

CITY OF KEIZER MISSION STATEMENT

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

A G E N D A
KEIZER CITY COUNCIL
EXECUTIVE SESSION

Monday, July 21, 2008

6:30 p.m.

Keizer City Hall

Keizer, Oregon 97303

1. CALL TO ORDER

2. ROLL CALL

3. DISCUSSION

- a. Pursuant to ORS 192.660(2)(e) – *To conduct deliberations with persons designated by the governing body to negotiate real property transactions.***

4. ADJOURN

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

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

A G E N D A
URBAN RENEWAL AGENCY OF THE CITY OF KEIZER

Monday, July 21, 2008

6:45 p.m.

**Robert L. Simon Council Chambers
Keizer, Oregon**

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC TESTIMONY

This time is provided for citizens to address the Urban Renewal Agency on any matter not scheduled for public hearing.

4. PUBLIC HEARING

5. ADMINISTRATIVE ACTION

- a. RESOLUTION – Authorizing Urban Renewal Bonds, Series 2008, Prescribing Terms Under Which Future Obligations May Be Issued (Repealing UR2008-116)**

6. CONSENT CALENDAR

- a. Approval of May 19, 2008 Agency Minutes**
b. Approval of June 16, 2008 Agency Minutes

7. OTHER BUSINESS

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

8. AGENDA INPUT

9. ADJOURN



AGENCY MEETING: July 21, 2008

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND BOARD MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

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

SUBJECT: DEBT ISSUANCE TO FUND CIVIC CENTER

ISSUES:

On June 2, 2008, the Board adopted a resolution authorizing staff to issue debt up to \$10 million for the Civic Center. At that time, staff determined that sufficient cash reserves would be available to fund the remaining cost of the project. Upon further analysis and advice from Bond Council, staff believes it is in the Agency's best interest to fund the entire cost of the Civic Center. The additional \$2,260,000 borrowing will ensure that the Agency has cash available to pay project costs when amounts become due.

The cost of the project per the FY08-09 budget is \$11,856,500, which includes 2% for construction contingency. Staff requests increasing this to \$12,260,000 to provide for 5% contingency as recommended in the construction budget.

When the FY08-09 budget was passed, staff's best estimate for furnishings was \$686,100. We have since learned that a portion of these furnishings could be affixed to the building to meet earthquake standards. Items affixed to the building are classified as fixtures; fixtures are allowable urban renewal expenses, furnishings are not (except for the district's allocated use of furnishings). A portion of the increase in contingency could be used to fund the additional fixtures estimated at \$195,000. Should project costs exceed the budgeted amount, staff will bring a supplemental budget to the Board requesting approval for the additional expenditure.

FISCAL IMPACT:

The debt will be structured so that the Agency draws funds as needed. If the full \$12,260,000 is not needed staff will not draw the funds, saving interest costs. The debt will also be structured so that the Agency can repay it as quickly as tax increment revenues become available further reducing interest costs.

Furnishings affixed to the building will save the City's operating budgets a corresponding \$195,000. This reduction will eliminate the need for an interfund borrowing from the Transportation Fund to the General Fund.

RECOMMENDATION:

Staff recommends the Board pass the attached resolution authorizing staff to issue debt for \$12,260,000 to fund the Civic Center project.

**A RESOLUTION OF THE URBAN RENEWAL AGENCY OF KEIZER, OREGON
AUTHORIZING ITS URBAN RENEWAL BONDS, SERIES 2008, PRESCRIBING
TERMS UNDER WHICH FUTURE OBLIGATIONS MAY BE ISSUED, AND
RESCINDING RESOLUTION NO. UR2008-116.**

RESOLUTION NO. UR2008-_____

WHEREAS, the urban renewal agency of the City of Keizer, Oregon (the “Agency”) has issued its Urban Renewal Refunding Bonds, Series 2001A under the provisions of Agency Resolution No. UR2001-063; and,

WHEREAS, Agency Resolution No. UR2001-063 established the rules under which the Agency may issue additional indebtedness that is secured by a first lien on the tax increment revenues of the North River Road Urban Renewal Area; and

WHEREAS, all of the indebtedness that was issued under Agency Resolution No. UR2001-063 has now been paid; and,

WHEREAS, the Agency now desires to issue an additional \$12,260,000 of indebtedness to finance a new civic center and pay related costs; now, therefore,

THE URBAN RENEWAL AGENCY OF THE CITY OF KEIZER, OREGON RESOLVES:

Section 1. Authorization.

The Agency hereby authorizes the sale of its Urban Renewal Bonds, Series 2008 (the “2008 Bonds”). The aggregate principal amount of the 2008 Bonds shall not exceed Twelve Million Two Hundred Sixty Thousand Dollars (\$12,260,000). The proceeds of the 2008 Bonds may be used to pay costs of the proposed civic center and costs of related urban renewal projects, to fund a bond reserve account, if necessary, and to pay costs related to the 2008 Bonds.

Section 2. Delegation.

The City Manager, the City Finance Director, or the person designated in writing by the City Finance Director to act as Agency Official under this Resolution Agency Official (each of whom is referred to in this resolution as an “Agency Official”) may, on behalf of the Agency:

- (A) provide that the 2008 Bonds may be issued in one or more series, may bear interest at fixed rates or variable rates, and may pay deferred interest;
- (B) pledge the tax increment revenues of the North River Road Urban Renewal Area to pay the 2008 Bonds and enter into agreements to fund debt service reserves;
- (C) enter into covenants that secure each series of 2008 Bonds and are intended to allow each series to be sold at attractive rates and prices, including covenants regarding collection of tax increment revenues, covenants regarding the issuance of additional indebtedness, and other covenants of the type contained in Agency Resolution No. UR2001-063;

- (D) establish the final principal amounts, maturity schedules, interest rates, sale prices, redemption terms, payment terms and dates, and other terms of each series of the 2008 Bonds;
- (E) select one or more commercial banks or underwriters to purchase each series of 2008 Bonds and enter into sale agreements with the purchasers or underwriters, or publish a notice of sale, receive bids and award the sale of each series of 2008 Bonds to the bidder complying with the notice and offering the most favorable terms to the Agency;
- (F) undertake to provide continuing disclosure for the 2008 Bonds in accordance with Rule 15c2-12 of the United States Securities and Exchange Commission;
- (G) apply for and purchase municipal bond insurance or obtain other forms of credit enhancement for each series of the 2008 Bonds, obtain reserve credit facilities or other reserve equivalents for each series of the 2008 Bonds, and enter into agreements with the providers of credit enhancement and reserve equivalents, and execute and deliver related documents;
- (H) execute and deliver bond declarations that memorialize the terms, security, covenants, and administrative provisions of each series of 2008 Bonds;
- (I) provide that one or more series of the 2008 Bonds may bear interest which is includable in gross income under the United States Internal Revenue Code of 1986, as amended (the "Code"), or provide that one or more series of the 2008 Bonds may bear interest that is excludable from gross income under the Code and enter into covenants to maintain that excludability;
- (J) appoint and enter into agreements with paying agents and other professionals and service providers; and
- (K) execute any other documents and take any other action in connection with the 2008 Bonds which the Agency Official finds is desirable to carry out this resolution.

Section 3. Reimbursement Declaration.

The Agency hereby declares its intention to use proceeds of the 2008 Bonds to reimburse the Agency for any costs of the civic center project which the Agency pays before the 2008 Bonds are issued.

Section 4. Rescinding Previous Resolution.

This resolution rescinds Resolution No. UR2008-116.

Section 5. Effective Date.

This resolution shall take effect on the date of its adoption by the governing body of the Agency.

ADOPTED this ____ day of July, 2008

**Urban Renewal Agency of the City of Keizer,
Marion County, Oregon**

Urban Renewal Agency Chair

Keizer City Recorder



MINUTES
KEIZER URBAN RENEWAL AGENCY
Monday, May 19, 2008
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Agent Christopher called the session to order at 8:50 p.m. Roll Call was taken as follows:

Present:

Lore Christopher
Richard Walsh
David McKane
Jim Taylor
Jacque Moir
Cathy Clark
Brandon Smith

Staff:

Chris Eppley, City Manager
Shannon Johnson, City Attorney
Nate Brown, Comm.Dev. Director
Rob Kissler, Public Works Director
Marc Adams, Police Chief
Kevin Watson, Asst. to the City Mgr.
Machell DaPina, HR Director
Wanda Blaylock, Admin. Assistant

PUBLIC TESTIMONY None

**ADMINISTRATIVE
ACTION**

**a. Awarding
Contract for
Water Feature
at River/
Lockhaven**

Community Development Nate Brown reviewed the development of this project noting that the lowest bid came from BC Landscaping. Keizer Urban Renewal Board has unanimously recommended award of the contract for \$21,549 for the water feature and landscaping, provision of electrical supply through Signal Design Company for \$2500 and inclusion of a contingency for a total of \$26,050 for the project. Councilor McKane expressed concern regarding this feature being a distraction to motorists.

Agent Walsh moved that the Agency authorize the amount of \$26,050 for construction of a water feature at River Road North and Lockhaven Drive. Agent Taylor seconded. Motion passed as follows:

AYES: Christopher, Walsh, Smith and Taylor (4)

NAYS: Moir, Clark and McKane (3)

ABSTENTIONS: None (0)

ABSENT: None (0)

b. Approving Request for Proposals for Artist to Design and Create TD Keizur Statue and Forming Task Force

Assistant to the City Manager, Kevin Watson, reviewed the history of this project, noted that the City has budgeted \$150,000 in the Civic Center budget to accommodate the design, construction and placement of the statue; an RFP has gone out and staff recommends approval as well as the formation of a task force to select an artist and work with the selected artist on the project. Agent Taylor added that school children will participate in a fundraiser to help fund this project. Additional discussion followed regarding the drawing which was included in the RFP.

Agent Walsh moved that the Agency approve the RFP for an artist to design and construct a life-sized statue of the City's name sake, Thomas Dove Keizur riding a Morgan Horse to be installed in the North plaza of the new Civic Center, which is currently under construction. Agent Taylor seconded. Motion passed unanimously as follows:

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

Agent Walsh moved that the Mayor and Council appoint a task force to select an artist through the RFP process and to work with the successful artist to design and construct this statue. Agent Taylor seconded. Motion passed unanimously as follows:

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

Kevin Watson will chair this task force with Councilor Moir assisting.

CONSENT CALENDAR

- a. Approval of February 19, 2008 Agency Minutes
- b. Approval of March 3, 2008 Agency Minutes
- c. Approval of March 17, 2008 Agency Minutes

Agent Walsh moved for approval of all three items on the Consent Calendar. Agent Taylor seconded. Motion passed unanimously as follows:

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

AGENDA INPUT

None

ADJOURNMENT The meeting was adjourned at 9:04 p.m.

APPROVED:

Lore Christopher, Chair	Debbie Lockhart, Deputy City Recorder

AGENCY MEMBERS

David McKane	Jacque Moir
Jim Taylor	Cathy Clark
Brandon Smith	Richard Walsh

Minutes approved:



MINUTES
KEIZER URBAN RENEWAL AGENCY
Monday, June 16, 2008
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Agent Christopher called the session to order at 6:50 p.m. Roll Call was taken as follows:

Present:

Lore Christopher
Richard Walsh
Jim Taylor
Jacque Moir
Cathy Clark
Brandon Smith

Absent:

David McKane

Staff:

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

**CONSENT
CALENDAR**

Approval of June 2, 2008 Agency Minutes.

Agent Walsh moved to approve the June 2, 2008 Agency Minutes. Agent Moir seconded. Motion passed as follows:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: McKane (1)

ADJOURNMENT

The meeting was adjourned at 6:55 p.m.

APPROVED:

Lore Christopher, Chair

Debbie Lockhart, Deputy City Recorder

AGENCY MEMBERS

~ Absent ~

David McKane

Jacque Moir

Jim Taylor

Cathy Clark

Brandon Smith

Richard Walsh

Minutes approved:

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, July 21, 2008

7:00 p.m.

**Robert L. Simon Council Chambers
Keizer, Oregon**

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

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

5. PUBLIC HEARINGS

- a. Keizer Development Code Text Amendments for Electronic Message Signs**

6. ADMINISTRATIVE ACTION

- a. ORDINANCE – Disposing of City Owned Surplus Property, Police Confiscated Unclaimed Personal Property, Contraband Firearms and Other Contraband (Second Reading)**
- b. RESOLUTION – Authorizing the City Manager to Enter Third Amendment to Keizer Heritage Foundation Ground Lease**
- c. RESOLUTION – Authorizing City Manager to Enter Street Sweeping Agreement with Wheat LLC**

7. CONSENT CALENDAR

- a. RESOLUTION – Authorizing the City Manager to Award Contract for Keizer Rapids Park Paving**
- b. Willamette Basin Total Maximum Daily Load (TMDL) Implementation Plan**

c. Authorizing Application of Department of Land Conservation and Development Grant for Periodic Review

d. RESOLUTION – Granting Step Increase and Tuition/Educational Payment to the City Manager

8. COMMITTEE REPORTS

a. RESOLUTION – Accepting the Keizer Library Task Force Final Report and Discharge of the Library Task Force

b. Appointment to Keizer Planning Commission

9. OTHER BUSINESS

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

a. New Business or Old Business Issues

10. WRITTEN COMMUNICATIONS

To inform the Council of significant written communications.

11. AGENDA INPUT

August 4, 2008

7:00 p.m. City Council Meeting

- Emergency Volunteers Assisting Keizer (EVAK) Report
- All Stars Sports Grill Liquor License Application
- Periodic Review Visioning Task Force

August 11, 2008

5:45 p.m. City Council/Park Advisory Board Work Session

- 2008 Keizer Parks Tour

August 18, 2008

7:00 p.m. City Council Meeting

- 2008 Delinquent Sewer Assessments
- 2008 Street Lighting District Assessments

12. ADJOURNMENT

COUNCIL MEETING: July 21, 2008
AGENDA ITEM NUMBER: 5a

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

THROUGH: CHRIS EPPLEY, CITY MANAGER
NATE BROWN, COMMUNITY DEVELOPMENT DIRECTOR

FROM: SAM LITKE, SENIOR PLANNER

**SUBJECT: TEXT AMMENDMENTS FOR ELECTRONIC MESSAGE SIGNS
(KDC 2.308)**

ISSUE:

On June 18, 2008, the Planning Commission, in a 3-2 vote, supported the proposed text amendments to the Keizer Development code. The proposed revision would modify Section 2.308 (Signs) and is specifically related to electronic message signs. Recent changes in sign technology have resulted in a new type of sign (electronic message signs) that are not adequately addressed in the city's development code. These signs can be of varying sizes and animated with frequent changes of text. For example, in Salem three new electronic message signs were recently installed which change messages of approximately every 8 seconds. It should be noted, however, the maximum size any freestanding sign in Keizer is limited to 100 sq feet, with a 25% reduction for message signs. Concerns have been raised regarding this rapid changing of the message and impacts that it may have on motorists traveling along the street. In addition, there have been concerns expressed which relate to aesthetic blight that these types of signs create.

This revision is an attempt to be proactive rather than reactive and is not in response to any pending sign application. The current code is silent on what is an appropriate time period that an electronic message can be displayed. This proposed revision would define an electronic message sign, would continue to require that this type of sign obtain a conditional use permit approval while clarifying the Conditional Use decision criteria, and specify the message change no faster than once an hour which would be a non variable standard. In addition, the text amendment allows additional mitigation measures may be required when these types of signs are adjacent to residential areas.

The Planning Commission met on June 18, 2008 and voted three to two in favor of the amendment. There was considerable discussion regarding the different aspects of sign code regulations, and signage impacts to the safety and aesthetics of the community. Those voting against the proposed amendment cited safety concerns as well as aesthetic concerns for the visual impact these signs create. The concerns regarding aesthetics of such signs are primarily community standards, and as such are set by the City Council at Council's discretion.

The proposed limits on the brightness of such displays would be regulated under the provisions limiting the Nits produced by such signage. This level has not been verified by staff as being appropriate, but rather is identical to the levels established in the recent City of Salem code. This was done to accommodate a desire to keep standards uniform where possible between the two jurisdictions. Staff does not currently have an independent method of measuring the Nits of such displays.

The original proposed recommendation from Staff was an effort to seek a suitable middle ground to accommodate the latest industry developments. The Council may, of course, choose to exercise additional control over these matters.

RECOMMENDATION:

Hold a public hearing to consider the proposed amendment, and direct staff to prepare an ordinance to adopt the proposed revisions to the Keizer Development Code.

2.308 SIGNS

2.308.01 Purpose

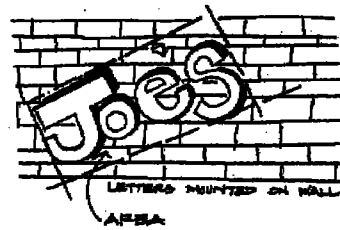
The purpose of these sign regulations is to provide equitable signage rights, reduce signage conflicts, promote traffic and pedestrian safety, and, increase the aesthetic value and economic viability of the city, all by classifying and regulating the location, size, type and number of signs and related matters, in a content-neutral manner. (5/98)

2.308.02 Definitions

For the purposes of this Chapter, the following definitions shall apply: (5/98)

Alteration or Altered: Any change in the size, shape, method of illumination, position, location, construction, or supporting structure of a sign. A change in sign copy or sign face alone shall not be considered an alteration. (5/98)

Area: The area of a sign shall be the entire area within any type of perimeter or border which encloses the outer limits of any writing, representation, emblem, figure, or character. If the sign is enclosed in a frame or cabinet the area is based on the inner dimensions of the frame or cabinet surrounding the sign face. When a sign is on a base material and attached without a frame, such as a wood board or Plexiglas panel, the dimensions of the base material are to be used. The area of a sign having no such perimeter, border, or base material shall be computed by enclosing the entire area within a parallelogram or a triangle of the smallest size sufficient to cover the entire message of the sign and computing the area of the parallelogram or a triangle. For the purpose of computing the number of signs, all writing included within such a border shall be considered one sign, except for multi-faced signs on a single sign structure, which shall be counted as one sign per structure. The area of multi-faced signs shall be calculated by including only one-half the total area of all sign faces. (5/98)



Sign Area



Multi-Faced Sign

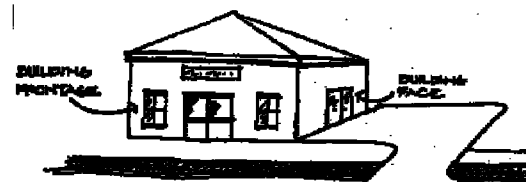
Awning: A shelter supported entirely from the exterior wall of a building and composed of non-rigid materials, except for the supporting framework. (5/98)



Awning Sign

Building Face: The single wall surface of a building facing a given direction. (5/98)

Building Frontage, Primary: The portion of a building face most closely in alignment with an adjacent right-of-way or fronting a parking lot when so defined, as allowed in this chapter. A gasoline service station may use the overhanging canopy as a substitute for building frontage when computing the allowable sign area. The longest side of the canopy shall be used to compute the allowable sign area. (Ord. 2005-533 11/05)



Building Frontage and Face

Building Frontage, Secondary: Buildings located on lots abutting more than one Right of Way or a parking lot may designate one building face as a secondary building frontage. (Ord. 2005-533 11/05)

Canopy Sign: A sign hanging from a canopy or eve, at any angle relative to the adjacent wall, the lowest portion of which is at least eight (8) feet above the underlying grade. (5/98)



Canopy Sign

Construct: Build, erect, attach, hang, place, suspend, paint in new or different word, affix, or otherwise bring into being. (5/98)

Election Signs: Those signs which relate to an election, initiative or political viewpoint. Such signs will otherwise meet the specifications of Temporary Signs. (5/04 – Ord 2004-498)

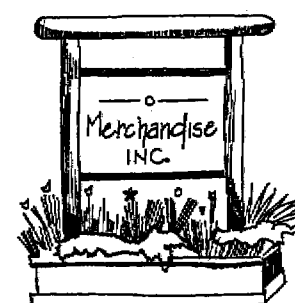
Electronic Message Sign: Signs that incorporate as part of, or wholly, an electronic message or display by means of light emitting diodes, plasma, electronic ink, or other means that allow that display to be changed through electronic controls. Further, an electronic message sign can not be a wall sign.

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Finish Ground Level: The average elevation of the ground (excluding mounds or berms, etc. located only in the immediate area of the sign) adjoining the structure or building upon which the sign is erected, or the curb height of the closest street, which ever is the lowest. (5/98)

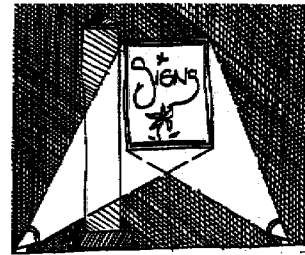


Free-Standing Sign

Flashing Sign: A sign any part of which pulsates, lights intermittently, or blinks on and off, ~~except time and temperature signs and message signs allowed by conditional use.~~ (5/98)

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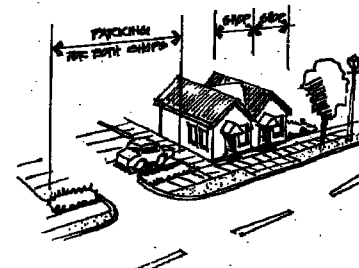
Free-Standing Sign: A sign supported by one or more uprights, poles or braces placed in or upon the ground, or a sign supported by any structure primarily for the display and support of the sign. (5/98)



Indirect Illumination

Incidental Signs: A sign that is normally incidental to the allowed use of the property, but can contain any message or content. Such signs can be used for, but are not limited to, nameplate signs, warning or prohibition signs, and directional signs not otherwise allowed. (5/98)

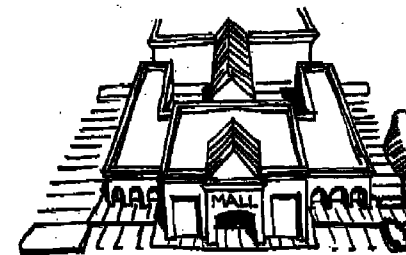
Indirect Illumination: A source of illumination directed toward such sign so that the beam of light falls upon the exterior surface of the sign. (5/98)



Small Integrated Business Center

Integrated Business Center: A group of two or more businesses which are planned or designed as a center, and share a common off-street parking area or access, whether or not the businesses, buildings or land are under common ownership. (5/98)

Internal Illumination: A source of illumination from within a sign. (5/98)

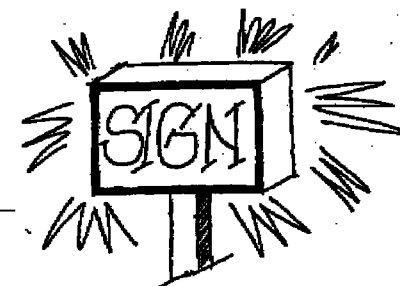


Large Integrated Business Center

Joint Use Sign: When two or more businesses combine part or all of their total allowed sign area into free-standing sign for each common frontage of such business. (5/98)

Nit: Nit is used as a measurement of luminance, where the Nit is equal to one candela per square meter (1cd/m²). A candela is a unit of measurement of the intensity of light, where one candela is the monochromatic radiation of 540THz with a radiant intensity of 1/683 watt per steradian in the same direction. By way of example, an ordinary wax candle generates approximately one candela.

Message Sign: ~~Shall be synonymous with electronic Message Display as defined herein. A sign which can change its message electronically and is designed to display various messages, including but not limited to signs displaying time and temperature.~~ (5/98)

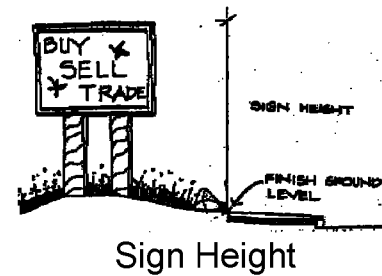


Internal Illumination

Roof Sign: A sign or any portion of which is displayed above the highest point of the roof, whether or not such sign also is a wall sign.
(5/98)

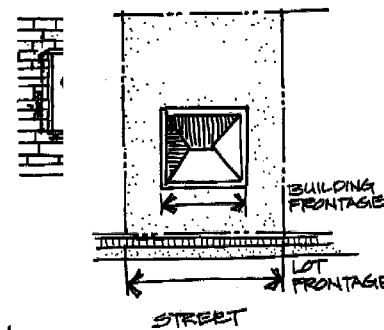
Rotating/Revolving Sign: A sign, all or a portion of which, moves in some manner. (5/98)

Sign: Any writing, including letter, word, or numeral; pictorial presentation, including mural, illustration or decoration; emblem, including device, symbol or trademark; flag, including banner or pennant; or any other device, figure or similar thing which is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or structure or device; and is used to announce, direct attention to, or advertise; and is visible from any public right-of-way. (5/98)



Sign Height

Sign Face: Surface of a sign containing the message. The sign face shall be measured as set forth in the definition for "area."



Street Frontage

Sign Height: The distance from the finish ground level, to the top of the sign or the highest portion of the sign structure or frame, whichever is greater. (5/98)

Sign Structure: The supports, uprights, braces, framework and other structural components of the sign. (5/98)



Temporary Sign

Street Frontage: That portion of a property that abuts a paved street right-of-way and measured by the lineal distance of the property adjacent to such right-of-way. (5/98)

Temporary Business: A business of a temporary nature authorized through a Temporary Business Permit issued by the City of Keizer. (5/98)

Temporary Sign. A sign not permanently affixed to a structure on a property. These signs primarily include, but are not limited to, canvas, cloth, rigid plastic or paper, vinyl banners or posters hung on a building wall or on a permanent pole such as on a free-standing sign support. Paper signs may only be used for single day events. (5/04 Ord. 2004-498)

Time and Temperature Display: An Electronic Message Sign which only displays time and temperature information.

Wall Sign: A sign attached to, erected against or painted on a wall of a building or structure, with the exposed face of the sign in a plane approximately parallel to the face of said wall. A sign painted on an awning in which the face of the sign is approximately parallel to the wall shall also be considered a wall sign. (5/98)

2.308.03 Review Procedures

- A. Permit Required. Except as specifically excluded herein, no property owner, lessee or contractor shall construct or alter any sign without first obtaining a valid permit to do so. (5/98)
- B. Current Signs. Owners of conforming or nonconforming signs existing as of December 4, 1989 are not required to obtain a permit until the end of the abatement period described in Section 2.308.04.C. (5/98)
- C. Permit Fees. Permit fees shall be established from time to time by City Council resolution. (5/98)
- D. Application Requirements. An application for a sign permit shall be made on a form prescribed by the Zoning Administrator. The application shall include, at a minimum, a sketch drawn to scale indicating the proposed sign and identifying existing signs on the premises, the sign's location, graphic design, structural and mechanical design and engineering data which ensures its structural stability. The application shall also contain the names and address of the sign company, person authorizing erection of the sign and the owner of the subject property. (5/98)

The Zoning Administrator shall issue a permit for a sign unless the sign is in violation of the provisions of these regulations or other provisions of the Keizer Zoning Ordinance. Sign permits mistakenly issued in violation of these regulations or other provisions of the Keizer Zoning Ordinance are void. The Zoning Administrator may revoke a sign permit if he finds that there was a material and misleading false statement of fact in the application for the permit. (5/98)



Wall Sign

- E. Design, Construction, and Maintenance. All signs shall be designed, constructed, and maintained according to the following standards: (5/98)
 - 1. Compliance with Building Codes. All signs shall comply with the applicable provisions of Uniform Building Code in effect at the time of the sign permit application and all other applicable structural, electrical and other regulations. The issuance of a

- sign permit under these regulations does not relieve the applicant of complying with all other permit requirements. (5/98)
2. Materials. Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of these regulations, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or other structure by direct attachment to a rigid wall, frame, or structure. (5/98)
 3. Maintenance. All signs shall be maintained in a good structural condition and readable at all times. (5/98)
 4. Owner Responsibility. The owner shall be responsible for its erection and maintenance and its compliance with the provisions of these regulations or other laws or Ordinances regulating signs. (5/98)

2.308.04 Nonconforming Signs

- A. Alteration of Nonconforming Sign Faces. Nonconforming signs are subject to the following provisions regarding alteration: (5/98)
 1. Change Permitted. Within the abatement period described in Section 2.308.04.C., a change in sign face alone is allowed without requiring compliance with these regulations. (5/98)
 2. Termination of Nonconforming Sign. Within the abatement period described in Section 2.308.04.C., when a nonconforming sign face is damaged or destroyed by fire, flood, wind, or other calamity or act of God, such sign face may be restored to its original condition provided such work is completed within sixty (60) days of such calamity. However, a sign structure or support mechanisms so damaged shall not be replaced except in conformance with the provisions of these regulations. (5/98)
- B. Permits for Properties with Nonconforming Signs. (5/98)
 1. Businesses in Integrated Business Centers. For individual businesses in integrated business centers, all signs of the individual business must comply prior to issuance of sign permits for new or altered signs. No free-standing sign permits will be issued for the integrated business center, unless all free-standing signs comply. (5/98)
 2. Businesses Not in Integrated Business Centers. No permits shall be issued for new or altered signs unless all signs of the

individual business comply with these regulations, except as set forth in Section 2.308.04 B.4. (5/98)

3. Nonconforming Sign Area. Except as set forth above and in Section 2.308.08.B.4., all conforming and/or nonconforming signs in existence as of the date of the permit application shall be included in the total allowed area, number or size when reviewing applications for new or altered signs to be allowed on the property. (5/98)
 4. Exception for Non-Owned Signs. Signs which are not owned or controlled by the property owner or lessee prior to May 7, 1990, and which were constructed or installed prior to May 7, 1990, shall not be included in the total allowed area for sign permits granted prior to May 7, 1997. (5/98)
- C. Abatement of Nonconforming Signs. Permanent signs in existence on May 7, 1990 that are not in conformance with the provisions of this Ordinance shall be regarded as nonconforming signs and must be removed, altered, or replaced so as to conform on or before May 7, 1997. The period from the date of the enactment of these regulations to May 7, 1997, shall be described as the "abatement period." Nonconforming signs remaining after the abatement period ends shall be considered illegal signs. Temporary and portable signs that are not in conformance with the provisions of this Ordinance shall be regarded as nonconforming and shall be removed on or before September 7, 1990. (5/98)

The Zoning Administrator shall notify non-conforming permanent sign owners by certified mail of the conformance deadline at least two years prior to such deadline as a public service. Failure to be notified of the deadline shall not relieve the owner of responsibility to conform with this Ordinance within the time period herein. Properties annexed to the City after the effective date of this Ordinance shall have 7 years following annexation in which to conform to these regulations, with the exception of temporary signs that shall conform to the regulations within 90 days following annexation. (5/98)

- D. Abandoned Signs. All signs for a business shall be removed within 30 days after that business ceases to operate on a regular basis, and the entire sign structure or structures shall be removed within 12 months of such cessation of operation. (5/98)
- E. Minor Nonconforming Signs. Individual signs that otherwise comply and are existing as of May 7, 1990, that are within 5% of both the allowed area (total and per sign) and the allowed height as set forth in

these regulations are allowed to remain as nonconforming signs and do not have to be brought into compliance. However, once a nonconforming sign is removed, any replacement sign must comply in all respects with these regulations. (5/98)

2.308.05 Signs Generally Permitted

Subject to the limitations in Sections 2.308.04.C., 2.308.07 and 2.308.08, the following signs and sign work are permitted in all zones. These signs shall not require a permit, and shall not be included when determining compliance with total allowed area: (5/98)

- A. Sign Copy. Painting, change of sign face or copy and maintenance of signs legally existing on the effective date of this Ordinance. If structural changes are made, the sign shall conform in all respects with these regulations. (5/98)
- B. Temporary Signs. Temporary signs that do not exceed 16 square feet in area. No lot may display temporary signs for more than 90 days in any 365 day period. Only one temporary sign per lot may be displayed at a time except during the period 45 days preceding and seven days following elections, signs which relate to such elections may be unlimited in number. (5/04 Ord. 2004-498)
- C. Real Estate Signs. Real estate signs not exceeding 32 square feet that advertise the sale, rental or lease of premises upon which the sign is located. Real estate signs may be used up to two years without a permit. (5/98)
- D. Government Signs. Signs posted by or under governmental authority including legal notices, traffic, danger, no trespassing, emergency, city identification and signs related to public services or safety. (Ord 2005-533 11/2005)
- E. Development Signs. One sign not over 32 square feet for a residential development or subdivision, and located at each street entrance to the development. (5/98)
- F. Incidental. Incidental signs that do not exceed 6 square feet. Such signs shall not be mounted on permitted freestanding sign structures. (5/98)
- G. Flags. Flags on permanent flag poles that are designed to allow raising and lowering of the flags. Flagpoles shall either be freestanding or shall be mounted on the building but if mounted on the building may not be taller than the peak of the roof. Flags shall not exceed 25 square feet in area. (5/98)

- H. Interior Signs. Signs within a building. (5/98)
- I. Window Signs. For commercial or industrial buildings, signs painted or hung on the inside of windows. (5/98)
- J. Non-profit Signs. A non-profit organization may display a portable sign subject to the following: (5/98)
 - 1. Three signs per organization at one time. (5/98)
 - 2. Maximum sign area: 16 square feet. (5/98)
 - 3. The sign shall be displayed no more than six times in any 365 day period, and shall not be displayed longer than five days each time. (5/98)
 - 4. The sign shall not be placed on public property or in any right-of-way. (5/98)
 - 5. The non-profit organization shall request and receive consent from the property owner of the property on which the sign is placed. (5/98)
 - 6. If requested, the non-profit organization shall provide appropriate proof that such organization is organized not to make a profit, but for charitable, educational, religious, or philanthropic purposes. (5/98)
- K. Residential Signs. Residential signs, pursuant to requirements in Section 2.308.07. (5/98)
- L. Election Signs. During the period of forty-five (45) days prior and seven (7) days after any governmental election, signs which meet the definition of temporary signs, and which pertain to such election, may be unlimited in number. (5/04 Ord. 2004-498)

2.308.06 Prohibited Signs

The following signs are prohibited: (5/98)

- A. Tethered Signs. Balloons or similar types of tethered objects, including strings of pennants. (5/98)
- B. Portable Signs. Portable signs (except as noted in Section 2.308.05.J. (5/98)

- C. Roof Signs. Roof signs or signs which extend higher than the roof line.
(5/98)
- D. Odor, Visible Matter. Signs that emit odor, visible matter, or sound, however an intercom system for customers remaining in their vehicles, such as used in banks and "drive through" restaurants, shall be allowed. (5/98)
- E. Wire Supports. Signs that use or employ side guy lines of any type.
(5/98)
- F. Obstructing Signs. Signs that obstruct any fire escape, required exit, window or door opening used as a means of egress. (5/98)
- G. Utility Lines. Signs closer than 24 inches horizontally or vertically from any overhead power line or public utility guy wire. (5/98)
- H. Vehicle, Trailer Signs. No vehicle or trailer shall be parked on a public right-of-way or public property, or on private property so as to be visible from a public right-of-way which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same or nearby premises. This provision applies where the primary purpose of a vehicle is for advertising purposes and is not intended to prohibit any form of vehicular sign, such as a sign attached to a motor vehicle which is primarily used for business purposes, other than advertising. (5/98)
- I. Rotating/revolving Signs. ~~Rotating/revolving signs, except by conditional permit, and except as allowed in Section 2-308.07 A.3. (5/98)~~
- J. Flashing Signs. ~~Flashing signs, except by conditional use permit, and except as may be allowed in Section 2-308.07 A.3. (5/08)~~
- K. Projection Signs. Projecting signs exceeding 24 inches and private signs that project into or over driveways and public right-of-ways, except signs under a canopy that projects over a public sidewalk and the sign is 8 feet or more above the sidewalk. (Ord 2005-533 11/2005)
- L. View Obstruction. Signs that obstruct required vision clearance area or obstruct a vehicle driver's view of official traffic control signs and approaching or merging traffic, or which present a traffic hazard. (5/98)
- M. Safety Interference. Signs that interfere with, imitate, or resemble any official traffic control sign, signal or device, emergency lights, or appears to direct traffic, such as a beacon light. (5/98)

- N. Use of Utility Poles. Signs attached to any pole, post, utility pole or placed on its own stake and placed into the ground in the public right-of-way. (5/98)
- ~~O. Message Signs. Message Signs, except by conditional use permit. (5/98)~~
- ~~O.P. Vacant Land. Any sign on unimproved property, unless allowed as a temporary sign. (5/98)~~
- P. Electronic Message Signs. Electronic message signs, including Time and Temperature Displays, except by conditional use permit. Electronic message signs that change more frequently than once per hour are prohibited and a variance to this requirement is not allowed. Time and temperature displays can change more frequently. Further, any change made with the use of scrolling, flashing, fluttering or other animated effects is prohibited.

2.308.07 Non-Commercial Signs

The following regulations apply to signs for residences, public or semi-public buildings and similar non-commercial, non-industrial uses: (5/98)

- A. Sign types. The following sign types are allowed: (5/98)
1. Wall, canopy and window signs subject to the limitations in 2.308.07.C. (5/98)
 2. Free-standing signs subject to the limitations in 2.308.07.C. (5/98)
 3. Temporary displays consisting of any sign type for a period not to exceed 21 days in any 365 day period, however the owners or responsible parties of such displays shall be responsible for any public or private nuisance. (5/98)
- B. Maximum number. Any combination of wall, canopy or free-standing signs not exceeding the sign area and height limitations of this Section; plus signs allowed in Section 2.308.07.A.3. (5/98)
- C. Maximum Sign Area. Maximum total sign area for property on which the building or buildings are located: (5/98)
1. Single-family and two-family (duplex) dwelling: 6 square feet. (5/98)
 2. Multiple family dwelling: 32 square feet. (5/98)

3. Public and semi-public: 64 square feet. (5/98)
- D. Maximum sign height:
 1. Wall, canopy or window sign: 8 feet. (5/98)
 2. Free-standing sign: 6 feet. (5/98)
- E. Location: (5/98)
 1. Wall, canopy or window sign shall be set back from the property lines of the lot on which it is located, the same distance as the building containing the permitted use; provided that wall signs may project into the required setback space up to 1.5 feet. (5/98)
 2. Free-standing signs are permitted where fences are allowed. (5/98)
- F. Illumination. Signs may only be indirectly illuminated by a concealed light source, shall not remain illuminated between the hours of 11:00 p.m. and 6:00 a.m., (except by conditional use permit) and shall not flash, blink, fluctuate or produce glare. (5/98)

2.308.08 Commercial and Industrial Signs

The following regulations apply to signs for commercial and industrial uses:
(5/98)

- A. Non-integrated Business Centers:
 1. Total allowed area. One and one-half square feet of total allowed sign area for each lineal foot of building frontage, up to a maximum total allowed area of 150 square feet. (5/98)
 2. Type, maximum number and size of signs. Within the total allowed area, one free standing sign per street frontage and an unlimited number of wall, canopy or projecting signs. Regardless of total allowed area, the free-standing signs shall be limited to a maximum of 100 square feet in area, shall not exceed one sign on each frontage, and shall be oriented to face the traffic flow on the street upon which then front. (5/98)
 3. Maximum sign height: (5/98)
 - a. Wall and canopy signs shall not project above the parapet or roof eaves. (5/98)

- b. Free-standing signs: 20 feet. (5/98)
 - 4. Location: (5/98)
 - a. Wall or projecting signs may project up to 2 feet from the building. (5/98)
 - b. Free-standing signs have no limitations except the signs shall not project over street right-of-way and shall comply with requirements for vision clearance areas and special street setbacks. (5/98)
- B. Integrated Business Centers:
 - 1. Allowed area. For wall, canopy and projecting signs on individual businesses within an integrated business center, one and one-half square feet of total allowed sign area for each lineal foot of building frontage for the individual business, up to a total maximum of 150 square feet per business. The sign area of a projecting sign shall be calculated as a free-standing sign. Individual businesses may not assign their unused allowed area to other businesses in the integrated business center. Free standing signs are permitted only as set forth below and in Section 2.308.08.C. (Ord 2005-533 11/2005)
 - 2. On a Secondary Building Frontage, one wall sign shall be allowed, in addition to that listed above, at the rate of 0.75 sq ft per lineal foot of that portion of the building designated a Secondary Building Frontage, up to a maximum of 75 sq ft. (Ord 2005-533 11/2005)
 - 3. Free-standing Sign. For each integrated business center, 1 free-standing sign per street frontage not to exceed 100 square feet in area. Free-standing signs shall not exceed one sign on each frontage and shall be oriented to face the traffic flow on the street upon which they front. (Ord 2005-533 11/2005)
 - 4. Maximum sign height: (5/98)
 - a. Wall and canopy signs shall not project above the parapet or roof eaves. (5/98)
 - b. Free-standing signs: 20 feet. (5/98)
 - 5. Location:

- a. Wall or projecting signs may be located on any face of the building, except as provided in 2.308.08.B.4.b, and may project up to 2 feet from the building. (Ord 2005-533 11/2005)
 - b. Wall signage located on a Secondary Building Frontage shall be limited to only one sign, limited in size as provided in 2.308.08.A.2. In no case may any signage derived on the primary building frontage be located on the secondary building frontage. (Ord 2005-533 11/2005)
 - c. Free-standing signs have no limitations except the signs shall not project over street right-of-way and shall comply with requirements for vision clearance areas and special street setbacks. (5/98)
- C. Mixed Use Developments. Signs for developments containing a mixture of commercial and residential uses shall be subject to the following restrictions: (5/98)
1. Non-commercial uses shall be subject to the provisions in Section 2.308.07. (5/98)
 2. Commercial-industrial uses shall be subject to the provisions for integrated business centers in Section 2.308.8.B. (5/98)
 3. Free-standing signs shall be subject to the provisions in Section 2.308.08.B.2. (5/98)
- D. Additional Signs. Within the limitations of this subsection, the signs below do not require a permit and are not included in calculating allowed area and number of signs. (5/98)
1. Secondary Entrance. When a business has two public entrances, each on a separate building wall, there is permitted one additional wall sign not to exceed 10 square feet in area for the wall where the entrance is not the primary entrance. (5/98)
 2. Directional Signs. Directional signs, such as "Exit" or "Entrance", are allowed either as wall or freestanding signs. Such signs shall be limited to 3 square feet in area and 2 per driveway. Free standing directional signs shall be limited to a height of 6 feet. (5/98)
 3. Menu Boards. Order signs describing products and/or order instructions to a customer, such as menu boards on the exterior of a drive-through restaurant are allowed as follows: one per

business limited to 40 square feet in area and a maximum height of 8 feet. Any order sign greater than 10 square feet in area and/or 6 feet in height must be screened from adjacent streets by a sight obscuring fence, wall or hedge. (Ord 2005-533 11/2005)

- E. Signs for Temporary Businesses. Temporary businesses may display temporary or portable signs, other than trailer mounted reader boards or any sign that includes flashing or rotating lights or moving parts. The cumulative size of all such signs may not exceed 32 square feet. All temporary signs must be placed within 10 feet of the structure or vehicle used for the temporary business and may not be placed within any public right-of-way. (5/98)

F. Special Commercial Signs

1. Home Occupation. Maximum area shall be 6 square feet and subject to the location provisions in Section 2.306.07. (5/98)
2. Residential Sales Office. Maximum area shall be 16 square feet and subject to the location provisions in Section 2.306.07. (5/98)
3. Bed and Breakfast. Maximum area shall be 16 square feet and subject to the location provisions in Section 2.306.07. (5/98)
4. Signs for stadiums in the IBP zone. Notwithstanding any other regulations in this Chapter, in the IBP zone for stadiums with seating for less than 4,000 persons, the following shall apply: (Ord 2005-533 11/2005)
 - a. Total allowed area. 760 square feet. (Ord 2005-533 11/2005)
 - b. Type, maximum number and size of signs. Within the total allowed area, one (1) free standing sign, and a total of no more than two (2) wall or canopy signs. Regardless of the total allowed area, the free standing sign shall be limited to a maximum of 680 square feet. (Ord 2005-533 11/2005)
 - c. Maximum sign height: (Ord 2005-533 11/2005)
 1. Wall and canopy signs – shall not project above the parapet or roof eaves. (Ord 2005-533 11/2005)
 2. Free standing sign – maximum total height of fifty (50) feet. (Ord 2005-533 11/2005)
 - d. Location:

1. Wall signs – may project up to 1.5 feet from the building. (Ord 2005-533 11/2005)
2. Free standing sign – no limitation except shall not project over street right-of-way and shall comply with requirements for vision clearance areas and special street setbacks. (Ord 2005-533 11/2005)

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2.308.09 Conditional Uses

- A. Procedures. Applications for conditional use permits for illumination of non-commercial signs, ~~flashing, rotating/revolving signs or~~ electronic message signs shall be processed according to the procedure set forth in Section 3.103 of this Ordinance. The criteria to be reviewed and applied in conditional use permit proceedings for ~~flashing, rotating/revolving signs or~~ electronic message signs are set forth in this Section. The criteria to be reviewed and applied in conditional use permit proceedings for the illumination of residential signs are set forth in Section 2.308.10. The criteria of Section 3.103 shall not be applied. (Ord 2005-533 11/2005)
- B. Decision Criteria. The following criteria shall be used to review and decide conditional use permit applications for ~~flashing, rotating/revolving, the illumination of non-commercial and~~ electronic message signs: (5/98)
 1. The proposed sign is located in an EG, P, IBP, CR, CO, MU, CM or a CG zone. (5/98)
 2. The proposed sign, when conditioned, will not either: a) significantly increase or lead to street level sign clutter, or b) to signs adversely dominate ing the visual image of the area. (5/98)
 3. The proposed sign, as conditioned, will not adversely impact the surrounding area to a significant degree. (5/98) Electronic Message Signs that are proposed to be located in a P zone adjacent to residential areas shall include mitigation measures such as screening and buffering or other measures to mitigate any impacts onto adjacent properties. Further for Electronic Message Signs that in the P zone and are proposed to be located adjacent to residential areas shall only be illuminated between the hours of 6:00 AM and 11:00 PM and may only be changed once in a 24 hour period.
 4. The proposed sign will not present a traffic or safety hazard. (5/98)

5. If the application is for the illumination of non-commercial ~~a~~ flashing and/or electronic message sign, no rotary beacon lights, zip lights, strobe lights, or similar devices shall be allowed. No chaser effect or other flashing effect consisting of external lights, lamps, bulbs or neon tubes are allowed. Only flashing effects by way of internal illumination are allowed. (5/98)

Electronic Message Signs. Electronic Message signs must remain static and unchanging for a period no less than one hour except in the case of temperature and time displays. Further, the level of illumination must be limited in the following ways:

(A) An electronic message sign that contains a changeable display produced by light emitting diodes, incandescent or low-voltage lamps or bulbs, or cathode ray tubes shall include automatic brightness compensation features to adjust brightness to compensate for the angle and ambient light conditions.

(B) No electronic message sign may be illuminated to a degree of brightness that is greater than 7,500 nits in the daytime and 1,000 nits between sunrise and sunset; provided that electronic message signs comprised solely of one color may not be illuminated to a degree of brightness exceeding the following illumination levels:

(i) For a display comprised of red only, the degree of brightness shall not be greater than 3,150 Nits in the daytime and 450 between sunrise and sunset;

(ii) For a display comprised of green only, the degree of brightness shall not be greater than 6,300 nits in the daytime and 900 nits between sunrise and sunset;

(iii) For a display comprised of amber only, the degree of brightness shall not be greater than 4,690 Nits in the daytime and 670 nits between sunrise and sunset.

6. If the application is for a rotating/revolving sign, such sign cannot flash or be illuminated by intermittent light. Rotating/revolving signs shall revolve at a speed no greater than 5 revolutions per minute. ~~609~~ Time and temperature displays shall be limited to six square feet in area and may change with changes to the time and temperature. Time and temperature displays may be incorporated into the larger electronic message sign as an individual element of the sign but can not alternate between the time and temperature information and main message of the sign.

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7. The total allowed sign area for a business shall be reduced by 25% if the business has an flashing, rotating/revolving, or electronic message sign. (5/98)
8. The proposed sign will comply with all other regulations, including, but not limited to height and placement restrictions. (5/98)

2.308.10 Variances

- A. Procedure. Any allowance for signs not complying with the standards set forth in these regulations shall be by variance. Minor variances under Section 3.105.04 of this Ordinance shall not be allowed. Variances to this Section will be processed according to the procedures in Section 3.202.02 as a Type I-B procedure. The criteria in Section 3.105 shall not be used, but instead the following criteria shall be used to review and decide variance applications: (Ord 2005-533 11/2005)
 1. There are unique circumstances of conditions of the lot, building or traffic pattern such that: (5/98)
 - a. The existing sign regulations create an undue hardship; (5/98)
 - b. The requested variance is consistent with the purpose of this chapter as stated in Section 2.308.01; and
 - c. The granting of the variance compensates for those circumstances in a manner equitable with other property owners and is thus not a special privilege to any other business. The variance requested shall be the minimum necessary to compensate for those conditions and achieve the purpose of this chapter. (5/98)
 2. The granting of the variance shall not: (5/98)
 - a. Decrease traffic safety nor detrimentally affect any other identified items of public welfare. (5/98)
 - b. Result in a special advertising advantage in relation to neighboring businesses or businesses of a similar nature. The desire to match standard sign sizes (for example, chain store signs) shall not be listed or considered as a reason for a variance. (5/98)
 - c. Be the result of a self-imposed condition or hardship. (5/98)

CITY COUNCIL MEETING: July 21, 2008

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: *SURPLUS PROPERTY ORDINANCE (SECOND READING)*

The surplus property ordinance is before the City Council for second reading. The ordinance has been revised pursuant to the Council's first reading to indicate that surplus firearms will be chosen for sale if they have value that outweighs the staff time and/or costs of sale. (See Section 4(d)(ii) and (iii).)

RECOMMENDATION:

Adopt the attached Ordinance.

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

ESJ/tmh
attachment

1 BILL NO. ____

A BILL

ORDINANCE NO.

2008-_____

3 FOR

4
5 AN ORDINANCE

6
7 DISPOSING OF CITY OWNED SURPLUS PROPERTY,
8 POLICE CONFISCATED UNCLAIMED PERSONAL
9 PROPERTY, CONTRABAND FIREARMS AND OTHER
10 CONTRABAND; REPEALING ORDINANCE 2000-427;
11 AND DECLARING AN EMERGENCY
12

13 WHEREAS, from time to time, the City of Keizer has surplus property, police
14 confiscated unclaimed property, firearms and contraband which needs to be disposed of; and

15 WHEREAS, the City of Keizer desires to create a process which fairly disposes of
16 such property in a manner that best serves the public interests;

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

18 Section 1 - DEFINITIONS.

19
20 A. City-Owned Surplus Property. City-owned personal property that the
21 department head responsible for its control determines to be of no further use for public
22 purposes, and the City Manager or designee approves such determination.

23 B. Police Unclaimed Personal Property. Property and/or evidence that has been
24 in the custody of Keizer Police Department for more than 60 days following the adjudication
25 of all criminal actions, and/or investigation (if no criminal action is filed) or at the
26 conclusion of any civil action brought against the city, any of which are related to the
27 seizure or impoundment of property. Unclaimed personal property is defined in ORS
28 98.245(1)(b) as property which ownership has not been established after the Keizer Police
29 Department has made a reasonable effort to identify and notify the owner of the property.

1 "Unclaimed personal property" does not include firearms or contraband.

2 C. Contraband Firearms. Firearms which are seized by the Keizer Police
3 Department under ORS 166.250 (unlawful possession of firearms) or 166.270 (certain ex-
4 convicts forbidden to possess arms) and not being held as evidence shall be classified as
5 contraband. Firearms seized under ORS 166.279 (Seizure of concealed weapons) and not
6 being held as evidence shall be classified as contraband.

7 D. Other Contraband. As used herein, "contraband" means any personal
8 property (except firearms) which is unlawful to produce or possess, including, without
9 limitation, illegal weapons, controlled substances as defined in ORS 475.005 and drug
10 paraphernalia as defined in ORS 475.525.

11 Section 2 –DISPOSITION PROVISIONS - CITY-OWNED SURPLUS PROPERTY.

12 Upon approval by the Keizer City Manager or designee, the following provisions apply to
13 City-owned Surplus Property:

14 A. At the City Manager's direction, City-owned surplus property with a value of
15 less than \$1,000 per item/group may be traded, donated, sold, destroyed, or transferred with
16 or without consideration to an agency of the State of Oregon, a political subdivision thereof
17 authorized by law to enter into, or an organization which has received Internal Revenue
18 Service tax status as a nonprofit organization, or may be disposed of pursuant to any method
19 set forth in Section 2(D) below.

20 B. At the City Council's direction, City-owned surplus property with a value
21 greater than \$1,000 per item/group may be disposed pursuant to any method set forth in
22 Section 2(D) below.

1 C. For purposes of this Section, the value of the surplus property shall be
2 estimated by the City Manager or designee and shall be estimated per item or per group of
3 property items if such grouping reasonably is estimated to net a higher value after expenses
4 of the sale.

5 D. City-owned surplus property may be disposed of by any of the following
6 methods:

- 7 i. Through the State of Oregon Surplus Property Program.
- 8 ii. Sold at public auction pursuant to the procedures set forth in Section 3
9 of this Ordinance.
- 10 iii. City may solicit proposals from persons or organizations for City-
11 owned surplus property by causing notice to be published in a
12 newspaper of general circulation in the City at least one (1) week prior
13 to the date set for opening of such proposals. Upon approval by the
14 City Manager (Section 2(A)) or by the City Council (Section 2(B)), the
15 surplus property shall be transferred to the person or organization
16 making the best offer considering all circumstances.
- 17 iv. Any other method that in the City's discretion is in the best interests of
18 the City, including, but not limited to, electronic or hard copy classified
19 advertising, electronic or hard copy non-classified advertising,
20 electronic (website) auction. The City Manager (Section 2(A)) or City
21 Council (Section 2(B)) shall determine pricing of the items/groups.

22

The property shall be delivered to the successful purchaser upon receipt of full payment.

Section 3 - AUCTION.

A. When the City Manager or City Council determines that a public auction is in the best interests of the City, the City Manager or designee shall:

- i. Cause a notice of public auction to be published in a newspaper of general circulation in Keizer at least ten (10) days prior to the date of such auction. The notice shall include at a minimum a list of the property to be sold, and the time and place where the property can be viewed as well as the time and place of the auction itself.
- ii. Insure that all property shall be available for viewing by prospective buyers on the auction premises at least one-half hour prior to sale time.
- iii. Sell the City-owned surplus property to the highest bidder. The City Manager or designee may establish minimum bids for any and all items. Items may be grouped for sale as particular lots, if it is in the City's best interest to do so. Payment must be made before the property can be removed. Payment shall be in the form of cash, cashier's check, or money order or first party personal check. A receipt shall be issued for each article or lot purchased.

B. All articles sold at auction having a title or registration shall require a Bill of Sale. The Bill of Sale shall be signed by the City Manager or designee.

1 C. The City Manager or designee may hire a public auctioneer that is licensed and bonded
2 to conduct the public auction.

3 D. Proceeds from the sale or auction of City-owned surplus property shall be
4 used first to pay all costs associated with such sale or auction, including, but not limited to,
5 expenses of sale, storage and maintenance costs, and any public notice publication costs.

6 Section 4 - DISPOSITION PROVISIONS - POLICE UNCLAIMED PERSONAL
7 PROPERTY, CONTRABAND FIREARMS AND OTHER CONTRABAND.

8 A. Police Unclaimed Personal Property, as defined in Section 1, with a value
9 less than \$1,000 per item/group may be traded, donated, sold, destroyed or transferred with
10 or without consideration to an agency of the State of Oregon, a political subdivision thereof
11 authorized by law to enter into, or an organization which has received Internal Revenue
12 Service tax status as a nonprofit organization.

13 B. Police Unclaimed Personal Property, as defined in Section 1, with a value
14 greater than \$1,000 per item/group shall be disposed of in accordance with ORS Chapter
15 98.245. This includes a published statement of “intent to dispose” and posting of the notice
16 in three (3) public places within the city limits of Keizer. Thirty (30) days from the date of
17 publication, the remaining unclaimed personal property with greater than nominal value as
18 defined in Section 1(B) may be disposed of through the State of Oregon Surplus Property
19 Program, sold at Public Auction as described in Section 3, or through other means of
20 disposal as authorized by the Chief of Police and approved by the City Manager or designee.

21 C. For purposes of this Section, the value of the surplus property shall be
22 estimated by the City Manager or designee and shall be estimated per item or per group of

property items if such grouping reasonably is estimated to net a higher value after expenses of the sale.

D. Contraband Firearms as defined in Section 1 shall be disposed of by the following options:

- i. Firearms which were seized under ORS 166.250 (unlawful possession of firearms) or 166.270 (certain ex-convicts forbidden to possess arms) and not being held as evidence shall be classified as contraband. Firearms which are in police custody and which have been declared forfeited by the court under ORS 166.279 shall be classified as contraband. In the event a firearm used to facilitate a criminal offense was stolen from its lawful owner and was recovered from a person other than the lawful owner, it shall be returned to its lawful owner as soon as the weapon is no longer needed for evidentiary purposes and the lawful owner is currently not prohibited from possessing the firearm.
- ii. At the option of the Chief of Police, firearms classified as contraband may be used as a service weapon or for demonstration or training purposes or sold per ORS 166.279(4). However, the proceeds from the sale of such firearms shall be distributed as outlined in ORS 166.279(4). Any sale shall be made only to licensed gun dealers. Generally, this option would be chosen for weapons that, in the discretion of the Chief of Police, have value that outweighs the staff time and/or costs of sale.

- 1 iii. At the option of the Chief of Police, firearms classified as contraband
2 shall be destroyed in such a manner that the firearms are rendered
3 wholly and entirely ineffective and useless for the purpose of which
4 they were manufactured. Generally, this option would be chosen for
5 weapons that, in the discretion of the Chief of Police, have value that is
6 outweighed by staff time and/or costs of sale.
- 7 iv. This Subsection (D) shall also apply to non-contraband firearms (for
8 example, donated firearms) in the possession and control of the Police
9 Department.

10 E. Contraband.

- 11 i. All contraband shall be rendered unusable by destruction in a legally
12 acceptable manner. The destruction of contraband shall be recorded by
13 the Evidence and witnessed by the Evidence Custodian.
- 14 ii. Contraband in the form of controlled substances shall also be destroyed in a
15 legally acceptable manner, except when it is authorized by the District
16 Attorney or a court of competent jurisdiction to be used as an
17 investigative tool or for training purposes. In every instance,
18 authorization to use a controlled substance as an investigative tool or as
19 a training tool shall be obtained in writing from the Keizer Chief of
20 Police. All such authorizations shall be in writing and shall accompany
21 the property control report.

iii. Controlled substances used as an investigative tool or for training purposes shall be returned to the Evidence Custodian upon completion of the specific investigation or training. Prior to re-submitting the substance(s) to the Evidence Custodian, the investigator shall document and sign a post-investigation or post-training property control report, verifying the substance(s) and weight of the item(s) used.

Section 5. REPORT TO CITY COUNCIL. City staff shall report to the City Council

no later than August 31 each year for the previous fiscal year. Such report shall indicate the surplus items sold or otherwise disposed of, method of sale and revenue from sales.

Section 6. REPEAL. Ordinance number 2000-427, Disposition of Unclaimed Personal

Property, Surplus Personal Property, Firearms and Contraband, enacted October 2, 2000, is repealed.

Section 7. EMERGENCY. This Ordinance being necessary for the immediate

preservation of the public health, safety, and welfare, an emergency is declared to exist and this Ordinance shall take effect immediately upon its passage.

PASSED this _____ day of _____, 2008

SIGNED this _____ day of _____, 2008

Mavor

City Recorder

CITY COUNCIL MEETING: July 21, 2008

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

**SUBJECT: KEIZER HERITAGE FOUNDATION (OLD SCHOOL) THIRD
AMENDMENT TO GROUND LEASE**

The City Council considered the proposed Third Amendment to Ground Lease with Keizer Heritage Foundation at its June 16, 2008 meeting. The Council directed staff to revise the proposed Third Amendment to provide that the civic center complex parking would be jointly used between the civic center and the Keizer Heritage building users on an equal basis. The lay out of the parking lots in relation to the buildings means that Keizer Heritage users will want to use the new eastside parking lot and civic center users would avoid that lot because it is the farthest away. Due to this, staff believes that this new proposal will work well.

Keizer Heritage Foundation board has considered the matter and authorized the signing of the revised Third Amendment.

RECOMMENDATION:

Adopt the attached Resolution authorizing the City Manager to enter into the Third Amendment of Ground Lease with Keizer Heritage Foundation.

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

ESJ/tmh
attachments

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2008-_____

AUTHORIZING THE CITY MANAGER TO ENTER
INTO THIRD AMENDMENT OF GROUND LEASE
(KEIZER HERITAGE FOUNDATION)

WHEREAS, Keizer Heritage Foundation and the City of Keizer entered into that certain Ground Lease on or about July 19, 1995 pursuant to Resolution No. R95-846. The purpose of such Ground Lease was to provide Keizer Heritage with property on the city hall complex to place the Old Keizer School and to allow Keizer Heritage to refurbish such school;

WHEREAS, Keizer Heritage Foundation and the City of Keizer entered into a First Amendment of Ground Lease dated May 24, 1999 pursuant to Resolution No. R99-1110 to allow extension of time for completion of the refurbishment project;

WHEREAS, Keizer Heritage Foundation and the City of Keizer entered into a Second Amendment of Ground Lease dated September 28, 2001 pursuant to minute motion by the City Council on October 2, 2000 to modify the requirement of the Lease so that a formal opinion audit of the Keizer Heritage financial records would not be required;

WHEREAS, Keizer Heritage Foundation and the City of Keizer recognizes a need to amend the Lease a third time to provide for the new Civic Center construction at the city hall complex site. The Third Amendment of Ground Lease amends the legal description of the Premises and addresses parking issues;

1 NOW, THEREFORE,
2 BE IT RESOLVED by the City Council of the City of Keizer that the City
3 Manager is authorized to sign the Third Amendment of Ground Lease, a copy of which
4 is attached.

5 PASSED this _____ day of _____, 2008.

6 SIGNED this _____ day of _____, 2008.

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Mayor

City Recorder

THIRD AMENDMENT OF GROUND LEASE

DATE: _____, 2008

PARTIES:

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

KEIZER HERITAGE FOUNDATION, INC.,
an Oregon nonprofit corporation (hereinafter "Keizer Heritage")

RECITALS:

A. The City and Keizer Heritage are parties to that certain Ground Lease signed on or about July 19, 1995. The purpose of such Ground Lease was to provide Keizer Heritage with property on the city hall complex to place the Old Keizer School (the "Building") and to allow Keizer Heritage to refurbish such school.

B. On or about May 17, 1999, the City and Keizer Heritage entered into a First Amendment of Ground Lease to allow extension of time for completion of the refurbishment project.

C. On or about September 28, 2001, the parties entered into that certain Second Amendment of Ground Lease to modify the requirement of the Lease so that a formal opinion audit of the Keizer Heritage financial records would not be required.

D. City and Keizer Heritage recognize the need to amend the Lease at this time to provide for the new Civic Center construction at the city hall complex site. This amendment will allow a change in the legal description of the "Premises" as that term is used in the Ground Lease. In addition, the parties wish to clarify and agree on the terms of usage of adjacent parking lots.

NOW THEREFORE, based on the mutual promises and covenants made herein, the parties agree as follows:

AGREEMENT:

1. The legal description of the leases Premises is amended as set forth on Exhibit "A" and "B" attached and by this reference incorporated herein.

2. The City shall construct all parking lots, curbing, sidewalks, landscaping and irrigation pursuant to the site plan attached as Exhibit “C” and by this reference incorporated herein.

3. The Premises do not include parking areas. However, Keizer Heritage employees, volunteers, patrons and other Keizer Heritage users shall have the right to use all Civic Center parking on a equal basis with all Civic Center users, including but not limited to, City employees, officials, vendors, customers and citizens. No person or group shall have priority over any other person or group with regard to the parking rights.

4. Except as specifically amended herein, the existing Ground Lease as amended shall continue in full force and effect.

City of Keizer,
an Oregon municipal corporation

By: _____ DATED: _____

Keizer Heritage Foundation, Inc.,
an Oregon nonprofit corporation

By: _____ DATED: _____



City of Keizer
January 9, 2008
Lease Area for Schoolhouse

Beginning at a point marking the intersection of the South right-of-way line of Chemawa Road with the East line of Lot 18, Clover Leaf Farms Subdivision which point bears South 00°15'48" East 10.00 feet from the Northeast corner of said Lot 18 and being situated in the Northeast Quarter of Section 2, Township 7 South, Range 3 West of the Willamette Meridian in the City of Keizer, Marion County, Oregon;

thence North 89°58'05" East 4.00 feet;

thence South 00°15'48" East 176.00 feet;

thence South 89°58'05" West parallel with the South right-of-way line of said Chemawa Road, a distance of 22.50 feet;

thence southwesterly along the arc of a 25.00 foot radius curve to the left (the chord of which bears South 71°31'59" West 15.81 feet) a distance of 16.09 feet;

thence southwesterly along the arc of a 25.00 foot radius curve to the right (the chord of which bears South 89°58'05" West 30.00 feet) a distance of 32.17 feet;

thence northwesterly along the arc of a 25.00 foot radius curve to the left (the chord of which bears North 71°35'50" West 15.81 feet) a distance of 16.09 feet;

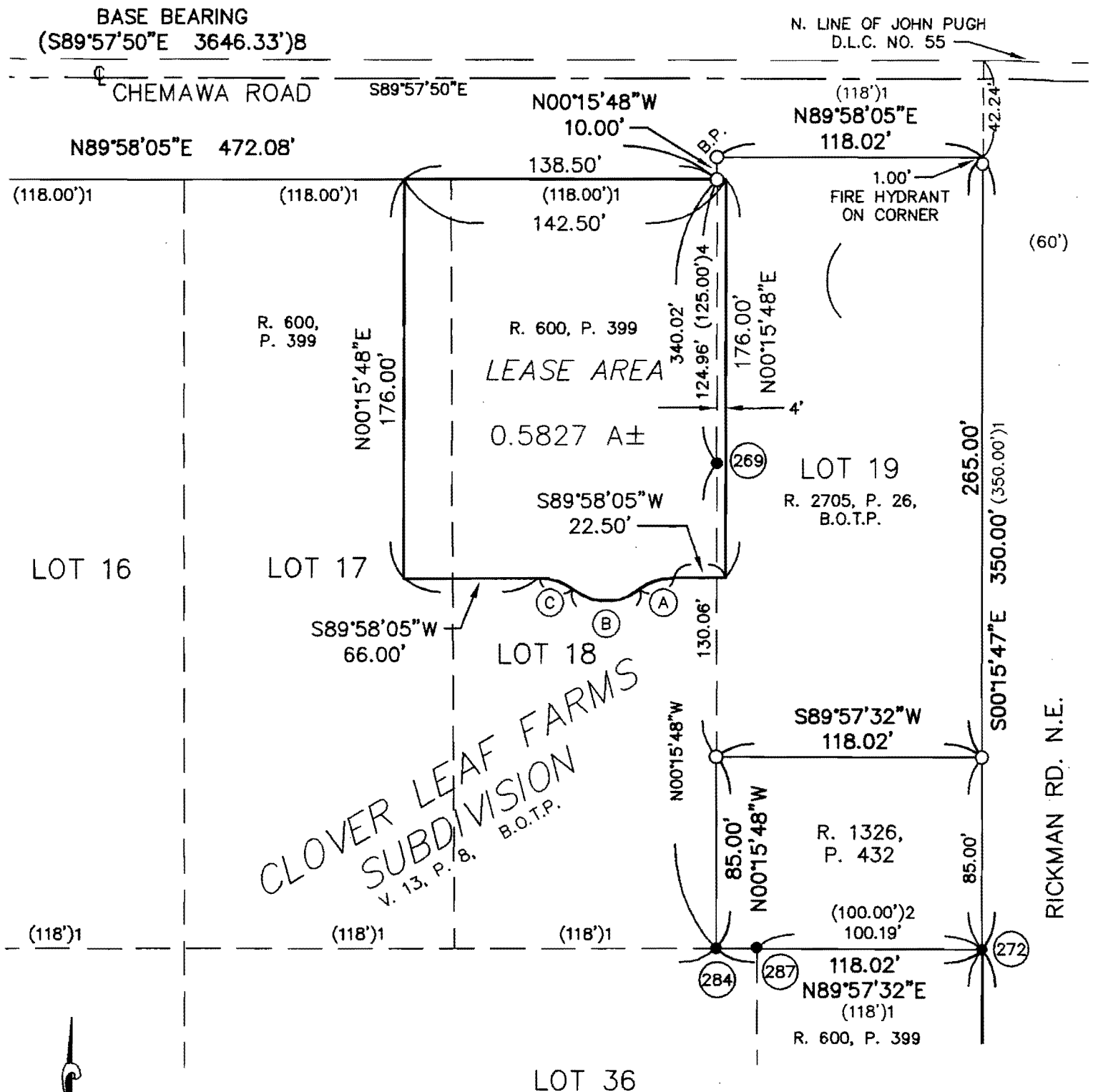
thence South 89°58'05" West parallel with the South right-of-way line of said Chemawa Road, a distance of 60.00 feet;

thence North 00°15'48" West parallel with the East line of said Lot 18, a distance of 176.00 feet to the South right-of-way line of said Chemawa Road;

thence North 89°58'05" East along said right-of-way line, a distance of 138.50 feet to the Point of Beginning.

Contains 0.5827 acres of land, more or less.

EXHIBIT "B"



CURVE DATA TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD BEARING & DISTANCE
A	25.00'	36°52'12"	16.09'	S71°31'59"W 15.81'
B	25.00'	73°44'23"	32.17'	S89°58'05"W 30.00'
C	25.00'	36°52'12"	16.09'	N71°35'50"W 15.81'

BARKER SURVEYING CO.
 2035 25TH STREET S.E.
 SALEM, OREGON 97302
 PHONE (503) 588-8800
 FAX (503) 588-8804
 EMAIL: SURVEYING@WVI.COM

SCALE: 1"=60'

MAT 07001

EXISTING PUBLIC WORKS
DEPT. FACILITIES
(TO REMAIN)

CITY COUNCIL MEETING: July 21, 2008

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: *AWARDING STREET SWEEPING CONTRACT TO WHEAT, LLC*

A request for proposals for street sweeping services was prepared by the Public Works Director. That request for proposals for street sweeping services was issued on June 5, 2008. Three proposals were received and evaluated by the Public Works Director. The Public Works Director used criteria and evaluation guidelines set forth in the request for proposals to determine the appropriate provider to recommend to Council. Based on the Public Works Director's recommendation, a resolution awarding the street sweeping services contract has been prepared for your consideration. (The map referenced in the beginning of the Contract is too large to attach. It will be available at the Council meeting.)

RECOMMENDATION:

Adopt the attached Resolution Authorizing the City Manager to Enter Into Street Sweeping Contract.

If you have any questions in this regard, please feel free to contact me. Thank you.

ESJ/tmh
attachment

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CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2008-_____

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 Wheat, LLC 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 Wheat, LLC and that Notice of Intent to Award the
Contract be provided as required by law.

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 Wheat, LLC,
as set forth in Exhibit "A", attached and by this reference incorporated herein.

PASSED this _____ day of _____, 2008.

SIGNED this _____ day of _____, 2008.

Mayor

City Recorder

STREET SWEEPING CONTRACT

PARTIES:

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

WHEAT, LLC, an Oregon
Limited liability company (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, 2008 and ending July 31, 2011, 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 111 miles of roadway to be swept, equaling approximately 205 curb miles and 35 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 mechanical 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 does 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. The Contractor will divide the City into scheduled sweeping areas on a map and provide days of the week in which the sweeping area will be completed. 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, Keizer Station Blvd, Wheatland Road, Dearborn NE, 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 6:00 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 certified land fill site approved by the City, however the City shall not provide or maintain such sites. All materials collected and dump need to be reported to the City in cubic yards quarterly, with the year end report due June 30.

6. The City shall pay Contractor \$32.97 per swept mile including disposal and \$115.00 per hour including 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 \$32.97 per curb mile for one curb mile or

greater, or at an hourly rate of \$115.00 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 a 1994 Tymco 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 or designee. 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 279B.220, 279B.225, 279B.230, 279B.235, 653.268 and 653.269.
3. The Contractor will provide fuel and maintenance for all vehicles and for equipment. Fuel cost surcharges may be negotiated by the parties.
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. Dumping fee costs may be negotiated by the parties.

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. City may terminate this agreement with thirty (30) days prior written 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 signatures below:

CITY OF KEIZER:

WHEAT, LLC:

Dated: _____

Dated: _____

By: _____
City Manager

By: _____
Wayne Thackery

Dated: _____

Address: _____

Attest: _____
City Recorder

Approved As To Form:

Dated: _____

City Attorney

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: KEIZER RAPIDS PARK ROAD AND PARKING LOT
IMPROVEMENTS**

DATE: JULY 16, 2008

BACKGROUND:

Public Works Staff has collected quotes to pave the entrance road and parking lot at Keizer Rapids Park. The project was split into three schedules with schedule A consisting of paving the existing gravel roadway and existing 6,000 square foot parking lot. Schedule B increases the parking lot size by 8,400 square feet using a compacted gravel surface for a total capacity of 14,400 square feet. Schedule C paves the additional capacity portion of the parking lot.

The Parks Improvement budget has identified \$45,000 for paving the existing facilities as outlined in schedule A. Four proposals were received from local contractors averaging \$50,091 to complete all three schedules. The low bidder to construct all three schedules is Knife River at \$45,215.

ATTACHMENTS:

*Improvement specifications and schedules
Paving and improvement quotes
Map of project*

FISCAL IMPACT:

Funds are available in the Park Improvements line item to complete the project outlined above.

RECOMMENDATION:

Staff recommends City Council adopt the attached resolution authorizing the City Manager to enter into a contract awarding all three schedules for parking lot and entrance road improvements at Keizer Rapids Park. Please contact me if you have questions.

Keizer Rapids Park Paving

FY 2008/2009

Schedule "A"

Roadway - Approximately 750 feet x 22 feet – Paving to be 2" "C" mix asphalt includes fine grading and prep.

Existing Parking Area – Approximately 100 feet x 60 feet – Paving to be 2" "C" mix asphalt includes fine grading and prep.

Schedule "B"

Additional Parking Area – Approximately 140 feet x 60 feet – Excavate 6", remove material from site, place and compact 6" crushed rock

Schedule "C"

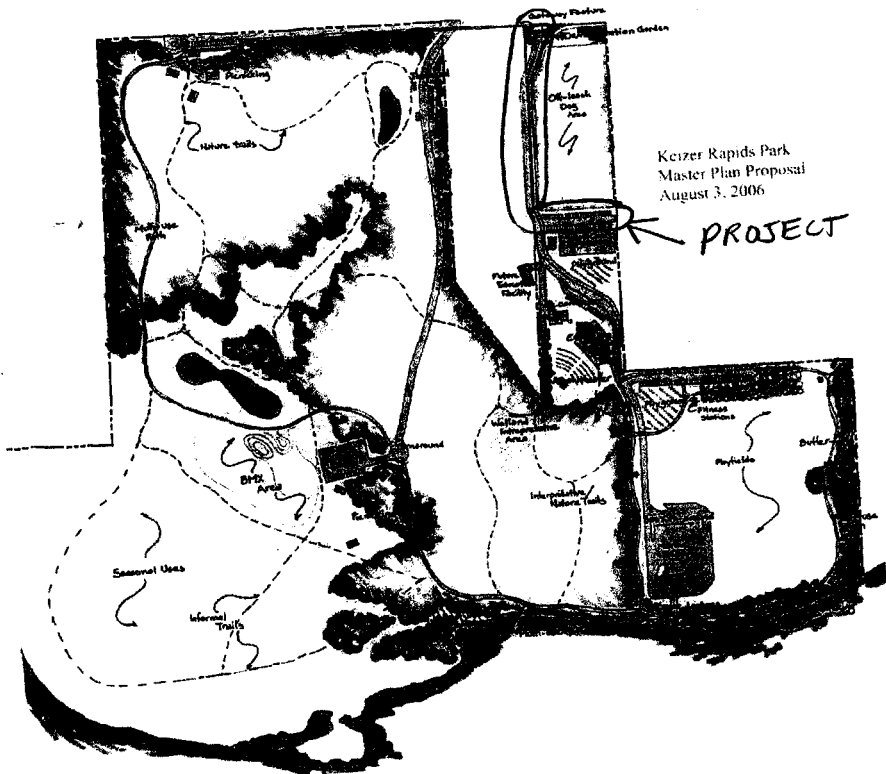
Additional Parking Area – Approximately 140 feet x 60 feet – Paving to be 2" "C" mix asphalt includes fine grading and prep.

Keizer Rapids Park Paving Quotes July 08

- Knife River \$45,215.00
- H&H Paving \$49,860.00
- Houck Const. \$50,950.00
- Cascade Paving \$54,341.00

Note: These are total prices of the accumulative schedules “A”, “B” and “C” as set forth in the quote materials. For the quotes for each individual schedule, please see the actual quote forms.

PROJECT



CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2008 - _____

**AUTHORIZING THE CITY MANAGER TO ENTER AN AGREEMENT WITH KNIFE
RIVER FOR PAVING AT KEIZER RAPIDS PARK**

**WHEREAS, the City of Keizer finds it necessary to pave the entrance road and
parking lot at Keizer Rapids Park;**

**WHEREAS, the project was split into three schedules; Schedule A consisting
of paving the existing gravel roadway and existing 6,000 square foot parking lot,
Schedule B increases the parking lot size by 8,400 square feet, and Schedule C
paves the additional capacity portion of the parking lot;**

**WHEREAS, quotes have been received from four local contractors with the
lowest bidder being Knife River to construct schedules A, B, and C at a total cost of
\$45,215.00; NOW THEREFORE;**

**BE IT RESOLVED by the City Council of the City of Keizer that the City
Manager is hereby authorized to enter into an agreement with Knife River to
complete Schedules A, B, and C – for a total cost of \$45,215.00 for paving at Keizer
Rapids Park;**

PASSED this _____ day of _____, 2008.

SIGNED this _____ day of _____, 2008.

Mayor

City Recorder

CITY COUNCIL MEETING:_____

AGENDA ITEM NUMBER:_____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

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

**FROM: ELIZABETH SAGMILLER
STORMWATER PROGRAM MANAGER**

SUBJECT: TMDL IMPLEMENTATION PLAN

BACKGROUND:

On September 21, 2006, the Department of Environmental Quality (DEQ) issued the Willamette Basin Total Maximum Daily Load (TMDL) and submitted it to the Environmental Protection Agency (EPA) for approval. A TMDL defines how much of each identified pollutant a river or waterway can receive and still meet water quality standards. The pollutants of particular concern for the Willamette Basin are bacteria, mercury, and temperature.

As a result of the Willamette Basin TMDL, Designated Management Agencies (DMAs) such as Keizer are required to develop implementation actions that will address direct discharge from the stormwater system, as well as overland flow, to surface waters in the region. The regulatory action resulting is development of a TMDL Implementation Plan. The required submittal date was March 2008. Staff developed and submitted the Plan which was formally approved by DEQ in April 2008. The TMDL Implementation Plan is established to function concurrently with the National Pollutant Discharge Elimination System (NPDES) Phase II Permit which the City received in March 2007. It is referenced as a requirement under Schedule D of that document. The regulatory components of the TMDL Implementation Plan are those which are currently listed in the NPDES Permit. Both the NPDES Permit and the TMDL Implementation Plan are required by the EPA through DEQ.

ISSUE

The City of Keizer TMDL Implementation Plan requires a public involvement component. As is stated in that Plan, staff brought the Plan before the Planning Commission on June 18, 2008. Staff asked that the Planning Commission recommend adoption of the Plan by City Council. The recommendation was unanimous. The Implementation Plan is currently posted on the City's website. The Implementation Plan and electronic letter of approval from DEQ are attached.

RECOMMENDATION:

Staff recommends City Council adopt the attached City of Keizer TMDL Implementation Plan.



Oregon

Theodore R. Kulongoski, Governor

Department of Environmental Quality

Western Region - Salem Office

750 Front St. NE, Ste. 120

Salem, OR 97301-1039

(503) 378-8240

(503) 378-3684 TTY

Elizabeth Sagmiller
Stormwater Program Manager
City of Keizer Public Works Department
930 Chemawa Road NE
Keizer, OR 97307

April 21, 2008

Re: Willamette River Basin TMDL Implementation Plan Review and Approval

Dear Elizabeth Sagmiller:

The Oregon Department of Environmental Quality (DEQ) has reviewed the Total Maximum Daily Load (TMDL) implementation plan submitted by the City of Keizer. DEQ received the initial plan on March 12, 2008. The final proposed plan was received on April 16, 2008. The DEQ appreciates the time and effort you put into this plan. The April 16, 2008 plan meets the intent and the specific requirements for the development of TMDL implementation plans as specified in Oregon Administrative Rule 340-042-0080 (3). We would like to approve the plan at this time. The attached review and approval checklist contains the details for this approval.

We would like to reaffirm that we are available to you as a resource to assist you as you move forward with TMDL Implementation. We would like to check in with you on an annual basis to assess the TMDL implementation process and the status of the measures and benchmarks contained in your BMP tracking matrix. The matrix was designed with streamlining the annual and five year reporting requirements for the TMDL in mind, and we believe that assessing the TMDL and MS4 programs together will facilitate the adaptive management and reporting requirements for the TMDL.

Please feel free to contact me at 503-378-5073 or via e-mail at gramlich.nancy@deq.state.or.us should you have any questions related to TMDL Implementation. Thank you once again for your effort on the development of Keizer's TMDL Implementation Plan. We look forward to your continued involvement in TMDL Implementation efforts in the Middle Willamette Subbasin and to your ongoing commitment to improving water quality conditions.

Sincerely,

Nancy Gramlich
Willamette Basin Coordinator

Attachment



**Willamette Basin
TMDL Implementation Plan
Review Checklist for Approval**



Part I Geographic and Contact Information

Date Received (MM/DD/YY): 4/16/08

DEQ Review Date (MM/DDYY): 4/21/08

DMA Name: Keizer

Subbasin (s): Middle Willamette

Receiving Waterbody(s): Willamette River, Claggett Creek, Labish Ditch

County (s): Marion

Contact Information:

Name Elizabeth Sagmiller

Title Stormwater Program Manager / Public Works

Telephone 503-856-3563

email address sagmillere@keizer.org

Part II OAR 340-042-0080 Component Checklist

Component Checklist Table

#	Component	Yes	No	NA	No/NA Comments
	Identifies management strategies to achieve load allocations and reduce pollutant loading				
a	Bacteria, Mercury, Temperature Pollutants/Parameters; Subbasin; and Receiving Streams Identified	x			
b	If applicable, other TMDLs (e.g. , Dissolved Oxygen)			x	
c	Known causes or suspected sources of pollutants identified	x			
d	Management strategies proposed are applicable for nonpoint sources of pollutants (mercury, bacteria, temperature) and applicable for landuse (urban/residential, rural landuse)	x			
e	Does the plan describe a plan of action to address relevant sources of pollution	x			

#	Component	Yes	No	NA	No/NA Comments
f	Does the plan identify gaps in existing pollution control and strategies to address these gaps	x			
	Provides a timeline for implementing management strategies				
a	Implementation dates identified	x			
b	Completion dates identified	x			
	Provides a schedule for completing interim measurable milestones				
a	Steps between start and completion of strategy implementation identified	x			Not provided in plan, but will include specifics in annual report
	Performance monitoring with a plan for periodic review and revision				
a	Monitoring the implementation of strategies	x			
b	Monitoring the success of the strategies implemented	x			
c	Acknowledgment of annual report for describing the status of the implementation strategies that were selected for pollutant allocations and reductions	x			
d	Acknowledgment of 5+ year evaluation report for describing the effectiveness of the strategies implemented during the preceding 4 years and any adaptations to plan if strategies are not effective	x			
e	Adaptive management approach acknowledged for DEQ's reevaluation or revision of the TMDL (2013)	x			Projects out 5 years
	Provides evidence of compliance with land use requirements				
a	Acknowledgement that management strategies determined to significantly affect land use are carried out in a manner that complies with the statewide land use goals and are compatible with acknowledged comprehensive plans	x			

#	Component	Yes	No	NA	No/NA Comments
(c)	Provides any other analyses or information specified in the WQMP (Page 14-11 Chapter 14 WQMP Part II)				
(8)	Stormwater Control Measures for Mercury and Bacteria Reductions				
1	Municipal Separate Storm Sewer System (MS4) Phase I & II – Plan contains or refers to urban/residential municipal stormwater 6 control measures for mercury and bacteria reductions; addresses temperature and nonpoint sources of TMDL pollutants not addressed by MS4	x			
2	Non-MS4 > 10K Population – Plan contains urban/residential municipal stormwater 6 control measures for mercury and bacteria reductions & identifies how strategies will be implemented w/in 5 years or agreed upon time with DEQ.			x	
3	< 10K Population – Considered urban/residential municipal stormwater 6 Control Measures for mercury and bacteria reductions			x	
(6)	Implementation of Mercury TMDL				
1	Non-MS4 Reduce air emissions and implement (pg. 14-30) management strategies, such as erosion control, to reduce mercury (2011)	x			
(6)	Implementation of Temperature TMDL				
1	Cold water refugia (RM 0-50)			x	
2	Temperature Management Plan			x	
(d)	Public involvement plan for strategy implementation	x			For plan and measure implementation
(e)	Fiscal analysis for resources needed to develop, implement, and maintain plan	x			Integrated in SWMP
(f)	Optional Short Background Piece (plan goals, objectives, geographic location, water quality/beneficial use concerns in TMDL) that may be useful for public outreach, grants, etc	x			
		19	0	5	Total No = 0 Total Yes + NA = 24 /24

Part III: Review Status

X Includes Components 1 through 5, applicable Component 6 items, and optional Component 7:

Recommendations: Approve plan

Please contact me by _____ (MM/DD/YY) to discuss
inclusion of the following Plan components:

Sincerely,

Nancy Gramlich
Willamette Basin Coordinator
Western Region - Salem Office
503-378-5073
gramlich.nancy@deq.state.or.us

City of Keizer Total Maximum Daily Load (TMDL) Implementation Plan

According to the Willamette Basin Total Maximum Daily Load (TMDL) Water Quality Management Plan (WQMP) *“The Willamette River and numerous tributaries do not currently meet several water quality standards including bacteria, mercury and temperature. These standards assure that beneficial uses of the river and tributaries, such as swimming, fish consumption and fish rearing, are protected. When water quality standards are not met, the federal Clean Water Act requires a Total Maximum Daily Load (TMDL) to be established. A TMDL determines how much pollution can be added to the river without exceeding water quality standards.*

The Oregon Department of Environmental Quality (DEQ) issued the Willamette Basin TMDL as an Order in September 2006. The Environmental Protection Agency (EPA) approved the TMDLS on September 29, 2006. *As part of the Willamette TMDL, DEQ developed a Water Quality Management Plan (WQMP) to describe the overall framework for implementing the Willamette Basin TMDL. The WQMP includes a description of activities, programs, legal authorities and other measures for which DEQ and other designated management agencies (DMAs) have regulatory responsibility.*

A DMA is ‘a federal, state or local governmental agency that has legal authority of a sector or source contributing pollutants, and is identified as such by the Department of Environmental Quality in a TMDL.’ TMDL implementation activities will be carried out under existing regulatory authorities, programs and water quality restoration plans as well as by TMDL implementation plans that certain DMAs will develop in fulfillment of the requirements of this TMDL.”

DEQ has named the City of Keizer as a Designated Management Agency. The DMA designation gives the City legal authority over the source(s) that contribute pollutants from approximately 4480 acres within the Keizer city limits to the Willamette River. Source(s) may include water from Claggett Creek, Labish Ditch, the in-ground stormwater system, and overland flow. The Willamette River flows for approximately 2 miles along the southwest portion of the city limits.

Established TMDLs, City of Keizer stormwater planning and project implementation, and this Implementation Plan are designed to assist with water quality restoration efforts being conducted by a number of communities within the Willamette Basin. These activities are designed to comply with established water quality standards and help restore beneficial uses, such as drinking water supplies and water contact recreation to the Willamette for current and future generations. The specific pollutants of concern, which are addressed in this Implementation Plan are 1) temperature, 2) bacteria, and 3) mercury.

The TMDL Implementation Plan and Keizer’s MS4 Permit function concurrently to address the in-ground system and non-point source pollutants. However, temperature is not considered to be a ‘stormwater’ pollutant in the Willamette Valley and therefore is not addressed within the Phase II NPDES permit requirements. Temperature is a TMDL parameter so the City of Keizer has included it in the Implementation Plan.

Background and Implementation Plan Goals

The City of Keizer is located in Marion County adjacent to the City of Salem. Keizer incorporated in 1982 and currently has a population of approximately 35,500. The form of government consists of 7 elected officials with a City Administrator overseeing all City operations.

The Public Works Department was created in 1985 and currently provides a variety of services through 4 divisions, Parks, Streets, Water, and Stormwater, the newest division. Sanitary sewer service, which includes maintenance and repair work, are provided by the City of Salem through an intergovernmental agreement. Salem's wastewater treatment plant serves Keizer, Salem, Turner and other outside users in Marion County. Maintenance and treatment of that system are reported under the City of Salem regulatory permits.

The foundation of the new Stormwater Utility has secured funding and staffing for stormwater operations. This new program will allow City staff to implement new programs, put more emphasis on public outreach, provide internal training, implement new maintenance activities, and closely track ongoing stormwater activities to determine progress and track trends for future decision making. At present stormwater infrastructure includes approximately 54 miles of pipe, 1560 catchbasins, 425 manholes, and 80 outfalls.

The intent of this Plan is to function in concert with the City's Phase II MS4 Permit, # 102904. The six minimum control measures being addressed are:

1. Public Education (PE)
2. Public Involvement (PI)
3. Illicit Discharge Detection and Elimination (IDDE) (ID)
4. Construction Site Runoff Control (CS)
5. Development Standards (Post-construction Runoff Control)
6. Operations and Maintenance (Pollution Prevention/Good Housekeeping) (OM)

The matrices, marked Appendix A, provide specific programs, projects and practices reflected in this plan and address the components of the TMDL Implementation Plan.

Water Quality Assessment

The City of Keizer encompasses approximately 7 square miles. The southern most boundary of the City abuts the City of Salem. Infill has been consistent and therefore the city limits extend almost to the Urban Growth Boundary throughout the community. Most of the area is flat and low lying. The majority of community lies within the historic floodplain of the Willamette River or Claggett Creek. There is one pond of significant size within Keizer, Staats Lake which is an abandoned aggregate mining site. The area is residentially developed and there are no stormwater outfalls to the lake. Water in the feature is groundwater.

Claggett Creek and Labish Ditch transect the City with approximately 3 miles of Claggett Creek flowing through the city. Claggett Creek originates southeast of the Keizer city center in Marion County outside of the Salem city limits. Claggett Creek flows through a portion of the City of Salem before entering Keizer. Labish Ditch flows from the northeast and again originates in Marion County. Labish Ditch joins Claggett Creek just north of the center of Keizer and from

there enters the Willamette River through the Clear Lake system northwest of town. Labish Ditch has a small tributary that originates in the City of Salem and joins the main stem of Labish in Marion County prior to entering the City of Keizer.

The City of Salem has approximately 66 miles of waterway that flow directly to the Willamette or north towards Keizer. Mill Creek, a major tributary in the Willamette Basin, flows from the southern portion of Marion County through Salem and discharges to the Willamette River approximately 2 miles south of the southern border of Keizer. Mill Creek is listed as essential salmonid habitat and occurs on the 303(d) List. Those designations are discussed in the following paragraphs.

According to the Oregon Department of Fish and Wildlife (conversation with Wayne Hunt, ODFW Fish Biologist, 3/7/08) Claggett Creek is, or may be utilized by juvenile spring Chinook salmon and steelhead which are both federally listed species. Cut throat trout utilize Claggett Creek as well as other native resident fish such as sculpin, speckled dace, and shiners. The lamprey eel is also present which is current a state sensitive species. Labish Ditch enters Claggett Creek at the McNary Golf Course. A fish barrier does not exist at that confluence so Labish may provide habitat for those species found in Claggett Creek. Finally, the Willamette River downstream of Keizer's urban waterways also supports those fish species listed as occurring within Claggett Creek. The Willamette River is designated as essential salmonid habitat.

Essential salmonid habitat is defined as the habitat necessary to prevent the depletion of native salmon species (chum, sockeye, Chinook and Coho salmon, and steelhead and cutthroat trout) during their life history stages of spawning and rearing. The designation applies only to those species that have been listed as "Sensitive, Threatened or Endangered" by a state or federal authority.

DEQ has established TMDLs for elevated temperature, mercury, and bacteria levels throughout the Middle Willamette Subbasin. According to DEQ, *water in this subbasin is warmer than is necessary to protect salmonid rearing and spawning. There are elevated bacteria levels in this portion of the Willamette Basin as well. People can become sick if they ingest water that is contaminated with bacteria when they are swimming, recreating or in contact with the water. Finally, the Willamette has fish consumption advisories due to elevated levels of mercury found in some fish species.* While temperature, bacteria, and mercury are the pollutants of concern, the City of Keizer recognizes its responsibility to respond to all water quality issues within its boundaries and to receiving waters downstream.

Claggett Creek appears on the 2004/2006 303(d) List which refers to Section 303(d) of the Clean Water Act (CWA). Review of the List indicates that a portion of the water quality issues may be connected to agricultural practices outside of urban boundaries. However, the City of Keizer is a residential community and those pollutants that are simply categorized as pesticides, fertilizers, and insecticides can also be linked to residential yard maintenance. The portion of Claggett Creek that flows through the City of Salem is primarily located within an industrial zoning region of town. Labish Ditch has not been added to the 303(d) List. The term 'ditch' is colloquial and although the waterway has been extensively modified, it is a perennial waterway. Regardless of present Listing status, as was mentioned previously, the City of Keizer is presenting this Plan as a means to address water quality issues associated with stormwater regardless of formal regulatory status. Implementation of sound programs within the community play an important role in addressing water quality within the Willamette Basin. The City of Keizer anticipates establishing

beneficial programs that will address additional pollutants should they become problematic in Claggett Creek or other local waterways.

E. Coli standards are exceeded in Claggett Creek year round. The City was incorporated in 1982 and as such, has been able to keep the in-ground storm system fairly free of cross connections and other maintenance type problems. E. Coli in this case can almost certainly be linked to farming activities outside of the City Limits, hobby farms, and domestic animals within the community.

Management Strategies

The City of Keizer TMDL Implementation Plan management strategies are displayed in a concise format in **Appendix A**. The City's overall approach will focus on 1) updated and expanded public outreach and education, 2) more detailed tracking activities, and 3) an upgraded maintenance program. However, as was stated above, the overall management strategies reflect the specifications in the City of Keizer SWMP. In addition, the City has responded to water quality concerns from the public informally as a matter of quality customer service. City staff will work towards developing a more formal internal process for follow-up on these issues within the time frame of this Implementation Plan. An overview of each listed parameter and associated management strategies are discussed below. It should be noted that this report is a general overview of that information provided within the matrices in Appendix A. There can, and will, be water quality benefits for different pollutants associated with one particular BMP. For example, development and implementation of an erosion control ordinance will address elevated mercury levels, but may also be of benefit to temperature due to bank stabilization & tree planting or preservation of shading along waterways.

The City of Keizer will be developing a 'water quality operations guide' for the development of the new Keizer Rapids Park which is adjacent to the Willamette River. This large regional park will be developed in phases and with each phase stormwater staff will have the opportunity to review and comment on proposals for the park. City staff will actively look for opportunities for public outreach in this park that address all of the target pollutants as well as general stormwater information. This park will also provide an excellent outdoor location for stormwater education.

Bacteria

As was provided earlier, bacteria in Claggett Creek and Labish Ditch can be linked primarily to agricultural land use and domestic animals. Surface water in the Willamette Valley also provides extensive habitat for water fowl and unmaintained areas are utilized by rodents. Outreach will occur for the latter issues as time allows.

The City of Keizer currently uses 'doggie stations' in City parks. At present there are 7 stations in 7 out of 14 parks. However, the City has funds in place to expand this program starting in 2008. The current number of stations is due in part to the lack of a Parks Master Plan prior to 2008. This document was completed in January 2008 and has provided additional dog stations in established parks as well as those parks that will be developed. Parks staff will coordinate with stormwater staff for locating new facilities.

Under the TMDL Implementation Plan, the City will add additional interpretive signage in parks with an emphasis on those parks near waterways and the Willamette. Stormwater staff will be updating the Public Works website to include more information on the hazards of pet waste in local waterways. A stormwater booth at the annual National Public Works Week celebration will include promotional items such as dog waste bags, and City staff is coordinating with local

businesses to supply high quality dog food that results in less pet waste. Finally, Stormwater staff will be developing a pet waste program that focuses on the backyard rather than publicly occupied places.

Mercury

The City of Keizer plans to minimize potential mercury impact by focusing on public education, internal training for field staff, and adoption of applicable code. Public Works staff has reviewed storm drain markers and have chosen a product. City staff is collaborating on design and text for the new markers.

Staff will put substantial effort into providing resources for the development community, such as handout materials, established design techniques, and resource guides. The City is in the process of developing an erosion control ordinance. Coordination will be ongoing with legal counsel and internal staff to ensure enforcement capabilities as well as consistency with land use code. Internal training will be ongoing for Public Works field staff. They will be utilized to provide outreach when possible and also to alert the appropriate staff when violations occur.

Finally, stormwater staff participates on the Regional Erosion Prevention Awards (REPA) committee. Representatives from a number of jurisdictions within the Willamette Basin implement an awards program for the development community that recognizes those that are using good erosion control techniques.

Temperature

The City of Keizer has been innovative about making sound choices that protect riparian vegetation. An overflow channel was recently constructed on Labish Ditch that made use of native vegetation, provided green space for the community, and alleviated potential flooding hazards.

Another water quality oriented project was the Claggett Creek restoration project which occurred in a City park along approximately 2000 feet of waterway. The City of Keizer partnered with the Claggett Creek Watershed Council for removal of invasive vegetation, installation of native species in the riparian corridor, water, and the irrigation system.

For the purpose of this plan, City staff will emphasize the retention of native vegetation both along waterways and in upland areas. An insert for the April/May 2008 water bill has been developed which focuses on how water temperatures increase and the importance of fish as an indicator species. In addition, a brochure has also been completed that will be available for customers in City Hall and will also be handed out at public venues such as neighborhood meetings. Stormwater staff is in the process of developing a traveling display board that can be placed in schools, City Hall, and other public areas. This display will have several topics that can be changed periodically. Categories such as salmonids, stream morphology, riparian vegetation and invasive vegetation will be available. At present the board is being utilized to provide stormwater program updates to the community members that utilize the City Council chambers.

For the future, Public Works staff will be working to identify at least 5 possible restoration sites along Claggett Creek where native vegetation can be installed to provide shade and bank stabilization. At least one of those areas will be reconstructed with other sites prioritized for the future.

Performance Monitoring

Each strategy in the Implementation Plan, and specifically itemized on the attached matrices, will be reviewed annually and data entered in the matrix column marked 'Status'. This form offers an efficient means for quickly reviewing program progress.

As was stated earlier, the formation of the Stormwater Utility and additional staff will pave the way for Keizer's proposed water quality programs. An emphasis on outreach, maintenance activities, and proper tracking will provide the baseline for making internal changes, expanding successful projects, and/or program review. The City's new Stormwater Program Manager will rely on community feedback, internal planning, coordination with adjacent jurisdictions, and participation in organized committees to keep programs current and updated.

Plan Review, Revision, and Reporting Requirements

The City of Keizer is required to establish a process whereby the TMDL Implementation Plan is reviewed annually. For those projects, practices, or plans (listed in Appendix A) that are to be completed later in the 5 year process, City of Keizer staff will provide interim progress updates in the annual report providing detailed progress on each item.

The City of Keizer will review and evaluate the Plan every five years following DEQ approval of the final version of the Implementation Plan. Submittal of the attached matrix during annual review will include updates and progress in the 'status' column. In addition, a report will be completed covering the findings for the review period. If the report indicates that the Plan is not adequate to meet the pollution reduction goals, the City of Keizer will provide a description of how the Plan is to be modified. Annual reporting for the TMDL Implementation Plan will be concurrent with the annual reporting timing established by DEQ for the MS4 Permit.

The City of Keizer will review and revise (adaptive management) this Implementation Plan in its entirety every 5 years. Revisions, additions, or restructuring will be coordinated with DEQ at that time. Adaptive management will be used to address any *proposed* TMDL revisions or reevaluations in the future.

Evidence of Compliance with Land Use Requirements

All of the strategies listed in this Plan and attached matrix are consistent with the City of Keizer's land use plans. The documents have been reviewed by Community Development staff for consistency with local and statewide land use laws. Any revisions to the Plan will include a review for land use compatibility with the City's Community Development staff. In addition, stormwater staff will be working directly with the Community Development in developing ordinances, coordinating efforts in Keizer Rapids Park, and confirming land use when developing operations plans and the illicit discharge elimination plan.

Program Funding

The City of Keizer has an established Stormwater Utility. The community fee rate is based on impervious surface for residents and commercial enterprises within Keizer. The fee was established to help the City move forward with implementation of the SWMP which includes, but is not limited to, hiring stormwater staff, maintenance of the system, and providing outreach opportunities and materials to the residents of Keizer.

Public Involvement for the TMDL Implementation Plan

The TMDL Implementation Plan will be made available to the public. The City of Keizer Stormwater Manager will be presenting it to the Gubser Neighborhood Association on April 17, 2008. City of Keizer staff plans to bring the document before the Planning Commission in June 2008 with a recommendation for City Council approval. If DEQ has not provided final approval of the Plan within the internal timeline for the Planning Commission meeting set for June, we will move it forward until time allows staff a place on the agenda. Once the Planning Commission has recommended approval, the City Council will have the opportunity to review the Plan. Finally, the report will be available on the City of Keizer website once it has been approved.

As is provided in the SWMP, the six minimum control measures include a public involvement component, a portion of which is directed towards ordinance development. The City of Keizer will be moving forward with organizing a stormwater advisory committee (SWAC) for involvement in development of the illicit discharge ordinance (ID), the post-construction runoff control ordinance (DS), and the construction site runoff control ordinance (CS). This group will also have access to the TMDL Implementation Plan and will be available to provide review and comments. The organization of the group will be approved by City Council and members will represent a broad range of the community.

Conclusion

The content of this report and attached matrices are intended to meet the requirements for the TMDL Implementation Plan. All of the strategies outlined are consistent with City of Keizer regulations. As was stated earlier in this report, the TMDL Implementation Plan is established to function in concert with the specifications of the Stormwater Management Plan. The six minimum control measures addressed in that document are reflected in this Plan and the attached summary matrices. This document has, or will be, reviewed by management staff for accuracy. The City's Stormwater Utility and Public Works budget makes funding for proposed strategies possible.

It is our understanding from a meeting with Rachel Burr, Willamette Basin Stormwater Specialist for DEQ, on February 25, 2008, that this document is considered a draft until DEQ has had the opportunity to review and comment. However, the City of Keizer will implement the proposed Plan as though it were a final version until DEQ has responded. DEQ received the first draft of this document on March 12, 2008. DEQ staff has provided notification that the TMDL Implementation was submitted prior to the April 1, 2008 deadline.

City of Keizer
TMDL Implementation Plan Matrix
March 2008

Pollutant: Bacteria

(Six Minimum Control Measures Listed at the End of Each Table)

SWMP BMP	Source <i>What source of this pollutant is being addressed?</i>	Strategy <i>What is being done, or what will be done to reduce or control pollution from the source?</i>	How <i>Specifically, how will this be done?</i>	Fiscal Analysis	Measure <i>How will successful implementation or completion of this strategy be measured?</i>	Timeline <i>When will the strategy be completed?</i>	Milestone <i>What intermediate goals will be achieved and by when to know what progress is being made?</i>	Status
PE-1	1. Bacteria carried to waterways in storm runoff and piped system	a. Prevent domestic animal waste from reaching waterway	i. Stormwater booth at National Public Works Week celebration in May	Funded	# of surveys filled out and promotional items given away	Annually	May 19, 2008 event is scheduled and being planned	
			ii. Expand 'doggie' bag program in local parks	Funded	Check bags at scheduled intervals	2011	Currently working with Parks staff and park board for sites and message content	
			iii. Design a pet waste program with 'backyard focus'	Staff time	Community feedback.	2010	Research, and draft study completed by 2009	
			iv. Identify 'hobby farms' within the UGB. Contact residents with educational information.	Staff time	Track properties, owners, and contact dates	2011	Property location and owner list complete by 2010	
			v. Add additional interpretive signage in Parks near Willamette River and other waterways Utilize new off leash area at Keizer Rapids Park	Funded	Design and installation of signs	2011	Identify appropriate locations by 2008	
			vi. Prepare a resource list for the public. Stormwater links to include local, educational, and regulatory resources	Staff time	Post on website. Use as handouts at community events	2009	Template completed by 2008	

PE-2			vii. Add stormwater-related information to the City's Website	Staff time and web design training – funded	Website counter	2008 / Ongoing	Preliminary information has been drafted	
PE		b. Public outreach covering bacteria issues and concerns	viii. Develop traveling display to be used in public settings	Funded	Track locations and presentation material	2008	Initial display material designed and reviewed by May 2008. First display in Council Chambers and then to Public Works open house in May	
PI-3			i. Storm drain markers	Funded	Number of markers installed	2009 / Ongoing	Storm Drain marker has been chosen and will be ordered in 2008	
PI			ii. Public Review of TMDL Implementation Plan	Staff time	Track presentations, events, etc	Ongoing	Present to Planning Commission for recommended approval by City Council	
ID-1		b. Prevent human waste (from cross-connections), oil, grease, paint, and other pollutants from entering the storm system.	i. Develop ordinance to prohibit illicit discharges	Staff time and public notice – funded	City Council adoption	2009	Draft ordinances are being selected for committee review	
ID-2			ii. Develop illicit discharges detection and elimination plan	Staff time	Internal review, comments, and feedback from staff	2008	The City presently has two draft examples. Other options will be explored.	
ID-3			iii. Internal training for implementation of plan	Staff time	Track training topics and dates.	2009	Training schedule being developed	Started in 2008
ID-4			iv. Implement the plan	Staff time	Track violations and complaints	2009 / Ongoing	N/A	

Six Minimum Control Measures

PE = Public Education

PI = Public Involvement/Participation

ID = Illicit Discharge Detection and Elimination (IDDE)

CS = Construction Site Runoff Control

DS = Development Standards (Post-Construction Runoff Control)

OM = Operations and Maintenance (Pollution Prevention/Good Housekeeping)

City of Keizer

TMDL Implementation Plan – 2008 / Final

City of Keizer
TMDL Implementation Plan Matrix
March 2008

Pollutant: Mercury

(Six Minimum Control Measures Listed at the End of Each Table)

SWMP BMP	Source <i>What source of this pollutant is being addressed?</i>	Strategy <i>What is being done, or what will be done to reduce or control pollution from the source?</i>	How <i>Specifically, how will this be done?</i>	Fiscal Analysis	Measure <i>How will successful implementation or completion of this strategy be measured?</i>	Timeline <i>When will the strategy be completed?</i>	Milestone <i>What intermediate goals will be achieved and by when to know what progress is being made?</i>	Status
PE		a. Public outreach covering mercury issues and concerns	i. Prepare a resource list for the public. Stormwater links to include local, educational, and regulatory resources	Staff time	Post on website. Use as handouts at community events	2009	Template completed by 2008	
PE			ii. Develop traveling display to be used in public settings	Funded	Track events and presentation material	2008	Initial display material designed and reviewed by May 2008.	
			iii. Develop handout materials for contractors. Diagrams and resource lists.	Funded	Track number given away	2008/2009	Staff is reviewing field manuals. Preliminary draft ready for internal review in 2008	
			iv. Coordination internally for development and educational opportunities at Keizer Rapids Park.	Staff time	Utilize educational opportunities directed towards bank stabilization, native species, and development actions	Ongoing	Initial boat ramp design review in 2008	
PI-3		a. Public involvement	i. Storm drain markers	Funded	Number of markers installed	2009 Ongoing	Storm Drain marker has been chosen and will be ordered in 2008	
CS-1		b. Keep soil on site. Prevent material from entering catchbasins and waterways	i. Develop ordinance to control <u>construction site runoff</u>	Staff time	City Council adoption	2009	DLCD/DEQ example being reviewed. Other drafts considered and will be brought to the Stormwater Advisory Committee (SWAC)	
CS-2			ii. Internal training for field staff	Staff time	Record of meeting and content	2008 Ongoing	Training schedule being developed	

CS-3			iii. Plan review, inspections, and enforcement	Staff time	Track staff progress	2010	Coordination with Community Development in 2008 for potential fee increase	
CS-4			iv. Establish hotline to receive complaints from the public	Funded	Develop tracking system	2008	Develop procedure for checking calls and responding	
DS-1			v. Develop ordinance to control runoff from new development	Staff time. Public notice is funded	City Council adoption	2010	Staff anticipates utilizing SWAC for this action	
DS-2			vi. Internal training for new development standards	Staff time	Completion of training	2010		
DS-3			vii. Plan review, inspections, enforcement	Staff time. Additional positions funded	Track staff progress	2010		
OM-1			viii. Develop a water quality sensitive O & M program	Staff time	Compare with other jurisdictions and conduct internal review	2009	Development and design to be coordinated with field staff	
OM-2			ix. Internal training for new O & M practices	Staff time	Agenda and instruction content	2009	Preliminary discussions underway	
OM-3			x. Catchbasin cleaning	Additional staff funded. Vactor truck funded	Track number of catchbasins cleaned	2008 Ongoing	25% of City catchbasins cleaned annually. High priority cb cleaned annually	
OM-4			xi. Conduct street sweeping	Funded	Track progress	2008 Ongoing	Sweeping on a monthly basis. This program is currently underway.	

Six Minimum Control Measures

PE = Public Education

PI = Public Involvement/Participation

ID = Illicit Discharge Detection and Elimination (IDDE)

CS = Construction Site Runoff Control

DS = Development Standards (Post-Construction Runoff Control)

OM = Operations and Maintenance (Pollution Prevention/Good Housekeeping)

City of Keizer

TMDL Implementation Plan – 2008 / Final

City of Keizer
TMDL Implementation Plan Matrix
March 2008

Pollutant: Temperature

(Six Minimum Control Measures Listed at the End of Each Table)

PE-1	1. Solar radiation and sediment deposition that results in a change in stream profile.	a. Retain mature trees, native vegetation, and encourage tree planting and use of native species for bank stabilization	i. Prepare a water bill insert for citywide mailing.	Funded	Track number of inserts sent	2009	Mailings scheduled for 2008. Draft is complete.	
			ii. Design a stormwater brochure to be handed out at local meetings, and events	Funded	Track usage and events	2009	Preliminary design complete, 2008 brochures for open house in May.	
			iii. Identify 5 project sites along Claggett Creek for native tree and shrub planting	Funded	Review aerials, make site visits, coordinate with adjacent property owners	2011	Review of sites. Develop decision matrix for high quality sites.	
			iv. Implement planting of one or more of the project sites including public participation	Funded	Use internal review to determine most suitable site.	2012	Implement planting. Develop maintenance schedule/	
PE		b. Public outreach covering temperature issues and concerns	i. Prepare a resource list for the public. Stormwater links to include local, educational, and regulatory resources	Staff time	Post on website. Use as handouts at community events	2009	Template completed by 2008	

			ii. Develop traveling display to be used in public setting covering the impacts of increased water temperature. Display can be changed periodically to cover other stormwater issues such as mercury, and bacteria	Funded	Track locations and feedback	2008	Initial display material designed and reviewed by May 2008. First display in Council Chambers and then to Public Works open house in May 2008	
			iii. Interpretive signage in parks along Claggett Creek and the Willamette. Signs may also be installed along other water features if appropriate	Staff time / design & construction funded	Number of signs installed and locations	2010	Storm staff will coordinate locations with Parks staff for locations along Willamette and other water features.	
PE-2			iii. Utilize local Channel 23 to provide stormwater education	Staff time	Track programs and content	2008 / Ongoing	Work with field staff to develop program - underway	
PE-3			iv. Participate in Claggett Creek Watershed Council	Staff time	Meetings attended and topics covered	2008 / Ongoing	<u><i>The Claggett Creek Watershed Council is not meeting at this time. Staff will attend neighborhood association meetings until the council reconvenes. City staff is currently involved in a reorganization effort with Marion County and the City of Salem</i></u>	
			v. Tighten existing City code to emphasize retention of 'native' vegetation Explore existing code for addition changes that are not time intensive	Staff time	Keep record of code updates and changes	2009 Ongoing	Initial meetings with Community Development staff are underway	

			vi. Internal education for field staff directed towards retention of trees along waterways and temperature issues	Staff time	Track presentation content and dates	Ongoing	Training schedule being developed	
CS-1		b. Keep soil on site. Prevent material from entering waterways	i. Develop ordinance to control <u>construction site runoff</u>	Staff time	City Council adoption	2009	DLCD/DEQ example being reviewed. Other drafts considered and will be brought to the Stormwater Advisory Committee (SWAC)	
DS-1			v. Develop ordinance to control <u>runoff from new development</u>	Staff time. Public notice is funded	City Council adoption	2010	Staff anticipates utilizing SWAC for this action	

Six Minimum Control Measures

PE = Public Education

PI = Public Involvement/Participation

ID = Illicit Discharge Detection and Elimination (IDDE)

CS = Construction Site Runoff Control

DS = Development Standards (Post-Construction Runoff Control)

OM = Operations and Maintenance (Pollution Prevention/Good Housekeeping)

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

THROUGH: CHRIS EPPLEY, CITY MANAGER

FROM: NATE BROWN, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: PERIODIC REVIEW GRANT APPLICATION

DISCUSSION:

Last month the council approved the work program for periodic review. This has been submitted to DLCD for their review and while we have not been officially informed of the results, DLCD staff has informed the city that the notice is in process. Staff is proposing to submit two grant applications, one for a visioning process and the second for an economic opportunity analysis (EOA). The visioning project application seeks state funding for \$50,000 and the economic opportunities analysis is a request for \$70,000. In both applications the City of Keizer will be obligated to provide staff support and incidental expenses to be met through existing budget authorization. These will each be reimbursement grants. Once funding is approved and grant agreements signed, the city will select consultants to perform each task. It is anticipated each of these projects will be completed within a 6 to 9 month time period.

An issue for the council to consider is formation of a task-force to work on the projects. While it may seem efficient to have one group work on both projects staff believes that the two projects are fundamentally different and will have different perspectives and outcomes. Further, the two projects may overlap in their time frames and would be difficult for one committee to do the work on both projects. The taskforce working on the visioning project should be more general and community oriented while the economic opportunities analysis taskforce should be more focused on economic and business interests.

Staff will provide a separate, specific recommendation on the formation of the task force/s at a later time when more specific information is available.

RECOMMENDATION:

Authorize staff to submit the proposed periodic review grant applications and the Mayor to sign a letter of support for such applications.

CITY COUNCIL MEETING: July 21, 2008

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: *CITY MANAGER COMPENSATION*

This matter is before the Council for the annual review of the City Manager's compensation package. We have prepared a Resolution granting a one step increase from Range 37, Step 6 to Range 37, Step 7 and a \$5,000 tuition/educational assistance grant. This is the final tuition reimbursement grant. The step increase is retroactive to July 1, 2008 which is the same policy as all other employees.

RECOMMENDATION:

It is recommended that the Council review the attached Resolution and take action as appropriate.

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

ESJ/tmh
attachment

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 Resolution R2008-_____

3 GRANTING STEP INCREASE AND TUITION/EDUCATIONAL
4 PAYMENT TO THE CITY MANAGER

5
6 WHEREAS, the Keizer City Council has extended the contract of the City
7 Manager to June 30, 2009 pursuant to Resolution R2007-1831;

8 WHEREAS, the employment contract as amended does not require formal
9 contract amendment for salary increases;

10 WHEREAS, the Council has determined that a one Step salary increase and a
11 \$5,000.00 tuition reimbursement to the City Manager is appropriate and warranted;

12 NOW, THEREFORE,

13 BE IT RESOLVED by the City Council of the City of Keizer that the City
14 Manager's salary shall be increased from Range 37 (Step 6) to Range 37 (Step 7)
15 pursuant to the current salary matrix, including any Cost of Living Adjustments,
16 retroactive to July 1, 2008.

17 BE IT FURTHER RESOLVED that the City Manager shall be paid \$5,000.00 to
18 be applied to education costs related to the city manager position. This payment is
19 provided under the City's Educational Assistance Program, or in the alternative, is a cash

20 ///

21 ///

1 payment for City Manager's tuition/expenses for obtaining a Masters Degree in Public
2 Administration. The City Manager shall provide proof of payment for educational
3 expenses. The City Manager shall be responsible for taxes or withholdings if applicable.

4 PASSED this _____ day of _____, 2008.

5 SIGNED this _____ day of _____, 2008.

6

7

8

9

10

11

Mayor

City Recorder

CITY COUNCIL MEETING: July 21, 2008

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: *RESOLUTION – ACCEPTING LIBRARY TASK FORCE FINAL REPORT AND DISCHARGING TASK FORCE*

In March 2004, the Keizer City Council established the third Library Task Force. Such task force has completed its work. The attached Final Report of the task force sets forth the chronology of events dating back to 2000 and the creation of the first library task force. The report also sets forth seven recommendations to the City Council.

Typically with the conclusion of a task force's work, the report is accepted and the task force is discharged with the thanks of the Council. However, the "acceptance" of the report is not necessarily an approval or acceptance of any or all of the recommendations. Rather, the Council can approach the recommendations at the appropriate time, such as the budget schedule.

RECOMMENDATION:

Adopt the attached Resolution accepting the report and dissolving the task force with the Council's sincere thanks.

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

ESJ/tmh
attachments

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2008-_____

ACCEPTING FINAL REPORT AND DISCHARGE OF
LIBRARY TASK FORCE

WHEREAS, pursuant to Resolution R2004-1467, the City Council created the

Library Task Force;

WHEREAS, pursuant to Resolution R2007-1774, the City Council revised the
purpose of the Library Task Force to provide for working with a consultant to devise and
conduct a survey of citizens and present the results to Council;

WHEREAS, such Task Force has completed its charge and has prepared a final
report to the City Council; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the City
Council hereby accepts the final report of the Library Task Force and such report is
attached as Exhibit "A" and by this reference incorporated herein. The City Council
shall consider the task force recommendations at a later date.

BE IT FURTHER RESOLVED that the City Council hereby discharges the
Library Task Force with its sincere thanks for the work accomplished.

PASSED this _____ day of _____, 2008.

SIGNED this _____ day of _____, 2008.

Mayor

City Recorder

FINAL REPORT OF THE THIRD KEIZER LIBRARY TASK FORCE

June 27, 2008

Rich Walsh, Chair, 2004-2008
Lore Christopher, 2004-2008
Jim Taylor, 2004-2008
Eric Meurer, 2004-2008
Lyndon Zaitz, 2007-2008
Art Burr, 2007-2008
Lea Jenny, 2004-2008

Nancy Woodward, 2004-2007
Jan Deardorff, 2004-2008
Pat McGarrah, 2004-2007
Scotta Callister, 2004-2007
Jake Monroe, McNary Student, 2005
Trevor Husseman, McNary Student, 2007

HISTORY OF THE LIBRARY TASK FORCES SINCE 2000

Summer of 2000: Salem Library District Rejected: Creation of First Library Task Force

The current “era” of library exploration began when Keizer decided not to place the Salem Area Library District proposal before Keizer voters. The decision was based, in part, on the inability of the new district advocates to promise a central Keizer branch. The council was also concerned about the fact that Keizer residents could vote against the measure but it could still pass if they were out-voted by Salem residents. After a heated debate at council, the council rejected the district plan and commissioned a Library Task Force to explore ways that Keizer could start its own library.

February of 2001: First Library Task Force Split Recommendations

The majority opinion of the task force was to recommend that Keizer place a “Threshold Library” on the ballot. This proposed library would be a traditional library that met the lowest “threshold” level of the Oregon Library Association’s standards in all areas of library service. Under these standards Keizer’s library would be at least a 24,500.00 sf. library with 12.25 FTE (including 2 librarians with master’s degrees), 64,000 books and 161 periodicals. This selection was picked, in large part, because the “threshold level” standard was the lowest acceptable level to gain full membership into the CCRLS.

A 16 page minority report was simultaneously forwarded to the council that instead of a “threshold” library, instead proposed a “21st Century Library” which would be designed to meet the unmet needs of Keizer residents. It would not attempt to meet the CCRLS standards in some areas of library service but would be designed as a niche library that would surpass the highest standards in certain select areas of library service such as computers, technology and data bases with staff with special training to help citizens use these technologies as well as provide exceptional children and senior citizen books and programs. It was proposed that this library could be a much smaller library with less than half the personnel costs of a traditional “threshold” library. While the 21st Century Library would provide a smaller book and periodical collection, those collections could be focused on the most popular materials. It was also envisioned that the 21st Century Library would also emphasize comfortable and welcoming reading and study areas.

When the reports were provided the Council at first deferred making a decision between the “threshold” and the 21st Century Library proposals, instead choosing to commission another Library Task Force to study and prepare a comparative report outlining the benefits and detriments of seven separate library alternatives.

May 30, 2002: Second Library Task Force Comparative Report Selection of 21st Century Library

As requested by the City Council, on May 30, 2002, the second Library Task Force presented its Final Comparative Report that analyzed the status quo, a “threshold library,” a 21st Century Library, a contract library with Salem, purchasing library cards, and joining a Salem District. After considering all the options the Keizer City Council decided to further explore whether or not Keizer could place a measure on the ballot for a 21st Century Library that would still be acceptable to the CCRLS to allow Keizer to have full CCRLS membership.

Thereafter, a short term Goal was established by the Keizer City Council in 2003 to determine if Keizer could place a 21st Century library measure on the ballot in the November 2004 general election that was acceptable to the CCRLS.

March 15, 2004 Third Library Task Force Attempt to Find a 21st Century Library Acceptable to the CCRLS

On March 15, 2004 the Keizer City Council established a new Task Library Task force with the stated purpose “to develop a 21st Century Library package that is acceptable to both the City of Keizer and the Chemeketa Cooperative Regional Library Service [CCRLS] and secure admittance into Chemeketa Cooperative Regional Library service as a full member with all rights and privileges.” The task force was also charged to “return to the City Council with a recommendation to be placed on the November 2004 General Election ballot.”

It quickly became apparent that there would not be an agreement in time to place the matter on the November 2004 ballot. Nevertheless, the task force continued to work diligently over the next three years in an attempting to find a plan that would meet the spirit of the 21st Century Library and also be acceptable to the CCRLS. This three year effort included numerous meetings and even formal mediation with the CCRLS and member libraries. During this effort Keizer made many informal proposals, had many meetings with the CCRLS, involved the State Librarian and Salem Public Library (SPL) and even offered proposals that would fund the 21st Century Library at a higher effective tax rate than was paid by Salem residents for their library services. The CCRLS did not accept this proposal but indicated it might consider a Keizer 21st Century Library plan if Keizer paid the SPL approximately \$3.00 per book for the number of books the SPL lent to Keizer residents above the number of books Keizer’s library lent to Salem residents. This proposal was rejected by Keizer for various reasons including the fact that it was not reciprocal, (i.e. they did not agree that Keizer could charge Salem if the situation was reversed and Keizer’s library lent more materials to Salem residents than Keizer residents borrowed from SPL.) In the end, despite all the attempts, no agreement was reached.

During the negotiation process, one major obstacle that Keizer repeatedly faced was the lack of reliable polling data or expert analysis from a professional librarian consultant. The CCRLS and

its member libraries indicated that they needed this information to consider allowing any non-traditional or non-conforming library into the CCRLS.

May 21, 2007 Revision of Purpose of Third Library Task Force New Start with Professional Help

Recognizing the futility of attempting to move forward without any professional assistance or a reliable public survey, and recognizing that Keizer may not ever be able to meet CCRLS standards (at least not without a far more traditional library than originally envisioned) the Keizer City Council modified, revised and simplified the purpose of the Keizer Library Task Force as follows:

“Purpose: With the assistance of a consultant, devise, conduct, and complete a survey of city residents, analyze the data, and present to the City Council an outline of the result and a recommendation on future library direction.”

Working with the State Librarian, the CCRLS, Keizer Community Library Director Jan Deardorf, and McNary High school Librarian and task force member Nancy Woodward, the task force was successful in obtaining a LSTA grant to pay for a scientifically valid survey to determine public support for a library. The grant also paid for a professional library consultant to assist Keizer in its exploration of Library options.

Ruth Metz Associates, a very highly recommended and respected library consultant was awarded the contract. She examined the history, institutions, options, opportunities and obstacles facing Keizer residents and also engaged the task force and various community groups in her analysis.

Northwest Survey and Data Services was awarded the survey contract and worked with the task force, the consultant and the City Council to form the questions for the survey. The survey was completed in November and December of 2007 and a final summary of the results was presented to the task force and the city in December of 2007. The survey included interviews with 370 Keizer residents and had a margin of error of +/- 5%. 59% of those surveyed supported the idea of a new library and support levels were even higher among those respondents under age 45 and those with children in the home (reaching up to 69%). 47% of all respondents said that they would support a future tax measure at the 75 cent per thousand level. The .75 level was requested because it was the recommended level suggested by the library consultant to meet Keizer resident's needs (with 5 cents factored in for building costs). It was also felt by the consultant that this level of support could help alleviate many of the CCRLS' concerns and allow Keizer to "make its case" for full CCRLS acceptance even though this level of funding still did not raise enough money to meet all of the CCRLS "threshold" standards (such as building size).

After considering the polling information and meeting with the task force the consultant issued her final report on February 1, 2008. In the report the consultant recommended:

1. Facilitate the development of a Keizer public library through the establishment of a Keizer library district.
2. Identify the responsible parties for preparing the economic feasibility statement for a Keizer library district, and as needed, funding the study.
3. Meet with the CCRLS governing board for the purpose of gaining its endorsement of the library district concept and strategy.

4. Appoint a Keizer Public Library building project management team to plan a new Keizer Public Library, and include CCRLS representation.

The task force agreed with the consultant to work toward the formation of a library district rather than seek to fund the library with a series of five year levies. The district was envisioned to be a new taxing entity but which would also match the city boundary. The district proposal was chosen by the consultant and the task force because it was the most feasible and stable funding source and would not result in a tremendous waste of tax dollars if the funding discontinued and the library had to be sold or emptied shortly after a library was set up.

Assuming the City Council would agree to the district concept, the consultant then provided a series of "next steps" leading up to the formation of a library district. (see page 5 and Exhibit E of consultant's report). The costs of the recommended approach to place a measure on the ballot for a Keizer library district listed on page 5 of the consultants report ranged from \$17,025 - \$28,400. In addition, the consultant recommended adding many of the suggestions contained on page 22 of her report which caused the recommended cost of sending the matter to the ballot to be higher. The city, as per Oregon law, would not undertake any of the expenses associated with the advocacy of the ballot measure which was expected to be undertaken by library supporters and groups.

The task force debated how to pay for the suggested costs of placing the library measure on the ballot. The Task Force was split on the issue of whether to recommend that the city pay for all or half of the costs of placing a library measure on the ballot. Some members of the task force advocated that the city should pay for the entire costs of placing the library measure on the ballot to ensure that the measure is decided by Keizer residents in a prompt manner. Other members felt that the city and advocacy groups should split the costs to ensure that at least some meaningful level of base support was present before spending city funds on the measure. Failing to reach a full consensus in the task force, the task force agreed to recommend that the City Council pick one of these two options.

February 19, 2008 Keizer City Council Meeting

The report and recommendations of the task force and the consultant were discussed by the Keizer City Council on February 19, 2008. Jim Scheppke, State Librarian testified before the council and said that he supported the report and the recommendations and urged the addition of the development of a detailed plan of service and building plan. He also urged the council to not put the ballot measure on the 2008 ballot but to instead set a goal for the 2010 ballot. He said that the total costs for putting a library on the ballot, including a plan of service and a building plan, could be up to \$100,000.00. Another community member testified against Keizer providing any public funding for a library ballot measure.

During the February 19, 2008 Keizer City Council meeting, the Council accepted the consultants report and discussed, debated, and decided many motions regarding a potential library ballot measure. The first preliminary question was whether or not the council wanted to have any plan, at all, to put the library question on the ballot. The council agreed to create some type of plan.

The City Council then discussed the following two options presented by the Task Force:

Option A: Under this option the city would pay all the recommended costs of the ballot measure. This would allow the council to place the measure on the 2008 general election ballot

Option B: Under this option the city would only match money that was raised by community groups and individuals who wanted a Keizer library. This approach would take longer and could not reasonably be expected to be completed in time for the 2008 general election.

The Keizer City Council picked option B. The council estimated the average costs of the items recommended by the consultant for placing the library measure on the ballot would be \$38,400.00 and then agreed to pay up to half of this amount (\$19,200.00) for a library ballot measure. This meant that the target election would be in 2010 and not 2008 and also meant that there was no guarantee that the library issue would ever be decided by a ballot measure. The Keizer Budget Committee later followed the direction of the City Council and set aside \$19,200.00 in the 2008-9 budget to pay for potential library ballot measure expenses.

At the February 19, 2008 Keizer City Council meeting the Council also discussed the issue of a levy vs. a district to fund the library. The district would be a separate legal entity but would have an elected board with its own tax base. This new district would have a border that was at or near the border of the city (much like the current Keizer Fire District). The consultant and the task force recommended that any ballot measure be for district and not a levy because it would create a stable funding source and eliminate the risk of extreme waste in the event that the library lost all funding shortly after being completed. Nevertheless, the motion to require the matching funds only to be used for a district ballot measure failed. However, this issue may be revisited if the city moves forward on a ballot measure.

Thus, after the February 19, 2008 Keizer City Council meeting, the city of Keizer's plan to place a library measure on the ballot is to provide a match of up to \$19,200.00 toward \$38,400.00 in the expenses that were recommended by the consultant. If the community raises the \$19,200.00 in matching funds, then the city will presumably resume the work itemized by the consultant toward placing a measure on the ballot. In the meantime, all work to place the library issue on the ballot has been suspended while the city waits to see if the community responds to the library challenge.

After February 19, 2008

After the February 19, 2008 Keizer City Council meeting the task force continued to meet to address some of the remaining library issues. Requests were made throughout the community asking for library supporters to come forward to meet the challenge and raise the match money. Articles were written in the newspaper and meetings were held with community and local library support groups to see if there was interest in the community to start a fundraising campaign to meet the city's challenge. Editorials were also written in the Keizer Times asking for library supporters to come forward to meet the challenge.

Although there was some initial optimism regarding the match, as of the date of this report, no individuals or groups have stepped forward to accept the challenge. Likewise, the Keizer Community Library director reported that they also did not have any prospects on the horizon for raising the match or even spearheading the effort to raise the match. Perhaps some groups will

present themselves in the future, but for the present time there are no groups known to the task force that are actively working on raising the \$19,200.00 match.

Mindful of the task force's charge to recommend the future direction of library services in Keizer the task force then considered the following somewhat antagonistic discoveries and "givens."

1. There is strong (and somewhat unexpected) support for a new public library in Keizer (59%) as uncovered in the survey,
2. There is a willingness of nearly half of Keizer residents to pay for a substantial public library at .75 per thousand which indicates that a ballot measure has a reasonable chance of passage, but only if there are strong advocacy groups of dedicated and organized library supporters who are willing to give of their time and money to see the measure pass.
3. There has been an apparent lack of any strong library advocacy groups of dedicated and organized library supporters in Keizer who are willing to give of their time and money to see a library ballot measure pass as evidenced by the limited number of citizen that attend the library task force and City Council meetings and the lack of response to the City's \$19,200.00 challenge.
4. The City Council has rejected the idea of paying all the costs of placing a library measure on the ballot, and the alternative plan of funding a citizen match is not yet in place.
5. Given the above, there is a growing realization that the library challenge may not raise the necessary match money in time for a library ballot measure in the 2010 election
6. However, there is a small but growing number of volunteers supporting the Keizer Community Library in the Keizer Heritage building. Those volunteers are committed to continuing to provide some level of library services to the residents of Keizer and have maintained a small community library extremely efficiently for under \$7,000.00 per year. They are willing to expand their library services to the community if they are provided with more space and some additional resources.

Given all the above, and recognizing the value that the Keizer Community Library volunteers provide to the residents of Keizer, and recognizing that it may be some time before another Library Task Force is convened, and looking at the present and into the distant future, the Keizer Library Task Force makes the following final recommendations:

1. That the City of Keizer keep the match money in the budget until at least the filing deadline before the 2010 election in case library supporters organize in time to fund half of the costs of the ballot measure and that the match be limited to a library district or other permanent funding ballot measures.
2. That the City of Keizer maintain support of the Keizer Community Library to help defray costs and to provide stable funding in the amount of \$3,500.00 per year, adjusted yearly for inflation. This will allow the library and its volunteers to focus more on providing increasing library services to the residents of Keizer and to direct their fundraising to providing a larger collection and possibly even add some internet service to residents rather than forcing the volunteer group to focus their energies and resources on simply paying the rent.

3. That the City of Keizer support the Keizer Community Library by considering it a primary donee of usable city surplus property, supplies, computers, and other items no longer usable to the city. These donations would be made only where lawful, feasible and economical to the City.
4. That the City of Keizer allow the Keizer Community Library to access city wireless internet connections, if an opportunity arises to make this occur that is lawful, feasible, and economical to the city.
5. If the council determines that the Keizer Community Library is serving a growing number of residents, and if and when more space becomes available to expand the size of the Library in the Keizer Heritage Building, then the Task Force recommends that the city increase the \$3,500.00 funding by an amount needed to allow the Community Library to rent that additional space.
6. If the council determines that the Keizer Community Library is serving a growing number of residents, and if a substantial portion of the Keizer Heritage Building ever becomes available for the city to rent and if and when city funds are available, then the Library Task Force recommends that the city rent the building (or as much as is available) and (with the approval of the Heritage Foundation) pay to renovate the building for efficient library services. At such time the task force recommends that the library be designated as a city library and staffed with at least one volunteer coordinator whose principle charge would be to find volunteers to keep the library open but who may also have other volunteer coordinating responsibilities shared with other city departments.
7. The Library Task Force further recommends that, if possible, the city also work in partnership with the Keizer Art Association and the Keizer Heritage Museum and (if they are both willing) to share space and incorporate the Library, Art and Museum collections as integral components of the library, effectively transforming the Heritage building into a combined Heritage Museum/Art/Library Community Center.

Of course some of these recommendations depend a great deal on the cooperation and willingness of numerous partners, including the Heritage Foundation, the Heritage Museum, the Keizer Community Library, and the Keizer Art Association. The recommendations also require certain resources that have yet to be identified. If these hopes and assumptions do not occur, or if other unanticipated contingencies and obstacles arise, then it is the hope of the task force that the city would accept these recommendations in the spirit of suggested examples of what could be done to support and encourage the growth of library services in Keizer. It is further hoped that when Keizer approaches future events, opportunities, and obstacles that it will be guided by the goal of fostering and encouraging increased access to library and information services for Keizer residents in a manner that is innovative and effective and yet is still financially prudent and responsible.

Having concluded its charge, the third Keizer Library Task Force requests that it be concluded and discharged by the Keizer City Council.

CITY COUNCIL MEETING: July 21, 2008

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

**FROM: TRACY L. DAVIS, MMC
CITY RECORDER**

SUBJECT: KEIZER PLANNING COMMISSION APPOINTMENT

ISSUE:

On April 15, 2008 Kevin Baker submitted his resignation from position #4 on the Keizer Planning Commission. Mr. Baker was serving a three year term scheduled to expire on September 30, 2008. A media release was distributed and four volunteer applications were received. At the July 17th meeting of the Volunteer Coordinating Committee, the applications were reviewed and a motion was made to recommend the appointment of Bill Wolf.

As outlined in the Volunteer Coordinating Committee Process for Appointments, when the current term is less than three months, the Committee will recommend the appointment to complete the current term and the next consecutive term.

RECOMMENDATION:

It is recommended the City Council accept the recommendation of the Volunteer Coordinating Committee and appoint Bill Wolf to position #4 on the Keizer Planning Commission. This appointment shall expire on September 30, 2011.