

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

Monday, August 15, 1994

7:00 p.m.

Robert L. Simon Council Chambers
Keizer City Hall
Keizer, Oregon 97303

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC TESTIMONY

This time is provided for citizens to address the Council on matters not scheduled for public hearing.

4. COMMITTEE REPORTS

5. PUBLIC HEARINGS

6. ADMINISTRATIVE ACTION

- a. **ORDINANCE** - Disposal of Unclaimed & Surplus Property Amendments
RESOLUTION - Declaring Structures Surplus Property (4965 Rickman Road and 4930 Bailey Road)
- b. **RESOLUTION** - Hotel/Motel Tax Concept
- c. **RESOLUTION** - Establishment of Lien Check Fee
- d. **RESOLUTION** - Publication Fees

7. CONSENT CALENDAR

- a. **RESOLUTION** - Abandon Sieberg Street Local Improvement District
- b. **RESOLUTION** - Initiate Northside Estates Street Lighting LID
- c. **RESOLUTION** - Hidden Creek Phase II Street Lighting LID (Engineer Report)

- d. **RESOLUTION** - Larsen Park Street Lighting LID (Engineer Report)
- e. **RESOLUTION** - Park Meadow Drive Street Lighting LID (Engineer Report)
- f. **RESOLUTION** - Springridge Estates Street Lighting LID (Engineer Report)
- g. **RESOLUTION** - Creation of Bicycle Advisory Committee
- h. **RESOLUTION** - Creation of Traffic Safety Commission
- i. Approval of July 18, 1994 Regular Session Minutes
- j. Approval of August 1, 1994 Regular Session Minutes

8. **OTHER BUSINESS**

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

9. **WRITTEN COMMUNICATIONS**

To inform the Council of significant written communications and petitions.

10. **AGENDA INPUT**

SEPTEMBER 6, 1994 (Tuesday)

7:00 p.m. City Council Meeting

Manufactured Home Standards Amendments Public Hearing
Conditional Use Case 93-9 (Brewster) Public Hearing
Clear Lake Neighborhood Association Annual Report
Vehicle Impound Ordinance
Committee Appointments

SEPTEMBER 12, 1994

7:00 p.m. City Council Meeting

Ordinance - Vehicle For Hire Public Hearing

11. **ADJOURN**

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

STAFF REPORT

DATE: AUGUST 11, 1994
TO: MAYOR AND CITY COUNCIL
THROUGH: DOROTHY TRYK, CITY MANAGER *doty*
FROM: E. SHANNON JOHNSON, CITY ATTORNEY *ESJ*
SUBJECT: **TRANSFER OF CITY-OWNED STRUCTURES TO OREGON HOUSING AND ASSOCIATED SERVICES, INC.**

ISSUE

Shall the City Council authorize the City Manager to transfer two dilapidated structures owned by the City to Oregon Housing and Associated Services, Inc. (OHAS) for use by low-income households?

BACKGROUND

The City Council had previously directed staff to look further into the matter of donating two dilapidated houses owned by the City to OHAS, a nonprofit organization. The Public Works Director has declared them surplus personal property and has determined they are of nominal value due to a state of severe disrepair. OHAS can only move the houses to government-owned lots. Though there are no lots available in Keizer, they have found two eligible lots in Silverton. OHAS is interested in moving the two structures to the Silverton lots.

Because the structures will be severed from the real estate and moved, the structures themselves are considered personal property. Keizer has an ordinance regarding the disposition of unclaimed and surplus property (Ordinance No. 88-117). Such ordinance provides that property that is of nominal value may be destroyed or it may be transferred with or without consideration to a governmental agency. All property that is of greater than nominal value must be sold at public auction.

Because there is no provision for transfers of nominal-value personal property to nonprofit organizations, we have prepared an amendment to the ordinance allowing such transfers. Such transfers would only be for nominal-value personal property. Any personal property of greater than nominal value would still have to be sold at public auction.

The ordinance amending Ordinance No. 88-117 and the resolution authorizing the transfer of the structures to OHAS are attached for Council's consideration. I have also attached Ordinance No. 88-117.

RECOMMENDATION

The staff recommends the City Council review and deliberate the matter. If Council determines that an amendment as described in this staff report is appropriate, and wishes to transfer the two subject structures to OHAS, then it would be appropriate to adopt the ordinance prior to adopting the resolution.

If you have any questions in this regard, please let me know. Thank you.

ESJ:clt
Enclosures
824COK2.029

1 BILL NO. _____

A BILL

ORDINANCE NO.
94- _____

2
3 FOR

4 AN ORDINANCE

5 PROVIDING FOR DISPOSAL OF UNCLAIMED AND
6 SURPLUS PROPERTY TO NONPROFIT
7 ORGANIZATIONS; AMENDING ORDINANCE
8 NO. 88-117; AND DECLARING AN EMERGENCY

9 The City of Keizer ordains as follows:

10 Section 1. AMENDMENT OF ORDINANCE NO. 88-117.

11 Ordinance Disposing of Unclaimed Property, Surplus Property, Firearms and
12 Contraband (Ordinance No. 88-117) is amended at Section 1(E) to read as
13 follows:

14 E. Upon recommendation by the Keizer City Manager
15 and approval by the Keizer City Council, unclaimed personal
16 property which is of nominal value and surplus personal property
17 which is of nominal value may be destroyed, or donated to an
18 organization which has received Internal Revenue Service tax status
19 as a nonprofit organization.

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

24 PASSED this _____ day of _____, 1994.

25 SIGNED this _____ day of _____, 1994.

26 _____
27 Mayor

28 _____
29 City Recorder
30

824COK2.028

1 - ORDINANCE NO. 94- _____

LIEN, HOBSON & JOHNSON

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

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 Resolution R94-_____

3 DECLARING STRUCTURES LOCATED AT
4 4930 BAILEY RD. AND 4965 RICKMAN RD.,
5 KEIZER, OREGON AS SURPLUS PROPERTY
6 AND AUTHORIZING TRANSFER

7 WHEREAS, the Public Works Director responsible for City property
8 has declared the structures owned by the City and located at 4930 Bailey Rd.
9 and 4965 Rickman Rd., Keizer, Oregon to be surplus property and of no use
10 for public purposes;

11 WHEREAS, the Public Works Director has determined that such
12 structures have only nominal value;

13 WHEREAS, the City Manager has approved the determination of the
14 Public Works Director and recommends to the City Council that such structures
15 (without the real property) be donated to the IRS-approved nonprofit
16 organization known as Oregon Housing and Associated Services, Inc. (OHAS);

17 WHEREAS, Ordinance No. 88-117 provides that the City Council may
18 approve the transfer with or without consideration to a nonprofit organization;

19 WHEREAS, the City Council wishes to donate such property to OHAS;
20 NOW, THEREFORE,

21 BE IT RESOLVED by the City Council of the City of Keizer finds that
22 the structures located at 4930 Bailey Rd. and 4965 Rickman Rd., Keizer,
23 Oregon have only nominal value, no longer useful for public purposes, and are
24 hereby declared to be surplus property;

25 ///

1 BE IT FURTHER RESOLVED by the City Council that the City
2 Manager is authorized to enter into appropriate agreements for the transfer of
3 these structures to OHAS without any consideration provided that OHAS would
4 be responsible for paying all costs and accepting all responsibility related to
5 moving these structures and would agree to exclusively use the structures in its
6 HOPE 3 Program for low-income households.

7 PASSED this _____ day of _____, 1994.

8 SIGNED this _____ day of _____, 1994.

9

10

Mayor

11

12

City Recorder

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824COK2.027

BILL NO.

099A BILL
FOR

ORDINANCE NO.

88-117

AN ORDINANCE DISPOSING OF UNCLAIMED
PROPERTY, SURPLUS PROPERTY,
FIREARMS AND CONTRABAND; REPEALING
ORDINANCE 85-051; DECLARING
EMERGENCY.

WHEREAS, Oregon law directs the procedures for Keizer to
follow for the Disposition of certain categories of personal
property that come into Keizer's custody; and

WHEREAS, Keizer wants to dispose of certain other personal
property which comes into Keizer's custody; and

WHEREAS, Keizer wants to dispose of personal property owned
by Keizer which is no longer needed for public purposes; Now
therefore,

THE CITY OF KEIZER ORDAINS AS FOLLOWS:

Section 1. Definitions, General Disposition Provisions.

A. Unclaimed personal property is property that has been
in the custody of Keizer for more than 6 months and Keizer has
made a reasonable effort under the circumstances to identify and
notify the owner of the property and ownership of the property
has not been established by the claimant by a preponderance of
the evidence.

B. Keizer personal property is declared surplus personal
property when the department head responsible for control of the
property determines it to be of no use for public purposes and
the City Manager approves that determination.

1 C. Except as otherwise provided in this Section, the
2 Keizer Police Department property controller shall supervise and
3 control disposition of all property subject to the terms of this
4 Ordinance. The Keizer Police Department property controller
5 shall also supervise and control the disposition of property
6 Keizer is required to dispose of under Oregon law.

7 D. Upon recommendation by the Keizer City Manager and
8 approval by the Keizer City Council, unclaimed personal property
9 in Keizer's possession may be appropriated for public purposes by
10 Keizer and not disposed of under the terms of this Ordinance.

11 E. Upon recommendation by the Keizer City Manager and
12 approval by the Keizer City Council, unclaimed personal property
13 which is of nominal value and surplus personal property which is
14 of nominal value may be destroyed.

15 F. Upon recommendation by the Keizer City Manager and
16 approval by the Keizer City Council, unclaimed personal property
17 and surplus personal property may be sold or transferred with or
18 without consideration to any agency of the State of Oregon or any
19 political subdivision thereof authorized by law to enter into
20 public contracts and any public body created by intergovernmental
21 agreement or to the federal government. Any proceeds received by
22 the City under this provision shall go to Keizer's general fund
23 or the appropriate enterprise fund.

24 Section 2. Disposition of Unclaimed Personal Property and
25 Surplus Personal Property.
26

A. Unclaimed personal property of greater than nominal

2 value and surplus personal property of greater than nominal value
3 which are not disposed of in accordance with other provisions of
4 this Ordinance shall be sold at public auction.

5 B. The City Manager shall determine when there is a
6 sufficient accumulation of unclaimed and surplus personal
7 property to conduct a public auction. Such auctions shall be
8 conducted at least every six months and shall coincide with
9 property inventories.

10 C. Auctions will begin at 10:00 a.m. at a designated place
11 within the city limits of Keizer. However, the City Manager may
12 direct in writing that any auction be held outside the city
13 limits and may be held in conjunction with other auctions of
4 public property.

5 D. When the City Manager determines that a public auction
15 is necessary, the property controller shall:

16 1. Publish a notice of public auction in a newspaper
17 of general circulation in Keizer at least ten days
18 prior to the date of such auction.

19 2. Insure that all property shall be available for
20 viewing by prospective buyers on the auction premises
21 at least one-half hour prior to sale time.

22 3. Property shall be sold to the highest bidder.
23 Payment must be made before the property can be
24 removed. Payment shall be in the form of cash or a
25 first party personal check acceptable to Keizer. A
26 receipt shall be issued for each article purchased.

1 E. All articles sold at auction having a title or
2 registration shall require a Bill of Sale. The Bill of Sale
3 shall be signed by the Keizer Chief of Police.

4 F. Proceeds from such auction shall be used first to pay
5 all storage, maintenance and public notice publication costs.
6 Any proceeds remaining shall go to Keizer's general fund.

7 Section 3. Firearms.

8 A. Firearms which were seized under ORS 166.270 "certain
9 ex-convicts forbidden to possess arms" and not being held as
10 evidence shall be classified as contraband. Firearms seized
11 under ORS 166.280 "seizure of concealed weapons" and not being
12 held as evidence shall be classified as contraband.

13 B. Firearms classified as contraband shall be destroyed
14 annually between July 1st and July 10th. Such firearms shall be
15 destroyed by acetylene torch, arc welder or an automatic sawing
16 device until such firearms are rendered wholly and entirely
17 ineffective and useless for the purpose for which they were
18 manufactured.

19 C. Firearms remaining unclaimed after adjudication despite
20 notification of the owner shall be sold at auction to the highest
21 bidder who must be a federally licensed firearms dealer. Any
22 firearms in Keizer's custody which may be sold by Keizer must be
23 sold only to federally licensed firearms dealers at public
24 auction.

25 D. A court of competent jurisdiction or the District
26 Attorney's office shall advise the property controller when

1 firearms seized as evidence are to be released to a defendant's
2 attorney in lieu of a fee. To be valid, this notification must
3 be received before the firearm is placed for public auction or
4 destroyed.

5 E. Any firearm that Keizer declares to be surplus property
6 may be traded to a federally licensed firearms dealer for other
7 firearms for use by Keizer or the firearms may be disposed of at
8 public auction to the highest bidder who is a federally licensed
9 firearms dealer. Firearms classified as a special weapons may be
10 sold or traded only to federal firearms dealers possessing a
11 class III license or to another law enforcement agency.

12 F. Persons representing themselves as federally licensed
13 firearms dealers shall be required to furnish proof of such a
14 license prior to bidding on any firearms.

15 G. The Alcohol, Tobacco, and Firearms Bureau shall be
16 contacted if there is a question regarding the disposition of
17 firearms, the legitimacy of a firearm dealer's license or the
18 handling of illegal firearms.

19 H. All firearm auctions shall be conducted in accordance
20 with Section 2 of this Ordinance.

21 Section 4. Disposal of Contraband.

22 A. All contraband shall be rendered unusable by
23 destruction in a legally acceptable manner. The destruction of
24 contraband shall be recorded by the property controller and
25 witnessed by a member of the Keizer Police Department.

26 B. Contraband in the form of controlled substances shall

1 also be destroyed in a legally acceptable manner, except when it
2 is authorized by the District Attorney or a court of competent
3 jurisdiction to be used as an investigative tool. In every
4 instance, authorization to use a controlled substance as an
5 investigative tool shall be obtained in writing from the Keizer
6 Chief of Police. All such authorizations shall be in writing and
7 shall accompany the property control report.

8 B. Controlled substances used as an investigative tool
9 shall be returned to the property controller when the specific
10 investigation is completed. The property controller shall again
11 inventory, weigh and verify the substance.

12 Section 5. Repeal

13 Ordinance number 85-051, disposition of unclaimed
14 property, surplus property, firearms and contraband, enacted July
15 15, 1985, is repealed.

16 Section 6. Emergency.

17 This ordinance being necessary for the immediate
18 preservation of the public health, safety, and welfare, an
19 emergency is declared to exist and this ordinance shall take
20 effect immediately upon its passage.

21 PASSED this 20 day of June, 1988.

22 SIGNED this _____ day of _____, 1988.

23 _____
24 Mayor

25 _____
26 City Recorder

824F.24

Page 6 - ORDINANCE NO. 88-_____

LIEN & HOBSON

Attorneys at Law
4885 River Rd. N.
Keizer, Oregon 97303
503/265-1035

CITY COUNCIL MEETING: August 15, 1994

AGENDA ITEM NUMBER: 6b

TO: MAYOR KOHO AND COUNCIL MEMBERS

FROM: DOTTY TRYK *Dotty*
CITY MANAGER

**SUBJECT: RESOLUTION OF INTENT TO ESTABLISH A TRANSIENT
ROOM TAX**

BACKGROUND:

Many jurisdictions, including almost all in the I-5 corridor, charge a transient room tax to those staying in temporary lodging facilities. This practice recognizes three things: there is a demand on city services from visitors, there is a particular demand on emergency services, and city-coordinated promotional work will help support the lodging industry.

It is reasonable to expect Keizer will be home to one or more motels within the next few years. These will create impacts on city services.

Although the Council did not wish to consider a transient room tax at this point, you wished to be on the record as supporting the concept. To establish the Council's intent to impose a transient room tax now will help avoid it becoming an issue during actual development of a motel facility.

RECOMMENDATION:

It is recommended that the resolution be adopted.

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3 **CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON**
4

5 **Resolution R 94-_____**
6

7 **ESTABLISHING COUNCIL INTENT TO IMPOSE A TRANSIENT ROOM TAX**
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11 **WHEREAS, it is reasonable to expect that the City of Keizer will be the**
12 **location of a transient lodging facility at some time in the near future, and;**

13 **WHEREAS, the City does not currently have in place a resolution imposing**
14 **a transient room tax, and;**

15 **WHEREAS, visitors to the community place a demand on public services;**

16 **NOW, THEREFORE,**

17 **BE IT RESOLVED by the City Council of the City of Keizer that it publicly**
18 **states it's intent to establish a transient room tax at some point in the future when**
19 **such an establishment locates within the City.**

20 **PASSED this _____ day of August, 1994.**

21 **SIGNED this _____ day of August, 1994.**
22

23
24 _____
25 **Mayor**

26
27 _____
City Recorder

CITY COUNCIL MEETING: August 15, 1994

AGENDA ITEM NUMBER: 6c

TO: MAYOR KOHO AND COUNCIL MEMBERS

FROM: DOTTY TRYK *Dotty*
CITY MANAGER

SUBJECT: RESOLUTION ADOPTING LIEN SEARCH FEES

BACKGROUND:

The City of Keizer receives 40 requests each week from Salem area title insurance companies for lien searches on property. The search encompasses: LID, water and/or sewer liens or delinquencies. If liens and/or delinquencies are found, staff must spend time researching original LID contracts to glean the principal and interest charges. Interest is then calculated and the information is sent back to the title company via mail or by phone. The process is somewhat shorter for water/sewer delinquencies, however it does impact staff's time. Currently, the City does not charge for providing this service.

The overall cost for staff conducting the research is just under \$5.00 per request.

The City will initially notice all title companies to send in a \$5.00 check with each lien search request. Requests received without the accompanied \$5.00 fee would be returned - unprocessed - with a pre-printed postcard size reminder.

FISCAL IMPACT:

Based upon the scenario listed above, the City could recover (on average) \$200.00 each week or \$10,400 annually.

RECOMMENDATION:

It is recommended that the resolution be adopted.

1
2 **CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON**

3 **Resolution R94-_____**

4 **ESTABLISHING FEES FOR PROPERTY LIEN SEARCHES**
5

6 **WHEREAS, the City of Keizer is called upon from time to time to search public**
7 **records for evidence of liens on property; and**

8 **WHEREAS, the City may establish fees reasonably calculated to reimburse it for its**
9 **actual cost in providing such services; NOW, THEREFORE,**

10 **BE IT RESOLVED by the City Council of the City of Keizer, that \$5.00 per request**
11 **shall be charged to persons requesting lien searches.**
12

13 **PASSED this _____ day of _____, 1994.**

14 **SIGNED this _____ day of _____, 1994.**
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Mayor

City Recorder

CITY COUNCIL MEETING: August 15, 1994

AGENDA ITEM NUMBER: 6d

TO: MAYOR KOHO AND COUNCIL MEMBERS

FROM: DOTTY TRYK *dottry*
CITY MANAGER

SUBJECT: RESOLUTION ADOPTING PUBLICATION FEES

BACKGROUND:

At your workshop August 1, you reviewed the fees being charged for various office services. The purpose of this resolution is to bring all our publication fees under one resolution. The current fees being charged for services adequately cover the associated costs. However, there are some document fees which we have charged based on the cost to provide the documents that have not been added to the resolution. In addition, we believe that information generated by our GIS system will be in demand. Costs associated with generating these maps and data are included in this resolution.

FISCAL IMPACT:

Most of the fees in this resolution are unchanged, so the fiscal impact will be minimal. The fees associated with GIS information will help to recoup the costs involved in providing the data.

RECOMMENDATION:

It is recommended that the resolution be adopted.

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 Resolution R94-_____

3 ESTABLISHING FEES FOR THE COST OF MAKING CITY

4 RECORDS AVAILABLE (Repealing R90-493)

5 WHEREAS, the City of Keizer is called upon from time to time to provide an
6 opportunity to inspect, compile and/or copy certain public records;

7 WHEREAS, the City is called upon from time to time to provide information and/or
8 copies of certain public records; and

9 WHEREAS, the City Recorder is called upon from time to time to certify the
10 accuracy of certain copies of public records; and

11 WHEREAS, the City may establish fees reasonably calculated to reimburse it for its
12 actual cost in making such records available, ORS 192.440(3); NOW, THEREFORE,

13 BE IT RESOLVED by the City Council of the City of Keizer, that the following fees
14 shall be charged to persons according to request:

15 Charge for searching the record to locate the correct \$1.00
item (for requests taking 30 minutes or less)

Charge for searching the record to compile or gather Hourly rate of staff person
information (for requests taking more than 30 conducting the research plus 35%
minutes) overhead.

Charge for copying documents requested \$0.15 per page (1-10)
\$0.10 per page (11+)

Charge for certification by City Recorder \$3.00

Cassette Tape Copy \$10.00 per tape

Agenda and City Calendar Mailing \$20.00 per year

Return Check Fee	\$15.00
Bound Documents (10-50 pages)	\$5.00
Bound Documents (50 plus)	\$10.00
Pre-printed Maps 8.5"x11"	\$0.25 sheet
Pre-printed Maps over 8.5"x11"	\$5.00 sheet
Custom Printed Maps 8.5"x11"	\$1.00 sheet
Custom Query Maps 8.5"x11"	\$5.00 sheet
Custom Printed Maps over 8.5"x11"	\$10.00 sheet
Custom Query Maps over 8.5"x11"	\$25.00 sheet
Data Files-Existing Layer	\$50.00 megabyte or portion
Data Files-Custom Query	\$75.00 megabyte or portion

BE IT FURTHER RESOLVED these fees shall be waived for any member of the City Council, boards and commissions, neighborhood associations, media, local government agencies or at the discretion of the City Manager.

BE IT FURTHER RESOLVED that Resolution R90-493 is hereby repealed in its entirety.

PASSED this ____ day of _____, 1994.

SIGNED this ____ day of _____, 1994.

Mayor

City Recorder

CITY COUNCIL MEETING: August 15, 1994

AGENDA ITEM NUMBER: 7a

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

THROUGH: DOTTY TRYK *Dotty*
CITY MANAGER

FROM: TRACY L. DAVIS *Tracy*
CITY RECORDER

SUBJECT: ABANDONMENT OF SIEBERG STREET LOCAL
IMPROVEMENT DISTRICT

BACKGROUND:

In September 1993, the City Council adopted R93-668 - Declaring the City's Intent to Form a Local Improvement District for Improvements to Sieberg Street. This Resolution directed the City Engineer to make a survey of the area and file a written report outlining the needed improvements and estimated cost for these improvements. The Engineer's report was prepared and adopted by Resolution 94-712 on February 7, 1994. A public hearing was scheduled for March 7, 1994 and notice was sent to all affected property owners and published in two consecutive editions of the Keizertimes.

At the public hearing, residents of the area submitted a petition, written and verbal remonstrances to the formation of a local improvement district for Sieberg Street. Formation of the Local Improvement District was suspended based upon receipt of two-thirds of the owners of the land presenting these remonstrances.

RECOMMENDATION:

It is recommended the attached Resolution be adopted which formally abandons the Sieberg Street Local Improvement District.

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6 **CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON**
7

8 **R94-_____**
9

10 **ABANDONMENT OF SIEBERG STREET LOCAL IMPROVEMENT DISTRICT**
11
12

13 **WHEREAS, the City Council held a public hearing on March 7, 1994**
14 **regarding the formation of the Sieberg Street Local Improvement District; and**

15 **WHEREAS, the Council received written and verbal remonstrances to the**
16 **formation of the district from the area residents; NOW THEREFORE**

17 **BE IT RESOLVED, by the City Council of the City of Keizer, that the**
18 **proposed Sieberg Street Local Improvement District referred to in R93-668 and**
19 **R94-712 is hereby abandoned.**

20
21 **PASSED this _____ day of August, 1994.**
22

23 **SIGNED this _____ day of August, 1994.**
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27 _____
28 **Mayor**

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30 _____
31 **City Recorder**
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COUNCIL MEETING: August 1, 1994

AGENDA ITEM NUMBER: 7b

TO: MAYOR KOHO AND CITY COUNCIL

THROUGH: DOTTY TRYK *Dotty*
CITY MANAGER

FROM: TRACY L. DAVIS *Tracy*
CITY RECORDER

SUBJECT: INITIATING NORTHSIDE ESTATES STREET LIGHTING LOCAL
IMPROVEMENT DISTRICT

ISSUE:

Shall the City Council initiate Northside Estates Street Lighting Local Improvement District?

DISCUSSION:

A petition was filed on August 3, 1994 by Dennis Hilligoss to form a local improvement district for street lights in Northside Estates in Keizer. The petition contained the required signatures of the property owner as outlined by City of Keizer Ordinance 94-278.

RECOMMENDATION:

It is recommended that the City Council approve the Resolution initiating Northside Estates Street Lighting Local Improvement District and direct the City Engineer to prepare a survey of the area.

1 **CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON**

2 **Resolution R94-_____**

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5 **DECLARING THE CITY'S INTENT TO INITIATE A STREET LIGHTING**
6 **LOCAL IMPROVEMENT DISTRICT (NORTHSIDE ESTATES) AND**
7 **DIRECTING THE CITY ENGINEER TO MAKE A SURVEY AND FILE A**
8 **WRITTEN REPORT WITH THE CITY RECORDER**
9

10 WHEREAS, the City Council of the City of Keizer has received a petition from the
11 developer to initiate a street lighting district in the Northside Estates area in the City of
12 Keizer, Oregon; and

13 WHEREAS, pursuant to City of Keizer Ordinance 94-278, the necessary signatures of
14 land owner comprising two-thirds of the property to be included within Northside Estates
15 Street Lighting District have requested the formation of the district; NOW, THEREFORE,

16 BE IT RESOLVED by the City Council of the City of Keizer that:

- 17 1. The City Council declares its intent to initiate the Northside Estates Street
18 Lighting Local Improvement District;
- 19 2. The map attached hereto, marked Exhibit "A", and by this reference
20 incorporated herein sets forth the proposed boundaries of the district;
- 21 3. The City Engineer is hereby directed to make a survey of the District;
- 22 4. The City Engineer shall file a written report with the City Recorder to be
23 considered by the City Council on September 6, 1994.

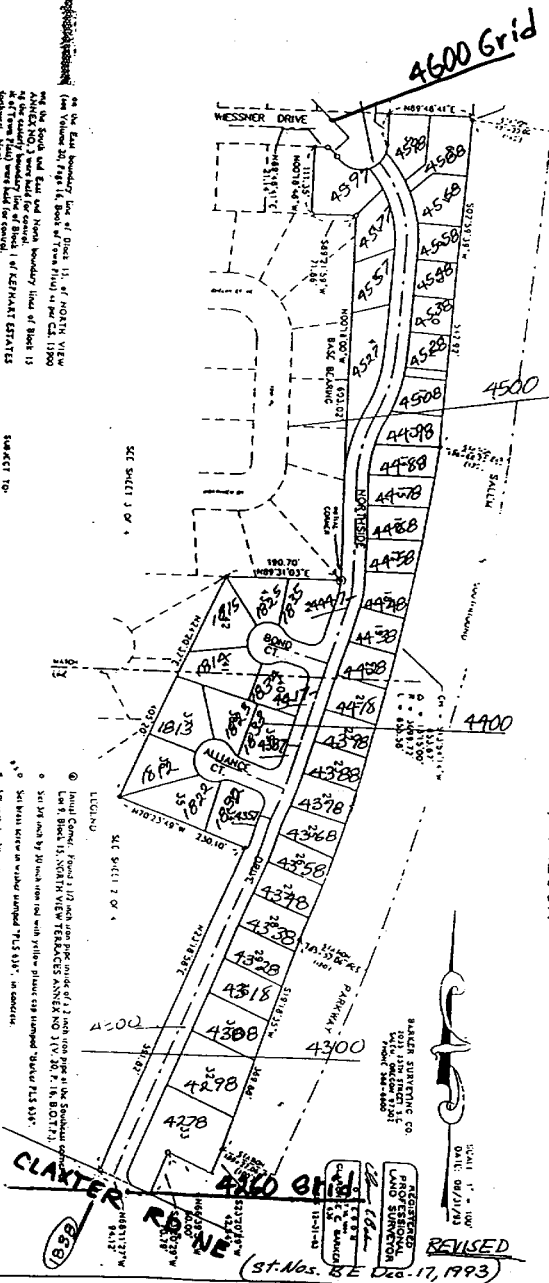
24 PASSED this ____ day of _____, 1994.

25 SIGNED this ____ day of _____, 1994.

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28 _____
29 Mayor

30 _____
City Recorder

NORTHSIDE ESTATES
IN THE N.W. 1/4 AND S.W. 1/4 OF SEC. 1 T. 7 S., R. 3 W., W.M.
CITY OF KEIZER, MARION COUNTY, OREGON



100' x 100' LOT
N.W. 1/4, Sec. 1, T. 7 S., R. 3 W., W.M.
City of Keizer, Marion County, Oregon
Plat No. 8 E, 1993
Plat No. 8 E, 1993

1. Showing and Distance of Record
1.7 - 100' pipe

RECEIVED
PROFESSIONAL
LAND SURVEYOR
DATE: 08/11/93

(St. Nos. 8 E Dec. 17, 1993)

COUNCIL MEETING: August 15, 1994

AGENDA ITEM NUMBER: 7c

TO: MAYOR KOHO AND CITY COUNCIL

THROUGH: DOTTY TRYK *Dotty*
CITY MANAGER

FROM: TRACY L. DAVIS *Tracy*
CITY RECORDER

SUBJECT: HIDDEN CREEK PHASE II STREET LIGHTING LOCAL
IMPROVEMENT DISTRICT

ISSUE:

Upon review of the City Engineer's report filed for Hidden Creek Phase II Street Lighting Local Improvement District, should City Council adopt a Resolution approving this report - or amend and approve the report as amended - and set a public hearing date to receive remonstrances to the project; or, in the alternative, abandon formation of the district.

BACKGROUND:

On July 18, 1994, the City Council adopted Resolution R94-755 declaring the City's intent to initiate the Hidden Creek Phase II Street Lighting Local Improvement District and directing the City Engineer to make a survey and file a written report with the City Recorder. This Council action was taken in response to a petition from the developer requesting the formation of a lighting district in this area.

FISCAL IMPACT:

The costs for establishing the district in the first year include a fee for the engineers report and an 8.5% administrative fee to cover the costs for advertising and staff time in establishing the district. The City receives reimbursement from the property owners for these costs and the actual electricity used through assessments placed on the tax rolls. All activity is budgeted through the Utility Fund.

RECOMMENDATION:

It is recommended City Council adopt a Resolution approving the City Engineer's Report and setting the public hearing date for September 19, 1994 to consider remonstrances and other comments on the district's formation and objections to proposed assessments, and directing the City Recorder to provide notice of public hearing.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R94-_____

**APPROVING THE CITY ENGINEER'S REPORT; DECLARING
THE CITY'S INTENT TO FORM HIDDEN CREEK PHASE II STREET
LIGHTING LOCAL IMPROVEMENT DISTRICT; PROVIDING NOTICE
AND SETTING HEARING**

BE IT RESOLVED by the City Council of the City of Keizer, Oregon:

Section 1. That the City Council hereby finds the City Engineer's Report, marked as exhibit "A" and by this reference incorporated herein, containing preliminary plans and an estimate of probable costs for Hidden Creek Phase II Street Lighting Local Improvement District which was filed with the City Recorder on August 10, 1994, to be satisfactory, and the same are hereby approved and adopted.

Section 2. That the City Council hereby declares its intention to form the Hidden Creek Phase II Street Lighting Local Improvement District and to make the lighting district improvements to serve Hidden Creek Phase II Street Lighting Local Improvement District.

Section 3. That the City Council hereby directs the City Recorder to give notice of its intention to form the Hidden Creek Phase II Street Lighting Local Improvement District and to make the improvements by sending notice to the property owners within the district stating a public hearing will be held on September 19, 1994, said notice to also provide that information required under City of Keizer Ordinance 94-278, an ordinance providing for procedures for municipal lighting districts and special assessments.

PASSED this ____ day of _____, 1994.

SIGNED this ____ day of _____, 1994.

Mayor

City Recorder

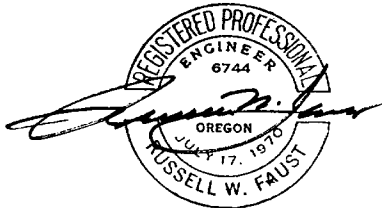


City of Keizer

P.O. BOX 1600 KEIZER, OR 97131

ENGINEER'S REPORT
FOR
HIDDEN CREEK - PHASE II
STREET LIGHTING DISTRICT

For City Council Action August 15, 1994



PREPARED BY:
William I. Peterson
Engineering Consultants, Inc.
3851 River Rd. N
Keizer, OR 97303

Date: August 9, 1994

Project File 94-0337

(503) 390-7402

Handwritten: RCF a.10.94

August 9, 1994

TO: The Hon. Mayor and City Council

FROM: William I. Peterson, PE
City Engineer

SUBJECT: Street Lighting District for Hidden Creek - Phase II

Authority and Purpose: This report is submitted in accordance with the requirements of City of Keizer **Ordinance No. 94-278** and Council **Resolution 94-755** for the purpose of creating the subject Street Lighting District.

District Boundaries and Map: A Map of the proposed District is attached showing the areas benefited by the street lights proposed to be installed.

Lighting Plan The lighting improvements will consist of four, 100 Watt, high pressure Sodium luminaires mounted on 8 foot long mast arms and attached to 25 foot aluminum poles. This design is selected to be consistent with adjacent lighted areas. It is recommended that installation be accomplished by the following method:

Portland General Electric (PGE) would supply, install and maintain the luminaires, poles and underground or overhead wiring. PGE would also supply the electrical power to the District.

Estimated Costs:

Initial Cost and Annual costs -

4 Poles & luminaires @ \$17.82 per month each x 12 mos. =	\$855.36
Administrative Fee @ 8.5%	72.70
Engineering :	<u>252.00</u>
Total Assessment	\$ 1,180.06
(1)Per Lot Assessment (First Year)	\$ 73.75

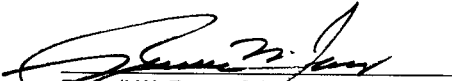
(1) Includes tax roll preparation, audit, delinquencies and miscellaneous administrative costs to the City as authorized by Res. 94-716.

Method of Assessment: It is recommended that the costs be assessed on an per lot basis to each parcel in the district.

The first year assessment would include the one time costs for District formation and engineering. Subsequent years assessments would reduce to \$ 58.00 per lot.

Assessment Roll: The attached preliminary assessment roll identifies the benefited properties and the first year assessments to be levied against each.

Respectfully submitted,



Russell W. Faust, PE

PRELIMINARY ASSESSMENT ROLL

940337.WQ1

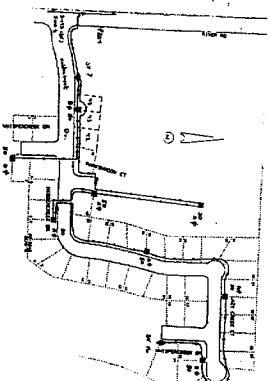
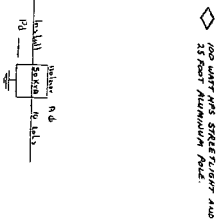
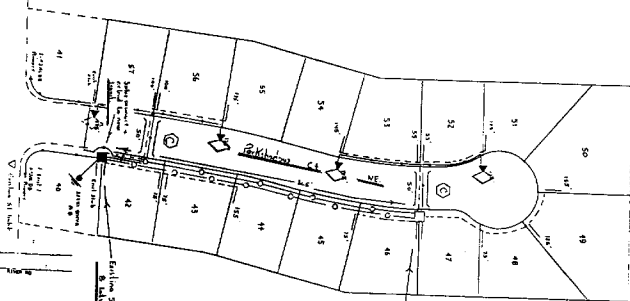
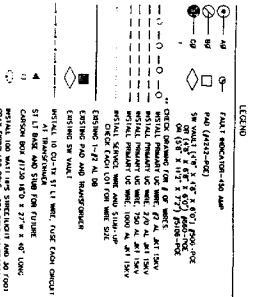
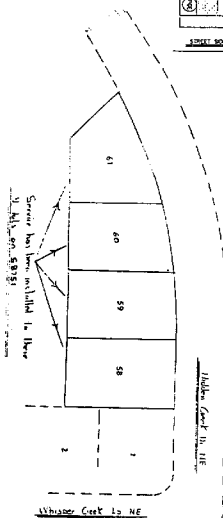
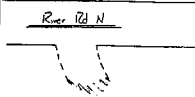
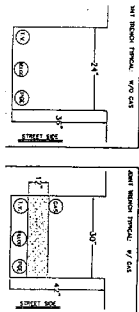
HIDDEN CREEK - PHASE II
STREET LIGHTING DISTRICT

Lots	Owner's Name and Address	Cost per Lot	Total Assessment
42-57	The Meadows Group 4494 River Rd. N Keizer, OR 97303	\$73.754	\$1,180.06

16 Lots

TOTAL ASSESSABLE

\$1,180.06

[illegible]

COUNCIL MEETING: August 15, 1994

AGENDA ITEM NUMBER: 7d

TO: MAYOR KOHO AND CITY COUNCIL

THROUGH: DOTTY TRYK *dottry*
CITY MANAGER

FROM: TRACY L. DAVIS *tracy*
CITY RECORDER

SUBJECT: LARSEN PARK STREET LIGHTING LOCAL
IMPROVEMENT DISTRICT

ISSUE:

Upon review of the City Engineer's report filed for Larsen Park Street Lighting Local Improvement District, should City Council adopt a Resolution approving this report - or amend and approve the report as amended - and set a public hearing date to receive remonstrances to the project; or, in the alternative, abandon formation of the district.

BACKGROUND:

On July 5, 1994, the City Council adopted Resolution R94-751 declaring the City's intent to initiate the Larsen Park Street Lighting Local Improvement District and directing the City Engineer to make a survey and file a written report with the City Recorder. This Council action was taken in response to a petition from the developer requesting the formation of a lighting district in this area.

FISCAL IMPACT:

The costs for establishing the district in the first year include a fee for the engineers report and an 8.5% administrative fee to cover the costs for advertising and staff time in establishing the district. The City receives reimbursement from the property owners for these costs and the actual electricity used through assessments placed on the tax rolls. All activity is budgeted through the Utility Fund.

RECOMMENDATION:

It is recommended City Council adopt a Resolution approving the City Engineer's Report and setting the public hearing date for September 19, 1994 to consider remonstrances and other comments on the district's formation and objections to proposed assessments, and directing the City Recorder to provide notice of public hearing.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R94-_____

**APPROVING THE CITY ENGINEER'S REPORT; DECLARING
THE CITY'S INTENT TO FORM LARSEN PARK STREET
LIGHTING LOCAL IMPROVEMENT DISTRICT; PROVIDING NOTICE
AND SETTING HEARING**

BE IT RESOLVED by the City Council of the City of Keizer, Oregon:

Section 1. That the City Council hereby finds the City Engineer's Report, marked as exhibit "A" and by this reference incorporated herein, containing preliminary plans and an estimate of probable costs for Larsen Park Street Lighting Local Improvement District which was filed with the City Recorder on August 10, 1994, to be satisfactory, and the same are hereby approved and adopted.

Section 2. That the City Council hereby declares its intention to form the Larsen Park Street Lighting Local Improvement District and to make the lighting district improvements to serve Larsen Park Street Lighting Local Improvement District.

Section 3. That the City Council hereby directs the City Recorder to give notice of its intention to form the Larsen Park Street Lighting Local Improvement District and to make the improvements by sending notice to the property owners within the district stating a public hearing will be held on September 19, 1994, said notice to also provide that information required under City of Keizer Ordinance 94-278, an ordinance providing for procedures for municipal lighting districts and special assessments.

PASSED this ____ day of _____, 1994.

SIGNED this ____ day of _____, 1994.

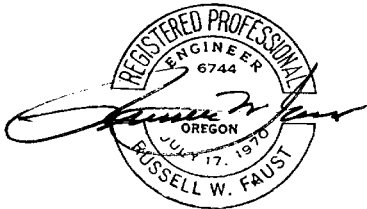
Mayor

City Recorder



ENGINEER'S REPORT
FOR
LARSEN PARK SUBDIVISION
STREET LIGHTING DISTRICT

For City Council Action August 15, 1994



PREPARED BY:
William I. Peterson
Engineering Consultants, Inc.
3851 River Rd. N
Keizer, OR 97303

Date: August 9, 1994

Project File 94-0338

(503) 390-7402

*Red
8-10-94
H*

August 9, 1994

TO: The Hon. Mayor and City Council

FROM: William I. Peterson, PE
City Engineer

SUBJECT: Street Lighting District for Larsen Park Subdivision

Authority and Purpose: This report is submitted in accordance with the requirements of City of Keizer **Ordinance No. 94-278** and Council **Resolution 94-755** for the purpose of creating the subject Street Lighting District.

District Boundaries and Map: A Map of the proposed District is attached showing the areas benefited by the street lights proposed to be installed.

Lighting Plan The lighting improvements will consist of 2, 100 Watt, high pressure Sodium luminaires mounted on 8 foot long mast arms and attached to 25 foot aluminum poles. This design is selected to be consistent with adjacent lighted areas. It is recommended that installation be accomplished by the following method:

Portland General Electric (PGE) would supply, install and maintain the luminaires, poles and underground or overhead wiring. PGE would also supply the electrical power to the District.

Estimated Costs:

Initial Cost and Annual costs -

2 Poles & luminaires @ \$17.82 per month each x 12 mos. =	\$427.68
Administrative Fee @ 8.5%	36.35
Engineering :	<u>168.00</u>
Total Assessment	\$ 632.03
(1)Per Lot Assessment (First Year , 12 Lots)	\$ 52.67

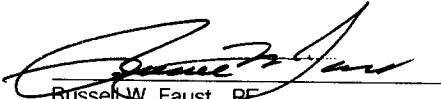
(1) Includes tax roll preparation, audit, delinquencies and miscellaneous administrative costs to the City as authorized by Res. 94-716.

Method of Assessment: It is recommended that the costs be assessed on an per lot basis to each parcel in the district.

The first year assessment would include the one time costs for District formation and engineering. Subsequent years assessments would reduce to \$ 38.67 per lot.

Assessment Roll: The attached preliminary assessment roll identifies the benefited properties and the first year assessments to be levied against each.

Respectfully submitted,



Russell W. Faust, PE

PRELIMINARY ASSESSMENT ROLL

940338.WQ1

LARSEN PARK SUBDIVISION
STREET LIGHTING DISTRICT

Lots	Owner's Name and Address	Cost per Lot	Total Assessment
1-12	Marvin & Teri L. Larsen 8440 SE 55th Portland, OR 97206	\$52.669	\$632.03

TOTAL ASSESSABLE

\$632.03

[illegible]

COUNCIL MEETING: August 15, 1994

AGENDA ITEM NUMBER: 7e

TO: MAYOR KOHO AND CITY COUNCIL

THROUGH: DOTTY TRYK *doty*
CITY MANAGER

FROM: TRACY L. DAVIS *tracy*
CITY RECORDER

**SUBJECT: PARKMEADOW DRIVE STREET LIGHTING LOCAL
IMPROVEMENT DISTRICT**

ISSUE:

Upon review of the City Engineer's report filed for Parkmeadow Drive Street Lighting Local Improvement District, should City Council adopt a Resolution approving this report - or amend and approve the report as amended - and set a public hearing date to receive remonstrances to the project; or, in the alternative, abandon formation of the district.

BACKGROUND:

On June 6, 1994, the City Council adopted Resolution R94-737 declaring the City's intent to initiate the Parkmeadow Drive Street Lighting Local Improvement District and directing the City Engineer to make a survey and file a written report with the City Recorder. This Council action was taken in response to a petition from the developer requesting the formation of a lighting district in this area.

FISCAL IMPACT:

The costs for establishing the district in the first year include a fee for the engineers report and an 8.5% administrative fee to cover the costs for advertising and staff time in establishing the district. The City receives reimbursement from the property owners for these costs and the actual electricity used through assessments placed on the tax rolls. All activity is budgeted through the Utility Fund.

RECOMMENDATION:

It is recommended City Council adopt a Resolution approving the City Engineer's Report and setting the public hearing date for September 19, 1994 to consider remonstrances and other comments on the district's formation and objections to proposed assessments, and directing the City Recorder to provide notice of public hearing.

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 Resolution R94-_____

3
4
5 APPROVING THE CITY ENGINEER'S REPORT; DECLARING
6 THE CITY'S INTENT TO FORM PARKMEADOW DRIVE STREET
7 LIGHTING LOCAL IMPROVEMENT DISTRICT; PROVIDING NOTICE
8 AND SETTING HEARING
9

10 BE IT RESOLVED by the City Council of the City of Keizer, Oregon:

11 Section 1. That the City Council hereby finds the City Engineer's Report, marked as
12 exhibit "A" and by this reference incorporated herein, containing preliminary plans and an
13 estimate of probable costs for Parkmeadow Drive Street Lighting Local Improvement District
14 which was filed with the City Recorder on July 28, 1994, to be satisfactory, and the same are
15 hereby approved and adopted.

16 Section 2. That the City Council hereby declares its intention to form the Parkmeadow
17 Drive Street Lighting Local Improvement District and to make the lighting district
18 improvements to serve Parkmeadow Drive Street Lighting Local Improvement District.

19 Section 3. That the City Council hereby directs the City Recorder to give notice of its
20 intention to form the Parkmeadow Drive Street Lighting Local Improvement District and to
21 make the improvements by sending notice to the property owners within the district stating a
22 public hearing will be held on September 19, 1994, said notice to also provide that information
23 required under City of Keizer Ordinance 94-278, an ordinance providing for procedures for
24 municipal lighting districts and special assessments.

25 PASSED this ____ day of _____, 1994.

26 SIGNED this ____ day of _____, 1994.

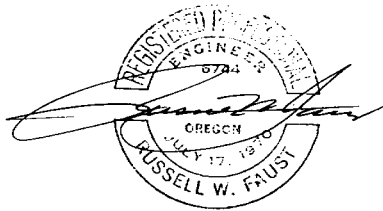
27
28 _____
29 Mayor

30
31 _____
City Recorder



ENGINEER'S REPORT
FOR
PARKMEADOW DRIVE
STREET LIGHTING DISTRICT

For City Council Action August 1, 1994



PREPARED BY:

William I. Peterson
Engineering Consultants, Inc.
3851 River Rd. N
Keizer, OR 97303
(503) 390-7402

Date: July 18, 1994
Amended : July 28, 1994

Project File 94-0333

July 28, 1994

TO: The Hon. Mayor and City Council

FROM: William I. Peterson, PE
City Engineer

SUBJECT: Street Lighting District for the Parkmeadow Drive Apartments

Authority and Purpose: This report is submitted in accordance with the requirements of City of Keizer **Ordinance No. 94-278** and Council **Resolution 94-737** for the purpose of creating the subject Street Lighting District.

District Boundaries and Map: A Map of the proposed District is attached showing the areas benefited by the street lights proposed to be installed.

Lighting Plan: The lighting improvements will consist of five (5), 100 Watt, high pressure Sodium luminaires mounted on 8 foot long mast arms and attached to 25 foot gray fiberglass poles. This design is selected to be consistent with adjacent lighted areas. It is recommended that installation be accomplished by the following method:

Portland General Electric (PGE) would supply, install and maintain the luminaires, poles and underground or overhead wiring. PGE would also supply the electrical power to the District.

Estimated Costs:

Initial Cost and Annual costs -

5 Poles & luminaires @ \$12.00 per month each x 12 mos. =	\$720.00
Administrative Fee @ 8.5%	61.20
Engineering :	<u>46.87</u>
Total Assessment	\$ 828.07
Per Acre Assessment (First Year - 5.798 Ac.)	\$ 142.82

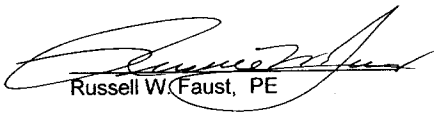
(1) Includes tax roll preparation, audit, delinquencies and miscellaneous administrative costs to the City as authorized by Res. 94-716.

Method of Assessment: It is recommended that the costs be assessed on an area basis to each parcel in the district.

The first year assessment would include the one time costs for District formation and engineering. Subsequent years assessments would reduce to \$ 134.39 per acre.

Assessment Roll: The attached preliminary assessment roll identifies the benefited properties and the first year assessments to be levied against each.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Russell W. Faust", is written over a horizontal line. Below the line, the text "Russell W. Faust, PE" is printed.

Russell W. Faust, PE

PRELIMINARY ASSESSMENT ROLL

940333.WQ1

PARKMEADOW DRIVE
STREET LIGHTING DISTRICT

Parcel	Owner's Name and Address	Area Acres	Cost per Acre	Total Assessment
1	J.V.R., Incorporated dba, (3.66 Ac. The Meadows Group 4494 River Rd. N Keizer, OR 97303	3.660	\$142.820	\$522.72
2	J.V.R., Incorporated dba, (1.337 Ac The Meadows Group 4494 River Rd. N Keizer, OR 97303	1.337	\$142.820	\$190.95
3	Vintage Investment Group, Inc. 5309 River Rd. N Keizer, OR 97307 (Storm Water Detention Pond)	0.801	\$142.820	\$114.40

TOTAL ASSESSABLE 5.798

\$828.07

1/2" = 1' SCALE (7-10-74) (1/2" = 1' SCALE)



SCALE 1/2" = 1'
DATE 1/1/74

CATERWOOD
ESTATES

PARCEL 2
1.337 ACRES

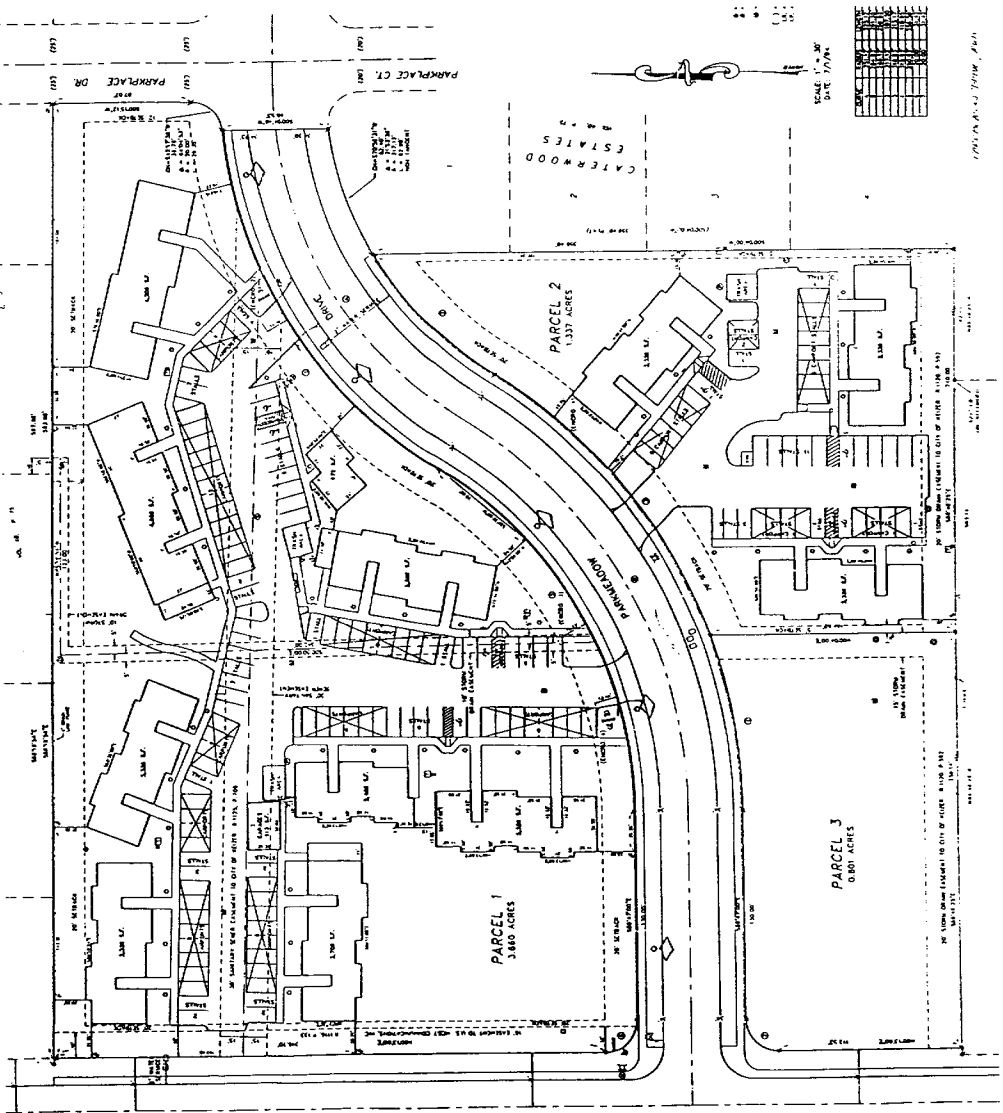
PARCEL 1
3.860 ACRES

PARCEL 3
0.801 ACRES

100' WIDE HIGH STREETLIGHT (7-5-2) MOUNTED AT 25 FEET.

ROAD

WHEATLAND



TO: MAYOR KOHO AND CITY COUNCIL

THROUGH: DOTTY TRYK *Dotty*
CITY MANAGER

FROM: TRACY L. DAVIS *Tracy*
CITY RECORDER

SUBJECT: SPRINGRIDGE ESTATES STREET LIGHTING LOCAL
IMPROVEMENT DISTRICT

ISSUE:

Upon review of the City Engineer's report filed for Springridge Estates Street Lighting Local Improvement District, should City Council adopt a Resolution approving this report - or amend and approve the report as amended - and set a public hearing date to receive remonstrances to the project; or, in the alternative, abandon formation of the district.

BACKGROUND:

On July 18, 1994, the City Council adopted Resolution R94-756 declaring the City's intent to initiate the Springridge Estates Street Lighting Local Improvement District and directing the City Engineer to make a survey and file a written report with the City Recorder. This Council action was taken in response to a petition from the developer requesting the formation of a lighting district in this area.

FISCAL IMPACT:

The costs for establishing the district in the first year include a fee for the engineers report and an 8.5% administrative fee to cover the costs for advertising and staff time in establishing the district. The City receives reimbursement from the property owners for these costs and the actual electricity used through assessments placed on the tax rolls. All activity is budgeted through the Utility Fund.

RECOMMENDATION:

It is recommended City Council adopt a Resolution approving the City Engineer's Report and setting the public hearing date for September 19, 1994 to consider remonstrances and other comments on the district's formation and objections to proposed assessments, and directing the City Recorder to provide notice of public hearing.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R94-_____

**APPROVING THE CITY ENGINEER'S REPORT; DECLARING
THE CITY'S INTENT TO FORM SPRINGRIDGE ESTATES STREET
LIGHTING LOCAL IMPROVEMENT DISTRICT; PROVIDING NOTICE
AND SETTING HEARING**

BE IT RESOLVED by the City Council of the City of Keizer, Oregon:

Section 1. That the City Council hereby finds the City Engineer's Report, marked as exhibit "A" and by this reference incorporated herein, containing preliminary plans and an estimate of probable costs for Springridge Estates Street Lighting Local Improvement District which was filed with the City Recorder on August 10, 1994, to be satisfactory, and the same are hereby approved and adopted.

Section 2. That the City Council hereby declares its intention to form the Springridge Estates Street Lighting Local Improvement District and to make the lighting district improvements to serve Springridge Estates Street Lighting Local Improvement District.

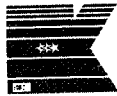
Section 3. That the City Council hereby directs the City Recorder to give notice of its intention to form the Springridge Estates Street Lighting Local Improvement District and to make the improvements by sending notice to the property owners within the district stating a public hearing will be held on September 19, 1994, said notice to also provide that information required under City of Keizer Ordinance 94-278, an ordinance providing for procedures for municipal lighting districts and special assessments.

PASSED this ____ day of _____, 1994.

SIGNED this ____ day of _____, 1994.

Mayor

City Recorder

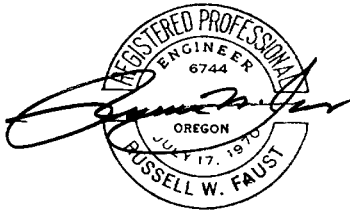


City of Keizer

P.O. BOX 10000 KEIZER, OR 97138

ENGINEER'S REPORT
FOR
SPRINGRIDGE ESTATES
STREET LIGHTING DISTRICT

For City Council Action August 15, 1994



PREPARED BY:

William I. Peterson
Engineering Consultants, Inc.
3851 River Rd. N
Keizer, OR 97303
(503) 390-7402

Date: August 9, 1994

Project File 94-0336

Rec'd 8-10-94

August 9, 1994

TO: The Hon. Mayor and City Council

FROM: William I. Peterson, PE
City Engineer

SUBJECT: Street Lighting District for Springridge Estates

Authority and Purpose: This report is submitted in accordance with the requirements of City of Keizer **Ordinance No. 94-278** and Council **Resolution 94-756** for the purpose of creating the subject Street Lighting District.

District Boundaries and Map: A Map of the proposed District is attached showing the areas benefited by the street lights proposed to be installed.

Lighting Plan The lighting improvements will consist of one, 200 Watt, high pressure Sodium luminaires mounted on an existing pole and 8, 100 Watt high pressure sodium luminaires on 8 foot long mast arms and attached to new 25 foot aluminum poles. This design is selected to be consistent with adjacent lighted areas. It is recommended that installation be accomplished by the following method:

Portland General Electric (PGE) would supply, install and maintain the luminaires, poles and underground or overhead wiring. PGE would also supply the electrical power to the District.

Estimated Costs:

Initial Cost and Annual costs -

1 200 W. Luminaire on existing pole @ \$9.52 per month x 12	=	\$114.24
8 new Poles & luminaires @ \$17.82 per month each x 12 mos.	=	1,710.72
Administrative Fee @ 8.5%		182.50
Engineering :		<u>448.00</u>
Total Assessment	\$	2,455.46
(1)Per Lot Assessment (First Year)		\$ 76.73

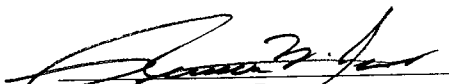
(1) Includes tax roll preparation, audit, delinquencies and miscellaneous administrative costs to the City as authorized by Res. 94-716.

Method of Assessment: It is recommended that the costs be assessed on an per lot basis to each parcel in the district.

The first year assessment would include the one time costs for District formation and engineering. Subsequent years assessments would reduce to \$ 62.73 per lot.

Assessment Roll: The attached preliminary assessment roll identifies the benefited properties and the first year assessments to be levied against each.

Respectfully submitted,



Russel W. Faust, PE

PRELIMINARY ASSESSMENT ROLL

940336.WQ1

SPRINGMEADOW ESTATES
STREET LIGHTING DISTRICT

Lots	Owner's Name and Address	Cost per Lot	Total Assessment
1 - 32	Lydon Construction, Inc. 3795 River Rd. N Keizer, Or 97303	\$76.733	\$2,455.46

TOTAL ASSESSABLE

\$2,455.46

CITY COUNCIL MEETING: August 15, 1994

AGENDA ITEM NUMBER: 7g

TO: MAYOR KOHO AND COUNCIL MEMBERS

FROM: DOTTY TRYK *Dotty*
CITY MANAGER

SUBJECT: RESOLUTION ESTABLISHING A BIKEWAYS COMMITTEE

BACKGROUND:

The Mayor and Council have decided to establish a Bikeways Committee for the purposes of advising them on the City's bikeway needs. Staff has advertised for interested citizens and the volunteer coordinating committee will review applications at its meeting in late August.

Resolution R93-632 provides a format for establishing Council Committees. The attached resolution establishing the Bikeways Committee uses this format setting the purpose, membership, terms and other special instructions for the committee.

RECOMMENDATION:

Adopting the resolution will give better information to those requesting appointment to the committee and better guidance to the Volunteer Coordinating Committee in making recommendations for membership. It is recommended that the resolution be adopted.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R94-_____

ESTABLISHING A BIKEWAYS COMMITTEE

WHEREAS, the City Council finds a need to review bicycle issues in the City of Keizer,

and;

WHEREAS, establishing a Bikeways Committee will provide a forum for such a review,

NOW THEREFORE;

BE IT RESOLVED that a Bikeways Committee be established as directed in attachment
"A".

PASSED this _____ day of August, 1994.

SIGNED this _____ day of August, 1994.

Mayor

City Recorder

APPENDIX "A"
CITY COUNCIL COMMITTEE
BIKEWAYS COMMITTEE

Name: Bikeways Committee

Purpose: To act in an advisory capacity to the Keizer City Council and City Manager in the creation, development and implementation of activities relating to bicycles, bike routes and bicycle safety. The powers and duties of the Committee shall include, but not limited to:

1. Develop a Master Bikeway Plan to include an assessment of the need for bikeways, recommended routings with costs and priorities, proposed funding sources and implementation program.
2. Seek input from a wide range of community interest groups
3. Coordinate and disseminate information for the public education of biking routes and rules.
4. Serve as a resource and advisory group on bike trails for the City
5. Promote safe and efficient alternative modes of transportation and recreational health and fitness.
6. To provide an annual report of its activities to the Council and other reports which may from time to time be requested by the Council.

Membership: The Commission shall consist of five voting members and non-voting ex officio members from the City staff as needed by the Committee.

Chair: To be appointed by the Mayor.

Term: The initial term of the members shall be as follows: Chair for two years; two members for three years; and two members for two years. Thereafter, all terms shall be for three years. All terms shall expire on December 31 of the appropriate year.

Term of the Committee: Until dissolved by the Council.

CITY COUNCIL MEETING: August 15, 1994

AGENDA ITEM NUMBER: 7h

TO: MAYOR KOHO AND COUNCIL MEMBERS

FROM: DOTTY TRYK *Dotty*
CITY MANAGER

SUBJECT: RESOLUTION ESTABLISHING A TRAFFIC SAFETY COMMISSION

BACKGROUND:

The Council has been interested in establishing a traffic safety commission for the purposes of advising them on traffic safety needs and priorities. Staff has advertised for interested citizens and the volunteer coordinating committee will review applications at its meeting in late August.

Resolution R 93-632 provides a format for establishing Council Committees. The attached resolution establishing the Traffic Safety Commission follows this format is setting the purpose, membership, terms and other special instructions for the committee.

RECOMMENDATION:

Adopting the resolution will give better information to those requesting appointment to the committee and better guidance to the Volunteer Coordinating Committee in making recommendations for membership. It is recommended that the resolution be adopted.

1
2
3 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

4 Resolution R94-_____

5 ESTABLISHING A TRAFFIC SAFETY COMMISSION
6

7 WHEREAS, the City Council finds a need to review traffic safety issues in the City of
8 Keizer, and

9 WHEREAS, establishing a Traffic Safety Commission will provide a forum for review of
10 traffic safety issues, NOW THEREFORE

11 BE IT RESOLVED that a traffic safety commission be established as directed in attachment
12 "A".

13 PASSED this _____ day of August, 1994.

14 SIGNED this _____ day of August, 1994.
15

16 _____
17 Mayor
18

19 _____
20 City Recorder

APPENDIX "A"
CITY COUNCIL COMMITTEE
TRAFFIC SAFETY COMMISSION

Name: Traffic Safety Commission

Purpose: To act in an advisory capacity to the Keizer City Council and City Manager in the creation, development and implementation of official traffic safety activities. The powers and duties of the Commission shall include, but not limited to:

1. To develop and recommend coordinated traffic safety programs
2. To recommend traffic safety priorities for the City
3. To review and recommend project applications for funding
4. To serve in a liaison capacity between the City and Oregon Traffic Safety Commission in developing the statewide highway safety program and in meeting National Highway Safety Program Standards.
5. To provide research and information to official agencies of the City
6. To foster and promote public knowledge and acceptance of traffic programs, laws and needs.
7. To provide an annual report of its activities to the Council and other reports which may from time to time be requested by the Council.

Membership: The Commission shall consist of five voting members and non-voting ex officio members from the City staff as needed by the Commission.

Chair: To be appointed by the Mayor.

Term: The initial term of the members shall be as follows: Chair for two years; two members for three years; and two members for two years. Thereafter, all terms shall be for three years. All terms shall expire on December 31 of the appropriate year.

Term of the Committee: Until dissolved by the Council.

July 18 Council Meeting
Verbatim Transcript of Councilor McGee's comments

Minutes:

Councilor McGee stated he did not recall discussing the 2% cost of living issue during the budget process of during negotiations with the police bargaining unit.

Transcript:

McGee: One of the things that has bothered me, I guess, is that I do recall although I have a difference of opinion on this too, but I do recall some discussion on the two percent cost of living increase during the budget period council deliberation. I do not recall this being a topic of discussion or debate even during the police negotiations. I'm not saying it wasn't and I'm not indicating for a moment that the full contract was not discussed and disclosed to us because it clearly was and we all had were given the time and we could have read and studied it that has slipped by me. But I am saying that I do not recall or would like to be corrected if we had any discussions of this during the budget period, I don't recall.

D. Tryk: You actually had no discussions specifically about what the package which was going to be offered to the non-represented employees other than I was bringing it back and that if we needed some allowance for it would be in contingency. That was the only discussion we had about the salaries.

MINUTES

KEIZER CITY COUNCIL

Monday, July 18, 1994
Robert L. Simon Council Chambers
Keizer City Hall

CALL TO ORDER

Mayor Dennis Koho called the regular meeting to order at 7:00 p.m. Roll call was taken as follows:

Present

Dennis Koho, Mayor
Jim Keller, Councilor
Jerry McGee, Councilor
Al Miller, Councilor
Chet Patterson, Councilor
Jerry Watson, Councilor
Marlene Wellin, Councilor

Staff

Dotty Tryk, City Manager
John Morgan, Community Development Director
Charles R. Stull, Chief of Police
Wally Mull, Public Works Director
Kim Krause, Finance Officer
Shannon Johnson, City Attorney
Tracy L. Davis, City Recorder

PUBLIC TESTIMONY

Presenting testimony to the Council was:

Charles Conahey, 1050 Lockhaven Drive, Keizer addressed the Council regarding possible widening of Lockhaven Drive. He and other area residents are concerned there would be adequate space for turn lanes, bike paths and sidewalks along the street. Mr. Conahey stated by making these proposed changes, parking along Lockhaven could be eliminated.

Dotty Tryk, City Manager reported the city engineer has developed preliminary plans studying the feasibility for these improvements. Area residents will be contacted for input and suggestions during this process.

Bob Brown, 1020 Lockhaven Drive, Keizer also cited his concerns with the feasibility of these possible improvements to Lockhaven Drive.

Mayor Koho noted improvements to Lockhaven Drive will not be completed without input from the residents.

Benjamin F. Dake III, 1267 Manzanita Way, Keizer voiced his concern with the condition of LaBish ditch. During his 28 years of living along the ditch, he has never observed the present condition of the water. Mr. Dake also is concerned with the large amount of garbage in the ditch.

Public Works Director, Wally Mull stated the amount of construction in the area and low water level of the ditch has caused some of these problems.

Mayor Koho suggested the McNary High School Science Club be contacted for a possible waterway study of this area.

COMMITTEE REPORTS

Recognition of the Keizer Minor Girls Softball Team

Mayor Koho introduced the Keizer District 7 Minor Girls Softball team who recently completed an undefeated season. He congratulated the team on winning the state championship.

PUBLIC HEARINGS

Honeysuckle Street Lighting Local Improvement District

Mayor Koho reopened the hearing from July 5, 1994.

Wally Mull, Public Works Director reported he met with the residents of the area and provided the necessary information for the undergrounding of wiring and number of proposed lights for the district.

Presenting testimony to the Council was:

Maria Eyerly, 656 Honeysuckle Avenue, Keizer spoke as a representative of the residents of the district. Ms. Eyerly stated all residents were happy with the proposed lighting improvements; the proposed number of lights and the undergrounding of wiring. She thanked Mr. Mull for his help in this matter.

Joseph Rakocy, 3840 Rivercrest Drive N, Keizer confirmed the unanimous agreement among the district residents is for undergrounding of the wiring. He expressed his gratitude to Mayor Koho for attending the meeting and to Mr. Mull for his work in reducing the costs for the undergrounding.

Mayor Koho closed the public hearing.

Councilor Patterson moved to direct staff to prepare an Ordinance to bring back to the next meeting spreading the assessments to Honeysuckle Street Lighting Local Improvement District with eight street lights and the wiring being placed underground. Councilor Miller seconded the Motion.

The Motion passed as follows:

AYES: Keller, Koho, McGee, Miller, Patterson, Watson and Wellin (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**ORDINANCE -
Viacom Franchise
Agreement**

Mayor Koho reopened the hearing from March 21, 1994.

City Manager, Dotty Tryk stated the City has been working with the City of Salem, Marion and Polk Counties to negotiate a new franchise agreement with Viacom Cable. Ms. Tryk highlighted the changes and additions contained in the new Ordinance and the franchise agreement. She explained the five-year agreement has an informal renewal clause for two additional years at the City's discretion.

In response to a question from Councilor Patterson, Ms. Tryk stated the City will have access to the PEG funds if an operating or capital plan is adopted which will directly provide benefit to the public, government or education. Councilor McGee stated this is a flow through tax which will allow the rates to increase.

There was no testimony to come before the Council.

City Manager Tryk advised the Council she participated in the negotiations and discussed details specific to Keizer with Viacom representatives. She stated the federal government has set strict guidelines for cable companies to follow and feels Keizer will gain from this agreement.

Councilor McGee asked if the expenses incurred during the negotiations process were also considered a flow-through-tax. City Manager Tryk said the expenses are included in the rate base and the only expense incurred to date would be for advertisement for the public hearing.

Mayor Koho closed the public hearing.

Councilor Keller moved for an Ordinance to Provide for the Establishment and Granting of Franchise of Privileges for the Construction, Maintenance and Operation of Cable Communications Systems and Further Providing for the Continuing Regulation and Administration of these Franchises and Related Activated and to repeal Ordinance 87-082. Councilor Wellin seconded the Motion.

The Motion passed as follows:

AYES: Keller, Koho, McGee, Miller, Patterson, Watson and Wellin (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Mayor Koho moved for a Resolution authorizing the City Manager to sign the agreement with Viacom Cable Company. Councilor Keller seconded the Motion.

The Motion passed as follows:

AYES: Keller, Koho, McGee, Miller, Patterson, Watson and Wellin (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**ORDINANCE -
Hidden Creek
Street Lighting
Local Improvement
District**

City Manager Dotty Tryk, advised the Council the developer of this area filed a petition to form a local improvement district to install street lights. Notice of the public hearing and estimated assessments have been sent to the affected parties.

Mayor Koho opened the public hearing.

There was no testimony to come before the Council.

Mayor Koho closed the public hearing.

In response to a question from Councilor McGee, Public Works Director Wally Mull stated the estimated costs contained in the engineer's report are computer generated by Portland General Electric or Salem Electric based upon national standards.

City Attorney Johnson stated in the interest of public safety the Council should use caution when reducing the recommended number of lights in a district.

Councilor McGee moved for a Bill for an Ordinance spreading assessments to Hidden Creek Phase I Street Lighting Local Improvement District. Councilor Miller seconded the Motion.

The Motion passed as follows:

AYES: Keller, Koho, McGee, Miller, Patterson, Watson and Wellin (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**Zone
Change/Variance
Case 94-4
(Wittenberg)**

Mayor Koho opened the Public Hearing.

City Attorney, Shannon Johnson cited the applicable criteria for the zone changes and the variance request in this matter and reminded the participants the testimony should be directed towards this criteria. He also outlined the procedure used in this land use matter.

John Morgan, Community Development Director stated the application for zone changes and a variance was been filed by Paul Wittenberg, owner of Keizer Retirement Center. Mr. Morgan outlined the proposed areas on the map and noted that staff has worked with Mr. Wittenberg on the development plan for this area. He noted the entire property is presently designated commercial retail. Mr. Wittenberg has requested zone changes on one parcel to mixed-use and the other parcel to commercial general.

Mr. Morgan highlighted the findings contained in the land-use case staff report. Regarding the proposed zone change on the 3.1 acres located in the northeast corner of the property, Mr. Morgan stated the mixed-use zone is considered an appropriate zone of the commercial comprehensive plan designation. By changing the zoning, it allows Mr. Wittenberg the flexibility for possible expansion of the Keizer Retirement Center or development of a motel/hotel.

On the eastern portion of the property, Mr. Wittenberg is requesting a zone change to commercial general in order to permit the construction of a mini-storage warehouse complex. Mr. Morgan noted this change also conforms with the

commercial comprehensive plan designation. However, since the commercial general allows several other uses, he recommended approval of a limited-use overlay to bind the applicant to the use specified during the hearing process; mini-storage warehouses.

Mr. Morgan stated the applicant has requested a variance from the Keizer Zoning Ordinance, Section 17.40, to allow the construction of a brick wall ten feet from the back property line adjacent to the mini-storage warehouses. Discussions with the neighbors of the area also resulted in the agreement to preserve the existing row of trees and provide landscaping to the area between the wall and the trees.

Mr. Morgan recommended granting approval of the zone changes with specific engineering conditions contained in the staff report and a limited-use overlay zone to restrict the use to mini-storage warehouse. Mr. Morgan noted the traffic engineer's report recommends the installation of a traffic signal at Claggett Street with this development being responsible for fifty-percent of the costs. The report also recommends a revised access plan and the development of a cross-access corridor from Chemawa Road to Claggett Street.

Councilor Keller inquired if setback requirements are being met with the recommendation of the brick wall. Mr. Morgan believes the wall will provide a buffer for the residents and substitutes for the need of the required setback in this case.

In response to a question from Councilor Patterson, Mr. Morgan noted the recommended access closures being discussed with the involved parties should be consistent with the proposal being developed by the River Road Redevelopment Board.

Providing testimony to the Council was:

Ken Sherman Jr., 687 Court Street, Salem, appeared before the Council representing the applicant in this matter. Mr. Sherman stated this is a complicated case which involves two zone changes and a variance request and by allowing the zone changes, it will allow the applicant the needed flexibility to determine the best possible use of this property.

Mr. Sherman highlighted the applicable criteria being addressed in the zone changes and the variance request; both zones being requested are permitted within the commercial designation in the comprehensive plan, the proposed uses can be accommodated on the properties and can be developed in compliance with the development standards of the zoning ordinance, public utilities are present on the property to serve the need and the supplies of vacant commercial general and vacant mixed-use property in the community are inadequate.

Mr. Sherman stated large parcels of land zoned commercial general are unavailable for purchasing or are inadequate for such developments as mini-storage warehouses. Also, the proximity of this property to the Keizer Retirement Center is critical to Mr. Wittenberg for possible future expansion of this facility. Mr. Sherman also reminded the Council this property has been vacant for some time with no other interest for future development.

Mr. Sherman noted by changing the zone designation to commercial general it will allow the developer to be creative by developing a low-impact commercial use that will buffer and work compatibility with the residential area which abuts it to the east. Mr. Sherman presented a photograph of a mini-storage warehouse being developed by Mr. Carlson in Newberg and a drawing of the proposed block wall. (These items were marked as exhibits 1 and 2)

In response to the conditions of approval recommended by staff, Mr. Sherman noted the only objection lies with the cost allocation of the traffic signal. He noted that Mr. Wittenberg presently is responsible for twenty-five percent of the costs associated with the Keizer Retirement Center. This additional amount would make his total contribution seventy-five percent. Mr. Sherman asked the Council to consider sharing the costs of the signal with the property owners across River Road.

In conclusion, Mr. Sherman stated this proposal offers a nice development opportunity for the citizens of Keizer.

Paul Wittenberg, 5210 River Road N, Keizer advised the Council he presently is soliciting medical personnel to occupy the existing hydrotube building.

Councilor Patterson questioned the status of the Chevron station for participation in the Claggett Street traffic signal. Mr. Morgan noted \$6000.00 has been submitted by the developer of the Chevron station for participation in a traffic signal at Sandy Drive.

Councilor Watson inquired of the feasibility of aligning Claggett with Sandy Drive and placing the traffic signal at this intersection. Mr. Mull indicated the City intends to close Sandy Drive in the future and eliminate the cross walk. A cross walk would be placed at the Claggett/River road intersection.

Jerry Carlson, 22691 SW 55th Avenue, Tualatin, developer of the mini-storage warehouse, advised the Council the facility will allow the storage of recreation vehicles in some of the inner units but his main objective is to allow the storage of household items.

In response to a question from Councilor Miller, Mr. Carlson stated the ten-foot area between the commercial building and residential homes will be landscaped and maintained. He also noted a manager will live on-site to provide security for the development.

Mr. Carlson, responding to a question from Councilor McGee, stated his storage units will have an economical life of 24 to 40 years.

Rick Curry, 1381 Manbrin Street, Keizer, declared his possible conflict of interest due to his part ownership of budget-rent-a-space. In response to the statement of reasons submitted by the applicant, Mr. Curry noted he was able to find over 12 acres of land that is properly zoned for mini-storage warehouses in Keizer. This property would accommodate 230,000 to 250,000 square feet of storage space and there is no reason to rezone this valuable resource for mini-storage warehouses.

Mr. Curry submitted a letter outlining his reasons for recommending denial of the zone change on the property proposed for the mini-storage warehouses.

In response to a question from Mayor Koho, Mr. Curry stated he was not aware if the available property he found was for sale.

Leone Timm, 5432 70th Avenue SE, Salem stated he is opposed to the zone change request for the mini-storage warehouses. Mr. Timm noted a public need does not exist to grant this zone change. Presently, Mr. Timm is in the process of developing storage units on Windsor Island Road and noted other similar proposed developments in the area.

According to statistics gathered, Mr. Timm stated there is an excess of mini-storage warehouse units in the area and urged the Council to consider this matter very carefully.

Councilor McGee questioned Mr. Timm for his reasons why he was developing additional mini-storage warehouse space if the need was not present.

In response to a question from Councilor Keller, Mr. Timm stated the land-use laws require a public need for the zone changes and presently he is not aware of this need in Keizer.

John Hall, 5223 7th Avenue, Keizer stated his questions have been answered during the previous testimony. He did not have any additional items to add.

Ken Sherman Jr. responded to the testimony regarding the abundance of commercial general land available for purchase. His research indicated the two to three acre parcel needed for development of the mini-storage warehouses is not available in Keizer. He also stated a public need for this zone change is not a criteria that needs to be addressed. Mr. Sherman stated there is an inadequate supply of parcels this size and would be willing to produce additional documentation on this subject. Mr. Sherman noted the proposed mini-storage warehouse development would contain approximately 500 units.

Mr. Carlson stated he has looked at other available parcels of property in the area and has not found one that meets his needs. His facility will provide on-site security managers which will help control the environment of his establishment.

Councilor Miller asked if this facility would be solely designed to meet storage needs of the Keizer Retirement facility residents. Mr. Sherman said most residents of the center would not be candidates for use of this facility, however, it may be a possibility.

In response to a question from Councilor Watson, Mr. Morgan stated the definition of mini-storage comes from the standard industrial classification. However, the limited-use overlay will restrict the use to the testimony submitted during this hearing. Mr. Sherman stated it is clearly the intention of Mr. Carlson to create solely a storage facility.

Mr. Carlson added there will be a small retail facility within the office to sell boxes, locks and twine and other materials associated with storage. He also added the lease agreement signed by the tenants is restrictive to the use of the facility.

In response to a question from Councilor McGee, City Attorney Johnson stated the consideration of the purchase of a portion of this property being contemplated by the City, is not a conflict of interest in this case.

Mr. Sherman indicated Mr. Carlson intends to landscape the ten-foot strip between the storage facility and the trees and anticipates Mr. Carlson will be responsible for the maintenance of the trees. Mr. Sherman stated there is a public need to make productive use of this property.

Mayor Koho moved to hold the hearing over until August 1, 1994 and direct staff to prepare an Order approving the zone changes subject to the conditions outlined in the staff reports. Councilor Keller seconded the Motion.

Councilor Watson asked to have the applicant provide additional information regarding the inadequacy of the supply of vacant commercial general land.

The Motion passed unanimously as follows:

AYES: Keller, Koho, McGee, Miller, Patterson, Watson and Wellin (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

ADMINISTRATIVE ACTION

City Manager, Dotty Tryk advised the Council the Ordinance was prepared based upon the testimony of the residents during the public hearing on July 5, 1994.

ORDINANCE Northrup / Northshire Street Lighting Local Improvement District

Councilor Keller moved for an Ordinance spreading assessments to the Northrup/Northshire Street Lighting Local Improvement District. Councilor Miller seconded the Motion.

The Motion passed unanimously as follows:

AYES: Keller, Koho, McGee, Miller, Patterson, Watson and Wellin (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

CONSENT CALENDAR

The Consent Calendar consisted of the following:

- a. RESOLUTION - Amendments to the Compensation and Classification Plan
- b. RESOLUTION - Initiating Hidden Creek Phase II Street Lighting Local Improvement District
- c. RESOLUTION - Initiating Springridge Estates Street Lighting Local Improvement District
- d. RESOLUTION - Country Glen Street Lighting Local Improvement District (Approve Engineer's Report)
- e. Approval of July 5, 1994 Regular Session Minutes

Councilor McGee removed items "a" and "e" from the Consent Calendar.

Councilor Keller moved for approval of the remaining items on the Consent Calendar. Councilor Miller seconded the Motion.

The Motion passed with the following votes:

AYES: Keller, Koho, McGee, Miller, Patterson, Watson and Wellin (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

item "a"

City Manager Tryk provided the Council with a fiscal impact analysis of the affect these increases will have on the budget.

Councilor McGee asked to eliminate the Accounting Technician position from Section 6 of the Compensation Resolution.

The Council agreed by consensus to this change.

Councilor McGee moved to eliminate lines 14 and 15 in Section 19 of the Compensation Resolution (2% deferred compensation match). Councilor Keller seconded the Motion.

Councilor McGee stated he understands the need to maintain an equality between the represented and non-represented employees however, he believes an error was made when this item was allowed in the bargaining agreement.

Mayor Koho voiced his support in treating all employees equally and does not believe the inclusion of this benefit in the bargaining agreement was done in error.

In response to a question from Councilor Miller, City Manager Tryk stated all employees, except her, would be eligible for the 2% deferred compensation match.

Councilor Watson voiced his support for treating all employees equally and recommended the Council review the entire compensation plan in the future. City Manager Tryk suggested this as the topic of the October worksession.

Councilor Keller supported equality among employees but suggested further discussion of this issue prior to the preparation of the next budget document.

Councilor McGee stated he did not recall discussing the 2% cost of living issue during the budget process or during negotiations with the police bargaining unit. Also, if this proposal is adopted, he feels the wrong message will be sent to the employees.

The Motion failed as follows:

AYES: McGee and Patterson (2)

NAYS: Keller, Koho, Miller, Watson and Wellin (5)

ABSTENTIONS: None

ABSENT: None (0)

Councilor McGee suggested changing the management benefit package to 33% rather than 32% plus 1% as listed in the Resolution. City Manager Tryk stated this language was adopted prior to 1990 and represents a management cafeteria style benefit package of 32% plus an additional 1% which is restricted to deferred compensation. Mayor Koho noted this is existing language and by eliminating now, it would be a considered a take back.

The Council agreed they are not happy with the overall language in this Resolution and should discuss this matter in further detail at a worksession or refer the matter to a Council subcommittee.

Councilor Keller moved for a Resolution Setting Forth a Change in the Classification and Compensation Plan By Amending Certain Unrepresented Classifications: A Change in Compensation for All Employees Effective July 1, 1994; and Repealing R94-722 as amended. Mayor Koho seconded the Motion.

The Motion passed as follows:

AYES: Keller, Koho, Miller, Patterson, Watson and Wellin (6)

NAYS: McGee (1)

ABSTENTIONS: None

ABSENT: None (0)

item "e"

Councilor McGee asked for an amendment to the Motion on page 14 of the Minutes of July 5, 1994. The Motion eliminated the content of the motion. The Motion should have read:

Councilor McGee moved to delay the matter and to have the City Manager provide a fiscal impact statement. Councilor Miller seconded the Motion.

He asked that this matter be amended in the minutes.

Councilor McGee moved for approval of the July 5, 1994 Regular Session minutes as amended. Mayor Koho seconded the Motion.

The Motion passed unanimously as follows:

AYES: Keller, Koho, McGee, Miller, Patterson, Watson and Wellin (7)

NAYS: None (0)

ABSTENTIONS: None

ABSENT: None (0)

OTHER BUSINESS

City Manager Tryk stated the City has planned to make improvements to Lockhaven over the last few years. However, based upon the number of calls regarding safety on this street, she asked the City Engineer to include an estimate for sidewalks and curbs in addition to the widening. She suggested the Council discuss these improvement alternatives and funding for these improvements; formation of a local improvement district with the residents or use of City funds.

Mayor Koho stated he was concerned if the property owners decide to proceed with the Local Improvement District process and then sufficient remonstrances are received, what happens to the project.

Councilor Miller suggested the City Manager meet with the residents due to the concerns of the individuals stated tonight during the public testimony portion of the meeting.

Councilor Watson feels sidewalks and protected bike lanes are needed along Lockhaven. However he is concerned the needed space may not be available in this area.

The Council asked the City Manager to determine the support of the residents for these improvements and then provide additional alternatives for consideration and report back to Council.

There was no other business to come before the Council.

WRITTEN COMMUNICATION

City Manager Tryk advised the Council she received a letter from John Gail of the Oregon Housing and Associated Services requesting the donation of two homes presently located on City property. This organization is required to place homes on public property, however, none is available in Keizer. They have requested the Council consider allowing these homes to be moved to available public property in Silverton.

Councilor McGee suggested this matter be scheduled as a future agenda item for more discussion.

Mayor Koho noted a letter had been received from Chariot scheduling a meeting to discuss funding issues. A representative from Keizer will attend this meeting and return any necessary information to the Council.

There was no other written communication to come before the Council.

AGENDA INPUT

Mayor Koho noted the agenda input items listed.

The meeting was adjourned at 10:02 p.m.

TRACY L. DAVIS
City Recorder

APPROVED:

MAYOR:

COUNCIL MEMBERS:

MINUTES

KEIZER CITY COUNCIL

Monday, August 1, 1994

Robert L. Simon Council Chambers
Keizer City Hall

CALL TO ORDER

Mayor Dennis Koho called the regular meeting to order at 7:07 p.m. Roll call was taken as follows:

Present

Dennis Koho, Mayor
Jim Keller, Councilor
Jerry McGee, Councilor
Al Miller, Councilor
Chet Patterson, Councilor
Jerry Watson, Councilor
Marlene Wellin, Councilor

Staff

Dotty Tryk, City Manager
John Morgan, Community Development Director
Charles R. Stull, Chief of Police
Wally Mull, Public Works Director
Kim Krause, Finance Officer
Shannon Johnson, City Attorney
John Lien, City Attorney
Tracy L. Davis, City Recorder

PUBLIC TESTIMONY

Presenting testimony to the Council was:

Anne Rasmus, 7207 Park Terrace Drive, Keizer voiced her concern regarding the negative abuse towards city employees as portrayed in a recent article in the Keizertimes newspaper. Ms. Rasmus read the letter to the editor she will be submitting for publication and distribution to Council.

Mayor Koho thanked Ms. Rasmus for coming forward with her concerns.

**PUBLIC
HEARINGS**

**Honeysuckle Street
Lighting Local
Improvement
District**

Mayor Koho opened the public hearing.

Dotty Tryk, City Manager stated this hearing was scheduled in order to receive any testimony regarding the estimated assessments for street lighting in this district.

There was no testimony to come before the Council.

Mayor Koho closed the public hearing.

Councilor Keller moved for a bill for an Ordinance spreading assessments to Honeysuckle Street Lighting Local Improvement District. Councilor Patterson seconded the Motion.

The Motion passed as follows:

AYES: Keller, Koho, McGee, Miller, Patterson, Watson and Wellin (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**ORDINANCE -
Country Glen
Estates Street
Lighting Local
Improvement
District**

Mayor Koho opened the public hearing.

Dotty Tryk, City Manager stated this street lighting district was formed in response to a petition received from the developer. This hearing was scheduled to hear any testimony regarding formation of the district or the estimated assessment costs for street lights.

There was no testimony to come before the Council.

Mayor Koho closed the public hearing.

Councilor Patterson moved for an Ordinance spreading assessments to Country Glen Estates Street Lighting Local Improvement District. Councilor Watson seconded the Motion.

The Motion passed as follows:

AYES: Keller, Koho, McGee, Miller, Patterson, Watson and Wellin (7)

NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

**ORDINANCE -
Zone
Change/Variance
Case No. 94-4
(Wittenberg)**

Mayor Koho reopened the public hearing which was continued on July 18, 1994.

Shannon Johnson, City Attorney repeated the applicable criteria for the zone changes and the variance request in this matter and reminded the participants the testimony should be directed towards this criteria. He also outlined the procedure that will be followed during this hearing.

John Morgan, Community Development Director recounted issues raised at the last meeting; the adequacy of commercial general property in Keizer and the disbursement of costs for the traffic signal at Claggett Street. Mr. Morgan stated based upon the report of the traffic engineer, the applicant should be responsible for 56% of the costs of the traffic signal. Therefore, combined with the 25% allocation associated with the Keizer Retirement Center, Mr. Wittenberg will be responsible for 81% of the total cost of the signal.

In light of the substantial amount, Mr. Morgan and other members of staff have negotiated an agreement in which Mr. Wittenberg will be responsible for a total of 60% of the costs of the signal (35% subject to this application and 25% as originally determined for the Keizer Retirement Center). In addition Mr. Wittenberg will be responsible for an access management plan, a landscaping plan and cohesive signage plan for the entire development. Mr. Morgan recommended including these conditions in exhibit "E" of the Ordinance.

In response to a question from Councilor Patterson, Mr. Morgan stated the total costs for a traffic signal range from \$100,000 to \$125,000.

Councilor Miller inquired of the total number of open driveways contained on this property at Chemawa and River Roads. Mr. Morgan estimated there are at least seven separate openings. According to estimates from the City Engineer, it would cost

\$1000 to close each driveway. Mr. Morgan acknowledged this agreement is based upon the cooperation with the adjoining businesses; US Bank, Bob's Burger Express and the Keizer Feed Store.

Providing testimony were:

Ken Sherman Jr., 687 Court Street, Salem appeared before the Council on behalf of the applicant in this matter. Mr. Sherman submitted an information packet prepared by local relator, Alex Rhoten which describes the supply of commercial general land in Keizer. Of the total 22 acres zoned commercial general, the only parcel not improved or in use is a 2.65 acre parcel owned by Loren Thackery. Mr. Rhoten's letter states this property is not presently listed for sale at this time and attempts to contact the owner regarding the availability were unsuccessful. Mr. Sherman noted this parcel of land abuts a ministorage warehouse owned by Leone Timm. This property is smaller than the desired acreage needed for development by Mr. Carlson.

In response to the traffic signal cost allocation as determined in the traffic engineer report, Mr. Sherman noted the majority of traffic which flows through this intersection is not generated by present or future development of this parcel, but by the increased residential development in the north area of Keizer. However, Mr. Sherman noted the applicant has fully agreed with the traffic signal cost allocation (35% from this parcel and 25% from Keizer Retirement Center) and other development conditions as presented by Mr. Morgan.

Mr. Sherman reported presently there are ten driveway openings on the property which front River Road. The development plan will reduce this number to four. In response to a question from Councilor Watson, Mr. Sherman stated of the ten driveways, two will not be directly in Mr. Wittenberg's control; US Bank and Bob's Burger Express.

Mary Blankenship, 694 Clagett Street NE, Keizer, an adjacent property owner to parcel B, voiced her opposition to the zone changes and variance request. Ms. Blankenship stated by allowing the zone changes and variance request it will destabilize the land use pattern and adversely affect adjacent properties by reducing property values in the neighborhood. She urged the Council not to permit the construction of hotel/motel or other multi-story residential structure on the property adjacent to any residences. Ms. Blankenship also noted the quality of life in this centralized residential area may be jeopardized with the commercial development of this property.

She urged the Council to impose any necessary conditions upon the developer to insure the bordering trees are not damaged or removed as they provide a noise buffer to River Road, windbreaks and shade for the residents. Ms. Blankenship also contended upon further research these trees could be designated historic.

Ms. Blankenship stated the negativity of the area residents who experienced the past expansion of the Retirement Center, has caused them great concern with Mr. Wittenberg's proposed development. In closing, Ms. Blankenship noted the quality of life for the residents in this area will be greatly affected by the proposed development and asked for the Council's assistance in assuring Mr. Wittenberg will develop a good neighbor policy.

Jeanie Hall, 5223 7th Avenue NE, Keizer opposed the zone changes and variance request for many reasons; increased traffic, parking problems and neighborhood safety. Ms. Hall also noted the zone change will be a detriment to the area and would adversely affect her neighborhood as adjacent property. She cited a past encounter with Mr. Wittenberg's expansion of the Retirement Center as a negative experience among the area residents. This expansion resulted in a multi-level building rather than the proposed single-story cottages which caused her a loss of privacy, blocked view and the quality of life in their home. She urged the Council to deny the zone change and variance request.

John Hall, 5223 7th Avenue NE, Keizer also appeared before the Council to cite his opposition to the requested zone change and variance request. He voiced his concern regarding the present parking situation along Claggett Street and 7th Avenue and the increased amount new development will bring.

He submitted a petition from the area residents who are opposed to the zone changes and variance request.

Don Gardner, 5304 7th Avenue NE, Keizer voiced his concern with the notification process used for this zone change. He lives approximately one block from the proposed development area and was not included in the notification process. Mr. Gardner also cited his discontent with the proposed development due to the serious threat to the future value and liveability of his property.

Mr. Gardner also expressed a concern there has been a lack of information presented on the proposed development in order for the Council to decide if the criteria has been met for the desired zone changes.

Mary Stovin, 751 Kestrel NE, Keizer opposed the zone change requests based upon their potential promotion of strip characteristics on River Road. Ms. Stovin stated the City has been trying to beautify River Road and give this area a community feeling. She cited the numerous commercial vacancies along River Road and urged these areas be filled prior to additional development.

Ms. Stovin stated the Chemawa Road/River Road intersection is the heart of the City and the land should be preserved for the creation of a community center, library or park.

Cynthia Vannoy, 683 Faymar Drive NE, Keizer, a local real estate agent, stated she had been approached on several occasions by residents of this area regarding potential decrease in property values due to this proposed development. By the

amount of concern shown by the residents, she feels the development will adversely effect the value of approximately 160 properties in this area.

Councilor Watson stated the property is currently zoned commercial retail which would allow an array of possible commercial developments. John Morgan listed some of the fifty-nine allowed use categories under the present zone designation.

In response to a question from Councilor McGee, Mr. Morgan stated this zone change request could be considered "downgrading" from the present designation, based upon the limited square-feet allowance.

Councilor Miller noted the request for the change to mixed-use would allow for the expansion of Keizer Retirement Center. He also stated the variance request would allow preservation of the trees and buffering for the residents of the area.

In closing, Ms. Vannoy stated a ministorage warehouse complex is perceived as a high crime area.

Jerry Carlson, 22691 SW 55th, Tualatin, developer of the ministorage warehouse unit, stated he talked with almost all of the property owners which abut his facility and has not received any negative responses or objections. Mr. Carlson noted there is a two-story height (22-feet) restriction on the inner units and one-story restriction on the outside units of his complex. He also has informed the adjoining property owners of his intention to preserve and maintain the trees, with the aid of a tree aborist, that border the property. Mr. Carlson also outlined his safety and security procedures he uses in his facilities.

Mr. Carlson noted his facility will be built in a u-shape manner with brick walls on three sides. The ten-foot area between the wall and the residents property will be landscaped and maintained.

Lillian Dick, 5095 7th Avenue, Keizer voiced her concern regarding the ten-foot strip that runs along her property. Councilor Patterson stated it might be appropriate to consider vacating this portion of 7th and Kestrel in the future.

Ken Sherman, Jr. emphasized that presently the current zone is commercial retail which would allow a hotel to be built on this parcel just by obtaining a building permit. Mr. Wittenberg is requesting a change to mixed-use for the possibility of expansion of the Keizer Retirement Center, a residential facility. Mr. Sherman noted the trees along the property line provide a dramatic feature and nice buffer for the residents. Mr. Carlson has agreed to maintain these trees and also the landscaping of the ten-foot strip. He also noted access to this area would most often come from the residential area.

Mr. Sherman stated the Keizer Retirement Center is a attractive facility and similar expansion should not adversely affect the quality of life in the area. He also added the elimination of the criminal activity at the hydrotube should be a benefit to the residents. In response to testimony regarding the parking situation on Claggett Street, Mr. Sherman noted the new development will require an adequate amount of parking spaces within the facility.

Mr. Sherman commented on the concerns of a possible decrease in property values of the surrounding homes. He noted there is not any statistical information or evidence available to show the potential of this happening. Mr. Sherman stated the property has been vacant and on the market for several years without any interest in developing a community center or other uses. He feels the applicants proposal will put this property to work. Mr. Sherman stated the original variance request for height limitations has been withdrawn.

In response to a question from Mayor Koho, Mr. Sherman said at this time he is uncertain how to he could assure there will not be adverse effects on the neighbors from this development. The fact that Mr. Wittenberg is requesting a downgrading of the zone designation should help lessen the impact of the development.

Councilor Watson cited his concern that designating a portion of the property mixed-use and upgrading another portion from commercial retail to commercial general could be perceived as "spot zoning." Mr. Sherman noted these requested designations will give the developer the needed flexibility in his development.

Mayor Koho closed the public hearing.

Councilor McGee noted he has not heard any evidence that would counter any criteria to deny these zone change requests.

Councilor Watson noted the development proposal is reasonable but does have concerns changing from one zone designation to three on one large parcel of land. (spot zoning)

Councilor Patterson moved for a Bill for an Ordinance in the Matter of Paul and Judy Wittenberg for a Zone Change from CR (Commercial Retail) to Mixed Use) on 3.1 acres and a Zone Change from CR to CG (Commercial General) on 3.58 Acres and a Variance to Reduce the Required Setback on Property Located in the 5000 Block of River Road North; Declaring an Emergency (Case No. ZC/V Case No. 94-4) with the deletion of the language of Condition 4 in exhibit E and replace it with the conditions agreed upon by the parties. (access management plan, landscaping plan, cohesive signage and responsibility for 35% costs of the traffic signal on this project). Councilor McGee seconded the Motion.

Councilor McGee sympathized with the residents of the area but will support the motion since he did not hear substantial evidence presented to deny the request.

Councilor Watson complimented the residents on their presentation of their testimony. He also cited his concern with the cost distribution of the traffic signal.

Mayor Koho hoped the residents and the developer will be able to work together on future issues regarding this development.

The Motion passed as follows:

AYES: Keller, Koho, McGee, Miller, Patterson, Watson and Wellin (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**Manufactured
Home Standards
Amendment**

Mayor Koho reopened the public hearing which was continued on June 20, 1994.

Shannon Johnson, City Attorney noted this is a legislative change to the zoning ordinance regarding development standards for manufactured homes. Upon review of these standards by staff and the Planning Commission, it was recommended the siding and roofing materials commonly used in the area be listed in the Ordinance.

Mr. Johnson also noted even if the siding and roofing are not commonly used in the community, but are used on surrounding dwellings, then the applicant has the option to match this.

Councilor McGee confirmed this will make the administrative process easier and clearer for the applicant.

Councilor Watson voiced his concern with the lack of definition for predominant. Mr. Johnson stated predominant is used by state statute and by creating a list of commonly used siding materials, it should determine what is predominant on surrounding dwellings.

Presenting testimony to the Council was:

Don Miner, 2255 State Street, Salem, representative of the Oregon Manufactured Housing Association distributed a copy of ORS 197.307(5)(d) which is relevant to this issue. Mr. Miner noted the purpose of this legislation was to prohibit manufactured homes from having "the old trailer house siding" and have them resemble siding used on other single-family homes.

Mr. Miner noted the existing language in the Ordinance mirrors the state statute. However, the proposed change to this Ordinance will list the siding materials which may be used on manufactured homes. Mr. Miner urged the Council to include all types of materials being used in the community. He asked the Council to include on the list of objective standards rough sawn wood with battens and the option for horizontal, diagonal or vertical sidings. Other suggestions included plywood, oriented strand board, hardboarding composite material (reconstituted wood), vinyl, metal, brick, stucco and other materials giving the appearance of wood. Mr. Miner noted the inclusion of these materials in the Ordinance will make it consistent with the intent of the statute.

Mr. Miner supports the provisions of the Ordinance which relate to roofing materials. Mr. Miner entered two examples of siding into the record (oriented strand board and composites).

In response to a question from Mayor Koho, Mr. Miner stated the word community in the statute means the city or county, not the defined neighborhood.

Councilor Watson stated section I of the Ordinance does not require all manufactured homes to have a garage or carport, only if the surrounding dwellings have one. Mr. Morgan noted this is a discretionary authority that his department has had to administer. Mr. Johnson stated you can require a carport or a garage and agrees this language should be tightened up.

In response to a question from Councilor Miller, Mr. Johnson said the staff recommendation is to pass an Ordinance that will clarify the process with the Council creating the list of materials.

Tom Gorman, 560 Boca Ratan Drive, Lake Oswego, stated he has been involved in the siding industry for approximately 30 years. His company, a major producer of siding, produces a product named cladwood, which falls under the term of composite siding. This type of siding is produced only in panels and is sold to both manufactured housing and stick-built homes.

Mr. Gorman presented the Council with a collection of over 100 photographs taken in Keizer showing the random choice of panel siding used on homes. He also noted composition siding is used most often.

John Jones, 16125 SW Granitext Court, Beaverton, representative of Georgia Pacific Distribution Center supported allowing the use of many types of siding within the City for both stick built and manufactured homes.

Mike Drorbaugh, 15419 Acorn Way E, Tacoma, Washington representing the American Plywood Association, has reviewed the suggested changes to the Ordinance. However, he would support retaining the existing languages in the Ordinance. Mr. Drorbaugh stated the suggested changes make the standards go from community to surrounding dwellings, which is more restrictive than the state statute. Mr. Drorbaugh has personally observed several types of siding used in this community and urged the Council to include rough sawn or smooth paneled siding.

In response to a question from Mayor Koho, Mr. Drorbaugh stated diagonal siding is used mostly as an accent rather than the predominant siding.

Rod Hansen, 348 Hazelbrook Drive, Keizer stated several homes in Keizer use differ sidings on the front of a home (lap siding) than on the sides. The reason for this is the added costs of lap siding to the builder. Mr. Hansen supported the language being specific and restrictive and using the surrounding dwellings to determine the siding determination.

Darren McCann, 7217 Woodcrest Court NE, Keizer, stated the testimony has been one-sided with the manufactured home and siding representatives. Mr. McCann cited the definition of community could be interpreted as a single street area.

H.R. Radtke, 328 Hazelbrook Drive N, Keizer responded to the previous testimony of the siding industry representatives. His concerns centered on the loss of the value of his home if a manufactured home, which is different, is placed next to him. He supports making the Ordinance more restrictive by adding the list of materials.

Tom Cowan, 229 Hazelbrook Drive, Keizer cited his dependency on the City Council to protect the interest of the citizens of Keizer. He asked the Council to retain as much discretion when creating the list of allowable materials for manufactured homes.

In response to a question from Councilor Watson, Mr. Cowan stated by not making the changes to the Ordinance, it allows the Council the opportunity to choose and determine the community standard. If a list is adopted the Council will lose this control.

Shannon Johnson recommended holding this hearing over until September 6, 1994 to allow for further investigation and discussion.

Councilor Watson suggested staff bring back recommendations at the September 6th meeting and if necessary schedule a worksession on this issue.

Mayor Kobo continued the public hearing until Tuesday, September 6, 1994.

**Conditional Use
Case 93-9
(Brewster)
Reopened Hearing**

Mayor Kobo opened the Public Hearing

After discussion among the Council and participants, it was decided that previous testimony will not be automatically included in the record.

Shannon Johnson, City Attorney read the criteria and applicable criteria and procedures in this hearing. Mr. Johnson also noted all the materials from the original hearing in this matter in 1993 will be included in the record for this hearing.

Presenting testimony to the Council were:

Ron Brewster, 3246 Turner Road SE, Salem stated he is willing to put horizontal type siding on the front of his manufactured home and vertical on the other sides. Mr. Brewster submitted several photos showing different types of siding being used in Keizer, many not consistent with the type being used next door in the Orchard Crest subdivision.

Mr. Brewster stated this matter has been very stressful and also a financial burden to him and his family during the last eleven months. He stated he will do the horizontal siding, three-car garage, landscaping and all the other criteria in order to meet the standards of the community.

In response to a question from Councilor Keller regarding a July 1993 letter, Mr. Brewster stated he made the statement that he would conform to all surrounding properties by complying with the same building codes and standards they had to meet.

Don Miner, 2255 State Street, Salem representing the Oregon Manufactured Housing Association, supporting the application of Mr. Brewster, stated based upon the decision of the Land Use Board of Appeals in this case, the only issue to decide is if the siding meets the community standard or the neighborhood standard. Mr. Miner stated the triple-wide home Mr. Brewster will be placing on the property has horizontal siding on the front and down part of one side.

Debra Ego, 7225 Woodgrove Court N, Keizer asked the applicant to confirm which home he plans to place on the property. (Mr. Brewster responded, as of this date there had not been a change with the original home, but something could be in the works.)

Ms. Ego voiced her concern the residents of the area were not notified when the Land Use Board of Appeals hearing was held and did not know a decision had been handed down. She voiced her dismay that the Land Use Board of Appeals could go against a local government agency to decide this neighborhood

issue and also her anger that the residents were not asked for their input.

Ms. Ego stated the residents of her neighborhood prefer to have their houses built similar and of the same quality and materials in order to protect the property value. She stated by placing this manufactured home in her neighborhood, the value of her property will decrease.

Councilor McGee noted the Land Use Board of Appeals ruled in conformance with the state law and in his position on the Council, he was sworn to uphold these laws also.

In response to a question from Councilor Watson, Ms. Ego stated the homes within the subdivision were required to follow strict guidelines when their homes were built. She requests Mr. Brewster be required to conform with similar guidelines even though he is not part of the subdivision; cedar fencing, completion of the sidewalk and lapsiding.

Councilor Miller noted he sympathized with the residents of this area and urged the the residents to voice their opinion to the legislature.

Ms. Ego reported a manufactured home two years or older would most likely not conform to the building codes. She noted Mr. Brewster purchased his home in 1991, however it is a 1989 model. Ms. Ego asked a member of staff to review this issue.

Councilor Patterson questioned the procedures in this matter if the applicant uses a different home than originally stated. John Morgan, Community Development Director stated the conditional use permit is to place a single family home on property in the mixed-use zone. Mr. Johnson stated the development criteria would require Mr. Brewster to state he meets the standards.

Mayor Koho suggested staff discuss this matter and possibly involved Mr. Brewster and the neighborhood residents.

Ms. Ego also asked if the drain field issue has been reviewed and addressed in this case.

Laurie Mack, 159 Hazelbrook Drive N, Keizer stated she was in opposition of the placement of the manufactured home on this site.

Bill Sanders, 399 Hazelbrook Drive N, Keizer responded he had nothing to add to the previous testimony.

Susan Staab, 7246 Woodcrest Court N, Keizer also stated she had nothing to add to the previous testimony.

H.R. Radtke, 328 Hazelbrook Drive N, Keizer asked Councilor McGee to withdraw from making a decision on this matter due to his bias of the situation.

Pat Radtke, 328 Hazelbrook Drive N, Keizer cited concerns with another manufactured home being discussed during this hearing. This causes a lack of confidence in Mr. Brewster as a neighbor. Ms. Radtke read several statements made by Mr. Brewster from articles in the Keizertimes.

Rilla Yancey, 850 Lockhaven, Keizer stated she had nothing to add.

Michelle Massy, 7235 Woodgrove Court N, Keizer also stated she had nothing to add.

Darren McCann, 7272 Woodgrove Court N, Keizer also voiced his concern that Councilor McGee has already made his decision in this matter. Mr. McCann questioned what manufactured home is being discussed at this hearing. He also voiced his concern with the lack of information and notification at the Land Use Board of Appeals hearing.

Mr. McCann stated the value of his home will decrease between \$15,000 and \$20,000 if the manufactured home is placed next to his property.

Janet McCann, 7272 Woodgrove Court N, Keizer (Was not available to provide testimony when called.)

Deanna Stein, 388 Hazelbrook Drive N, Keizer asked for specific detail on the horizontal siding Mr. Brewster is considering. She also questioned the location of Mr. Brewster's driveway and his requirements to conform with the standards.

Councilor Watson inquired when their property was purchased, did they believe this lot would be a part of the subdivision? Ms. Stein stated the only knowledge she had was the lot was not for sale. She did not know at the time they purchased their property it was not part of the subdivision.

Rod Hansen, 318 Hazelbrook Drive N, Keizer inquired if the zoning requirements will allow a business to be operated from Mr. Brewster's home.

In response to this question, Mr. Morgan noted he would be allowed to have a home occupation with certain requirements.

Tom Cowan, 229 Hazelbrook Drive N, Keizer also voiced his objection to Councilor McGee taking part in a vote on this issue. Mr. Cowan stated Councilor McGee expressed his mind was already made up during the testimony.

Mr. Cowan also expressed his concern with the lack of notification and participation in the Land Use Board of Appeals hearing and asked the Council for a continuance to allow the residents time to pursue their alternatives at this level.

In closing, Mr. Cowan noted the community is looking for commonality among the homes. He asked the Council determine how the statute should be applied in this matter and for Mr. Brewster to submit his assurances in writing.

Jack Watson, 95545 Territorial Road, Junction City, wanted to address a few issues raised during the testimony. LaVerne Watson, his mother, lives in a manufactured home in the area, and was there prior to the subdivision being developed. He voiced his concern of unfriendliness towards his mother since this issue has been raised.

Mr. Watson also noted a septic system check was completed this year and the drainfield issue has been addressed. He also supported Councilor McGee in his position to uphold the law.

Tom Gorman, 560 Boca Ratan Drive, Lake Oswego, noted his company's product which they manufacture is cladwood which and is widely used for siding in manufactured homes and stick built homes. He submitted a photo album containing approximately 100 photos showing panel sidings on homes in Keizer.

Mike Drorbaugh, 15419 Acorn Way E, Tacoma, Washington representing the American Plywood Association, reported T-111 siding is a registered trade name and from discussions with Mr. Brewster he has a type of composite siding on his home not T-111. Mr. Drorbaugh also noted grooved sidings has been extremely popular in the community. In his opinion, Mr. Brewster has complied with all the conditions of the law.

Michelle Massy, 7235 Woodgrove Court N, Keizer submitted a petition with most of the residents of the neighborhood opposing the placement of Mr. Brewster's manufactured home on the property. Ms. Massy noted that Ms. Watson's home is not visible to the residents of Orchard Crest.

Ms. Massy reported she made a phone call to the Land Use Board of Appeals and was told the hearing would probably take place in the fall.

There was no further testimony to come before the Council.

Mayor Koho suggested continuing this matter in order for the residents to contact the Land Use Board of Appeals and for staff to research the possible effect of a different manufactured home being placed on the property.

Councilor Watson asked Mr. Brewster to clarify if the home is a 1989 model or a 1991 model. Mr. Brewster noted the home was built in 1989 but was purchased new in 1991.

Councilor Patterson questioned if considering a different manufactured home rather than the original on the application would effect this process. Mr. Brewster stated if this is an issue, he will place the old manufactured home on the property.

Councilor McGee stated he intended to vote on this issue even though he was asked to disqualify himself. City Attorney Johnson stated he felt the comments made were not sufficient to disqualify Councilor McGee from voting.

Mayor Koho continued this hearing until Tuesday, September 6, 1994.

ADMINISTRATIVE ACTION

ORDINANCE Adopting Oregon Vehicle Code for McNary Estates

Charles Stull, Chief of Police reported he had received a request from the McNary Home Owners Association to enforce all traffic laws within the McNary Estates planned unit development. Any citation issued would be handled in the Keizer Municipal Court.

In response to a question from Councilor Watson, Chief Stull indicated they are unable to enforce these traffic infraction laws without adoption of this Ordinance.

Presenting testimony was:

Don Kipp, 583 Compton Court N, Keizer, president of the McNary Home Owners Association stated they are asking for police patrol with a waiver for golf carts. Mr. Kipp stated a poll has been conducted in the area by Mr. Donn Nissen.

Donn Nissen, 650 Snead Drive N, Keizer stated an informal survey of 100 McNary residents was conducted with 99 percent of these residents in favor of these patrols.

Councilor Keller voiced his concern the results of the survey is an overall opinion of the McNary residents.

Councilor Watson cited some concern with the costs associated with routinely patrolling a private area. Mr. Nissen noted this area is open to the public. Mr. Kipp stated the visibility of an officer in the area is a deterrent.

Councilor Miller noted his concern with the golf cart exemption which does not enforce laws pertaining to driving carts after dark, underaged drivers and careless driving. Mr. Nissen stated his insurance policy would not cover underaged children driving his golf cart.

Councilor Watson suggested including language to allow golf carts to be driving on streets as long as consistent with state law.

Chief Stull indicated this area will not receive any additional patrols by adoption of this Ordinance, only the ability to enforce the traffic laws.

Mayor Koho moved a bill for an Ordinance Adopting the Oregon Vehicle Code for Enforcement Within the McNary Estates Planned Unit Development. Councilor Patterson seconded the Motion.

Councilor Miller stated it is wrong to pass this Ordinance which would allow a ten-year old to operate a golf court within this area.

Mayor Koho suggested this matter be discussed by the Traffic Safety Committee for further suggestions.

Councilor Miller moved to amend the Ordinance to include in Section 4 that golf carts be operated by licensed drivers and it is a violation to operate the golf cart in a careless manner. Councilor Patterson seconded the amendment.

The amendment to the Motion passed as follows:

AYES: McGee, Miller, Patterson, Watson and Wellin (5)

NAYS: Keller and Koho (2)

ABSTENTIONS: None

ABSENT: None (0)

In response to a question from Councilor Patterson, Mr. Kipp stated all golf carts operated at McNary Estates and Golf Club must be registered by a licensed driver and have insurance.

The Motion as amended passed with the following votes:

AYES: Keller, Koho, McGee, Miller, Patterson, Watson and Wellin (7)

NAYS: None (0)

ABSTENTIONS: None

ABSENT: None (0)

**RESOLUTION -
Awarding Bid for
McNary Access
Road**

Wally Mull, Public Works Director reported on July 25, 1994 six bids were received for the construction of the McNary High School access road. A bid received from Salem Road and Driveway of \$134,300.36 was the lowest. Mr. Mull noted funds for this project are included in the street fund budget and also the school district agreed to participate in the funding by 50% total costs or up to \$62,500. Mr. Mull indicated this project is a critical element of the McNary access issue.

In response to a question from Councilor Watson, Mr. Mull indicated this bid includes costs for signage and restriping on Lockhaven Drive.

Councilor Patterson moved a Resolution Awarding Bid for McNary Access Road and Authorizing the City Manager to Sign Necessary Documents. Councilor Watson seconded the Motion.

Councilor McGee noted he is pleased to move forward with this project and hopes the City Manager will continue to pursue a 50/50 split in costs with the school district.

The Motion passed as follows:

AYES: Keller, Koho, McGee, Miller, Patterson, Watson and Wellin (7)

NAYS: None (0)

ABSTENTIONS: None

ABSENT: None (0)

**RESOLUTION -
Authorizing the
City Manager to
Enter Sales
Agreement for
Water Shop
Property**

Wally Mull, Public Works Director indicated previously the Council expressed a desire for the City to pursue negotiations on purchasing a parcel of land directly behind the Chemawa Road Pump Station. The addition of this land will allow flexibility for future expansion of the water shop.

In response to a question from Councilor McGee, Mr. Mull indicated the purchase price for the property is \$69,440.00 and would be purchased with system development facility improvement funds which will not influence an increase in water rates.

Councilor Patterson moved for a Resolution Authorizing the City Manager to Enter Into an Agreement to Purchase Land Adjacent to the City Shop/Chemawa Pump Station. Mayor Koho seconded the Motion.

The Motion passed as follows:

AYES: Keller, Koho, McGee, Miller, Patterson, Watson and Wellin (7)

NAYS: None (0)

ABSTENTIONS: None

ABSENT: None (0)

**CONSENT
CALENDAR**

The Consent Calendar consisted of the following:

- a. RESOLUTION - Adopt FY 95 Budget, Making Appropriations and Levying Taxes
- b. Approval of July 18, 1994 Regular Session Minutes

Councilor McGee removed item "b" from the Consent Calendar.

Councilor Keller moved for approval of the remaining item on the Consent Calendar. Councilor Patterson seconded the Motion.

The Motion passed with the following votes:

AYES: Keller, Koho, McGee, Miller, Patterson, Watson and Wellin (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

item "b"

Councilor McGee asked the City recorder to examine the tape recording of the meeting to determine the accuracy of a statement he made when discussing the two-percent cost of living increase on page 14 of the minutes.

These minutes will be reviewed and brought back at the August 15, 1994 meeting.

OTHER BUSINESS

Councilors Miller, Keller and McGee submitted a request to the Mayor to call a special meeting in accordance with Section 13 of the Charter of the City of Keizer.

Councilor Watson suggested having the City Manager prepare a staff report in order to examine the facts prior to scheduling a special session.

Mayor Koho suggested meeting as soon as possible and to have the City Manager prepare a report in order to resolve these issues.

Mayor Koho scheduled the special session for Wednesday, August 10, 1994 at 6:30 p.m.

The Council discussed the presence of key individuals at this meeting. Mayor Koho cautioned the Council in dealing with personnel issues in a public meeting. Councilor Patterson suggested the meeting notice include the possibility of an executive session.

John Lien, City Attorney reviewed the recent changes to the City Charter which removed direct supervision by the Council of any individuals except the City Manager. He stated issues discussed should be directed to the City Manager to resolve. Mr. Lien advised the Council to express all areas of concern to the City Manager in order for her to address and resolve each issue. He cautioned the Council not to become involved in a personnel issue that should be handled by the City Manager.

Councilor Patterson stated this issue revolves around Section 21 (f) of the City Charter.

Mr. Lien noted the Council has legitimate concerns in which should be addressed and they are entitled to hear the explanation.

Councilor Watson asked the City Manager's report to include a report on the differences between statements and the chronology prepared by Mr. Morgan and interviews with Mr. Morgan and Mr. Peterson on these issues. He also asked for a report which outlines her actions to resolve this matter.

Councilor McGee also asked the City Manager to report the timeline when active communications ceased with Bi-Mart in relation to the budgetary process.

Mayor Koho advised members of the Council to contact the City Manager if any further information is desired.

There was no other business to come before the Council.

WRITTEN COMMUNICATION

City Manager Tryk noted copies of the Keizer Police Department annual report and a memorandum announcing the annual neighborhood night out had been received.

There was no other written communication to come before the Council.

AGENDA INPUT

Mayor Koho noted the agenda input items listed.

The meeting was adjourned at 12:30 a.m.

TRACY L. DAVIS
City Recorder

APPROVED:

MAYOR:

COUNCIL MEMBERS:



City of Keizer

MEMORANDUM

DATE: August 15, 1994
TO: Mayor Koho and Councilmembers
FROM: Dotty Tryk, City Manager *Dotty*
SUBJECT: Acceptance of a Grant from DLCD

The City just received confirmation that we were awarded a \$20,500 grant from DLCD for the purpose of rewriting our zoning ordinances. This grant application was one of several requests that were reported to the Council as a part of the 1994-5 Community Development Work Plan delivered May 16, 1994.

This grant will be used in conjunction with the City's portion of the regional transportation grant awarded to the Council of Governments for rewriting the transportation related portions of members ordinances. The work will be done by contract with the Council of Governments and should result in a totally rewritten code by the end of the fiscal year.

In accordance to the Council's adopted policy on acceptance of grant funds, this grant is consistent with the workplan of the Community Development Department and will result in no added staff.