

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

A G E N D A

KEIZER CITY COUNCIL

EXECUTIVE SESSION

Tuesday, September 7, 2010

6:15 p.m.

**Keizer Civic Center
Keizer, Oregon 97303**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. DISCUSSION**
 - a. Pursuant to ORS 192.660(2)(e) – *To conduct deliberations with persons designated by the governing body to negotiate real property transactions.***
 - b. Pursuant to ORS 192.660(2)(f) – *To consider information or records that are exempt by law from public inspection.***
- 4. ADJOURN**

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

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

AGENDA

KEIZER CITY COUNCIL **REGULAR SESSION**

Tuesday, September 7, 2010
7:00 p.m.

Robert L. Simon Council Chambers
Keizer, Oregon

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PLEDGE OF ALLEGIANCE**
4. **PUBLIC TESTIMONY**

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

5. **PUBLIC HEARINGS**
6. **ADMINISTRATIVE ACTION**

- a. **ORDINANCE** – Relating to the Abatement of Nuisances Created by the Accumulation of Solid Waste and/or Inoperable Vehicles; Repealing Ordinance No. 94-281
ORDINANCE – Amending Keizer Development Code Regarding Section 2.205 (Junk and Junkyards) and Section 2.315 (Development Standards); Amending Ordinance 98-389
- b. **RESOLUTION** – Authorizing Public Works Director to Expend Funds from the Park Improvement Fund for Keizer Rapids Park Dog Park Improvements
- c. **ORDINANCE** – Relating to the Amendment of the Electric Utility License Fee Ordinance – Amending Ordinance No. 94-286
ORDINANCE – Relating to the Amendment of the Gas Utility License Fee Ordinance – Amending Ordinance No. 94-285

7. CONSENT CALENDAR

- a. RESOLUTION – Authorizing the City Manager to Enter Into Agreement with PGE for Street Lighting Along Wheatland Road North
- b. RESOLUTION – Authorizing the City Manager to Sign the First Amendment to Keizer Rotary Amphitheater Management Agreement for 2010 City Sponsored Concert Series - Repealing R2010-2070
- c. Letter of Support – Salem Keizer Area Mass Transit District Facility
- d. Approval of August 2, 2010 Regular Session Minutes
- e. Approval of August 9, 2010 Work Session Minutes

8. COMMITTEE REPORTS

9. OTHER BUSINESS

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

- a. New Business or Old Business Issues

10. WRITTEN COMMUNICATIONS

To inform the Council of significant written communications.

11. AGENDA INPUT

September 13, 2010

5:45 p.m. – City Council Work Session

- City of Keizer Parks Tour

September 20, 2010

7:00 p.m. – City Council Regular Session

October 4, 2010

7:00 p.m. – City Council Regular Session

12. ADJOURNMENT



CITY COUNCIL MEETING: September 7, 2010

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

**SUBJECT: - ORDINANCE RELATING TO THE ABATEMENT OF
NUISANCES CREATED BY THE ACCUMULATION OF SOLID
WASTE AND/OR INOPERABLE VEHICLES
- ORDINANCE AMENDING KEIZER DEVELOPMENT CODE
REGARDING JUNK/JUNKYARDS AND DEVELOPMENT
STANDARDS**

This matter came before the Council for public hearing at the August 16, 2010 meeting. Following the close of such public hearing, the Council directed staff to come back with appropriate Ordinances.

As you may remember, this matter involved consolidating provisions of the Keizer Development Code and a separate Ordinance regarding solid waste nuisances. In summary, the "Junk and Junkyards" section of the Keizer Development Code was deleted, and certain provisions of such section were moved to the Solid Waste Nuisance Ordinance. In addition, an amendment was made to the Keizer Development Code at Section 2.315 requiring trash enclosures.

RECOMMENDATION:

Adopt the attached Ordinances.

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

ESJ/tmh

1 BILL NO. ____

A BILL

ORDINANCE NO.

2010-_____

3 FOR

4
5 AN ORDINANCE

6
7 RELATING TO THE ABATEMENT OF NUISANCES CREATED
8 BY THE ACCUMULATION OF SOLID WASTE AND/OR
9 INOPERABLE VEHICLES: REPEALING ORDINANCE NO. 94-281

10
11 The City of Keizer ordains as follows:

12 Section 1. SHORT TITLE. This Ordinance shall be known as the “Keizer Solid
13 Waste and Inoperable Vehicle Ordinance” and shall be so cited and pled.

14 Section 2. PURPOSE, POLICY, AND SCOPE. It is the declared policy of the
15 City of Keizer, in furtherance of the protection of the public health, safety and welfare
16 of the people of the City of Keizer, to enact an ordinance regulating the accumulation of
17 solid waste and inoperable vehicles on public and private property as a public nuisance
18 and providing means for abatement of such accumulation of solid waste or inoperable
19 vehicles. The City Council of Keizer, Oregon finds and declares that the accumulation
20 and storage of solid waste or inoperable vehicles tends to create a condition reducing
21 private property values, promotes blight and deterioration, creates fire hazards, creates a
22 hazard to the health, safety and general welfare of the public, creates harborage for
23 rodents and insects, and reduces the aesthetic value of the City as a whole. Such
24 accumulations are hereby declared to be a public nuisance.

Section 3. DEFINITIONS.

- (1) “City Council” means the City Council of the City of Keizer.
- (2) “Composting and Compost Piles” means the process of biochemical degradation of organic waste under controlled conditions. Compost piles are permitted on residential property, provided each compost pile is enclosed on all sides by a wood container, concrete block container, container made of another opaque material, or wire mesh container, designed for composting.
- (3) “Construction Material” means an article or item which is being used for the construction of a building or structure on the lot. It excludes materials considered construction wastes, solid waste, or discarded material.
- (4) “Construction waste” means items or materials including but not limited to lumber, plumbing fixtures, roofing material and other material commonly used during a construction project which is not occurring on the subject property or any material in which exposure to the elements renders it unusable for its intended purpose.
- (5) “Dispose” or “disposal” means the accumulation, storage, collection, or transportation of solid waste to a transfer facility, disposal site, sanitary landfill, or resource recovery facility.

(6) “Disposal site” means land used for the disposal or handling of solid waste, including but not limited to, dumps, landfills, sludge lagoons, sludge treatment facilities, disposal sites for septic tank pumping or cesspool cleaning service, composting plants, salvage sites, incinerators for solid waste delivered by the public or by a franchise collector or franchised transporter of solid waste; but the term does not include a hazardous waste facility subject to the permit requirements of ORS Chapter 466 or a landfill site which is used by the owner or person in control of the premises to dispose of soil, rock, concrete or other similar non-decomposable materials, unless the site is used by the public, either directly or indirectly.

(7) “Fixture” means any item that is designed to be used indoors or otherwise protected from the elements. This includes but is not limited to upholstered furniture, heating, plumbing, and electrical fixtures.

(8) “Inoperable Vehicle” means a vehicle on public or private property which meets one or more of the following conditions:

(a) “Wrecked vehicle” means a motor vehicle that is dismantled, or partially dismantled; has broken or missing window(s); or broken or missing windshield; or missing wheel(s); or missing tire(s);

(b) "Derelict vehicle" means any used motor vehicle without a valid vehicle license or with an expired license but excludes any vehicle defined in the Oregon Vehicle Code which is of a type that is not required to have a license.

(c) "Neglected vehicle" means a motor vehicle that lacks an engine or the engine will not run; or lacks a transmission or the transmission is inoperable, but has all of its body parts intact, including fenders, hood, trunk, glass, and tires.

(9) "Open Storage" means any bagged or loosely stored solid waste or putrescible material which is not in an approved receptacle or container. For the purpose of this definition a tarp shall not be considered an approved container.

(10) "Person" means individuals, corporations, associations, firms, partnerships and joint stock companies.

(11) "Putrescible material" means organic material that can decompose and may give rise to foul or offensive byproducts.

(12) "Solid Waste" means all putrescible and nonputrescible material, including but not limited to: garbage, rubbish, refuse, ashes, wastepaper and cardboard, sewage sludge, septic tank and cesspool pumpings or other

1 sludge; residential, commercial, industrial, demolition and construction
2 wastes, discarded or abandoned vehicle parts, machinery and machinery
3 parts, home and industrial appliances and appliance parts, metal, glass,
4 paper, tires, lumber, wood, used “fixtures” or discarded material; manure,
5 vegetable or animal solid and semisolid wastes; dead animals, useless or
6 discarded material or infectious waste as defined in ORS 459.386 or other
7 wastes; but the term “solid waste” does not include hazardous wastes as
8 defined by ORS Chapter 466 or regulations adopted by the Department of
9 Environmental Quality or Environmental Quality Commission.

10 Section 4. ADMINISTRATION. The City Manager or his designee shall be
11 responsible for the administration of this Ordinance.

12 Section 5. SOLID WASTE ACCUMULATION PROHIBITED. No person shall
13 accumulate, store, collect, maintain, or display on private property inoperable vehicles or
14 solid waste that (a) is offensive or hazardous to the health and safety of the public; or (b)
15 creates odors that are offensive to the extent that a reasonable person is denied their right
16 to quiet enjoyment of their property; or (c) is not stored within an approved solid waste
17 receptacle.

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1 Section 6. STORAGE OF INOPERABLE VEHICLES OR CONSTRUCTION
2 MATERIALS ALLOWED. One “inoperable vehicle” and/or “construction materials”
3 covering no more than 200 square feet in area may be stored on private property, out of
4 doors if fully screened by a 100% sight obscuring fence, wall, or hedge.

5 Section 7. EXEMPTIONS. Unless specifically provided otherwise, this
6 Ordinance does not apply to:

- 7 (1) Disposal sites approved by the City of Keizer and operated in compliance
8 with regulations promulgated by the Environmental Quality Commission,
9 Department of Environmental Quality and other ordinances or regulations
10 of the City of Keizer.
- 11 (2) Agricultural operations (including the growing and harvesting of crops
12 and timber, the raising of fowl or animals, and the storage or use of
13 agricultural waste, sprays and fertilizer) provided that all operations
14 comply with all applicable laws and regulations. This exception does not
15 apply in those City of Keizer land use zones that do not permit such
16 activities.
- 17 (3) The operation of a wrecking yard as defined in the Keizer Development
18 Code and in an area zoned and/or permitted for use as a wrecking yard.
- 19

(4) Compost piles used only for the decomposition of garden and yard trimmings and located on the tax lot where the garden or yard trimmings were generated.

Section 8. UNAUTHORIZED DUMPING. Except as provided in Section 7 of this Ordinance, no person shall dispose of solid waste at any place within the city limits of the City of Keizer. No person shall use or permit to be used any land within the City of Keizer as a public or private disposal site without securing all necessary permits and approvals.

Section 9. VEHICLE REPAIR OR RESTORATION EXCEPTIONS. This Ordinance shall not apply to vehicles being repaired in a land use zone that allows such use outright.

Section 10. OWNER OR TITLE HOLDER. The equitable or legal owner of land upon which the nuisance exists is equally responsible for the abatement of the nuisance as is the lessee, tenant, possessor or user of the land.

Section 11. DISPOSAL OF WASTE. It will be the responsibility of all persons producing solid waste within the City of Keizer to dispose of their waste in an approved method.

Section 12. PENALTIES. A violation of this Ordinance is an infraction under the Civil Infraction Ordinance No. 86-063.

1 Section 13. ABATEMENT OF NUISANCE/CITATION FOR INFRACTION.

2 The City Manager or his/her designee may make an investigation to determine whether a
3 violation of this ordinance has occurred. If the City Manager or his/her designee
4 determines that there is a violation of this Ordinance, he or she may proceed to abate the
5 nuisance pursuant to the Keizer Uniform Abatement Procedure (Ordinance No. 94-282)
6 or may seek any other legal or equitable remedy provided by law for the abatement of the
7 nuisance or for the enforcement of the provisions of this Ordinance, including without
8 limitation issuing a citation for infraction.

9 Section 14. SAVINGS CLAUSE. Should any section or portion of this
10 Ordinance be held unlawful and unenforceable by any court of competent jurisdiction,
11 such decision shall apply only to the specific section, or portion thereof, directly
12 specified in the decision. All other sections or portions of this Ordinance shall remain in
13 full force and effect.

14 Section 15. REPEAL. Ordinance No. 94-281 (Keizer Nuisance Abatement
15 Ordinance) is hereby repealed, but such Ordinance shall remain in force for the purpose
16 of authorizing the citation, prosecution, conviction and judgment of a person who
17 violated that Ordinance, or for the purposes of abating a nuisance that occurred when
18 such Ordinance was in effect.

19 ///

1 Section 16. EFFECTIVE DATE. This Ordinance shall be effective thirty (30)
2 days after its passage.

3 PASSED this _____ day of _____, 2010.

4
5 SIGNED this _____ day of _____, 2010.

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Mayor

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City Recorder

1 BILL NO. _____

A BILL

ORDINANCE NO.

2010-_____

3 FOR

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5 AN ORDINANCE

6
7 AMENDING KEIZER DEVELOPMENT CODE
8 REGARDING SECTION 2.205 (JUNK AND JUNKYARDS)
9 AND SECTION 2.315 (DEVELOPMENT STANDARDS);
10 AMENDING ORDINANCE 98-389
11

12 WHEREAS, the Keizer Planning Commission has recommended to the Keizer
13 City Council amendments to the Keizer Development Code (Ordinance No. 98-389); and

14 WHEREAS, the City Council has held a hearing on this matter and considered the
15 testimony given and the recommendation of the Keizer Planning Commission; and

16 WHEREAS, the Keizer City Council has determined that it is necessary and
17 appropriate to amend the Keizer Development Code as set forth herein; and

18 WHEREAS, the Keizer City Council has determined that such amendments meet
19 the criteria set forth in state law, the Keizer Comprehensive Plan, and the Keizer
20 Development Code;

21 NOW, THEREFORE,

22 The City of Keizer ordains as follows:

23 Section 1. FINDINGS. The City of Keizer adopts the Findings set forth in
24 Exhibit "A" attached hereto and by this reference incorporated herein.
25

1 Section 2. AMENDMENT TO THE KEIZER DEVELOPMENT CODE. The
2 Keizer Development Code (Ordinance No. 98-389) is hereby amended by the deletion of
3 Section 2.205 (Junk and Junkyards) and adoption of the changes to Section 2.315
4 (Development Standards) as set forth in Exhibit "B" attached hereto, and by this
5 reference incorporated herein.

6 Section 3. SEVERABILITY. If any section, subsection, sentence, clause,
7 phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional, or
8 is denied acknowledgment by any court or board of competent jurisdiction, including,
9 but not limited to the Land Use Board of Appeals, the Land Conservation and
10 Development Commission and the Department of Land Conservation and Development,
11 then such portion shall be deemed a separate, distinct, and independent provision and
12 such holding shall not affect the validity of the remaining portions hereof.

13 Section 4. EFFECTIVE DATE. This Ordinance shall take effect thirty (30) days
14 after its passage.

15 PASSED this _____ day of _____, 2010.

16 SIGNED this _____ day of _____, 2010.

17

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23

Mayor

City Recorder

EXHIBIT “A”

Findings regarding the adoption of amendments to the Keizer Development Code (Section 2.205 Junk and Junkyards; 2.315 Development Standards; and the Solid Waste Ordinance)

The review criteria are listed in Section 3.111.04 of the Keizer Development Code.

The City of Keizer finds that:

1. General Findings.
 - a. Section 2.205 (Junk and Junkyards); 2.315 (Development Standards) of the Keizer Development Code (KDC) contains the requirements governing solid waste in the city limits.
 - b. The particulars of this case are found within planning file Text Amendment 2010-07. Public hearings were held before the Planning Commission on July 7, 2010 and also before the City Council on August 16, 2010. The Planning Commission reviewed the proposed revisions and unanimously recommended that it be adopted. The City Council directed staff to prepare findings and an ordinance to adopt the proposed text amendment.
 - c. The accompanying revisions to the Abatement of Nuisances Created by the Accumulation of Solid Waste and / or Inoperable Vehicles (Solid Waste Ordinance) is not in the Keizer Development Code and is not subject to notice requirements by the Department of Land Conservation and Development. It was included as the revisions are directly related to the topic at hand.
2. Amendments to the Comprehensive Plan or Development Code shall be approved if the evidence can substantiate the following. Amendments to the map shall be reviewed for compliance with each of the following, while text amendments shall only be reviewed for compliance with Section 3.111.04 B, C, and D. Given that this is a text amendment Section 3.111.04 A is not applicable.
3. **Section 3.111.04.B - A demonstrated need exists for the product of the proposed amendment -**

Findings: The proposed revisions to the zone code reflects a demonstrated need. The City Council has recognized that from time to time the Keizer Development Code should be updated to avoid having the code become so out of date that it would require a massive and costly comprehensive update. This section of the

Development Code was last reviewed in 1998. The proposed amendment is intended in part to correct several identified errors within the existing regulations. This revision will establish clear development standards. The proposed amendments to the Keizer Development Code will amend Section 2.315 (Development Standards) to include standards relating to trash and recycling enclosures will require new developments provide trash enclosures that are adequate to accommodate the projected level of trash and recycling containers. Section 2.205 (Junk and Junkyards) is proposed to be deleted from the zone code and be incorporated into an expanded Solid Waste Abatement Ordinance. Section 2.205 does not really govern junkyards as much as it evolved into another option for code enforcement. This has created two sections of regulations with one set applying in certain situations and the other applying in other situations and yet each somewhat overlapping. Adding to the confusion, each code section also has its own enforcement process. By deleting Section 2.205 and expanding the Solid Waste Abatement Ordinance will result in there being a single code governing solid waste thereby making the regulations less cumbersome for code enforcement and the general public. A final benefit is that it will eliminate the term “junk” which becomes a confrontational term when used to explain to someone that their cherished old rusting car is referred to as junk. It will now be referred to as an inoperable vehicle. Therefore, the proposed code revision complies with this review criterion.

4. **Section 3.111.04.C- The proposed amendment to the Keizer Development Code complies with statewide land use goals and related administrative rules**

FINDINGS: The proposed text amendment complies with the statewide land use planning goals as discussed below.

Goal 1 – Citizen Involvement: The adoption of this ordinance followed notice to interested parties, a public process of decision making involving public hearings, deliberation, and ordinance adoption. Public notice was provided in the Keizer Times. Public hearings were held before the planning commission and the city council. Public hearings were held before the Planning Commission on July 7, 2010 and also before the City Council on August 16, 2010. Citizens were afforded the opportunity to participate in the public process. Finally, the city council meetings are televised further providing an avenue for awareness of the issue. This process is consistent with the provision for providing an opportunity for citizens to be involved in all phases of this planning process as required by this goal and with implementing administrative rules within Oregon Administrative Rules.

Goal 2 – Land Use Planning: This ordinance amends the Keizer Development Code. The adoption proceeding was conducted in a manner consistent with requirements of the Keizer Comprehensive Plan, Keizer Development Code, and applicable state law. Notice was published in the Keizer Times. Public

hearings were conducted before both the planning commission and city council where an opportunity for both verbal and written testimony was provided. No public testimony was received at either the planning commission or the city council's public hearing. Therefore, the proposed revision to the zone code is consistent with this statewide planning goal and administrative rules.

Goal 3 – Farm Land: The purpose of this goal is to protect lands that are designated for agricultural uses. Within the city limits there is only one zone which is located in the northwest portion of the city near the city's urban growth boundary that is designated to allow commercial agricultural uses. The amendment involves regulations within the boundaries of the city limits of Keizer and will not impact any lands that are used for agricultural production. Therefore, the proposed amendment will comply with the Farm Land Goal and with any implementing administrative rules.

Goal 4 – Forest Land: The intent of this goal is to protect lands that are designated for commercial forest uses. There are no lands designated within the city limits to allow for commercial forestry. Also, there are no commercial forest lands near or adjacent to Keizer. The amendment to Section 2.205 and 2.315 KDC, and the Solid Waste Ordinance does not involve any land which is designated as forest land, nor will it impact the use of any forest lands. Therefore, this Goal and implementing administrative rules are not applicable to the proposed zone code amendments.

Goal 5 – Natural Resources: The intent of the Natural Resources Goal is to protect various natural resources such as wetlands, waterways, big game habitat, etc. The city established a Resource Conservation overlay zone to maintain, preserve and protect the natural features adjacent to Claggett Creek. The proposed amendment to the zone code regulations will not affect any of the city's natural resources protection regulations nor the lawful use of any properties that are within this overlay zone. Therefore, the amendments to the solid waste regulations will be consistent with this goal and with administrative rules designed to implement this goal.

Goal 6 – Air, Water and Land Quality: The intent of this goal is to protect the city's air, water and land qualities. The city provides its residents with city water from groundwater sources. New construction is required to be connected to the established sanitary sewer system thereby reducing the likelihood of groundwater contamination from failing on-site septic systems. The city has storm water regulations which are geared to maintain water quality in Willamette River or any local streams. Land quality is preserved through the city's erosion control regulations and through zone code development regulations. Air quality is preserved through the city development code regulations which limit certain types of uses in certain zones. Primarily, air quality regulations will continue to be enforced by the appropriate state agencies which govern air emission standards. A positive aspect of the revision is that it

seeks to eliminate the storage of solid waste thereby eliminating the waste from entering local streams where it might adversely impact water quality. The revision to the city's zone code regarding solid waste regulations will have no impact on the quality of air, water, or land resources and so complies with this goal and with administrative rules that implement this goal.

Goal 7 – Natural Hazards: The purpose of this goal is to protect life and property from hazards resulting from flooding, steep slopes or other natural occurrences. The city has floodplain regulations that govern the placement of structures within identified 100-year floodplains. A floodplain is the area that is adjacent to a body of water which may be subject to periodic inundation. In Keizer, these are primarily located along the Willamette River and smaller streams such as Claggett Creek. The floodplains have been mapped by the federal government. With the exception of areas removed from the 100-year floodplain through the Letter of Map Amendment the 100-year floodplain is the area of greatest concern. While this area is referred to as a 100-year floodplain it is because it has a statistical probability of having a 1% chance of flooding in any one year. The last major 100 year flood event was the 1964 flood. By contrast, the 1996 flood was not a 100 year flood event for Keizer, although clearly there was a significant amount of water flowing through parts of Keizer during that flood event. The intent of the floodplain regulations is to minimize the loss of life and property damage by preventing development, elevating structures above the flood elevation, or flood proofing structures in the floodplain. Only in the area identified as a floodway will most forms of development be prohibited. The floodway is that area that is generally the channels of rivers and streams which during a flood event will experience very significant water depth and velocity flows. All property would be required to comply with city floodplain regulation and any other natural hazard regulations enforced by the city. The revision to the zone code regarding solid waste regulations will neither impact this goal nor any administrative rules.

Goal 8 – Recreation: This goal requires the city to identify and plan for the current and future recreation needs of the residents of the city. The city has an adopted Parks and Recreation Master Plan that inventories the parks, playgrounds, and other recreational opportunities within the city limits and also plans for the city's future park and recreation needs. There are a number of parks, playgrounds, and other recreational opportunities within the city limits. The proposed amendments to the solid waste regulations will not have a direct impact on the recreational activities or uses within the city and will not impact this goal and any related rules.

Goal 9 – Economic Development: The intent of this goal is to ensure that the city plans for its overall economic vitality. The city is currently engaged with Marion and Polk Counties and with the City of Salem to conduct a planning study of an economic opportunity analysis for the Salem – Keizer regional area. The intent of this study is to identify potential economic opportunities facing the

region so as to better plan to take advantage of these economic opportunities. The proposed amendments to the city's solid waste regulations will not reflect new regulations which might otherwise be an impediment to economic development. From experience the vast majority of code enforcement issues relate to solid waste complaints are aimed at residential and not either commercial or industrial users. Therefore, the proposal is consistent with this goal.

Goal 10 – Housing: This goal requires the city to plan and provide for the housing needs of its residents. Section 2.315 KDC is proposed to be amended to require that all new multi-family developments provide trash enclosures shall be designed to be large enough to accommodate the projected amount of trash being generated at the development. The area must be able to fully contain all necessary trash and recycling containers. The intent of this revision to avoid new developments from having inadequate accommodations for the amount of trash that will be generated by the residents of the proposed development. The proposed amendment to Section 2.205 and Section 2.315 KDC and the Solid Waste Ordinance will have no impact on either this goal or on any related rules.

Goal 11- Public Facilities and Services: The intent of this goal is to develop a timely, orderly and efficient arrangement of public facilities and services necessary to serve the residents of Keizer. The city provides its residents with water, sanitary sewer, has an established street system, administrative and police and public safety also are provided by the city. Fire protection services will continue to be provided by the Keizer Fire District or Marion County Fire District #1 depending on where land is located. The proposed amendment to Section 2.205 and Section 2.315 KDC and the Solid Waste Ordinance will have no impact the city's public facilities and services, and so this goal and any rules are satisfied.

Goal 12 – Transportation: The city has an adopted Transportation System Plan that describes the city's transportation systems. This system includes streets, transit bike, and pedestrian systems. The proposed revisions to the solid waste provisions within the Keizer Development Code will by themselves have no impact on any of the city's public transportation systems, and so this goal and any rules will be met.

Goal 13 – Energy Conservation: This goal seeks to maximize the conservation of energy. All new construction requires compliance for review to applicable energy conservation standards. The proposed zone code text amendments will have not impact this goal nor any of the implementing administrative rules.

Goal 14 – Urbanization: The intent of this goal to provide for an orderly and efficient transition from rural to urban land use. The city has an adopted Comprehensive Plan and zone code that complies with the goal. The proposed

zone code revision on the solid waste regulations will have no impact on the intent of this goal as it only will involve land that is within the city limits and not the use of land being transitioned from rural to urbanized uses.

Goal 15 – Willamette River: This goal seeks to protect, conserve, maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River. While the Willamette River is located along the western flanks of Keizer the proposed text amendments will not impact the Willamette River. The revisions to the solid waste requirements in Section 2.205 and Section 2.315 KDC and the Solid Waste Ordinance will have no impact on the ability of the city to regulate uses along the river or the Willamette River overlay zone regulations and so this goal is not applicable.

Goal 16 (Estuarine Resources), Goal 17 (Coastal Shorelands), Goal 18 (Beaches and Dunes), and Goal 19 (Ocean Resources) govern areas along the ocean. Since Keizer is not located along the coast these goals are not applicable

In consideration of the above findings, the proposed zone code revision to Section 2.205 and Section 2.315 KDC and the Solid Waste Ordinance complies with all applicable statewide land use goals and with all applicable administrative rules which implement the relevant goal.

5. **Section 3.111.04.D - The amendment is appropriate as measured by at least one of the following criteria:**
- a. It corrects identified error(s) in the previous plan.
 - b. It represents a logical implementation of the plan.
 - c. It is mandated by changes in federal, state, or local law.
 - d. It is otherwise deemed by the council to be desirable, appropriate, and proper.

FINDINGS: The proposed amendment is intended in part to correct several identified errors within the existing regulations. The proposed amendments to the Keizer Development Code will amend Section 2.315 (Development Standards) to include standards relating to trash and recycling enclosures will require new developments provide trash enclosures that are adequate to accommodate the projected level of trash and recycling containers.

Section 2.205 (Junk and Junkyards) is proposed to be deleted from the zone code and be incorporated into an expanded Solid Waste Abatement Ordinance. Section 2.205 KDC does not really govern junkyards as much as it evolved into another option for code enforcement. This has created two sections of regulations with one set applying in certain situations and the other applying in other situations and yet each somewhat overlapping. Adding to the confusion, each code section also has its own enforcement process. By deleting Section 2.205 KDC and expanding the Solid Waste Abatement Ordinance will result in there being a single code governing solid waste thereby making the regulations less cumbersome for code enforcement and the general public. A final benefit is that it will eliminate the term “junk” which becomes a confrontational term

when used to explain to someone that their cherished old rusting car is referred to as junk. It will now be referred to as an inoperable vehicle.

While there are no Comprehensive Plan goals or policies that offer guidance it is determined that the proposed amendment to the zone code represents a logical implementation of the Keizer Comprehensive Plan. The proposed amendment is not mandated by any federal, state, or local laws. The City Council has, by this adoption, determined that the text revision to Section 2.205 and Section 2.315 KDC and the Solid Waste Ordinance is desirable, appropriate, and proper. As such, the proposal complies with this criterion.

2.205.01 Purpose

The City Council of Keizer, Oregon finds and declares that the accumulation and storage of junk tends to create a condition reducing private property values; promotes blight and deterioration; creates fire hazards; creates a hazard to the health, safety and general welfare of the public; creates harborage for rodents and insects; and reduces the aesthetic value of the City as a whole. Therefore, the presence of junk on private or public property, except as expressly permitted by the provisions herein, is hereby declared a public nuisance and may be abated under the Keizer Nuisance Abatement Procedures Ordinance (City of Keizer Ordinance No. 94-282), or restrained or enjoined by a court of competent jurisdiction. In addition, violations of this code are considered infractions and subject to the civil infraction provisions of the City of Keizer. ~~-(5/98)~~

2.205.02 Definitions

A. **Junk.** The term "junk" regardless of value, includes but is not limited to, any derelict, neglected, or wrecked motor vehicle or parts thereof, glass, paper, waste tire, waste or discarded material, or any of the following old items: machinery or parts thereof, used fixtures, metal, lumber, or wood. For the purposes of this definition the following meanings apply: ~~-(5/98)~~

1. "Derelict vehicle" means any used motor vehicle without a valid vehicle license or with an expired license. ~~-(5/98)~~
2. "Neglected Vehicle" means a motor vehicle that is missing its engine or transmission, but has all of its body parts intact, including fenders, hood, trunk, glass, and tires. ~~-(5/98)~~
3. "Fixture" means any item that is designed to be used indoors or otherwise protected from the elements. This includes, but is not limited to upholstered furniture, and heating, plumbing, and electrical fixtures. ~~-(5/98)~~
4. "Waste tire" means a tire that is no longer suitable for its original intended purpose because of wear, damage, or defect. ~~-(5/98)~~
5. "Wrecked vehicle" means a motor vehicle that is dismantled, or partially dismantled, or having a broken or missing window or windshield, or lacking a wheel or tire. ~~-(5/98)~~

B. **Junkyard.** The term "junkyard" is defined as the use of more than 200 square feet of the area of any lot for the outside storage of derelict, neglected, or wrecked motor vehicle or parts thereof, glass, paper, waste tire, waste or discarded material, or any of the following old items: machinery or parts thereof, used fixtures, metal, lumber, or wood. ~~-(5/98)~~

2.205.03 Keeping of Junk or Junkyards; Nuisance

- A. ~~It is hereby determined and declared that the keeping of any junk, or the operation of a junkyard, except as expressly permitted in this ordinance, out of doors on any street, lot, or premises within the City of Keizer, or in a building that is not wholly or entirely enclosed except for doors for ingress and egress, is a nuisance and is unlawful. (5/98)~~
- B. ~~The abatement of junk nuisances and junkyards from public or private property, except for those items specified within the City of Keizer Solid Waste Ordinance (City of Keizer Ordinance No. 94-281) shall be in accordance with the provisions contained in the Keizer Uniform Nuisance Abatement Ordinance (City of Keizer Ordinance No. 94-282). (5/98)~~

2.205.04 Keeping of Junk, or operation of Junkyard

~~It shall be unlawful for any person, or the agent or employee of any person to keep junk, or knowingly create a junkyard out of doors on any street, private, or public property, or for more than 10 days on any lot or premises within the City, or in a building that is not wholly or entirely enclosed except for doors used for ingress and egress. (5/98)~~

2.205.05 Exceptions

These provisions shall not apply to:

1. ~~Any wrecked, neglected, or derelict vehicle or parts thereof kept in a motor vehicle wrecking or storage yard on a property zoned for that use, and licensed by the State and City. (5/98)~~
2. ~~Any wrecked motor vehicle stored outside an enclosure at a business offering motor vehicle repair on a parcel zoned for that use, and as defined in the Standard Industrial Classification as Industry Group No. 753, provided that no more than eight vehicles are outside of an approved enclosure in the industrial zones, and no more than four vehicles are outside an approved enclosure in the commercial zones. The enclosed area shall comply with the sight obscuring requirements contained in this ordinance. (5/98)~~
3. ~~Open storage of material directly associated with the primary activity of a business provided the business is permitted, special, or conditional use within any of the zones, and the materials are enclosed by a sight obscuring fence, and the materials are safely stacked, bundled, or otherwise source separated, and remain within the stream of commerce with an established future use. (5/98)~~
4. ~~Recyclable solid waste that has been source separated and collected and kept at a scrap and waste metal or recycling establishment as defined by the Standard Industrial Classification Manual and Industrial Group 5093, and is~~

~~operating in compliance with all applicable provisions of this ordinance and state laws, and where the materials or solid waste is enclosed by a sight obscuring fence in compliance with the provisions of this ordinance or in approved containers approved by the City.-(5/98)~~

5. ~~Any waste tire(s) kept for storage, collection, transportation, or disposal by a person licensed for that purpose by the State of Oregon.-(5/98)~~

2.205.06 Violations

~~Violations of the provisions of this chapter are an infraction and a public nuisance and are subject to the civil infraction provisions and the Keizer Uniform Nuisance Abatement Procedures Ordinance (City of Keizer Ordinance No. 94-282).-(5/98)~~

2.315 DEVELOPMENT STANDARDS

2.315.01 Purpose

The Development Standards herein called Standards are intended to implement the Keizer Comprehensive Plan and the purpose of each zoning district. They do this by promoting functional, safe, and attractive developments that maximize compatibility with surrounding uses and commercial corridors, and that are compatible with and enhance the transportation system. The Standards mitigate potential conflicts and problems, and maximize harmonious relationships. Alternatives to the Standards on a case-by-case basis may be reviewed and approved as a land use action. In such cases, the purpose of this ordinance shall be met through factual findings and conclusions about the proposed design, and attachment of specific conditions if necessary, by the review body. Application of the Standards does not evaluate the proposed use, nor the specific architectural style or design. Rather, the Standards focus on the structural elements of texture, color, and materials, and on the site elements of building placement. (01/04)

2.315.02 Applicability

- A. Exterior changes to all buildings in matters relating to color or facade materials only shall comply with the applicable or relevant development standards found in Section 2.315.08.B(4) and (5) of this code. (01/04)
- B. Serial additions, alterations or expansions as defined in Section 1.2 of this code shall be limited so that the standards specified in Section 2.315.03.A and B are not exceeded in a 3-year period. (01/04)
- C. The provisions of this section shall apply to all development as defined in Section 1.2 of this code. (01/04)

2.315.03 Exemptions

The following are exempt from the Standards: (01/04)

- A. Structural additions, alterations, or expansions which are 25 percent or less of existing building(s) gross floor area and/or impervious surface area are affected; **OR**, when 500 square feet or less of an existing building(s) gross floor area and/or impervious surface area, whichever is less, is affected. (01/04)

- B. Exterior changes involving the addition, alteration or moving of a door, window, porch, canopy, or awning where the combined area of change is less than 500 square feet in area in a 3-year period. (01/04)
- C. Repainting of exterior walls due to minor repairs or vandalism, which is 25% or less, or no more than 100 sq. ft. (01/04)
- D. Agricultural uses (01/04)
- E. Any residential building housing three or fewer dwelling units. (01/04)
- F. Accessory structures of less than 500 square feet. (5/98)
- G. Any interior remodeling (01/04)
- H. A temporary business (01/04)

2.315.04 Administration of the Development Standards

These Standards are intended to be objective and to serve as a guide to designers of developments. The Standards are applied in one of four ways: (01/04)

- A. The Standards embodied in this ordinance are administratively reviewed at the time of a building permit application. Compliance to the Standards is a condition of building permit approval. (01/04)
- B. In instances where conformance to the standards is outside of the scope of a building permit, such as repainting a building, the owner shall be responsible for conformance with these Standards as contained in Section 2.315.02. (01/04)
- C. The Standards embodied in this ordinance are to be perpetually maintained on all properties. This particularly applies to color and facade materials, which may change without requiring a building permit. (01/04)
- D. In the event a development proposal or a change to an existing building does not conform to the standards contained in this ordinance due to an applicant wishing to propose alternatives, the applicant may choose to apply for approval of a Development Standards Alternative application. A Development Standards Alternative application shall comply with the same procedures as a Conditional Use Permit in Section 3.103, with the initial decision rendered by the Planning Commission (Section 3.103.06.C.). No building permit will be issued for a use requiring Development Standards Alternative approval until the application is approved. (01/04)

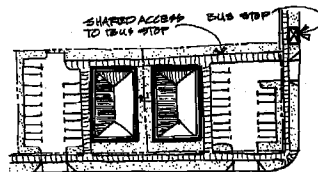
2.315.05 Non-Conforming Buildings

Any building that did not conform to the Standards on May 18, 1998 is considered a legally non-conforming building as-regulated within this Code. (01/04)

2.315.08 Development Standards

All applicable development must meet the following standards: (5/98)

- A. Pedestrian Circulation. As used herein "walkway" means a hard surfaced area intended and suitable for use by pedestrians, including both public and private sidewalks. (01/04)
1. Connection Required. The-pedestrian circulation system for the proposed development must connect uses, building entrances, adjacent streets and existing and planned (as adopted in the City Transportation System Plan) transit facilities within 600 feet of the site. (07/09)
 2. Walkway Location and Design. Walkway(s) shall be located so that a pedestrian can conveniently walk between a transit street and the entrance(s) to a building(s). Except where it crosses a driveway, a walkway shall be separated by a raised curb or other physical barrier from the auto travel lane and parking. If a raised path is used the ends of the raised portions must be equipped with curb ramps which comply with Oregon State Building Code Requirements. (01/04)
 3. Additional Street Access. A walkway from a building entrance to a public street shall be provided for every 300 feet of street frontage. (01/04)
 4. Driveway Crossings. Driveway crossings shall be a maximum of 36 feet in width. Where the pedestrian system crosses driveways, parking areas and loading areas, the system must be clearly identifiable through the use of elevation changes, a different paving material, texture, or other similar method. (01/04)
 5. Lighting. Lighting shall be provided for all walkways. Pedestrian walkways must be lighted to a level where the system can be used at night by employees and customers. (01/04)
 6. Walkway Coverage.



Pedestrian Access Standards

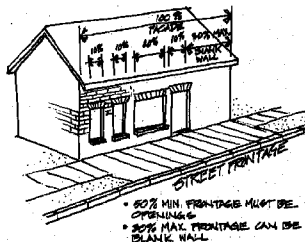
- a. Any portion of a walkway located within three feet of a building frontage shall be covered with awnings or building overhangs. The minimum vertical clearance shall be 9 feet for awnings and building overhangs. The maximum vertical clearance shall be 15 feet. (01/04)
 - b. In the EG zone, Any portion of a walkway located within three feet of a building frontage shall be covered with awnings or building overhangs as provided in Subsection a, except for buildings, which have greater than 300 feet of lineal frontage, where this requirement shall apply to at least 33 percent of the building frontage. The maximum vertical clearance shall be 15 feet. (01/04)
 - 7. Dimensions. Walkways shall be at least five feet in paved unobstructed width. Walkways that serve multiple uses or tenants shall have a minimum unobstructed width of eight feet. (01/04)
 - 8. Stairs or ramps shall be in place where necessary to provide a direct route between the transit street and the building entrance. Walkways without stairs shall comply with the accessibility requirements of the Oregon State Building Code. (01/04)
 - 9. Access to Adjacent Property. If the proposed development has the potential of being a significant attractor or generator of pedestrian traffic, potential pedestrian connections between the proposed development and existing or future development on adjacent properties other than connections via the street system shall be identified. (01/04)
 - 10. The building permit application or Development Standards Alternative-application shall designate walkways and pedestrian connections on the proposed site plan. If the applicant considers walkways are infeasible proposed findings shall be submitted demonstrating that the walkway or connection is infeasible. The findings will be evaluated in conjunction with the building permit or Development Standards Alternative process. (01/04)
- B. Building Design
- 1. Ground floor windows
 - a. In the CM, CR, and MU zones, all street-facing elevations containing permitted uses as listed under Sections 2.110.02 F, G, H, I, J and K shall have no less than 50 percent of the

ground floor wall area with windows, display areas or doorway openings. (5/99)

- b. In the EG zone, one elevation of any building with more than 100,000 square feet of floor area, which contains permitted uses listed under Sections 2.119.05 F, G, H, I, J, and K, shall have no less than 33 percent of the ground floor wall area, defined from the ground to the height of the awning, with windows or window facsimiles or other architectural features that simulate windows, display areas or doorway openings. The location of this elevation shall be determined as part of the required Site Master Plan review described in Chapter 2.125 of this Zoning Ordinance. (01/04)

2. Building facades

- a. In the CM, CR, and MU zones, facades that face a public street shall extend no more than 30 feet without providing a variation in building materials, a building off-set of at least 2 feet, or a wall



Facade Standards

area this is entirely separated from other wall areas by a projection, such as a porch or a roof over a porch. No building facade shall extend for more than 300 feet without a pedestrian connection between or through the building, provided that there is a pedestrian purpose being served. (01/04)

- b. In the EG zone, facades facing a public street shall extend no more than 60 feet without providing a variation of building materials for buildings over 20,000 square feet. In the EG zone, no building facade shall extend for more than 400 feet without a pedestrian connection between or through the building, provided that there is a pedestrian purpose being served. (01/04)

3. Awnings – Awnings or canopies, shall be provided along building storefronts abutting a public sidewalk. Awnings and canopies shall be constructed of canvass, acrylic fabric, laminated vinyl, metal or similar standard material. Awnings and canopies of corrugated fiberglass or polycarbonate roofing shall be prohibited. Awnings and canopies shall not be back lit. (01/04)
4. Materials and Texture
 - a. Building Materials. (01/04)
 - 1) All buildings shall have wood, brick, stone, or stucco siding, or vinyl siding made to look like wood siding. Metal siding as described in this section shall be allowed. (5/98) In the EG zone, all buildings shall have wood, brick, stone, architectural block, slump stone, architectural concrete or stucco siding, or vinyl siding made to look like wood siding. (01/04)
 - 2) Metal siding other than corrugated or reflective material are allowed except for residential buildings housing 3 or more dwellings and buildings within the EG zone metal siding is allowed with the exception of corrugated or reflective metal. (01/04)
 - 3) Plain concrete block, plain concrete, plywood and sheet press board may not be used as exterior finish materials. (01/04)
 - b. Trim Material. (01/04)

Building trim shall be wood, brick, stone, stucco, vinyl siding material made to look like wood, or metal. (01/04)
 - c. Roofing Material. (01/04)

Any roofing material is allowed including metal roofs. (5/98)
 - d. Foundation Material. (01/04)

Foundation material may be plain concrete or plain concrete block where the foundation material is not revealed for more than 3 feet. (5/98)
5. Color

- a. Any portion of a building that is painted or stained may use as the main color, and roof color for all portions of the roof visible from the ground, any color which meets all of the following criteria: (01/04)
 1. The Red-Green-Blue factors (also known as XYZ factors) shall not exceed a saturation level of 20%. (01/04)
 2. Each component factor, as a percentage of the whole component value, shall equal or exceed 38%, with no greater than a 20% difference between any of the three values. (01/04)
 3. Light Reflectance Value (LRV) of any color shall be between the values of 30 and 85. (01/04)
 4. The finish shall be either matt or satin. (01/04)
 - b. For the purpose of this ordinance, "main color" is the principal color of the building which must be at least 75% of the surface of the building excluding windows; the trim colors of all buildings may be any color. (01/04)
 - c. In no case shall the main color or the trim color of any structure be "florescent", "day-glo", or any similar bright color. (01/04)
6. Roof Lines - Roof lines shall establish a distinctive "top" to a building. When flat roofs are proposed, a cornice a minimum 12 inches high projecting a minimum 6 inches from the wall at the top of the wall or parapet shall be provided. (5/98)
 7. Roof-mounted equipment – In a CM, CR, CO, EG or MU zone, all roof-mounted equipment, including satellite dishes and other communication equipment, must be screened from view from adjacent public streets. Solar heating panels are exempt from this standard. (01/04)

C. Accessory Structures

1. Accessory Structures including buildings, sheds, trash receptacles, mechanical devices, and other structures outside the main building, shall either be screened from view by the public by either a hedge or fence: **OR**, with the exception of trash receptacles, accessory

structures including buildings, sheds, mechanical devices, and other structures outside the main building must be screened by painting them the same color as the main color of the building. (01/04)

2. Trash enclosures shall be designed to be large enough to accommodate the projected amount of trash being generated at the development. The area must be able to fully contain all necessary trash and recycling containers.

D. Alternative Design Solutions. (01/04)

Depending upon the applicable review process identified in this code, the Planning Commission or City Council may approve design alternatives to the Standards in this chapter, or approve them with conditions, if it finds the alternative design can meet the purpose and intent of this ordinance and be successfully applied to a particular property. (01/04)

E. Transit Facility Requirement

New retail, office and institutional buildings at, or within 600 feet of an existing or planned transit facility, as identified in the city TSP, shall provide either the transit facility on site or connection to a transit facility along a transit route when the transit operator requires such an improvement. (07/09)

F. Transit Access

New retail, office and institutional buildings within 600 feet of a transit facility, as identified in the city TSP, shall provide for convenient pedestrian access to transit through the measures listed in Subsections 1 and 2 below. (07/09)

1. Walkways shall be provided connecting building entrances and streets adjoining the site; (07/09)
2. Pedestrian connections to adjoining properties shall be provided except where such a connection is impracticable. Pedestrian connections shall connect the onsite circulation system to existing or proposed streets, walkways, and driveways that abut the property. Where adjacent properties are undeveloped or have potential for redevelopment, streets, access ways and walkways on site shall be laid out or stubbed to allow for extension to the adjoining property; (07/09)
3. In addition to Subsections 1 and 2 above, sites at transit facilities must provide the following: (07/09)

- a. Either locate buildings within 20 feet of the transit facility, a transit street, or an intersecting street or provide a pedestrian plaza at the transit facility or a street intersection; (07/09)
- b. A reasonably direct pedestrian connection between the transit facility and building entrances on the site; (07/09)
- c. A transit passenger landing pad accessible to disabled persons; (07/09)
- d. An easement or dedication for a passenger shelter if requested by the transit provider; and (07/09)
- e. Lighting at the transit facility. (07/09)

2.315.09 Determination of Conformance to Development Standards as Part of Building Permit Review

The Zoning Administrator, or designee, during the normal course of reviewing a building permit application, shall include as part of that review, a determination of the proposal's conformance with the provisions of this chapter. Corrections may be noted on the plans, or required to be submitted as amended plans, to assure conformance to the standards or a design alternative, which was approved by the planning Commission or City Council. Building plans shall not be approved unless there is conformance with the provisions of this chapter. (01/04)

2.315.10 Criteria for Development Review

The Planning Commission, or Council upon appeal, may approve the proposed design alternatives, or approve them with conditions, if it finds the alternative design can meet the purpose and intent of this ordinance and be successfully applied to a particular property. (5/98)

CITY COUNCIL MEETING: _____

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

**FROM: ROB KISSLER
DIRECTOR OF PUBLIC WORKS**

SUBJECT: DOG PARK IRRIGATION

DATE: AUGUST 26, 2010

BACKGROUND:

Clint Holland from the Parks and Recreation Advisory Board gave a presentation on providing the Dog Park and immediate surrounding area with an underground irrigation system, turf improvements and decomposed granite near the main entrance to the park. The Parks and Recreation Advisory Board at their August 10, 2010 meeting unanimously supported the upgrades to the Keizer Rapids Dog Park. Council indicated their support of the project and a willingness to fund a portion of the overall improvement estimated at \$43,000. Mr. Holland is requesting \$19,000 which will purchase irrigation supplies and provide turf improvements.

Staff has met with Mr. Holland to assist in budget refinement and design adjustments to meet City standards. When and if Council supports this request the final budget and drawings will be complete. Staff is recommending the irrigation system be sized appropriately for future expansion on the north and west areas outside but adjacent to the Dog Park. The south landscaped area will be irrigated with this proposal.

If Council approves this expenditure, portions of the Dog Park will be out of service for renovation. Phase one of the project will be complete renovation of the small dog area and the entrance in the big dog area.

FISCAL IMPACT:

Funds for this project are available in the Park Improvement Fund line item 29.

RECOMMENDATION:

Staff recommends City Council adopt the attached Resolution authorizing the expenditure of \$19,000 for irrigation supplies, turf and decomposed granite materials for Dog Park renovation. Please contact me if you have questions.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2010-_____

RESOLUTION AUTHORIZING PUBLIC WORKS DIRECTOR TO
EXPEND FUNDS FROM THE PARK IMPROVEMENT FUND FOR
KEIZER RAPIDS PARK DOG PARK IMPROVEMENTS

WHEREAS, an opportunity has been presented to the Council to improve the
Keizer Rapids Park dog park by installing an underground irrigation system, turf
improvements, and decomposed granite near the main entrance;

WHEREAS, the Council wishes to expend up to \$19,000 for supplies and
materials necessary to install the improvements;

WHEREAS, the Council wishes to accept the offer of volunteer labor, materials
and support necessary to complete the installation of the improvements;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the Public
Works Director is authorized to expend up to \$19,000 for irrigation supplies, turf and
decomposed granite materials for Keizer Rapids Park dog park improvements. The
funds shall be from the Park Improvement Fund, Capital Outlay Category, Unanticipated
Expense Line Item.

PASSED this _____ day of _____, 2010.

SIGNED this _____ day of _____, 2010.

Mayor

City Recorder

CITY COUNCIL MEETING: September 7, 2010

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

**SUBJECT: EXTENSION OF GAS AND ELECTRIC UTILITY LICENSE
FEE ORDINANCES**

We have been reviewing new franchise ordinances for gas and electric utilities that were previously extended to September 15, 2010.

It is appropriate to extend these Ordinances an additional four months to allow time to review, negotiate and finalize the terms of the franchises.

Staff is recommending that the current Ordinances be extended to January 31, 2011.

RECOMMENDATION:

Adopt the attached Ordinances.

Please let me know if you have any questions. Thank you.

ESJ/tmh

1 BILL NO. ____

A BILL

ORDINANCE NO.

2010-_____

3 FOR

4
5 AN ORDINANCE

6
7 RELATING TO THE AMENDMENT OF THE ELECTRIC UTILITY
8 LICENSE FEE ORDINANCE; DECLARING AN EMERGENCY
9 **(AMENDING ORDINANCE NO. 94-286)**

10
11 WHEREAS, the City Council of the City of Keizer has adopted Ordinance No.

12 94-286 which establishes utility license fees for electric utilities;

13 WHEREAS, Ordinance No. 94-286 has a termination date of May 15, 2004;

14 WHEREAS, the City Council of the City of Keizer has adopted Ordinance No.

15 2004-500 which extended the termination date to May 15, 2005;

16 WHEREAS, the City Council of the City of Keizer has adopted Ordinance No.

17 2005-524 which extended the termination date to May 15, 2010;

18 WHEREAS, the City Council of the City of Keizer has adopted Ordinance No.

19 2010-604 which extended the termination date to September 15, 2010;

20 WHEREAS, the City Council of the City of Keizer has determined that it is

21 appropriate to renew the ordinance for an additional four (4) months;

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

23 Section 1. AMENDMENT OF ORDINANCE NO. 94-286. Ordinance No. 94-

24 286 (An Ordinance Relating to Electric Utilities in the City of Keizer; Establishing

1 Utility License Fees and Declaring an Emergency) is hereby amended at Section 9 as
2 follows:

3 Section 9. TERMINATION. This Ordinance shall automatically terminate
4 on January 31, 2011 unless the City Council shall renew it, provided,
5 however, that any such termination shall not restrict or terminate the
6 City=s right and authority to collect from any subject utility any amounts
7 which become due under this Ordinance prior to that termination.
8

9 Section 2. EFFECTIVE DATE. This Ordinance being necessary for the
10 immediate preservation of the public health, safety and welfare, an emergency is
11 declared to exist and this Ordinance shall take effect immediately upon its passage.

12 PASSED this _____ day of _____, 2010.

13 SIGNED this _____ day of _____, 2010.
14
15
16

17 _____
18 Mayor

19 _____
20 City Recorder

1 BILL NO. ____

A BILL

ORDINANCE NO.

2010-_____

3 FOR

4
5 AN ORDINANCE

6
7 RELATING TO THE AMENDMENT OF THE GAS UTILITY
8 LICENSE FEE ORDINANCE; DECLARING AN EMERGENCY
9 **(AMENDING ORDINANCE NO. 94-285)**

10
11 WHEREAS, the City Council of the City of Keizer has adopted Ordinance No.

12 94-285 which establishes utility license fees for gas utilities;

13 WHEREAS, Ordinance No. 94-285 has a termination date of May 15, 2004;

14 WHEREAS, the City Council of the City of Keizer has adopted Ordinance No.

15 2004-501 which extended the termination date to May 15, 2005;

16 WHEREAS, the City Council of the City of Keizer has adopted Ordinance No.

17 2005-525 which extended the termination date to May 15, 2010;

18 WHEREAS, the City Council of the City of Keizer has adopted Ordinance No.

19 2010-605 which extended the termination date to September 15, 2010;

20 WHEREAS, the City Council of the City of Keizer has determined that it is

21 appropriate to renew the ordinance for an additional four (4) months;

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

23 Section 1. AMENDMENT OF ORDINANCE NO. 94-285, Ordinance No. 94-

24 285 (An Ordinance Relating to Gas Utilities in the City of Keizer; Establishing Utility

1 License Fees and Declaring an Emergency) is hereby amended at Section 9 as follows:

2 Section 9. TERMINATION. This Ordinance shall automatically terminate
3 on January 31, 2011 unless the City Council shall renew it, provided,
4 however, that any such termination shall not restrict or terminate the
5 City=s right and authority to collect from any subject utility any amounts
6 which become due under this Ordinance prior to that termination.
7

8 Section 2. EFFECTIVE DATE. This Ordinance being necessary for the
9 immediate preservation of the public health, safety and welfare, an emergency is
10 declared to exist and this Ordinance shall take effect immediately upon its passage.

11 PASSED this _____ day of _____, 2010.

12 SIGNED this _____ day of _____, 2010.
13
14

15 _____
16 Mayor
17

18 _____
19 City Recorder

CITY COUNCIL MEETING:_____

AGENDA ITEM NUMBER:_____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

**FROM: ROB KISSLER
DIRECTOR OF PUBLIC WORKS**

SUBJECT: WHEATLAND ROAD STREET LIGHTS

DATE: AUGUST 26, 2010

BACKGROUND:

The Public Works Department continuing the process to improve safety along major transportation corridors has completed the street light feasibility analysis along Wheatland Road from River Road to the North City limits. Existing lights along the Wheatland Road corridor that meet current lighting standards will remain. New street lights will be mounted to existing PGE power poles; however the lights will be owned by the City and maintained by PGE through their option B program. Existing lights on PGE poles will remain their option A program owned and maintained by PGE.

The Traffic Safety Commission voted in favor for this safety improvement. The City's Budget Committee adopted the necessary funds to complete the Wheatland Road street light installation.

Public Works goal is to work closely with PGE to have the street lights installed along Wheatland Road in the next 45 to 60 days.

FISCAL IMPACT:

Funds to complete the Wheatland Road street light improvements are located in the street fund line item 95. One time costs for street light improvements installed by PGE along Wheatland Road is \$19,830.45. Monthly power costs total \$421.62 per month.

RECOMMENDATION:

Staff recommends City Council adopt the attached Resolution authorizing the City Manager to enter into a long term agreement with PGE to provide street lights along Wheatland Road N. Please contact me if you have questions.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2010-_____

AUTHORIZING CITY MANAGER TO ENTER INTO
AGREEMENT WITH PGE FOR STREET LIGHTING ALONG
WHEATLAND ROAD NORTH, KEIZER, OREGON

WHEREAS, the City continues to improve safety along major transportation
corridors;

WHEREAS, in its attempt to improve safety, the City has completed a street light
feasibility analysis along Wheatland Road from River Road to the north City limits;

WHEREAS, the City has determined that the current lighting along Wheatland
Road shall remain and be owned and maintained by PGE;

WHEREAS, the City has determined that additional street lights be added to
existing PGE power poles, but such lights shall be owned by the City;

WHEREAS, PGE has prepared an agreement for the installation, energizing, and
billing of the streetlights and poles along Wheatland Road including the transfer of some
Wheatland Road street lights from individual Street Lighting Districts to the City as
included on the last page of such agreement;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the City
Manager is authorized to sign the attached agreement with PGE on behalf of the City of
Keizer.

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BE IT FURTHER RESOLVED by the City Council of the City of Keizer that the
funding for the installation of the lights shall be paid from the Street Fund, Capital
Outlay Expenditure.

BE IT FURTHER RESOLVED by the City Council of the City of Keizer that the
funding for the monthly power charges shall be paid from the Street Fund, Material and
Services Expenditure.

PASSED this _____ day of _____, 2010.

SIGNED this _____ day of _____, 2010.

Mayor

City Recorder



Portland General Electric

Date: August 11, 2010

To: Rob Kissler
City of Keizer
P.O. Box 21000
Keizer, OR 97307-1000

From: Tracy Aguilar
Lighting Specialist
PGE Lighting Services

RE: Street Lighting Authorization
Name of Project: Wheatland Road Streetlights
PGE Job No.: 601718

On the reverse side of this page is the street lighting cost itemization for this project. Enclosed is a sketch indicating the installation of twenty-four 200 watt HPS flat lens cobrahead luminaires installed on twenty-two PGE distribution poles and two City owned thirty-five foot wood poles.

Please return a signed original of this document as authorization for PGE to install, energize and begin billing for these streetlights and poles under Street Light Rate Schedule 91, Option B, at \$252.54 per month.

Tracy Aguilar
PGE Lighting Specialist

Authorization Signature

Date of Authorization

Date Installation Completed

BC# 23771
WR# 601718

STREET LIGHT PROPOSAL

City of Keizer, Bill Code: 23771

Name of Project: Wheatland Road Streetlights

The proposed street lighting equipment and charges for this project based on the current
Tariff Schedule 91 Option as listed below, are as follows:

NEW STREET LIGHTS:

24 Option B, 200 watt HPS flat lens cobrahead luminaires (LC39)
 @ \$10.51 each (installed by PGE).....\$252.24

POLES:

2 Option B, 35 foot SLO wood pole (PC 46)
 @ \$0.15 each (installed by PGE).....\$0.30

22 Option A, PGE distribution wood poles (PC00), no charge.....\$0.00

NEW MONTHLY CHARGES.....\$252.54

INSTALLATION CHARGES:

Cost of line extension.....\$00.00
Less line extension allowance.....(00.00)
Net line extension charge.....00.00

Install and sell Option B:

24- 200w HPS cobrahead streetlights and 2-35' wood poles.....\$19,830.45

TOTAL JOB COST\$19,830.45

These estimated quotes include the PPC (Public Purpose Charge) and the LIA (Low Income Assistance) adjustments. The PPC and LIA adjustments are mandated by Oregon Law to be collected by PGE. In addition, these funds are directed for the benefit of the public and are disbursed by public agencies. Actual LIA billing amounts will vary depending on the total number of kilowatt hours used for the lights that are billed. The current LIA rate is .0033 cents per kWh and may vary periodically as required by law. The PPC is calculated at 3% of the total billing before LIA or local taxes & fees. In addition to PPC and LIA, other jurisdictional taxes or fees may apply.



Portland General Electric

Change to Bill Code 23771 City of Keizer Streetlights:

BC: 23887 – Clearlake Hts KUD;

@ pole 774 – Replace 100w HPS with **150w HPS** cobrahead streetlight Option A @ \$11.41 monthly

BC: 23867 – Brower Place KUD;

@ pole 160 – Replace 100w HPS with **150w HPS** cobrahead streetlight Option A @ \$11.41 monthly

@ pole 978 – Replace 100w HPS with **200w HPS** cobrahead streetlight Option A @ \$13.45 monthly

BC: 23886 – Sparrow Addition KUD;

@ pole 255 – Replace 100w HPS with **150w HPS** cobrahead streetlight Option A @ \$11.41 monthly

BC: 23923 – Megan Lee Properties KUD;

@ fiberglass pole 212 – **150w HPS** cobrahead streetlight & 30' pole Option A @ \$16.90 monthly

BC: 23878 – The Vineyards KUD;

@ fiberglass pole 704 - **150w HPS** cobrahead streetlight & 30' pole Option A @ \$16.90 monthly

@ fiberglass pole 101 - **150w HPS** cobrahead streetlight & 30' pole Option A @ \$16.90 monthly

@ fiberglass pole 3 - Replace 100w HPS with **150w HPS** cobrahead streetlight & 30' pole Option A @ \$16.90 monthly

BC: 23803 – Orchard Crest KUD;

@ pole 2994 – **200w HPS** cobrahead streetlight Option A @ \$13.45 monthly

@ pole 967 - **200w HPS** cobrahead streetlight Option A @ \$13.45 monthly

BC: 23841 – Springridge Estates KUD;

@ pole 966 – **200w HPS** cobrahead streetlight Option A @ \$13.45 monthly

BC: 11000 – McNary Hts Drive – PGE Area Light

@ pole 957 – **200w HPS** cobrahead streetlight Option A @ \$13.45 monthly

TOTAL MONTHLY CHARGES.....\$169.08

CITY COUNCIL MEETING: September 7, 2010

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

**SUBJECT: AMENDMENT TO KEIZER ROTARY AMPHITHEATER
MANAGEMENT AGREEMENT FOR 2010 CITY SPONSORED
CONCERT SERIES**

At the August 16, 2010 Council meeting, Council amended the City-sponsored concert agreement to add additional concerts. However, Clint Holland, on behalf of KRA, LLC indicated there was an additional concert on September 18, 2010. The Council had indicated that the matter would come back before Council if any additional concerts were added. Consequently, we have revised the agreement and drafted a Resolution repealing the previous Resolution. The attached agreement indicates there is a total of nine City-sponsored concerts.

RECOMMENDATION:

Adopt the attached Resolution authorizing the City Manager to sign the amendment to the Keizer Rotary Amphitheater Management Agreement.

Please let me know if you have any questions. Thank you.

ESJ/tmh

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2010-_____

AUTHORIZING THE CITY MANAGER TO SIGN THE FIRST AMENDMENT TO KEIZER ROTARY AMPHITHEATER MANAGEMENT AGREEMENT FOR 2010 CITY SPONSORED CONCERT SERIES; **REPEALING RESOLUTION NO. R2010-2070**

WHEREAS, the City and KRA entered into a Keizer Rotary Amphitheater Management Agreement for 2010 City Sponsored Concert Series dated June 7, 2010;

WHEREAS, the Keizer Rotary Amphitheater Management Agreement for 2010 City Sponsored Concert Series allowed for management of five (5) City sponsored concerts;

WHEREAS, the City Council by Resolution R2010-2070 decided to add three (3) additional City sponsored concerts to the 2010 City Sponsored Concert Series;

WHEREAS, KRA has requested that the City sponsor an additional concert on September 18, 2010;

WHEREAS, an adjustment adding the September 18, 2010 date has be made to the amendment to the Keizer Rotary Amphitheater Management Agreement for 2010 City Sponsored Concert Series and such First Amendment has been prepared for the City Manager's signature;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the City Manager is authorized to execute the attached First Amendment to Keizer Rotary

1 Amphitheater Management Agreement for 2010 City Sponsored Concert Series on
2 behalf of the City.

3 BE IT FURTHER RESOLVED by the City Council of the City of Keizer that the
4 City's contribution for the additional concerts shall be limited to in-kind efforts.

5 BE IT FURTHER RESOLVED by the City Council of the City of Keizer that
6 Resolution No. R2010-2070 (Authorizing the City Manager to Sign the First Amendment
7 to Keizer Rotary Amphitheater Management Agreement for 2010 City Sponsored
8 Concert Series) is hereby repealed in its entirety.

9 PASSED this _____ day of _____, 2010.

10
11 SIGNED this _____ day of _____, 2010.

12
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14 _____
15 Mayor

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17 _____
City Recorder

**FIRST AMENDMENT TO KEIZER ROTARY
AMPHITHEATER MANAGEMENT AGREEMENT
FOR 2010 CITY SPONSORED CONCERT SERIES**

DATE: _____, 2010

PARTIES:

CITY OF KEIZER, an Oregon
municipal corporation (hereinafter "City")
930 Chemawa Road NE
PO Box 21000
Keizer, OR 97307

KRA LLC (hereinafter "KRA")
PO Box 750
Salem, OR 97308

RECITALS:

City and KRA entered into that certain Keizer Rotary Amphitheater Management Agreement for 2010 City Sponsored Concert Series dated June 7, 2010.

City and KRA wish to enter into this First Amendment to Keizer Rotary Amphitheater Management Agreement for 2010 City Sponsored Concert Series to add additional concerts to the City sponsored concert series.

NOW, THEREFORE, the parties agree as follows:

AGREEMENT:

Section 1. Amendment of Number of City Sponsored Concerts. All references to "five (5) City sponsored ..." in the Keizer Rotary Amphitheater Management Agreement for 2010 City Sponsored Concert Series shall be amended to "nine (9) City sponsored...".

Section 2. Amendment of Section 3(A). Section 3(A) is hereby amended as follows:

A. The concerts shall be held on the following dates: June 5, June 19, July 10, August 7, August 18, August 21, September 11, September 18, and September 25, 2010.

Section 3. Amendment of Section 3(B). Section 3(B) is hereby amended as follows:

B. KRA agrees to solicit approximately 10-15 bands from a variety of genres and present the prospective bands to the City Summer Concert Band Selection Task Force. The City Summer Concert Band Selection Task Force (Task Force) shall make the final approval of the selection of the bands for the concert series. ~~KRA agrees that they will present the prospective bands to the Task Force no later than May 1, 2010 and the Task Force agrees to make a final selection of the five bands with two alternates no later than May 15, 2010.~~

Section 4. Amendment of Section 3(C). Section 3(C) is hereby amended as follows:

C. KRA agrees to negotiate contracts with the selected bands and provide such contracts to the City ~~no later than June 1, 2010~~ upon request. The City will not enter into contracts with bands and is not responsible for any compensation to the bands whatsoever.

Section 5. Remain in Effect. Except as amended herein, all other terms of the Keizer Rotary Amphitheater Management Agreement for 2010 City Sponsored Concert Series shall remain in full force and effect.

CITY:
CITY OF KEIZER

KRA:
KRA LLC

By: _____
Christopher C. Eppley,
City Manager

By: _____
Clint Holland
Chairman

CITY COUNCIL MEETING: September 7, 2010

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**FROM: CHRIS EPPLEY
CITY MANAGER**

SUBJECT: SALEM-KEIZER AREA MASS TRANSIT DISTRICT FACILITY

The transit center downtown has been closed due to Courthouse Square structural problems. The operations have been moved twice while the condition of the building has been assessed. A report on the condition of that facility will be out later this fall. In the meantime, in order to ensure uninterrupted and reliable service for the transit system riders, the Transit District has been working with the City of Salem to site a more long term temporary downtown transit center.

Ten sites were proposed. Six were eliminated because of congestion on streets, high use of the roadway, or other problems. Included in the six sites was the current facility at Courthouse Square. While the bus mall might be able to be shored up, any work on the adjacent building would force its closure to ensure safety. Four sites were brought to the Transit District Community Leaders Task Force on August 25, 2010, in which Councilor Cathy Clark represents the City of Keizer. After input from business, education, government, and service leaders, the Task Force agreed the public outreach continue for the Church Street NE location, between Union and Marion St NE.

Salem Keizer Transit provides valuable service to Keizer residents. People of all ages and incomes rely on the system to meet part or all of their transportation needs. Of particular importance is reliable transportation for employees to their places of work. Because of the regional nature of the Salem Keizer Area Mass Transit service, Councilor Clark is asking the Keizer City Council show support for the Transit District and the City of Salem as they work cooperatively to provide a transit center location in the downtown area. The proposed letter of support is attached.

September 7, 2010

Salem-Keizer Transit
555 Court Street NE, Suite 5230
Salem, OR 97301-3736

Salem City Council
555 Liberty St SE
Salem OR 97301

To: Salem-Keizer Transit Board of Directors and Salem City Council:

The City of Keizer supports the efforts of the Salem Keizer Area Mass Transit District to provide uninterrupted, reliable service during the move from Courthouse Square. Faced with losing the use of the entire downtown transit mall facility plus the customer service center and administrative offices, the Transit District has acted swiftly to ensure that, first and foremost, the needs of the riders are met. Additionally, the City of Keizer commends the City of Salem, which has demonstrated exemplary partnership and cooperation with the Transit District, aiding in establishing temporary facilities and selecting a longer-term location.

The Transit Community Leaders Task Force, which has been working with the Transit District since early 2009, is composed of government, business, education and service leaders. The City of Keizer is represented on the Task Force. The Transit District board and management have used this Task Force to seek community input, ideas, and partnerships that have improved service and cooperation. At the August 25, 2010 meeting, the Task Force discussed the longer-term location selection for the downtown transit center. The Task Force endorsed, pending completion of the community outreach process, the preferred location of Church St NE, between Marion and Union Streets.

The City of Keizer recognizes that the Transit District provides a vital service to the Keizer-Salem area, with commuter service to Rickreal, Grand Ronde, and Wilsonville. Employers, employees, education facilities, families, students, and residents of all ages and incomes rely on transit. The City of Keizer supports efforts to ensure quality transit service for our region. And the City of Keizer supports the endorsement of the Transit Community Leaders Task Force to site the downtown transit facility at Church Street NE, between Marion and Union Streets.

Very truly yours,

Lore Christopher, Mayor
City of Keizer



MINUTES
KEIZER CITY COUNCIL
Monday, August 2, 2010
Keizer Civic Center, Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Christopher called the meeting to order at 7:00 pm. Roll Call was taken as follows:

Present:

Lore Christopher, Mayor
Jim Taylor, Council President
Richard Walsh, Councilor
Cathy Clark, Councilor
Mark Caillier, Councilor
David McKane, Councilor
Brandon Smith, Councilor

Staff:

Chris Eppley, City Manager
Shannon Johnson, City Attorney
Rob Kissler, Public Works
Nate Brown, Community Development
Kevin Watson, Assist. to the C.M.
Marc Adams, Police Chief
Tracy Davis, City Recorder

FLAG SALUTE

Mayor Christopher led the pledge of allegiance.

PUBLIC TESTIMONY

Charles Lewis, Keizer, reviewed Keizer-23 Advisory Committee activities including a video contest with monetary prizes from an anonymous donor, increased channel content, purchase of audio visual equipment, and recruitment of interns and volunteers. He reported that KeizerTV.com is operational, encouraged viewers to check out the "on-demand" programming, noted that the committee is reviewing rules and procedures for public involvement in Keizer community television and fielded questions regarding airing of McNary football and basketball.

Sherrie Gottfried, Keizer Renaissance Inn, spoke on behalf of the Economic Development and Government Affairs Committee regarding initiation of the legislative amendments to the Keizer Development Code regarding portable and temporary signs. She requested postponement so that the EDGA could also address the human sign holders and that could be included in the amendments or at least verbiage put in place indicating that it would be addressed in the future. Mr. Brown explained that this could be included as a topic of discussion. Discussion then took place regarding the process.

Ken LeDuc, Keizer, stated for the record that his family supports the Keizer Rapids Park but questioned the process for annexation and urged that property annexed be used exclusively for park land. City Attorney Shannon Johnson explained that Marion

County is supportive of the expansion of the park through purchase of the Buchholz property and the annexation. He then provided clarification for the steps being taken to accomplish this.

PUBLIC HEARINGS None

ADMINISTRATIVE ACTION

**a. RESOLUTION ~
Authorizing the
Mayor to Sign
Intergovernmental
Agreement for
Annexing a
Portion of Keizer
Rapids Park**

Community Development Director Nate Brown explained that the purpose of the Agreement is to help in the process of amending the Marion County Comprehensive Plan which currently prohibits annexation of property outside of Urban Growth Boundaries. This agreement would set forth the conditions whereby the process would take place. He reviewed the requirements set forth in the agreement and fielded questions regarding the requirements and property ownership.

Councilor Taylor moved to adopt a Resolution Authorizing the Mayor to Sign Intergovernmental Agreement for Annexing a Portion of Keizer Rapids Park. Councilor Walsh seconded. Motion passed as follows:

AYES: Christopher, Taylor, Caillier, Walsh, Smith and Clark (6)

NAYS: McKane (1)

ABSTENTIONS: None (0)

ABSENT: (0)

ANNOUNCEMENT

City Attorney Shannon Johnson noted that Planning Commission had worked on a draft amendment to the junk/solid waste code enforcement issue and is recommending it to Council. It was originally planned to come before Council tonight, but due to press of business, he and Community Development Director Nate Brown decided to move it to the second meeting in August. However, it was noticed in the newspaper for tonight. He noted that it appeared that there was no one in the audience for that issue and it would be addressed at the next meeting.

Mayor Christopher turned the meeting over to Council President Jim Taylor and left the meeting.

**CONSENT
CALENDAR**

- A. RESOLUTION ~ Establishing Classifications for Senior Storm Water Environmental Program Tech and Storm Water Environmental Program Tech**
- B. RESOLUTION ~ Regarding Evaluation of City Attorney and Declining to Grant Salary Increase**
- C. RESOLUTION ~ Authorizing City Manager to Expend Funds From the Park Improvement Fund for Additional Due Diligence Costs Relating to the Buchholz Option Agreement**
- D. RESOLUTION ~ Initiating Legislative Amendments to the Keizer Development Code Regarding Portable and Temporary Signs**
- E. RESOLUTION ~ Authorization for Supplemental Budget for Expenditure of Carryover Funds of Dog Park Donations**
- F. Approval of July 6, 2010 Regular Session Minutes**

G. Approval of July 12, 2010 Work Session Minutes

Items B, C, D, F and G were pulled from the Consent Calendar.

Items A & E: Councilor Walsh moved for approval of Items A and E of the Consent Calendar. Councilor Clark seconded. Motion passed as follows:

AYES: Taylor, McKane, Caillier, Walsh, Smith and Clark (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Christopher (1)

Items F & G: Councilor Walsh noted that he was absent from these meetings and would therefore abstain.

Councilor Smith moved for approval of Items F and G of the Consent Calendar. Councilor Clark seconded. Motion passed as follows:

AYES: Taylor, Caillier, McKane, Smith and Clark (5)

NAYS: None (0)

ABSTENTIONS: Walsh (1)

ABSENT: Christopher (1)

Item B: Councilor Walsh pointed out for the record that City Attorney Shannon Johnson had voluntarily declined his salary increase and that his performance evaluation was very favorable.

Councilor Walsh moved for approval of Item B of the Consent Calendar. Councilor Smith seconded. Motion passed as follows:

AYES: Taylor, McKane, Caillier, Walsh, Smith and Clark (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Christopher (1)

Item C: Councilor McKane explained that he did not support this annexation and would be voting against it.

Councilor Walsh moved for approval of Item C of the Consent Calendar. Councilor Smith seconded. Motion passed as follows:

AYES: Taylor, Caillier, Walsh, Smith and Clark (5)

NAYS: McKane (1)

ABSTENTIONS: None (0)

ABSENT: Christopher (1)

Item D: Councilor Walsh requested that this be moved to the first meeting in September to allow the Chamber of Commerce to weigh in on the language. Councilor Taylor noted that he supported the postponement. Councilors Clark and Caillier urged that the issue be addressed at this meeting in order to help local

businesses. Further discussion followed regarding inclusion of verbiage regarding human sign holders/wavers, Oregon free speech protection laws and scheduling.

Councilor Clark moved to adopt a Resolution Initiating Legislative Amendments to the Keizer Development Code Regarding Portable and Temporary Signs. Councilor Caillier seconded.

Councilor Walsh clarified that this item would not go to the Planning Commission until October and that postponing this for EDGA review would not delay the implementation of the rule. Further discussion took place regarding human sign holders/wavers, freedom of speech, current code requirements, Oregon laws, safety and the process for including human sign holders/wavers in this amendment.

Councilor Walsh moved to postpone this item to the first meeting in September. Motion died for lack of second.

Original motion passed as follows:

AYES: Walsh, Smith, McKane, Caillier, Taylor and Clark (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Christopher (1)

**COMMITTEE
REPORTS**
**a. Bikeways
Committee
Proclamation**

Taken out of Order. Mayor Christopher read the proclamation announcing the appointment of Rick Jorgensen to the Bikeways Committee.

Mr. Rick Jorgensen thanked everyone and explained that he is an avid biker and looking forward to getting involved.

**COMMITTEE
REPORTS
(Continued)**

Chief Adams reported that 43 block parties were registered for the National Night Out event on August 3. Councilor Clark encouraged everyone to participate. She also reported that she met with the Transit Task Force and discussed what would happen with the transit mall. She commended Transit for their efforts in getting operations moved and routes reconfigured.

Councilor McKane reported on the upcoming Parks Advisory Board meeting and noted that the Good Vibrations Task Force would have a final meeting to debrief and work on making the event better next year.

Councilor Caillier reminded everyone of the National Night Out Newton Park picnic, Claggett Creek Watershed Council and Planning Commission meetings.

Councilor Walsh reported that he and Mayor Christopher had met with 1,000 Friends of Oregon who expressed opposition to any UGB expansion and he had met with the new Library Advisory Committee to explore a new direction for the library. He also noted the date for the next Tourism meeting and a free concert at Keizer

Rapids Park noting that past concerts have been very successful.

Councilor Smith reminded everyone of the upcoming RiverFair at Keizer Rapids Park and reported that the Keizer Urban Renewal Board had met and reviewed a proposal for another urban renewal project but did not approve the grant request due to lack of sufficient information.

Councilor Taylor reported that the Keizer Points of Interest Committee has started the Oral History Project with an interview of Evelyn Franz. The next would be Dr. Vern Casterline. He noted that the interviews will run on K-23.

OTHER BUSINESS

Community Development Director Nate Brown reported that he will be attending a block party on 15th Street to answer questions about the annexation process. He also reported that he had received a letter from the Marine Board regarding the Keizer Rapids Park boat ramp: The final payment has been approved. The City has now obtained the necessary permits to construct the boating facility and anticipates applying for grant funding in the spring of 2011 so that construction can occur in the 2011-2013 biennium. He added that the construction grant will require a 25% match from the City and that the Boat Ramp Task Force design for the ramp is consistent with the Marine Board recommendations.

Public Works Director Rob Kissler provided an update of work being done on Verda and Dearborn.

Assistant to the City Manager Kevin Watson noted that the Council had expressed interest in sponsoring two more concerts in August and September. He asked for confirmation of this noting that it could then be adopted at the next meeting. Council agreed by consensus to bring this back to the August 16 Council meeting.

WRITTEN COMMUNICATIONS

None

AGENDA INPUT

August 9, 2010

5:45 p.m. – City Council Work Session

August 16, 2010

7:00 p.m. – City Council Regular Session

September 7, 2010 (Tuesday)

7:00 p.m. – City Council Regular Session

September 13, 2010

5:45 p.m. – City Council Work Session

- Parks Tour

ADJOURNMENT

Council President Taylor adjourned the meeting at 8:15 p.m.

MAYOR:

APPROVED:

Lore Christopher

Debbie Lockhart, Deputy City
Recorder

COUNCIL MEMBERS

Councilor #1 – David McKane

Councilor #4 – Cathy Clark

Councilor #2 – Brandon Smith

Councilor #5 – Richard Walsh

Councilor #3 – Mark Caillier

Councilor #6 – James Taylor

Minutes approved:



MINUTES
KEIZER CITY COUNCIL WORK SESSION
Monday, August 9, 2010
Keizer Civic Center
Keizer, Oregon

**CALL TO
ORDER**

Council President Jim Taylor called the work session to order at 5:50 p.m.
The following were present:

Councilors:

Lore Christopher, Mayor (6:15)
Jim Taylor, Council President
Cathy Clark, Councilor
David McKane, Councilor (5:51)
Mark Caillier, Councilor
Brandon Smith, Councilor
Richard Walsh, Councilor

Staff

Chris Eppley, City Manager
Nate Brown, Community Development
Kevin Watson, Assistant to the C.M.
Tracy Davis, City Recorder

DISCUSSION

**a. Sidewalk
Local
Improvement
District
Proposal**

Mr. Eppley explained that Kevin Watson, at the request of Councilor Clark, had been exploring ideas for financing repair of city sidewalks. Mr. Watson then distributed a sample letter and ordinance from the City of Pendleton for a local improvement district for sidewalks. He explained that the City would need to develop thresholds of their own for economy of scale and provided details on how the City of Pendleton operates their program. He added that the City already does 10-12 upgrades to ADA ramps annually and that the average cost to repair a sidewalk including the driveway apron would be approximately \$1750 but that with greater participation, the cost would drop. He also noted that there is \$400,000 in the street fund and if the City was going to do a "match", the match would come from the street fund.

Discussion then took place regarding details of the program, opting out, threshold limits, frequency of offering the program, neighborhood vs. city-wide programs, administration and construction costs, new sidewalks vs. repair of existing sidewalks, adopted standards, the importance of 100% participation, and property liens with payments spread out over 10 years or paid in full when the property changes hands. Shannon Johnson provided clarification regarding initiation of local improvement districts noting that citizen initiated LIDs need to be supported by 2/3 of the residents but Council can initiate it, unless 2/3 of the residents object. He suggested perhaps two programs: one repair-oriented program and the other for more intense work such as repair or replacement of substandard sidewalks.

PUBLIC TESTIMONY

Brian Osher, Keizer, questioned what work the estimated cost would cover with Mr. Watson explaining that this would be a financial mechanism to repair sidewalks over a number of years and the cost would be based on the cost of concrete.

Pat O'Reilly, Keizer, representing her mother living on Hornet Court, questioned if the LID would be an option for a group living on a cul-de-sac and if all neighbors did not want to participate, would low interest loans still be available for those wishing to participate. Discussion took place regarding opting out and setting up payment plans or liens.

Lillie English, Keizer, noted that she also lived on Hornet Court but that Hollyhock sidewalks were in need of repair as well. She questioned if that area could be included in the improvement district formed for the Hornet Court sidewalks. Mr. Eppley explained the formation process with Mr. Johnson providing details. Further discussion took place regarding compliance with City code, invitations to form an improvement district, ADA corners and sidewalk widths.

Bill Kline, Keizer, noted that the new ADA ramps make the rest of the sidewalks look bad and explained that he had worked with the City to repair damage to his driveway and approach. He reminded Council that in addition to sidewalk improvements, street improvements to promote proper drainage should be considered as well as costs for relocation of franchise facilities. Discussion then took place regarding relocation of sprinklers due to wider sidewalks, working around trees, 4' vs. 5' sidewalks, ADA ramps and development of a Question and Answer sheet for homeowners interested in forming an Improvement District.

Each Councilor then voiced their opinion/concerns regarding establishing this program with City Manager Chris Eppley summarizing that there is enough interest for staff to do further investigation and to get more information. Councilors discussed the possibility of doing a neighborhood as a "test" case. Mr. Eppley told the Hornet Court residents at the meeting that if they were able to get all the property owners interested, then the City would have a tool available for them.

Council agreed by consensus that they were interested in some type of program but they needed more information on the options and they wanted to do Hornet Court as a test case using the traditional Local Improvement District program.

ADJOURN

Meeting adjourned at 7:05 p.m.

APPROVED:

MAYOR:

Debbie Lockhart, Deputy City Recorder

Lore Christopher

COUNCIL MEMBERS

Councilor #1 – David McKane

Councilor #4 – Cathy Clark

Councilor #2 – Brandon Smith

Councilor #5 – Richard Walsh

Councilor #3 – Mark Caillier

Councilor #6 – James Taylor

Minutes approved:
