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KEIZER CITY COUNCIL
KEIZER PLANNING COMMISSION
URBAN RENEWAL ADVISORY BOARD

Joint Meeting
Wednesday, September 12, 1990
7:30 p.m.
Keizer City Hall
Library/Conference

1. CALL TO ORDER
2. ROLL CALL
3. DISCUSSION - North River Road Urban Renewal Plan
4. PLANNING COMMISSION ACTION ONLY:
APPROVAL - Urban Renewal Plan and finding of consistency
with Comprehensive Plan
5. OTHER BUSINESS
6. ADJOURN



City of Keizer

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

None

TO: URBAN RENEWAL ADVISORY COMMITTEE
MAYOR AND CITY COUNCIL
PLANNING COMMISSIONERS

FROM: CHRIS MORELAND, ADMINISTRATION SECRETARY

DATE: SEPTEMBER 6, 1990

SUBJECT: URBAN RENEWAL PLAN

As of September 5, 1990, John Spencer, Consultant, brought to the City Manager's attention, the enclosed SECOND DRAFT of the Urban Renewal Plan. Please review it and toss out the first draft you received. For some of you, the enclosed Plan will be the first draft you have ever received. For the remainder of you, please disregard the original first draft Plan.

NORTH RIVER ROAD URBAN RENEWAL PLAN

KEIZER, OREGON

Second Draft
September, 1990

Prepared by:

Urban Renewal Advisory Committee

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100. INTRODUCTION

The North River Road Urban Renewal Plan consists of Part One - Text and Part Two - Exhibits. The Keizer City Council acts as the Urban Renewal Agency of the City of Keizer, Oregon.

This Plan has been prepared pursuant to Oregon Revised Statute (ORS) Chapter 457, the Oregon Constitution, and all applicable laws and ordinances of the State of Oregon and City of Keizer respectively. All such applicable laws and ordinances are made a part of this Plan, whether expressly referred to in the text or not.

The Urban Renewal Area is a single geographic area with a single contiguous boundary in which a variety of activities and projects are contemplated to eliminate blight and the causes of blight and intended to create an environment in which the private sector may develop uses compatible with the purposes of this plan.

This Urban Renewal Plan for the North River Road Urban Renewal Area was approved by the City Council of the City of Keizer on _____ 1990 by Ordinance No. _____.

200. DEFINITIONS

The following definitions will govern the construction of this Plan unless the context otherwise requires:

"Area" means the area included within the boundaries of the North River Road Urban Renewal Area.

"City" means the City of Keizer, Oregon.

"City Council" means the City Council of the City of Keizer, Oregon.

"Comprehensive Plan" means the City's Comprehensive Land Use Plan and its implementing Ordinances, policies and development standards.

"County" means the County of Marion, State of Oregon.

"Displaced" person or business means any person or business who is required to relocate as a result of action by the Urban Renewal Agency to vacate a property for public use or purpose.

"Disposition and Development Agreement" means an agreement between the Urban Renewal Agency and a private developer which sets forth the terms and conditions under which will govern the disposition of land to a private developer.

"Exhibit" means an attachment, either narrative or map, to the Urban Renewal Plan for the North River Road Urban Renewal Area, Part Two - Exhibits.

"Objective" means any goal, general or specific, or objective described in Section D of this Plan.

"ORS" means Oregon Revised Statute (State Law) and specifically Chapter 457 thereof.

"Plan" means the Urban Renewal Plan for the North River Road Urban Renewal Area, Parts One and Two, and the Report on the Renewal Plan.

"Planning Commission" means the Planning Commission of the City of Keizer, Oregon.

"Project, Activity or Project Activity" means any undertaking or activity within the Renewal Area, such as a public improvement, street project or other activity which is authorized and for which implementing provisions are set forth in the Urban Renewal Plan.

"Report" refers to the report accompanying the urban renewal plan, as provided in ORS 457.085 (3)

"Redeveloper" means any individual or group acquiring property from the Urban Renewal Agency or receiving financial assistance for the physical improvement of privately or publicly held structures and land.

"State" means the State of Oregon.

"Text" means the Urban Renewal Plan for the North River Road Urban Renewal Area, Part One - Text.

"Urban Renewal Agency" means the Urban Renewal Agency of the City of Keizer, Oregon.

"Urban Renewal Area", "North River Road Urban Renewal Area", or "Renewal Area" means the geographic area for which this Urban Renewal Plan has been approved. The boundary of the Renewal Area is described in Exhibits made a part of this plan.

300. BOUNDARY DESCRIPTION

The boundary of the renewal area is shown in Exhibit 1, attached to this plan. A legal description of the project boundary is included as Attachment "A" of this plan.

(The Boundary Description will follow).

400. RELATIONSHIP TO LOCAL OBJECTIVES

The purpose of this renewal plan is to eliminate blighting influences found in the Renewal Area, to implement goals and objectives of Keizer's Comprehensive Plan, and to implement development strategies and objectives for the North River Road Urban Renewal Area.

The Urban Renewal Plan relates to the following local goals and objectives:

A. CITY OF KEIZER COMPREHENSIVE PLAN

ORS 457.085 requires that an Urban Renewal Plan relate to definite local objectives. The City's Comprehensive Plan considers a wide range of goals and policies relating to land uses, traffic, transportation, public utilities, recreation and community facilities, and other public improvements. Specific goals, objectives and policies which relate to this Plan are found in the City of Keizer's Comprehensive Plan. An Appendix to the Report on this Urban Renewal Plan lists the goals, objectives and policies found in the Keizer Comprehensive Plan which relate to the Urban Renewal Area. This Plan supports these goals, objectives and objectives, is consistent with the goals, objectives and policies found in the Keizer Comprehensive Plan.

The City of Keizer is in the process of complying with periodic review requirements identified by the Department of Land Conservation and Development. As part of periodic review, a draft Public Facilities Plan has been prepared. The Appendix to the Report includes the elements of the draft Public Facilities Plan which relate to the Urban Renewal Area. This Urban Renewal Plan includes these elements, and is consistent with the draft Public Facilities Plan.

B. RENEWAL PROJECT OBJECTIVES

An Urban Renewal Advisory Committee was appointed by the Keizer City Council to develop a revitalization strategy for the North River Road Area,

and to prepare this Urban Renewal Plan. The Advisory Committee identified the following renewal project objectives:

1. Solve existing transportation, economic, environmental and land use problems in the corridor.
2. Make public improvements needed to encourage new private investment.
3. Eliminate blighting conditions in the corridor.
4. Encourage rehabilitation of existing commercial structures.
5. Improve the appearance, visual image and economic vitality of the corridor.
6. Improve traffic flow and safety on major thoroughfares in the corridor.
7. Construct, install and replace public utilities, including relocating existing overhead utilities underground.
8. Support highest and best land uses by consolidating uneconomic-sized parcels.
9. Encourage siting of desirable business activities within the corridor by property marketing, relocation and siting assistance, and market promotion.
10. Encourage development of the corridor as a major commercial and employment base consistent with the Keizer Comprehensive Plan.
11. Promote a high quality of design & development within the corridor.
12. Provide facilities for the general public and shoppers, such as sidewalks, street furniture, landscaping, transit facilities and other improvements.

C. RENEWAL AREA STRATEGY

The Renewal Plan implements the development strategy approved by the Urban Renewal Advisory Committee in the preparation of this Renewal Plan. Key elements of that strategy include:

1. In the short-term (0 to 5 years) establish a vision and redevelop the North River Road corridor at its north and south ends:
 - Complete design guidelines for public and private improvements which reinforce the positive characteristics of each district in the corridor.
 - Remove roadblocks for private development in the Lockhaven and Chemawa Districts by improving traffic flow conditions.
 - Improve the visual character of the Lower N. River Road and Cherry Avenue Districts by reconstructing Cherry Avenue, and by constructing streetscape improvements along N. River Road including sidewalks, street trees, and pedestrian furnishings. Relocate overhead utilities underground.
2. In the mid-term (6 to 10 years) extend corridor improvements to the north and support commercial revitalization:
 - Improve the visual character of the Manbrin/Alder and Chemawa Districts by constructing streetscape improvements along N. River Road.
 - Improve the traffic capacity of Lockhaven Drive.
 - Provide support for the rehabilitation of commercial properties.

3. In the long-term (11 to 15 years) support the redevelopment of the Lower N. River Road/Cherry Avenue Districts:
 - Acquire underutilized and substandard properties.
 - Redevelop areas between N. River Road and Cherry Avenue for uses which support commercial and employment opportunities in the area.

The adopted objectives for this renewal plan, and the project activities proposed herein are consistent with the Objectives, Policies, and Implementation Strategies of the City of Keizer's Comprehensive Plan and the draft Public Facilities Plan.

500. PROPOSED LAND USES

A. LAND USE PLAN

Exhibits 2 and 3 respectively the "Land Use (Comprehensive Plan) Plan Map" and the "Zoning Map" describe the locations of the principal land use classifications which are applicable to the Renewal Area. These classifications are described below.

1. City of Keizer Comprehensive Plan

The Keizer Comprehensive Plan has 8 land use designations which are found in the Urban Renewal Area.

Low Density Residential. The LDR allows single-family uses as the predominant housing type, but also permits attached, duplex and manufactured housing at up to 8 units per gross acre.

Medium and High Density Residential. The MHDR permits a mix of housing types including attached, duplex and multiple housing. Medium density areas range from 8 to 16 units per gross acre. High density areas are over 16 units per gross acre.

Commercial. The C district allows a wide range of commercial uses in four types of commercial areas. These areas are retail-office centers (located northwest of the N. River Road/Lockhaven Drive intersection), employment area service center, (not found within the Renewal Area), strip commercial (located along N. River Road and Cherry Avenue), and neighborhood commercial centers. Different zoning designations define specific commercial uses for each of these areas.

General Industrial. The GI district is found at the south end of the Renewal Area east of Cherry Avenue. Manufacturing, transportation, wholesaling and warehousing are permitted in this district.

Campus Light Industrial. The CLI district is found at the north end of the Renewal Area east of N. River Road, and allows secondary processing, research and development, and office-based commercial development.

Public and Semi-Public. Three types of public and semi-public uses are identified in the land use diagram. Park (P) identifies existing and anticipated park areas, Schools (S) identify school sites, and Civic (CI) identifies government offices and other government facilities.

Activity Centers. The AC is an overlay district whose purpose is to encourage a mix of intensive land uses emphasizing transit and pedestrian activity, and to allow flexibility of development regulations. An AC designation is located at the McNary Activity Center, northwest of the N. River Road/Lockhaven Drive intersection. The primary uses identified are retail-office center, park and open space lands, medium and high density residential.

100-Year Floodplain. An overlay district and zoning designation apply to the 100-year floodplain. A portion of the Claggett Creek drainage is included in this overlay.

2. City of Keizer Zoning Classifications

The Keizer Zoning Ordinance has 13 zones which are found in the Urban Renewal Area, or which could be applied to areas with appropriate Comprehensive Plan designations. These zones are:

Single Family Residential. The RS zone allows attached or detached residences on single lots. This zone is used in areas designated LDR in the Comprehensive Plan.

Limited Density Residential. The RL zone provides for detached and attached dwellings on a lot or multiple dwellings on a lot at an intermedi-

ate density. The RL zone is used in areas designated MHDR in the Comprehensive Plan.

Medium Density Residential. The RM zone permits multiple family dwellings on a lot or attached dwellings on separate lots at medium densities. This zone is used in areas designated MHDR in the Comprehensive Plan.

High Density Residential. The RH zone allows multiple family dwellings on a lot at high densities. This zone is used in areas designated MHDR in the Comprehensive Plan.

Commercial Office. The CO zone permits professional and general commercial offices, other non-retail commercial activities, and medium and high density residential uses. This zone is used in areas designated C in the Comprehensive Plan.

Commercial Retail. The CR zone provides for offices, retail sales, eating and drinking establishments, and other commercial services. This zone is used in areas designated C in the Comprehensive Plan.

Commercial General. The CG zone permits warehousing, wholesale commercial sales and services, and retail sales. This zone is used in areas designated C in the Comprehensive Plan.

General Industrial. The GI zone is used for warehousing, secondary processing of finished goods and equipment with outdoor storage needs. This zone is used in areas designated GI in the Comprehensive Plan.

Industrial Park. The IP zone permits warehousing, secondary processing with a building, and related commercial uses. Special landscaping and siting standards apply. This zone is used in areas designated CLI in the Comprehensive Plan.

Urban Transition. The UT zone is used for areas where urban facilities are not provided. The zone permits continuation of established uses which will not interfere with the later use for urban development consistent with the Comprehensive Plan. The UT zone is used in all Comprehensive Plan designations where the full development of the planned uses are not possible due to inadequate public facilities.

Public. The P zone permits public and semi-public uses, and is used in areas designated P, S and CI in the Comprehensive Plan.

Flood Plain Overlay. This overlay zone is used to restrict and manage development within the 100-year flood plain, and applies to areas designated 100-Year Floodplain in the Comprehensive Plan.

Activity Center Overlay. The AC zone is used to implement the Comprehensive Plan policies for Activity Center designations.

B. PLAN AND DESIGN REVIEW

The Urban Renewal Agency shall be notified of any building permit, conditional use or other development permits requested within the Area. Redevelopers, as defined in this Plan, shall comply with all applicable ordinances and Redevelopers Obligations, Section 800 of this Plan.

600. OUTLINE OF DEVELOPMENT

The Urban Renewal Project consists of activities which treat the causes of blight and deterioration in the Urban Renewal Area. Conditions in the area include structures in need of repair or rehabilitation, inadequate streets, inadequate pedestrian facilities, poor visual and aesthetic image, traffic circulation and safety problems, and inadequate public facilities and utilities.

Project activities to treat these conditions include:

- Street improvements, to improve access to land in the project area, and improve traffic safety and circulation.
- Storm drainage improvements, to allow more productive use and development of land in the area.
- Water and sewer improvements, to permit more productive use of land in the area, and to improve flow capacities for fire safety purposes.
- Additional public improvements needed to improve the visual image and pedestrian environment of the corridor, including providing public open space, constructing sidewalks, landscaping and other streetscape improvements, and undergrounding overhead utilities.
- Property rehabilitation, where rehabilitation is considered necessary to meet the objectives of this plan.
- Authorization to acquire and dispose of land. Land may be acquired for public improvements, rights-of-way, and utility improvements.
- Administration and co-ordination of development in the Project Area.

Section 700 provides further description of each urban renewal project to be undertaken in the urban renewal area.

700. DESCRIPTION OF PROJECTS TO BE UNDERTAKEN

In order to achieve the objectives of this Plan, the following activities will be undertaken on behalf of the City by the Urban Renewal Agency, in accordance with applicable federal, state, county, and city laws, policies, and procedures. The Renewal Agency may fund these activities in full, in part, or seek other sources of funding for them.

A. ACCESS AND CIRCULATION IMPROVEMENTS

Traffic and pedestrian circulation and safety have been identified as issues contributing to depressed conditions and values in the North River Road corridor, and a constraint to future development called for in the Keizer Comprehensive Plan. In order to correct these deficiencies, the Urban Renewal Agency will participate in the planning, design, and construction of streets, curb and sidewalk, pedestrian facilities and other transportation systems, in order to improve access vehicular and pedestrian, circulation and safety throughout the Area. These street improvements may be subject to further engineering study and revision. Further engineering study also will determine whether acquisition for rights-of-way will be required for street improvement activities.

1. North River Road Improvements

North River Road is the primary north-south arterial in Keizer, and serves as the commercial core of community. The corridor at both the north and south ends provides an entrance to the city, and the visual and aesthetic character of the corridor establishes the image for the entire City of Keizer. In addition, the corridor's character and image are related to the economic potential of businesses located along the corridor. Traffic capacity problems exist at several locations along the corridor, limiting the existing and future development potential of the area. North River road is in need of traffic, pedestrian, design and aesthetic improvements to address these problems.

a. Design and Streetscaping Projects:

- Construct sidewalks, crossings, street furniture, and lighting.
- Install a landscape buffer and street trees.
- Eliminate non-conforming signs. Acquire and eliminate existing non-conforming signs along North River Road and Cherry Avenue.
- Signage and identity program. Design and implement a signage program at the major entrances to the corridor, and an identity program which may include banners, lighting etc. along N. River Road and Cherry Avenue.
- General pavement overlays.

b. Access, Circulation, and Traffic Safety Projects:

- Acquire additional right-of-way to widen North River Road within the renewal project boundary.
- Install a signal interconnect system along N. River Road.
- Increase through traffic and turning lane capacity of N. River Road north of Trail Avenue.
- Improve the intersection of North River Road and Lockhaven Drive to allow increased through traffic movement, and additional turning lane capacity. Bike lanes may be planned for both N. River Road and Lockhaven Drive.

c. Relocate overhead utilities on North River Road to underground locations.

2. Other Roadway Improvements

- a. Cherry Avenue.* Improve Cherry Avenue from the intersection with N. River Road to the Salem Parkway. This improvement will include street widening, drainage, and constructing bike lanes and sidewalks.
- b. Lockhaven Drive.* Widen Lockhaven Drive with provision for left turn movements from N. River Road to the intersection with 14th Street.
- c. Chemawa Road.* Widen Chemawa Road on both sides of the N. River Road intersection.
- d. Trail Avenue/Harmony Lane.* Improve Trail Avenue between Lockhaven Drive and N. River Road, and Harmony Lane between Trail Avenue and 14th. Improvements will include roadway, drainage and sidewalk improvements.

B. WATER, SEWER AND STORM DRAINAGE IMPROVEMENTS

The draft Public Facilities Plan prepared as a part of the Keizer Comprehensive Plan periodic review identifies needed public improvements within the Plan Area. These improvements are elements of city-wide facility master plans, prepared to address existing deficiencies in areas already developed, and to provide needed services to developing areas.

1. Water System Improvements

Two water line improvements are identified in the draft Public Facilities Plan to replace existing water lines along N. River Road with larger lines. This increase in capacity will improve service to adjacent properties, and undeveloped areas to the north, and will improve fire flow along the entire corridor.

- a. Provide increased water line capacity along N. River Road between Lockhaven Drive and Wheatland Road.
- b. Replace and increase water line capacity along N. River Road between Cummings Lane and Chemawa Road.

2. Storm Drainage Improvements

The draft Public Facilities Plan identifies several storm water drainage projects designed to address existing flooding problems along Cherry Avenue and the southern end of N. River Road. These improvements require construction of catch basins along roadways, and extension of drainage lines east to discharge points along Claggett Creek. Right-of-way acquisition may also be required.

- a. Construct a storm drain line from the east side of Cherry Avenue to Claggett Creek.
- b. Construct a storm drainage line on the east side of N. River Road near Manbrin Drive to Claggett Creek.
- c. Construct a storm drainage line on the east side of N. River Road near Dearborn Avenue to Claggett Creek.

3. Sanitary Sewer Line Improvements

An analysis of the existing condition and capacity of the city's sanitary sewer lines is currently underway. As specific projects are identified as needed in order to serve existing development, or to serve undeveloped areas planned for development, they will be specified in this section of the Plan.

- a. Replace existing sanitary sewer lines throughout the Area. (Specific projects will be identified as part of a study being undertaken for the City of Keizer).

- b. Assist in extending a sanitary sewer line through a parcel planned for industrial development in the northern end of the Area, east of N. River Road.

C. PUBLIC FACILITIES

Several types of needed public facilities were identified by the Advisory Committee. In order to improve transit service and stimulate transit ridership, a public transit center is needed along North River Road. In addition, improvements to the City's civic center are needed in order to better serve the residents of Keizer.

1. Public Transit Center.

A public transportation center will be constructed in the N. River Road corridor. The final design and placement of this facility will be subject to design and planning studies undertaken by the Renewal Agency.

2. Civic Center Improvements.

Improvements may include a public square, landscaping, signage, open space, public assembly space, or other facilities serving the general public. Final determination of improvements will be subject to design and planning studies by the Renewal Agency.

D. PROPERTY REHABILITATION

The Agency may develop guidelines for establishing a property rehabilitation program. Rehabilitation loans may be made available at below market interest rates to property owners within the Urban Renewal Area. Loans may be made for the purpose of structural rehabilitation, utility connections related to an undergrounding program, or for treating unsightly and blighting building

conditions. Low interest rehabilitation loans may be made for commercial or residential properties.

E. ADMINISTRATION, PLANNING & MARKETING

It is the intent of this Plan to provide for the effective administration of the Plan, and to plan for the various activities contained in the Plan. The Urban Renewal Agency with funds available to it may participate in the planning and design of public facilities, transportation improvements, measures to ensure a high degree of design quality for public and private developments, activities related to the preparation of this Plan, and the general administration of this Plan.

1. Management and Marketing Program.

Develop a management and marketing program for the corridor and other commercial/industrial areas in the city.

2. Preparation of Design Guidelines.

Prepare and adopt design guidelines for new construction and major remodeling of all non-residential properties along the corridor, and for public improvements within the right-of-way.

3. Urban Renewal Plan Administration.

Project funds may be utilized to prepare an urban renewal plan, design plan, miscellaneous land use and public facility studies as needed during the course of the urban renewal plan. Project funds may be utilized to pay for personnel and other administrative costs incurred in management of the urban renewal plan.

F. PROPERTY ACQUISITION

Acquisition of real property is determined necessary to carry out the objectives of this Plan. Accordingly, this Plan authorizes the following property acquisitions within the Urban Renewal Area:

1. Property to be Acquired for Public Use.

It is anticipated that acquisition of real property will be necessary to carry out public use objectives of this plan. These objectives include street and utility improvements, bike, pedestrian and related public improvements described in Section 700 A and B of this Plan. The locations of such improvements and the property to be acquired are generally shown on Exhibit 4. The exact locations and descriptions of the property to be acquired shall be determined upon the completion of detailed engineering studies for each improvement. Prior to acquisition, this Plan shall be amended by a minor amendment thereto identifying the specific property or interest to be acquired.

Property for public facilities identified in Section 700 C of this Plan also may be acquired. Such property shall not be acquired until this Plan is amended pursuant to Section 1000 B. 2.

2. Property to be Acquired for Redevelopment.

Property may be acquired by the Renewal Agency and disposed of to a developer in accordance with this Plan. The Agency may limit its acquisition to those properties required to complete land assembly for purposes of developing the property to achieve the goals of this plan. In the event property is to be acquired for purposes of private development, such property shall be identified and this Plan shall be amended in accordance with Section 1000 B. 3. hereof. Such amendment will describe the property to be acquired and the anticipated disposition of such property, together with an estimated time schedule for such acquisition and disposition.

Schedule: The Development Agency proposes to commence acquisition of property within five years from the date of approval of this plan, and to complete acquisition within fifteen years from such approval.

G. PROPERTY DISPOSITION AND REDEVELOPMENT

The Renewal Agency will dispose of property acquired within the Renewal Area for redevelopment for uses and purposes specified in this Plan. Properties shall be subject to disposition for the following purposes:

1. Road, street, and utility improvements.
2. Construction of pedestrian, bikeway, or other public facilities specified in this plan.
3. Redevelopment by private redevelopers for purposes consistent with the uses and objectives of this plan. Such disposition will be in accordance with the terms of a Disposition and Development Agreement between the Developer and the Renewal Agency.

The Renewal Agency may enter into agreements to acquire land, to hold land for future development, to dispose of any land it has acquired at fair reuse value, and to define the fair reuse value of any land.

800. REDEVELOPER'S OBLIGATIONS

Redevelopers within the Urban Renewal Area will be subject to controls and obligations imposed by the provisions of this Plan. Redevelopers also will be obligated by the following requirements:

1. The Redeveloper shall develop or redevelop property in accordance with the land-use provisions and other requirements specified in this Plan.
2. The Redeveloper shall submit all plans and specifications for construction of improvements on the land to the Renewal Agency or its designated agent, for review prior to distribution to reviewing bodies as required by the City.
3. The Redeveloper shall commence and complete the development of such property for the use provided in this Plan within a reasonable period of time as determined by the Agency.
4. The Redeveloper shall accept all conditions and agreements as may be required by the Renewal Agency. The Renewal Agency may require the redeveloper to execute a development agreement acceptable to the Renewal Agency as a condition of the Agency's assistance.
5. The Redeveloper shall not effect any instrument whereby the sale, lease, or occupancy of the real property, or any part thereof, is restricted upon the basis of age, race, color, religion, sex, marital status, or national origin.

900. RELOCATION

This plan does not contemplate relocation of any residential or commercial properties.

Should conditions arise which would cause the acquisition of developed and

occupied property by the Urban Renewal Agency, the Agency will provide assistance to persons or businesses displaced in finding replacement facilities.

All persons or businesses which may be displaced will be contacted to determine such relocation needs. They will be provided information on available space and will be given assistance in moving. All relocation activities will be undertaken and payments made, in accordance with the requirements of ORS 281.045-281.105 and any other applicable laws or regulations.

Relocation payments will be made as provided in ORS 281.060. Payments made to persons displaced from dwellings will assure that they will have available to them decent, safe, and sanitary dwellings at costs or rents within their financial reach. Payment for moving expense will be made to residences and businesses displaced.

1000. FUTURE AMENDMENTS

It is anticipated that this plan will be reviewed periodically during the execution of the Project. The plan may be changed, modified, or amended as future conditions warrant.

Where, in the judgement of the Renewal Agency, the proposed modification will substantially change the plan, the modification must be approved by the City Council in the same manner as the original plan.

Minor changes to the Plan shall be made by a duly approved resolution of the Agency which describes the details of the minor change.

A. MINOR CHANGES

Minor changes shall include:

1. Identification of property to be acquired for public uses described in

Section 700 A and B of this Plan.

2. Clarification of descriptions of project activities, where these modifications are consistent with the overall intent of the Plan.
3. Modification in the location of project improvements authorized in this plan, as such modifications may result from detailed engineering, architectural, or planning analysis.
4. Modifications resulting from amendments to the City's Comprehensive Plan, or the codes, policies, or ordinances which are established to implement the Comprehensive Plan.

B. SUBSTANTIAL CHANGES

Substantial changes, requiring City Council approval in the same manner as the original plan, shall include:

1. Changes to the boundary of this Plan.
2. Acquisition of property for public facilities projects as described in Section 700 C of this Plan.
3. Acquisition of property for private development authorized in Section 700 F (2) of this plan.
4. The addition of project activities which would modify the purposes and objectives of this Plan.

1100. FINANCING METHODS

A. GENERAL

The Urban Renewal Agency may borrow money and accept advances, loans, grants and other forms of financial assistance from the federal government, the state, city, county or other public body, or from any sources, public or private for the purposes of undertaking and carrying out this plan. In addition, the Agency may borrow money from, or lend money to a public agency in conjunction with a joint undertaking of a project authorized by this plan. If such funds are loaned, the Agency may promulgate rules and procedures for the methods and conditions of payment of such loans.

The funds obtained by the Agency shall be used to pay or repay any costs, expenses, advances and indebtedness incurred in planning or undertaking project activities or in otherwise exercising any of the powers granted by ORS Chapter 457.

B. TAX INCREMENT FINANCING

It is contemplated that the project will be financed in whole or in part by tax increment financing, as authorized in ORS 457.420 through ORS 457.450.

C. PRIOR INDEBTEDNESS

Any indebtedness permitted by law and incurred by the Urban Renewal Agency or the City in connection with preplanning for this Urban Renewal Plan shall be repaid from tax increment proceeds generated pursuant to this section.

1200. CITIZEN PARTICIPATION

This renewal plan was developed under the guidance of the Keizer Urban Renewal Advisory Committee. In the course of formulating the plan, the Task Force conducted six meetings. All meetings of the Task Force were advertised, and open to the public for discussion and comment. In addition, two public workshops were held during the preparation of this Plan. Presentations and periodic updates were also given to the Keizer City Council, Keizer Planning Commission, Keizer Chamber of Commerce, and the KBRAD committee. All of these meetings were advertised in the local press.

The Keizer Planning Commission held a public hearing on the Plan on _____, 1990. The Keizer City Council held public hearings on this Plan on _____ and _____, 1990. This Plan was adopted by the Keizer City Council on _____, 1990.

NORTH RIVER ROAD URBAN RENEWAL PLAN

KEIZER, OREGON

Part Two-Exhibits

EXHIBITS

Exhibit 1Plan Boundary

Exhibit 2Land Use Plan Designations

Exhibit 3Existing Zoning

Exhibit 4Street and Streetscape Improvements

Exhibit 5Public Facility and Utility Improvements

ATTACHMENTS

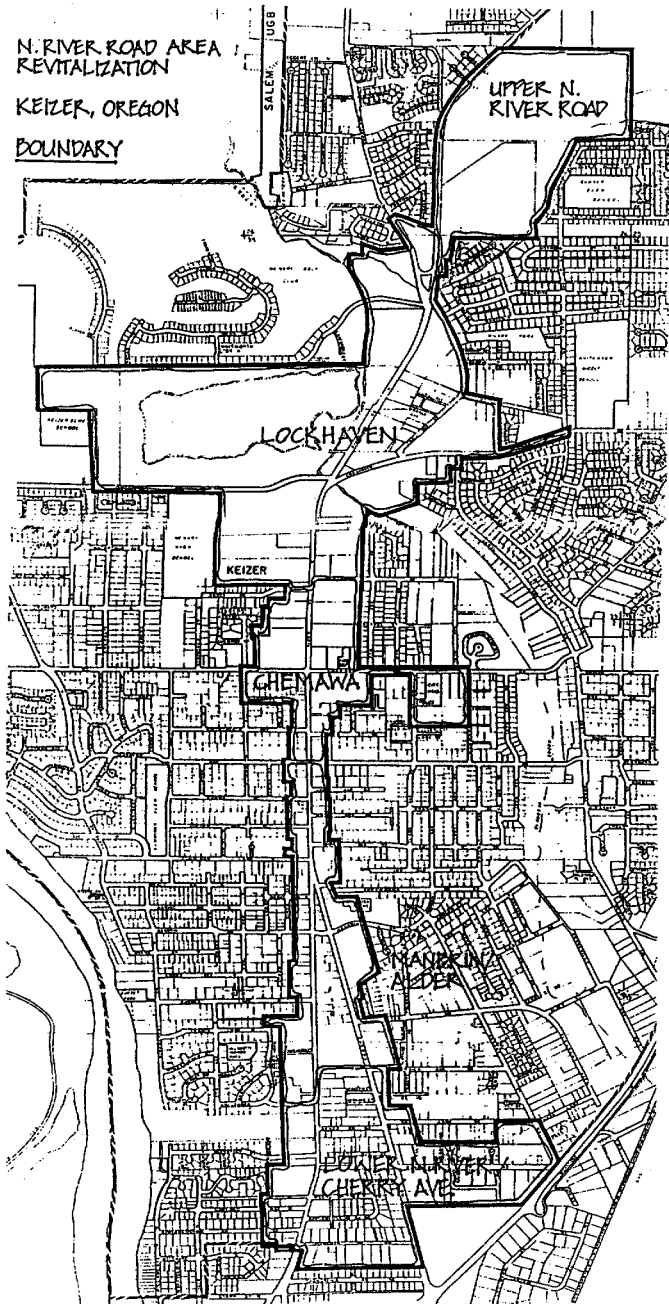
Attachment ALegal Description of Project Boundary

N. RIVER ROAD AREA
REVITALIZATION

KEIZER, OREGON

BOUNDARY

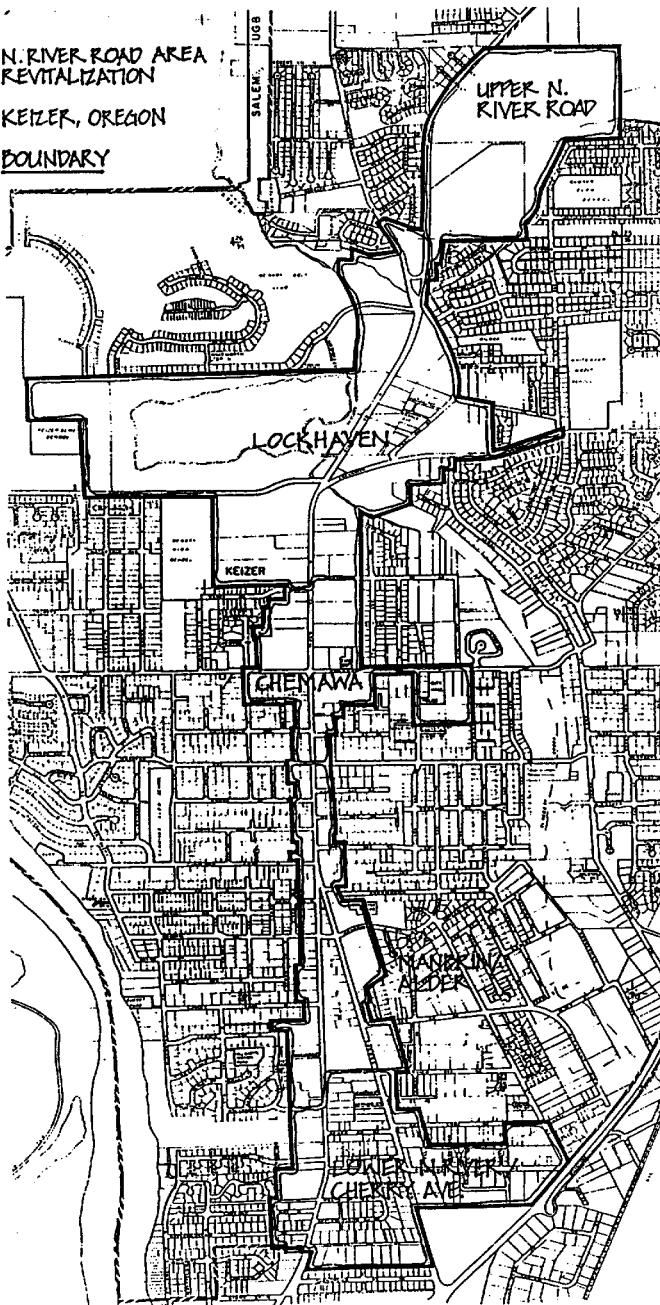
KT. DRAFT
EXHIBIT I



N. RIVER ROAD AREA
REVITALIZATION

KEIZER, OREGON

BOUNDARY

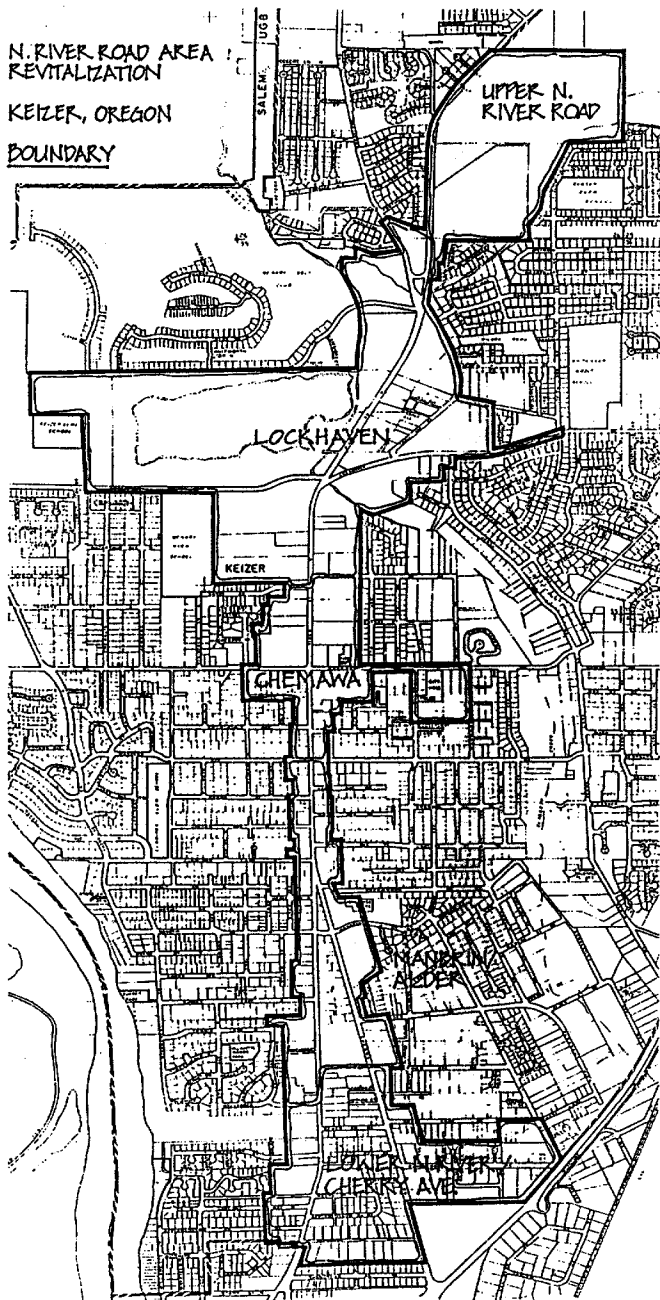


1ST DRAFT
EXHIBIT 2
LAND USE PLAN
DESIGNATIONS
(TO COME)

N. RIVER ROAD AREA
REVITALIZATION

KEIZER, OREGON

BOUNDARY

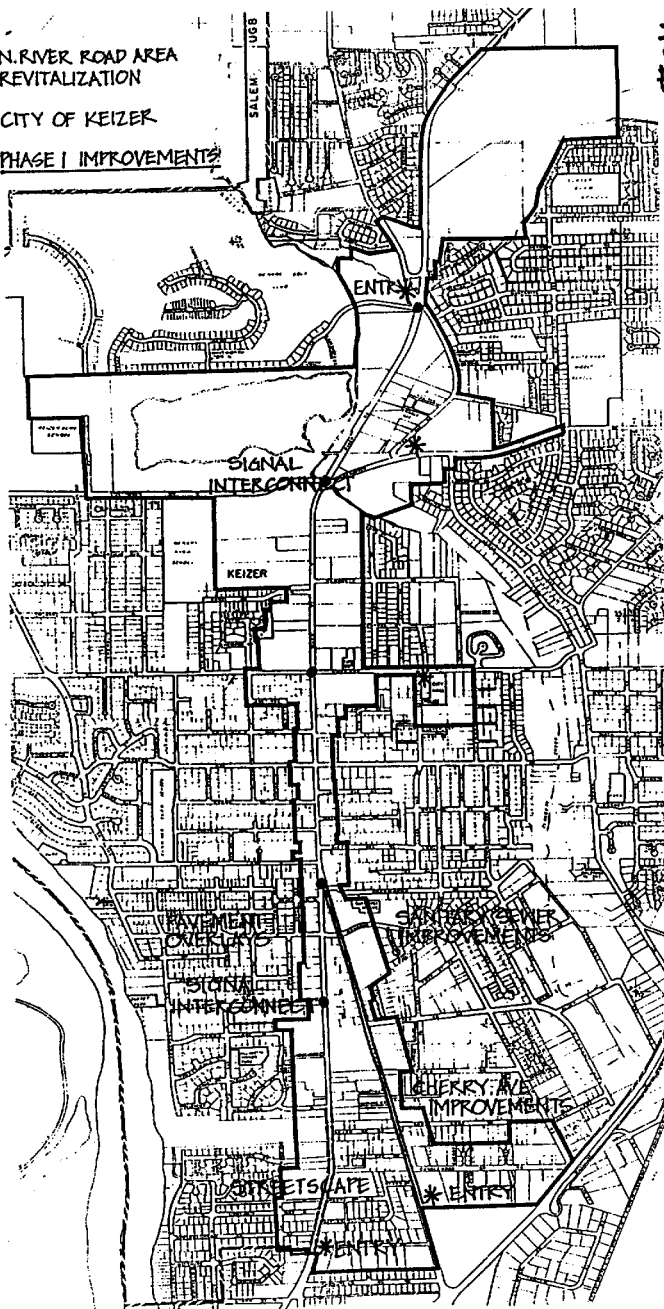


FIRST DRAFT
EXHIBIT 3
EXISTING
ZONING
(TO COME)

N. RIVER ROAD AREA
REVITALIZATION

CITY OF KEIZER

PHASE I IMPROVEMENTS



FIRST DRAFT
EXHIBIT 4
STREET AND
STREETSCAPE
IMPROVEMENTS

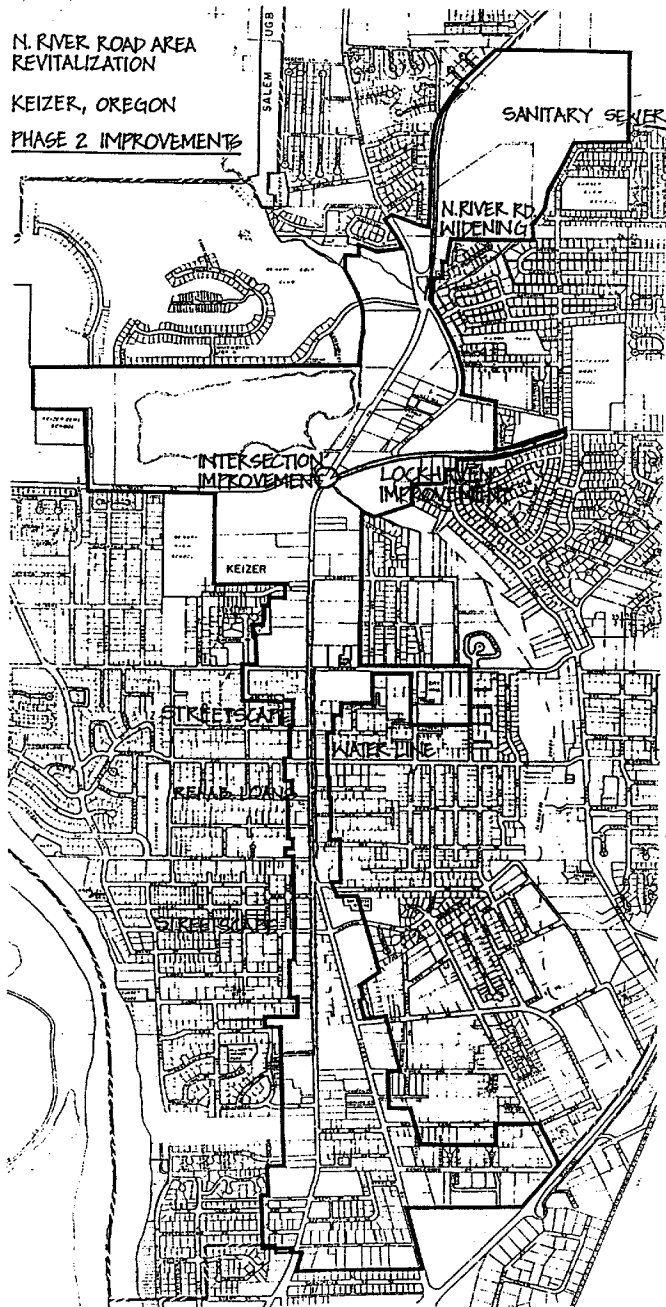
(DERIVED FROM
NEXT 3 FIGURES)

EXHIBIT 5
PUBLIC FACILITY
& UTILITY
IMPROVEMENTS
(DERIVED FROM
NEXT 3 FIGURES)

N. RIVER ROAD AREA
REVITALIZATION

KEIZER, OREGON

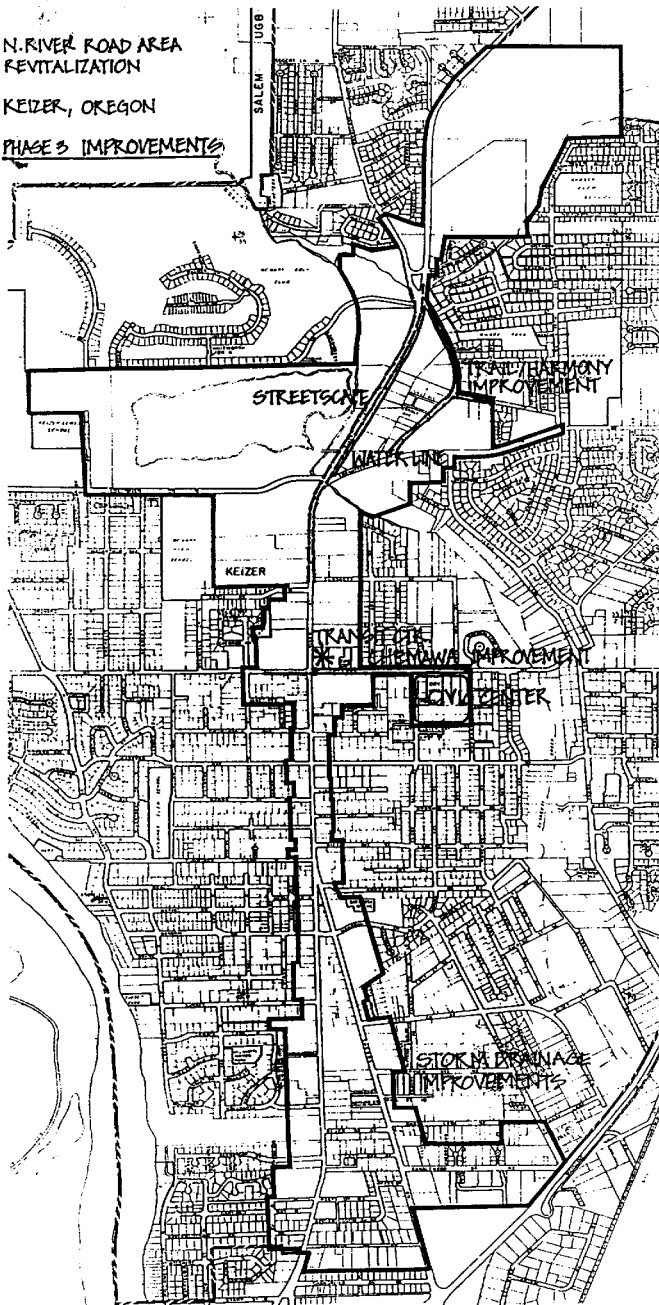
PHASE 2 IMPROVEMENTS



N. RIVER ROAD AREA
REVITALIZATION

KEIZER, OREGON

PHASE 3 IMPROVEMENTS



CITY OF KEIZER MISSION STATEMENT

KEEP CITY GOVERNMENT COSTS AND SERVICES TO A MINIMUM BY
PROVIDING BASIC CITY SERVICES TO THE COMMUNITY IN A
COORDINATED, EFFICIENT AND LEAST COST FASHION

A G E N D A

KEIZER CITY COUNCIL

SPECIAL SESSION

Thursday, September 13, 1990

7:30 p.m.

Keizer City Hall

Robert L. Simon Council Chambers

1. CALL TO ORDER
2. ROLL CALL
3. PUBLIC HEARING - Proposed Adoption of the North River Road Urban Renewal Plan.
4. ORDINANCE - Approving the North River Road Urban Renewal Plan and directing that notice of approval be published.
5. OTHER BUSINESS - This time is provided to allow Council members the opportunity to bring matters to the attention of the Council which are not on tonight's agenda.
6. ADJOURN



City of Keizer

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

COUNCIL MEETING: September 13, 1990

AGENDA ITEM NO.: 3

TO: MAYOR AND CITY COUNCIL

FROM: DONALD H. OTTERMAN, M.S.PA, CITY MANAGER *DHO*

SUBJECT: PUBLIC HEARING - To consider adoption of North River Road Urban Renewal Plan

DISCUSSION

The City Council is asked to consider the adoption of the North River Road Urban Renewal Plan and project boundaries. The consultant has prepared the plan and has prepared a report to the City Council discussing conditions which exist within the proposed project area that warrant the creation of the urban renewal project and plan.

The Planning Commission has reviewed the proposed urban renewal plan and has made a finding that the plan is consistent with the City's comprehensive plan, and has recommended approval to the City Council. The Urban Renewal Advisory Committee that was appointed by the Mayor, has reviewed the urban renewal plan and has recommended adoption to the City Council. The KBRAD Committee has also recommended adoption to the City Council.

It is recommended that the City Council conduct the public hearing to receive input from interested individuals regarding the proposed urban renewal plan, consider those comments, and then consider adoption of the North River Road Urban Renewal Plan and project boundaries. Adoption prior to October 15, 1990 is important due to the fact that if a plan is not adopted by that date, the City will lose out on approximately \$67,000 in tax increment financing the first year and close to \$1 million in tax increment financing over the life of the project. Adoption of the plan means that the ordinance must be adopted and the 30 day challenge period run prior to October 15, 1990. Therefore, action by the Council is critical.

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BILL NO. _____

A BILL
FOR

ORDINANCE NO.
90- _____

**AN ORDINANCE APPROVING THE NORTH RIVER ROAD URBAN RENEWAL
PLAN AND DIRECTING THAT NOTICE OF APPROVAL BE PUBLISHED**

WHEREAS, the Keizer Urban Renewal Agency (the "Agency") has prepared and has proposed to the City Council for its approval an urban renewal plan for an urban renewal area within the boundaries of the City of Keizer which urban renewal plan is known as the North River Road Urban Renewal Plan (the "Plan"); and,

WHEREAS, such Plan and its accompanying Report have been prepared in conformity with the requirements of ORS 457.085 and with public involvement in all stages of the development of the Plan; and,

WHEREAS, the Plan and Report were forwarded to the Keizer Planning Commission for recommendations and the Planning Commission has reviewed the Plan and Report and made certain recommendations with respect thereto; and,

WHEREAS, on September 12, 1990, the Keizer Planning Commission unanimously recommended approval of the North River Road Urban Renewal Plan; and,

WHEREAS, pursuant to applicable State and local law, the City of Keizer has provided public notice and considered public testimony regarding the North River Road Urban Renewal Plan; and,

WHEREAS, pursuant to ORS 457.095, the Keizer City Council has reviewed the North River Road Urban Renewal Plan, and,

WHEREAS, the City Council finds the Urban Renewal Plan should be adopted and approved, based on the findings listed below, NOW, THEREFORE,

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

Section 1. Findings. In support of its adoption of the North River Road Urban Renewal Plan, the following findings of fact and conclusions are adopted:

FINDINGS:

1. That the area described in the North River Road Urban Renewal Plan is blighted.
2. That rehabilitation and redevelopment is necessary to protect the public health, safety, or welfare of the City of Keizer.
3. That the North River Road Urban Renewal Plan conforms to the city's Comprehensive Plan as a whole and provides an outline for accomplishing the projects that the North River Road Urban Renewal Plan proposes.
4. That provisions have been made to house displaced persons within their financial means and in accordance with ORS 281.045 - ORS 281.105 and, except in the relocation of elderly or handicapped individuals, without displacing on priority lists persons already waiting for existing Federally subsidized housing.

5. That the acquisition of real property provided for is necessary.
6. That the adoption and carrying out of the Urban Renewal Plan is economically sound and feasible.
7. That the city shall assume and complete any activities prescribed it by the urban renewal plan.
8. That the Keizer City Council hereby incorporates by reference the North River Road Urban Renewal Plan, attached to this Ordinance as Exhibit "A", as support for its above-mentioned findings.
9. That the Keizer City Council further relies on the North River Road Urban Renewal Report, attached to this Ordinance as Exhibit "B", which is incorporated by reference, the report of the Planning Commission, the public hearing and the entire record before the City Council in this matter.

CONCLUSIONS:

1. The Keizer City Council hereby adopts and approves the North River Road Urban Renewal Plan, pursuant to the provision of ORS 457, and directs the City Recorder to publish notice of the adoption of this Ordinance in accordance with the requirements of ORS 457.115.
2. The Keizer City Council directs the City Recorder to record a copy of the Ordinance approving the North River Road Urban Renewal Plan with the

Recording Officer of Marion County, Oregon,
pursuant to ORS 457.125, and directs the City
Recorder to send a copy of this Ordinance to the
Urban Renewal Agency for the City of Kelzer,
Oregon.

PASSED this _____ day of _____, 1990.

SIGNED this _____ day of _____, 1990.

Mayor

City Recorder

f:\admin\Plan.Ord

CITY OF KEIZER MISSION STATEMENT

KEEP CITY GOVERNMENT COSTS AND SERVICES TO A MINIMUM BY
PROVIDING BASIC CITY SERVICES TO THE COMMUNITY IN A
COORDINATED, EFFICIENT AND LEAST COST FASHION.

A G E N D A

KEIZER CITY COUNCIL

Tuesday, September 4, 1990

7:30 p.m.

Keizer City Hall

Robert L. Simon Council Chambers

1. CALL TO ORDER
2. ROLL CALL
3. PUBLIC TESTIMONY - This time is provided for citizen to address the Council on matters not on the agenda.
4. COMMITTEE REPORTS
 - a. Oath of Office - Police Officer
5. PUBLIC HEARING
 - a. Manufactured Housing Overlay Zone (continued from 5/21/90)
6. BID AWARD - City Hall Telephone System
7. DISCUSSION - Appointment of "Keizer Tomorrow" Committee members.
8. DISCUSSION - Volunteer Municipal Judge Recruitment
9. CONSENT CALENDAR
 - a. August 20, 1990 Regular Session Minutes
 - b. Resignation of Planning Commissioner Al Wilson
 - c. Status Report of Complaint on Donahue Court
 - d. Resolution - Exempting Acquisition of Police Radio Communications and Mobile Data Terminal Informational System from Competitive Bids
10. OTHER BUSINESS - This time is provided to allow Council members the opportunity to bring matters before the Council which are not on tonight's agenda.

11. WRITTEN COMMUNICATIONS - To inform the Council of significant written communications and petitions.
12. AGENDA INPUT - September 17, 1990
13. ADJOURN



City of Keizer

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

COUNCIL MEETING: September 4, 1990

AGENDA ITEM NO.: 6

TO: MAYOR AND CITY COUNCIL
FROM: *Wally Muel*, PUBLIC WORKS DIRECTOR
THRU: DONALD H. OTTERMAN, M.S.P.A, CITY MANAGER
SUBJECT: BID AWARD - CITY HALL TELEPHONE SYSTEM

BACKGROUND

The current telephone system was purchased in 1985 when the City had only 25 employees. City staff now numbers 49 including part-time employees, and the telephone system is inadequate for the size and the amount of business conducted at City Hall.

In the 1990-91 budget, \$21,000 was included for a new telephone system. Over the last six months staff has investigated and received bids on four telephone systems.

Bids have been received from:

Terra Communications	\$17,988
AT&T	\$26,547
SCS Communications	\$19,727
Reliant Communications	\$28,725

RECOMMENDATION

City Council award of bid to Terra Communications for a telephone system at a cost of \$17,988.



City of Keizer

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

COUNCIL MEETING: SEPTEMBER 4, 1990

AGENDA ITEM NO.: 7

TO: MAYOR AND CITY COUNCIL
FROM: DONALD H. OTTERMAN M.S.P.A., CITY MANAGER *DA*
SUBJECT: APPOINTMENT OF "KEIZER TOMORROW" COMMITTEE MEMBERS

It is recommended that the City Council concur in the Mayor's appointment of the members to the "Keizer Tomorrow" Committee, that were selected by the Selection Subcommittee.

DISCUSSION

As the Council is aware, the city received 43 applications to serve on the "Keizer Tomorrow" Committee. Some of these applicants volunteered to serve in more than one capacity.

The Mayor appointed a Selection Subcommittee to assist in reviewing the applications for the "Keizer Tomorrow" Committee. That Subcommittee was made up of Mayor Orcutt, Bob Netko, Jeff Boucher and John Bohlander. The Subcommittee met on Monday, August 27, 1990, for the purpose of selecting the "Keizer Tomorrow" Committee. Criteria, that was established by the Committee to review the applications, included availability of applicant, location of residency if they were an applicant for a geographical area, and reasons stated by the applicant for wanting to be appointed to the Committee. After a thorough review of all applications, the following individuals were recommended to the Mayor for appointment to the "Keizer Tomorrow" Committee:

1. Citizen At Large - Northwest of River Road/Chemawa Road
Ray Clark

Alternate - Mrs. Lee Parker

2. Citizen At Large - Southwest of River Road/Chemawa Road
Kris England

Alternate - Mike Kirby

3. Citizen At Large - Northeast of River Road/Chemawa Road
Mark W. Caillier

Alternate - Don Flesch

4. Citizen At Large - Southeast of River Road/Chemawa Road
Michael Van
Alternate - Lori Park
5. Citizen At Large - Clearlake Area
Charles C. Lawson
6. Business - Keizer Chamber of Commerce
Appointment to be made by President
7. KBRAD Committee
Appointment made by Chairman Les Zaitz of Jim Keller,
Keller Photo
8. Business At Large
Ray McKee
9. Building/Real Estate - Commercial Real Estate
Jim Reimann
10. Residential Real Estate
Wendell Mann
11. Developer
Eric Meurer
12. Senior Citizen
Robert T. French
Alternate - Louis Neuman
13. Keizer Fire District
Greg Frank
Alternate - Jack Grossnickle
14. Marion County Fire District No. 1
Doug Arensmeier, Chairman
15. Salem/Keizer School District
Ray L. Naff
16. ASB Student Body President
To be appointed after the beginning of school

It is recommended that the City Council concur in the recommendation of the above applicants to be appointed to the "Keizer Tomorrow" Committee. These individuals, along with

the current City Council and candidates for City Council, will make up the "Keizer Tomorrow" Committee. Until the election in November, all candidates for City Council will be non-voting members of the "Keizer Tomorrow" Committee. Once the election has been held, those individuals that have won seats on the City Council will continue on the Committee as non-voting members until January, when they are sworn into office. At that time, they will replace the current Council member, who's position they have replaced and the out-going Council member may, if they wish, remain a member of the Committee, in a non-voting status.

DHO:clm

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City of Keizer

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

COUNCIL MEETING: September 4, 1990

AGENDA ITEM NO.: 8

TO: MAYOR AND CITY COUNCIL
FROM: DONALD H. OTTERMAN, M.S.P.A, CITY MANAGER *040*
SUBJECT: VOLUNTEER MUNICIPAL JUDGE RECRUITMENT

On August 6, 1990, staff reported that an advertisement had been placed in the mid-August Marion County Bar Bulletin requesting attorneys to submit their names if interested in serving as Keizer's volunteer municipal judge.

Staff learned on Tuesday that the Bar Bulletin was not mailed until August 27. It did go first class, however, whether many attorneys will have the opportunity to read the publication and submit their names prior to September 4 is questionable.

If staff receives any interest prior to the Monday night meeting, those names will be presented to the Council at that time. Otherwise, the City Council may wish decide upon another method of soliciting interest or whether to publish another advertisement in the Bar Bulletin.

M I N U T E S

KEIZER CITY COUNCIL
Monday, August 20, 1990
Robert L. Simon Council Chambers
Keizer City Hall

CALL TO ORDER Mayor Orcutt called the regular session to order at 7:32 p.m.

ROLL CALL Roll call was taken as follows:

Present: Andrew J. Orcutt, Mayor
Phil Bay, Councilor
Bob Newton, Councilor
Bob Pritchard, Councilor
Joe Van Meter, Councilor

Absent: Yvonne Fischer, Councilor
Mike Hart, Councilor

Staff: Don Otterman, City Manager
Chuck Stull, Police Chief
Shannon Johnson, City Attorney
John Lien, City Attorney
Susan Darby, City Recorder

PUBLIC
TESTIMONY

Donahue Court
Curb Cut

Elizabeth Miles, 4093 Donahue Court N.E., Keizer, expressed concern with a neighbor who will be making a curb cut and, in doing so, will reduce the amount of on-street parking available to surrounding neighbors. Mr. Otterman explained that as long as this individual obtains a curb cut permit, the distance between nearby driveways is adequate, and the property is adjacent to the public street, the City cannot prevent him from making the cut. He stated that this individual has as much right to use the public street as the neighbors. Ms. Miles stated that this person has prevented other neighbors from parking along this stretch by using threats. Mr. Otterman indicated that this needs additional staff research. He asked Ms. Miles to contact him the following day to further discuss this issue.

COMMITTEE
REPORTS

There were no committee reports to come before the Council.

ORDINANCE -
ADOPTING THE
UNIFORM CODE
FOR THE
ABATEMENT OF
DANGEROUS
BUILDINGS

Mr. Otterman explained that an ordinance on the abatement of dangerous buildings has been necessitated by several dilapidated and run down buildings in Keizer. He presented slides of several of these buildings which are located on Chemawa Road, Plymouth Drive, Candlewood Drive, and Cherry Avenue. He said there have been two houses on Keizer Road which were unsightly for some time. The owner finally agreed to allow the Fire Department to burn the houses, but rubble still remains on the lots.

Mr. Otterman stated that the proposed ordinance is patterned after a model ordinance recommended by the International Association of Building Officials. Many jurisdictions have adopted this code for such enforcement. The ordinance would allow the City to require that dangerous buildings be demolished, repaired or properly secured so they are not attractive nuisances and/or public hazards. As proposed, the ordinance establishes the Planning Commission as the appeals board. The City Council is involved from the standpoint of placing liens against properties in order to reimburse the City for its expenses in securing or demolishing the buildings.

Mr. Otterman noted that the dangerous buildings, in addition to being attractive nuisances, also create eyesores, lessen the value of adjacent properties, and, in some situations, present fire hazards to adjoining properties.

Responding to a question from Councilor Bay, Mr. Otterman stated that he has had numerous conversations with the owner of the Chemawa Road property. The owner refuses to do anything with the house.

Councilor Pritchard noted that if a property is being assessed with land and improvements, and the City requires demolition of the improvements, the City will be lowering the assessed value and thereby reducing the tax money coming into the City. Mr. Otterman indicated this would be true in a situation where demolition is necessary. However, these types of buildings have very little, if any, value. In other situations, the structures can be repaired, e.g., the property on Cherry Avenue.

When viewing the house on Plymouth Drive, Mr. Otterman was informed that two men were going through the house last week because they had nothing better to occupy their time. Neighbors of this house say there are people coming and going from the house at all hours of the day and night. The manager of the neighboring apartment complex has also expressed concern about the fire hazard created by the dry weeds.

Responding to a question from Councilor Pritchard, Mr. Otterman indicated that the City may wish to consider provisions concerning structures that are uninhabitable because they were used as drug lab operations.

Mr. Otterman stressed that the City has no enforcement capability without such an ordinance.

In response to a question from Councilor Newton, Mr. Otterman explained that the Planning Commission will have the opportunity to review the ordinance during the next 60 days or so while the City begins the notification process on these structures. Mr. Otterman stated that complaints have been received on the Plymouth Drive house from the neighboring apartment manager, from one of the front units, from a neighbor on the other side, and from the property owner across the street.

Councilor Newton asked about the cost to provide enforcement. Mr. Otterman responded that the Marion County Building and Safety Division will provide enforcement of the ordinance at no additional cost at this time because of the small number of cases.

Councilor Van Meter commented that he has had several calls regarding dilapidated structures.

Councilor Van Meter moved for passage of an bill for an ordinance adopting the Uniform Code for the Abatement of Dangerous Buildings. Councilor Bay seconded the motion.

Mr. Johnson made the following changes to the proposed ordinance:

Page 4, Chapter 3, replace the term "City Managers" with "Building Officials".

Page 8, #4, change the wording, "...building vacated an posted..." to "...building vacated and posted..."

Page 16, Section 701(a), change the wording, "...obey and such order." to "...obey any such order."

Mr. Johnson noted the need for the blank on page 15 to be completed by the Council regarding the time frame for the hearings examiner to submit a written report.

Responding to a question from Councilor Bay, Mr. Otterman explained that the ordinance is intended to be enforced against vacant or unsafe structures. In the case of the house on Plymouth Drive, the building would also be considered unsanitary because it lacks plumbing and people have been living in the home. Mr. Otterman recommended the Council adopt a 30 day period within which the hearings examiner must submit a written report.

Councilor Van Meter favored including a provision that the City Council be involved in the hearing process.

Councilor Newton moved to amend the motion to correct the typographical errors, to provide a 30 day period under Section 605(b), and to provide that the City Council be the final City authority. Councilor Van Meter seconded the amendment. The motion was put to a vote and carried unanimously as follows:

AYES: Orcutt, Bay, Newton, Pritchard, Van Meter
(5)

NAYS: None (0)

ABSENT: Fischer, Hart (2)

The main motion, as amended, was put to a vote and carried unanimously on first reading as follows:

AYES: Orcutt, Bay, Newton, Pritchard, Van Meter
(5)

NAYS: None (0)

ABSENT: Fischer, Hart (2)

STONEHEDGE
ESTATES
STREET
LIGHTING
LOCAL
IMPROVEMENT
DISTRICT

Mr. Otterman explained that this item is coming before the Council to amend an earlier ordinance spreading assessment to the Stonehedge Estates No. 6 Street Lighting Local Improvement District. He explained that the City Council approved the installation of six lights within the district, however, the electric company installed the capability for seven lights. This, he indicated, was done because there was one area which should have had a street light.

Councilor Bay moved for passage of an ordinance amending Ordinance No. 90-165 to spread assessments to the Stonehedge Estates No. 6 Street Lighting District. The motion was seconded, put to a vote and carried unanimously on first reading as follows:

AYES: Orcutt, Bay, Newton, Pritchard, Van Meter
(5)
NAYS: None (0)
ABSENT: Fischer, Hart (2)

CONSENT
CALENDAR

The Consent Calendar included:

- Resolution recognizing the outstanding accomplishment of the Keizer Girls Majors All-Star Team
- Liquor License for a change of location for Loyal Order of Moose, 3860 River Road North
- Police vehicle lease
- Mobile data terminal lease/purchase
- August 6, 1990 Regular Session Minutes
- August 13, 1990 Special Session Minutes

Councilor Newton asked that the police vehicle lease be removed from the Consent Calendar.

Councilor Bay moved for approval of the remainder of the Consent Calendar. Councilor Pritchard seconded the motion. The motion was put to a vote and carried unanimously as follows:

AYES: Orcutt, Bay, Newton, Pritchard, Van Meter
(5)
NAYS: None (0)
ABSENT: Fischer, Hart (2)



City of Keizer

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

COUNCIL MEETING: SEPTEMBER 4, 1990

AGENDA ITEM NO.: _____

9c

TO: MAYOR AND CITY COUNCIL

FROM: DONALD H. OTTERMAN M.S.P.A., CITY MANAGER *DAO*

SUBJECT: STATUS REPORT OF COMPLAINT FROM ELIZABETH MILES,
4093 DONAHUE COURT

Mrs. Miles did call City Hall on Wednesday, after the Council meeting, to discuss her complaint regarding the lack of parking at the end of the cul-de-sac at Donahue Court. The Public Works Director discussed the matter with Mrs. Miles on Friday and explained to her that if the individual that owns property own Troy, which abuts Donahue Court, wants to construct a driveway, he has a legal right to do so, provided that he compiles with all Public Works regulations regarding width of curb cuts and distances between curb cuts. Mrs. Miles was informed that Donahue Court is a public street and anyone can park a vehicle on a public street, provided that they are not blocking a driveway. Therefore, since the property owner on Troy Avenue has not installed a curb cut on Donahue Court, she has the right to park her vehicle in front of the gate that has been constructed by that property owner. However, if a curb cut is constructed, it will no longer be an area where vehicles can park. Mrs. Miles was informed that if the property owner on Troy Avenue attempts to keep her from parking on Donahue Court, in front of his gate, that she should call the Police Department for assistance.

At this point, there is nothing further the city can do to assist Mrs. Miles with her concern. I think that Mrs. Miles would like us to intervene for her, however, there is no legal way that we can do so. This is a situation that should be resolved by property owners within the neighborhood.

DHO:clm

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“Pride, Spirit and Volunteerism”

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

RESOLUTION R90-_____

EXEMPTING ACQUISITION OF POLICE RADIO
COMMUNICATIONS AND MOBILE DATA
TERMINAL INFORMATIONAL SYSTEM FROM
COMPETITIVE BIDDING

WHEREAS, the Keizer Police Department shares its radio frequency with four other law enforcement agencies and with the increase of personnel, the volume of air traffic has seriously restricted the Keizer Police Department's ability to communicate effectively on the current police radio system; and

WHEREAS, the City of Keizer has agreed with the City of Salem to participate in the new consolidated 911 and dispatching services program; and

WHEREAS, the acquisition of an 800 mhz. system will allow uninterrupted Keizer Police Department communications with the dispatch service. Now, therefore,

The City Council of the City of Keizer makes the following findings:

(1) Public safety agencies have adopted the 800 mhz "APCO-16" radio system as its national standard.

(2) Presently, only Motorola and General Electric manufacture "APCO-16" radio systems. The Motorola and General Electric radio systems are incompatible.

(3) The City of Salem has chosen the Motorola system for the dispatch center.

(4) The 800 mhz APCO-16 radio system requires accompanying "backbone" transmission systems.

Page 1 - RESOLUTION NO. _____

1 (5) The expense of purchasing the portable radios and the
2 accompanying transmission system exceeds the City's budget. However,
3 by leasing time on the transmission system, Keizer Police Department
4 can begin acquiring radios on a lease/purchase agreement.

5 (6) Only one company, SMR Network, has transmission facilities
6 and will lease time for 800 mhz APCO-16 transmissions. The private
7 vendor provides a backup to its transmission system to insure that
8 communications continue even if the primary system has a failure.

9 (7) It is unlikely that awarding the lease/purchase contract
10 for the radios and the mobile data terminals to Motorola or the
11 transmission agreement with SMR Network as an exception to the
12 competitive bidding rules pursuant to ORS 279.015, will encourage
13 favoritism or substantially diminish competition for public
14 contracts.

15 (8) Awarding the contract for the purchase of the radio
16 communications and mobile data terminals to Motorola will result in
17 substantial cost savings to the City of Keizer.

18 BE IT RESOLVED by the City Council of the City of Keizer that
19 the purchase of the 800 mhz APCO-16 system radio communications and
20 the mobile data terminal informational system and the transmission
21 agreement with SMR Network are exempt from the competitive bidding
22 requirements pursuant to ORS 279.015 based upon the information
23 provided by City staff and the findings contained herein.

24 BE IT FURTHER RESOLVED by the City Council of the City of Keizer
25 that Keizer enter into a lease/purchase agreement with Motorola for
26 the lease/purchase of mobile radio equipment and mobile data

1 terminals on the terms and conditions of the lease/purchase agreement
2 and other attendant documents attached hereto.

3 BE IT FURTHER RESOLVED by the City Council of the City of Keizer
4 that Keizer enter into a specialized mobile radio user agreement with
5 SMR Network according to the terms and provisions of the agreement
6 attached hereto.

7 BE IT FURTHER RESOLVED by the City Council of the City of Keizer
8 that the Mayor and City Recorder are authorized to sign the attached
9 agreements on behalf of the City of Keizer.

10 PASSED this _____ day of _____, 1990.

11 SIGNED this _____ day of _____, 1990.

12
13

Mayor

14
15

City Recorder

16 824F.62

SMR Network

August 13, 1990

Mr. Charles Stull
City of Keizer, Police Dept
PO Box 21060
Keizer, OR 97307

Dear Mr. Stull,

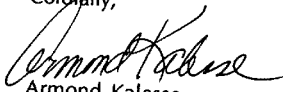
We are pleased that you are purchasing Motorola trunking radios for the Keizer Police Department. Utilizing products with programable software versatility will suit changing needs of city departments and their requirements. Many more alternatives are available in Smartnet II trunking systems than you have experienced with conventional repeater systems.

SMR Network is in the radio systems and site business. We are continually purchasing systems and upgrading equipment to stay current. Our 13th system was just purchased, and in addition 10 base stations have been obtained to allow for growth, in advance of consumer demand, in this ever changing technology. Our technical staff maintains constant watch over system integrity. We want to maximize your use of the equipment and provide savings by using available systems. We are actively pursuing an additional system for the Salem/Keizer metropolitan area to enhance city coverage.

Our dispatch service will be \$9.50 per unit per month. Many Smartnet II options are included in this rate: dispatch, subfleeting, and the ability to make telephone calls are a few. Also included will be one additional site we own for emergency back-up. Telephone interconnect service will be 50¢ per minute, programable on the system if the radios are equipped with this feature. A detail billing for all telephone calls is available. Emergency 911 and our toll free customer service line, 800-654-2262, will be provided with no minute charges. The repeater space rental and connection to the Prospect SMR Network Smartnet II trunked system will be \$130.00 per month. Repeater maintenance must be obtained from Motorola.

We are pleased to be working with Steven Croasdale and Motorola to provide Smartnet II system services for your communication requirements.

Cordially,


Armond Kalesse
Director of Marketing

cc: Steven Croasdale, Motorola

SMR Network

Complete Mobile Communications

1628 NW Everett Street ▼ Portland, Oregon 97209 ▼ (503) 228-2262

Specialized Mobile Radio User Agreement

Date: 8/13/90

Billing Cycle:

Customer # _____

Estimated "On-Air"
Date: 9/90

☒ M ☐ Q ☐ S ☐ A

SIC Code: 97.500

City of Keizer/Police Dept.

Customer Name:

(503)

Customer's Telephone:

Charles Stull

Contact:

Prospect

Primary System:

PO Box 21060

Address:

Secondary System:

Keizer, OR 97307

City, State, Zip:

Steve Croasdale

Salesperson:

930 Chemawa Rd NE, Keizer, OR 97303

Customer's Physical Address (required by FCC):

(503) 697-8000

Salesperson's Telephone:

☒ New Agreement

Account Set-Up Fee - Non-Refundable \$ _____
(Must Accompany Agreement)

☐ Supersede Agreement

All telephone interconnect airtime charges will be billed on a monthly basis. Basic telephone service and telephone line charges will be pro-rated to all interconnected units on a non-profit basis. Monthly service charges include 150 minutes of dispatch airtime per unit. Additional dispatch airtime will be billed at 10¢ per minute.

____ Single-System Units @ _____ = _____ per month. Telephone interconnect @ _____ per minute.

31 Multi-System Units @ 9.50 = 294.50 per month. Telephone interconnect @ .50 per minute.

____ Multi-System Units @ _____ = _____ per month. Telephone interconnect @ _____ per minute.

____ D.I.D. Numbers @ _____ = _____ per month. Telephone interconnect @ _____ per minute.

____ @ _____ = _____ per month. Telephone interconnect @ _____ per minute.

Other Services

Total 294.50

The above total is subject to State and Local taxing jurisdictions to be computed and added to invoice.

The parties have read this agreement (See reverse side for important Terms and Conditions of Agreement), and agree to be bound by all of its terms. The parties further agree that it constitutes the complete and exclusive statement of the agreement between them, and supersedes all proposals, oral, or written, and all other communications between them or their agents relating to the subject hereof.

Customer Name:

Title:

Customer Signature:

Date:

SMR Network

Specialized Mobile Radio User Agreement

Amended Terms and conditions - City of Keizer, Oregon

AMENDMENT - The following terms and conditions replace in their entirety all term and conditions appearing on the reverse of the printed SMR Network Agreement form. Any and all references to the "Terms and Conditions of Agreement" on the face of said printed form shall mean these Amended Terms and Conditions.

TERM OF AGREEMENT - This Master Agreement will be effective on the date it is accepted by SMR Network at Portland, Oregon after having been signed by a duly authorized representative of the City of Keizer, Oregon, and shall remain in force and effect for a period of five years from the date of acceptance by SMR Network unless terminated as provided herein. Subscriber may terminate this Agreement for any or no cause by giving SMR Network not less than 60 days written notice in advance.

COSTS AND CHARGES - SMR Network will measure usage of services in accordance with SMR Network's then current policy. The charges for services as set forth in any Order are subject to discount pursuant to SMR Network's then current policies relating to volume and off-peak usage. SMR Network reserves the right at its sole discretion to amend these policies on 60 days written notice. Charges for services supplied prior to the first day of the month shall not be charged to Subscriber. The Subscriber will be charged at the rate of \$9.50 per month per 800MHz mobile or portable radio for access to SMR Network Services, including dispatch, subfleeing, and telephone interconnect. Telephone interconnect services will be available at 50¢ per minute on those radios equipped with this feature. These rates will apply for a period of three (3) years without any increase. Price increases thereafter are subject to negotiation between the Subscriber and SMR Network, but in any event will not be more than one hundred ten percent (110%) of the scheduled fees for the preceding year. Subscriber will be responsible for fixed charges for an entire month for each unit in service as of the first day of that month. The charges will be invoiced monthly and payment must be received by SMR Network within 30 days of the date of the invoice. Interest charges of one and one-half percent (1.5%) per month will accrue on all amounts not paid within 30 days after the date of the invoice. Interest will accrue daily. In the event any invoice is not paid by Subscriber within 30 days after its date, SMR Network may at its sole option and discretion, and without prior notice to the Subscriber, terminate this agreement and Subscriber's access to the use of the system. In this event, Subscriber shall remain liable for any outstanding service, interest, or other charges due on Subscriber's account. Reinstatement of service after interruption shall be at the sole discretion of SMR Network. If reinstatement is approved, a \$50.00 hookup fee will be charged. If Subscriber's service is interrupted for non-payment a second time, a \$100.00 hookup fee will be charged. The fees established under this Agreement are calculated in consideration of the fact that Subscriber is a municipal corporation and public body, and as such is exempt from taxation.

TITLE - Subscriber's rights are limited to the service provided, and Subscriber shall have no right, title or interest in the equipment, software, or facilities used by SMR Network to provide that service. Subscriber's right to use the service is personal to Subscriber, non-exclusive and non-transferable.

STONEHEDGE
ESTATES
STREET
LIGHTING
LOCAL
IMPROVEMENT
DISTRICT

Mr. Otterman explained that this item is coming before the Council to amend an earlier ordinance spreading assessment to the Stonehedge Estates No. 6 Street Lighting Local Improvement District. He explained that the City Council approved the installation of six lights within the district, however, the electric company installed the capability for seven lights. This, he indicated, was done because there was one area which should have had a street light.

Councilor Bay moved for passage of an ordinance amending Ordinance No. 90-165 to spread assessments to the Stonehedge Estates No. 6 Street Lighting District. The motion was seconded, put to a vote and carried unanimously on first reading as follows:

AYES: Orcutt, Bay, Newton, Pritchard, Van Meter
(5)

NAYS: None (0)

ABSENT: Fischer, Hart (2)

CONSENT
CALENDAR

The Consent Calendar included:

- Resolution recognizing the outstanding accomplishment of the Keizer Girls Majors All-Star Team
- Liquor License for a change of location for Loyal Order of Moose, 3860 River Road North
- Police vehicle lease
- Mobile data terminal lease/purchase
- August 6, 1990 Regular Session Minutes
- August 13, 1990 Special Session Minutes

Councilor Newton asked that the police vehicle lease be removed from the Consent Calendar.

Councilor Bay moved for approval of the remainder of the Consent Calendar. Councilor Pritchard seconded the motion. The motion was put to a vote and carried unanimously as follows:

AYES: Orcutt, Bay, Newton, Pritchard, Van Meter
(5)

NAYS: None (0)

ABSENT: Fischer, Hart (2)

PROPRIETARY RIGHTS AND INFORMATION PROTECTION - Where Subscriber utilizes SMR Network services containing programming or software, SMR Network grants to the Subscriber a non-exclusive and non-transferable license to use such software or programming for the sole purpose of enabling Subscriber to obtain SMR Network services. Title to all software and programming is and shall remain with SMR Network. SMR Network warrants to Subscriber that all software and programming furnished or used by SMR Network in connection with providing service hereunder either is the sole property of SMR Network, or is and will remain subject of a license from the owner thereof entitling SMR Network and Subscriber to use such software and programming for the purposes intended under this Agreement. SMR Network agrees to indemnify and defend Subscriber from and against any and all claims of infringement on patent, copyright, trade secret, or like claims arising out of the alleged unlawful use of intellectual property covered by the foregoing warranty. Subscriber recognizes that software and programming used hereunder constitute valuable trade secrets of SMR Network. Subscriber shall use its best efforts to protect and keep confidential all software and programming used by it and shall make no attempt to examine, copy, alter, "reverse engineer", tamper with or otherwise misuse such software and programming.

TERMINAL EQUIPMENT - Subscriber shall be responsible for installation, maintenance and performance of its remote terminal equipment. All equipment provided by Subscriber for use in conjunction with the SMR Network must be approved by SMR Network prior to use.

IMPROVEMENTS - In order to continuously improve the quality of service to the Subscriber, SMR Network reserves the right to make changes in rules of operation, accessibility periods, Subscriber identification procedures, types of terminal equipment, and network programming; PROVIDED, HOWEVER, that SMR Network shall make no such change which renders Subscriber's previously approved terminal equipment unusable in service under this Agreement without first giving Subscriber not less than twelve months prior written notice.

INTERCONNECTION - SMR Network reserves the right to regulate and manage the use of telephone interconnect service in order not to degrade dispatch service. Subscriber's account will be charged for access of telephone interconnection service regardless of whether the call is completed.

FEDERAL COMMUNICATIONS COMMISSION ("FCC") REGULATIONS - This agreement is subject to all applicable FCC rules, regulations, and policies. SMR Network shall not be obligated to provide service to Subscriber until Subscriber has secured all required FCC licenses and has provided SMR Network with copies. Subscriber shall be solely responsible for obtaining, renewing, and operating in conformity with the authority granted. In the event SMR Network determines that Subscriber is operating without or in excess of a grant of authority by the FCC, SMR Network may interrupt service without prior notice to Subscriber.

LIMITATION OF LIABILITY - SMR Network shall have no liability of any kind: (1) for breach of warranty, other than breach of a warranty expressed in this Agreement, and in no event for any asserted warranty which is expressly disclaimed in this Agreement, including without limitation any warranties of merchantability or fitness; or (2) for any

damages caused by or arising out of the use of the remote terminal equipment or telephone communication lines. SMR Network's liability to Subscriber shall, in all other respects, be limited to restoration of service at no cost to Subscriber within a commercially reasonable time. SMR Network shall in no event be liable for any incidental, special or consequential damages.

WARRANTY - SMR Network makes not warranty, either express or implied, as to the range of reception of transmission Subscriber may expect or attain. Experience with actual field conditions and from tests made indicate adverse propagation conditions, such as short term unpredictable meteorological effects and sky wave interference from distant stations, can interrupt service at times. Other causes beyond reasonable control of SMR Network are motor ignition, and other electrical noise that could be minimized by corrective devices at Subscriber's expense. Satisfactory communication performance is generally viewed as intelligible reception over rolling terrain approximately 90 percent (90%) of the time. SMR NETWORK EXPRESSLY DISCLAIMS ANY AND ALL WARRANTIES, INCLUDING IMPLIED WARRANTIES OF MERCHANTABILITY AND OF FITNESS FOR A PARTICULAR PURPOSE, SAVE AND EXCEPT EXPRESS WARRANTIES STATED IN THIS AGREEMENT. In the event the foregoing disclaimer of warranties if found, for any reason to be invalid, SMR Network's liability to Subscriber for breach of any implied warranty shall be limited to the refund of all sums paid by Subscriber apportionable to any period when service is not available to Subscriber through no fault of Subscriber. SMR Network shall not be liable for the refund of sums paid by Subscriber which are attributable to the first 48 consecutive hours of any period when service is not available. SMR Network shall in no event be liable for any incidental, special or consequential damages.

FORCE MAJEURE - SMR Network shall not be liable for failure to perform services under this Agreement due to causes beyond the reasonable control of SMR Network.

GENERAL

- a. No waiver, alteration, or modification of any of the provisions hereof shall be binding unless in writing and signed by a duly authorized representative of SMR Network and Subscriber. In the event Subscriber has issued or hereafter issues a purchase order or memorandum or other instrument covering the services herein provided, it is hereby specifically agreed and understood that such purchase order, memorandum, or instrument is for Subscriber's internal purposes only and any and all terms and conditions contained therein, whether printed or written, shall be of no force or effect. Except as herein expressly provided to the contrary, the provisions of this Agreement are for the benefit of the parties hereto solely, and not for the benefit of any other person or legal entities.
- b. None of the services may be assigned or transferred by Subscriber without the prior written consent of SMR Network. Any attempt by Subscriber to assign or transfer any of the rights, duties, or obligations of this Agreement without SMR Network's written consent is void.

- c. This Agreement shall be governed by, and construed in accordance with, the laws of the State of Oregon.
- d. If any portion of this Agreement is wholly or partially unenforceable, for any reason, such unenforceability shall not affect the balance hereof.
- e. This Agreement and any Orders accepted under this Agreement are subject to the Subscriber's continuing credit worthiness.
- f. All accepted Orders shall become part of this Agreement. This Agreement and all such Orders shall cumulatively contain the entire contract between the parties.
- g. The Parties' remedies in this Agreement are exclusive.



LEASE No.

LESSEE: KEIZER
CITY OF ~~KEIZER~~, POLICE DEPARTMENT
P.O. BOX 21060
KEIZER
~~KEIZER~~, OREGON 97307

Motorola Communications and Electronics, Inc.
1301 East Algonquin Road
Schaumburg, Illinois 60196

Lessor agrees to lease to Lessee and Lessee agrees to lease from Lessor, the Equipment described in any Schedule A now or hereafter attached hereto ("Equipment") in accordance with the following terms and conditions of this Equipment Lease-Purchase Agreement ("Lease").

1. **TERM.** This Lease will become effective upon the execution hereof by Lessor. The Term of this Lease will commence on date specified in Schedule A and unless terminated according to terms hereof or the purchase option, provided in Section 18, is exercised this Lease will continue until the Expiration Date set forth in Schedule B attached hereto ("Lease Term").

[illegible]

3. DELIVERY AND ACCEPTANCE. Lessor will cause the Equipment to be delivered to Lessee at the location specified in Schedule A ("Equipment Location"). Lessee will accept the Equipment as soon as it has been delivered and is operational. Lessee will evidence its acceptance of the Equipment by executing and delivering to Lessor a Delivery and Acceptance Certificate in the form provided by Lessor.

4. REPRESENTATIONS AND WARRANTIES. Lessor acknowledges that the Equipment leased hereunder is being manufactured and installed by Lessor pursuant to the contract (the "Contract") covering the Equipment. Lessee acknowledges that on or prior to the date of acceptance of the Equipment, Lessor intends to sell and assign Lessor's right, title and interest in and to the Agreement and the Equipment to assignee ("Assignee"). LESSEE HEREBY ACKNOWLEDGES THAT EXCEPT AS EXPRESSLY SET FORTH IN THE CONTRACT, LESSOR MAKES NO EXPRESS OR IMPLIED WARRANTIES OF ANY NATURE OR KIND WHATSOEVER, AND AS BETWEEN LESSEE AND THE ASSIGNEE, THE PROVISIONS OF THE CONTRACT SHALL BE ACCEPTED BY THE ASSIGNEE. LESSEE AGREES THAT LESSEE WILL FILE ALL CLAIMS DIRECTLY WITH "FAULTS": LESSEE AGREES NOT TO ASSERT OR SEEK TO ENFORCE ANY SUCH CLAIMS AGAINST THE ASSIGNEE. NEITHER LESSOR NOR THE ASSIGNEE SHALL BE LIABLE FOR ANY DIRECT, INDIRECT, SPECIAL, INCIDENTAL OR CONSEQUENTIAL DAMAGES, INCLUDING REASONABLE ATTORNEY'S FEES, OF THE LESSOR OR THE EQUIPMENT, INCLUDING WITHOUT LIMITATION OF PROFITS, PROPERTY DAMAGE OR LOST PRODUCTION THEREON SUFFERED BY LESSEE OR ANY THIRD PARTY.

Lessor is not responsible for, and shall not be liable to Lessee for damages relating to a loss of value of the Equipment for any cause or situation (including, without limitation, governmental actions or regulations or actions of other third parties).

3. **NON-APPROPRIATION OF FUNDS.** Notwithstanding anything contained herein to the contrary, in the event the funds appropriated by Lessee's governing body or otherwise available by any means whatsoever in any fiscal period to Lessee for Lease Payments or other obligations under this Lease are insufficient to pay the Lease Payments, then, at the last day of the fiscal period, the funds shall be allocated and terminate on the expense to Lessee of any kind whatsoever, except as to the portions of Lease Payments or other amounts herein agreed upon for which funds shall have been appropriated and budgeted by Lessee or its Assignee or Assignees. In the event of such termination, Lessee agrees to voluntarily surrender possession of the Equipment to Lessor or its Assignee on the date of such termination, packed for shipment in accordance with manufacturer specifications and freight prepaid for inland transportation in the continental United States and to be shipped by Lessor. Lessor will have all the legal and equitable rights and remedies to take possession of the Equipment. Notwithstanding the foregoing, Lessee agrees (i) that it will not cancel

this Lease under the provisions of this Section if any funds are appropriated to it, or by it, for acquisition, retention or operation of the Equipment or other equipment performing functions similar to the Equipment for the fiscal year in which such termination occurs or the next succeeding fiscal period thereafter; and (ii) that it will not during the Lease Term give priority in the application of funds to any other functionally similar equipment or service. This Section will not be construed so as to permit Lessee to terminate this Lease in order to acquire any other equipment or to allocate funds directly or indirectly to perform essentially the same application for which the Equipment is intended.

8. **LESSEE CERTIFICATION.** Lessee represents, covenants and warrants that: (i) Lessee is a state or a duly constituted political subdivision or agency of the state of the Equipment Location; (ii) the interest portion of the Lease Payments shall be excluded from Lessee's gross income pursuant to Section 103 of the Internal Revenue Code of 1954 as amended; (iii) Lessee will not be required to make any deduction, delivery and performance of any of the obligations of this Lease have been duly authorized by any necessary action on the part of the Lessee; (iv) this Lease constitutes a legal, valid and binding obligation of the Lessee enforceable in accordance with its terms; (v) Lessee will comply with the information reporting requirements of Section 148(e) of the Code; (vi) Lessee will not be required to file any statement of information statements requested by Lessor; (vii) Lessee will not or cause to be done any act which will cause, by or omission of any act allow, the Lease to be an arbitrage bond within the meaning of Section 148(e) of the Code; (viii) Lessee will not or cause to be done any act which will cause, by or omission of any act allow, the Lease to be a tax-exempt bond within the meaning of Section 141 of the Code; (ix) Lessee will not or cause to be done any act which will cause, by or omission of any act allow, the interest portion of the Lease Payments to be includable in gross income for federal income tax purposes; and (x) Lessee agrees that the Code shall be the only entity to own and operate the Equipment during the Lease Term.

Lessee represents, covenants and warrants that (i) it will do or cause to be done all things necessary to preserve and keep the Lease in full force and effect, (ii) it has complied with all public bidding and Bond Commission requirements (as defined in the Code) where necessary and by due notification presented this Lease for approval and adoption as a valid obligation of its part, and (iii) it has sufficient appropriations or other funds available to pay all amounts due hereunder for the current fiscal period.

7. TITLE TO EQUIPMENT; SECURITY INTEREST. Upon acceptance of the Equipment by Lessee hereunder, title to the Equipment will vest in Lessee; provided, however, that (i) in the event of termination of this Lease by Lessee pursuant to Section 5 hereof; (ii) upon the occurrence of any Default hereunder, and assuming that the option has not been exercised prior to the Expiration Date, title will immediately vest in Lessor or its Assignee, in order to secure all of its obligations hereunder; Lessee hereby (a) grants Lessor a first and prior security interest in any and all of its rights, title and interest in and to the Equipment, its attachments, accessories and substitutions thereto, and on any proceeds therefrom; (b) agrees that this Lease may be filed as a financing statement evidencing such security interest; and (c) agrees to execute and deliver all financing statements, affidavits of title and other instruments necessary and appropriate to evidence the same.

8. **USE; REPAIRS.** Lessee will use the Equipment in a careful manner for the use contemplated by the manufacturer of the Equipment and shall comply with all laws, ordinances, insurance policies and regulations relating thereto, and will pay all costs, claims, damages, fees and charges arising out of the possession, use or maintenance of the Equipment. Lessee, at its expense will keep the Equipment in good repair and furnish all parts, accessories, tools, equipment, labor and materials necessary to maintain the mechanisms and devices required therefor.

9. ALTERATIONS. Lessee will not make any alterations, additions or improvements to the Equipment without Lessor's prior written consent. Unless such alterations, additions or improvements may be readily removed without damage to the Equipment.

10. **LOCATION; INSPECTION.** The Equipment will not be removed from, or if the Equipment consists of rolling stock, its permanent base will not be changed from the Equipment Location without Lessor's prior written consent which will not be unreasonably withheld. Lessor will be entitled to enter upon the Equipment Location or elsewhere during reasonable business hours to inspect the Equipment or observe its use and operation.

11. **LIENS AND TAXES.** Lessee shall keep the Equipment free of all liens, liens and encumbrances except those created under Lessee shall pay, when due, all charges and taxes (local, state or federal) which may now or hereafter be imposed upon the ownership, leasing, sale, purchase, possession or use of the Equipment, excluding however taxes on or measured by Lessor's income. If Lessee fails to pay said charges and taxes when due, Lessor shall have the right, but shall not be obligated to pay said charges and taxes. If Lessor pays any charges or taxes, Lessor shall reimburse Lessor thereafter within ten days written demand.

Attorney for Lessee

UNIFORM COMMERCIAL CODE — FINANCING STATEMENT — FORM UCC-1

13961

INSTRUCTIONS

1. PLEASE TYPE this form. Fold only along perforation for mailing.
2. Remove Secured Party and Debtor copies and send other 3 copies with interleaved carbon paper to the filing officer. Enclose filing fee.
3. When filing is to be with more than one office, Form UCC-2 may be placed over this set to avoid double typing.
4. If the space provided for any item(s) on the form is inadequate the item(s) should be continued on additional sheets, preferably 5" x 8" or 8" x 10". Only one copy of such additional sheets need be presented to the filing officer with a set of three copies of the financing statement. Long schedules of collateral, indentures, etc., may be on any size paper that is convenient to the secured party.
5. If collateral is crops or goods which are or are to become fixtures, describe generally the real estate and give name of record owner.
6. When a copy of the security agreement is used as a financing statement, it is requested that it be accompanied by a completed but unsigned set of these forms, without extra fee.
7. At the time of original filing, filing officer should return third copy as an acknowledgment. At a later time, secured party may date and sign Termination Legend and use third copy as Termination Statement.

This FINANCING STATEMENT is presented to a filing officer for filing pursuant to the Uniform Commercial Code.

1 Debtor(s) (Last Name First) and Address(es) KEIZER CITY OF KEIZER, POLICE DEPT P.O. BOX 21060 KEIZER, OREGON 97307-1060	2 Secured Party(ies) and Address(es)	3 Maturity date (if any): For Filing Officer (Date, Time, Number, and Filing Office)
4 This financing statement covers the following types (or items) of property: SEE ATTACHED EQUIPMENT LIST		5 Assignee(s) of Secured Party and Address(es)

This statement is filed without the debtor's signature to perfect a security interest in collateral. (check ☒ if so)
☐ already subject to a security interest in another jurisdiction when it was brought into this state.
☐ which is proceeds of the original collateral described above in which a security interest was perfected.

Check ☒ if covered. ☒ Proceeds of collateral are also covered ☐ Products of Collateral are also covered No. of additional sheets presented:

Filed with:

By: _____
Signature(s) of Debtor(s)

By: _____
Signature(s) of Secured Party(ies)

Filing Officer Copy — Alphabetical

603469 Rev. 1

City of Keizer Police Dept.

System Equipment List

	<u>Unit</u>	<u>Extended</u>
11 - 9100-11 MDT terminals with - internal radio - 800 mhz operation	4,300	47,300
10 - 9000 key lock swivel mounts	245	2,450
1 - KDT480 emulation package	201	201
1 - 9100 label set	500	500
4 - MDT9100 unit level manual	75	300
4 - KDT840 Portable terminal with: - battery - charger - software - manual	3,409	13,636
1 - Spare battery	8	78
1 - Spare charger	201	201
1 - Lot system services includes: - Project management - engineering - commissioning - installation - warranty - training	30,709	30,709
Total System Cost	\$95,375.00	

CITY OF SALEM SMARTNET SYSTEM

CITY OF SALEM, OREGON
CITY OF KASSEL, OR POLICE
PROJECT #81-900775

8/3/80
4:55:31 PM

SALES: STEVE CHODKOWSKI
ENGINEER DOUG NORTHERN

ITEM	MODEL NUMBER	DESCRIPTION	QTY	PRICE EACH	EXTENDED AMOUNT	NOTES
1	H25JKH51CE_N	MTRX25 W/ INTERCONNECT SWIVEL CASE AND T-81TRAP	17	\$1,597.56	\$27,158.35	
1 A	H314		17	\$34.50	\$586.50	
INCLUDES:						
3 SYSTEM W/ TALKGROUP						
EMERGENCY ALARM CALL						
DYNAMIC REGROUPING						
UNLIMITED PRIVATE CONVERSATION						
UNLIMITED CALL ALERT						
FALSOFF BY TALKGROUP						
2	NTN4633	RAPID RATE CHARGER	3	\$85.50	\$256.50	
3	NTN5447	EXTRA BATTERY	17	\$72.75	\$1,236.75	
4	D45KGS5C09_K	SPECTRA CP PACKAGE	12	\$2,476.00	\$29,712.00	
4 A	W688	EMERGENCY PUSH-BUTTON	12	\$44.80	\$537.60	
4 B	W20	DTMF MIC	12	\$188.80	\$2,026.60	
4 C	W81	KEY LOCK MOUNT	12	\$28.40	\$340.80	
INCLUDES:						
15 87518 SYRLEETS						
SYSTEM SEARCH AND LOCK						
ANALOG FEATURES						
TELEPHONE INTERCONNECT						
UNLIMITED PRIVATE CALL						
UNLIMITED CALL ALERT						

CITY OF SALEM SMARTNET SYSTEM

ITEM	MODEL NUMBER	DESCRIPTION	QTY	PRICE EACH	EXTENDED AMOUNT	NOTES
5	LS5VLBS174_MSP10	DUAL MODE CAPABILITY	1	\$3,093.75	\$3,093.75	
5 A	L791	*S SYS10 SUBTLETT/10 CONV	1	\$225.00	\$225.00	
5 B	L273	SPECTRA CONTROL UNIT W/REPAD	1	\$51.75	\$51.75	
5 C	L73	8 CHARACTER DISPLAY	1	(\$70.50)	(\$70.50)	
		CONTINUOUS DUTY OPERATION				
		UNLIMITED P.C. AND C.A.				
		OPERATOR SELECT CHANNEL SCAN				
		OPERATOR SELECT SYSTEM SCAN				
		STAT-ALERT SIGNALING ON CONVENTIONAL CHANNELS				
6	L1238	SMARTNET DESK SETS	3	\$472.50	\$1,417.50	
7	TDN7237	JUNCTION BOX	1	\$207.00	\$207.00	
8	TDN7241_600	AUDIO/POWER CABLE	1	\$887.50	\$887.50	
9	DF6441	YAGI ANTENNA	1	\$80.10	\$80.10	
10	DOACV21041 M01	VARIABLE FREQUENCY FLTR	1	\$358.00	\$358.00	ATTENUATOR
11	TDN6815	LINE KIT - 100FT	100 FT	\$22.25	\$2225.00	
12	TCN6877	MALE TV CONNECTOR	2	\$29.85	\$59.85	
13	NTN4668	8 UNIT RAPID CHARGER	2	\$875.00	\$1,352.00	

CITY OF SALEM SMARTNET SYSTEM

PO4/*

ITEM MODEL NUMBER

DESCRIPTION

QTY

PRICE
EACHEXTENDED
AMOUNT

NOTES

14	L35VLSB174_MSP10	SPECTRA CONSOLE/TE	1	\$3,083.75	\$3,083.75	
14A	L141	LOCAL CONTROL	1	\$12.50	\$12.50	
14B	L273	WALL MOUNT	1	\$51.75	\$51.75	
14C	L73	OMIT MIC	1	(\$70.50)	(\$70.50)	

INCLUDES:

DUAL MODE CAPABILITY
15 SYS/10 SUBFLEX-710 CONV
SPECTRA CONTROL UNIT W/KEYPAD
& CHARACTER DISPLAY
CONTINUOUS DUTY OPERATION
UNLIMITED P.C. AND C.A.
OPERATOR SELECT CHANNEL SCAN
STAT-ALERT SIGNALING ON CONVENTIONAL CHANNELS

15	TDF441	YAGI ANTENNA	1	\$80.10	\$80.10	
16	DOACV2710J1NC	VARIABLE W/VA/R/10NC FLTR	1	\$353.00	\$353.00	
17	TDN6815	LINE KIT - 100FT	100 FT	\$2.25	\$225.00	
18	TDN6877	MALE TV CONNECTOR	2	\$29.83	\$59.65	
19	L1547	DC REMOTE ADAPTOR	1	\$337.50	\$337.50	
20	DOJ-F373	4/600 OHM TRANSFORMER	1	\$40.00	\$40.00	
21	CG9CX	DIGITAL CAPABLE MSF5000	1	\$3,575.00	\$3,575.00	
21A	451C	800 MHz, 75Watts	1	\$2,720.25	\$2,720.25	
21B	C514	ADD TRANSPARENT OPERATION	1	\$715.00	\$715.00	
21C	C153	50 FT RPTT CABLE	1	\$58.55	\$58.55	
21D	C432	SERVICE MANUAL	1	\$32.50	\$32.50	

CITY OF SALEM SMARTNET SYSTEM

ITEM	MODEL NUMBER	DESCRIPTION	QTY	PRICE EACH	EXTENDED AMOUNT	NOTES
22	TS203	SPARE PARTS KIT 800 MHZ	1	\$2,535.00	\$2,535.00	
		TOTAL EQUIPMENT COSTS			\$83,438.40	
		TOTAL INSTALL COSTS			\$4,721.30	
		TOTAL SYSTEM COSTS			\$88,159.70	

ADDENDUM FOR THE PURPOSE OF DESIGNATING
EQUIPMENT LEASE-PURCHASE AGREEMENT
AS A
QUALIFIED TAX EXEMPT OBLIGATION

This Addendum is made a part of the equipment lease-purchase agreement dated AUGUST 15, 1990 (the "Agreement") by and between CITY OF KEIZER, POLICE DEPARTMENT (the "Lessee") as Lessee, and Mobile Data International, a division of Motorola, Inc., as Lessor, for the purpose of designating the Agreement as a "qualified tax-exempt obligation" for purposes of Section 265(b) (3) of the Internal Revenue Code of 1986. With respect to such designation, the Lessee hereby agrees, warrants, and represents as follows:

1. The Agreement is designated by Lessee as a "qualified tax-exempt obligation" for purposes of Section 265(b) (3) of the Internal Revenue Code of 1986.
2. The Property which is subject to the Agreement will be owned and operated by the Lessee in performance of its public purposes; said property will not be subject to the use or control of any entity other than Lessee.
3. Lessee agrees that it will not designate more than \$10,000,000.00 of tax-exempt obligations during the current calendar year as qualified tax-exempt obligations. Lessee reasonably expects to issue no more than \$10,000,000.00 of tax-exempt obligations during the current calendar year.
4. For purposes of paragraph 3 of this Addendum, the amount of tax-exempt obligations stated as either issued or designated as qualified tax-exempt obligations includes tax-exempt obligations issued by all subordinate entities of Lessee, as provided in Section 265(b) (3) (E) of the Internal Revenue Code of 1986.

Executed this _____ day of _____, 19____,
the date of execution and delivery of this Agreement.

LESSEE:

LESSOR:

By: _____

By: _____

Title: _____

Title: _____

EVIDENCE OF INSURANCE

Fire, extended coverage, public liability, and property damage insurance for all equipment listed on Schedule A of Lease # _____, dated AUGUST 15, 1990, will be maintained by the Lessee as stated in Section 4.4 of the Master Lease Agreement. This insurance is provided by:

(Name of insurance carrier or name of entity, if self-insured)

Signed: X _____

By: _____

Title: _____

**MOTOROLA**

Communications and Electronics Inc.

SCHEDULE A EQUIPMENT LEASE-PURCHASE AGREEMENT

Lease No. _____

This Equipment Schedule dated as of August 15, 1990, is being executed by MOTOROLA COMMUNICATIONS AND ELECTRONICS, INC. ("Lessor"), and City of Kalamazoo, Michigan ("Lessee"), as a supplement to, and is hereby attached to and made a part of that certain Equipment Lease-Purchase Agreement dated as of August 15, 1990, ("Lease"), between Lessor and Lessee.

Lessor hereby leases to Lessee under and pursuant to the Lease, and Lessee hereby accepts and leases from Lessor under and pursuant to the Lease, subject to and upon the terms and conditions set forth in the Lease and upon the terms set forth below, the following items of Equipment.

QUANTITY	DESCRIPTION (Manufacturer, Model and Serial Nos.)
	SEE ATTACHED EQUIPMENT LIST
Equipment Location:	

Initial Term: 60 MonthsCommencement Date: October 1, 1990

Lease Payments of \$ 31,462.26 10/01 - 6/30 1990
47,193.38 7/1 - 6/30 1991-1992-1993-1994
plus Sales/Use Tax of \$ _____ (total of \$ _____), payable
on the Lease Payment Dates set forth in Schedule B.

EXECUTED as of the date first herein set forth.

LESSEE:

LESSOR:

MOTOROLA
COMMUNICATIONS & ELECTRONICS, INC.

By _____

By _____



MOTOROLA

Communications and Electronics Inc.

SCHEDULE B PAYMENT SCHEDULE

Lessee's Fiscal Periods: _____

Insurance requirements: _____

Lease Expiration Date: _____

Lease Payment Number	Lease Payment Date	Lease Payment	Interest Portion	Principal Portion	Concluding Payment
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SEE ATTACHED

***** LEASE FINANCE SCHEDULE *****

INPUT DATA

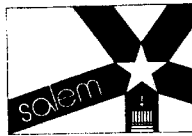
LEASE START DATE ...	10/01/90	PAYMENT MODE.....	BEGINING
LOAN AMOUNT.....	\$183,535.40	1st PAYMENT DATE.	10/01/90
A.P.R.....	8.25	PAYMENT.....	\$0.00
NO. OF YEARS.....	5	FUTURE VALUE.....	\$0.00
PERIODS PER YEAR...	1	Annual	

*** RESULTS ***

LEASE TYPE ----->	TAX EXEMPT	EFFECTIVE RATE -->	8.57%
QUALIFICATION ---->	QUALIFIED	APR ----->	8.25%
MARKET ----->	TAX EXEMPT	NO. OF PERIODS -->	5
RATE FACTOR ----->	NA	PAYMENTS ----->	Mixed Stream
PV AT FMT DATE -->	\$183,535.40	FUTURE VALUE ---->	\$0.00

***** AMORTIZATION SCHEDULE *****

PAYMENT DUE DATE	PERIODS COVERED	BEGINNING PRINCIPAL	PAYMENTS	INTEREST	PRINCIPAL REDUCTION	ENDING PRINCIPAL
01-Oct-90	10/01-6/30	\$183,535.40	\$31,462.26	\$8,249.35	\$23,212.91	\$160,322.49
01-Jul-91	7/1-6/30	\$160,322.49	\$47,193.38	\$11,912.34	\$35,281.04	\$125,041.45
01-Jul-92	7/1-6/30	\$125,041.45	\$47,193.38	\$8,889.04	\$38,304.34	\$86,737.11
01-Jul-93	7/1-6/30	\$86,737.11	\$47,193.38	\$5,606.65	\$41,586.73	\$45,150.38
01-Jul-94	7/1-6/30	\$45,150.38	\$47,193.38	\$2,043.00	\$45,150.38	\$0.00
			\$220,235.78	\$36,700.38		



CITY
OF SALEM,
OREGON

GENERAL SERVICES DEPARTMENT
555 Liberty Street SE, Room 330
Salem, OR 97301-3503

June 26, 1990

Stephen P. Croasdale, Account Executive
Government Markets Division, Western Area
4900 SW Meadows Road
Suite 220
Lake Oswego, OR 97035

Dear Mr. Croasdale:

At the June 18, 1990 City of Salem Council meeting the City Council adopted a report which recommended the purchase of Motorola 800 MHz radios as replacements for older radios now being used in the City's Local Government Service Unit. The basis for selecting Motorola was that rental of transmission services for APCO-16 800 MHz radios is only currently available in the Salem area for Motorola brand radios. The City does not have the financial resources at this time to put in our own transmission facilities and it is therefore necessary for the City to rent the transmission resources now available to us.

The City of Salem intends to purchase approximately 70 to 80 portable or mobile APCO-16 800 MHz radios in the near future for use in the Local Government Services (LGS) radio portion of our system. We also intend to purchase related and compatible equipment necessary as part of Salem's Consolidated Communication Center which will be implemented over the next several months.

In the long term, Salem plans to use APCO-16 800 MHz radios for most, if not all, radio communications including emergency services.

If you have any questions concerning this issue, please let me know.

Sincerely,

James Young
Director of General Services

GS-2133.WP

M*E*M*O*R*A*N*D*U*M

June 25, 1990

To: Bob Ritchie

From: Gary Kanz 

SUBJECT: AUTHORIZATION FOR SOLE SOURCE PROCUREMENT

As you are aware, the City Council approved sole source procurement of Motorola communications equipment for the Local Government Service communications system at their June 18th meeting. A contract for that purpose is currently being negotiated by Jim Young, General Services Director, with Mr. Steve Croasdale, Account Executive, of Motorola.

The question of sole source procurement of equipment for the Communications Center was reviewed by Bill Blair, Assistant City Attorney and confirmed based on Appendix D of the City Purchasing Manual which states, in part:

... or if efficient utilization of existing equipment or supplies requires a specific compatible product for which there is only one seller, then the item may be purchased without competitive purchasing.

[The above language finds its origin in Oregon Revised Statute (ORS) 279.017 Specifications for Contracts; exemptions, paragraph (2)(d) which states, "Efficient utilization of existing equipment or supplies requires the acquisition of compatible equipment or supplies."]

I discussed the necessity of presenting the sole source procurement of Communications Center equipment to Council for authorization with Larry Wacker and John Ingraham, Assistant City Managers. They concurred with Bill Blair's opinion that the City Manager has the authority to administratively award a sole source procurement contract for compatible equipment when the Council has authorized the sole source procurement of the original equipment which is the case in this instance. Any additional presentation to Council regarding the procurement would be on an "information only" basis.

With the issue of sole source procurement settled in the affirmative, the Project Manager and Contract Administrator are now authorized to negotiate the equipment procurement contract with Motorola for the required equipment. I suggest that you coordinate this effort with Jim Young because of the user requirements and compatibility issues of the equipment and the fact that you will both be negotiating with the same vendor representative.

If I can be of further help in this matter, you may reach me at X6136.

cc: Larry Wacker
John Ingraham
Jim Young
Bill Blair

TO: MAYOR AND CITY COUNCIL

THRU: GARY EIDE, CITY MANAGER

FROM: DEPARTMENT DIRECTORS

DATE: June 13, 1990

SUBJECT: PURCHASE OF REPLACEMENT COMMUNICATIONS RADIOS

ISSUE:

Shall the City Purchase replacement communications radios from Motorola Corporation.

POLICY DECISIONS:

Approval of this report will authorize the staff to buy new and replacement radios for the City's communications system from Motorola Corporation on a negotiated basis.

BACKGROUND:

Historically the City has maintained three separate radio systems for communications purposes. These three systems are Police, Fire and Local Government Service (LGS). Two major factors currently impact these systems. First, much of the equipment (particularly in the LGS system) is old and worn out. It is difficult to find replacement parts; some are not manufactured now. Second, there is a limited number of channels available to the City; we cannot obtain additional channels using the radios systems now in operation. The City can solve both of these problems by purchasing replacement radios that function in the 800 megahertz frequency band which allows one radio channel to act as multiple channels via microprocessor technology.

Another important background factor affecting 800 mhz public radio systems is that a national standard has been accepted by public safety agencies for implementation of 800 mhz radio systems. This standard is known as "APCO-16". Any 800 mhz radio system we purchase needs to meet the APCO-16 standard. At present there are only two manufacturers which offer established APCO-16, 800 mhz radio systems. The companies are Motorola and General Electric. E.F. Johnson Co. has announced a system, but information is preliminary and sketchy at present.

FACTS AND FINDINGS:

1. The 800 mhz radios are of no use without an accompanying backbone transmission system. The City cannot afford to purchase replacement radios and the backbone transmission system as well. We recently obtained budget estimates from both G.E. and Motorola. The cost to purchase both the radios and the transmission facilities was in the 3.6 to 4 million dollar range. By leasing time on private transmission facilities the City could begin to purchase the radios on an incremental basis as permitted by the funds available each fiscal year for this purpose.
2. Insofar as staff has been able to determine, there are two private vendors in this area which offer 800 mhz APCO-16 transmission services for lease. Motorola transmission capability is available on a lease basis from these two firms, General Electric capability is not.
3. Different radio manufacturer's equipment is not interchangeable. A General Electric radio will not work with Motorola transmission equipment. Once a particular make of radio is selected, it cannot then be used on a different manufacturer's system.
4. The City has approximately \$400,000 in the radio replacement fund, a portion of which could be used to begin purchasing replacement radios while leasing the transmission facilities from a private vendor.
5. Current rates for leasing transmission capabilities from private vendors are in the range of \$10-\$15 per month per radio. As an example, Building and Safety Division currently operates 16 radios. The annual cost for transmission service would be less than \$3000. The cost of 16 replacement radios would be in the \$40,000 range.
6. There are other advantages provided by leasing the backbone transmission facilities in addition to allowing the City to begin implementing an 800 mhz system. One is that the private vendors provide a backup to their transmission system to insure that communications continue even if the primary system has a failure. Also if the City were to eventually purchase its own transmission facilities, the leased system probably could be used for backup which would result in considerable cost savings. Another advantage is that the consoles that will be ordered for the consolidated dispatch center could be specified as Motorola models for compatibility purposes.

7. The City Attorney has advised that the City Council does have the option of authorizing the purchase of Motorola radios in a situation where only Motorola APCO-16 800 mhz transmission capabilities are available for lease in our area.

8. The City is at a point where we must begin to purchase new radios because parts are not available for some of the equipment still in use. Some of the equipment has been in use for thirty years. We also need to alleviate the overcrowded communications channels for current radio transmissions. We cannot afford to purchase both replacement radios and transmission facilities. The only alternative which is available, given our current financial resources and the need for APCO-16 service, is to lease space for transmission from a private vendor and purchase Motorola replacement radios as funds permit each year.

RECOMMENDATION:

1. Authorize staff to purchase Motorola 800 mhz replacement radios and lease transmission capabilities from a private firm with approved and budgeted funds.

2. If Council concurs, the first phase will be to replace the old radios in the Building and Safety Division. Funds are available in the Trust and Agency accounts for this purpose. Purchases would also be made for the Parks Division and for Parking Enforcement. Funds for this purchase would come from the radio replacement trust account. The acquisition cost for Building and Safety Division will likely be in the \$40,000.00 range. The cost for Parks Division and Parking enforcement will be in the \$130,000.00 range. This approach will free up the conventional LGS channel for nearly exclusive use by the Public Works Department. It may also free up another conventional channel for use by the Police Department which Parking enforcement is now using. There will be a balance of about \$250,000.00 in the radio replacement fund that can be considered for use in other operations in the future such as Fire and Police operations.

MEMORANDUM

*Copies To
LT BAKER +
CAL LUCKENBILL*

TO: WILLIAM JUZA
CITY ATTORNEY

FROM: JAMES YOUNG *James Young*
DIRECTOR OF GENERAL SERVICES

DATE: MAY 22, 1990

SUBJECT: PURCHASE OF RADIO EQUIPMENT FROM ONE VENDOR

During the past several months the City staff has investigated the products and services of different companies which market radio equipment.

Our purpose in doing so has been to become as informed as possible about the choices available in converting the present radio systems the City uses to what is technologically termed an 800 Megahertz trunked radio system.

The need to convert the existing radio systems of Police, Fire, and Local Government Service (LGS) to the 800 system results from two important factors. First, the present UHF and VHF operated systems have a limited number of frequencies or channels available for use. The City cannot get any more channels. They are not available to us from the Federal Communication Commission. LGS has only one channel that must be shared by several departments. Police and fire also need additional channels. Secondly, the radios and support equipment are worn out or are rapidly wearing out. In LGS, for example, parts for the radios are no longer manufactured and available stock is difficult if not impossible to locate.

Choosing an 800 system solves the channel overcrowding problem. Purchasing new 800 radios will solve the "worn-out" equipment problem. A major additional cost beyond the purchase of radios is for radio tower equipment and repeaters and transmitters at the tower site (backbone transmission facilities).

Several years ago the Association of Public Safety Communications Officers, Inc., received a grant from the Law Enforcement Assistance Administration to develop standards for applying trunked radio technology to the 800 radio frequency band for public safety agencies such as police and fire. The standard developed (known as APCO-16) has become accepted as the standard for public safety agencies. Any 800 trunked system which serves fire and police in our City needs to meet the APCO-16 standards. At present, we are aware of only two companies, Motorola and General Electric, who have devoted the time and expense to developing 800 systems which offer trunked service meeting APCO-16 criteria.

Financially, the City is not in a position to purchase both the 800 radios themselves and the backbone support system (repeaters, towers, etc.). Such a system would cost several millions of dollars. What we do have is a some money in the City's radio replacement fund which we can use to begin purchasing radios and consoles, but not the backbone equipment. We are aware, however, of one private company in this area which has transmission facilities and will lease space to agencies for 800 radio transmission..

This company offers transmission services for both Motorola and GE radios, but only for Motorola radios under APCO-16. General Electric service is not installed for APCO-16 service on this leased facility and is not available for rent in this area for APCO-16. Unlike the IBM PC compatibles environment, there is not a "compatibles" environment in the 800 radio field. Each vendor's system is proprietary. A Motorola radio will not "talk" to a GE repeater. If we were to purchase GE radios, we would also have to purchase the APCO-16 transmission compatibility from GE.

In essence, if the City wishes to lease backbone transmission capabilities which meet the APCO-16 standards, we need to be part of the Motorola system which means we need to purchase Motorola radios. The City can start out small and purchase radios in increments. For example, Building and Safety inspectors could be a starting point. Motorola 800 radios could be purchased for them and repeater and transmission space leased from the private vendor. By using Motorola radios and leasing repeater and transmission equipment, the inspectors will be in a position that in the future they could be connected into a talk group to communicate directly with police and fire personnel during a disaster or other emergency. Without using an APCO-16 compatible system, these types of direct inter-departmental communications over the radio system will not be possible.

In short, the City cannot afford to purchase and install the backbone components for a trunked 800 radio system meeting APCO-16 standards. The City can afford to lease space on a private system that offers trunked 800 APCO-16 service. The only radios which will function on the leased facilities and meet APCO-16 standards are Motorola; therefore, we believe Motorola should be considered for sole source purchase from the standpoint of rental of the repeater and transmission facilities meeting APCO-16 standards.

Please let me know if you concur.

GS-2121.WP

cc: Gary Eide, City Manager
✓ Brian Riley, Chief of Police
Gary Kanz, Purchasing Supervisor

ROUGH DRAFT
M E M O R A N D U M

TO: Mr. Gary Kanz
General Services

FROM: Cpl. Ronald Luckenbill
Police Dept.

DATE: April 17, 1990

SUBJ: Consideration for Sole Source purchase - 800 MHz
trunked radios.

INTRODUCTION:

The City has been seriously exploring conversion to a trunked 800 MHz radio system. Toward this end, Housing has purchased 800 MHz trunked radios and is leasing space on a local business channel. General Services is currently considering purchasing radios for Parks and Building & Safety and placing them on the local SMR.

To ensure purchases fit within the goals of the total 800 MHz city-wide radio system, a vendor choice must be made. The system must meet the needs of all users including Police and Fire which have very specific needs. Along these same lines, the 911 Coordinated Dispatch Center is approaching purchase of consoles. Although many consoles could operate a 800 MHz trunked system, we would not reap the full capability of the system. The console purchase could impact on the larger project of the radio system resulting in the tail wagging the dog.

FACTS & FINDINGS:

Several specific needs have been identified as being essential to a city-wide 800 MHz trunked radio system.

1) APCO 16

The Association of Professional Communication Officers (APCO) created standards that 800 MHz trunked systems should meet for emergency service providers. These standards are commonly referred to as APCO 16. Currently, only two manufacturers meet these standards: Motorola and GE.

2) Upward compatibility

Any system we select should be able to be expanded or upgraded as new technology develops. The Motorola and GE systems differ in that the Motorola uses a "smart" hill and GE uses a "smart" radio.

GE radio systems have required hardware replacements on successive technological developments. Motorola developments have been compatible for implementation into older systems by software upgrades. This has allowed older Motorola systems to continue growing with new technology.

Additionally, when growth in the number of radios requires additional repeaters on the system, Motorola only needs to program the hilltop to accept the new repeater and it can be utilized. The GE system requires each mobile, portable, and base radio to be reprogrammed by a technician. With several hundred radios, this could be expensive and time consuming.

3) Lease SMR

Due to the substantial cost of an entire 800 MHz trunked radio system, it is anticipated that it will be phased in over a period of time. Current planning is underway to purchase approximately forty 800 MHz trunked radios for Parks and Community Development and renting space on the local SMR. This is in addition to the Housing radios which are already on a Motorola SMR. There are currently three SMR sites in the immediate area: one GE, and two Motorola, all located on Prospect Hill. Additionally, Motorola is planning an additional site on Eola Hill.

We can purchase Motorola mobile and portable radios that are rated APCO 16 and use them on a rented SMR that is not APCO 16. At some time in the future, we can purchase or lease a Motorola APCO 16 system for the entire city and have our previously purchased mobile and portable radios compatible with the rest of the system.

We can purchase GE mobile and portable radios for use on the local SMR. It is not rated APCO 16 and the GE dealer indicated he does not plan to upgrade due to the expense. The radios purchased to operate on the local leased SMR would not function with an APCO 16 system purchased at a future date. This would necessitate the replacement of all of those previously purchased radios with new radios.

Conceivably the entire city could rent space or purchase repeaters utilizing the backbone on a local SMR as opposed to buying a site. Motorola has indicated a willingness to upgrade a SMR to APCO 16 to meet our needs.

4) Emergency Back-up

A back-up radio system is mandatory for Police and Fire needs. Compatibility with a local SMR will provide an emergency back-up system when the city owns its own site. With a APCO 16 Motorola system, we could negotiate with a Motorola SMR for use should our system fail or be taken out of service for repair allowing uninterrupted operations. With no GE APCO 16 system in the immediate area, we would not have this emergency back-up capability. It is imperative that the systems are compatible.

Local trends in 800 MHz

~~The local trends in public 800-MHz trunked radio systems has~~
been to Motorola. Washington County, Beaverton, Hillsboro, and
Tualatin are some of the agencies in the area that have selected
Motorola.

National trends in 800 MHz

The national trend has been toward Motorola for public
safety systems. It is estimated that 85% are Motorola. Kent,
Washington recently selected Motorola for a system that is
similar to that required by the city.

SUMMARY:

In reviewing the two systems, Motorola has been identified
as the one meeting our needs most satisfactorily. It will offer
APCO 16 rating, upward compatibility, lease with SMR compatibili-
ty, and emergency back-up compatibility with a local SMR. It
will also offer compatibility with other public agencies with 800
MHz in nearby counties.

RECOMMENDATION:

It is my recommendation that Motorola be evaluated as sole
source provider for the City of Salem 800 MHz trunked radio
system.

MEMORANDUM

TO: Mr. Gary Kanz
General Services

Via: Brian A. Riley
Chief Of Police

FROM: Sgt. Bob Ritchie
Communication Project *BR*

DATE: June 4, 1990

SUBJECT: Purchase of Radio Equipment for
the Consolidated Communications
Center.

It is the City's intent to purchase equipment to operate a consolidated communications center. During the past several months City Staff have investigated the products and service of different companies which market radio equipment. A recommendation has been made by Cpl. Ron Luckenbill, Chairman of the Police Radio Committee, to consider a Motorola "Sole Source" purchase of the 800 Mhz Trunked Radio System. Mr. James Young, the Director of General Services has also recommended that a "Sole Source" purchase be considered and that Motorola be named as the "Vendor".

I have approached the radio question from a different direction, dealing with issues concerning the consolidated communications center. I have also researched the products and service offered by the different companies which market the radio equipment needed to maintain a communications center. I totally support the Motorola "Sole Source" recommendations made by Cpl Luckenbill and Mr. Young. Motorola can meet and in many ways exceed our needs of today and those future requirements of tomorrow.

We are on the threshold of purchasing radio/telephone equipment and consoles for the new Consolidated Communications Center. In order to be compatible with the 800 Mhz Trunked Radio equipment that we purchase in the future, we must purchase the appropriate equipment today. By naming Motorola as the "Sole Source" vender, we are mandated to purchase Motorola radio equipment for the new communications center.

It is projected that the Consolidated Communications Center will be operational January 2, 1991. We shall require the system to be up and running November 1, 1990, in order to have two months of training prior to the January 2, date. Because of very short time lines, between now and then, I suggest a "Turn-Key" opera-

tion, that would supply all of the equipment to the communications center from one vender. This will ensure that all the components in today's system are compatible to the equipment purchased for the 800 Mhz system of the future and cut our projected time lines down by two months. I further recommend that Motorola be named as that "Sole Source" vender, requesting them to provide the needed radio/telephone equipment and the support equipment to the center. Motorola has advised that they are ready to meet our "Turn-key" needs and that they would also be able to meet the short time restraint.

I have reviewed both recommendations made by Cpl. Luckenbill and Mr. Young and I agree with them on naming Motorola as a "Sole Source Vender". I also recommend that I be allowed to deal with Motorola, using a "Turn-Key" procedure in order to purchase equipment for the Consolidated Communications Center.

rec.911

cc: Cpl Luckenbill
Mr. James Young

Aug 24, 1940

Dear Firemen and Citizens of Keizer,

I know most of you have heard about what happened to Gubser school - how somebody lit the dumpster on fire and caught on to the upper part of the gym. Well, my friend and I were the kids that lit the fire, and I owe all of the citizens of Keizer an apology. But most of all I owe an apology to the firemen who put their lives on the line to put out a fire that two kids lit without thinking about what they were doing. I realize how stupid of a thing it was to do. I also learned that the rules and values of my family are more important than doing things to impress my friends. I have learned a hard lesson and I know the worse is not over yet. Once again I am very sorry for what I have done and I hope you will be able to forgive me.

Darren
Kasuba

STONEHEDGE
ESTATES
STREET
LIGHTING
LOCAL
IMPROVEMENT
DISTRICT

Mr. Otterman explained that this item is coming before the Council to amend an earlier ordinance spreading assessment to the Stonehedge Estates No. 6 Street Lighting Local Improvement District. He explained that the City Council approved the installation of six lights within the district, however, the electric company installed the capability for seven lights. This, he indicated, was done because there was one area which should have had a street light.

Councilor Bay moved for passage of an ordinance amending Ordinance No. 90-165 to spread assessments to the Stonehedge Estates No. 6 Street Lighting District. The motion was seconded, put to a vote and carried unanimously on first reading as follows:

AYES: Orcutt, Bay, Newton, Pritchard, Van Meter
(5)

NAYS: None (0)

ABSENT: Fischer, Hart (2)

CONSENT
CALENDAR

The Consent Calendar included:

- Resolution recognizing the outstanding accomplishment of the Keizer Girls Majors All-Star Team
- Liquor License for a change of location for Loyal Order of Moose, 3860 River Road North
- Police vehicle lease
- Mobile data terminal lease/purchase
- August 6, 1990 Regular Session Minutes
- August 13, 1990 Special Session Minutes

Councilor Newton asked that the police vehicle lease be removed from the Consent Calendar.

Councilor Bay moved for approval of the remainder of the Consent Calendar. Councilor Pritchard seconded the motion. The motion was put to a vote and carried unanimously as follows:

AYES: Orcutt, Bay, Newton, Pritchard, Van Meter
(5)

NAYS: None (0)

ABSENT: Fischer, Hart (2)

Responding to a question from Councilor Newton, Chief Stull explained that the four leased vehicles would be used by the investigations staff. There is currently a confiscated vehicle used by the four individuals which has 90,000+ miles and should be retired. Included in the budget for this year are two patrol vehicles, however, Chief Stull believed it may be possible to squeeze three vehicles out of these funds. There are three patrol vehicles currently in use with 75,000 miles on them. These three vehicles should be retired.

Chief Stull stated that with the leased cars, the department will have six patrol vehicles, one canine car and two relief vehicles. School resource officers use patrol vehicles during the school year. At the end of the leased period, the City would have the option of returning the vehicles to the company or purchasing the residual value.

Councilor Newton commented on the absence of a detectives budget. Mr. Otterman explained that the detectives unit is comprised of one sergeant and three regular police officers and they are, therefore, paid under those budgeted categories.

Commenting on the minutes from the last meeting, Councilor Newton indicated that he was unable to find the Senior Waterworks Operators positions in the budget.

Councilor Newton moved for approval of the police vehicle lease. Councilor Bay seconded the motion. The motion was put to a vote and carried unanimously as follows:

AYES: Orcutt, Bay, Newton, Pritchard, Van Meter

(5)

NAYS: None (0)

ABSENT: Fischer, Hart (2)

OTHER
BUSINESS

Certifying
Lighting
Districts
for 1990/91

Councilor Van Meter moved for adoption of a resolution certifying lighting district accounts. Councilor Pritchard seconded the motion. The motion was put to a vote and carried unanimously as follows:

AYES: Orcutt, Bay, Newton, Pritchard, Van Meter

(5)

NAYS: None (0)

ABSENT: Fischer, Hart (2)

ADJOURNMENT

There being no further business to come before
the Council, the meeting adjourned at 8:26 p.m.

Respectfully submitted,

Susan Darby, City Recorder

APPROVED:

MAYOR

(Councilor Hart absent)

(Councilor Fischer absent)



City of Keizer

Administration

930 Chemawa Rd. N.E. • P.O. Box 21000

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

COUNCIL MEETING: SEPTEMBER 4, 1990

AGENDA ITEM NO.: 9b

TO: MAYOR AND CITY COUNCIL
FROM: DONALD H. OTTERMAN M.S.PA, CITY MANAGER *DHO*
SUBJECT: RESIGNATION OF PLANNING COMMISSION MEMBER

At the August 15, 1990 Planning Commission meeting, Vice-Chairman Al Wilson, informed me that he was resigning his position on the Keizer Planning Commission, effective at the end of the Commission meeting that night. He is moving out of the city and will no longer be eligible to serve on the Commission.

I requested that Commissioner Wilson submit a formal letter of resignation to the Mayor and Council. To date I have not seen such a letter, however, it is my understanding that he has moved from the city, therefore, his resignation should take effect.

I would like the Council to announce the vacancy in the Planning Commission and invite applications. This should be done at the Council meeting of September 4, 1990, so that we can fill the vacant position as soon as possible.

DHO:clm

f:\admin\resig.adg

OCT 2 or 4
PERIODIC
REVIEW

CITY OF KEIZER MISSION STATEMENT

KEEP CITY GOVERNMENT COSTS AND SERVICES TO A MINIMUM BY
PROVIDING BASIC CITY SERVICES TO THE COMMUNITY IN A
COORDINATED, EFFICIENT AND LEAST COST FASHION.

A G E N D A

KEIZER CITY COUNCIL

Monday, September 17, 1990

7:30 p.m.

GUBSER ELEMENTARY SCHOOL GYMNASIUM

(Enter through outside gymnasium door)

1. CALL TO ORDER
2. ROLL CALL
3. PUBLIC TESTIMONY - This time is provided for citizens to address the Council on matters not on the agenda.
4. COMMITTEE REPORTS
5. PUBLIC HEARINGS
 - a. Manufactured Housing Overlay Zone (continued from September 4, 1990).
 - b. Regional Planning Issues and Local Periodic Review Order.
6. DISCUSSION - Trail Avenue Realignment Project.
7. ORDINANCE - Park Regulations.
8. DISCUSSION - Municipal Judge Recruitment.
9. CONSENT CALENDAR
 - a. September 4, 1990 Regular Session Minutes
 - b. Resolution - Declaring Northridge Park Surplus Property
 - c. Statement of Costs - Noxious Vegetation Abatement Costs; southwest corner Chemawa and Crater; Marvin Ferris, Owner.
10. OTHER BUSINESS - This time is provided to allow Council members the opportunity to bring matters before the Council which are not on tonight's agenda.
11. WRITTEN COMMUNICATIONS - To inform the Council of

significant written communications and petitions.

12. AGENDA INPUT - October 1, 1990

* Public Hearings

a. Appeal of KCU 90-8, Ruby Brady

b. Statement of Costs, Marvin Ferris

13. ADJOURN *DISCUSSION REGARDING PROP. TAX LIMITATION INITIATIVE*

3500 BLOCK CH



City of Keizer

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

COUNCIL MEETING: SEPTEMBER 17, 1990

AGENDA ITEM NO.: 5A

TO: MAYOR AND CITY COUNCIL
FROM: DONALD H. OTTERMAN M.S.P.A, CITY MANAGER *DHO*
SUBJECT: PUBLIC HEARING - TO CONSIDER ADOPTION OF PROPOSED
MANUFACTURED HOUSING OVERLAY ZONE

DISCUSSION

The Planning Commission reviewed, at the request of the City Council, the proposed Manufactured Housing Overlay Zone and have recommended that the proposed Ordinance be ADOPTED by the City Council. The matter was first before the City Council in May, and was referred to the Planning Commission, as a result of the receipt of a letter from the Land Conservation and Development Commission regarding the proposed Ordinance.

The Planning Commission reviewed the letter from the Land Conservation and Development Commission and received input from representatives of the Manufactured Housing Association and has recommended to the City Council that the Ordinance remain as is, with the exception of the deletion of the Building Inspector, in Section 41.04(5) and the addition of Hearings Officer and/or City Council. This would permit an appeal of a denial of a Manufactured Housing Overlay Zone through the Planning Commission and City Council.

The city has received communications from the Manufactured Housing Association regarding the proposed Ordinance and the correspondence has been reviewed by the City Attorney. A copy of his memorandum, regarding that correspondence, is attached to this agenda item.

RECOMMENDATION

It is recommended that the City Council place the proposed Ordinance on first reading and direct the staff to answer the questions raised by the Manufactured Housing Association regarding needs analysis and these questions be answered as a part of the Periodic Review process that is now going on.

DHO:clm

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"Pride, Spirit and Volunteerism"

CHAPTER 41
MANUFACTURED HOME OVERLAY ZONE

Contents

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41.01 PURPOSE. The purpose of the Manufactured Home Overlay Zone is to allow the placement of certain types of Manufactured Homes on individual lots planned and zoned for single-family residential use outside of designated mobile home subdivisions and mobile home parks in a manner that will be compatible with adjacent residential uses. Areas that may be appropriate for the Manufactured Home Overlay zone are located in the RS zones, and are designated for single-family residential development in the comprehensive plan.

41.02 PERMITTED USES. The following uses, when developed under the applicable development standards in the Zoning Ordinance, are permitted in the Manufactured Home Overlay zone in addition to the uses allowed in the underlying zone.

- (1) Manufactured home on a lot outside of a designated mobile home subdivision or mobile home park.

41.03 DEVELOPMENT STANDARDS. In addition to the standards and regulations contained in this chapter, a manufactured home, and lot upon which such manufactured home is sited, are subject to the development standards, architectural requirements and minimum size requirements to which a conventional single-family residential dwelling on the same lot would be subject. No structure or use shall be approved until all requirements in this chapter and all other applicable development standards have been satisfied.

The provisions of this chapter are complementary and supplementary to other provisions of this ordinance. In the event of a conflict between a provision of this chapter and another provision of this ordinance applicable to a particular lot, structure or use, the more restrictive provision shall apply.

41.04 MANUFACTURED HOME REQUIREMENTS. Manufactured homes located on lots outside of a designated mobile home subdivision or mobile home park shall meet the following requirements:

1. The manufactured home shall have been manufactured after June 15, 1976, and exhibit the Oregon Department of

Commerce "Insignia of Compliance" that indicates conformance with Housing and Urban Development (HUD) standards; and

2. The manufactured home shall be multi-sectional and enclose a space of not less than 1,000 square feet; and
3. The manufactured home shall be placed on an excavated and back-filled foundation enclosed at the perimeter. The manufactured home shall not be more than 1 foot above grade; and
4. The manufactured home shall have a pitched roof with a nominal slope of 2 to 3 feet for each 12 feet in width; and
5. The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the zoning administrator; and
6. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce heat loss equivalent to the performance standards required of single-family dwellings constructed under the state building code; and
7. The manufactured home shall have an attached or detached garage or carport constructed of like materials and parking consistent with development standards for single-family dwellings in the underlying zone.

41.05 YARD REQUIREMENTS. The yard requirements for manufactured homes located on a lot outside of a designated mobile home subdivision or mobile home park shall be the same as provided for a single-family dwelling in the underlying zone except that interior side yards shall be at least 5 feet, and a manufactured home shall not be located closer than 10 feet to any other dwelling, mobile home or manufactured home.



Department of Land Conservation and Development

1175 COURT STREET NE, SALEM, OREGON 97310-0590 PHONE (503) 373-0050 FAX 362-6705

May 4, 1990

Don Otterman, City Manager
City of Keizer
PO Box 21000
Keizer, OR 97307-1000

Dear Don:

We have reviewed the city's proposal to adopt a Manufactured Housing Overlay Zone. This zone will allow siting of manufactured homes on individual lots. This amendment responds to the requirements of ORS 197.303, which was amended by the 1989 Legislature. The city is to be commended for submitting this amendment in a timely manner. We have only one concern with this amendment, as discussed below.

One of the siting standards for mobile homes on lots is not clear and objective. Section 41.04(5) states:

"The mobile home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the Building Inspector."

This approach relies on the discretion of the building inspector to determine what is commonly used or what is predominant on surrounding dwellings. In addition, the paragraph contains two different criteria: "commonly used in the community" and "comparable to surrounding dwellings." The problem that might arise with this standard is that the building inspector's decision is vulnerable to appeals by the applicant or adjacent property owners. One approach is to list the kinds of materials which are permitted or list particular materials which are not permitted. Asphalt shingles, shakes, and tiles are commonly used as roofing materials on both site built and manufactured homes. Similarly, wood residential siding and coated metal lap siding are commonly used for both housing types. The ordinance can prohibit reflective metal roofing and siding materials.

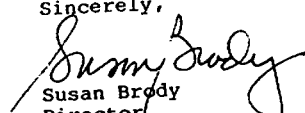
May 4, 1990

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Don Otterman

Please enter this letter into the record this proceedings for this proposed action. Please contact Bob Rindy at 373-0067 or Jim Hinman at 373-0088 if you have questions regarding this issue.

Sincerely,



Susan Brody
Director

SB/JH:bh

cc: Marion County Planning Department
Benton County Planning Department
Don Miner, OMHA
Plan Amendment Files 002-90 (GW, DB, BR, TL)

MINUTES

KEIZER PLANNING COMMISSION
Wednesday, August 15, 1990
Keizer City Hall

CALL TO ORDER

In the absence of Chairman Hansen, City Manager Otterman called the meeting to order at approximately 7:30 p.m.

ROLL CALL

The following Planning Commissioners were present: Lee Dunn, Dawn Meier, Mark Grenz, Jerry Watson, and Al Wilson. Also in attendance was Shannon Johnson and Don Miner.

APPROVAL OF MINUTES

It was moved and seconded to approve the July 11, 1990 Planning Commission meeting minutes. The motion was put to a vote and passed unanimously. (Commissioners Hansen and Youse absent).

ANNOUNCEMENT

Vice-Chairman Wilson announced that he is resigning from his post on the Commission due to his move to Portland. Mr. Otterman requested a letter announcing his resignation be submitted to the Mayor and City Council, and will make this post vacancy announcement to the City Council, at their August 20, 1990 meeting.

DISCUSSION Manufactured Housing

City Attorney Johnson addressed the LCDC letter, dated May, 1990, regarding Section 41.05(5) which addresses material standards for mobile and manufactured homes. Mr. Johnson discussed this issue with Mr. Hobson, in addition to writing a letter to Bob Rindy at LCDC. Mr. Rindy referred Mr. Johnson to Jim Hinman, of LCDC, who informed him the statute is quite clear that the standards being used are specifically stated in the statute and can be utilized. This, however, places the discretion into the Zoning Administrator's hands. LCDC would prefer more specific language but said the city is not required to do so. Mr. Hinman asked that the city treat the letter as only a recommendation.

Mr. Wilson requested clarification of the LCDC

letter's content. Mr. Johnson said the letter basically addresses Section 41.04(5) that directly states: "The mobile home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding land roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the Building Inspector."

Mr. Johnson said LCDC had hoped that this language be more specific.

Commissioner Meier suggested the word "or" be changed to "and". Mr. Grenz feels the word "or" is appropriate.

The word "community" does not strike Commissioner Watson as a legal term. The term could mean, he said, an area such as Wilark Park, or McNary Estates.

Mr. Johnson said the Commission's hand are somewhat tied because the statute states the city can use any or all of the placement standards, or any less restrictive standards. Therefore, Mr. Johnson said changing the word "or" to "and" would mean both standards will apply, which might make the wording more restrictive. Mr. Johnson's recommendation is to not make the wording more restrictive.

Mr. Wilson is pleased with the existing language, which dictates manufactured homes must appear comparable to surrounding dwellings.

Mr. Watson suggested wording be inserted which states, "For purposes of this Section, the following materials will not be considered comparable or used within the community."

In response to a question raised by Commissioner Meier, Mr. Miner said manufactured homes are presently being built with composition shingles/shakes, and very few utilize fiberglass roofing tiles.

Mr. Watson suggested the Commission accept Section 41.04(5) and attach to it a non-exclusive list of items that, by definition, are not to be deemed by the local permitting authority to be similar to the exterior siding and roofing materials commonly used on residential dwellings within the community.

Regarding parking spaces, Mr. Johnson said the

present Ordinance states, "Manufactured homes shall have an attached or detached garage or carport constructed of like materials and parking consistent with development standards for single family dwellings in the Underlying Zone." Mr. Otterman said, presently, all the city requires is two parking spaces.

Mr. Miner pointed out a correction to the July 11, 1990 minutes, page 3, line 9 which states "...he does feel this process complies with State statutes." Mr. Miner pointed out the minutes should state, "...he does not feel this process...".

Mr. Otterman feels the only way a permit application for a manufactured home would be denied is if that dwelling was not compatible with the surrounding neighborhood.

Mr. Miner feels the word "compatible" is a loose term and feels the word means it is not built with predominant materials.

Mr. Grenz said the reason the city wishes to deal with potential manufactured homes owners on a case-by-case basis is to ensure the surrounding neighborhood community could be given the opportunity to voice their opinion on the matter.

Mr. Johnson said the language in sub (5) is clear and objective, in his opinion.

It was moved and seconded to approve the wording in Section 41.04(5) but delete "Building Inspector" and add "Hearings Officer and/or City Council". The motion was put to a vote and passed unanimously (Commissioners Hansen and Youse absent).

UPDATES
Urban
Renewal
Plan

Mr. Otterman reported that the Urban Renewal Plan is to be delivered to City Hall this week. The report to Council will be received next week. There is a meeting of the Advisory Committee on August 28, 1990, beginning at 4:00 p.m. City staff will be setting the joint Planning Commission/City Council public hearing regarding the Plan in mid-September. Adoption of the Plan is expected by the first part of October.

Staats
Lake

Mr. Otterman reported Staats Lake property

representatives will be meeting with city staff in September. Conceptual approval of the Staats Lake Master Plan will be put before the Planning Commission and City Council. Next Spring is the target date for construction at the site.

Community
Development
Coordinator

City staff has been accepting applications for a person to fill the position of Community Development Coordinator. This position was added into the budget and approved by Council and the voters. Mr. Otterman will be interviewing next week and hopes to hire a person to fill this position by mid-September. The new Coordinator will fill Mr. Otterman's position at Commission meetings.

Chemawa
Activity
Center

Mr. Otterman has been in discussion with the Developer who is securing the options on the property at the Chemawa Activity Center site. He has all but two properties secured, with options. The two hold-outs are very small parcels. A marketing study is currently underway. Those results should be available in 30 days. The Developer's emphasis, at this point in time, is to secure a major anchor tenant for the regional center and, in addition, they are marketing to obtain a hotel anchor.

Regarding the regional commercial development, Mr. Otterman responded to a question raised by Mr. Watson by stating he does not anticipate any opposition from the City of Salem. A meeting has been scheduled soon with all four jurisdictions to resolve some of the final outstanding issues.

Mr. Otterman said the city must complete the Periodic Review prior to establishing any development at the Activity Center and the Comprehensive Plan must be amended.

Depending upon the outcome of the marketing study, Mr. Otterman said the Developer and city are contemplating placing the Activity Center into an Urban Renewal project area, for infrastructure purposes. The Developer is aware the city does not have the funding to pay a consultant to do the Urban Renewal Plan, therefore, they are willing to enter into an agreement with the city to front the cost for the consulting work and to be paid back

from the tax increment flow.
DISCUSSION
Planning Cases

Jerry Watson has several concerns regarding variances, and is struck by the routine manner in which they are approved. In addition, Mr. Watson is concerned about street development, particularly the proliferation of private streets, in upscale developments, that effectively partition the community into enclaves and hinder the flow of traffic across major portions of the community, potentially creating a safety and security hazard.

Mr. Otterman said he has given strict instructions to Marion County to inspect each Variance on an individual basis. If they cannot make specific findings, as required by the Code, they should not be recommending them.

ADJOURN Vice-Chairman Wilson adjourned the meeting.

Respectfully Submitted By:

Chris Moreland
Chris Moreland
Recording Secretary

Note: Minutes have been reviewed by City Manager.

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LIEN & HOBSON

Attorneys At Law
4855 River Rd. N.
Keizer, Oregon 97303

Area Code 503
Telephone 390-1635

A. Lien
Joseph H. Hobson, Jr.

E. Shannon Johnson
James L. Contois

September 13, 1990

Don Miner, Executive Director
Oregon Manufactured Housing Association
2255 State Street
Salem, OR 97301

Re: Proposed Manufactured Housing Overlay Zone Ordinance for
Keizer (Keizer Zoning Ordinance Chapter 41)

Dear Mr. Miner:

As you know, this office represents the City of Keizer. The City Manager has asked that we respond to your letter of September 7, 1990.

On behalf of the City Manager and Planning Commission, I extend our appreciation for your assistance and input. Such assistance is necessary in the formulation of an ordinance such as this, and your attendance at the meetings has been very helpful.

In your letter you indicated three reasons why you feel the proposed ordinance does not meet the requirements of state law. The City of Keizer responds to these reasons as follows:

1) "The zone change process violates ORS 197.307(6) because individually sited manufactured homes are subject to an approval procedure which will unreasonable increase their cost and because vague and discretionary approval standards must be met." The applicant's cost of a zone change procedure is nominal and can be usually expected as part of any construction process. With regard to the statement that the approval standards are vague and discretionary, we point out that the standards in the ordinance are taken verbatim from the statute. Though there is some discretion with regard to the hearings officer's decision, there are clear and definite standards in the ordinance.

2) "Manufactured homes are subject to development standards (zone change process) which are not also applied to site-built single family homes." A zone change process is not a development standard. Development standards have to do with the physical nature of the property such as landscaping,

Don Miner, Executive Director
Page 2
September 13, 1990

parking, and construction standards. A site-built home, if proposed for a non-single family residential zone, would also have to go through the zone change process.

3) "The proposal fails to demonstrate that sufficient buildable land is available to meet the need for individually sited manufactured homes." The manufactured home overlay zone is proposed as an additional chapter in Keizer's zoning ordinance. It is true that the ordinance does not zone additional buildable land for manufactured homes, but the state statute does not require this. The ordinance is a mechanism to allow future zoning to take place to meet the requirements of the state statutes.

If a needs analysis indicates a definite need for additional land for manufactured housing, the Planning Commission and City Council will take up the matter. The statute requires this to be done as part of periodic review. Keizer is currently in the periodic review process.

I hope that this answers some of your concerns in this regard. I am open to any questions or additional comments you wish to make.

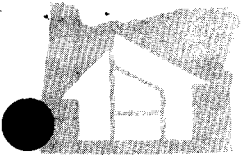
Thank you again for your assistance.

Yours truly,

LIEN & HOBSON

By: E. Shannon Johnson

ESJ:c



OREGON MANUFACTURED HOUSING ASSOCIATION

2255 State Street • Salem, OR 97301
(503) 364-2470

September 7, 1990

RECEIVED

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Mr. Don Otterman, City Manager
City of Keizer
PO Box 21000
Keizer, OR 97307

CITY OF KEIZER
OREGON 97307

Dear Don,

I want to thank you and the Planning Commission for all the time that you have taken in developing the proposed Manufactured Home ordinance.

As I noted at the last Commission meeting, we have no quarrel with the specific development standards imposed on manufactured homes. However we do object to requiring manufactured homes to go through a zone change process. As stated at the last Commission meeting, we do not believe that the proposal meets the requirements of state law for the following reasons:

1. The zone change process violates ORS 197.307(6) because individually sited manufactured homes are subject to an approval procedure which will unreasonably increase their cost and because vague and discretionary approval standards must be met.
2. Manufactured homes are subject to development standards (zone change process) which are not also applied to site-built single family homes.
3. The proposal fails to demonstrate that sufficient buildable land is available to meet the need for individually sited manufactured homes.

1

ORS 197.307(6) requires that, when applied to needed housing, "Any approval standards, special conditions and the procedures for approval adopted by a local government shall be clear and objective and shall not have the effect either in themselves or cumulatively of discouraging needed housing through unreasonable cost or delay".

The Keizer zoning ordinance provides for two types of zone changes:

TODAY'S MANUFACTURED HOME... Built for Living... Built for Life

- (a) zone change application 4 or less lots or 15 or fewer acres;
- (b) legislative zone change 5 or more lots or 15 or more acres (see section 4.10).

A zone change application requires a finding that the change is "appropriate for the comprehensive plan land use designation and is consistent with the policies for the applicable comprehensive plan land use classification (see section 4.16(1)(a)).

An additional finding is also required demonstrating that adequate public facilities, services, and transportation networks are in place (4.16(1)(d)).

There must also be a finding that the purposes statement of sections 23, 24, 25 and 26 are met. These statements require that the home be compatible (4.16(1)(f)).

A legislative zone change requires: a finding that public need is best satisfied by the particular change (4.15(c)) and that the change will not adversely affect the health, safety and welfare of the community (4.15(d)).

It is also difficult to see any benefit in requiring that the manufactured home owner demonstrate that his application is consistent with the policies of the comprehensive plan. These findings should be made by the City as part of the process of adopting this ordinance.

When the city, through its comprehensive plan, designated areas of the community for single family homes it determined that sufficient public facilities were available for this use. Manufactured homes are single family homes and they use the identical public services used by other single family homes. We believe that requiring the manufactured home owner to again demonstrate that these services are available, discourages this type of housing and imposes unreasonable costs and delay.

We also believe that requiring the manufactured home owner to demonstrate that his home is compatible, and that it will not adversely affect the health, safety, and welfare of the community imposes subjective approval standards which Oregon law expressly forbids.

ORS 197.307(5)(g) provides that in addition to the standards listed in 197.307(5)(a-f), a city can subject manufactured homes to additional development standards only if conventional dwellings are also subject to these additional standards.

Under this reading of Oregon law, manufactured homes cannot be subjected to the zone change process unless conventional homes are also subject to the process.

We are not advocating that owners of conventional homes be required to go through the zone change process. Instead, we request that the zone map show where both manufactured homes and site-built homes will be permitted.

3

ORS 197.307(3) requires that needed housing shall be permitted within one or more zones or within "overlay zones with sufficient buildable land to satisfy that need."

The use of a zone change process fails to designate where or which land is available for manufactured homes. We have heard it said that potentially the entire city is available for the overlay. However, as noted above, the ordinance appears to reserve the right to deny a zone change. To the extent that these denials are issued it is uncertain how much land will be made available. Therefore we are not able to determine whether sufficient land is available to meet the need for manufactured homes.

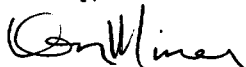
We believe that the concerns addressed herein can be addressed by one of the following:

- 1/ Permit MH to be placed in all residential areas subject to meeting the express development standards in the ordinance; or
- 2/ Simply designate where the overlays will be applied; or
- 3/ Create a separate zone change process for manufactured homes that is clear and objective and doesn't require an applicant to demonstrate the availability of public facilities.

We recognize that the Planning Commission and the staff have spent considerable time on this issue and we appreciate this effort. We hope that our suggestions will contribute to a development code that meets the needs of all citizens living in Keizer.

Thank for your consideration.

Sincerely,



Don Miner, Executive Director

cc: Jim Hinman, Land Conservation & Development
Burton Weast, Western Land Use Services
Salem OMHA Members



City of Keizer

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

1982

COUNCIL MEETING: SEPTEMBER 17, 1990

AGENDA ITEM NO.: 5b

TO: MAYOR AND CITY COUNCIL
FROM: E. SHANNON JOHNSON, CITY ATTORNEY
THROUGH: DONALD H. OTTERMAN M.S.PA, CITY MANAGER *DLA*
SUBJECT: REGIONAL PLANNING ISSUES AND LOCAL PERIODIC REVIEW
ORDER

ISSUE

Shall Keizer continue its discussions with Salem, Marion County and Polk County, regarding regional issues and the current Periodic Review process, or should the Periodic Review process be brought to completion at this point, leaving questions regarding the regional issues for later determination?

BACKGROUND

Since Keizer's incorporation, Keizer, Salem, and Marion and Polk Counties have wrestled with the dilemma of controlling or influencing each other's land use decisions, particularly on issues perceived to be regional in scope. A detailed review of this conflict is beyond the scope of this memorandum.

Up to now, the jurisdictions have had little incentive to resolve these issues, other than the pressure to resolve the Chemawa Activity Center question. With Salem's ballot mandate and accompanying Council action that resulted in a de-emphasis of the downtown protectionist policy, a large stumbling block was removed and the situation seemed on its way to resolution.

Unfortunately, lingering questions have delayed such resolution. However, the incentive to solve these problems that was missing before is now upon all the jurisdictions. Such incentive is provided by the Department of Land Conservation and Development's (DLCD) desire to conclude Periodic Review. The original notice for Periodic Review was sent from the DLCD on January 15, 1988 asking the jurisdictions to submit local Periodic Review Orders by July 13, 1988. The jurisdictions have received four extensions from that date by DLCD. The latest extension was to February

_____"Pride, Spirit and Volunteerism"_____

28, 1990. One reason for the delay has been the protracted negotiations between the jurisdictions on regional issues, and though process has been made on several issues, there has been no formal agreement.

To resolve the remaining issues, DLCD has offered to provide mediation services. Up to now, Salem has not been conducive to this idea. The parties have tried to set some meetings to make further progress, however, scheduling conflicts have delayed these meetings. Staff hopes that further meetings, with or without a mediator, may be set in the near future.

At this time, Salem has sent to the other jurisdictions a final draft of their Local Review Order. They propose to adopt this Order and ask that the other jurisdictions adopt the regional issues as part of their Orders so that it may be submitted to DLCD as a package. Though agreement between the jurisdictions has not been reached on all of the issues, Salem's proposal on regional issues is included in the Review Order. These proposals incorporate some items which have been approved by the jurisdictions in concept, along with issues in which no agreement has been reached. Therefore, if this Review Order was adopted by LCDC, Salem's version of regional policies would become effective, containing proposals which have not been agreed to. Further, there are discrepancies between Salem's proposed Local Review Order and Keizer's proposed Local Review Order. The two Orders need to be consistent. Also, we may need to make sure that both Orders are in approvable form before either is adopted.

RECOMMENDATION

Staff wishes the Council to give them direction in the matter.

As stated previously, unless agreement is forthcoming soon, Salem would prefer to submit the Order, as written, and work out regional details later. Staff's opinion is that this course of action would be confusing, at best, and possibly detrimental to the planning efforts of all jurisdictions. This is particularly true because it includes regional issues that appear in the Review Order to be decided, but in reality have not been agreed upon. Should the Council so direct, staff could try to schedule meetings with Salem and the other jurisdictions to resolve all issues prior to submittal of the Periodic Review Order to DLCD.

The City Manager and I will be available for questions at the meeting and may have further updates from communications with

other jurisdictions.

ESJ:DHO:clm

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City of Keizer

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

COUNCIL MEETING: SEPTEMBER 17, 1990

AGENDA ITEM NO.: 6

TO: MAYOR AND CITY COUNCIL
FROM: DONALD H. OTTERMAN M.S.P.A, CITY MANAGER *DHO*
SUBJECT: TRAIL AVENUE/MANZANITA STREET REALIGNMENT PROJECT

DISCUSSION

At the last regular City Council meeting, the Council received correspondence from Jerry Watson, regarding his concerns about traffic once the Trail Avenue/Manzanita Street realignment project is completed. His basic concern is that traffic will cut through the Wilark Park area, going to the freeway, and not stay on River Road or Lockhaven Avenue. He asked that the City Council consider his concerns regarding the traffic circulation and the Council discuss the potential impacts at a City Council meeting, to be held in the Trail Avenue/Manzanita Street area. That is the reason that this City Council meeting is being held at Gubser Elementary School.

I have asked that the City Engineer and Traffic Engineer be at the Council meeting to explain to the Council and the audience the traffic circulation patterns that will exist after the project is completed, and the traffic control devices that will be in place to regulate traffic.

The City Council discussed this project at three separate City Council meetings in February and March, 1988. The City Council meetings were noticed by a public hearing notice in the Keizertimes and by the mailing of a public hearing notice to property owners within a 300 foot radius of the proposed project. A petition, supporting the project, was submitted to the City Council, that included signatures of property owners along Trail Avenue, north of Manzanita Street, as well as property owners on Manzanita Street, between Trail Avenue and 11th, and property owners on Manzanita Way. Public hearing notices for this evening were passed out by Jerry Watson. I am not sure how far away from the project he distributed the flyers.

The Traffic Engineer and City Engineer have reviewed the concerns of Mr. Watson and feel that due to the fact that Manzanita Street cuts through a residential area, and there are currently stop signs in place on Manzanita Street, at

14th, and there will be a stop sign in place at Trail Avenue and the extension of Manzanita Street, that traffic will not go into the residential areas, but will stay on River Road.

I would suggest that the City Council have the Traffic Engineer and City Engineer make presentations regarding the project, and then open up the topic for discussion by the audience. Questions of a technical nature can be answered at that time by the Engineers.

DHO:clm

☐ \admin\Trail.adg

ED MULLER 1315 MANZANITA ST.
BENNETT

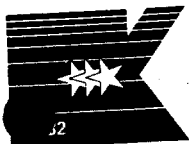
PEGGY THREISS 1286 HARMONY DR.

1168 MARIGOLD

RICH THREISS? 1337 "

TOM FLESH 1684 ROCKLEDGE

MILTON BOONE 1199 MANZANITA



City of Keizer

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

COUNCIL MEETING : 09/17/90
AGENDA ITEM NO. : 7

TO : Mayor & City Council
FROM : Kevin Wickman, Parks Department
THRU : Donald Otterman, M.S.P.A., City Manager
SUBJECT : Ordinance pertaining to Keizer Parks

BACKGROUND : Keizer Parks have for many years operated without formal enforceable rules or regulations. Regulation signs have stood in the developed Keizer parks but are in reality only requests with no authority. Due to increased usage and various citizen complaints as well as a rise in vandalism, the Keizer Parks Advisory Board along with myself have decided to redevelop Park Rules and Regulations. The rules we have developed will better enable us to protect and maintain our Parks and at the same time enable the City enforcement authority.

RECOMMENDATION : The staff recommends that the City Council adopt this ordinance establishing Keizer Park Regulations.

1 BILL NO.

A BILL

ORDINANCE NO.
90-_____

FOR

AN ORDINANCE

ESTABLISHING KEIZER PARK REGULATIONS

The City of Keizer ordains as follows:

Section 1. PROHIBITED ACTIONS. The following actions are prohibited in Keizer City parks:

a) Operating any motor vehicle, except authorized maintenance vehicles, in areas other than those designated for parking.

b) Overnight camping.

c) Walking or riding horses.

d) Hitting golf balls.

e) Riding or pushing skate boards or scooters on tennis courts.

f) Dumping of any items or materials.

g) Being present in a park when the park is closed.

h) Open fires.

i) Action in violation of a parks reservation or alcoholic beverage permit.

Section 2. PARK REGULATIONS. The following regulations apply in Keizer City parks:

a) Pets must be in the care, custody and control of their owners at all times.

b) Parks will be closed at sunset and reopen at sunrise on the following day. The City Manager or the City Manager's

1 designee may grant permission for use of a park after sunset if
2 the proposed use is appropriate for the park or designated area
3 and consistent with park policies and regulations.

4 c) Fires are allowed only in established fire pits or
5 barbecues.

6 Section 3. PARK RESERVATIONS.

7 a) A group that has an approved reservation of a section
8 or sections of a park will have exclusive use of said section
9 or sections for the date and time outlined in its reservation
10 form.

11 b) "Group" is defined as fifteen or more people wishing
12 to use a specific City park area for a specific date and time.

13 c) A designated person from the group who will be
14 responsible for the group's action while using the park and for
15 the condition of the park after the scheduled event shall
16 complete and sign the park reservation form.

17 d) The park reservation fee of \$10.00 must be submitted
18 along with the reservation form. If the reservation is denied,
19 the reservation fee will be refunded to the designated person.

20 e) Reservations will be approved on a first come, first
21 served basis provided that the proposed use by the group is
22 appropriate for the designated area and consistent with park
23 policies and regulations.

24 Section 4. USAGE OF KEIZER LITTLE LEAGUE PARK COMPLEX. The
25 Keizer Little League Complex is a unique park and use of this park
26 is limited to those persons or groups whose usage of this park will

1 not degrade its condition or alter its configuration or in any way
2 interfere with the park functioning as the Little League Park
3 Complex.

4 Section 5. ALCOHOLIC BEVERAGES IN PARKS.

5 a) Possession of alcoholic beverages in Keizer City parks
6 is prohibited unless the person or group in possession of the
7 alcoholic beverages has a valid permit.

8 b) "Group" has the meaning set forth in Section 3 b) of
9 this Ordinance.

10 c) Persons or groups wishing to possess alcoholic
11 beverages in the park must complete a permit application form
12 setting forth the name of the group, if any, the number of
13 persons in the group, the type of alcoholic beverages to be
14 served, the date and time the alcoholic beverages will be served
15 in the park, the park and the area of the park to be used, the
16 name, address and phone number of the applicant and signed by
17 the applicant who will also be responsible for compliance with
18 park rules and regulations and the limitations set forth in the
19 permit.

20 c) The permit allowing the use of alcohol in the park
21 will only be granted if the proposed use is consistent with park
22 regulations and policies and the following criteria:

23 (1) Any beverage with more than 14 percent alcohol content
24 is prohibited.

25 (2) Alcoholic beverages are prohibited at Keizer Little
26 League Park Complex and Sunset Park.

(3) Sale of alcoholic beverages is prohibited.

Additional limitations that are reasonably necessary to comply with this Ordinance and to maximize the use and enjoyment of the park may be imposed by the City Manager or the City Manager's designee.

Section 6. REVOKING RESERVATION OR ALCOHOLIC BEVERAGE PERMIT.

Violation of the terms of the park reservation or alcoholic beverage permit as determined by a police officer immediately revokes the reservation or alcoholic beverage permit.

Section 7. INFRACTION. Violation of this Ordinance is an infraction.

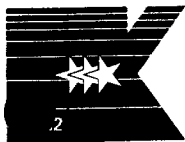
PASSED this _____ day of _____, 1990.

SIGNED this _____ day of _____, 1990.

Mayor

City Recorder

824H.003



City of Keizer

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

COUNCIL MEETING: September 17, 1990

AGENDA ITEM NO.: 8

TO: MAYOR AND CITY COUNCIL

FROM: DONALD H. OTTERMAN, M.S.P.A, CITY MANAGER *DHO*

SUBJECT: MUNICIPAL JUDGE RECRUITMENT

An advertisement seeking a volunteer municipal judge was placed in the August issue of the Marion County Bar Bulletin. The ad asked attorneys to submit their resumes to the City. While the City has received several telephone calls from attorneys, none appear to be interested in serving as the presiding judge in a volunteer capacity. Several of them did express interest in serving as pro tem judges and were advised to contact Judge Larson.

At its July 16 meeting, the Council agreed to contract with Judge Larson during the interim while the City looked for a volunteer judge. Judge Larson has been paid at a rate of \$46 per hour for his services. He has assumed responsibility for all weekly arraignment sessions. The unpaid pro tem judges are handling the hearings.

RECOMMENDATION

City Council discussion and direction to staff with respect to the Municipal Judge position.

M I N U T E S
KEIZER CITY COUNCIL
Tuesday, September 4, 1990
Robert L. Simon Council Chambers
Keizer City Hall

CALL TO ORDER Mayor Orcutt called the regular session to order at 7:30 p.m.

ROLL CALL Roll call was taken as follows:

Present: Andrew J. Orcutt, Mayor
Phil Bay, Councilor
Bob Newton, Councilor
Bob Pritchard, Councilor
Joe Van Meter, Councilor
Mike Hart, Councilor

Absent: Yvonne Fischer, Councilor

Staff: Don Otterman, City Manager
Chuck Stull, Police Chief
Wally Mull, Public Works Director
John Lien, City Attorney
Bill Peterson, City Engineer
Judie Martin, Recording Secretary

PUBLIC
TESTIMONY

Gerald G. Watson, 1237 Manzanita Way NE, Keizer, expressed concerns about the street realignment of Trail Avenue and its impact on traffic patterns in a residential area.

TRAIL
AVENUE
REALIGNMENT

Mr. Watson referred to two studies done by citizens concerned with traffic from Trail Avenue to 14th Avenue. The impact on the neighborhood traffic is adverse. He specifically suggested that the City authorize and conduct their own survey and inform people along all the streets he indicated of the realignment issue and request their input before making a decision. Mr. Otterman stated that he did forward a copy of Mr. Watson's letter on to the Public Works Director and to the traffic engineer for their review of the concerns expressed in the letter.

Mr. Peterson reminded Council that this issue came up when the McNary Estates plan was approved and a study needed to be done at the time a specified number of lots were improved. Mr. Peterson recommended another study be done prior to the additional 150 sites being developed. Two intersections need to be

modified and two roads realigned. The City did do a small study and suggested two alignments on Manzanita and Trade. Council was not concerned about through traffic at that time.

Mr. Mull explained that he talked to Bruce Schafer who did not do a full-fledged traffic study. Mr. Schafer's opinion was that with four way stop signs at Manzanita and Trail residents would not access Manzanita to get to Lockhaven. The survey was done in February of 1988 with Shannon Blake Theiss.

Mr. Watson explained that he is on a U-shaped street that takes off Manzanita Street one-half block, nine houses from Trail. He felt that Council should reconsider more traffic control before considering signage.

Mayor Orcutt suggested that Mr. Watson's recommendation be given to Bruce Schafer to take into consideration making a four way stop and consider this proposal at our next scheduled council meeting.

Mr. Watson asked if there was any other way to notify residents of this realignment other than just through the newspaper. Mayor Orcutt suggested that the City print up the flyers and contact him to distribute them door to door. Mr. Watson said he would be more than glad to.

COMMITTEE REPORTS

Oath of Office

Chief Stull presented David Babcock who will be receiving his oath of office as a police officer for the City of Keizer.

Mr. Lien issued the oath of office to Mr. Babcock and Mayor Orcutt presented Mr. Babcock with his certificate of office.

Responding to a question from Councilor Hart regarding the vacancy status within the police force, Chief Stull stated that he has one additional officer starting the police academy on September 10th and this will bring the total back to the original 23 officers.

PUBLIC HEARING

Manufactured Housing Overlay Zone

Mr. Orcutt stated that he and the City Attorney will need to revise the final recommendation regarding the issue of the manufactured housing overlay zone. He requested that this public hearing be carried over to the September 17th council meeting.

Mayor Orcutt directed staff to carry this public hearing over to the September 17th Council meeting.

BID AWARD

Mr. Mull explained that the current telephone system for Keizer City Hall was purchased in 1985 when the City had only 25 employees. City staff now numbers 49 including part-time employees and the telephone system is inadequate for the size and the amount of business conducted at City Hall. In the 1990-91 budget, \$21,000 was included for a new telephone system. Staff has received the following bids;

Terra Communications	\$17,988
AT&T	\$26,547
SCS Communications	\$19,727
Reliant Communications	\$28,725

Mr. Mull recommended that the Council award the bid to Terra Communications for a telephone system at a cost of \$17,988.

Mr. Mull responded to Councilor Bay's question that the need arose from both inadequate phones and inadequate lines. He further stated that the current system has 34 phones and 8 lines and the new system will have 60 phones and 24 lines.

In response to Councilor Bay's question Mr. Mull explained that the police department is included with this bid but that the fire department is not now on our Centrex system and will not be included in this new system.

Mr. Mull further explained that the specifications from all four companies were the same; Terra Communications main office is located in Redmond with an outlet located in Beaverton. He further explained that the next larger system will cost us approximately \$30,000-\$40,000.

Mr. Otterman explained that this proposed system will serve the City for a minimum of 10 years. He further stated that he has personally used this particular system and recommends it.

In response to Councilor Bay's question, Mr. Mull stated that the phone companies recommended that he wait until the new system

is installed to sell the old system outright and that they would assist in locating buyers. The original cost of the old system was \$8,000-\$9,000 from Reliant Communications.

Councilor Bay moved for approval of the staff recommendation to award the bid to Terra Communications for a telephone system at a cost of \$17,988 for the City. Councilor Pritchard seconded the motion. The motion was put to a vote and carried unanimously as follows.

AYES: Orcutt, Bay, Newton, Pritchard, Van Meter, Hart (6)

NAYS: None (0)

ABSENT: Fischer (1)

APPOINTMENT
KEIZER
TOMORROW
COMMITTEE

Mr. Otterman stated that Charles Lawson has confirmed his willingness to serve as Citizen-At-Large for the Clearlake Area.

Mayor Orcutt stated that Council concurred with the recommendation of the applicants to be appointed to the Keizer Tomorrow Committee as follows:

Citizen At Large - NW of River Rd/Chemawa Rd - Ray Clark, Alternate - Mrs. Lee Parker;
Citizen At Large - SW of River Rd/Chemawa Rd - Kris England, Alternate - Mike Kirby; Citizen At Large - NE of River Rd/Chemawa Rd - Mark W. Caillier, Alternate - Don Flesch; Citizen At Large - SE of River Rd/Chemawa Rd - Michael Van, Alternate - Lori Park; Citizen At Large - Clearlake Area - Charles C. Lawson; Business - Keizer Chamber of Commerce - appointment to be made by President; KBRAD Committee - Jim Keller; Business At Large - Ray McKee; Residential Real Estate - Wendall Mann; Developer - Eric Meuer; Senior Citizen - Robert T. French, Alternate - Louis Neuman; Keizer Fire District - Greg Frank, Alternate - Jack Grossnickle; Marion County Fire District No. 1 - Doug Arensmeier; Salem/Keizer School District - Ray L. Naff; ASB Student Body President - to be appointed after the beginning of school.

VOLUNTEER

Mr. Otterman reported that an advertisement had been placed in the mid-August Marion County Bar Bulletin requesting attorneys to submit their names if interested in serving as Keizer's volunteer municipal judge. Staff

learned Tuesday that the Bar Bulletin was not mailed until August 27th which would not allow attorneys time to submit their names prior to this meeting. City Council may wish to decide upon another method of soliciting interest or whether to publish another advertisement in the Bar Bulletin. He further suggested that an additional two weeks be allowed for people to express interest and he will bring any names back to Council at their September 17th meeting.

CONSENT
CALENDAR

The Consent Calendar included:

- August 20, 1990 Regular Session Minutes
- Resignation of Planning Commissioner Al Wilson
- Status Report of Complaint on Donahue Court
- Resolution - Exempting Acquisition of Police Radio Communications and Mobile Data Terminal Informational System from Competitive Bids

Council Hart stated that he was unable to vote on the August 20 minutes due to his absence.

Councilor Pritchard moved for approval of the remainder of the Consent Calendar. Councilor Bay seconded the motion. The motion was put to a vote and carried unanimously as follows:

AYES: Orcutt, Bay, Newton, Pritchard, Van Meter, Hart (6)
NAYS: None (0)
ABSENT: Fischer (1)

Councilor Bay moved to approve the Regular Session Minutes for August 20, 1990 as presented. Councilor Pritchard seconded the motion. The motion was put to a vote and carried unanimously as follows:

AYES: Orcutt, Bay, Newton, Pritchard, Van Meter (5)
NAYS: None (0)
ABSTENTION: Hart (1)
ABSENT: Fisher (1)

OTHER
BUSINESS

Mr. Otterman explained that Planning Commissioner Al Wilson's resignation was

Planning
Commission
Vacancy

effective August 15th and Council needed to consider candidates for appointment to this vacancy. He suggested placing an ad in the newspaper to ask for volunteers and accept applications until October 1st at which point Council would then review those applicants. Mr. Wilson's term is due to expire September 30, 1991 which leaves one year on the appointment of this position.

Councilor Van Meter suggested reviewing applicants who originally applied and re-contacting them to see if they would be interested again. He felt it would be a slap in the face if we didn't consider previous applicants prior to new applicants. He stated that Mike Smith was active on the dike issue and is still interested in serving on the Planning Commission.

Councilor Bay stated that Roy Dunkin appeared for 4 or 5 years and we should consider him.

Mayor Orcutt directed staff to advertise for this vacancy and re-contact persons who have previously applied.

Mr. Otterman stated that Ray Hansen and Lee Dunn had applied for the 9-30-90 Planning Commission openings and may still be interested.

Mayor Orcutt pointed out that there were 2-3 possible openings in the near future which will need to be filled for the Planning Commission.

KEIZER/SALEM
CITY COUNCIL
JOINT
MEETING

Mr. Orcutt stated that the joint meeting with Salem City Council was scheduled for September 12 at noon to discuss regional issues and asked if any Councilors had schedule conflicts which would require postponing the meeting until October.

Councilor Bay stated that he had a 3 day commitment during that date and would not be able to attend.

Mr. Orcutt stated that he would postpone that meeting until October.

CONDITIONAL
USE PERMIT

Mr. Otterman stated that Conditional Use Permit 90-8, expansion of nonconforming use in residential zone on Cade Street, needed to be

90-8
CADE STREET

discussed. The applicant is removing one mobile home and replacing it with another mobile home. She was not happy with one condition of approval which requires a 1976 or newer replacement home. Staff disapproves of expanding a non-conditional use in a residential zone and would recommend that she try to get a variance. Staff notified Marion County that they will appeal this request. Council will review this at their September 17th meeting as a public hearing. The applicant is trying to go from a 1954 to a 1970 mobile home and she has some considerable financial restraints. The 1970 coach doesn't meet the 1976 change in regulations for HUD approval.

Councilor Newton requested that another copy of this report be mailed to him.

JOINT
MEETINGS

Mr. Otterman stated that he will be meeting with the Urban Renewal Advisory Committee and discussed the fiscal impact of the plan. Two more meetings will be taking place; a joint City Council, Planning Commission and Urban Renewal Advisory Committee meeting on September 12 at 7:30p.m. Their purpose is to have the groups get together and discuss the Urban Renewal Plan at a regular Planning Commission meeting and they will be asked to make the City's Urban Renewal plan consistent with the Comprehensive Plan. September 13th is the public hearing to adopt the renewal plan. October 15th the ordinance will be passed and in effect for January 1, 1989 assessments. There will be no frozen base after 1989 and a 30 day waiting period. There will be a KBRAD meeting on September 12th at 4:00p.m.

M McNARY
ESTATES
REVIEW

Mr. Otterman stated that staff will meet with developers regarding the second access to McNary Estates and review how that fits into the overall plan. This item will be back to Council within 30 days.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 8:14 p.m.

Respectfully submitted,

Judie Martin, Recording Secretary

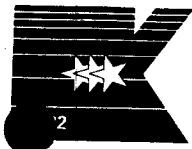
APPROVED:

MAYOR

(Councilor Fischer absent)

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9-13-90jlm



City of Keizer

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

Council Meeting : 09/17/90
Agenda Item No. : 9b

TO : Mayor & City Council

FROM : Kevin Wickman, Parks Department

THRU : Donald Otterman, M.S.P.A., City Manager *DAO*

SUBJECT : Resolution declaring Northridge Park surplus property.

BACKGROUND : Northridge Park is an undeveloped Park approximately 4.4 acres in size located in the Claggett subdivision on Verda Lane Northeast. This park is a natural preserve and is within the 100 year flood plain. This subdivision was developed around the park allowing no vehicular access and no safe pedestrian access at any point. There are two undeveloped ten foot wide pedestrian walkway easements on Verda Lane that enter from the east.

Through increased awareness by the public that this park exists, entry to this park has been thru the undefined walkways and also thru the property of the neighboring houses. The neighbors in the area have alerted us of the situation and have expressed their concern for the lack of safe access.

I have reviewed the situation extensively and presented the matter to the Keizer Parks Advisory Committee. We all agreed that this park can never be developed and that safe access would be costly, and is not within the best interest of the city to retain this property as a park. Because this property is identified as a natural preserve, it can not be altered without amending the City's Comprehensive Plan, it could however be posted limiting access or no trespassing if it were not a "Park". The Parks Committee agreed unanimously to declaring Northridge Park surplus property.

FISCAL IMPACT : Because this property lies within the flood area, has very limited access and is listed as a natural preserve it can never be developed. If the City was to maintain this property as a park, access should be updated with defined paths, steps to the property and fencing, all of which would be costly to maintain.

RECOMMENDATION : It is the recommendation of the staff to declare Northridge Park surplus property. By doing so the property could be posted no access thereby eliminated many safety concerns. The property could as surplus property be sold or donated to a State or Federal agency or the Audubon society and would then be kept and maintained as a natural preserve by them.

NORTH RIDGE PARK:

Location:

Chenawa Road to Verda Lane between Kalmia and Lawnview.

Size:

4.42 Acres

Acquired:

August, 1964-----4.42 acres

October, 1968-----10 foot wide access

History:

Donated by L.D. Reimann as required by the subdivision ordinance. This park is along Claggett Creek. The land donated is a long narrow strip of ground that would be difficult to develop.

Comments:

Deed states: "Described tract be dedicated to the public."

August, 1964:

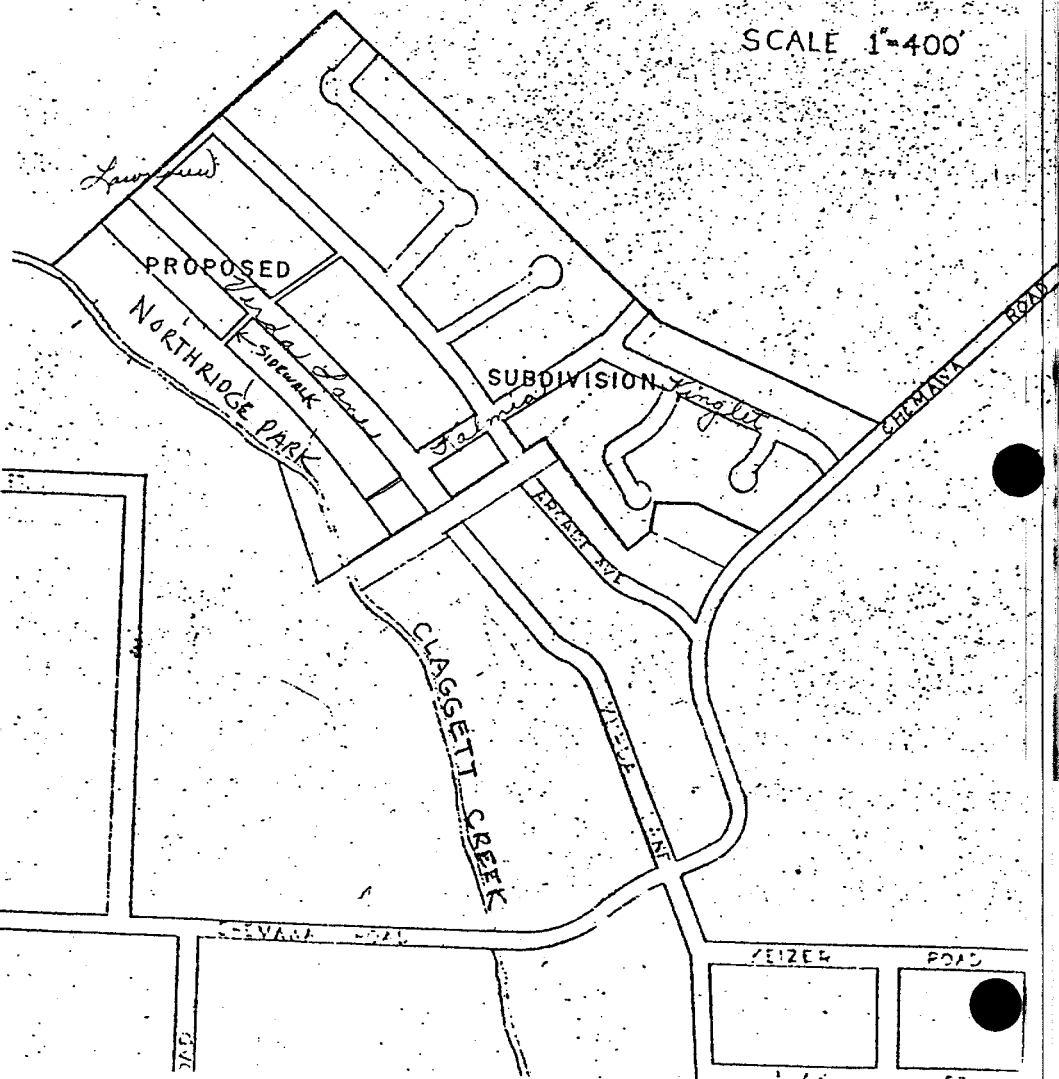
L.D. Reimann, President of Mar-Pol Investment Co., donated 4.42 acres for a park as required by subdivision ordinance. The park is along Claggett Creek. No vehicular access to the park.

October, 1968:

Developer to provide 10' wide access into the park between lots 12 & 13 for possible vehicular access, even though grade would make access difficult. Developer to install 4' wide concrete walkway at this access point connecting Verda Lane to park area.

HARDY ROAD

SCALE 1"=400'



CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

RESOLUTION R90-_____

DECLARING NORTH RIDGE PARK SURPLUS PROPERTY

WHEREAS, the property known as North Ridge Park was donated to Marion County as required by the subdivision law in effect at the time of the donation; and

WHEREAS, Marion County deeded North Ridge Park to the City of Keizer after Keizer's incorporation; and

WHEREAS, North Ridge Park is undeveloped and has very limited access which is in close proximity to residences; and

WHEREAS, North Ridge Park is in the flood plain and consequently, is difficult and expensive to develop; and

WHEREAS, the Keizer Parks Committee has reviewed the North Ridge Park situation and its potential uses and determined that this land does not fit into the master plans for park development in Keizer; now, therefore,

BE IT RESOLVED by the City Council of the City of Keizer that the land known as North Ridge Park and more particularly described in Exhibit "A" attached hereto and by this reference incorporated herein is not needed for public use and is hereby declared to be surplus property.

BE IT FURTHER RESOLVED by the City Council of the City of Keizer that the City Manager or his designee is authorized to negotiate for

///

///

///

1 the disposition of North Ridge Park by sale, exchange or lease of
2 said property on terms to be approved by the City Council.

3 PASSED this _____ day of _____, 1990.

4 SIGNED this _____ day of _____, 1990.

5

6

Mayor

7

8

City Recorder

9

10 824H.004

In the State of Oregon, County of Marion

Beginning at a point from whence the most northerly corner of Lot 1, Block 1 of Claggett Subdivision Number 2 bears North 57° 23' East 806.60 feet and South 36° 35' East 72.00 feet and running thence from the true point of beginning;

North 19° 35' West 306.00 feet; thence North 52° 53' West 951.66 feet; thence North 47° 26' East 205.00 feet; thence South 47° 34' East 670.00 feet; thence South 42° 24' 34" East 409.88 feet; thence South 41° 07' East 177.00 feet; thence South 57° 23' West 210.00 feet to the point of beginning and containing 4.42 Acres of land more or less; together with a non-exclusive right of access 30 feet in width for pedestrian and vehicular ingress and egress over and across adjacent lands of the grantor, along such route as may, from time to time, be designated by Grantor, and continuing until such time as said adjacent lands shall be subdivided and platted and permanent access to the herein-described tract be dedicated to the public.



City of Keizer

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

COUNCIL MEETING: SEPTEMBER 17, 1990

AGENDA ITEM NO.: 9C

TO: MAYOR AND CITY COUNCIL

FROM: DONALD H. OTTERMAN M.S.P.A, CITY MANAGER *DHO*

SUBJECT: STATEMENT OF COSTS

The attached Statement of Costs regarding property located at the southwest corner vacant lot at Chemawa and Crater, belonging to Marvin Ferris, is being presented to you this evening for your information.

A public hearing on the matter has been set for October 1, 1990.

Attachment

DHO:clm

STATEMENT OF COSTS SUBMITTED TO CITY
COUNCIL PURSUANT TO CITY OF KEIZER
ORDINANCE 83-014

Name and address of person responsible:

Marvin Ferris
772 Chemawa Road North
Keizer, OR 97303

Location of property (street address, if any)

S.W. corner lot - Chemawa & Crater

More particularly described as:

See Exhibit "A" attached.

Amount due:

\$125.00

Submitted on: SEPT 17, 1990

By: 
City Manager

CITYFORM.1

EXHIBIT "A"

Beginning in the middle of the county road, at a point which is 37.821 chains North $89^{\circ}30'$ West from the Northeast corner of the Donation Land Claim in J. B. Keizer and wife, same being Claim #37 in Township 7 South, Range 3 West of the Willamette Meridian in Marion County, Oregon; said point being $89^{\circ}30'$ West from the Northeast corner of a 9.69 acre tract of land described in Volume 217, page 270, Deed Records of Marion County, Oregon; thence South $0^{\circ}15'$ East 3.47 chains parallel with the East boundary of said tract of land; thence North $89^{\circ}30'$ West parallel with said county road 1.348 chains; thence North $0^{\circ}15'$ West parallel with the East boundary of said tract of land 3.47 chains to the middle of said county road; thence South $89^{\circ}30'$ East 1.348 chains to the place of beginning.



City of Keizer

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

September 5, 1990

FIRST CLASS &
CERTIFIED MAIL
Marvin Ferris
772 Chemawa Road North
Keizer, Oregon 97303

Re: NOTICE OF OCTOBER 1, 1990 PUBLIC HEARING TO PLACE A LIEN
ON PROPERTY LOCATED AT SOUTHWEST CORNER LOT - CHEMAWA &
CRATER FOR NOXIOUS VEGETATION ABATEMENT COSTS

The City of Keizer has previously notified you with regard to \$125.00 in costs incurred by the city to abate noxious vegetation on the above described property which was reportedly owned by you at the time abatement steps were taken. You have failed to remit this amount to the city by the required due date. Certified mailings to you have been return to the City of Keizer as "Unclaimed". However, the Billing Statement was received at your residence on July 11, 1990, signed by Charlee Ferris.

City of Keizer Ordinance 83-014, adopted August 22, 1983, by the Keizer City Council, provides that the person responsible for the property will be charged the cost of abatement and if such cost is not paid, then a lien will be placed against the property.

Please be advised that the Keizer City Council is expected to adopt an Ordinance on October 1, 1990, to declare the correctness of abatement costs in the amount of \$125.00 and to lien the property in that amount.

You are hereby notified that you have the opportunity to be heard regarding this matter at the Keizer City Council meeting on October 1, 1990, at 7:30 p.m. If you pay the cost prior to adoption of the Ordinance, the property will not be liened.

If you have any questions with respect to this notice, please notify our office.

Sincerely,


Donald H. Otterman, M.S.P.A.
City Manager

750

TRAIL AVE. REALIGNMENT

9/17/90

PLACE: GUBSER SCHOOL

7:30 pm

[illegible]

10

TRAIL AVE. REALIGNMENT

DATE: 9/17/90

PLACE: GURBER SCHOOL

TIME: 7:30 PM

[illegible]