CITY OF KEIZER MISSION STATEMENT

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

AGENDA

KEIZER CITY COUNCIL
REGULAR SESSION
Monday, August 1, 2005
7:00 p.m.
Robert L. Simon Council Chambers
Keizer, Oregon 97303

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **FLAG SALUTE**

4. **PUBLIC TESTIMONY**

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

5. **COMMITTEE REPORTS**

   a. Proclamation – August is No Meth Awareness Month

   b. Audit Report – Transient Occupancy Tax and Volcano Stadium

   c. Keizer Urban Renewal Board Recommendation

6. **PUBLIC HEARINGS**

   a. RESOLUTION - Certification of Street Lighting District Assessments

7. **OTHER BUSINESS**

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

   a. New Business

   b. Old Business

8. **ADMINISTRATIVE ACTION**

   a. RESOLUTION – Authorizing the City Manager to Enter Agreement for Street Sweeping Services

b. **RESOLUTION – Authorizing the City Manager to Purchase Property – Tiersma (Right of Way)**

9. **CONSENT CALENDAR**

a. **RESOLUTION – Delinquent Sewer Assessments**

b. **RESOLUTION – Amendment to the Parks System Development Charge**

c. **RESOLUTION – Amendment to Transportation System Development Charge Methodology**

d. **RESOLUTION – Determining Recyclable Materials for Solid Waste Management**

e. **RESOLUTION – Authorizing the City Manager to Execute Declaration of Convenenants and Restrictions for Claggett Creek Park Wetlands Project, Declaration of Covenents and Restrictions for the Claggett Creek Wetlands Project**

f. **RESOLUTION – Permanent Blocking of Fourth Place**

g. **Approval of July 5, 2005 Regular Session Minutes**

10. **WRITTEN COMMUNICATIONS**

To inform the Council of significant written communications.

11. **AGENDA INPUT**

August 8, 2005
5:30 p.m. City Council Work Session
- **City of Keizer Parks Tour**

August 15, 2005
5:30 p.m. City Council Work Session
- **Results Group**

7:00 p.m. City Council Regular Session

12. **ADJOURN**

[redacted]

CITY OF KEIZER

PROCLAMATION

IN AN EFFORT TO REDUCE METHAMPHETAMINE USE AND ITS NEGATIVE EFFECTS IN OUR COMMUNITIES, BY EDUCATING, ENERGIZING, AND ENGAGING THE COMMUNITY THROUGH PUBLIC LEADERSHIP, INTEGRATING SYSTESM, AND PUBLIC AWARENESS EFFORTS

WHEREAS, the proliferation of illegal drug manufacture and use is a blight upon our society and detrimental to public health;

WHEREAS, methamphetamine use poses the most powerful and immediate threat to the citizens in Marin County;

WHEREAS, illegal drug use is responsible for the overwhelming majority of crimes against our citizens and their property;

WHEREAS, the communities in Marion County suffer from some of the nation's highest rates of drug-related crime such as burglary, car theft, and identify fraud;

WHEREAS, methamphetamine is one of the most addictive drugs known, and its use results in irreversible brain damage;

WHEREAS, methamphetamine is a major factor in cases of child neglect, child abuse, child dependency proceedings, and juvenile delinquency;

WHERAS, the community pays a high price financially, in public and environmental health, and in quality of life due to the epidemic of methamphetamine use;

WHEREAS, the large majority of all drug users are employed, and drug free workplaces are an essential element in an effort to reduce illegal drug use; and

WHEREAS, it will take a concerted and united effort from elected leaders, public safety employees, and private citizens to stem the tide of methamphetamine activity.

NOW, THEREFORE, We resolve that:

We shall prioritize public safety and drug crime reduction in our budget process, which may include prevention, education, treatment and enforcement;
We shall encourage the implementation of appropriate preventative measures as the most effective means of stopping methamphetamine use by children and youth; and

We shall encourage businesses and government entities to consider just cause and safety sensitive drug screening programs in their workplaces; and

We shall cooperate with other nearby jurisdictions to find ways to work toward a common goal of reducing the negative efforts of drug activity and drug related crime; and

We shall work to engage community partners in these efforts, including members of the service, education, business, and faith communities; and

We shall acknowledge in our budget process, to the extent possible or practical, our goal of developing and implementing methamphetamine education, prevention, and enforcement program.

NOW, THEREFORE, I LORE CHRISTOPHER, MAYOR OF THE CITY OF KEIZER, OREGON HEREBY PROCLAIM THE MONTH OF AUGUST, 2005

AS

NO METH AWARENESS MONTH

And issue a call to action to all residents of the City of Keizer to assist in reducing or eliminating the manufacture, distribution, and use of methamphetamine and other illegal drugs in our community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Keizer, Oregon to affixed this 1st day of August, 2005.

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MAYOR LORE CHRISTOPHER

COUNCIL MEETING: **August 1, 2005**

AGENDA ITEM NUMBER:______________

TO: **MAYOR CHRISTOPHER AND CITY COUNCILORS**

THROUGH: **CHRIS EPPLEY**
CITY MANAGER

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

SUBJECT: **Results of limited audit procedures over Volcano Baseball Stadium receipts and Transient Occupancy Tax revenues**

The City of Keizer collects a Transient Occupancy Tax from the Wittenberg Inn (Keizer's only hotel). The City also collects a percentage of revenue from the Volcano Baseball Club ticket sales and parking receipts. From time to time, the City of Keizer contracts with the audit firm of Grove, Mueller, & Swank, P.C. to conduct limited audit procedures on the receipt records related to these revenues. The City's lease agreement with the Salem-Keizer Sports Enterprises, L.L.C. and the Transient Occupancy Tax manual adopted by the City, allow the City to conduct audit procedures of these records.

Tonight, Chuck Swank, CPA, Partner, Grove, Mueller, & Swank, P.C. is here to present the results of the limited audit procedures recently completed at these to organizations.

COUNCIL MEETING:____________________

AGENDA ITEM NUMBER:_____________

TO: **MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS**

THROUGH: **CHRIS EPPLEY**
CITY MANAGER

FROM: **NATE BROWN**
COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: **Information Regarding Urban Renewal Major Amendment, Raising of Maximum Indebtedness**

BACKGROUND:

Based on the Urban Renewal Agency's direction to initiate a process to raise the maximum indebtedness of the Urban Renewal District, the following information is provided to the Council.

The attached memorandum from Spencer and Kupper outlines the process that is required to take place in order for the Agency to raise the maximum indebtedness.

The Keizer Urban Renewal Board has adopted a recommendation on a maximum amount of funding for the District, as well as a recommendation to the Agency of the contemplated list of projects from the River Road Renaissance to be funded from the District. This motion was unanimous from the Board, and includes a recommendation that the district be ended when this level of maximum indebtedness is reached.

RECOMMENDATION:

This information is provided to the individuals of the Urban Renewal Agency for information only and no action is required or prepared.

DATE: July 28, 2005

TO: Nate Brown and Chris Eppley

FROM: Charles Kupper

SUBJECT: Substantial Plan amendment adoption process and dates

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Substantial Plan amendment Adoption Procedure and Timetable
ORS 457 specifies that an increase maximum indebtedness constitutes a substantial plan change. A substantial urban renewal plan amendment change must be adopted by a non-emergency ordinance of the Council. Before the plan amendment goes to the Council for adoption, it must go through the following procedural steps:

1. The full text of the final plan amendment and report must be given to all affected taxing bodies. They do not have a veto power on the plan amendment. The plan amendment and report should be given to them far enough in advance of the City Council hearing that they have a fair opportunity to review and comment on it. A letter transmitting the plan amendment, and asking for comments should make clear that you will meet with them personally if they wish. A personal meeting with the School Board, (and a RFPD if you have one) is a good idea. I suggest the plan amendment and report go out 3-4 weeks in advance of the Council hearing on adoption. So, for timetable purposes, all discussion and writing of the plan amendment must be completed at least 3-4 weeks in advance of the Council hearing.

1a. There is an anachronism in ORS 457.437 that requires an Agency to meet with the County to discuss the maximum indebtedness of the plan amendment. Be sure to extend this invitation separately from the letter sending the plan amendment to the County. Again, the County has no veto, and in most cases, they do not even request the meeting. This invitation should be sent at the same time as the plan amendment and report are sent, i.e., 3-4 weeks in advance of the Council hearing.

2. A "special notice" of the Council hearing on the plan amendment adoption must be sent.
ORS 457.120 says you must mail notice of the hearing on the plan amendment to each individual or household in ONE of the following groups:

- Owners of real property located in the municipality
- Electors registered in the municipality
- Sewer, water, electric, or other utility customers
- Postal patrons in the municipality

The choice of recipient is yours. Mail to the group you can cover most cheaply and efficiently. The notice can be quite brief and often is inserted in utility bill mailings. There is no required lead time for sending the notice, but I suggest it get out roughly the same time as the plan amendment is sent to taxing bodies. The full plan amendment and the adopting ordinance must be available to the public when this notice is sent out, so you should not send the notice before you have the final version of the plan amendment and report ready for review. I will provide the required wording.

3. The plan amendment and report must be presented to the City Planning Commission for review and comment. CPC does not have a veto on the plan amendment. The Commission comments or recommendations should be put in writing, and put in the record for the Agency and Council meetings on the plan amendment. If the Planning Commission meets only once a month, factor that into the timetable, or have the CPC set a special meeting.

4. The Renewal Agency and Council each must meet on adopting the plan amendment. The Agency would accept the plan amendment, along with any comments received, and pass them along to Council with a resolution approving the plan amendment, and asking Council to adopt it. Both meetings can be held same evening. Both meetings must be separately noticed.

- **After the substantial plan amendment is adopted**
  Within four days of the Council hearing, you must publish notice of plan amendment adoption in a newspaper of general circulation. I will provide that wording.
- You must record the plan amendment and report with the County Clerk.

Projected Urban Renewal Amendment Increase to Maximum Indebtedness

Activity			Cost $	
Poroperty Acquisition			**$ 1,345,000**	
Nopp Property in Keizer Station Area B (Other that ROW)	$ 745,000			
Rickman Property Adjacent to Heritage Center	$ 250,000			
Property on McCleod adjacent to Keizer Station Area B	$ 350,000			
Civic Center at 930 Chemawa Road			**$ 5,000,000**	**$2,500,000**
New Construction of City Hall and Police Department (50%)	$ 5,000,000			
Recreation/Expo/Community Center			**$ 7,000,000**	
New Construction of Recreation/Expo/Community Center by Stadium (70%	$ 7,000,000			
River Road Rennaisance Projects			**$ 11,710,000**	**$4,686,000**
1-Year Projects	$ 1,000,000	350,000		
3-Year Projects	$ 3,680,000	3,630,000		
20-Year Projects	$ 7,030,000	280,000		
10% Contingency		426,000		
Administration Costs			**$ 3,700,000**	2,500,000
Personal Services, Legal Costs, Engineering Services, Materials and Servic	$ 3,700,000			
Grant Programs			**$ 700,000**	
(Façade Improvements, Etc)	$ 700,000			
Total Increase to Maximum Indebtedness			[redacted]	**$18,955,000**
Estimated Time to Reach Maximum Indebtedness *(In Years)* ** (Total Cost / $4,000,000 Projected Annual Revenues)*			*7.36*	**4.68**

RRRAC - Prioritized Project List -- ESTIMATED COSTS --	Estimated Cost		
12 Month Priority			
1. Overall design for the five (5) districts including signs, banners, landscaping design and building design. Districts should maintain common themes and design elements	**100,000**		
~~2. Wittenberg property development *(Acquisition Only)*~~	~~**650,000**~~		
3. Enhance Keizer Christmas Tree plaza with special paving and landscaping/ Create a Keizer Civic Plaza with gardens, seating and special paving in the triangle between River Road and Cherry Avenue	**250,000**		
12 Month Priority Subtotal	**350,000**		
3 Year Priority			
4. Enhance intersections with pavement, distinctive crosswalk paving, and ornamental landscaping ($75,000 per intersection)	**425,000**		
5. Enhance entryway and landscape, monumentation, gateways	**50,000**		
6. Transit compatibility and Transit Center	**25,000**		
7. Develop focal points for each of the 5 districts ***(N, L/CI, S, & ehance Sun & Chem)***	**850,000**		
~~8. 45th Parallel improvements *(Arch and Identification Signage)*~~	~~**<50,000>**~~		
9. Parkway enhancements along River Road ***(Streetscape improvements)***	**1,800,000**		
10. River Road median landscape improvements approaching intersections (Approx. 1600 ft)	**480,000**		
11. Parking improvements, pedestrian connections to River Road			
3 Year Priority Subtotal	**3,630,000**		
20 Year Priority			
~~12. Claggett Creek open space/trail system, environmental interpretation center~~	~~**<500,000>**~~		
13. North/South Bike Route ***(Signage, striping, etc)***	**120,000**		
~~14. Pedestrian promenade and public plaza at the south end of the RR/Cherry Triangle~~	~~**<2,000,000>**~~		
~~15. Community park and trail system, E. of Cherry and S. of Manbrin~~	~~**<2,000,000>**~~		
16. Wheatland Drive streetscape improvements (300 ft/side)	**35,000**		
17. Preserve existing trees along River Road corridor	**0**		
~~18. Consolidate property access on W. side of River Road~~	~~**<250,000>**~~		
19. Mid-block pedestrian crossings along River Road ***(5 crossings)***	**125,000**		
~~20. Lockhaven pedestrian bridge~~	~~**<2,000,000>**~~		
20 Year Priority Subtotal	**280,000**		
10% Contingency	**426,000**		
GRAND TOTAL OF ALL PROJECTS (+ Contingency)	**4,686,000**		

CITY COUNCIL MEETING: August 1, 2005

AGENDA ITEM NUMBER:

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

THROUGH: CHRIS EPPLEY
CITY MANAGER

FROM: SUSAN GAHLSDORF, CPA
FINANCE DIRECTOR

SUBJECT: RESOLUTION - CERTIFICATION OF STREET LIGHTING DISTRICT (SLD) ASSESSMENTS

BACKGROUND:

Prior to Fiscal Year 2004, the Street Lighting District Fund (SLD Fund) operated on a reimbursement basis. Electricity was paid in Year One and assessed on the tax roles in Year Two. Because of this, the fund operated in a cash deficit, especially during times of rising costs. The City traditionally used cash from other funds to meet the cash flow needs of the SLD Fund since the SLD tax assessments did not included a provision for working capital. Deficits were funded through inter-fund borrowing and repaid when tax revenues are received the following year. Even though the money was repaid with interest, the cash borrowed from those funds became the corpus for the SLD Fund. The money could not be spent for its intended purpose because it was needed the following year to cover the cash needs of the SLD Fund.

At the August 18, 2003 Council meeting, the City Council passed a motion directing staff to assess the Cash Flow requirement over a period of three years. At June 30, 2003, the ending fund balance had a $2,000 deficit. At June 30, 2004, the ending fund balance was approximately $70,000, and at June 30, 2005, the ending fund balance was approximately $120,000.

The Fiscal Year 2006 budget was adopted with the expectation that the final one-third working capital assessment would be added to the tax rolls. This assessment is consistent with the Council's direction on August 18, 2003 and City's financial policy adopted during the Fiscal Year 2003 budget process:

> "All operating funds will maintain an unrestricted and undesignated balance equal to annual revenue of at least 5% percent. This is the minimum needed to maintain the City's credit worthiness. **At June 30 of each year sufficient reserves shall exist to adequately cover the cash flow needs of the fund and to adequately provide for economic uncertainties for the**

upcoming year. Should the fund balance fall below the targeted amount in a given fund, a plan for expenditure reductions and/or revenue increases shall be submitted to the City Council via the Budget Committee. If, at the end of a fiscal year, the fund balance falls below the target amount in a given fund, then the City shall develop a plan to restore the fund balance within the five-year planning period."

ISSUE:

Staff has computed the amount of money necessary to be raised by assessment to cover Street Lighting District costs as shown on the attached exhibit "A". The calculation of this assessment is delayed each year because June electricity bills are not received and paid until July. The Marion County Assessor's office has granted the City an extension in filing these assessments. These assessments must be turned over to the County Assessor for collection by August 31, 2005, to be assessed on the 2005 tax rolls.

FISCAL IMPACT:

Staff has calculated \$486,215 as the assessment for the November 2005 tax rolls. Of this amount, approximately \$59,400 is needed for cash flow requirements.

RECOMMENDATION:

Staff recommends council open the public hearing on the Street Lighting District Assessments for Fiscal Year 2006. After testimony, staff recommends council close the public hearing and deliberates on this issue. After which, staff recommends the council adopt the attached resolution certifying the Street Lighting District Assessments, by tax account, to the Marion County Assessor for collection, if it so chooses.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2005-_____

CERTIFICATION OF LIGHTING DISTRICT ACCOUNTS

BE IT RESOLVED by the City Council of the City of Keizer that Keizer has determined and computed the amount of money necessary to be raised by assessment to cover funds spent to operate and maintain certain street lighting facilities within Keizer, including administrative costs and one-third of the estimated cash flow requirements for a total of $486,214.60; and

BE IT FURTHER RESOLVED that Keizer certifies Exhibit "A" attached hereto, is a true and correct list of the properties within the various lighting assessment district in Keizer giving the proper assessment and apportionment of costs and expenses to be assessed against the respective properties for operation and maintenance of street lighting facilities for the year; and

BE IT FURTHER RESOLVED that Exhibit "A" attached hereto, is certified to the County Assessor to be added to the appropriate tax accounts for the respective properties indicated.

PASSED this _____ day of ___________________, 2005.

SIGNED this _____ day of ___________________, 2005.

Mayor___________________________

City Recorder_____________________

"EXHIBIT A"
CERTIFICATION OF
LIGHTING DISTRICTS ACCOUNTS

LIGHTING DISTRICTS FY 2005-06

DISTRICT NAME		FRONT FOOTAGE OR # OF LOTS	TOTAL PER DISTRICT	PER LOT or FRONT FOOTAGE: Service and Administrative Costs	Cash Flow Requirement	Total
MARDELL		204	$ 8,614.92	5.16	5.16	42.23
WILARK PARK ST LTG		190	17,345.10	11.15	11.15	91.29
MAI LIN		290	12,931.10	5.45	5.45	44.59
APPLEBLOSSOM		88	3,827.12	5.31	5.31	43.49
RIVERCREST		326	14,790.62	5.54	5.54	45.37
IVY WAY		119	4,773.09	4.90	4.90	40.11
ARNOLD WAY		40	1,101.20	3.36	3.36	27.53
NORTHVIEW		86	4,827.18	6.86	6.86	56.13
MCNARY HGHTS		88	6,689.76	9.29	9.29	76.02
CEDAR PARK ST LGHT		19	1,499.10	9.64	9.64	78.90
MENLO		27	1,398.60	6.33	6.33	51.80
SHADY LANE	FRONT FOOTAGE	5345	3,336.93	0.5480	0.0761	0.6242
NORTHWOOD PARK #1		49	4,254.67	10.61	10.61	86.83
GREENWOOD	FRONT FOOTAGE	3785	1,822.70	0.4227	0.0587	0.4814
WILARK PARK #6		18	1,030.86	7.00	7.00	57.27
WILARK PARK ANN #7		16	1,013.92	7.74	7.74	63.37
NORTHWOOD PARK #2		43	3,279.18	9.32	9.32	76.26
MAI-LIN DISTRICT #2		22	982.96	5.46	5.46	44.68
MCLEOD PARK		36	2,050.92	6.96	6.96	56.97
LANCER PARK		36	2,339.64	7.94	7.94	64.99
HILLIGOSS		14	722.96	6.31	6.31	51.64
CARLHAVEN ADDITION		28	903.00	3.94	3.94	32.25
WINDSOR ESTATES		23	1,658.07	8.81	8.81	72.09
WHITAKER PARK		78	5,505.24	8.62	8.62	70.58
ANDREW PARK		15	1,092.60	8.90	8.90	72.84
GLYNBROOK		41	2,718.30	8.10	8.10	66.30
LAWNDALE SUB		34	2,691.44	9.67	9.67	79.16
NORTHWOOD PARK #4		98	9,062.06	11.30	11.30	92.47
PALMA CIEA #5		22	1,056.00	5.86	5.86	48.00
WILARK PARK ANN #5		18	1,320.12	8.96	8.96	73.34
HICKS JONES	FRONT FOOTAGE	18006	9,010.66	0.4392	0.0610	0.5007
CARLHAVEN ADD #2		28	1,034.04	4.51	4.51	36.93
WILL MANOR 4		23	1,493.39	7.93	7.93	64.93
WHEATLAND LN		7	554.68	9.68	9.68	79.24
NORTHTREE ESTATES		100	8,865.00	10.83	10.83	88.65
CHEMAWA PARK		18	1,857.42	12.61	12.61	103.19
MCLEOD PARK #2		27	1,974.24	8.93	8.93	73.12
CHEMAWA EST #1		30	2,288.70	9.32	9.32	76.29
SIX SUBDIVISION		23	860.66	4.57	4.57	37.42
MCLEOD ESTATES		74	4,973.54	8.21	8.21	67.21
CHEHALIS SUB		16	698.24	5.33	5.33	43.64
DENNIS LANE N+B70		43	2,171.07	6.17	6.17	50.49
CRESTWOOD VILLAGE		12	691.32	7.04	7.04	57.61
CHEMAWA EST #2		34	2,611.54	9.38	9.38	76.81
CHARLOTTE		45	1,894.50	5.14	5.14	42.10
PALMA CIEA		447	20,562.00	5.62	5.62	46.00
RIVERVIEW N		29	1,245.55	5.25	5.25	42.95
MEADOWBROOK		9	515.25	6.99	6.99	57.25
JUNIPER		20	971.40	5.93	5.93	48.57
TERRACE GLEN		16	1,114.72	8.51	8.51	69.67
WEDGEWOOD ESTATE		32	1,338.88	5.11	5.11	41.84
JULIE ESTATES		20	1,915.00	11.70	11.70	95.75
KEPHART		40	2,283.20	6.97	6.97	57.08
JOHNISEE ADDN		13	528.06	4.96	4.96	40.62
WALENWOOD SUB		9	291.06	3.95	3.95	32.34
WARNER PARK		10	299.50	3.66	3.66	29.95
SPRINGTIME PK SUB		15	1,005.45	8.19	8.19	67.03
STONEHEDGE ESTATE		100	7,591.00	9.27	9.27	75.91
RIVERVIEW N #2		28	1,253.84	5.47	5.47	44.78
TIMBERVIEW SUB		142	8,440.48	7.26	7.26	59.44
VISTAVIEW ESTATE #2		60	2,958.60	6.02	6.02	49.31
NORTHRIDGE PARK		32	1,343.36	5.13	5.13	41.98
JUNIPER #2 SUBDIV		21	1,407.21	8.19	8.19	67.01
KEIZER HEIGHTS+B112		64	4,275.84	8.16	8.16	66.81
CLARK ST NE		28	903.00	3.94	3.94	32.25
FRIENDSHIP ADDITION		12	519.60	5.29	5.29	43.30
TEN AT MCNARY		15	1,215.60	9.90	9.90	81.04
BUCHOLZ ADDITION		21	743.61	4.33	4.33	35.41
PARKLAWN ADDITION		6	431.76	8.79	8.79	71.96
GLYNBROOK II N		43	3,363.46	9.56	9.56	78.22
FOUR WINDS ADDN N		123	5,992.56	5.95	5.95	48.72
FERNBROOK		39	1,721.07	5.39	5.39	44.13
EDEN ESTATES		42	3,079.02	8.96	8.96	73.31
COUNTRY CLUB EST		28	1,671.04	7.29	7.29	59.68
LAWNDALE I SUB PH-2		39	2,780.31	8.71	8.71	71.29
STONEHEDGE EST II		89	5,389.84	7.40	7.40	60.56
GARY ST		37	1,257.26	4.15	4.15	33.98
ARNOLD ST #2		23	956.80	5.08	5.08	41.60
FOUR WINDS III		20	580.80	3.55	3.55	29.04
GREENWAY		19	879.13	5.65	5.65	46.27
NOON AVE		32	1,342.72	5.13	5.13	41.96
STONEHEDGE EST III		32	2,016.96	7.70	7.70	63.03
STONEHEDGE EST 4&5		32	2,287.04	8.73	8.73	71.47
WILLOW LAKE EST		44	2,985.40	8.29	8.29	67.85
THE MEADOWS PH-1		56	5,023.20	10.96	10.96	89.70
FOURWINDS II		16	677.12	5.17	5.17	42.32
WHITAKER HGTS		34	2,384.42	8.57	8.57	70.13
THE MEADOWS PH-3		35	3,143.70	10.97	10.97	89.82
THE MEADOWS PH-2		37	3,322.60	10.97	10.97	89.80
THE MEADOWS PH-4		39	3,501.81	10.97	10.97	89.79
ORCHARD CREST		53	3,096.79	7.14	7.14	58.43
STONEHEDGE EST #6		31	2,297.10	9.05	9.05	74.10
SPRINGMEADOW EST		1	5,018.95	613.14	613.14	5,018.95
WILLOW LAKE 2&3		96	6,027.84	7.67	7.67	62.79
CHERRYLAWN CT NE		8	539.04	8.23	8.23	67.38
ORCHARD CREST PH-3		35	2,353.75	8.22	8.22	67.25
MAX CT		10	804.90	9.83	9.83	80.49
THE MEADOWS PH-5		42	3,770.34	10.97	10.97	89.77
ORCHARD CREST PH-2		53	2,960.58	6.82	6.82	55.86
RIVERCREST PH-1&2		44	2,326.72	6.46	6.46	52.88
THE MEADOWS PH-6		31	2,785.97	10.98	10.98	89.87
THE MEADOWS PH-7		32	2,875.52	10.98	10.98	89.86
TIMBERVIEW PH-3		28	2,560.60	11.17	11.17	91.45
APPLETREE PH-1,2,3		45	4,438.80	12.05	12.05	98.64
BRIARWOOD		1	3,559.25	434.82	434.82	3,559.25
HIDDEN CRK EST PH-1		37	4,948.75	16.34	16.34	133.75
CATERWOOD ESTATES		51	3,623.04	8.68	8.68	71.04
PARKMEADOW APTS		1	1,464.65	178.93	178.93	1,464.65
NORTHRUP/NORTHSHIRE		12	756.96	7.71	7.71	63.08
COUNTRY GLEN EST B138		187	14,318.59	9.35	9.35	76.57
FIRCONE		29	2,529.96	10.66	10.66	87.24
HIDDEN CRK EST PH-2		16	1,303.04	9.95	9.95	81.44
CLEARLAKE SUBDIV		49	4,183.62	10.43	10.43	85.38
SPRINGRIDGE EST		32	2,776.00	10.60	10.60	86.75
THE RIDGE		22	1,932.04	10.73	10.73	87.82
NORTHSIDE ESTATES		43	3,330.35	9.46	9.46	77.45
HOMESTEAD/CLEARVIEW		10	449.50	5.49	5.49	44.95
HONEYSUCKLE		25	1,644.50	8.04	8.04	65.78
LARSON PARK SUBDIV		12	691.32	7.04	7.04	57.61
DAILEY ESTATES		10	674.40	8.24	8.24	67.44
STICKLES ADDITION		9	376.74	5.11	5.11	41.86
CEDAR BLUFF SUBDIV		27	2,552.31	11.55	11.55	94.53
ABT KOUFAX LN		22	2,220.68	12.33	12.33	100.94
HIDDEN CREEK PH-3		33	1,158.30	4.29	4.29	35.10
HOLLY LN/ALDER DR NE		9	441.09	5.99	5.99	49.01
3RD AVE N		57	2,261.19	4.85	4.85	39.67
HIDDEN CREEK PH-4		15	1,583.55	12.90	12.90	105.57
JACOBE ESTATES SUB		10	1,252.20	15.30	15.30	125.22
PRAIRIE EST		93	10,921.92	14.35	14.35	117.44
TECUMSEH ESTATES		21	1,634.43	9.51	9.51	77.83
TEPPER E SUB		28	2,859.92	12.48	12.48	102.14
WESTMORE		24	1,451.28	7.39	7.39	60.47
PINEHURST ESTATES		57	4,960.14	10.63	10.63	87.02
LEEWOOD MEADOWS		54	3,629.34	8.21	8.21	67.21
DROWER PLACE		31	2,836.50	11.18	11.18	91.50
HIGHLANDS ESTATES		60	4,863.00	9.90	9.90	81.05
JACOBE ESTATES PH2		18	1,609.02	10.92	10.92	89.39
BAHNSEN WOODS EST		60	5,034.00	10.25	10.25	83.90
FOREST RIDGE EST		55	4,235.00	9.41	9.41	77.00
WHEATLAND TERRACE		15	1,064.85	8.67	8.67	70.99
WATERFORD		49	4,183.62	10.43	10.43	85.38
ROCKLEDGE ADDITION		16	1,013.92	7.74	7.74	63.37
WITTENBERG		1	2,517.74	307.58	307.58	2,517.74
JORDON RUN		11	811.14	9.01	9.01	73.74
PRAIRIE CLOVER		4	717.20	21.90	21.90	179.30
VINEYARDS		90	6,532.20	8.87	8.87	72.58
HIGHLANDS NORTH		16	595.36	4.55	4.55	37.21
CHEMAWA GLEN		38	2,797.56	8.99	8.99	73.62
SPARROW ADDITION		8	751.20	11.47	11.47	93.90
VINEYARDS NO. PHASE 2		51	3,857.13	9.24	9.24	75.63
HIDDEN CREEK PHASE 5		10	1,005.30	12.28	12.28	100.53
DARNICK ESTATES		12	1,555.56	15.84	15.84	129.63
MCLEOD ACRES		10	733.70	8.96	8.96	73.37
DEIER ESTATES		18	1,754.82	11.91	11.91	97.49
WESTMORE EAST SUBDIV N.		18	517.50	3.51	3.51	28.75
SHADY ADDITION N.-RING ST. N.E.		18	870.66	5.91	5.91	48.37
CLEARLAKE HEIGHTS		12	914.28	9.31	9.31	76.19
PINE MEADOWS ESTATE		14	811.72	7.08	7.08	57.98
AT MURPHY SUBDIVISION-PHASE 1 & 2		24	1,578.72	8.04	8.04	65.78
FULTZ ESTATES		16	1,093.76	8.35	8.35	68.36
RICKMAN CROSSING		10	1,005.30	12.28	12.28	100.53
CEDAR TREE		11	786.28	8.73	8.73	71.48
WINDSOR WOODS SUBDV		44	3,566.20	9.90	9.90	81.05
APPLE TREE ANNEX/PEIRCE DRIVE		36	2,135.16	7.25	7.25	59.31
FULTZ ESTATES PH 2		7	525.42	9.17	9.17	75.06
PLEASANTVIEW NE		43	1,779.77	5.06	5.06	41.39
HUNTER ADDITION II		10	756.30	9.24	9.24	75.63
HUNTER ADDITION I		5	1,163.05	28.42	28.42	232.61
LENT ESTATES STLT DIST. KUD		27	1,118.07	5.06	5.06	41.41
MEGAN LEE PROP.		5	670.75	16.39	16.39	134.15
TREBBER ESTATES		15	2,966.85	24.16	24.16	197.79
EVERWOOD MEADOWS		15	1,908.15	15.54	15.54	127.21
WINDSOR WOODS SUBDV PH2		[illegible]	3,103.29	9.25	9.25	75.69
TOTAL [illegible]			$ [illegible],214.60			

CITY COUNCIL MEETING:____________________

AGENDA ITEM NUMBER:________________

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

THROUGH: CHRIS EPPLEY
CITY MANAGER

FROM: ROB KISSLER
DIRECTOR OF PUBLIC WORKS

SUBJECT: STREET SWEEPING CONTRACT

DATE: JULY 26, 2005

BACKGROUND:

The City's current street sweeping contract with Wheat LLC ran out on June 30 2005. Staff developed a request for proposals (RFP) for Street Sweeping Services in April 2005. The RFP indicates the need to sweep all curbed streets and bike paths once a month located through out the City over the next three years. Major and Minor arterials Chemawa, Lockhaven, Cherry and River roads will be swept twice each month. Total miles swept through out the City is approximately 218 miles.

Staff reviewed two proposals received per the requirements of the RFP and determined both companies are well qualified to perform street sweeping services.

Staff analyzed during the 2005/2006 budget process the possibility of providing street sweeping services by additional in house City staff and purchasing equipment on a five-year lease program. Staff determined with the competitive pricing received from Water Truck Services Company, the City couldn't provide street sweeping services at this time effectively and efficiently as private firms.

FISCAL IMPACT:

The 2005/2006 Street Fund provides funding for street sweeping services. Annual estimated cost for street sweeping services is $75,210.

RECOMMENDATION:

Staff recommends City Council adopt the attached resolution authorizing the City Manager to enter into a three-year contract with Water Truck Services to perform street sweeping services. Please contact me if you have questions or concerns.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2005-_____

AUTHORIZING THE CITY MANAGER TO ENTER INTO STREET SWEEPING CONTRACT

WHEREAS, the City of Keizer has requested proposals for a Street Sweeping Contract for the cleaning of city streets and other designated areas;

WHEREAS, the Public Works Director has reviewed the proposals and recommends that Water Truck Service, Inc. be awarded the contract;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the Street Sweeping Contract be awarded to Water Truck Service, Inc. and that Notice of Intent to Award the Contract be provided as required by law.

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Lien & Johnson
Attorneys at Law
4855 River Road North
Keizer, Oregon 97303
503-390-1635

BE IT FURTHER RESOLVED by the City Council of the City of Keizer that the City Manager is authorized to enter into the Street Sweeping Contract with Water Truck Service, Inc., as set forth in Exhibit "A", attached and by this reference incorporated herein.

PASSED this __________ day of _________________, 2005.

SIGNED this __________ day of _________________, 2005.

____
Mayor

____
City Recorder

Lien & Johnson
Attorneys at Law
4855 River Road North
Keizer, Oregon 97303
503-390-1635

STREET SWEEPING CONTRACT

PARTIES:

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

WATER TRUCK SERVICE, INC. (hereinafter "Contractor")

Based on the mutual promises and consideration expressed herein, the parties agree as follows:

A. DEFINITIONS AND GENERAL INFORMATION

1. The City of Keizer, hereinafter referred to as the "City", desires to contract a professional street cleaning service for the period beginning August 1, 2005 and ending July 31, 2008, subject to the optional extension as provided herein. The City and Contractor may extend the Contract for two (2) additional years upon mutual consent of the parties.

2. The City has approximately 110 miles of roadway to be swept, equaling approximately 184 curb miles and 34 miles of non-curbed bike paths and center turn lanes, in accordance with the attached map. Leaf pick up is an integral part of this Contract, and the cost thereof is to be included in the contract price.

3. The term "debris" shall mean all materials normally picked up by a regenerative air sweeper, such as sand, salt, glass, paper, cans and other materials. "Debris" also includes large items such as large stones, tree limbs, wood, cable, and other such materials in the areas to be swept.

4. The term street shall mean the paved area between the normal curb line of a roadway whether or not an actual curb line exists on it. It shall not include any ways that would cause damage to the equipment used. It <u>does</u> include bikeways adjacent to the roadway.

B. SCOPE OF WORK

1. The Contractor will clean all the streets designated by the City on the attached map. Additional streets to be cleaned may be added by the City from time to time.

2. The Contractor will sweep each designated street twelve (12) times per year at the times designated by the City. However, River Road, Chemawa Road, Cherry Avenue, Wheatland Road and Lockhaven Drive will be swept twenty-four (24) times per year at the times designated by the City.

3. Sweeping will not be done after 6:00 p.m. or before 8:00 a.m. in residential areas. Any request for change in these hours shall be submitted in writing for written approval by the City Public Works Director prior to change. Contractor may be called in and must be available at unscheduled times for street clean-up.

4. The Contractor will supply and maintain all equipment necessary to accomplish these sweepings. Water for sweeping will be supplied by the City at a designated location.

5. The Contractor will dump at a site approved by the City, however the City shall not provide or maintain such sites.

6. The City shall pay Contractor $28.65 per swept mile including disposal and $87.50 per hour plus the cost of disposal for special sweepings, payable on a monthly basis. At least ninety (90) days prior to the anniversary date, the Contractor may request an increase in the per swept mile charge and special sweeping charge effective at each anniversary date. Granting of such request is voluntary and solely within City's discretion.

7. The Contractor may be required to sweep additional areas other than as set forth on the attached map. Such additional areas shall be charged at $28.65 per curb mile for one curb mile or greater, or at an hourly rate of $87.50 for additional street cleaning of less than curb mile.

8. All streets shall be swept with the normal flow of traffic.

C. EQUIPMENT SPECIFICATIONS

1. The Contractor must have proof of ownership, or a signed lease for at least the duration of the Contract, of either a Schwarze A8000 sweeper or a Tymco Model 600 regenerative air sweeper suitable for meeting the requirements of this Contract. The Contractor should include evidence of available equipment to handle leaf pick up.

2. Machines must be equipped with an effective water spray system for dust control, and this spray system must be maintained in good operating condition.

3. Machines must be properly registered and insured in accordance with motor vehicle laws of Oregon.

4. Machines must be in good working condition and kept that way throughout the life of the Contract.

5. Equipment must be capable of removing litter, leaves, and debris sufficiently to meet City cleanliness standards.

6. Equipment must conform to all federal, state, and local safety regulations.

7. Vehicles must be equipped with dual gutter brooms capable of sweeping at minimum a nine foot path. Vehicles must be of the air regenerative sweeping type and meet DEQ Clean Air Standards.

D. WORKMANSHIP

The Contractor shall, at all times, endeavor to use good sweeping practices and will be responsible to make adjustments to the equipment as directed by the inspector. Good sweeping practices include, but are not limited to:

1. Position gutter brooms at the proper angle to the gutter line and touching the curb.

2. Set main broom in level position to assure adequate debris pick up.

3. Replace gutter broom if excessively worn or if sections of the broom are gone.

4. Adjust spray nozzles to keep dust caused by sweeping to a minimum.

5. Center guides and main broom guides shall be properly maintained and adjusted.

6. Sweep entire radius on all designated routes, unless it is impossible or impractical to do so due to the size or configuration of the street.

7. No collected debris shall be left on the street right of way at any time, except during heavy leaf times, and this shall be limited to collection sites specified by the City.

8. Specified collection sites shall be cleaned thoroughly by the end of the sweeping day.

9. Operate sweeper as close to parked cars and other obstacles as safety allows.

10. Use common sense and good judgment at all times.

11. Operate sweeper at a minimum rate of speed to assure maximum debris pick up is attained on each street swept.

E. TECHNICAL REQUIREMENTS

1. The Contractor shall furnish to the City a written schedule for sweeping services on all streets within the City to be swept. Such schedule shall be approved by the Public Works Director. Contractor shall substantially comply with the approved schedule.

2. The Contractor is reminded that he or she is an integral part of a continuing City service to which the citizens are accustomed. Therefore, the Contractors will be expected to cooperate with the City and its citizens in carrying out the basic task of removing debris from the City streets

3. The Contractor shall exercise all reasonable care and diligence in street sweeping. The Contractor shall take all actions necessary to prevent any spilling, scattering, or dropping of refuse through the sweeping activities. If any debris or refuse is spilled, the Contractor shall immediately clean up such spills.

4. The City shall verbally contact the Contractor to forward any complaints which relate to the Contractor's operations. Upon the receipt of a complaint, the Contractor shall investigate and resolve the complaint with the complainant if possible. The Contractors will then notify the inspector of the action taken on the next scheduled work day.

Should the Contractor not render this service within forty-eight (48) hours, excluding weekends, after a complaint is reported to the Contractor or an authorized representative, the contract administrator may make whatever arrangements are necessary, in the contract administrator's opinion, to satisfy the valid complaint. For any costs incurred by the City for these arrangements, the Contractor shall be made liable and reimburse the City immediately upon demand. Contractor agrees that City may deduct any unpaid cost incurred by the City from future payments due to Contractor from City.

5. The Contractor may, during periods of heavy leaf fall, establish temporary disposal sites within the working area. The location(s) must be submitted in writing for approval of the contract administrator prior to any dumping at these temporary sites. As a prerequisite for use of these sites, the Contractor shall agree to clean and remove all debris from these sites before the end of each working day.

6. The Contractor shall notify the City twenty-four (24) hours prior to sweeping any area, of the streets to be swept and the approximate time of the sweeping in order to allow the City the opportunity to immediately inspect the suitability of the job. If the job is found to be not acceptable, the City, at its option, may require the Contractor to reclean the job area at the Contractor's expense.

F. CITY'S OBLIGATIONS

1. The City will designate a location within the City for filling water spray systems.

2. The City will not provide or maintain disposal sites for dumping debris picked up by the Contractor.

3. The City may provide safety efficiency checks.

G. CONTRACTOR'S OBLIGATIONS

1. The Contractor must be able to meet all requirements of this project.

2. The Contractor must comply with the provisions of ORS 279.312, 279.314, 279.316, 279.320, 279.334, 279.336, 653.268 and 653.269.

3. The Contractor will provide fuel and maintenance for all vehicles and for equipment.

4. The Contractor must have a supervisor or foreman available at all times to direct operations. This supervisor or foreman will report to the City or its designee any problems that occur.

5. The Contractor shall meet the agreed upon dates for sweeping as closely as possible.

6. The Contractor agrees not to sublet or assign this Contract in whole or in part without the prior written authorization of the City.

7. The Contractor is responsible for disposing of debris. The Contractor must obtain the City's approval of the Contractor's plan for disposal of debris prior to beginning work under this Contract.

H. BREACH OF CONTRACT

If the Contractor cancels this Contract or materially breaches this Contract before substantially performing under the terms of this Contract, then the parties agree that the Contractor shall pay to Keizer as damages for its cancellation or breach of this Contract the sum of $2,000.00 which the parties have negotiated recognizing the difficulty of accurately estimating the harm to Keizer caused by the Contractor’s prospective breach and which sum the parties have negotiated and determined to be reasonable compensation to the City for that harm.

I. ENFORCEMENT PROVISIONS

In the event that the City is required to employ an attorney to enforce the provisions of this Contract, the Contractor agrees to pay the City's reasonable costs of enforcement, including attorney fees, and if the City is required to maintain any suit, action or proceeding upon this Contract or if any appeal is taken therefore, the prevailing party shall be entitled to recovery, in addition to such other sum of money or performance due hereunder, such sums as the Court may adjudge reasonable as attorney fees in said suit, actions, proceeding or appeal plus the costs and disbursement awarded therein.

J. PAYMENT SCHEDULE

Contractor will submit an invoice monthly to the City indicating miles swept, time spent on special sweeping and the charges for that service and the special disposal cost, if any. The City shall pay the Contractor within thirty (30) days of accepting the work and receipt of invoice.

K. INSURANCE REQUIREMENTS

The Contractor shall maintain automobile liability insurance of at least $1,000,000 combined single limit policy. The Contractor shall also maintain property damage and bodily injury insurance of at least $1,000,000. Employees of the Contractor will be covered under workers' compensation insurance. The Contractor will hold the City harmless from all damages caused by its employees, agents or assignees.

L. CONTRACT TERMINATION

1. Should Contractor not meet the obligations as set forth in this Agreement, City may terminate this agreement with thirty (30) days notice. In such case, the City shall be liable only for the services rendered through date of termination at the contract rate.

2. The City reserves the right to rebid or obtain competitive quotes on any renewal or extension of this Contract or any additional sweeping requested under this Contract.

IN WITNESS WHEREOF, the parties hereto have hereunto affixed their hand and seal this _______________ day of ________________________, 2005.

CITY OF KEIZER:	WATER TRUCK SERVICE, INC.:
By:___________________________ City Manager	By:_____________________________
Attest:_________________________ City Recorder	Address:_________________________ ________________________________

Approved As To Form:

____
City Attorney

CITY COUNCIL MEETING: August 1, 2005

AGENDA ITEM NUMBER:______________

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: RESOLUTION AUTHORIZING CITY MANAGER TO PURCHASE TIERSMA PROPERTY (AREA B RIGHT-OF-WAY)

Flora J. Tiersma owns a small strip of property between the Weigel parcel (owned by the City) and the Nopp parcel (being purchased by the City) in Area B of the Keizer Station. A portion of this property is necessary for the Keizer Station Boulevard right-of-way.

Mrs. Tiersma (unlike Mrs. Nopp) wishes to sell only the right-of-way portion of her property. Norman Webb represents Mrs. Tiersma, and Mr. Webb and I have reached tentative agreement at the same price per square foot ($10.00 per foot) as was paid for Mrs. Nopp's property. As of the writing of this staff report, we have not yet confirmed that Mrs. Tiersma has signed the agreement, but it has been approved by her attorney. The resolution authorizing the transaction and the agreement are attached.

RECOMMENDATION:

Adopt the attached resolution.

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

ESJ/tmh
attachment

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2005-_____

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT TO PURCHASE REAL PROPERTY LOCATED IN KEIZER, MARION COUNTY, OREGON (FLORA J. TIERSMA, TRUSTEE UNDER THE TIERSMA LIVING TRUST DATED JANUARY 4, 1999)

WHEREAS, Flora J. Tiersma, Trustee under the Tiersma Living Trust Dated January 4, 1999 is the owner of property located at 2335 Chemawa Road NE, Keizer, Marion County, Oregon;

WHEREAS, a portion of such property is appropriate and necessary for future redevelopment of the area;

WHEREAS, Flora J. Tiersma, Trustee has agreed to sell the real property described in the attached Sale Agreement to the City of Keizer;

WHEREAS, the parties have negotiated the terms and a Sale Agreement and Receipt for Earnest Money has been prepared for the City Manager's signature;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the City Manager is hereby authorized to enter into that certain Sale Agreement and Receipt for Earnest Money, a copy of which is attached as Exhibit "A" and by this reference

Lien & Johnson
Attorneys at Law
4855 River Road North
Keizer, Oregon 97303
503-390-1635

incorporated herein.

BE IT FURTHER RESOLVED that the City Manager is directed and authorized to take all actions necessary and appropriate to consummate the transaction as contemplated therein.

BE IT FURTHER RESOLVED that the funds for this purchase shall be from the Urban Renewal fund.

PASSED this __________ day of _________________, 2005.

SIGNED this __________ day of _________________, 2005.

____
Mayor

____
City Recorder

Lien & Johnson
Attorneys at Law
4855 River Road North
Keizer, Oregon 97303
503-390-1635

SALE AGREEMENT AND
RECEIPT FOR EARNEST MONEY
(Under Threat of Condemnation)

DATE: ____________________, 2005

SELLER: FLORA J. TIERSMA, Trustee
under the TIERSMA LIVING TRUST
Dated January 4, 1999
c/o Norman F. Webb
Attorney at Law
1114 12th St SE
Salem, OR 97302

BUYER: THE CITY OF KEIZER, an
Oregon Municipal Corporation
c/o E. Shannon Johnson
4855 River Road N.
Keizer, OR 97303

RECITAL:

A. Seller desires to sell to Buyer and Buyer desires to purchase from Seller certain real property located in Keizer, Marion County, Oregon having the following legal description (the "Property"):

> See Exhibit "A" attached hereto and by this reference incorporated herein, together with an easement for placing public utilities such as water lines, sewer lines, storm drains, electrical lines and communication lines among others in the easement and a construction and slope easement for the protection and maintenance of the abutting highway over, under and through the property described in Exhibits "B" and "C".

B. The parties acknowledge and agree that this purchase is made under threat of condemnation.

AGREEMENT:

Now, therefore, for valuable consideration, the parties agree as follows:

1. Sale and Purchase. Buyer agrees to purchase the Property from Seller and

Seller agrees to sell the Property to Buyer for the sum of $63,180.00 (the "Purchase Price").

2. Earnest Money. Buyer shall pay the sum of $5,000.00 as earnest money within three (3) days of Buyer's acceptance. The earnest money shall be deposited with escrow and shall be applied to the Purchase Price on the Closing Date, as that term is defined below.

3. Payment of Purchase Price. The Purchase Price shall be paid as follows:

3.1 At closing, the earnest money shall be credited to the Purchase Price.

3.2 At closing, Buyer shall pay the balance of the purchase price in cash.

4. Closing. Closing shall take place on or before August 23, 2005 (the "Closing Date"), at the offices of Fidelity National Title Company of Oregon.

5. Preliminary Title Report. Buyer will have ten (10) days from receipt of the Title Report to review the Title Report and to notify Seller, in writing, of Buyer's disapproval of any exceptions shown in the Title Report. Buyer shall not be required to notify Seller with regard to any trust deed or mortgage or other monetary lien which will be presumed disapproved. Those exceptions not objected to by Buyer are referred to below as the "Permitted Exceptions." Zoning ordinances, building restrictions, taxes due and payable for the current tax year, and reservations in federal patents and state deeds shall be deemed Permitted Exceptions. If Buyer notifies Seller of disapproval of any exceptions, Seller shall have fifteen (15) days after receiving the disapproval notice to either remove the exceptions or provide Buyer with reasonable assurances of the manner in which the exceptions will be removed before the transaction closes. If Seller does not remove the exceptions or provide Buyer with such assurances, Buyer may terminate this Agreement by written notice to Seller given within fifteen (15) days after expiration of such 15-day period, in which event the earnest money shall be refunded to Buyer and this Agreement shall be null and void.

6. Conditions. Buyer's obligation to purchase the Property is contingent on satisfaction of each of the following conditions:

6.1 Buyer's approval of the preliminary title report pursuant to Section 5.

6.2 Buyer's written acceptance of any adverse conditions noted in any inspections, studies, surveys or tests conducted on the Property. Buyer shall have the right, at its expense, to conduct any such inspections, studies, surveys and tests, and Seller agrees to reasonably accommodate such inspectors. This condition will be deemed waived if Buyer fails to notify Seller in writing of any adverse conditions on or before August 17, 2005.

The foregoing conditions are for the benefit of Buyer and may be waived, in whole or in part, by Buyer only. Any waiver must be in writing. Unless waived, if any condition is not satisfied by the date specified, this Agreement may be terminated, at the option of Buyer, by written notice, in which event the earnest money shall be refunded to Buyer.

7. **Deed.** On the Closing Date, Seller shall execute and deliver to Buyer a statutory warranty deed conveying the Property to Buyer, free and clear of all liens and encumbrances except the Permitted Exceptions.

8. **Title Insurance.** Within fifteen (15) days after closing, Seller shall furnish Buyer with an owner's policy of title insurance in the amount of the purchase price, standard form, insuring Buyer as the owner of the Property subject only to the usual printed exceptions and the Permitted Exceptions.

9. **Costs and Expenses.** Seller shall pay one-half of all escrow fees and costs, and for Seller's share of prorations. Buyer shall pay all premiums for the title insurance policy, one-half of all escrow fees and costs, all document recording charges, and Buyer's share of prorations. Seller and Buyer shall each pay their own legal and professional fees respectfully. All other costs and expenses shall be allocated between Seller and Buyer in accordance with the customary practice in Marion County, Oregon.

10. **Taxes; Prorates.** Real property taxes for the current tax year and all other usual items shall be prorated as of the Closing Date.

11. **Possession.** Buyer shall be entitled to possession immediately upon closing.

12. **Property Included.** The Property is bare land only. No fixtures are part of the Property.

13. **Personal Property.** No personal property is included as part of the Property being sold to Buyer.

14. **Seller's Representations.** Seller represents and warrants to Buyer as follows:

(1) Seller has not received any written notice of any liens to be assessed against the Property.

(2) Seller has not received any written notice from any governmental agency of any violation of any statute, law, ordinance, or deed restriction, rule, or regulation with respect to the Property.

(3) Seller is not a “foreign person” as that term is defined in IRC '1445.

(4) The Property has never been used for the storage or disposal of any hazardous material or waste. There are no environmentally hazardous materials or wastes contained on or under the Property and the Property has not been identified by any governmental agency as a site upon which environmentally hazardous materials or wastes have been or may have been located or deposited.

All representations and warranties contained in this Agreement will survive closing and the conveyance of the Property to Buyer.

Pursuant to ORS 105.465(1)(a), Buyer hereby indicates to the Seller, and such indication is conclusive, that the real property will be used for purposes other than a residence for the Buyer or the Buyer’s spouse, parent or child. Therefore, a statutory seller’s disclosure form is not required.

Other than the Seller’s representations and warranties contained in this Agreement and those contained in any instrument delivered to the Buyer at closing, the Buyer acknowledges that it is purchasing the Property AS IS.

15. Waiver and Release of Claims. Seller hereby releases and waives any and all claims, causes of actions and complaints, whether judicial, administrative or otherwise against Buyer and the Urban Renewal Agency of the City of Keizer which arise under or in any way is connected with Seller’s ownership of the Property or the sale of the Property to Buyer. This waiver and release includes, without limitation, waiver and release of any reversionary interest Seller may have by way of condemnation law, as well as a release of any relocation costs and benefits, it being the understanding of the parties that the consideration set forth herein to be paid to Seller contemplates the total amounts that may be due to Seller, including relocation benefits.

16. Buyer Held Harmless as Municipal Government. Seller agrees and understands that Buyer’s responsibility and obligations under this Agreement do not and cannot bind Buyer as to its duties as municipal government which are necessarily separate and apart from its obligations hereunder. To that end, with regard to any actions that may affect Seller’s operation of the Premises in any manner whatsoever, Seller agrees that enforcement in good faith of any lawful ordinances or regulations or any other acts Buyer may take with regard to the adoption of appropriate and necessary laws and ordinances, or any other acts Buyer may take in its role as municipal government shall not be restricted by the fact that Buyer entered into this Agreement. However, nothing in this Section shall be interpreted to permit Buyer to act or fail to act in any way inconsistent with any common law, constitutional or statutory rights of Seller or the established duties and obligations of Buyer as a municipal body. This provision shall survive closing and shall not merge with the deed.

17. Binding Effect/Assignment Restricted. This Agreement is binding on and will inure to the benefit of Seller, Buyer, and their respective heirs, legal representatives, successors, and assigns.

18. Remedies. TIME IS OF THE ESSENCE REGARDING THIS AGREEMENT. If the conditions described in Section 6 above are satisfied or waived by Buyer and the transaction does not thereafter close, through no fault of Seller, before the close of business on the Closing Date, Buyer shall forfeit the earnest money deposit to Seller as liquidated damages, but such forfeiture shall not constitute a waiver of other remedies available to Seller. If Seller fails to deliver the deed described in Section 7 above on the Closing Date or otherwise fails to consummate this transaction, the earnest money shall be refunded to Buyer, but acceptance by Buyer of the refund will not constitute a waiver of other remedies available to Buyer.

19. Attorney Fees. If an action is instituted to enforce any term of this Agreement, the prevailing party shall recover from the losing party reasonable attorney fees incurred in such action as set by the trial court and, in the event of appeal, as set by the appellate courts.

20. Notices. All notices and communications in connection with this Agreement shall be given in writing and shall be delivered personally or transmitted by certified or registered mail, return receipt requested, to the appropriate party at the address first set forth above. Any notice so transmitted shall be deemed effective on the date delivered personally or it is placed in the United States mail, postage prepaid. Either party may, by written notice, designate a different address for purposes of this Agreement.

21. Entire Agreement. This Agreement sets forth the entire understanding of the parties with respect to the purchase and sale of the Property. This Agreement supersedes any and all prior negotiations, discussions, agreements, and understandings between the parties. This Agreement may not be modified or amended except by a written agreement executed by both parties.

22. Applicable Law. This Agreement shall be construed, applied, and enforced in accordance with the laws of the state of Oregon.

23. Required Statutory Warning. THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS

AND REGULATIONS, WHICH, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND WHICH LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 IN ALL ZONES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND EXISTENCE OF FIRE PROTECTION FOR STRUCTURES.

24. Acceptance. This Agreement shall be null and void unless accepted by Buyer, by Buyer's execution of it, on or before August 7, 2005. Seller may not withdraw this offer prior to this date.

SELLER:

DATE:___________________

TIERSMA LIVING TRUST
Dated January 4, 1999

By:________________________________
Flora J. Tiersma, Trustee

BUYER:

DATE:______________________

THE CITY OF KEIZER, an Oregon Municipal Corporation

By:______________________________
Christopher C. Eppley,
City Manager

Parcel 4

Beginning at the Northwest corner of Parcel Two as described in deed recorded in Reel 1556 Page 24, Deed Records for Marion County, Oregon, which point is recorded as being 776.24 feet North 89°45' East and 2120.52 feet South and 663.62 feet North 89°50' East from the Northwest corner of the Silas G. Pugh Donation Land Claim in Section 36, Township 6 South, Range 3 West, Willamette Meridian in Marion County, Oregon;

thence South 89°51'30" East along the North line of said Parcel Two, a distance of 77.23 feet to the Northeast corner thereof;

thence South 38°52'22" East along the Easterly line of said Parcel Two, a distance of 309.23 feet to the **TRUE POINT OF BEGINNING;**

thence South 38°52'22" East along said Easterly line, a distance of 10.03 feet;

thence Southwesterly along the arc of a 450.00 foot radius curve to the left (the chord of which bears South 42°58'27" West 60.53 feet) a distance of 60.58 feet to a point on the Westerly line of said Parcel Two;

thence North 38°53'10" West along said Westerly line, a distance of 10.22 feet;

thence Northeasterly along the arc of a 460.00 foot radius curve to the right (the chord of which bears North 43°09'12" East 60.51 feet) a distance of 60.55 feet to the **TRUE POINT OF BEGINNING.**

Contains 606 square feet of land, more of less.

City of Keizer

Parcel 2

Beginning at the Northwest corner of Parcel Two as described in deed recorded in Reel 1556, Page 24, Deed Records for Marion County, Oregon, which point is recorded as being 776.24 feet North 89°45' East and 2120.52 feet South and 663.62 feet North 89°50' East from the Northwest corner of the Silas G. Pugh Donation Land Claim in Section 36, Township 6 South, Range 3 West Willamette Meridian in Marion County, Oregon;

thence South 89°51'30" East along the North line of said Parcel Two, a distance of 77.23 feet to the Northeast corner thereof;

thence South 38°52'22" East along the Easterly line of said Parcel Two, a distance of 214.52 feet to the **TRUE POINT OF BEGINNING;**

thence Southwesterly along the arc of a 554.50 foot radius curve to the left (the chord of which bears South 44°31'20" West 60.34 feet) a distance of 60.37 feet to a point on the Westerly line of said Parcel Two;

thence North 38°53'10" West along said Westerly line, a distance of 10.14 feet ;

thence Northeasterly along the arc of a 564.50 foot radius curve to the right (the chord of which bears North 44°38'24" East 60.33 feet) a distance of 60.36 feet to a point on the Easterly line of said Parcel Two;

thence South 38°52'22" East 10.02 feet to the **TRUE POINT OF BEGINNING.**

Contains 604 square feet of land, more or less.

Z:\LAND PROJECTS 2003\WHPACIFIC-KEIZER STATION\WORD\LEGAL DESC FOR RADIANT REALIGN.DOC

Exhibit B page 1 of 1

City of Keizer

Parcel 3

Beginning at the Northwest corner of Parcel Two as described in deed recorded in Reel 1556, Page 24, Deed Records for Marion County, Oregon, which point is recorded as being 776.24 feet North 89°45' East and 2120.52 feet South and 663.62 feet North 89°50' East from the Northwest corner of the Silas G. Pugh Donation Land Claim in Section 36, Township 6 South, Range 3 West Willamette Meridian in Marion County, Oregon;

thence South 89°51'30" East along the North line of said Parcel Two, a distance of 77.23 feet to the Northeast corner thereof;

thence South 38°52'22" East along the Easterly line of said Parcel Two, a distance of 214.52 feet to the **TRUE POINT OF BEGINNING;**

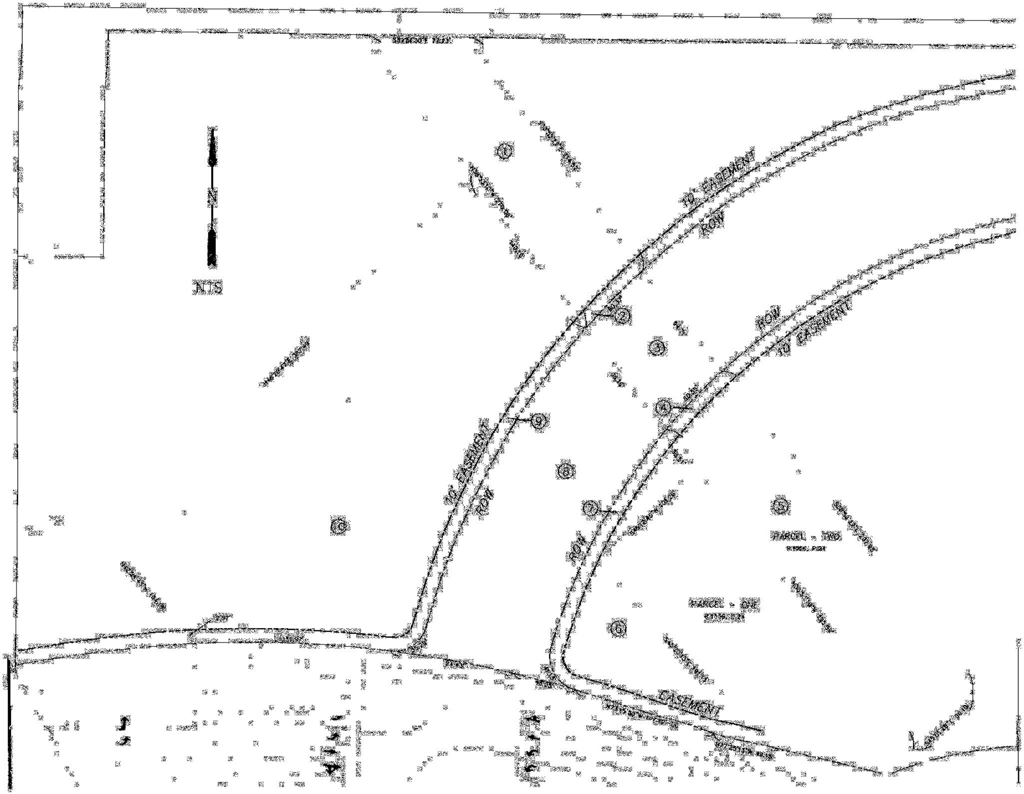
thence South 38°52'22" East along the Easterly line of said parcel two, a distance of 94.71 feet;

thence Southwesterly along the arc of a 460.00 foot radius curve to the left (the chord of which bears South 43°09'12" West 60.51 feet) a distance of 60.55 feet to a point on the Westerly line of said Parcel Two;

thence North 38°53'10" West along the Westerly line of said Parcel Two, a distance of 96.16 feet;

thence Northeasterly along the arc of a 554.50 foot radius curve to the right (the chord of which bears North 44°31'20" East 60.34 feet) a distance of 60.37 feet to the **TRUE POINT OF BEGINNING;**

Contains 5,713 square feet of land, more or less.



N
NTS
10' EASEMENT
ROW
PARCEL - TWO
PARCEL - ONE
EASEMENT

COUNCIL MEETING: **August 1, 2005**

AGENDA ITEM NUMBER:_______________

TO: **MAYOR CHRISTOPHER AND CITY COUNCILORS**

THROUGH: **CHRIS EPPLEY**
CITY MANAGER

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

SUBJECT: **DELINQUENT SEWER ASSESSMENTS**

ISSUE:

The City of Keizer collects sewer fees from residents and businesses of Keizer. The attached list marked as exhibit "A" represents an itemized list of delinquent accounts from April 1, 2004 through February 28, 2005. Each resident (and property owner, if different) has been notified by certified letter and given a sufficient amount of time to remit payment for their account. ORS 454.225 authorizes the City to certify the delinquent amounts to the County Assessor for the amounts assessed against the premises serviced. The statute also allows the City to collect penalty, interest or costs associated with the delinquencies. A 10% delinquent amount has been added as a penalty and a $10.00 administration fee has been added to cover the City's costs.

RECOMMENDATION:

Staff recommends the City Council adopt the attached Resolution, which certifies the delinquent water and sewer accounts to the County Assessor for collection.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2005-_____

CERTIFICATION OF DELINQUENT SEWER ACCOUNTS

WHEREAS, the City of Keizer is responsible for the collection of sewer fees for the City of Salem from the residents of Keizer; NOW THEREFORE,

BE IT RESOLVED that the attached Exhibit "A" is an itemized list of delinquent sewer charges through and including February 28, 2005 that the City has been unable to collect through the usual collection procedures; and

BE IT FURTHER RESOLVED that ten percent (10%) of the delinquent amount has been added as a penalty and that a $10.00 administration fee has also been added to cover the City's costs; and

BE IT FURTHER RESOLVED that the amounts certified on the attached Exhibit "A" shall be added to the appropriate tax accounts as indicated pursuant to ORS 454.225.

PASSED this _____ day of __________________, 2005.

SIGNED this _____ day of __________________, 2005.

____

Mayor

____

City Recorder

EXHIBIT "A"
DELIQUENT SEWER ACCOUNTS

Tax ID	Owners Name		Service Address		Total
R20355	THACKERY	WAYNE	1225 HARMONY DR NE	$	135.36
R76783	ELDRIDGE	SANDI/ CODY	1245 SHADY LN NE	$	292.00
R25220	APPERSON	DEREK & ANGELA	1731 WILDWOOD PL NE	$	398.83
R24820	POUR PROPERTIES LLC		1990 1/2 CLAXTER RD NE	$	398.83
R45937	COWLEY	JAMES & RISA	4915 RICKMAN RD NE	$	398.83
R20593	WEEKS	PIPER DAWN	5620 MCLEOD LN NE	$	135.36
R20515	LAIRD	WILLIE	5905 MCLEOD LN NE	$	146.22
R20126	BRYANT	PATRICK	7495 WHEATLAND RD N	$	267.09
R45522	SHIELDS/DUVICK	ERICK & KATRINA ANN	1615 CHEMAWA RD NE	$	505.92
			TOTAL	$	2,678.43

COUNCIL MEETING: **August 1, 2005**

AGENDA ITEM NUMBER: ______________

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRIS EPPLEY
CITY MANAGER

FROM: SUSAN GAHLSDORF, CPA
FINANCE DIRECTOR

SUBJECT: Amend Parks System Development Charges (repealing Resolution No. 2005-1607)

BACKGROUND AND ISSUES:

On June 20, 2005, the Council passed Resolution No. 2005-1607 amending the Parks System Development Charge. After passage, staff discovered an error in the rates. The resolution sets the fee at **$1,035** for single-family dwellings and **$735** for multi-family dwellings, per dwelling unit. The correct amounts are **$1,045** and **$740**, respectively.

FISCAL IMPACT:

The fiscal impact for fiscal year 2005-2006 is estimated at approximately $1,000 additional annual revenue to the Park Improvement Fund. However, the long-term impact will be greater since the current year fees become the basis for all future increases.

RECOMMENDATION:

Staff recommends the Council approve the attached Resolution amending the Parks System Development Charge (repealing Resolution No. 2005-1607.) If you have any questions please contact Susan Gahlsdorf at 503.390.3700.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2005-_____

A RESOLUTION AMENDING THE PARKS SYSTEM DEVELOPMENT CHARGE (2000); **AMENDING RESOLUTION R2000-1231; REPEALING R2001-123; REPEALING R2005-1607**

WHEREAS, Ordinance 92-231 sets forth that the amount of the parks system development charge may be established by resolution;

WHEREAS, Resolution R2000-1230 as amended by Resolution R2005-1606 adopts the methodology for determining the maximum parks system development charge;

WHEREAS, Resolution R2000-1231 sets forth the amount of the parks system development charge;

WHEREAS, Resolution R2001-1239 amended the parks system development charge outlined in Resolution R2000-1231;

WHEREAS, Resolution R2005-1607 amended the parks system development charge outlined in Resolution R2000-1231 and repealed R2001-1239;

WHEREAS, further amendment of Resolution R2000-1231 is needed to amend the parks system development charges set forth therein;

WHEREAS, Resolutions R2001-1239 and R2005-1607 should be repealed;

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Attorneys at Law
4855 River Road North
Keizer, Oregon 97303
503-390-1635

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that Resolution R2000-1231 is hereby amended at Lines 12 through 16 inclusive to read as follows:

> "$1,045.00 per dwelling unit for the following types of structures: single-family dwellings, duplexes, condominiums, developed manufactured home park spaces, and manufactured homes placed on lots not within a manufactured home park."
>
> "$740.00 per dwelling unit for the following types of structures: multi-family dwellings consisting of three or more dwelling units in a single building."

BE IT FURTHER RESOLVED by the City Council of the City of Keizer that Resolution R2000-1231 is hereby amended on Page 2 by inserting the following sentence at the end of Line 2:

> "Any adjustment that increases the system development charge shall be increased in $5.00 increments pursuant to Appendix A - Adjustment Factor (2005) attached to Resolution R2005-1606 as amended."

BE IT FURTHER RESOLVED by the City Council of the City of Keizer that Resolutions R2001-1239 and R2005-1607 are hereby repealed in their entirety.

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BE IT FURTHER RESOLVED that the new system development charge set forth

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Attorneys at Law
4855 River Road North
Keizer, Oregon 97303
503-390-1635

herein shall be applied to all building permit applications applied for after the date of September 1, 2005 and shall be adjusted annually on July 1 of each year.

PASSED this __________ day of _________________, 2005.

SIGNED this __________ day of _________________, 2005.

____

Mayor

____

City Recorder

Lien & Johnson
Attorneys at Law
4855 River Road North
Keizer, Oregon 97303
503-390-1635

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2000-1231

A RESOLUTION ESTABLISHING THE AMOUNT OF THE PARKS SYSTEM DEVELOPMENT CHARGE (2000)

WHEREAS, the City of Keizer has adopted an update methodology for determining the parks system development charge pursuant to Resolution R2000-1230; and

WHEREAS, pursuant to Ordinance 92-231, the amount of the parks system development charge may be established by resolution;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the parks system development charges authorized by Ordinance 92-231 shall be as follows:

$650.00 per dwelling unit for the following types of structures: single-family dwellings, duplexes, condominiums, developed manufactured home park spaces, and manufactured homes placed on lots not within a manufactured home park.

$435.00 per dwelling unit for the following types of structures: multi-family dwellings consisting of three or more dwelling units in a single building.

The above fees shall be adjusted on July 1 each year by calculating a percentage increase based on the average of the two following indices: (1) increase in undeveloped land average market value according to the records of the Marion County Tax Assessor, and (2) the increase in construction costs according to the Engineering News Record (ENR) Northwest

FMAGIC

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Construction Cost Index. If the ENR Construction Cost Index is not available, a similar index shall be used in conjunction with the Marion County Tax Assessor Index.

These fees are improvement fees only.

All system development charges collected hereunder shall be used as set forth in the methodology report (Section 4.0 SDC Expenditure Guidelines), along with administrative costs as allowed under Oregon law.

BE IT FURTHER RESOLVED by the City Council of the City of Keizer that the charges established herein shall become effective January 1, 2001. The previous systems development charge established by Resolution R92-564 as clarified by Resolution R93-683 shall be in effect for all building permit applications submitted prior to this effective date.

PASSED this 18th day of December, 2000.

SIGNED this 18th day of December, 2000.

____
Mayor

____
City Recorder

824H.033

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4855 River Road N.
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CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2001-1239

A RESOLUTION AMENDING THE PARKS SYSTEM DEVELOPMENT CHARGE (2000); AMENDING RESOLUTION R2000-1231

WHEREAS, Ordinance 92-231 sets forth that the amount of the parks system development charge may be established by resolution;

WHEREAS, Resolution R2000-1230 adopts the methodology for determining the maximum parks system development charge;

WHEREAS, Resolution R2000-1231 sets forth the amount of the parks system development charge;

WHEREAS, amendment of Resolution R2000-1231 is needed to amend the parks system development charges set forth therein;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that Resolution R2000-1231 is hereby amended at Lines 12 through 16 inclusive to read as follows:

> "$880.00 per dwelling unit for the following types of structures: single-family dwellings, duplexes, condominiums, developed manufactured home park spaces, and manufactured homes placed on lots not within a manufactured home park.

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Attorneys at Law
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(503) 390-1635

"$624.00 per dwelling unit for the following types of structures: multi-family dwellings consisting of three or more dwelling units in a single building."

BE IT FURTHER RESOLVED that the new system development charge set forth herein shall be applied to all building permit applications applied for after the date of passage of this Resolution.

PASSED this 5th day of February, 2001.

SIGNED this 5th day of February, 2001.

Mayor

City Recorder

824H.038

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(503) 390-1635

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2005-1607

A RESOLUTION AMENDING THE PARKS SYSTEM DEVELOPMENT CHARGE (2000); **AMENDING RESOLUTION R2000-1231; REPEALING R2001-1239**

WHEREAS, Ordinance 92-231 sets forth that the amount of the parks system development charge may be established by resolution;

WHEREAS, Resolution R2000-1230 as amended by Resolution R2005-1606 adopts the methodology for determining the maximum parks system development charge;

WHEREAS, Resolution R2000-1231 sets forth the amount of the parks system development charge;

WHEREAS, Resolution R2001-1239 amended the parks system development charge outlined in Resolution R2000-1231;

WHEREAS, further amendment of Resolution R2000-1231 is needed to amend the parks system development charges set forth therein;

WHEREAS, Resolution R2001-1239 should be repealed;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that Resolution R2000-1231 is hereby amended at Lines 12 through 16 inclusive to read as follows:

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Keizer, Oregon 97303
(503) 390-1635

"$1,035.00 per dwelling unit for the following types of structures: single-family dwellings, duplexes, condominiums, developed manufactured home park spaces, and manufactured homes placed on lots not within a manufactured home park."

"$735.00 per dwelling unit for the following types of structures: multi-family dwellings consisting of three or more dwelling units in a single building."

BE IT FURTHER RESOLVED by the City Council of the City of Keizer that Resolution R2000-1231 is hereby amended on Page 2 by inserting the following sentence at the end of Line 2:

"Any adjustment that increases the system development charge shall be increased in $5.00 increments pursuant to Appendix A - Adjustment Factor (2005) attached to Resolution R2005-1606 as amended."

BE IT FURTHER RESOLVED by the City Council of the City of Keizer that Resolution R2001-1239 is hereby repealed in its entirety.

BE IT FURTHER RESOLVED that the new system development charge set forth herein shall be applied to all building permit applications applied for after the date of August 1, 2005 and shall be adjusted annually on July 1 of each year.

PASSED this 20th day of June, 2005.

SIGNED this 20th day of June, 2005.

Lore Christopher

Mayor

Tracy L. Davis

City Recorder

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

COUNCIL MEETING: **August 1, 2005**

AGENDA ITEM NUMBER: ______________

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRIS EPPLEY
CITY MANAGER

FROM: SUSAN GAHLSDORF, CPA
FINANCE DIRECTOR

SUBJECT: Amendment to Resolution No. 2005-1572 Adopting Methodology Used to Establish the Transportation System Development Charge

BACKGROUND AND ISSUES:

Recently, the Council passed a resolution adopting the methodology used to establish the Transportation System Development Charge for the City. A copy is attached. The resolution provides that the SDC fee be adjusted each year by the Construction Cost Index (CCI). However, similar City of Keizer fees (Park SDCs , Water SDCs and Driveway Permits) are indexed using an average of two indices:

1) The increase in undeveloped land average market value according to the records of the Marion County Tax Assessor, and
2) The increase in construction costs according to the Engineering News Record (ENR) Northwest Construction Cost Index.

In addition, Council passed a motion to increase Transportation SDCs by the CCI at the beginning of the fiscal year. However, this provision was inadvertently excluded from the signed resolution. The attached, amended resolution corrects these problems.

FISCAL IMPACT:

The fiscal impact of using an average of the increase in undeveloped land average market value and the CCI is to provide consistency in the City's indexing methodology for similar fees.

RECOMMENDATION:

Staff recommends the Council approve the attached amendments to Resolution No. 2005-1572, which include using an average of the two indices mentioned above and increasing the Transportation SDC's at the beginning of the fiscal year beginning July 1, 2006.

If you have any questions please contact Susan Gahlsdorf at 503.390.3700.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2005-_____

A RESOLUTION AMENDING THE METHODOLOGY FOR THE TRANSPORTATION SYSTEM DEVELOPMENT CHARGE; **AMENDING RESOLUTION R2005-1572**

WHEREAS, Ordinance 2005-518 sets forth that the methodology used to establish transportation system development charges may be established by resolution;

WHEREAS, Resolution R2005-1572 adopts the methodology for determining the transportation system development charge;

WHEREAS, amendment of Resolution R2005-1572 is needed to amend the methodology set forth therein;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that Resolution R2005-1572 is hereby amended on Page 2 at Lines 7 through 11 inclusive are deleted and replaced by the following:

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"BE IT FURTHER RESOLVED by the City Council of the City

Lien & Johnson
Attorneys at Law
4855 River Road North
Keizer, Oregon 97303
503-390-1635

of Keizer that the attached methodology marked Exhibit "A" attached hereto and by this reference incorporated herein is hereby adopted as the methodology used to determine the transportation system development charge and the Council may review the Capital Improvement Project list every two years during Council goal setting sessions."

PASSED this __________ day of _________________, 2005.

SIGNED this __________ day of _________________, 2005.

____
Mayor

____
City Recorder

Lien & Johnson
Attorneys at Law
4855 River Road North
Keizer, Oregon 97303
503-390-1635

EXHIBIT A - ADJUSTMENT FACTOR (2005)

Notwithstanding any other provision, the dollar amounts of the SDC shall be adjusted on July 1 of each year (beginning July 1, 2006) to account for changes in the costs of acquiring and constructing transportation facilities. The adjustment factor shall be based on the change in average market value of undeveloped land in the City, according to the records of the County Tax Assessor, and the change in construction costs according to the Engineering News Record (ENR) Northwest (Seattle, Washington) Construction Cost Index; and shall be determined as follows:

	Change in Average Market Value X 0.50
+	Change in Construction Cost Index X 0.50
=	System Development Charge Adjustment Factor

The System Development Charge Adjustment Factor shall be used to adjust the Transportation System Development Charge, unless it is otherwise adjusted by the City Council based on a review of revenues and rates or adoption of an updated methodology.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2005- 1572

ADOPTING METHODOLOGY USED TO ESTABLISH THE TRANSPORTATION SYSTEM DEVELOPMENT CHARGE

WHEREAS, ORS 223.297-314 requires that the City adopt a Capital Improvement Plan which lists the capital improvements that may be funded with Transportation System Development Charges revenues and the estimated cost for each improvement in order to impose a System Development Charge (Exhibit 1); and

WHEREAS, ORS 223.304(2) requires that System Development Charge improvement fees shall be established by ordinance or resolution setting forth a methodology that considers the cost of projected capital improvements needed to increase the capacity of the systems to which the fee is related and requires that the methodology for establishing such fees shall be available for public inspection; and

WHEREAS, the City has complied with all of the notice and publication requirements for System Development Charges; and

WHEREAS, Transportation System Development Charge consultants have presented the final Transportation System Development Charge methodology dated March 21, 2005; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the March 21, 2005 Transportation System Development Charge Methodology is hereby formally adopted. In addition, all supporting documents are formally adopted by the Council.

BE IT FURTHER RESOLVED by the City Council of the City of Keizer that the Council may modify the Transportation System Development Charge Methodology by Resolution.

BE IT FURTHER RESOLVED by the City Council of the City of Keizer that the cost of the Capital Improvements included in the Capital Improvement List shall be adjusted annually using the Construction Cost Index (CCI) published by Engineering News Report and Council may review the Capital Improvement Project list every two years during Council goal setting sessions.

BE IT FURTHER RESOLVED by the City Council of the City of Keizer that the Keizer Transportation System Development Charge methodology is hereby adopted as set forth in Exhibit "2" as amended attached with its supporting documents.

PASSED this 21st **day of** March **, 2005.**

SIGNED this 21st **day of** March **, 2005.**

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Mayor

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City Recorder

CAPITAL IMPROVEMENTS PLAN & SYSTEMS DEVELOPMENT CHARGE

EXHIBIT 1: Recommended Keizer CIP Projects

CIP Project #	Keizer CIP				Project Cost Estimates	Capacity Increasing Improvements						Non-Capacity Improvements					Description & Status	Notes
	STREET IMPROVEMENTS																	
	ARTERIAL Streets																	
8 / 9	Chemawa Road	North River Rd	Windsor Isle Rd	Min Arterial	$2,203,300		*	*	*		0%	*				10%		
10	Chemawa Road	North River Rd	Verda Ln	Min Arterial	$1,473,150		*	*	*		0%	*				10%	Engineering completed, programmed for construction.	
11 (a)	Chemawa Road	Verda Ln	S. of McLeod	Min Arterial	$2,842,360	*		*	*		0%	*				10%	Bike paths copleted.	[2]
34	Verda Lane	Chemawa Rd	Dearborn Av	Min Arterial	$901,150		*	*	*		0%					0%		
36	Verda Lane	Dearborn Av	City Limits	Min Arterial	$1,821,850	*		*	*		0%	*				10%		
37	Wheatland Road	North River Rd	N City Limits	Min Arterial	$1,389,150		*	*	*		0%			*		30%		
19	N River Road	Chemawa Rd	Wheatland	Maj Arterial	$30,000										*	100%	Bike lane striping - Completed	[4]
20	N River Road	Oakwood Dr	N City Limits	Maj Arterial	$120,000										*	100%	Shoulder widening - Completed	[4]
21	N River Road	S City Limits	Plymouth Dr	Maj Arterial	$10,000										*	0%	Bike lane striping	[4]
22	N River Road	S City Limits	Wheatland Rd	Maj Arterial	$1,500,000										*	100%	Street overlay - Completed	[4]
23	N River Road	Various locations		Maj Arterial	$100,000										*		Bus pullouts - Remove from CIP	[4] / [6]
	Subtotal Arterials				$12,199,760													
	COLLECTOR Streets																	
1	Alder Drive	Cherry Av	Verda Ln	Collector	$370,300				*		0%						Street Improvements Completed - New Signals needed	
6	Candlewood Avenue	Cherry Av	Brooks Av	Collector	$986,000		*	*			0%	*				0%		
12	Clear Lake Road	Wheatland Rd	O'Neil Dr	Collector	$885,650		*	*	*		0%	*				30%		
13	Cummings Lane	North River Rd	Shoreline Dr	Collector	$1,163,000		*	*			0%	*				10%	Bike paths copleted.	
14	Dearborn Avenue	North River Rd	Delight St	Collector	$710,800		*	*			0%	*				10%		
16	Dearborn Avenue	North River Rd	Verda Ln	Collector	$2,016,000		*	*			0%	*	*			10%		
25	Plymouth Drive	North River Rd	Cherry Av	Collector	$0											100%	Completed	
26	Ridge Drive	Keizer Rd	McLeod Extension	Collector	$720,000							*				0%	Revised termini as defined in Keizer Station Plan	
28	Rivercrest Drive	Sunset Av	Wayne Dr	Collector	$315,000						0%	*				0%		
29	Sunset Avenue	North River Rd	Rivercrest Dr	Collector	$863,000		*	*			0%	*				0%		
33	Trail Avenue	Manzanita Dr	Harmony Ln	Collector	$946,300	*			*		0%							
38	Windsor Island Road	Chemawa Rd	N City Limits	Collector	$1,048,050		*	*	*		0%			*		30%		
	Subtotal Collectors				$10,836,996													
	LOCAL Streets																	
2	Bailey Road	Dearborn AV	Chemawa Rd	Local	$312,500							*			*	0%	Shoulder widening	
3	Bair Park Walkway	Bair Park	Clear Lake Elem.	Multi-Use Path	$25,000										*	0%	New Multi-Use path	[4] / [5]
4	Bikeway Signing				$20,000										*	0%	New Bikeway signing	[4]
5	Brooks Avenue	Salem Pkwy	Alder Dr	Local	$720,000							*				30%		[4]
16	Delight Street	Cummings Ln	Chemawa Rd	Local	$640,000							*				10%		
17	Labish Ditch Pedestrian Bridge & Walkway			Walkway	$500,000										*	0%	New bridge & walkway	[4]
24	O'Neil Road	Parkmeadow Dr	Clear Lake Rd	Local	$875,000							*				30%		
27	River Road Park			Multi-Use Path	$35,000										*	0%	New Multi-Use path, coordinated through Regional Plan	
30	Tepper Lane	McLeod Ln	BNRR	Local	$252,000							*				60%		
31	Thorman Drive	Greenwood Av	Dearborn Av	Local	$504,000							*				30%		
32	Traffic Calming	City-wide			$75,000										*	0%	As identified through the Neighborhood Traffic Management Program	
36	Verda Lane	Chemawa Rd	Kalmia	Local	$537,500							*				30%		
	Subtotal Local Streets				$4,698,000													
	NEW TRAFFIC SIGNALS																	
	Park Meadow / River Road				$186,150				*		0%							
	NEW PEDESTRIAN SYSTEM IMPROVEMENTS																	
	New Pedestrian Center Sidewalks [3]				$1,896,000					*	0%							[3]
	SUBTOTAL				[illegible]													
	OTHER																	
7	Keizer Station Plan / Chemawa Activity Center (1997)				$12,624,560						0%						Projects to be funded privately through developer contribution and local improvement district	[1]
	Lockhaven Signal Coord	McLeod	I-5 NBND Ramp		$226,000				*		0%							[7]
18	Lockhaven Drive	McLeod Ln	Ridge Dr	Maj Arterial	$1,646,800	*		*	*		0%						City and Devloper(s) to determine funding responsibilities.	[1]
11 (b)	Chemawa Road	S. of McLeod	Lockhaven Dr	Min Arterial	$764,000	*		*	*		0%						City and Devloper(s) to determine funding responsibilities.	[1]
	TOTAL				[illegible]													

NOTES:

[1] Required mitigation in the Keizer Station Master Plan area.
[2] Remaining portion of Chemawa Road widening north of McLeod is required mitigation in the Keizer Station Master Plan area.
[3] Recommended addition to CIP based on TSP and River Road Renaissance Study findings, costs to be refined and coordinated with regional High Capacity Transit program.
[4] Original CIP project cost estimates - 1999 Dollars
[5] Private property - belongs in Bair Park Master Plan (when completed)
[6] City to determine removal of bus pull-out project on North River Road from the CIP.
[7] Added CIP project per City Council, March 14, 2005.

Methodology Report

KEIZER TRANSPORTATION SYSTEMS DEVELOPMENT CHARGE

Prepared for:

City of Keizer

March 2005

Prepared by:

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Exhibits

Introduction

Background

As noted in the City's Transportation System Plan (2004), Keizer's population is expected to grow from about 32,000 to slightly more than 42,000 by year 2025. The Keizer Station Master Plan has also identified significant, short-term commercial and mixed-use growth in the I-5 / Lockhaven Drive interchange area. According to the TSP and Keizer Station Master Plan, the City's transportation system is likely ill-suited to accommodate the full impact of future traffic generated by growth.

Purpose of the Keizer Transportation SDC

To meet the needs of Keizer's residents the City has commissioned this transportation systems development charge (SDC) study. The study is to: (1) develop a list of capital improvements – termed "growth-related transportation needs" - assimilated from current, adopted and draft transportation plans, including cost escalations where needed; (2) identify Keizer's development trends and forecast of growth, measured by "new trips" generated by growth, translated for further reference with the ITE Trip Generation Manual, 7th Edition; and, (3) establish an effective methodology, complete with appropriate adjustments and credits based on sound public policy and consistent with the Oregon Revised Statutes[1].

The intent of Keizer's transportation SDC is to help the City of Keizer fund a portion of the multi-modal transportation system needs, as outlined in the City's TSP and Capital Improvements Plan (CIP).

[1] Oregon Revised Statutes, 223.297-223.314

Summary of Plans

The Keizer Transportation System Plan, Keizer Station Master Plan, and Salem-Keizer Area Transportation Study (Travel Demand Model) were reviewed as part of the Keizer transportation SDC study. This section summarizes each.

Keizer Transportation System Plan

The Keizer Transportation System Plan (2000 and 2004 amendment) was prepared and adopted to meet the City's long-range transportation needs. The Keizer TSP includes a comprehensive set of policies, plans and implementation strategies that guides development of a multi-modal transportation system over a 20-year planning horizon (to 2020).

The TSP includes estimated project costs (in 1999 dollars) for the street modal plan element, and some cost estimates for a limited number of pedestrian/bicycle (multi-use path) transit (bus pull-outs) and other traffic management (traffic calming) projects. In general, the future street improvement projects in Keizer were defined rather broadly to include as either "full improvements" (which generally implied the necessary widening and full street improvements to the City's street standard, including curb, gutter and sidewalk enhancements) or "shoulder widening." The total cost of the TSP-based CIP[2] was estimated at about $30.6 million.

Policies

Relevant to the Keizer transportation SDC are a set of TSP policies and technical criteria that establish level of service (LOS) standards and financial planning. The LOS standards were used within the Keizer TSP process to measure the street system performance and identify needed future improvements. The following section highlights the goal, objective and policy most relevant to the Keizer Transportation SDC regarding LOS.

Keizer TSP *Street System* Goal #1:

Provide for a comprehensive system of streets to serve vehicular movements of people and goods into, out of, across, and through the Keizer urban area.

Objective #2:

Ensure adequate levels of service on the Keizer Road System for mo0vement of people and goods

Policy #1:

Peak hour level of service (LOS) E is the capacity deficient level for collector and arterial streets.

Appendix A (LOS "E" definition)

LOS "E" – Average delay is in the range of 40.1 to 60 seconds per vehicle. This is considered to be the limit of acceptable delay. These high delay values generally indicate poor traffic progression, long signal cycle lengths, and high V/C ratios. Groups of vehicles frequently have to wait through more than one green signal at this point. The

[2] *Keizer Transportation System Plan*, Table 10 – Capital Improvement Project Summary.

traffic V/C ratio is between 0.91 to 1.00. The intersection is basically operating at capacity.

The Keizer TSP also includes a Finance Plan element that identifies the City's funding needs and relevant and applicable funding sources. Transportation SDC's were identified as one potential source to fund transportation capacity improvement projects.

Keizer Capital Improvements Plan (CIP)

The City of Keizer has developed its long-range, transportation Capital Improvements Plan CIP from and consistent with the TSP. The CIP was adopted separately from the TSP and is intended to be updated as needed. The original CIP, adopted in 2000, included very general planning-level cost estimates, expected to be refined as concept-level engineering is completed. The CIP was further refined as part of the transportation SDC study, as summarized in Exhibit 1. Of critical importance to Keizer's transportation SDC, projects in the CIP were refined to better summarize:

- Street functional classification and type of improvement
- Updated and refined planning-level project cost estimates (see "Summary of Project Costs and Unit Cost Methodology") based on 2004 dollars
- Definitions of "capacity" vs. "non-capacity improvements,
- Addition of Keizer Station Master Plan mitigation improvement projects, and
- Description of the current project status and estimated percent of the project completion in year 2004.

Keizer Station Master Plan

The Keizer Station Master Plan[3], recently completed in April 2004, identifies a number of transportation capacity improvements in the I-5 interchange area needed to mitigate the Keizer Station impacts. The Plan does not, however, provide planning-level cost estimates of the street and intersection capacity projects needed to mitigate new Keizer Station traffic impacts. Most of the capacity improvement projects listed in the Keizer Station Master Plan are not considered SDC-eligible as they were identified to mitigate new Keizer Station area traffic, exclusively.

Salem-Keizer Area Transportation Study - SKATS

As part of the review of background plan documents and data sources the Mid-Willamette Valley Council of Government's (MWVCOG) latest version (September, 2004) of the Salem-Keizer Area Transportation Study (SKATS) Travel Demand Model (the Model) was evaluated. The Model includes base year (2000) and future (2030) planning horizon estimates of demographic growth, trip generation and general roadway traffic forecasts for the Salem/Keizer urban area. Based on the Model evaluation the following was concluded:

- The demographic forecasts for Model inputs reasonably state the City's capacity for levels of residential, commercial, industrial and business growth, but the future growth forecasts have not yet been adopted by the City;

[3] *Keizer Station Master Plan*, Kittleson & Associates, April 2004.

- The demographic forecasts are consistent with the Keizer Station Master Plan, for those land developments planned for the I-5 interchange area;
- The base year and future year trip generation data reasonably correlate to historical growth trends on Keizer's arterial streets, and are generally consistent with the Keizer Station Master Plan for the I-5 interchange area; and,
- The Model estimates of general traffic growth on Keizer's arterial and collector street network are sufficient for ***planning*** analysis.

Future Traffic Forecasts

Methodology

The SKATS Model traffic forecasts are relatively new, and not yet fully calibrated to existing traffic conditions, and were found insufficient in ***estimating peak hour traffic operational and capacity conditions*** on Keizer's specific arterial and collector streets as identified in the Keizer Capital Improvements Plan (CIP). This made the effort to cleanly define and differentiate existing and future traffic conditions and "deficiencies" difficult, using Keizer's adopted Level of Service (LOS) policy standard. A critical component of the transportation systems development charge (SDC) methodology is an accurate differentiation between existing and future deficiencies – enabling sound determination of SDC project eligibility and a rational nexus.

It is expected that once MWVCOG has completed its calibration efforts (to Keizer local traffic conditions) the Model will better estimate capacity conditions on Keizer's arterial and collector streets. In the interim, to best complete the Keizer methodology, a detailed traffic operations analysis was conducted based on actual traffic conditions and projected traffic growth. The approach required: (1) collecting current, P.M. peak hour traffic volumes at critical intersections along Keizer's arterial and collector streets as listed in the CIP; (2) estimating the 20-year growth in traffic at each intersection; then, (3) measuring traffic operations and capacity conditions for the base year (2004) and 20-year planning horizon (2024). Each step is summarized below.

New Keizer Area Traffic Counts

New turn-volume traffic counts were collected to establish base-year 2004 traffic volumes at major intersections in Keizer, focusing on the evening peak hour - generally 4:30-5:30 P.M. (See ***Appendix B*** for a list of the intersections, which are located along those arterial and collector streets identified in the Keizer CIP and TSP). Existing intersection traffic control (stop-signs vs. traffic signals, number of lanes, lane configuration, posted speeds, etc.) was summarized for each intersection. These data provide the baseline information from which existing LOS conditions are determined.

Traffic Forecasts

The Oregon Revised Statutes (ORS) for SDC's generally require that planning horizons be no more than twenty years. For consistency with Keizer's Comprehensive Plan, the MWVCOG demographic forecasts and trip generation estimates were adjusted to determine the 20-year growth in traffic along Keizer's major streets. This was accomplished by:

- interpolating the MWVCOG's Model (a) base-year (2000) and (b) 30-year (2030) planning horizon traffic growth, by Keizer street route, to estimate a 20-year SDC planning horizon (2004-2024); then,

- adding the 20-year net growth in peak hour trips to base-year (2004) intersection turn movement counts.

Impacts of Growth

Two sources for growth were included as part of Keizer's Transportation SDC methodology – the MWVCOG long-range forecasts for housing and employment throughout Keizer's UGB and the Keizer Station Master Plan, summarizing specific land uses and new trip estimates for development of the Keizer Station.

MWVCOG Demographic Forecasts[4]

MWVCOG completed an extensive review of available, vacant, underdeveloped and developable lands within the Keizer UGB, and estimated the number of new residential units and employees between 2000 and 2030. Separate from the Keizer Station Area, MWVCOG estimates a total of 1,770 new dwelling units and slightly more than 3,250 new employees within the Keizer UGB by 2024. As part of the Keizer Transportation SDC study, these data were adjusted to ITE land use categories to estimate the number of new P.M. peak hour trips by land use category. These data are summarized in **Exhibit 2**. In total, new development (growth between 2004 and 2024) will generate a total of about 1,800 new, one-way trips during the P.M. peak hour.

Keizer Station Master Plan[5]

The Keizer Station Area Master Plan specifies the number of new PM peak hour trips generated by the proposed land uses within the Keizer Station area. The plan assumed that all of Keizer Station would be developed within the 20-year planning horizon. **Exhibit 2** also summarizes the number of new, one-way trips generated by the Keizer Station area. By year 2024, Keizer Station is estimated to generate a total of 1,877 new, one-way trips in the P.M. peak hour. Not all of the Keizer Station are traffic will travel Keizer arterial and collector streets. Based on the Keizer Station Master Plan, 53% of the Station traffic is oriented to I-5 or Salem arterial system. Keizer Station traffic was adjusted downward by 47% to yield the net number of new Station trips (one-way) on Keizer's arterial and collector street system.

In total, by year 2024, lands within the Keizer UGB are estimated to generate a total of 2,683 new, one-way trips during the P.M. peak hour.

[4] Mid-Willamette Valley Council of Governments, Housing and Employment Forecasts for Keizer UGB, 2004.

[5] Keizer Station Master Plan, Kittleson & Associates, April 2004.

Summary of Project Costs and Unit Cost Methodology

Establish Unit Costs

The City's CIP identifying future capital improvements is based on 1999 dollars. For the purposes of the Keizer analysis, all Transportation SDC-eligible project costs have been prepared in 2004 dollars, based on realized construction costs of recently completed street and intersection improvements in the Keizer area[6].

Development of SDC-Eligible Project List

Transportation "capacity" improvements can be defined several ways, and defended legally as has been tested and validated by other Oregon jurisdictions, most notably the City of Portland. To comply with Oregon Law, improvement fees (SDCs) are authorized to help cover the costs of *capacity increasing capital improvements*, identified in a capital improvement plan, public facilities plan, transportation master plan, or similar plan. Keizer's adopted Transportation SDC, including methodology, definitions of Transportation SDC project-eligibility and project lists all conformed to Oregon Law. The Keizer Transportation SDC assumes consistent definitions for Transportation SDC eligibility.

This section defines the steps taken to define and refine the range of multi-modal transportation system capacity improvements eligible for SDC funding in the Keizer UGB.

Keizer Transportation SDC-Eligible Projects and Costs

Street Capacity Improvement Projects

The original Keizer Transportation SDC list of eligible projects was based on the City's CIP and broad description to widen or upgrade City arterial and collector streets[7]. Generalized, planning-level unit costs were applied to each plan project to estimate a total cost. Each of the planned improvements was evaluated through field reconnaissance and adjusted for reasonableness. Adjustments to project termini, necessary traffic control measures, street standard (widths) and unit costs were discussed and confirmed with City Staff. The refinement of the CIP projects added detailed descriptions which focused more on critical intersection capacity improvements (e.g. added street width for additional turn lanes on approaches only, plus needed new traffic signal equipment), rather than the broadly defined "street upgrade" which might result in the unnecessary cost of widening streets throughout the City (and higher SDC costs).

The resulting project descriptions **Appendix A** summarizes the individual projects, costs and unit cost estimates used to define SDC-eligible street projects.

Pedestrian Capacity Improvements

The River Road Renaissance Project identified the need to expand the pedestrian (sidewalk) system in the corridor to accommodate the expected growth in pedestrian activity as a result of new or increased development in the River Road corridor. In general, the existing five-foot sidewalks paralleling River Road are insufficient to carry higher levels of pedestrian traffic. The

[7] It was determined early on that "local" streets typically are ineligible for SDC funding.

Plan generally recommends widening River Road sidewalks to a minimum of eight feet. For the purposes of the Keizer, the proportionate cost to widen a five-foot sidewalk to eight feet (3'/8' = 37.5%) was assumed to be eligible for SDC funding.

SDC-Eligible Project List Refinement

The intersection-based LOS analysis methodology was used to better differentiate existing and future deficiencies on Keizer's arterial and collector street system. From this methodology the SDC-eligible project list was further refined.

Intersection LOS Analysis

Intersection levels of service were calculated for P.M. peak hour (typically around 4:30-5:30 PM) existing (2004) and the future (2024) traffic conditions. The analysis of existing conditions was conducted assuming existing intersection traffic control, intersection geometry, and signal phasing (where signalized). The analysis of future conditions was conducted assuming existing geometry and traffic control, along with the forecasted traffic volumes. Minor improvements to the signal phasing is anticipated in the future, but was excluded in the initial 2024 analysis to determine what improvements, phasing and widening may be required to meet the City's operational standards.

The results of the existing and future LOS analyses are also summarized in ***Appendix B***. Keizer's LOS policy threshold was used to determine acceptable intersection operations performance based on the volume-to-capacity (v/c) ratio of 0.90[8] for signalized and unsignalized intersections alike. The 0.90 v/c policy standard provides a cushion to accommodate fluctuations in peak hour volumes and is consistent with other communities throughout the region.

Keizer Station Area – A.M. Peak Hour LOS Analysis

An additional intersection operations analysis was conducted for those critical intersections along Chemawa Road and Lockhaven Drive in the Keizer Station Master Plan area. The additional analysis focused on the A.M. peak hour (generally 7:00-8:00 A.M.) rather than the P.M. peak hour, to fully assess the varying peaking travel conditions in the immediate area. The Keizer Station Master Plan (KSMP) was based on a focused analysis of P.M. peak hour conditions and identified future capacity improvements to mitigate development impacts. The KSMP did not determine that future background traffic demand exceeded the City's LOS policy, and hence no future capacity improvements were identified to mitigate background traffic growth (growth in traffic generated by Keizer residents outside the Keizer Station Master Plan area). The added A.M. peak hour analysis was conducted to confirm the need for additional capacity improvements that are eligible for SDC funding within the immediate Keizer Station Master Plan area.

Findings

The analysis of existing conditions (2004) indicated that only one intersection exceeds the 0.90 v/c standard - the intersection of Chemawa Road and Verda Lane. Currently, the intersection is controlled by stop signs on all four approaches (all-way stop), and operates at LOS F with a v/c ratio of 0.91. A traffic signal installed at this location would improve the intersection LOS and v/c to LOS B and 0.80. Hence, a new traffic signal (previously listed as SDC-eligible) is required to resolve ***existing*** traffic deficiencies, the cost of which is not eligible for SDC funding.

[8] *City of Keizer Transportation System Plan*, Appendix A, Amended 2004.

By 2024, seven intersections warrant some level of capacity improvements to resolve ***future*** traffic "deficiencies" that do not exist today. As summarized in ***Appendix B***, these capacity improvements include signalization and widening of the intersection approaches in accordance with the City of Keizer's street functional classification and design standards. For unsignalized intersections a signal warrant analysis was conducted to validate new traffic signal capacity improvements. The results of the signal warrant analyses are also included in the ***Appendix B***.

Appendix B also summarizes the type of mitigation required to add transportation system capacity on Keizer's arterial and collector streets in order to maintain the City's LOS standard. Further, the results of the A.M. peak hour analysis identified the need for additional capacity improvements within the study area to serve growth, unrelated to the Keizer Station Master Plan, including additional travel lanes on Chemawa Road and Lockhaven Drive, a portion of the McLeod Road Extension, and new traffic signal coordination equipment on Lockhaven Dive from McLeod Road to the I-5 interchange. These project improvements were identified as SDC-eligible, and were added to the list (see Exhibit C). These findings are incorporated in the revision of SDC eligibility and rational nexus for those projects listed and derived from Keizer's CIP.

Transportation SDC-Eligible Project List

Exhibit 3 illustrates a summary of the revised projects costs eligible for Transportation SDC funding in Keizer. The total for all eligible projects during the next 20 years, in 2004 dollars, is estimated at $4.6 million, down from the original list of about $9.2 million. For each of the SDC-eligible street projects **Exhibit 3** also differentiates the portion of new, future trips generated by Keizer Station compared to the remaining Keizer UGB growth. These ratios were used to apportion the SDC-eligible projects as summarized later in "Decision Packages."

ITE Trip Generation Rate Study Update

The Trip Generation Manual has recently been updated to include more current and accurate trip generation rate data for use in Keizer's Transportation SDC calculations. **Appendix C** summarizes discussion of the ITE Trip Generation, Seventh Edition[9] trip rates and pass-by trip rate adjustment factors.

Unit Cost Methodology

The Keizer Transportation SDC is calculated by dividing the total cost of SDC-related transportation improvements by the number of anticipated future, new, one-way P.M. peak hour trips, resulting in a Transportation SDC cost per new, one-way peak hour trip. As illustrated in **Exhibit 4**, the transportation SDC equation is calculated separately for each of the eight SDC options, or "Decision Packages."

[9] Institute of Transportation Engineers. *Trip Generation Manual*, 7th Edition, 2004.

Decision Packages

Cost Summary

Exhibit 4 summarizes the various Transportation SDC options or "decision packages." For each option, the exhibit lists the SDC-eligible costs (2004 dollars), number of new (one-way) P.M. peak hour trips and the resulting cost per new P.M. peak hour trip (one-way). Example SDC calculations are then provided for several land use types: single-family home, drive-thru bank (1,500 sq ft), supermarket (25,000 sq ft) and business park (60,000 sq ft).

Several "decision package" options were originally defined for technical and policy consideration, including:

- **Option A** - SDC-eligible *arterial* street projects only (An early estimate in the study was based on the assumption that the eventual SDC rate might be excessively high when compared to other Oregon cities. Hence, one option was defined to include arterial street projects only;
- **Option B** - All arterial and collector street SDC-eligible projects in one, city-wide district;
- **Option C** - All street and pedestrian SDC-eligible projects in one, city-wide district; and,
- **Option D** - All street and pedestrian SDC-eligible projects in two districts (a) Keizer Station Area and (b) remaining Keizer UGB area.

The Task Force and Keizer Planning Commission each met to consider initial study findings, particularly the SDC options listed above. Following their second meeting the Task Force helped define two additional options:

- **Option E** - All SDC-eligible projects less River Road sidewalk projects in one, city-wide district; and,
- **Option F** - All SDC-eligible projects less River Road sidewalk projects in two districts (a) Keizer Station Area and (b) remaining Keizer UGB area.

The Keizer City Council requested two additional options to consider additional SDC-eligible projects costs that were identified as part of the added analysis of Keizer Station A.M. peak hour analysis (see above). These two options were defined as:

- **Option G** – Option "E" with the added SDC-eligible projects identified as part of the A.M. peak hour analysis in the Keizer Station area (city-wide district); and,
- **Option H** - Option "F" with the added SDC-eligible projects identified as part of the A.M. peak hour analysis in the Keizer Station area - in two districts (a) Keizer Station Area and (b) remaining Keizer UGB area.

Nexus

For each of the Decision Package options the Transportation SDC *unit cost* was calculated based on the updated forecast of *new (2004-2024), one-way P.M. peak hour trips*. The *nexus* of Keizer's transportation SDC is calculated by dividing the total cost (2004 dollars) of Transportation SDC-eligible improvements by the number of new, one-way P.M. peak hour trips, resulting in a cost per new P.M. peak hour trip. **Exhibit 4** illustrates the Keizer cost per trip for each of the Decision Packages. As shown, the Transportation SDC cost per new trip ranges from almost $750 to just less than $2,100 for those areas outside of Keizer Station.

For Option "G" the SDC cost per new trip is $1,698. Option "H" results in a Transportation SDC cost per trip of $936 within the Keizer Station area and $2,072 throughout the remaining portion of Keizer's UGB.

Exhibit 4 also summarizes and compares the Transportation SDC for each of the Decision Packages. Typical land developments are used to illustrate the Transportation SDC, including single-family home, apartment, fast food restaurant, shopping enter, office building, dental office, large hotel/conference center and light industrial building. As example, the Transportation SDC cost per new single-family home ranges from $401 (Option A) to $1,046 (Option "H" - Keizer UGB area).

Recommendation

The Task Force met with Keizer Staff a third time and considered the two additional options. Two significant issues were discussed relevant to a final recommendation. First, several of the Task Force members did not support the inclusion of sidewalk capacity improvements within the SDC methodology, and felt that these non-street capacity improvements should be funded by some other mechanism. And second, several Task Force members also felt that the Keizer Station Area should be treated differently than the rest of the Keizer UGB, because Keizer Station was already committing significant funding to public arterial and collector street capacity improvements in the I-5 interchange area (either directly or through a local improvement district), and the added street capacity would be used by other Keizer residents.

Option "F" was supported and recommended both by City staff and unanimously by the Task Force. Option "H" expanded upon Option "F" to include the added analysis and findings in the Keizer Station area (A.M. peak hour analysis). Option "H" was preferred by the City Council and supported by City Staff.

The total cost of Transportation SDC-eligible projects under Option H over the next 20 years is estimated at slightly more than $4.5 million, about $0.83 million to be funded by Keizer Station development, and the remaining $3.7 million by growth throughout the remaining portion of the Keizer UGB.

Comparison to Other Jurisdictions

Keizer's Transportation SDC, combined with all other SDCs for a new single-family home are listed and compared to other Oregon jurisdictions in **Exhibit 5**. The exhibit also lists the Transportation SDC and total SDCs for the range of Decision Packages considered in the study. Today, Keizer's SDC (wastewater, parks and water combined) for a new single-family home is $4,182. That cost would increase to $5,228 under Option H for areas outside the Keizer Station, and $4,655 inside the Keizer Station area.

Keizer SDC Schedule

Exhibit 6 summarizes the Keizer Transportation SDC Schedule for those land uses listed by the ITE Trip Generation Manual, 7th Edition. The schedule is based on Option "H," and includes one-way, P.M. peak hour trip rate adjustments consistent with the ITE Trip Generation Handbook.

Exhibit 1. Keizer Transportation Capital Improvements Plan

Exhibit 2. Land Use Growth Assumptions

Exhibit 3. Keizer CIP Projects & SDC-Eligibility

Exhibit 4. Example Transportation SDC Options – "Decision Packages"

Exhibit 5. Comparison of SDCs for a New Single-Family Home

Exhibit 6. Keizer Transportation SDC Schedule

Administration

Exceptions

Oregon law requires that provisions be included in the Keizer SDC for alternative methodologies to calculate the trip generation for use in the calculation of the SDC. These provisions are needed in case standard trip generation rates and adjustment factors included in the SDC do not adequately reflect the true trip generation characteristics of a particular land use development.

Steps and methods to prepare alternate trip generation studies are provided under separate cover titled "Keizer Trip Generation Study Guidelines."

Credits

Credits (see "credits" in Definition of Terms) against the calculated SDC will be given for the cost of qualified public improvements, in whole or in part, identified on the Keizer Transportation SDC Project list as summarized in Exhibit 3. The value of right of way owned by the applicant will be included in the cost of an improvement eligible for credit if the cost of right of way is included in the project cost which is part of the SDC costs. Costs not included in the calculation of the SDC shall *not* be eligible for SDC credit.

TDM Credits

Credits may be given for developments that implement transportation demand management (TDM) plans designed to reduce generated trips. The proponent of the development must declare an intention to apply for TDM trip reduction and Keizer Transportation SDC credit as part of the building permit application. The TDM plan must be prepared by a transportation planning or engineering professional recognized by the Public Works Director as being proficient in TDM programs.

Credits for TDM trip reductions will be limited to a maximum of 15 percent of the SDC charge calculated without TDM credits. TDM plans must include an annual reporting plan that will document the amount of trip reduction that is actually achieved. The amount of the maximum TDM credit shall be placed in a separate account (TDM credit account) and shall be held there for two years, until the actual amount of any TDM credits can be calculated, based on the development proponent's annual reports. Following receipt of the second annual report on TDM trip reduction from the project proponent, the amount of the TDM credit shall be determined by the Public Works Director. Funds held in the special TDM credit account will be either reimbursed tot eh developer (in whole or in part) or transferred to the regular transportation SDC account, in the event of non-performance.

Monitoring

The Keizer Transportation SDC will require annual monitoring to assure that the project needs and estimated project costs are current. It is anticipated that the SDC program will need to be updated at least every five years; three-year updates are preferable.

Appendix A

Transportation SDC-Eligible Project List

Appendix B

Transportation LOS Analysis

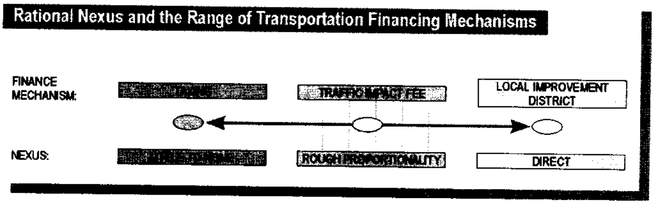
Appendix C

Trip Generation Manual, 7th Edition - Trip Rates and Adjustment Factors

Introduction and Background

Systems development charges (SDCs), like traffic impact fees (TIFs), are a means to help pay for new transportation system improvements that are needed to serve new development. The underlying legal and public policy principles for these fees are that they be fair and equitable, providing for a rational nexus, a connection established between new development and the new or expanded transportation facilities required to accommodate that development. According to the U.S. Supreme Court, the amount of the fee must be "roughly proportional" to the amount of impact created by the development, but the fee does not have to be mathematically precise (Dolan v. City of Tigard). As shown in **Figure** B-1, the defining rational nexus varies greatly between the transportation financing mechanisms.

Figure B-1



Consistent with best practices throughout the United States, the approach to providing rough proportionality includes the use of standardized trip generation data from the Institute of Transportation Engineers (ITE). The data in ITE's *Trip Generation Manual* is used by virtually every jurisdiction that charges SDCs or traffic impact fees (TIFs).

The use of ITE's trip generation data allows every jurisdiction to use a uniform set of data that is reasonably robust in its depiction of the trips generated by dozens of different land uses. The ITE data also provides the development community with stability and predictability in estimating the trips it will generate. This saves the developer the time and expense of customized traffic studies, and avoids the unpredictability of such studies.

This section provides a summary discussion of SDC methodological issues pertaining to **trip generation rates** and **adjustment factors**. Eventually, Keizer's SDC methodology and adopting Ordinance will include direct citation of the *ITE Trip Generation Manual, 7th Edition* (2002) and the *ITE Trip Generation Handbook, An ITE Recommended Practice* (March 2001), both resources published by the Institute of Transportation Engineers. The trip rate data reported by ITE, by land use category, were derived from actual measurements of driveway traffic taken at individual land use sites. These data are cited and used to estimate trip generation in many traffic impact studies.

As noted by ITE, there are instances when the site-generated traffic is different from the amount of new traffic added to the street system by the trip generator. Many retail uses, as example, attract a portion of their trips from traffic passing their site on the way from an origin to another destination. Known as "pass-by" trips, these retail trips do note really add new traffic to the adjacent system, so ITE reports their rates for factual use in traffic studies. Many SDC methodologies use pass-by trip rate adjustments to account for this activity, resulting in slightly lower rates for retail commercial uses.

ITE also further distinguishes the non-pass-by trips into *primary* and *diverted linked* trips. *Primary* trips are defined by ITE as trips made for the specific purpose of visiting the generator. The stop at the generator is the primary reason for the trip. *Diverted link* trips are defined by ITE as trips that are attracted from the traffic volume on roadways within the vicinity of the generator but that require a diversion from the roadway to another roadway to gain access to the site. Diverted link trips add traffic to streets adjacent to the site, but may not add traffic to the area's major travel routes. ITE further cautions that diverted link trips should be treated similarly to *primary* trips..." but constitute no new increase on a macroscopic scale."

Some SDC methodologies include adjustment factors that combine pass-by and diverted-linked trip characteristics into a single trip rate adjustment factor.

Recommendations

Fitted Curve and Average Trip Generation Rates

For many of the land use categories reports, the ITE Trip Generation Manual provides both average trip generation rates (daily and peak hour rates) as well as equations based on a best-fit curve between data points (the strength of the curve equations often varies depending on the number of independent traffic studies completed). Several land use categories reported in ITE exhibit trip generation characteristics that change significantly based on the size of the development.

Like other jurisdictions, it is recommended that Keizer use the ITE average trip generation rate data, rather than the curved data sets that are also reported in ITE. A single, average rate best defines *rough proportionality* as part of the *rational nexus*, and is more practically administered during plan review and the determination of the SDC.

Trip Rate Adjustments

For consistency with ITE's recommended practices it is recommend that Keizer consider using only *pass-by* trip rate adjustments in the SDC methodology. As noted in the ITE Trip Generation Handbook, trip-making is broken down into two major categories: Pass-By trips and Non-Pass-By trips. Further, ITE reports that "in some traffic impact study applications it is necessary to further subdivide Non-Pass-By trips into primary trips and *diverted-linked* trips."

The ITE Trip Generation Handbook further reports a series of cautions in Section 5.3. High correlation indices for *pass-by* trip rate data are reported difficult to obtain because of the inherent variability in surveyed site characteristics. Analysts are specifically cautioned in the use of *pass-by* and *diverted-linked* trip data. *Diverted-linked* trips are noted as "clearly different" than *pass-by* trips, as *diverted-linked* trips "add trips to the adjacent roads at a proposed site, but *may not* add trips to nearby major highways or freeways." Notwithstanding this caution, the ITE Trip Generation Handbook readily reports for *pass-by* trip rates, the strength of data correlation and average pass-by trip rate for specific land uses (mostly commercial land uses) in Chapter 5. See Tables 5.1-5.26 and Figures 5.3-5.15. [*Note: The average pass-by trip rates will be used to develop the Keizer SDC Pass-by Trip Adjustment Factor.*]

However, the ITE Trip Generation Handbook does not similarly and consistently report *diverted-linked* trips, as there are no average *diverted-linked* trip data summaries, similar to the average *pass-by* trip rate, for each commercial use. This is due to the variation in data collected/surveyed, where the range of studies did not consistently quantify the trip types into *primary, non-pass-by, diverted–linked* and *pass-by* trip classes. The ITE Trip Generation Handbook specifically notes that:

> "*diverted linked* trips are often difficult to identify" and "Therefore, *diverted linked* trips should be treated similarly to primary trips, unless: (1) all three (primary, pass-by and diverted Linked) categories are being analyzed and processed separately, and (2) the travel routes for diverted linked trips can be clearly established."

Granted, and in concurrence with the ITE Trip Generation Handbook that, *diverted-linked* trips add traffic to streets adjacent to a site but <u>may not</u> add traffic to an area's major travel routes. As ITE notes,

> "Overall, diverted linked trips represent a change in local area travel patterns but constitute no new increase on a *macroscopic* scale. Within the immediate study area, diverted linked trips do represent additional traffic on individual streets and should be analyzed that way."

But there are a number of substantive issues that cloud the ability to accurately quantify *diverted-linked* trips for ready application in an SDC methodology and policy, as *diverted-linked* trips are unique to specific uses, their location within and relationship to the surrounding area development (type and mix), their orientation and proximity to major streets (and highways and freeways), and their proximity to competitors. So, quantifying *diverted-linked* trips is difficult, and has not been accomplished, consistently and comprehensively as readily reported within the ITE Trip Generation Handbook.

For adequate use of *diverted-linked* trip data in Keizer's SDC methodology the following consistent summary statistics (and perhaps others) would need to be quantified for each of the commercial land uses within the ITE Trip Generation Handbook:

- ✓ Average trip rate.
- ✓ Average trip length.
- ✓ Relationship to and within area land use density and mix.
- ✓ Relationship to the proximity of major transportation facilities and competitors.

As the ITE Trip Generation Handbook does not provide these data, use of selective *diverted-linked* trip data in Keizer's SDC methodology is untenable. It is recommended that Keizer withhold *diverted-linked* trips from any trip generation adjustment factor, and leave the subject to the discretion of the Applicant considering a challenge to the SDC. The ITE Trip Generation Handbook manual (see Section 5.5) provides specific guidance to collect pass-by and *diverted-linked* trips data and should be followed when an Applicant wishes to challenge the SDC trip rate adjustment methodology.

CITY COUNCIL MEETING: August 1, 2005

AGENDA ITEM NUMBER:______________

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: RESOLUTION DETERMINING RECYCLABLE MATERIAL FOR SOLID WASTE MANAGEMENT

The City's Solid Waste Management Ordinance and Franchise Agreement require adoption of a Resolution delineating the recyclable materials for the City. A Resolution with the allowed materials is attached.

RECOMMENDATION:

Adopt the attached resolution.

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

ESJ/tmh
attachment

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2005-_____

RESOLUTION DETERMINING THE RECYCLABLE MATERIAL FOR SOLID WASTE MANAGEMENT

WHEREAS, Ordinance No. 96-350 (Relating to Solid Waste Management in the City of Keizer; and Declaring an Emergency) provides for the City Council=s determination of recyclable materials that are appropriate for solid waste management;

WHEREAS, Ordinance No. 2003-482 (Amending the Solid Waste Management Ordinance and Declaring an Emergency) provides for such determination to be in the form of a City Council Resolution;

WHEREAS, the City Council wishes to make the determination of recyclable materials appropriate for solid waste management pursuant to ordinance and state law;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the following materials are appropriate recyclable materials for solid waste management in the City of Keizer:

(a) Newspaper;
(b) Ferrous scrap metal;
(c) Non-ferrous scrap metal;
(d) Used motor oil;
(e) Corrugated cardboard and kraft paper;
(f) Aluminum;

Lien & Johnson
Attorneys at Law
4855 River Road North
Keizer, Oregon 97303
503-390-1635

(g) Container glass;
(h) Hi-grade office paper; and
(i) Tin cans.

PASSED this __________ day of _________________, 2005.

SIGNED this __________ day of _________________, 2005.

____
Mayor

____
City Recorder

Lien & Johnson
Attorneys at Law
4855 River Road North
Keizer, Oregon 97303
503-390-1635

CITY COUNCIL MEETING: August 1, 2005

AGENDA ITEM NUMBER:______________

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: CLAGGETT CREEK DECLARATION OF COVENANTS AND RESTRICTIONS

As part of the Claggett Creek wetlands project, the City is required to record covenants against the property restricting the property to wetland purposes under the state's wetland permit program. The attached Resolution authorizes the City Manager to execute the declaration of covenants and restrictions.

RECOMMENDATION:

Adopt the attached resolution.

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

ESJ/tmh
attachment

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2005-_____

AUTHORIZING THE CITY MANAGER TO EXECUTE DECLARATION OF COVENANTS AND RESTRICTIONS FOR THE CLAGGETT CREEK PARK WETLANDS PROJECT

WHEREAS, the City desires to provide for the preservation and enhancement of the wetland values of the property described as the east one hundred and fifty (150) feet of the property described in Volume 573, page 457, Deed Records of Marion County, State of Oregon;

WHEREAS, the City desires to provide for the maintenance and management of the property described herein and improvements thereon;

WHEREAS, the City desires to place against such property the covenants, restrictions, easements and other encumbrances contained in the attached Declaration of Covenants and Restrictions;

NOW, THEREFORE,

///

///

///

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

Lien & Johnson
Attorneys at Law
4855 River Road North
Keizer, Oregon 97303
503-390-1635

Manager is hereby authorized to execute that certain Declaration of Covenants and Restrictions for the Claggett Creek Park Wetlands Project, a copy of which is attached as Exhibit "A" and by this reference incorporated herein.

PASSED this __________ day of _________________, 2005.

SIGNED this __________ day of _________________, 2005.

____
Mayor

____
City Recorder

Lien & Johnson
Attorneys at Law
4855 River Road North
Keizer, Oregon 97303
503-390-1635

DECLARATION OF COVENANTS AND RESTRICTIONS
FOR THE
CLAGGETT CREEK PARK WETLANDS PROJECT

THIS DECLARATION is made this _______ day of ______________, 2005, by the CITY OF KEIZER, an Oregon municipal corporation, ("Declarant"). This Declaration of Covenants is required as a permit condition which is part of the mitigation of impacts to wetlands regulated under Oregon=s Removal-Fill Law, ORS 196.800 et seq. ORS 182.060 provides that "Any instrument creating a[n]...easement... may be indexed and recorded in the records of deeds of real property in the county where such real property is located." Further, ORS 182.060 provides that "When requested by a state board or commission, the county clerk shall file or record, or both, in the office of the clerk any instrument affecting real property and immediately shall return to the board or commission a receipt for the instrument, aptly describing it and showing the legal charge for the filing or recording of the instrument." Therefore, the Division of State Lands, operating under the State Land Board, requires the recording of this instrument as described above.

RECITALS:

1. WHEREAS, Declarant is the owner of the real property described in Exhibit "A" attached hereto and by this reference incorporated herein as the "Property", and desires to enhance thereon wetlands to be maintained in accordance with the permit approved by the Oregon Division of State Lands ("Division").

2. WHEREAS, Declarant desires to provide for the preservation and enhancement of the wetland values of the Property and for the maintenance and management of the Property and improvements thereon, and to this end desires to subject the Property to the covenants, restrictions, easements and other encumbrances hereinafter set forth, each and all of which is and are for the benefit of the Property.

AFTER RECORDING,
RETURN TO:

E. Shannon Johnson
Attorney at Law
4855 River Road N.
Keizer, OR 97303

NOW, THEREFORE, the Declarant declares the Property shall be held, transferred, sold, conveyed and occupied subject to the covenants, restrictions, easements and other encumbrances hereinafter set forth in this Declaration.

ARTICLE I - DEFINITIONS:

1.1 "Declaration" shall mean the covenants, restrictions, and all other provisions set forth in the Declaration of Covenants and Restrictions.

1.2 "Declarant" shall mean and refer to the City of Keizer, an Oregon municipal corporation, its successors or assigns.

1.3 "Removal fill permit" shall mean the final document approved by the Division that formally establishes the wetland enhancement and stipulates the terms and conditions of its construction, operation and long-term management.

1.4 "Property" shall mean and refer to all real property subject to this Declaration, as more particularly set forth in Exhibit "A".

ARTICLE 2 - PROPERTY SUBJECT TO THIS DECLARATION:

The real property which is and shall be held, transferred, sold, conveyed and occupied subject to this Declaration is located in Marion County, Oregon and is more particularly described in Exhibit "A".

ARTICLE 3 - GENERAL PLAN OF DEVELOPMENT:

Declarant currently manages the site for the purpose of wetland enhancement. Current management is in accordance with Permit Number 25304-GA.

ARTICLE 4 - USE RESTRICTIONS AND MANAGEMENT RESPONSIBILITIES:

The Property shall be used and managed for wetland enhancement purposes in accordance with Permit Number 25304-GA. Declarant and all users of the Property are subject to any and all easements, covenants and restrictions of record affecting the Property and the following:

///

///

A) There shall be no removal, destruction, cutting, trimming, mowing, alteration or spraying with biocides of any vegetation on the restricted property, nor any disturbance of change in the natural habitat of the property, except to remove non-native species by hand.

B) There shall be no agricultural, commercial, or industrial activity undertaken or allowed in the property; nor shall any right of passage across or upon the property be allowed or granted if that right of passage is used in conjunction with agricultural, commercial or industrial activity.

C) No domestic animals shall be allowed on the property.

D) There shall be no filling, excavating, dredging, mining or drilling; no removal of topsoil, sand, gravel, rock minerals or other materials, nor any dumping of ashes, trash, garbage, or of any other material, and no changing of the topography of the land of the Property in any manner without written approval from the state and federal wetland regulatory agencies.

E) There shall be no construction or placing of buildings, mobile homes, advertising signs, billboards, or other advertising material, or other structures on the Property.

F) Crossings of the restricted property for utility line installation shall be allowed only if complete restoration of grades and vegetation is done.

ARTICLE 5 - RESOLUTION OF DOCUMENT CONFLICTS:

In the event of any conflict between this Declaration and Permit Number 25304-GA, the permit shall control.

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///

IN WITNESS WHEREOF, the undersigned being Declarant herein, has executed this instrument this ________ day of _______________, 2005.

City of Keizer, an
Oregon municipal corporation

By:___________________________
City Manager

STATE OF OREGON)
) ss.
County of Marion)

This instrument was acknowledged before me on _____________________, 2005 by Christopher C. Eppley, City Manager of the City of Keizer.

____
NOTARY PUBLIC FOR OREGON
My Commission Expires:_________

EXHIBIT "A"

The east one hundred and fifty (150) feet of the property described in Volume 573, Page 457, Deed Records of Marion County, State of Oregon.

CITY COUNCIL MEETING: August 1, 2005

AGENDA ITEM NUMBER:______________

TO: **MAYOR CHRISTOPHER AND COUNCIL MEMBERS**

THROUGH: **CHRISTOPHER C. EPPLEY, CITY MANAGER**

FROM: **E. SHANNON JOHNSON, CITY ATTORNEY**

SUBJECT: **PERMANENT BLOCKING OF FOURTH PLACE**

By Resolution R93-616, the Keizer City Council temporarily blocked Fourth Place at Sandy Drive to prevent excess McNary High School traffic from using Fourth Place. Such Resolution indicated the Council would review the matter by June 21, 1993. Though I believe that occurred, it appears that no resolution was adopted making the blocking of Fourth Place permanent.

Public Works indicates that the blocking of Fourth Place has resolved the traffic concerns on Fourth Place without unduly burdening McNary High School traffic and appears to work well. Therefore to confirm that the Council determined that the blocking of Fourth Place be permanent, I have prepared the enclosed Resolution.

RECOMMENDATION:

Adopt the attached resolution.

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

ESJ/tmh
attachment

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2005-_____

IN THE MATTER OF THE PERMANENT CLOSURE OF
FOURTH PLACE

WHEREAS, by Resolution R93-616 the City Council of the City of Keizer determined that a temporary blocking of Fourth Place at Sandy Drive was necessary and appropriate;

WHEREAS, such Resolution indicated that a further review was appropriate;

WHEREAS, for some time the closure of Fourth Place has operated to reduce traffic on that local street without hindering access to McNary High School;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that Fourth Place shall be permanently blocked at Sandy Drive.

///

///

///

///

///

Lien & Johnson
Attorneys at Law
4855 River Road North
Keizer, Oregon 97303
503-390-1635

BE IT FURTHER RESOLVED that the City Council determines that this action does not constitute a land use decision under state or local law in that it involves no interpretation of the statewide land use goals or guidelines or local land use regulations and does not significantly impact land uses in the area.

PASSED this __________ day of _________________, 2005.

SIGNED this __________ day of _________________, 2005.

____
Mayor

____
City Recorder

Lien & Johnson
Attorneys at Law
4855 River Road North
Keizer, Oregon 97303
503-390-1635

MINUTES
KEIZER CITY COUNCIL
Tuesday, July 5, 2005
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Christopher called the regular meeting to order at 7:03 pm. Roll Call was taken as follows:

Present:	Staff:
Lore Christopher, Mayor	Shannon Johnson, City Attorney
Richard Walsh, Council President	John Teague, Police Department
Jacque Moir, Councilor	Nate Brown, Community Development
Troy Nichols, Councilor	Chris Eppley, City Manager
Chuck Lee, Councilor	Rob Kissler, Public Works
Jim Taylor, Councilor	Susan Gahlsdorf, Finance
David McKane, Councilor	Tracy Davis, City Recorder
Delilah Calhoun, Youth Councilor	

FLAG SALUTE

Councilor Lee led the pledge of allegiance.

PUBLIC TESTIMONY

None

COMMITTEE REPORTS

a. Swearing in of Keizer Police Cadets Sarah Behrends and John Hofmann

Captain Teague introduced Sarah Behrends and John Hofmann and Shannon Johnson issued the oath of office to each of them.

Mayor Christopher noted that this was a bittersweet time because it was the end of the term for Youth Councilor Calhoun. She reviewed Ms. Calhoun's activities over the past year adding that she had recruited students, given reports, brought forth problems and been an outstanding student leader. Mayor Christopher then presented Ms. Calhoun with some parting gifts and certificates of appreciation.

Ms. Calhoun offered her thanks to council and to staff for their support.

Councilor Lee reported that **No Meth Not in Keizer** was continuing efforts toward a "No Meth Awareness Month" in August and reviewed planned tasks of task force members.

Councilor Nichols reported that **KURB** had expressed concern over the River Road Renaissance Committee recommendation on the Wittenberg property purchase and consequently the motion to approve expenditure for an appraisal of the property had failed.

Councilor Walsh reported that:

- He had attended a Salem Parks Board meeting regarding improvements to the **River Road Park** in South Keizer/North Salem in conjunction with the sewer renovations. Access to the park for south Keizer residents is being explored. Councilor Walsh then reviewed the planned sewer improvements. City Manager Chris Eppley pointed out that this scaled down version of improvements is the reason the sewer rate increase was only 1%. Discussion followed regarding the project and the treatment process. Rob Kissler explained that Mayor Taylor had invested a lot of time in Washington, D.C. lobbying for this type of technology.
- The regional Water Trail brochure is now complete. He distributed the brochure for review.
- RIVERR Task Force has received approval from the Marine Board for a $300,000 land acquisition grant. Nate Brown noted that details are being worked out for the various grants. Councilor Walsh then distributed a summary of the grants Keizer has received totaling $1,930,000.

Councilor Moir reported that she had attended the "No Meth, Not in My Neighborhood" meeting held at the Police Auditorium and noted that the meetings have been well-attended. She urged the public to attend these meetings and commended the Keizer Police for their efforts.

Councilor McKane reported that

- Claggett Creek Watershed Council is still actively involved in working out an agreement to manage the 20 acres referred to as Curley's Dairy.
- The Traffic Safety Commission is working with the Police Department to resolve the u-turn issue at Cherry and Plymouth. Research is underway on the legality.

Youth Councilor Calhoun reported that graduation went well, she is sad to leave school but ready to begin a "new chapter" in her life.

Captain Teague reported that Chief Adams was in Florida at the FBI National Academy. The Department received 5 fireworks related calls on July 4, considerably less than last year. He echoed Councilor Moir's comments on the Meth presentation and reviewed National Night Out activities encouraging interested citizens to contact Sgt. Lance Inman.

Nate Brown reminded Council of the KURB meeting which will address raising the maximum indebtedness on the Urban Renewal District. He reported that the River Road Renaissance Advisory Committee had taken a field trip to Lake Oswego to view improvements that could be used along River Road. Mayor Christopher added that the committee was interested in doing some streetscaping along Chemawa Road.

PUBLIC HEARINGS
a. ORDINANCE ~ Five Year Extension of Comcast Cable Franchise Agreement

City Attorney Shannon Johnson explained that the 15-year contract with Comcast is split into five-year segments and the third and final five-year segment is up for renewal. He noted that although a public hearing for the extension was not required, it was appropriate.

Mayor Christopher opened the public hearing.

Hearing no testimony, *Mayor Christopher closed the public hearing*.

Councilor Walsh moved to adopt Resolution R2005 Authorizing the Mayor to Sign Second Renewal Agreement with Comcast of Oregon I, Inc. (Formerly known as Far-West Communications, dba AT&T Cable Services). Councilor Nichols seconded. Motion passed unanimously as follows:

AYES: Christopher, Walsh, Nichols, Lee, Moir, McKane and Taylor (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

b. ORDINANCE – Water Rate Change

Finance Director Susan Gahlsdorf presented a brief history of the Water Rate model noting that the projected increase was for 4% for 2005-2006. The model is consistent with the projection and the increase was budgeted for this fiscal year. The purpose of the increase is primarily to fund infrastructure that will occur over the next several years and to provide for increased costs. Rob Kissler offered an overview of how the resultant funds would be used. Following discussion, it was agreed that the "Emergency" clause could be removed from the Ordinance and the last line should read "This Ordinance shall take effect for the August 2005 billings and all successive billings.

Mayor Christopher opened the public hearing.

Samantha Regaisis, Keizer, noted that she didn't mind the water increase now that she knew how the funds would be used, but questioned the "bond" issue and asked if the increase was to fund debts that the taxes were unable to cover.

Rob Kissler explained the funding of Chemawa and Dearborn improvements adding that the water fund is a dedicated fund by City Charter meaning that all revenue generated through the water utility bills must go into the water infrastructure. He concluded that currently the water fund is debt free but because the City cannot afford to do necessary upgrades in cash they have borrowed some money and the rate increase will pay the principal and interest payments. Councilor Lee pointed out that this increase would result in an average increase of $9 per year.

With no further testimony *Mayor Christopher closed the public hearing.*

Councilor Walsh moved to adopt Ordinance 2005 Setting Water Rates (2005); Repealing Ordinance 2004-513 as amended. Councilor Taylor seconded. Motion passed unanimously as follows:

AYES: Christopher, Walsh, Nichols, Lee, Moir, McKane and Taylor (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

OTHER BUSINESS

Councilor Walsh encouraged everyone to attend the Marion County Fair beginning July 7 at noon adding that this fair should be the best ever.

ADMINISTRATIVE ACTION

a. US market #125 Liquor License – change of Ownership

City Manager Chris Eppley reported that an application was submitted for a change of ownership for the off premises liquor license for US Market #125, Keizer, Oregon. A public hearing is not necessary, however a background check was done, and the applicant was invited to the Council meeting. Staff recommends that Council approve the application.

Lal Sadhu, owner of the establishment, was in attendance and welcomed by Council members.

Councilor Walsh moved to approve and forward a recommendation to the Oregon Liquor Control Commission for the change of ownership for the off premises liquor license for US Market #125. Councilor Moir seconded. Motion passed unanimously as follows:

AYES: Christopher, Walsh, Nichols, Lee, Moir, McKane and Taylor (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

b. RESOLUTION – Nopp Property Acquisition – Keizer Station Area B

City Attorney Shannon Johnson reviewed the matter at hand and explained the location and nature of the three parcels, the timing of the various property closings and pointed out that the address should read "Chemawa Road North**east**" in the title and first paragraph of the document.

Councilor Walsh moved to adopt Resolution R2005 Ratifying and Authorizing the City Manager to Enter into an Agreement to Purchase Real Property Located at 2289 Chemawa Road North**east** (Residence

Property), Property located north of Lockhaven Drive, plus easement areas (ROW Property), and remaining land on either side of the ROW property (excess property), Keizer, Marion County, Oregon (Patricia Nopp) as amended. Councilor Moir seconded. Motion passed unanimously as follows:

AYES: Christopher, Walsh, Nichols, Lee, Moir, McKane and Taylor (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

City Attorney Shannon Johnson requested a motion indicating that staff is authorized to insert "Exhibit A" in the agreement.

Councilor Walsh moved to authorize staff to insert Exhibit "A", a property description, into the Agreement. Councilor Moir seconded. Motion passed unanimously as follows:

AYES: Christopher, Walsh, Nichols, Lee, Moir, McKane and Taylor (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

CONSENT CALENDAR

a. **Approval of June 2, 2005 Special Session Minutes**
b. **Approval of June 6, 2005 Regular Session Minutes**
c. **Approval of June 20, 2005 Regular Session Minutes**

Councilor Walsh moved to approve the June 2, 2005 Special Session Minutes. Councilor Taylor seconded. The motion passed as follows:

AYES: Christopher, Walsh, Nichols, Moir, McKane and Taylor (6)
NAYS: None (0)
ABSTENTIONS: Lee (1)
ABSENT: None (0)

Councilor Walsh moved to approve the June 6, 2005 Regular Session Minutes. Councilor Taylor seconded. The motion passed as follows:

AYES: Christopher, Nichols, Lee, Moir, McKane and Taylor (6)
NAYS: None (0)
ABSTENTIONS: Walsh (1)
ABSENT: None (0)

Councilor Walsh moved to approve June 20, 2005 Regular Session Minutes. Councilor Taylor seconded. The motion passed as follows:

AYES: Christopher, Nichols, Lee, Moir, McKane and Taylor (6)
NAYS: None (0)
ABSTENTIONS: Walsh (1)
ABSENT: None (0)

WRITTEN COMMUNICATIONS Mayor Christopher gave information from the Oregon Arts Commission regarding park/plaza art and grants to Nate Brown.

AGENDA INPUT

July 11, 2005
5:30 p.m. City Council Work Session – Cancelled
July 18, 2005
7:00 p.m. City Council Regular Session
August 1, 2005
7:00 p.m. City Council Regular Session

ADJOURNMENT Mayor Christopher adjourned the meeting at 8:20 p.m.

APPROVED:

MAYOR:

Debbie Lockhart, Deputy City Recorder

Lore Christopher

COUNCIL MEMBERS

Councilor #1 – David McKane

Councilor #4 – Jacque Moir

Councilor #2 – Troy Nichols

Councilor #5 – Richard Walsh

Councilor #3 – Charles E. Lee

Councilor #6 – James Taylor

Minutes approved: