher, Keller, McGee, Moir, Newton, Walsh and Wilson (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**d. Special Policy Area
Action**

See Staff Report.

**e. Salem Stormwater
Management
Agreement**

City Attorney Shannon Johnson supplied a copy of a Resolution noting that instead of referring directly to "Statewide Goal 2", the exact language did not rise to the level of a land use decision although the language contained in the Resolution met the goals and interests.

Responding to questions, Mr. Eppley indicated that the Resolution would be incorporated into Salem's Storm Water Master Plan and policy within their organization.

Councilor Keller moved a Resolution Authorizing the City Manager to Sign the Stormwater Management Agreement Between the City of Keizer, the City of Salem and Marion County, (Repealing Resolution R2000-1202). Councilor Moir seconded the Motion.

CONSENT CALENDAR

The motion passed unanimously as follows:

AYES: Christopher, Keller, McGee, Moir, Newton, Walsh
and Wilson (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

a. Approval of September 5, 2000 Regular Session Minutes

Councilor Moir moved for Approval of the Consent
Calendar. Councilor Wilson seconded the Motion.

The motion passed unanimously as follows:

AYES: Christopher, Keller, McGee, Moir, Newton, Walsh
and Wilson (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

WRITTEN COMMUNICATIONS AGENDA INPUT

City Manager Eppley supplied a copy of a letter pertaining
to possible legal action on the Chemawa Activity Center.

September 25, 2000

5:30 p.m. Keizer City Council Special Session

- City Council Goal Setting

October 2, 2000

6:00 p.m. Reception for Salem-Keizer School District
Superintendent-Kay Baker

7:00 p.m. Keizer City Council Meeting

- Caruso's Italian Café' Liquor License Public
Hearing

Mayor Newton noted the agenda items.

ADJOURNMENT

Mayor Newton adjourned the meeting at 10:45 p.m.

Tracy L. Davis
City Recorder

APPROVED:
MAYOR:

Bob Newton

COUNCIL MEMBERS:

Councilor #1 - J. L. Wilson

Councilor #4 - Jacque Moir

Councilor #2 - Lore Christopher

Councilor #5 - Richard Walsh

Councilor #3 - Jim Keller

Councilor #6 - Jerry McGee

Minutes approved:



DATE: October 2, 2000 TIME: 7:00 p.m. AGENDA ITEM # 6a

BEFORE THE: KEIZER CITY COUNCIL PLACE: ROBERT L. SIMON COUNCIL CHAMBERS
(PLEASE PRINT)

[illegible]

X

submitted by Clyde Aspinwall on 10-2-00

**ASPINWALL'S NURSEY
& PRODUCE**
765 Lockhaven Dr. NE
Keizer, OR

Clyde & Cynthia Aspinwall
4087 Waconda RD. NE
Salem, OR 97303

September 25, 2000

City of Keizer
City Council Members:

We own a parcel of land at 765 Lockhaven Dr. NE and would like the City of Keizer to vacate a small piece of old road right of way next to our business. The Keizer city staff has worked with us in the past and has been unable to finalize this for us. We would ask the City Council to initiate the process of vacation so we could better use the property.

Thank You

Clyde Aspinwall
Cynthia Aspinwall
phone 362 -1363

A handwritten signature in black ink, appearing to be 'CA' with a large, sweeping flourish extending from the 'A'.

**ASPINWALL'S NURSERY
& PRODUCE**

4087 WACONDA RD. NE
SALEM OR 97303

September 25, 2000

City of Keizer:

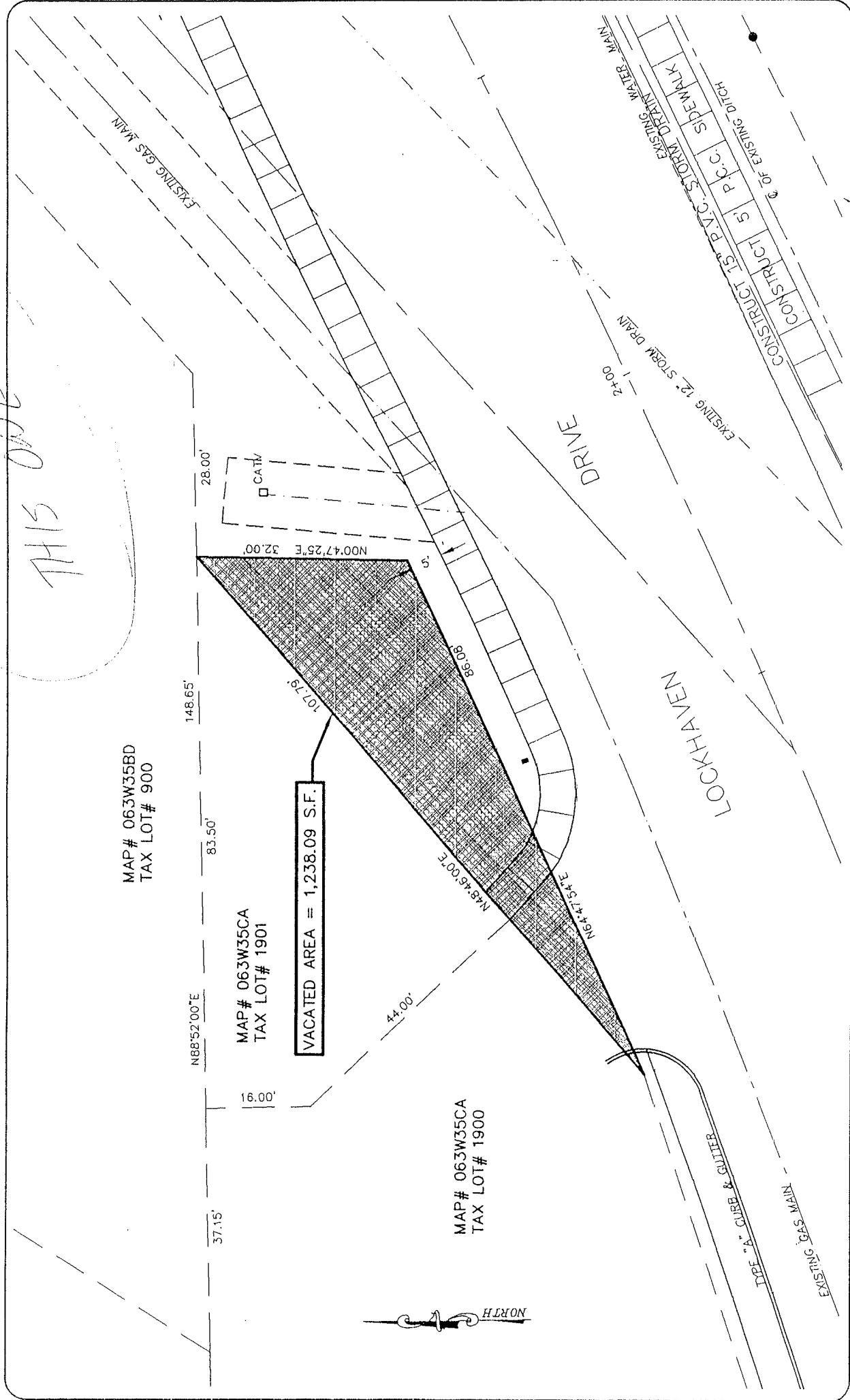
City Council Members :

Our business is located at 765 Lockhaven DR. NE , in Keizer OR. There is a 1,238.09 sq. ft. area that joins our property on the southeast edge. It is part of an old road right of way no longer being used by the city. We are proposing to the city of Keizer that it be vacated.

The area of the proposed street vacation involved in this matter is located on: Map 63W 35CA Keizer, which is on the SE edge of tax lot #1901 (deed ref. R-938-447 and R-1080-43600) at or near 765 Lockhaven DR NE , Keizer . See attached maps .

TO: CLYDE ASPENWAL

GROW WITH
THIS ONE



WILLIAM I. PETERSON
ENGINEERING CONSULTANTS INC.
1000 GREENWOOD AVE. W. #200, WILSON, ON. L9A 4K3
(905) 881-1111 FAX: (905) 881-1111

NOT FOR
CONSTRUCTION
UNLESS STAMPED
APPROVED



NO CHANGES OR ADDITIONS
OR REVISIONS ARE TO BE
MADE TO THESE DRAWINGS
WITHOUT THE WRITTEN
AUTHORIZATION FROM THE
ENGINEER WHOSE STAMP
APPEARS ON THESE DRAWINGS

DESIGNED BY: W.I.P.
CHECKED BY: W.I.P.
DATE: 12/15/23
SCALE: AS SHOWN
APP. BY: W.I.P.



City of Keizer
FOR THE CITY ENGINEER

ASPENWAL VACATION

Drawing Number
0631
Sheet Number
1 of 1

EXHIBIT A

A PORTION OF THE JOHN FORD DONATION LAND CLAIM #39 IN THE
SOUTHEAST QUARTER OF THE NORTHWEST QUARTER AND NORTHEAST
QUARTER OF THE SOUTHWEST QUARTER OF SECTION 35 , TOWNSHIP 6
SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, MARION COUNTY,
OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS SOUTH 87° 23' 30" EAST 41.42 FEET AND
SOUTH 89° 15' 00" EAST 446.60 FEET FROM THE SOUTHEAST CORNER OF
THE NIMROD FORD DONATION LAND CLAIM #40 IN SECTION 35, TOWNSHIP
6 SOUTH, RANGE 3 WEST; WHICH IS THE N.E. CORNER OF T.L. 1901 ON MAP
63W 35 CA (DEED REF. R-938-447 & R. 1080-436), THENCE SOUTH 48° 46' 00"
WEST A DISTANCE OF 107.79 FEET TO A POINT THENCE NORTH 64° 47' 54"
EAST A DISTANCE OF 86.08 FEET TO A POINT THENCE NORTH 00° 47' 25"
EAST A DISTANCE OF 32.00 FEET TO THE NORTH LINE OF THE JOHN FORD
DONATION LAND CLAIM #39 SAID POINT BEING THE POINT OF BEGINNING.

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

URBAN RENEWAL AGENCY OF THE CITY OF KEIZER

Monday, October 2, 2000

Immediately following adjournment of City Council Meeting

Robert L. Simon Council Chambers

Keizer, Oregon 97303

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PUBLIC TESTIMONY**

This time is provided for citizens to address the Urban Renewal Agency on any matter not scheduled for public hearing.

4. **PUBLIC HEARING**
5. **ADMINISTRATIVE ACTION**

- a. **RESOLUTION – Transferring Appropriations for FY 2000-2001 (Personal Services)**

6. **CONSENT CALENDAR**

- a. **Approval of Monday, August 21, 2000 Urban Renewal Agency Minutes**

7. **OTHER BUSINESS**

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

8. **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.



URBAN RENEWAL AGENCY BOARD
October 2, 2000

AGENDA ITEM 5a

**RESOLUTION – TRANSFERRING APPROPRIATIONS FOR
FISCAL YEAR 2000-2001 (PERSONAL SERVICES)**

BOARD MEETING: October 2, 2000

AGENDA ITEM NUMBER: _____

TO: URBAN RENEWAL AGENCY BOARD

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

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



SUBJECT: Transferring Appropriation for Fiscal Year 2000-01

BACKGROUND:

During the budget hearings for Fiscal Year 2000-2001 the Budget Committee directed staff, through the Personnel Policy Committee, to implement the Salary Survey by August 31, 2000. It was not known at the time of these hearings, the true fiscal impact of the survey. The survey has since been implemented and the fiscal impact has been calculated.

Since the budget hearings, the Agency has realized certain savings in Insurance premiums over the amounts budgeted.

FISCAL IMPACT:

The fiscal impact of these changes is shown, by fund, on the attached resolution. It should be noted that future savings as a result of the salary survey, will be realized in future budget years.

RECOMMENDATION:

Staff recommends the City Council approve the attached resolution giving the appropriate budget authority to implement the salary survey net of the savings in insurance premium costs.

1 BOARD, URBAN RENEWAL AGENCY, STATE OF OREGON

2 Resolution UR2000-_____

3 TRANSFERRING APPROPRIATIONS FOR FISCAL YEAR 2000-2001
4

5
6 WHEREAS, the Keizer Urban Renewal Board adopted a budget for the Keizer
7 Urban Renewal Agency for the 2000-2001 fiscal year on June 19, 2000;

8 WHEREAS, there have been occurrences which were specifically
9 unanticipated at the time of the preparation of the budget for the 2000-2001 fiscal
10 year for the funds identified below. Such expenditures are necessary for the
11 operations of the Agency's services;

12 WHEREAS, ORS 294.450(3) provides for the transfer of appropriations within
13 a fund; NOW, THEREFORE,

14 BE IT RESOLVED by the Urban Renewal Board of the Keizer Urban Renewal
15 Agency, that appropriations for the fiscal year ending June 30, 2001 be transferred
16 in the amounts indicated below:

17 Project Fund	<u>Increase</u>	<u>Decrease</u>
18		
19 Personal Services	\$4,803	
20 Contingency		\$4,803
21		
22		
23		
24		

25 PASSED this _____ day of _____, 2000.

26 SIGNED this _____ day of _____, 2000.

27
28
29
30 _____
31 Mayor

32 _____
33 City Recorder



URBAN RENEWAL AGENCY BOARD
October 2, 2000

AGENDA ITEM 6a

APPROVAL OF AUGUST 21, 2000 URBAN RENEWAL AGENCY
MINUTES

MINUTES
KEIZER URBAN RENEWAL AGENCY
Monday, August 21, 2000
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Chair Newton called the regular meeting to order at 6:03 p.m. Roll Call was taken as follows:

Present:

Bob Newton, Chair
Lore Christopher
Jim Keller
Jerry McGee
Jacque Moir
Richard Walsh
J. L. Wilson

Staff:

Chris Eppley, City Manager
Rob Kissler, Public Works Director
Dianne Hunt, Human Resources Officer
Senior Planner, Maria Meier
Lt. Mark Miranda
Shannon Johnson, City Attorney
Tracy Davis, City Recorder

PUBLIC TESTIMONY

No public testimony was brought before the Urban Renewal Agency.

PUBLIC HEARING

None

**ADMINISTRATIVE
ACTION**

**a. Chemawa Activity
Center Scope of Work
Outline**

City Manager Eppley supplied copies of the Scope of Services for the Activity Center. He indicated that the scope was broken down into two phases. The first is the Land Use Analysis and Phase II was the Comprehensive Plan Change.

Responding to questions City Manager Eppley indicated that depending on what is done to the plan would determine the outcome of DLCD's requirements.

Senior Planner, Maria Meier shared discussions that she has had with Mark Radabaugh at DLCD indicating that a change in the amount of retail within the Chemawa

Activity Center could trigger a goal analysis. She explained the possibility of reallocating the areas of land dedicated to each use and suggested one alternative of removing the Bonneville substation from the CAC, doing this would reduce the amount of IBP by approximately 30 acres.

City Manager Eppley shared the DLCD was unwilling to supply in writing the number of retail acres in the CAC Plan that would trigger the need for a goal analysis. With further questions, Mr. Eppley stated it would not be inappropriate for the city to initiate discussions with DLCD in an attempt to reduce the timeframe. Also this would need to be a policy decision by the Council if this were the route that the Council wished to take.

Responding to questions, City Manager Eppley indicated that the cost for a consultant would be approximately \$30,000 to \$50,000 depending whether the city or DLCD made contributions.

The Agency debated whether the City should become involved in discussions with DLCD or the hiring a consultant since a master plan by a developer had not been brought before the Agency/Council.

With no additional discussion Chair Newton suggested that the Agency hold their thoughts for the Chemawa Activity Public Hearing and make recommendations during the Council meeting.

City Attorney, Shannon Johnson stated that the Agency did not need to take action this evening on what was presented to them.

The Agency agreed that the Scope of Services was well written but it was not the appropriate time to vote on these services.

**b. Status/Disposition of
Property at
Chemawa/River Road**

City Attorney, Shannon Johnson reported that contrary to news reports there was no legal requirement to put the property up for bid or to advertise it for sale. He did note that there was a requirement that public notice is given and a public hearing is held prior to the sale of the property. Mr. Johnson supplied options for the Agency to consider regarding the property. This included:

- Taking no action to dispose of the property.
- Dispose of the property

Responding to questions Mr. Johnson noted that there was not an ordinance requiring the city to declare the property surplus prior to placing it up for sale.

The Agency discussed the history behind the purchase of the property and the requirements for a market analysis and/or the sale of all or a portion of the property.

Mr. Johnson also answered questions regarding the driveway access onto the property and how this might effect the value of the property.

Lore Christopher made a motion to direct staff to obtain an appraisal for the property at the corner of River and Chemawa Road and to move forward with the public hearing to sell the property to Mr. Titus. Jim Keller seconded the motion.

Jerry McGee stated he would vote against the motion as he felt the Agency had not determined if the City would have a need in the future for the property and urged the Agency to consider the opportunity of the property being developed as a plaza or square.

Responding to questions Mr. Kissler noted that the traffic count at the corner of River and Chemawa Road is approximately 29,000 cars per day.

Lore Christopher felt that due to the amount of traffic, this area would not make a good plaza or green space.

Jacque Moir suggested a friendly amendment that the landscaping requirements for the property would be more stringent than normal. Lore Christopher and Jim Keller agreed to accept the friendly amendment.

The Agency further debated the use of the property and Councilor McGee requested a point of order requesting that the City Attorney determine if it is necessary for the city to declare the property a surplus before being able to sell it.

Mr. Johnson read from the statute of real property, which reads " when the city council considers it necessary or convenient to sell real property the city council shall publish a notice". Mr. Johnson went on to answer questions from the Agency noting how the statute had

been used in past property transactions.

Jerry McGee interjected that he felt that the Council had not directed the previous city manager to sell the property to Mr. Titus.

Jacque Moir and Richard Walsh indicated that they felt it was important to obtain an appraisal of the property and then go through the bid process as two separate actions.

The motion failed as follows:

AYES: Christopher, Keller, and Wilson (3)

NAYS: McGee, Moir, Newton, Walsh (4)

ABSTENTIONS: None (0)

ABSENT: None (0)

Jim Keller moved to obtain a current appraisal on the property and start the bid process. Jacque Moir seconded the motion.

City Attorney, Shannon Johnson indicated he would like to wait until the appraisal is obtained before beginning the bid process.

Jerry McGee moved to amend the motion to exclude the property going out for bid. Chair Newton seconded the motion.

The amendment to the motion passed as follows:

AYES: McGee, Moir, Newton and Walsh (4)

NAYS: Christopher, Keller and Wilson (3)

ABSTENTIONS: None (0)

ABSENT: None (0)

Jim Keller noted he would vote against the motion as the majority of the Council wished to hold on to the property. He went on to state that he felt spending the money for an appraisal at this time would be a waste of funds.

Richard Walsh felt it was appropriate to move forward with the appraisal process and then with the bid process as the second phase.

The main motion passed as follows:

AYES: McGee, Moir, Newton, Walsh and Wilson

NAYS: Christopher and Keller

ABSENT: None (0)

ABSENTION: None (0)

City Manager Eppley stressed to the public that Mr. Titus had done nothing inappropriate regarding his attempt to purchase the property.

Lore Christopher requested if Mr. Titus does not purchase the property that he is reimbursed for whatever plans he had submitted.

CONSENT CALENDAR

a. Approval of Monday, August 7, 2000 Urban Renewal Agency Minutes

Chair Newton moved for approval of the Consent
Calendar. Jacque Moir seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Keller, McGee, Moir, Newton, Walsh
and Wilson (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

OTHER BUSINESS

No other business was brought before the Urban
Renewal Agency.

ADJOURNMENT

Chair Newton adjourned the meeting at 7:03 p.m.

APPROVED:
CHAIR:

Tracy L. Davis
City Recorder

Bob Newton

AGENCY MEMBERS:

J. L. Wilson

Jacque Moir

Lore Christopher

Richard Walsh

Jim Keller

Jerry McGee

Minutes approved: