

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, September 17, 2012

6:30 p.m.

Keizer Civic Center - Council Chambers
Keizer, Oregon

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 – Affirming Intent of Agency Regarding
Replacement Funding for River Road Renaissance Project**

6. CONSENT CALENDAR

7. OTHER BUSINESS

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

8 AGENDA INPUT

9. ADJOURN

Upon request, auxiliary aids and/or special services will be provided to participants with disabilities. To request services, please contact us at (503) 390-3700 at least two working days (48 hours) in advance.

URBAN RENEWAL AGENCY MEETING: September 17, 2012

AGENDA ITEM NUMBER: _____

TO: URBAN RENEWAL AGENCY

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

**SUBJECT: RESOLUTION AFFIRMING INTENT OF AGENCY
REGARDING REPLACEMENT FUNDING FOR RIVER ROAD
RENAISSANCE PROJECT**

At the last regular Urban Renewal Agency meeting, the Agency directed me to revise the Resolution affirming intent of the Agency regarding replacement funding for the River Road Renaissance project. The direction of the Agency was to make the Area A LID net proceeds, following reimbursement to the affected jurisdictions, available for the River Road Renaissance project.

In addition, the direction of the Agency was that the Area B proceeds be made available either before or after the Area A proceeds. I have made that change and it is in the attached Resolution.

Some members expressed some concern regarding the use of Area B proceeds. The Agency, if it wishes, can delete Section 3 and a portion in the recitals in the attached Resolution and that will remove the Area B proceeds issue from repayment. Remember, at any time the Urban Renewal Agency can replace that funding if it so desires.

Here are some possible options for the Agency to consider:

1. Adopt the attached Resolution as attached. Such Resolution declares the intent of the Agency to use both Area A property proceeds and Area B property proceeds to fund the River Road Renaissance project, regardless of which proceeds come in first.
2. Adopt the Resolution with the deletion of Section 3 and associated language. This would provide for only the net proceeds, after repayment to the affected jurisdictions, of the Area A properties. The Agency in the future can always decide to use the Area B proceeds if they wish.

3. Adopt no Resolution at this point. The Agency could choose to not adopt a Resolution at this point, but state the more informal intent that this is the direction the Agency wants to take and will review the matter further when it is closer to the time the proceeds may be available.

It is hard to have a crystal ball in this matter. The Agency could choose to move forward on any of these options, or there may be other options that Agency members have considered.

RECOMMENDATION:

Take action as the Agency deems appropriate.

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

ESJ/tmh

1 URBAN RENEWAL AGENCY, CITY OF KEIZER, STATE OF OREGON

2
3 Resolution UR2012-____

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5
6 AFFIRMING INTENT OF THE URBAN RENEWAL
7 AGENCY REGARDING REPLACEMENT FUNDING FOR
8 RIVER ROAD RENAISSANCE PROJECT
9

10
11 WHEREAS, several successful improvements have been completed under the
12 River Road Renaissance project;

13 WHEREAS, funding for the River Road Renaissance project was stopped to
14 divert Urban Renewal funds to provide for critical funding to the Keizer Station Area A
15 Local Improvement District (Area A LID);

16 WHEREAS, the Ninth Amendment to the River Road Urban Renewal Plan calls
17 for using Urban Renewal funding for LID commitments, and also calls for the eventual
18 sale of the Area A LID defaulted properties. The Plan further provides for
19 reimbursement agreements under which the net sale proceeds from such defaulted
20 properties will be used first to reimburse affected jurisdictions and pay for costs of the
21 foreclosure and Urban Renewal process;

22 WHEREAS, the Urban Renewal Agency wishes to affirm that after such
23 commitments are satisfied, that any remaining sale proceeds from Area A LID defaulted
24 properties and Area B sale proceeds Program Income be used to replenish the diverted
25 funds from the River Road Renaissance project;

1 NOW, THEREFORE,

2 BE IT RESOLVED by the Urban Renewal Agency of the City of Keizer as
3 follows:

4 Section 1. AFFIRMATION OF INTENT. It is the intent of the Urban
5 Renewal Agency to replenish the River Road Renaissance diverted funds pursuant to the
6 terms of this Resolution.

7 Section 2. APPLICATION OF AREA A DEFAULTED PROPERTY SALE
8 PROCEEDS. It is the intent of the Urban Renewal Agency to honor the Area A LID
9 reimbursement agreements between the Agency and the affected jurisdictions.
10 Therefore, all net sale proceeds shall be used as called for in such reimbursement
11 agreements to reimburse the affected jurisdictions their forgone revenue.

12 After repayment in full to all affected jurisdictions and payment of all associated
13 costs, it is the intent of the Urban Renewal Agency for net remaining funds, if any, from
14 the sale of the Area A LID defaulted properties to fund the River Road Renaissance
15 project up to the amount diverted for the Area A LID default.

16 Section 3. AREA B PROCEEDS. It is the intent of the Urban Renewal
17 Agency to use net proceeds from the sale of Area B properties (Program Income) to fund
18 the River Road Renaissance project up to the amount diverted for the Area A LID
19 default. It is the intent of the Urban Renewal Agency to apply such funds either before
20 or after application of the funds referenced in Section 2 above.

1 Section 4. MAXIMUM AMOUNT REPLENISHED. Regardless of whether
2 Area A proceeds or Area B proceeds are applied first, it is the intent of the Urban
3 Renewal Agency to replenish only the total amount diverted from the River Road
4 Renaissance project for the Area A LID default.

5 Section 5. ONLY NET PROCEEDS AVAILABLE. The funds used to
6 replenish the diverted funds as set forth in this Resolution shall only include actual net
7 available and unobligated funds. Any funds necessary in connection with the foreclosure
8 process or any associated work in connection with the Urban Renewal Agency's Ninth
9 Amendment Plan, or any funds necessary for development costs shall be retained.

10 PASSED this _____ day of _____, 2012.

11
12 SIGNED this _____ day of _____, 2012.

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15

Agency Chair

16
17
18 City Recorder

AGENDA

KEIZER CITY COUNCIL **REGULAR SESSION**

Monday, September 17, 2012

7:00 p.m.

Robert L. Simon Council Chambers
Keizer, Oregon

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **PLEDGE OF ALLEGIANCE**

4. **PUBLIC TESTIMONY**

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

5. **PUBLIC HEARINGS**

- a. **ORDINANCE** – Declaring a Lien Against Property Located at 5147 Courtlyn Court NE, Keizer and Directing the City Recorder to Enter Such Lien in the Minor Lien Docket Pursuant to Ordinance No. 94-282 (Nuisance Abatement Procedure); Declaring an Emergency

6. **ADMINISTRATIVE ACTION**

- a. **RESOLUTION** – Initiating Transfer of the Jurisdiction of a Portion of Chemawa Road N

7. **CONSENT CALENDAR**

8. **COMMITTEE REPORTS**

- a. Retirement Recognition – Keizer Police Officer Brian Hunter
- b. Swearing In of Keizer Police Officer Jack Odom
- c. **PROCLAMATION** – Constitution Week

9. **OTHER BUSINESS**

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

- a. New Business or Old Business Issues

10. **WRITTEN COMMUNICATIONS**

To inform the Council of significant written communications.

11. **AGENDA INPUT**

October 1, 2012

7:00 p.m. – City Council Meeting

October 8, 2012

5:45 p.m. – City Council Work Session

- Willamette River – Third Bridge Study

October 15, 2012

7:00 p.m. – City Council Meeting

12. **ADJOURNMENT**

Upon request, auxiliary aids and/or special services will be provided. To request services, please contact us at (503)390-3700 or through Oregon Relay at 1-800-735-2900 at least two working days (48 hours) in advance.

CITY COUNCIL MEETING: September 17, 2012

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

**SUBJECT: ORDINANCE – DECLARING A LIEN AGAINST PROPERTY
LOCATED AT 5147 COURTLYN COURT NORTHEAST
(NUISANCE ABATEMENT)**

This matter is before the Council for public hearing under Nuisance Abatement Ordinance No. 94-282. The property in question, located at 5147 Courtlyn Court Northeast, Keizer, Oregon was in violation of City Ordinances and such violation consisted of a nuisance which had to be summarily abated under Ordinance No. 94-282 because it imminently endangered human life, health or property. The City abated the nuisance immediately upon the City Manager's authorization. This consisted of removing the dead tree. The total abatement costs, including the ten percent administrative charge is \$1,732.50. A copy of the Statement of Costs presented to the property owner is attached to the enclosed Ordinance for your review.

RECOMMENDATION:

Open the public hearing, and unless there are specific questions, close the public hearing and adopt the enclosed Ordinance declaring a lien against the property located at 5147 Courtlyn Court Northeast.

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

ESJ/tmh
enclosure

1 BILL NO. _____ A BILL ORDINANCE NO.
2 2012-_____
3 FOR
4
5 AN ORDINANCE
6

7 DECLARING A LIEN AGAINST PROPERTY LOCATED
8 AT 5147 COURTLYN COURT NORTHEAST, KEIZER,
9 OREGON AND DIRECTING THE CITY RECORDER TO
10 ENTER SUCH LIEN IN THE MINOR LIEN DOCKET
11 PURSUANT TO ORDINANCE NO. 94-282 (NUISANCE
12 ABATEMENT PROCEDURE); DECLARING AN
13 EMERGENCY
14

15 WHEREAS, the City of Keizer Ordinance No. 94-282 provides that a
16 Responsible Person, as defined in the Ordinance, shall have the duty to abate all
17 nuisances as defined in City Ordinances; and

18 WHEREAS, the person or persons responsible for the property located at 5147
19 Courtlyn Court Northeast, Keizer, Oregon have failed to comply with the Tree
20 Preservation Ordinance (No. 95-332); and

21 WHEREAS, the City Manager proceeded to summarily abate the nuisance
22 because it imminently endangered human life, health or property under Ordinance
23 No. 94-282; and

24 WHEREAS, the City Manager, or his designee was required to go upon such
25 property to remove the dead tree under the power given to such city officials under
26 the Keizer Uniform Nuisance Abatement Procedure; and

1

2 WHEREAS, after such work was performed, the City Manager or his designee
3 notified the persons responsible by certified mail of the sum of money due to the City
4 of Keizer for such work performed and such person was duly notified of the public
5 hearing to consider and assess such cost as a lien against the property; and

6 WHEREAS, pursuant to Keizer Uniform Nuisance Abatement Procedure, the
7 matter was heard by the City Council at public hearing on September 17, 2012, after
8 reasonable opportunity for objections;

9 NOW, THEREFORE,

10 The City of Keizer ordains as follows:

11 Section 1. CORRECTNESS OF STATEMENT. The City Council declares
12 the correctness of the statement of costs as set forth in Exhibit "A", attached hereto,
13 and by this reference incorporated herein.

14 Section 2. DECLARATION OF LIEN. The amount set forth on the
15 statement of costs regarding the property located at 5147 Courtlyn Court Northeast,
16 Keizer, Oregon is declared to be a lien upon such property, as more particularly
17 described in Exhibit "B" attached, and by this reference incorporated herein.

18 Section 3. ENTRY IN LIEN DOCKET. The City Recorder is directed to
19 enter the amount set forth in Exhibit "A" into the minor lien docket and such amount

1 shall be a lien against the property described in Exhibit "B" from the date of such
2 entry. Such lien shall accrue interest at the rate of nine percent (9%) per annum from
3 the date of entry in the lien docket until paid.

4 Section 4. EMERGENCY CLAUSE. This Ordinance being necessary for
5 the immediate preservation of the public health, safety, and welfare, an emergency is
6 declared to exist and this Ordinance shall take effect immediately upon its passage.

7 PASSED this _____ day of _____, 2012.

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9 SIGNED this _____ day of _____, 2012.

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Mayor

City Recorder

EXHIBIT "A"

Nuisance Abatement at
5147 Courtlyn Court NE, Keizer, Oregon

Statement of Costs Summary

Itemization of Abatement Costs if Paid Prior to September 3, 2012 Per Statement of Costs Attached Hereto:

Nuisance Abatement	\$1,575.00
Administrative Charge	\$ 157.50

Additional Expenses Occurred as a Result of Failure to Pay by September 3, 2012:

Newspaper Publication	\$ 52.50
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Total Amount to Become a Lien Against the Property:

TOTAL COSTS	\$1,785.00
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Such lien shall accrue interest at the rate of nine percent (9%) per annum from the date of entry in the lien docket until paid.

City of Keizer
STATEMENT OF COSTS FOR NUISANCE ABATEMENT
At 5147 Courtlyn Court North, Keizer, Oregon

Date of this Statement: August 23, 2012

To: Daniel L Oesterblad (Responsible Party)
Whitney F Oesterblad (Responsible Party)
5147 Courtlyn Ct NE
Keizer, OR 97303

1. Itemization of Abatement Costs:

<u>Item</u>	<u>Amount</u>
Removal of dead tree	\$1,100.00
Traffic Control	\$ 475.00
Administrative charge (10%)	\$ 157.50
TOTAL COSTS	\$1,732.50

2. Costs to be Assessed:

The above costs will be assessed against the subject property unless paid in full within ten (10) days from the date of this statement as shown above. Please address your payment to the City of Keizer, PO Box 21000, Keizer, OR 97307-1000.

3. Public Hearing:

The Keizer City Council will hold a public hearing on September 17, 2012, at 7:00 p.m. in the Robert L. Simon Council Chambers, Keizer Civic Center, 930 Chemawa Road NE, Keizer, Oregon, to determine the correctness of this Statement of Costs and to declare a lien against the subject property.

4. Interest to Accrue:

If not paid prior to September 3, 2012, the lien for costs shall bear interest at the rate of nine percent (9%) per annum from the date of entry of the lien, in the lien docket.



Christopher C. Eppley
City of Keizer
City Manager

EXHIBIT “B”

Lot 39, Chemawa Glen Subdivision – Phase 2 (Volume 43, Page 82, Record of Town Plats), City of Keizer, County of Marion, State of Oregon.

Map Tax Lot: 063W35DD16000

CITY COUNCIL MEETING: September 17, 2012

AGENDA ITEM NUMBER:_____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

**SUBJECT: RESOLUTION – TRANSFERRING JURISDICTION OF A
PORTION OF CHEMAWA ROAD**

During the annexation of a portion of Keizer Rapids Park, the City entered into an Intergovernmental Agreement with Marion County that called for the transfer of jurisdiction of the small portion of Chemawa Road that lies outside the original city limits. The road jurisdiction is not automatically transferred upon annexation. However, we have entered into Intergovernmental Agreements with Marion County that provide that the City will be responsible for all maintenance and repair of the County portion of the road.

To finish the matter, the City and County must go through a statutory transfer of jurisdiction. Under ORS 373.270(6), the City governing body initiates the action by passage of “appropriate municipal legislation” that requests surrender of jurisdiction by the County. That action is accomplished by the attached Resolution.

Following the City’s action, the County governing body surrenders jurisdiction of the County road by adopting an Order stating as such.

RECOMMENDATION:

Adopt the attached Resolution.

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

ESJ/tmh

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2
3 Resolution R2012-_____

4
5 INITIATING TRANSFER OF THE JURISDICTION OF A PORTION OF
6 CHEMAWA ROAD NORTH

7
8 WHEREAS, the City of Keizer and Marion County entered into that certain
9 Intergovernmental Agreement for annexing a portion of Keizer Rapids Park in 2010;

10 WHEREAS, upon the conclusion of the successful annexation of a portion of
11 Keizer Rapids Park, the agreement called for the transfer of jurisdiction of a small
12 portion of Chemawa Road North from Marion County to the City;

13 WHEREAS, ORS 373.270(6) allows for a city governing body to initiate action
14 for surrender of jurisdiction of the county road;

15 WHEREAS, it is necessary and appropriate to initiate such surrender of transfer;

16 NOW, THEREFORE,

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

18 Section 1. INITIATION OF JURISDICTION TRANSFER. The City of
19 Keizer hereby initiates action under ORS 373.270(6)(a) by passage of this appropriate
20 municipal legislation and hereby requests surrender of jurisdiction of that certain part of
21 Chemawa Road North as described below:

22 The entirety of the Chemawa Road North right-of-way that
23 was included in Annexation Ordinance No. 2011-631, as
24 described in the attached legal description.
25

1

2 Section 2. APPROPRIATE MUNICIPAL LEGISLATION. This Resolution is
3 approved as municipal legislation sufficient for purposes of ORS 373.270.

4 Section 3. DELEGATION. The City of Keizer delegates authority to the City
5 Manager and City Attorney to coordinate with Marion County and undertake any actions
6 necessary to implement this municipal legislation, pursuant to state law, City of Keizer
7 Ordinances, and any applicable orders or laws of Marion County, Oregon.

8 Section 4. EFFECTIVE DATE. This Resolution shall be effective upon its
9 passage.

10 PASSED this _____ day of _____, 2012.

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12 SIGNED this _____ day of _____, 2012.

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Mayor

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City Recorder

Beginning at the Northwest corner of land conveyed to H.R. Hansen, as described in deed recorded in Volume 214, Page 285, Deed Records for Marion County, Oregon, which point is 98.977 chains North 89° 30' West and 0.50 of a chain South from the Northeast corner of the Donation Land Claim of J.B. Keizer and wife in Township 7 South, Range 3 West of the Willamette Meridian in Marion County, Oregon; said point also being the Northeast corner of that certain tract of land conveyed by deed to Floyd A. Buchholz and Ella A. Buchholz, husband and wife, and recorded in Reel 239, Page 1272 Deed Records for Marion County, Oregon;

Thence North 89° 30' West a distance of 219.25 feet along the Northerly line of said Buchholz tract to a point, said point being on the Southerly line of Chemawa Road;

Thence North 00° 20' East a distance of 53.00 feet to a point on the Northerly line of Chemawa Road, said point being the Southeast corner of that certain tract of land conveyed by deed to Lawrence V. Monagon and Dawn Monagon, and recorded in Reel 1315, Page 787 Deed Records for Marion County, Oregon;

Thence North 89° 30' West a distance of 989.61 feet along the Northerly line of Chemawa Road to a point, said point being on the Southerly line of that certain tract of land conveyed by deed to Willard C. Buchholz et al, and recorded in Reel 2598, Page 398 Deed Records for Marion County, Oregon;

Thence South 00° 27' 50" East a distance of 53.00 feet to a point on the Southerly line of Chemawa Road, said point being the Northwest corner of that certain tract of land conveyed by deed to the City of Keizer and recorded in Reel 3058, Page 6 deed records for Marion County, Oregon;

Thence South 00° 27' 50" East a distance of 906.73 feet along the Westerly line of said City of Keizer tract to a point, said point being on the Northerly line of that certain tract of land conveyed by deed to Stephen J. Buchanan and Rhonda M. Buchanan, and recorded in Reel 1697, Page 232 deed records for Marion County, Oregon;

Thence South 77° 47' 00" West a distance of 145.57 feet to a point marked by an iron rod;

Thence South 22° 22' 00" East a distance of 116.19 feet to a point marked by an iron rod;

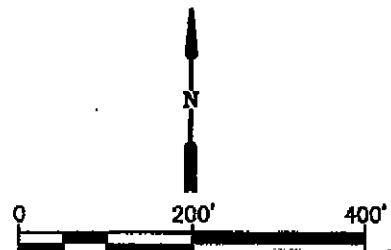
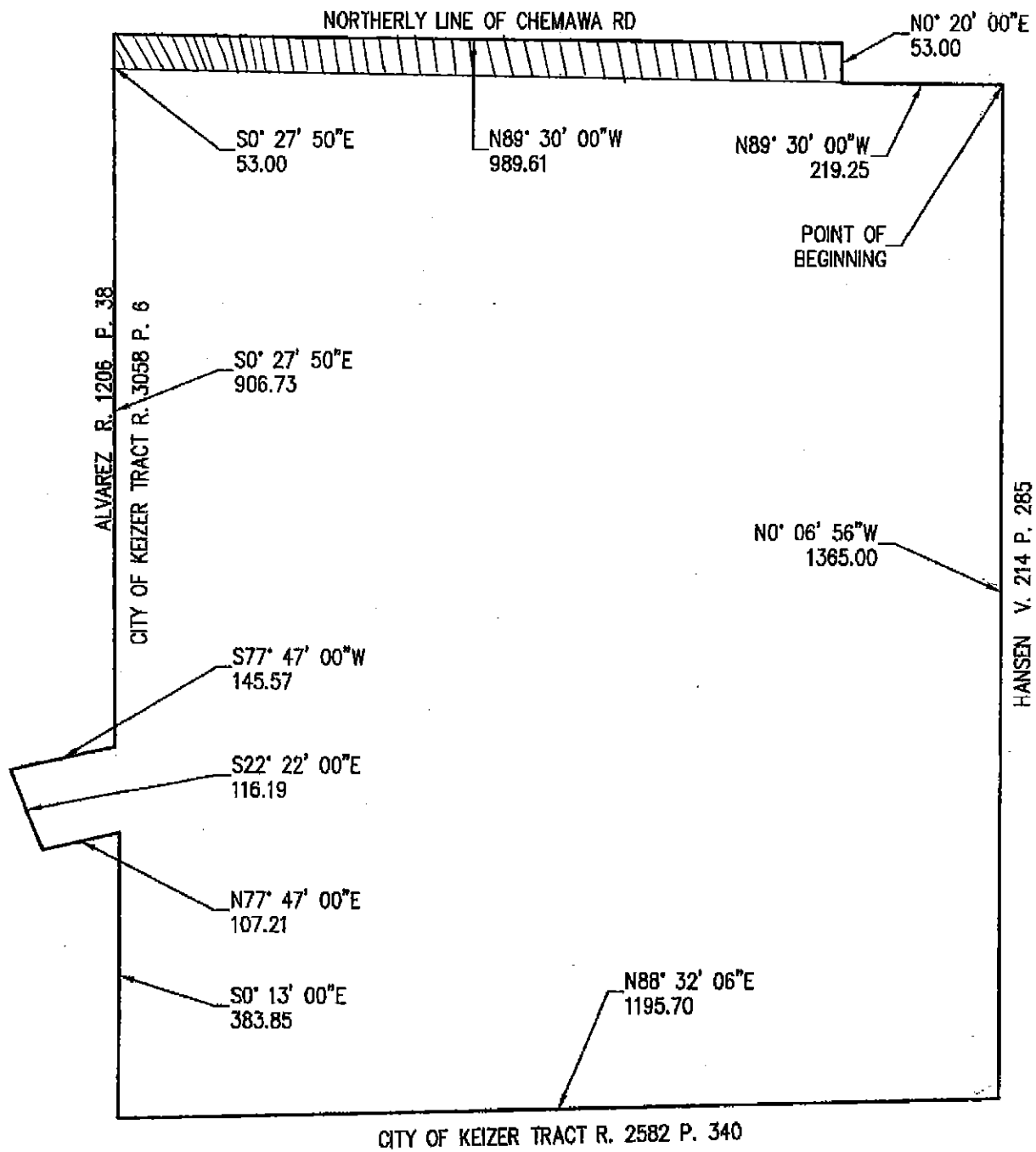
Thence North 77° 47' 00" East a distance of 107.21 feet to a point marked by an iron rod, said point being on the Westerly line of that certain tract of land conveyed by deed to the City of Keizer and recorded in Reel 2545, Page 108 Deed Records for Marion County, Oregon;

Thence South $00^{\circ} 13' 00''$ East a distance of 383.85 feet along the Westerly line of said City of Keizer tract to a point, said point being on the Westerly extension of the Northerly line of that certain tract of land conveyed by deed to the City of Keizer and recorded in Reel 2582, Page 340 deed records for Marion County, Oregon;

Thence North $88^{\circ} 32' 06''$ East a distance of 1,195.70 feet along the Northerly line, and the Westerly extension thereof, of said City of Keizer tract to a point, said point being the Northeasterly corner of said City of Keizer tract;

Thence North $00^{\circ} 06' 56''$ West a distance of 1,365.00 feet along the Easterly line of that certain tract of land conveyed by deed to Floyd A. Buchholz and Ella A. Buchholz, husband and wife, and recorded in Reel 239, Page 1272 Deed Records for Marion County, Oregon to the Northeast corner of said Buchholz tract, said corner also being the Northwest corner of land conveyed to H.R. Hansen, as described in Deed recorded in Volume 214, Page 285 Deed Records for Marion County, Oregon and the Place of Beginning.

The property described above is located in the Eastern half of Section 04, Township 7 South, Range 3 West of the Willamette Meridian in Marion County, Oregon, and contains 39.78 acres of land, more or less.



CITY COUNCIL MEETING: September 17, 2012

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

**FROM: CHIEF H. MARC ADAMS
KEIZER POLICE DEPARTMENT**

SUBJECT: SWEARING IN OF KEIZER POLICE OFFICER JACK ODOM

ISSUE:

Keizer Police Department has hired Jack Odom to fill one of the vacant police officer positions. Jack is a 10 year US Marine Corps veteran, having just separated from the Corps three months ago. While in the Marine Corps, Jack was a helicopter mechanic and most recently a recruiter. He is originally from Florida and comes to us from Oceanside, California. Jack is married and he and his wife are expecting their first child.

Jack's employment date is Wednesday, September 12. He will spend three days in-processing before starting the basic police academy next Monday, September 17, 2012.

Shannon Johnson, Keizer City Attorney will issue the oath to Officer Odom.

City of Keizer, Oregon

Proclamation

WHEREAS, September 17, 2012 marks the two hundred twenty-fifth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week;

NOW, THEREFORE, I, LORE CHRISTOPHER, by the virtue of the authority vested in me as Mayor of the City of Keizer in the State of Oregon, do hereby proclaim the week of September 17th through 23^d as

CONSTITUTION WEEK

AND ask our citizens to reaffirm the ideals of the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Keizer, Oregon to affixed this 17th day of September, 2012.

MAYOR LORE CHRISTOPHER
City of Keizer, Oregon