



SUNDAY

July 1992

CITY OF KEIZER CALENDAR OF EVENTS



MONDAY

TUESDAY

WEDNESDAY

THURSDAY

FRIDAY

SATURDAY

1 8:00am MUNI-COURT (NEW)	2 7:00pm PAC (LIB)	3 INDEPENDENCE EVE!!!!	4 8:45am A.A. (LIB) 4TH OF JULY!
5 10:00am-1:30 P. M. NEW LIFE FELLOWSHIP (LIB)	6 10:00am-2:00pm LIBRARY HOURS 7:30pm CITY COUNCIL (NEW)	7 12:00am ALL CITY MTG.	8 8:00am MUNI-COURT (NEW) 4:00pm KGAC (LIB) 7:30pm PLAN. COMM.(LIB)
9 5:00pm MUNI-COURT(LIB) 7:00pm-10:00 VI CARLENE(LIB)	10 5:00pm-10:00 VI CARLENE(LIB)	11 8:45am A.A. (LIB)	12 8:00am MUNI-COURT (NEW) 4:00pm MARION J.D. BOLD WALK(NEW) 7:00pm R3B(LIB)
13 10:00am-2:00pm LIBRARY HOURS 5:00pm MUNI- COURT(LIB)	14 7:00pm PAC (LIB) 7:00pm-10:00 RESERVED HEARING DATE	15 7:30pm OB. CHEVY (LIB)	16 8:45am A.A. (LIB)
17 8:00am MUNI-COURT (NEW)	18 5:00pm MUNI- COURT(LIB) 7:00pm-10:00 PLANNING HEARING (NEW)	19 8:45am A.A. (LIB)	20 8:00am MUNI-COURT (NEW)
21 7:30pm PARKS ADV.(LIB)	22 8:00am MUNI-COURT (NEW)	23 5:00pm MUNI- COURT(LIB) 7:00pm-10:00 PLANNING HEARING (NEW)	24 8:45am A.A. (LIB)
25 8:00am MUNI-COURT (NEW)	26 7:30pm PARKS ADV.(LIB)	27 8:00am MUNI-COURT (NEW)	28 8:00am MUNI-COURT (NEW)
29 8:00am MUNI-COURT (NEW)	30 8:00am MUNI-COURT (NEW)	31 8:00am MUNI-COURT (NEW)	

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SUBJECT TO CHANGE(NEW)=COUNCIL CHAMBERS/(LIB)=LIBRARY

7/17/1992

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

A G E N D A
KEIZER CITY COUNCIL
Monday, July 20, 1992

7:30 p.m.
Robert L. Simon Council Chambers
Keizer City Hall
Keizer, Oregon 97303

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC TESTIMONY

This time is provided for citizens to address the Council on matters not on the agenda.

4. COMMITTEE REPORTS

a. Charter Review Committee Report

5. PUBLIC HEARINGS

a. Amendment to Sewer Plan (Continued from July 20, 1992)

b. Variance 92-3/Ackerley Communications (Continued from June 15, 1992)

6. DELIBERATION

a. Amendment to Sewer Plan (Continued from July 20, 1992)

7. ORDINANCE

a. Zone Change Case 92-1 (Richard Beck)

8. DISCUSSION

a. Extension of City Layoff Notices

b. Proposed Charter Amendments

c. Periodic Review of Comprehensive Plan - Status Report

d. RESOLUTION - Extension of Viacom Cable Franchise Agreement

e. RESOLUTION - Initiating the Meadows Phase 5 Street Lighting District

f. RESOLUTION - Initiating the Timberview Street Lighting District

9. CONSENT CALENDAR

- a. 1992-93 Resurfacing of Street Bid Award
- b. May 26, 1992 Special Session Minutes
- c. June 15, 1992 Regular Session Minutes
- d. July 6, 1992 Regular Session Minutes
- e. RESOLUTION - Lockhaven Agency Fund Exchange Agreement
- f. RESOLUTION - Adopting the Urban Renewal Agency Budget
- g. RESOLUTION - Making Appropriations for the Keizer Urban Renewal Agency
- h. RESOLUTION - Amending Resolution R92-569 and Making Appropriations
- i. RESOLUTION - Amending June 30, 1992 Minute Motion Adopting City Budget

10. OTHER BUSINESS

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

11. WRITTEN COMMUNICATIONS

To inform the Council of significant written communications and petitions.

12. AGENDA INPUT

August 3, 1992

-Consideration of method of filling Planning Commission vacancies.

13. ADJOURN

14. EXECUTIVE SESSION

- a. ORS 192.660(1)(e) - Negotiation of Real Property Transactions



1982

City of Keizer

Administration

930 Chemawa Rd. N.E. • P.O. Box 21000

Keizer, Oregon 97307-1000 • (503) 390-3700 • Fax # 390-8295

CITY COUNCIL MEETING: July 20, 1992

AGENDA ITEM NUMBER: 4a

TO: MAYOR AND CITY COUNCIL
FROM: DONALD H. OTTERMAN, CITY MANAGER *DA*
SUBJECT: CHARTER REVIEW COMMITTEE REPORT

ISSUE

Shall the City Council review the report of the Charter Review Committee and place proposed amendments to the Charter on the November ballot?

DISCUSSION

The Charter Review Committee has been meeting for several months reviewing the existing Charter and comparing our Charter with the Charters of other communities and the model Charter that was prepared by the Bureau of Governmental Research and Service, University of Oregon.

The report of the committee and the proposed Amended Charter were sent to the Council on July 10, to give the Council additional time to review the information prior to the meeting of July 20, 1992.

The chairman of the Committee, Chet Patterson, will be presenting to the council a verbal report of the committee at the July 20 meeting, and will be available for questions. It is anticipated that the Council will not be ready to place the matter on the ballot on July 20, but will have issues that need to be resolved during future meetings.

Prior to the matter being submitted to the voters, I would recommend that the Council hold a public hearing on the changes that are recommended by the Council after deliberations. The Council has until September 3, 1992 to place a measure on the November ballot.

"Pride, Spirit and Volunteerism" _____

RECOMMENDATION

It is recommended that the City Council hear the presentation from the Chairman of the Charter Review Committee and then discuss this evening any concerns that the City Council may have regarding the proposed changes. If the Council wishes the committee to do additional work on the proposed changes, it should give the committee direction to follow regarding any specific issues. The committee would then have the remainder of July to review its work and report back to the Council at the August 3 City Council meeting.

A public hearing could be held by the City Council on August 17, and the revisions directed to the county by September 3.



City of Keizer

Administration

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COUNCIL MEETING: July 20, 1992

AGENDA ITEM NO.: 5a

DATE: JULY 15, 1992

TO: MAYOR AND CITY COUNCIL

FROM: *Tracy Davis* TRACY DAVIS, CITY RECORDER, PRO TEM

SUBJECT: AGENDA ITEM 5a, AMENDMENT TO SEWER PLAN

Agenda Item Number 5a is not included in this agenda package. However, the material will be provided to you on or before Monday, July 20, 1992.



City of Keizer — Community Development

Phone: 390-3700 • Fax # 390-8295

930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, Oregon 97307-1000

CITY COUNCIL MEETING: July 20, 1992

AGENDA ITEM NUMBER: 5b

TO: MAYOR AND CITY COUNCIL

THROUGH: DONALD H. OTTERMAN M.S.P.A,
CITY MANAGER

FROM: JOHN N. MORGAN, AICP
COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: CONTINUED PUBLIC HEARING - VARIANCE 92-3
ACKERLEY COMMUNICATIONS

DISCUSSION:

This public hearing is continued from June 15, 1992. The variance request was filed by Ackerley Communication in order to stay court action on an infraction citation filed against Ackerley for violating the sign ordinance.

The public hearing was continued in order to allow the City Attorney time to negotiate a settlement on the citation. It was anticipated the settlement would include withdrawal of the variance request, thereby eliminating the need for the hearing.

A settlement has been reached which includes the withdrawal. However, as of the preparation of this report, a written agreement has not been received by the City Attorney. Therefore the hearing is still scheduled. If the written agreement is received prior to the hearing, as is anticipated, the hearing will be canceled.

The City Attorney will brief the Council on the terms of the settlement.





City of Keizer

Administration

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Keizer, Oregon 97307-1000 • (503) 390-3700 • Fax # 390-8295

COUNCIL MEETING: July 20, 1992

AGENDA ITEM NO.: 6a

DATE: JULY 15, 1992

TO: MAYOR AND CITY COUNCIL

FROM: ~~X~~ TRACY DAVIS, CITY RECORDER, PRO TEM

SUBJECT: AGENDA ITEM 6a, AMENDMENT TO SEWER PLAN

Agenda Item Number 6a is not included in this agenda package. However, the material will be provided to you on or before Monday, July 20, 1992.

BILL NO. _____ A BILL ORDINANCE NO.
92-_____

FOR

AN ORDINANCE

IN THE MATTER OF THE APPLICATION OF RICHARD BECK,
PHYLLIS J. NELSON, J. LARRY FUGATE AND FUGATE ENTERPRISES
(OWNERS/APPLICANTS) FOR A ZONE CHANGE FROM COMMERCIAL
OFFICE (CO) TO COMMERCIAL RETAIL (CR) ON 0.53 ACRES OF
PROPERTY LOCATED AT 4710 RIVER ROAD NORTH AND 524 LINDA
AVENUE N.E., KEIZER, OREGON (CASE NO. KEC 92-1)

Section 1. THE APPLICATION. This matter comes before the
Keizer City Council on the application of Richard Beck, Phyllis J.
Nelson, J. Larry Fugate and Fugate Enterprises (Owners/Applicants)
for a zone change from COMMERCIAL OFFICE (CO) to COMMERCIAL RETAIL
(CR) to permit the development of a Pizza Hut restaurant on
property located at 4710 River Road North and 524 Linda Avenue
N.E., Keizer, Oregon (Section 02BD; T7S; R3W), Tax Lots 7900 and
8000.

Section 2. JURISDICTION. The land in question in this
ordinance is within the city limits of the City of Keizer. The
City Council is the governing body for the City of Keizer. As the
governing body, the City Council has the authority to make final
land use decisions concerning land within the city limits of the
City of Keizer.

Section 3. PUBLIC HEARING. A hearing was held on this
matter before the Hearings Officer on March 26, 1992. In addition,
a public hearing was held before the Keizer City Council on June
15, 1992. The following persons either appeared at the City
Council Hearing or provided written testimony on the application:

///

- 1 1) Skip Wendolowski, Keizer City Planner
- 2 2) John Morgan, Community Development Director
- 3 3) Jeff Tross, Attorney for Owners/Applicants
- 4 4) Richard E. Beck, Co-Owner/Co-Applicant
- 5 5) Phyllis Nelson, Co-Owner/Co-Applicant
- 6 6) Lillian Walston
- 7 7) Wilbur Bluhm
- 8 8) Marilyn Wendel
- 9 9) Isabelle Cassidy
- 10 10) Dorothy Shearer
- 11 11) Jackie B. Miller
- 12 12) Ed Schunke
- 13 13) Al Lofstedt
- 14 14) Deby Nelson
- 15 15) Gary Ryder
- 16 16) Evelyn Franz
- 17 17) Roy Shelton
- 18 18) Carol Shelton
- 19 19) Bev Ryder
- 20 20) Jim Shelton
- 21 21) Dyan Hood-Taylor
- 22 22) Joni Gilles
- 23 23) Beth Shelton
- 24 24) George Sukos
- 25 25) Russell Smith
- 26 ///

1 Section 4. EVIDENCE. Evidence before the City Council in
2 this matter is summarized in Exhibit "A" attached.

3 Section 5. OBJECTIONS. No objections have been raised as
4 to notice, jurisdiction, alleged conflicts of interest, evidence
5 presented or testimony taken at the hearing.

6 Section 6. CRITERIA AND STANDARDS. The criteria and
7 standards relevant to the decision in this matter are set forth in
8 Exhibit "B" attached.

9 Section 7. FACTS. The facts before the City Council in this
10 matter are set forth in Exhibit "C" attached.

11 Section 8. JUSTIFICATION. Justification for the City
12 Council's decision in this matter is explained in Exhibit "D"
13 attached.

14 Section 9. ACTION. The decision of the City Council is set
15 forth in Exhibit "E" attached.

16 Section 10. FINAL DETERMINATION. This ordinance is the final
17 determination in this matter.

18 Section 11. EFFECTIVE DATE. This ordinance being necessary
19 for the immediate preservation of the public health, safety and
20 welfare, an emergency is declared to exist and this ordinance shall
21 take effect immediately upon its passage.

22 ///

23 ///

24 ///

25 ///

26 ///

1 Section 12. APPEAL. A party aggrieved by the final
2 determination in a proceeding for a discretionary permit or a zone
3 change may have it reviewed under ORS 197.830 to ORS 197.834.

4 PASSED this _____ day of _____, 1992.

5 SIGNED this _____ day of _____, 1992.

6

7

Mayor

B

9

City Recorder

10 3532COK.001

EXHIBIT "A"

Evidence

Official notice has been taken of the Planning Department files and reports in this matter, including the application and exhibits contained therein. In addition, official notice has been taken of the Hearings Officer's recommendation and letters and other written documents submitted.

Mayor Orcutt opened the Public hearing on the matter of Zone Change 92-1 continued from May 18, 1992.

Skip Wendolowski, City Planner, gave the staff report. He reviewed the application, the original staff report and comments from the Hearings Officer regarding the request to change the zone from Commercial Office to Commercial Retail on the land owned by Richard Beck and Phyllis Nelson. The purpose is to permit the development of a Pizza Hut.

Mr. Wendolowski clarified the property in question and elaborated on the zoning of the nearby properties. The zone change criteria are found in Section 4.16 of the Keizer Zoning Ordinance. Mr. Wendolowski reviewed the staff report's analysis of the criteria and the proposal's conformance.

The major issue facing development is street access. The Taco Bell on the south has primary access on River Road. The Traffic Engineer encouraged use of access to River Road for both properties. Staff noted a limited use overlay could be used to limit the effect of the development on the neighborhood. Staff also recommended the placement of specific requirements.

The Hearings Officer denied the request based on available property and the traffic destabilizing the land use of adjacent property. The staff agreed, in general, with the Hearings Officer's statements regarding available property. At the present time, it may be inappropriate to make zone changes until the River Road Design Plan has been approved. The staff recommended the Council uphold the Hearings Officer's decision and deny the zone change.

Speaking as proponents of the zone change were:

Jeff Tross, 1720 Liberty Street S.E., Salem, Oregon 97302. Mr. Tross spoke on behalf of Richard Beck. He addressed the aspects of zone use and property development. He felt the application did conform to the Comprehensive Plan as a service business. The Plan explicitly identifies North River Road as the place for businesses requiring automobile traffic. He stated the Plan, by identifying that location, excluded other areas of Keizer.

He elaborated on the actual property setup. The Beck/Nelson property occupies the same position on Linda Avenue as the Taco Bell property does on Maine Avenue. One half of the block is zoned Commercial Retail while the remainder of the block is zoned Commercial Office. He stated that automobile traffic is the big criteria. The present situation is such that Mr. Beck cannot use the driveway on the Taco Bell property, thus there will be more traffic on Linda Avenue. The property now is in adverse circumstances even if the variance is approved. He felt it is hard to see Taco Bell sharing a driveway with an office. Under the present zoning, an ATM drive-up banking facility could operate on the property, which would be more traffic intensive than the proposed restaurant.

Mr. Tross stated the traffic concerns can be effectively addressed through site design, perhaps with an exit-only driveway on Linda Avenue, curved so that only left turns can be made. A sign that Linda Avenue is a dead end, along with the "Left Turn Only" sign could result in minimal traffic on Linda Avenue.

Mr. Tross stated the Pizza Hut restaurant could be accommodated by a driveway off River Road rather than Linda Avenue. These measures would only be possible if Taco Bell grants an easement. The Hearings Officer's denial prevented a shared driveway.

Mr. Tross also noted that only vacant land is required to be examined as possible sites. The only two other available pieces of land that are zoned Commercial Retail are many times larger than the company needed and they did not want to purchase additional land. Mr. Tross stated the conclusion of the Hearings Officer did not include the evidence that the other lots were too large for the business.

Mr. Richard E. Beck, 4485 River Road S., Salem, Oregon. Mr. Beck is a partner in the lot on the corner of Linda Avenue and River Road. He stated that when it was decided to sell the property, he let the Pizza Hut owners make the application. They were assured at that time that there would be no problem since the lot met criteria and the prospective use met the traffic condition. The site plans were reviewed.

Mr. Beck showed slides to the Council of the property from all views. Some of the slides included showed the wall erected by the Taco Bell company, the types of land use near the property, the Taco Bell driveway and the present view from the property in question. He stated the owners are now in a poor position since there is no access from their property. The plan is only half finished. He urged Council to move forward and approve the appeal.

Phyllis Nelson, 524 Linda Avenue, Keizer, Oregon 97303. Ms. Nelson is a co-owner of the subject property and had previously planned to reinvest her profits from the sale of the subject property in a home in Keizer. She is not certain that she still wishes to do so after this experience. She stated that her fence had been torn down and her privacy had been invaded since only half of the plan had been completed.

Speaking against the application were:

Lillian Walston, 513 Linda Avenue NE, Keizer, Oregon 97303, deferred to Mr. Bluhm.

Wilbur Bluhm, 743 Linda Avenue NE, Keizer, Oregon. Mr. Bluhm stated he was in agreement with the Hearings Officer. He also stated that he understood the issue of availability is but one of the issues. He elaborated on the history and character of Linda Avenue, stating little had changed in the past 15 years. The residents range from young families to senior citizens. The street has no sidewalks, is a dead end and is a children's playground. Livability and character are very important to the people there.

Since Linda Avenue is one block south of Dearborn Avenue, traffic is a serious problem. He said that the signal at Dearborn Avenue often causes traffic to be backed up three or four blocks to the south and it is difficult to get onto River Road. He was concerned that people coming out of Pizza Hut would not follow the sign, but would come down Linda Avenue looking for a cross street to miss the light.

Mr. Bluhm raised the question of what might happen if the zone is changed to Commercial Retail and a restaurant did fail there. He stated the proper land use action is to try to build buffers where you have highly conflicting uses of land. He was not pleased with the possibility of having an unsightly wall as a buffer. He was also concerned about the impact of the restaurant noise, lights and late hours. It is possible an emergency vehicle might have difficulty getting down Linda Avenue if traffic were blocked at the intersection. He was extremely concerned about that being a life-or-death matter. River Road is the only access the people of Linda Avenue have and it is an extremely serious issue.

Marilyn Wendel, 754 Linda Avenue, Keizer, Oregon 97303. Ms. Wendel was concerned about the extra traffic that might be generated on a street that is .2 of a mile long. The street also has no other access. She mentioned the extra noise that will be generated by the restaurant since the people using it will be younger. She was concerned that the corner in question would be a real problem for a high impact restaurant. She also suggested two alternate sites.

Isabelle Cassidy, 7333 Linda Avenue NE, Keizer, Oregon 97303, concurred with the previous speakers.

Dorothy Shearer, 583 Linda Avenue NE, Keizer, Oregon 97303, concurred with the previous speakers.

Jackie B. Miller, 744 Linda Avenue NE, Keizer, Oregon 97303, concurred with the previous speakers.

Ed Schunke, 644 Linda Avenue NE, Keizer, Oregon 97303, concurred with the previous speakers.

Al Lofstedt, 624 Linda Avenue NE, Keizer, Oregon 97303, stated he was a renter and concurred with the previous speakers.

Deby Nelson, 624 Linda Avenue NE, Keizer, Oregon 97303, agreed with the previous speakers.

Gary Ryder, 663 Linda Avenue NE, Keizer, Oregon 97303. Mr. Ryder suggested a curb be built into the exit onto Linda Avenue. He said it wouldn't take many cars to block both lanes, which would cause problems for emergency vehicles getting in. He pointed the Council to the key points of the Hearings Officer's decision, especially the availability of alternative properties. He thought that Pizza Hut could consider occupied properties if they were so inclined.

Lillian Walston, 513 Linda Avenue NE, Keizer, Oregon 97303. Ms. Walston stated she lives behind the dental complex. She had reported in the first hearing that her apartment had been hit four times and not all the damage had been repaired. On the end of the apartment there is a private driveway with a "No Trespassing Sign", but people still whip through there. She also stated she was a heart patient and was concerned about emergency vehicles being able to get in if the traffic increased.

Evelyn Franz, 693 Linda Avenue, Keizer, Oregon 97303. Ms. Franz commented on the number of fast-food places presently visible from the property. Ms. Franz said that she and Ms. Shelton had done some research on available properties and on April 6 she found 22 places from the Parkway to Manzanita. Nine of the properties are zoned Commercial Retail and three are zoned Commercial Office.

Roy Shelton, 723 Linda Avenue, Keizer, Oregon 97303. Mr. Shelton said that he had lived in that location over 30 years. He was concerned about the bus stop for the children to get on and off the school bus. The children would be required to go along River Road or through the Pizza Hut and Taco Bell properties. He also pointed out there is a U-shaped court across from the property that would not be protected by the wall on the east perimeter, thus causing the senior citizens to be affected by the noise. Mr. Shelton pointed out the Senior Citizen court on the map at the request of Councilor McGee.

Carol Shelton, 723 Linda Avenue NE, Keizer, Oregon 97303, concurred with the previous speakers.

Bev Ryder, 663 Linda Avenue NE, Keizer, Oregon 97303, concurred with the previous speakers.

Jim Shelton, 723 Linda Avenue NE, Keizer, Oregon 97303, concurred with the previous speakers.

Dyan Hood-Taylor, 674 Linda Avenue NE, Keizer, Oregon 97303, concurred with the previous speakers.

Joni Gilles, 684 Linda Avenue NE, Keizer, Oregon 97303, concurred with the previous speakers.

Beth Shelton, 724 Linda Avenue NE, Keizer, Oregon 97303, concurred with the previous speakers.

George Sukos, 773 Linda Avenue NE, Keizer, Oregon 97303, concurred with the previous speakers.

Russell Smith, 672 Maine Avenue NE, Keizer, Oregon 97303. Mr. Smith stated that although he lived on Maine Avenue, he was speaking against allowing the same thing to happen to Linda Avenue that happened to his street. The two streets are like bookends since they are similar in character. He felt there would be more benefit in maintaining the current office zoning and having a diverse economic situation rather than turning the area into a fast-food strip.

Councilor Newton questioned how Mr. Smith differentiated that situation from James Avenue since it was similar. Mr. Smith stated that James Avenue may have some intersecting streets. Every house on Linda Avenue gets every car coming past it. He believed with older folks and rental property down the avenue, Pizza Hut did not fit.

Al Lofstedt, 624 Linda Avenue NE, Keizer, Oregon 97303. Mr. Alstead believed no matter where the turn is put, the drive will be too short to channel the cars back onto River Road without using Linda Avenue. He felt drivers are going to get smart and zigzag over to Dearborn Avenue through the private drive.

Speaking in rebuttal to the opponents of the variance were:

Jeff Tross, 1720 Liberty Street SE, Salem, Oregon 97302. Mr. Tross stated that although he heard sincere comments, he was certain there are solutions. The effect of traffic today on Linda Avenue is a problem which is not caused by Mr. Beck's property. He felt the City of Keizer had the talent to work out the traffic problems. If there were to be no driveway on Linda Avenue, then the development would not cause a problem. He also

didn't think there would be a problem for emergency vehicles, but if there were, the vehicle could cut through the Pizza Hut Property and get out.

With the present zoning, one of the examples of use permitted today would be a drive-up banking center with constant traffic. A restaurant has peak times, lunch and dinner. The dinner hour is typically after the rush hour. Two driveways would likely not create any compounding of traffic. A limited use condition has been proposed and would be a natural.

Mayor Orcutt questioned whether he heard Mr. Tross state that the development could live with no driveway if access could be obtained to the Taco Bell driveway. Mr. Tross answered, "Yes." Mayor Orcutt also asked about the aesthetic issue. Mr. Tross stated they would be willing to install something other than a wall which would be a buffer, but since that doesn't provide a sound barrier, maybe a wall with hedge would be best.

Councilor Miller asked whether both businesses are owned by Pepsico or did they just own the franchise. Mr. Tross answered that he understood the two were subsidiaries. The Pizza Hut will be owned completely separately. Since Pizza Hut is one of the largest companies nationwide, not many are allowed to close and disappear. He also stated that the use of property with River Road frontage was supposed to be for automobile traffic and Pizza Hut would fit. It would only have 41 parking spots and is a family restaurant. If there is a traffic problem, the city needs to address the problem, which he did not believe was associated with his property.

John Morgan, Community Development Director, gave the final staff comments. He stated that the two businesses are separate franchise holders and their only connection is that they have one delivery truck. The driveway permit for Taco Bell was granted with several conditions. They were required to grant to the Beck property access so that whatever business was there could use the driveway.

He also stated the Taco Bell people agreed to relocate the driveway if the River Road Design Plan feels it should be moved. The traffic issues brought up will perhaps be changed by the implementation of the second year of the Design Plan. The thrust is to synchronize all the signals and time the progression for 30-32 miles per hour. This would create platooning and bunch the cars up. He also stated that while there are uses in the Commercial Retail zone that generate more traffic, a medical office would create more than a Pizza Hut.

There being no further testimony to come before the Council, Mayor Orcutt closed the public hearing.

EXHIBIT "B"

Criteria and Standards

The criteria and standards relevant to this application are found in the City of Keizer Zoning Ordinance (KZO) and the Keizer Comprehensive Plan (KCP).

Of importance in this particular application are the procedures outlined in the KZO Section 4.16 (Procedure for Zone Changes), Chapter 27 (Commercial Office Zone), and Chapter 28 (Commercial Retail Zone).

Also of particular importance is the "Goals and Policies: Economic, Commercial and Industrial Development" section of the Keizer Comprehensive Plan (pages 40-43).

EXHIBIT "C"

Facts

1. The subject property is designated Commercial in the Keizer Comprehensive Plan and zoned CO (COMMERCIAL OFFICE).

2. The 0.53 acre subject area consists of two parcels located on the southeast corner of the intersection of River Road and Linda Avenue. A single-family dwelling is located on the subject property.

3. Property to the south is zoned CR (COMMERCIAL RETAIL). Building plans were approved to construct a Taco Bell restaurant on the site. Property to the north is also zoned CO and contains a medical office complex. Land to the west is zoned both CR and CO and includes a bank, gas station and medical offices. To the east is RS (SINGLE FAMILY RESIDENTIAL) zoned land containing single-family residents.

4. The Applicants are requesting approval to rezone the subject property to CR (COMMERCIAL RETAIL) to permit the development of a Pizza Hut restaurant.

5. The City of Keizer Fire District noted that fire hydrants are located on both Maine Street and Linda Avenue; fire suppression will not be a problem.

6. The City Public Works Department noted that public water and sewer services are available to the site and indicated that a half-street improvement along the subject property's Linda Avenue street frontage should be provided. The improvements should include paving, curbs, drainage and sidewalk facilities.

7. The City Traffic Engineer provided comments regarding access to the property that apply to both the proposed zone change and the Taco Bell property located to the south. In general, the Traffic Engineer is opposed to any access to River Road, preferring the access be limited to the side streets of Maine Street and Linda Avenue, with a connecting alley on the east side of both properties. If access to River Road is permitted, the access should be directly opposite Evans Street and serve both the Pizza Hut and Taco Bell properties. The engineering report is contained within the file and is made part of the submitted record. No other contacted agency responded.

8. The zone change would permit the establishment of a Pizza Hut restaurant. The restaurant building would contain approximately 2900 square feet with parking for 41 automobiles. The site development plan calls for access to both Linda Avenue and River Road. The restaurant will also feature a drive-up pick-up window located on the north side of the building.

With regard to the zone change criteria in KZO Section 4.16, the following findings are relevant:

9. The existing plan designation for the property is Commercial. Pursuant to Section 4.02 of the Zoning Ordinance, the four permitted zone classifications within this plan designation are CO (COMMERCIAL OFFICE), CR (COMMERCIAL RETAIL), CG (COMMERCIAL GENERAL) and UT (URBAN TRANSITION). The proposed zone is appropriate for the Comprehensive Plan designation. KZO 4.16(1)(a).

10. The Applicants submitted a site plan indicating the proposed restaurant can be physically located on the subject property. The site plan complies with CR zone development requirements regarding setbacks and landscaping areas. The proposed plan will also be able to comply with the requirements in Chapter 17 to 20, regarding access, parking, buffering, vision clearance areas, special setbacks, and other applicable standards. KZO 4.16(1)(b) and (c).

11. The Public Works Department noted adequate public facilities are available to serve the property. Other than the required street frontage improvements on Linda Avenue, no additional public facility improvements are necessary. KZO 4.16(1)(d).

12. Restaurants are only permitted in the CR and CG zones.

13. The Comprehensive Plan seeks to diversify the local economy while ensuring compatibility with adjacent property. Design features such as special setbacks are encouraged to reduce impacts on adjacent residential uses. The proposal will convert underutilized property to commercial uses thereby diversifying the local economy. Design features creating adequate buffering are incorporated within the Zoning Ordinance and are included on the site plan. The proposed zone change is consistent with the policies of the Comprehensive Plan. KZO 4.16(1)(e).

14. The location of the appropriately zoned land is not locationally or physically suited to the particular uses proposed for the subject property, and/or such alternate sites lack specific amenities required by the proposed use. KZO 4.16(2)(a).

15. The supply of vacant land in the existing zone (COMMERCIAL OFFICE) is adequate to accommodate the projected rate of development of uses allowed in the zone during the next five years. KZO 4.16(2)(b).

16. The proposed zone, when modified to provide for a limited use overlay, will not allow uses that would destabilize the land use pattern of the area or significantly adversely affect adjacent property. KZO 4.16(2)(c).

17. The proposal generally complies with the zone change criteria found in Section 4.16. However, the CR zone may permit activities that are detrimental to the residential area. The use of development conditions and the placement of a limited use overlay zone may be necessary to ensure future development of the site does not significantly affect adjacent residential areas.

With regard to the zone change conditions criteria in KZO Section 4.18, the following findings are relevant:

18. The zone change to COMMERCIAL RETAIL will allow uses more intensive than allowed in the current zone (COMMERCIAL OFFICE).

19. The conditions delineated in Exhibit "E" are reasonably related to impacts caused by the development which will be allowed in the proposed zone, and/or to impacts caused by the specific development proposed on the subject property.

20. The conditions listed in Exhibit "E" will serve the public purpose of mitigating potentially negative impacts of the allowed uses on adjacent property.

21. The conditions listed in Exhibit "E" are based upon policies or standards contained in the Keizer Comprehensive Plan and/or Keizer Zoning Ordinance.

EXHIBIT "D"

Justification

The Applicant has the burden of proving that the application meets the relevant standards and criteria to be applied in this particular case.

In the current case, the Applicants have requested a zone change from COMMERCIAL OFFICE to COMMERCIAL RETAIL. As part of the application process, such zone change shall be modified to be a request for a COMMERCIAL RETAIL-LIMITED USE OVERLAY (CR-LU), restricting the uses of the property as detailed in Exhibit "E".

Opponents to the zone change request cited traffic and safety concerns as reasons to deny the zone change. The common fear was that access from the proposed Pizza Hut restaurant to Linda Avenue will cause patrons to turn down Linda Avenue when exiting and only to find that Linda Avenue is a dead-end street. Such motorists would then have to turn around causing additional congestion and traffic concerns on Linda Avenue. In addition, there was a concern that vehicles may use the private drive north of the subject property to gain access to Dearborn Avenue where there is a traffic signal.

To address such concerns, the zone change will be conditioned on limiting access to and from Linda Avenue for service vehicles only and such access will be gated at all other times.

Another concern was expressed regarding adverse noise and sight impacts caused by the proposed restaurant. Though these impacts may be unavoidable to some degree, they can be mitigated by requiring sound and aesthetic buffers to be installed as a condition of approval.

There was also discussion and debate on the criteria involving the supply of vacant land in the proposed zone. Keizer Zoning Ordinance 4.16(2)(a). Though the opponents presented examples of alternative placement of the Pizza Hut, the Applicants and their representatives indicated that such property was not locationally or physically suited to this particular use. The fact that there are other commercial retail-zoned property does not make the requested zone change inappropriate; the fact that such other property is not suited to this particular use satisfies this criteria.

The other criteria have been met as set forth in Exhibit "C". Though there may be some impacts, the proposed use will not destabilize the land use pattern or significantly adversely affect adjacent properties.

The Keizer Comprehensive Plan provides for commercial development along River Road North (see Chapter III (4)(c)(9), page 43). The Comprehensive Plan calls for encouraging commercial development. The development of this parcel will help meet such goals, while the imposition of certain conditions will mitigate any adverse impacts.

EXHIBIT "E"

Action

The City of Keizer ordains as follows:

The application of Richard Beck, Phyllis J. Nelson, J. Larry Fugate and Fugate Enterprises (Owners/Applicants) for a zone change from COMMERCIAL OFFICE (CO) to COMMERCIAL RETAIL (CR) is hereby GRANTED, subject to the following conditions:

1. The zone change request is modified to a CR-LU (COMMERCIAL RETAIL-LIMITED USE OVERLAY) zone restricting the permitted uses on the subject property to a restaurant that serves primarily dine-in customers and has no intercom-type drive-through service.

2. Prior to the issuance of a building permit, the Applicants shall:

- a) Half-street improvements to be installed along the subject property's Linda Avenue frontage shall be reviewed and approved by the City Department of Public Works.
- b) The Applicants shall connect the subject property public sewer and water service.
- c) The Applicants shall submit a final site development plan substantially conforming with the plan submitted March 19, 1992, and such final site development plan shall be approved by the Keizer Community Development Department.

3. Prior to issuance of the final Certificate of Occupancy, the Applicants shall:

- a) Be in compliance with all applicable development standards contained within the Keizer Zoning Ordinance.
- b) Public access to the subject property shall be limited to a driveway on River Road North and any driveway onto Linda Avenue North shall be gated and used only by service vehicles.
- c) A sound wall shall be constructed along the east boundary of the subject property in a similar manner to the wall located on the lot directly to the south of the subject property (Taco Bell).

- d) A sound and aesthetic buffer shall be constructed on the north side of the subject property from the service entrance on Linda Avenue west to River Road North, however, such sound and aesthetic buffer shall not violate the vision clearance requirements of Chapter 17.
- e) The Owners/Applicants shall have recorded in the Marion County Real Property Records an access easement benefiting the subject property and granted by the property owner on the parcel to the south (Taco Bell) to allow vehicular access from the Taco Bell driveway. No driveway permit onto River Road shall be granted without amendment of this Ordinance or approval via an adopted urban renewal program. The Applicants shall cooperate, at their own expense, with any relocation of the shared driveway resulting from the recommendations of the River Road Design Plan when adopted, or any subsequent detailed implementing plan.



1982

City of Keizer

Administration

930 Chemawa Rd. N.E. • P.O. Box 21000

Keizer, Oregon 97307-1000 • (503) 390-3700 • Fax # 390-8295

CITY COUNCIL MEETING: JULY 20, 1992

AGENDA ITEM NUMBER: 8a

TO: MAYOR AND CITY COUNCIL
FROM: DONALD H. OTTERMAN, CITY MANAGER
SUBJECT: EXTENSION OF LAYOFF NOTICES

ISSUE

Shall the City Council extend the layoff notices issued as a result of the defeat of the levy?

DISCUSSION

The City gave layoff notices to seven city employees in June 1992, that were effective July 3, 1992 if the levy was defeated. On June 30, 1992 the City Council extended the effective date of those layoff notices to August 3, 1992 and authorized the transfer of funds from Revenue Sharing and Capital Outlay-Police Department to make up the difference to carry those positions for 30 days.

Since the time the layoff notices were given, there have been some changes in the status of the employees that received the notices. The following is a summary of the status of those employees.

POLICE DEPARTMENT

June 30 1992 Action -
5 Police Officers given layoff notices. Two existing positions were not filled and will not be filled prior to the decision.

Current Status-
One Police Officer who was not going to be laid off has resigned due to a job transfer of her husband. the officer with the most seniority who was going to be laid off will fill

CITY HALL

June 30 1992 Action-
Two part time employees given layoff notices.

Current Status-
The Court Clerk that was given a layoff notice has been appointed pro tem City Recorder and will fill in until the position has been reorganized. The Personnel Analyst is still

her position and there will not be the need to layoff that employee. The other 4 officers are still in the status of potential layoff.

subject to layoff.

The City Council has asked that I estimate the amount of funds necessary to carry all positions until after the September 15 levy. The following is an estimate, by position, of those costs.

Title	Salary/month	Fringe Benefits	Total
Police Officers (4)	\$8,608	\$3,598	\$12,206
Personnel Analyst	<u>866</u>	<u>298</u>	<u>1,164</u>
Total	\$9,474	\$3,896	\$13,370

The City Council on June 30, 1992 extended the layoff notices that were to be effective July 3, 1992 for a period of 30 days. I recommended to the Council at that meeting that if it would like to find funds to postpone the layoffs that it could transfer funds from Revenue Sharing and not budget the expenditure for a K-9 car from General Fund, and it would be enough funds to cover the extension of the layoffs for a period of 90 days. The Council chose to follow that recommendation, but only extended the layoffs for 30 days. The transfer of funds is adequate to postpone the layoffs until after the September 15 levy vote.

If the Council chooses to request of the voters a status quo budget maintaining all positions, the funds for the first 90 days of the fiscal year would be included for all positions and the proposed budget would be adequate to cover any extension of layoffs.

RECOMMENDATION

If the Council wishes to retain all positions in the budget that will be the basis for the levy request, it should keep all positions filled until the end of September. It would not be wise to layoff any employee in the hopes of hiring that employee back if the levy passes due to the fact that the employees that have received layoff notices are well trained employees and will probably not have difficulty finding other jobs. The city would then have to hire and retrain persons for those positions and spend funds in the training process that has already been expended for training the current employees. Funds have been made available by the City Council for the next 60 days in the no levy budget that would have to be adopted if the levy fails.



City of Keizer

Administration

930 Chemawa Rd. N.E. • P.O. Box 21000

Keizer, Oregon 97307-1000 • (503) 390-3700 • Fax # 390-8295

CITY COUNCIL MEETING: July 20, 1992

AGENDA ITEM NUMBER: 8b

(ORIGINAL UNDER AGENDA ITEM NO. 4a)

TO: MAYOR AND CITY COUNCIL

FROM: DONALD H. OTTERMAN, CITY MANAGER *DH*

SUBJECT: CHARTER REVIEW COMMITTEE REPORT

ISSUE

Shall the City Council review the report of the Charter Review Committee and place proposed amendments to the Charter on the November ballot?

DISCUSSION

The Charter Review Committee has been meeting for several months reviewing the existing Charter and comparing our Charter with the Charters of other communities and the model Charter that was prepared by the Bureau of Governmental Research and Service, University of Oregon.

The report of the committee and the proposed Amended Charter were sent to the Council on July 10, to give the Council additional time to review the information prior to the meeting of July 20, 1992.

The chairman of the Committee, Chet Patterson, will be presenting to the council a verbal report of the committee at the July 20 meeting, and will be available for questions. It is anticipated that the Council will not be ready to place the matter on the ballot on July 20, but will have issues that need to be resolved during future meetings.

Prior to the matter being submitted to the voters, I would recommend that the Council hold a public hearing on the changes that are recommended by the Council after deliberations. The Council has until September 3, 1992 to place a measure on the November ballot.

RECOMMENDATION

It is recommended that the City Council hear the presentation from the Chairman of the Charter Review Committee and then discuss this evening any concerns that the City Council may have regarding the proposed changes. If the Council wishes the committee to do additional work on the proposed changes, it should give the committee direction to follow regarding any specific issues. The committee would then have the remainder of July to review its work and report back to the Council at the August 3 City Council meeting.

A public hearing could be held by the City Council on August 17, and the revisions directed to the county by September 3.



City of Keizer — Community Development

Phone: 390-3700 • Fax # 390-8295

930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, Oregon 97307-1000

CITY COUNCIL MEETING: July 20, 1992

AGENDA ITEM NUMBER: 8c

TO: MAYOR AND CITY COUNCIL

THROUGH: DONALD H. OTTERMAN M.S.P.A. *DKO*
CITY MANAGER

FROM: JOHN N. MORGAN, AICP *JN*
COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: STATUS REPORT - PERIODIC REVIEW OF THE
CITY OF KEIZER COMPREHENSIVE PLAN

BACKGROUND:

The City Council opened its public hearing on the periodic review of the Keizer Comprehensive Plan on May 4, 1992. The hearing was held over until June 15, 1992. Following close of the hearing that night, the Council directed staff to prepare an ordinance adopting the periodic review.

Marion County submitted testimony asking for changes in two policies. First, they asked that the residential density policy be designated a sub-regional policy thereby subject to revision only with the approval of the County. Second, they asked that an industrial lands policy be adopted requiring that when industrial parcels over 40 acres are divided, there are as many 40 acres parcels as possible resulting from the division.

The Council rejected these two proposals. A copy of a letter to the County explaining the Council's position is attached.

CURRENT STATUS:

The County responded to the letter with a letter explaining their position. A copy is attached. In that letter Commissioner Pearmine suggests that the Council and Board of Commissioners meet to resolve these differences. Staff would be pleased to arrange this meeting if the Council so desires.

Keizer has adopted the Salem Local Review Order. However, negotiations between Marion County and Salem on several points will probably result in changes to that document. If so, Keizer will need to hold another public hearing and adopt the revisions. A copy of a Salem staff report on this point is attached.

RECOMMENDATION:

It is recommended Council:

1. Direct staff to set up a meeting with the Marion County Board of Commissioners to discuss the County's proposed changes; and
2. Select the members of the Council that will participate in this meeting.





City of Keizer — Community Development

Phone: 390-3700 • Fax # 390-8295

930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, Oregon 97307-1000

June 18, 1992

Russ Nebon, Chief Planner
Marion County Planning Division
220 High Street NE
Salem, OR 97301

Dear Russ:

RE: Periodic Review of the Keizer Comprehensive Plan

At its meeting of June 15, 1992, the Keizer City Council directed staff to prepare the adoptive ordinance for Keizer's periodic review order. The Council specifically did not include the two recommendations from Marion County for the following reasons:

There already is a regional policy on residential density. It speaks to the City's responsibility to assure "...effective utilization of land..." guided by "...residential density objectives...." Keizer's proposed local policy on residential density calls for an average density of 6.5 dwelling units per gross acre.

The Council is committed to this policy and finds no reason why the Board of Commissioners should have veto power over any future adjustment. The County will have ample opportunity to participate in any future discussion of a potential change and would be in excellent position to challenge a move to lower the standard.

Throughout this periodic review process, Keizer has been fighting to increase its capability to determine its own future and manage its own affairs. The Council clearly recognizes Keizer's Urban Growth Boundary is unlikely to be expanded in the foreseeable future and effective utilization of the land is paramount to the community. Keizer does not need the County to share in its management of the land within its borders.

The Council also rejected the industrial lands policy. There is only one parcel in Keizer, Keizer Industrial Park, affected by this proposal. The City is keenly interested in seeing this property develop, and does not want to inhibit it by not allowing land divisions necessary to meet market demands.



Russ Nebon

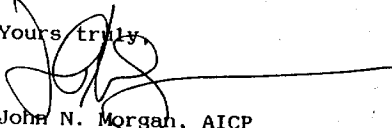
June 18, 1992

The Campus Light Industrial plan designation anticipates warehousing, assembly, and other light industrial uses that generally do not require 40 or more acres. While certain heavier industries do, there apparently are several locations within Salem that could meet this potential demand. Keizer's comprehensive plan does not anticipate meeting this type of need.

I request that you bring this matter back to the Board of Commissioners for concurrence with the periodic review order as drafted. If you, or any Commissioner, wish to address the Council on this matter, I invite you to do so at the Council's meetings of July 6th or July 20th.

If you have any questions, please contact me at your convenience.

Yours truly,


John N. Morgan, AICP
Community Development Director

cc: City Council
Don Otterman, City Manager
Shannon Johnson, City Attorney
Kenn Battaille, Planning Administrator, City of Salem
Dave Perry, Acting Planning Director, Polk County
Bob Rindy, Department of Land Conservation and Development



Marion County

OREGON

BOARD OF COMMISSIONERS

(503) 588-5212

**BOARD OF
COMMISSIONERS**

Randall Franke
Gary Heer
Mary Pearmine

**ADMINISTRATIVE
OFFICER**

Ken Roudybush

June 30, 1992

Mayor and Council
City of Keizer
P.O. Box 21000
Keizer, OR 97307-1000

RECEIVED

JUN 1 1992

Dear Mayor and Council:

We have been advised of your action on June 15, 1992 with regard to our proposed changes to the Keizer Comprehensive Plan Periodic Review Order. We are sorry we were not informed that the memo regarding the Comprehensive Plan was on your agenda. We would have been more than happy to answer questions and discuss the issue before your meeting. This letter provides further explanation of our concerns in the hope that the city and county can reach concurrence.

Issue #1: We were pleased that Keizer agreed to include both the regional and the specific policies relating to residential densities. However, one of the reasons cited by the City of Keizer for separating the regional policies from local policy was to clarify concurrence requirements. Since Salem considered this an urban area policy we assumed that Keizer would also. The regional policies indicate that these policies can be revised with the concurrence of those jurisdictions within the urban area - in this case Keizer and Marion County.

The response from the Keizer Community Development Director surprised us by implying that the specific residential density policy was a "local" policy and that the county would need to appeal to LUBA, if we disagreed with any change adopted by Keizer.

Both urban areas are within a single urban growth boundary. In fairness to both cities, and recognizing that implementation of this policy affects property owners and voters both in and outside the Keizer urban area, any policy revisions must be contingent on the concurrence of the city and county officials elected to represent these affected constituencies.

Issue #2: As a result of the Project 90 effort in 1981 to identify and protect large industrial sites the Epping property on the east side of North River road

was placed in a campus light industrial designation. The following policy was added to the Salem/Keizer Comprehensive Plan:

"Divisions of parcels of 20 acres or more, designated for industrial use, into smaller parcels shall be discouraged".

This was a regional policy that applied in both the Salem and Keizer urban areas. The City of Salem subsequently began emphasizing medium scale industry and partitioned some industrial land into parcels of less than 20 acres. As part of Periodic Review the City of Salem and Marion County agreed to modify the policy to provide greater review of divisions of 40+ acre industrial sites and provide for county concurrence in any proposal to divide three particular sites. The county was aware of only one 40+ acre industrial site in the Keizer urban area outside of the Willow Lake Treatment Plant Influence Area. This is the Epping site that we suggest be protected with a similar policy. If the Salem Area policy wording is adapted to Keizer it would read as follows:

"The division of the industrially designated parcel of 40 acres or more, located on the east side of North River Rd. at the Nottingham Dr. intersection, shall be subject to a special review and approval process. This parcel may be divided after a public hearings process and recommendation by the Keizer Planning Commission and final concurrence by the City of Keizer and Marion County as the final decision. The purpose of this provision is to maintain one site in the Keizer urban area suitable for large labor intensive industry."

The June 18 memorandum from the Keizer Community Development Director suggests that Keizer, like Salem, is focusing on non-labor intensive or small scale labor intensive industries that need smaller sites. Please note that the proposed policy does not rule out creation of some smaller sites, but the county will not look favorably on proposals to expand the urban growth boundary to include a 40 acre or larger parcel after a suitable site has been fragmented.

Before the Keizer Council takes further formal action on Periodic Review we invite the Mayor and Council to meet to discuss these two issues. We will be happy to host the meeting if you will advise us of a convenient date and time.

Sincerely,



Mary Pearmine,
Chair

c: Planning

TO: MAYOR AND CITY COUNCIL

THROUGH: GARY A. ELDE, CITY MANAGER *J. Wacker*

FROM: *Robt Briscoe*
ROBERT BRISCOE, DIRECTOR
COMMUNITY DEVELOPMENT

SUBJECT: PERIODIC REVIEW: A STRATEGY FOR COMPLETION

ISSUE

What is the status of Periodic Review and what are the steps to complete it?

POLICY DECISIONS

None.

BACKGROUND

All four local jurisdictions (Salem, Keizer, Marion County and Polk County) must concur in any change in the Salem Area Comprehensive Plan. Periodic review consists of 200 to 300 changes in the Plan. Concurrence has yet to be achieved on all the proposed changes.

FACTS AND FINDINGS

1. A proposed Final Local Review Order for the Salem Area Comprehensive Plan was published in July 1991.

SALEM Closed its hearing in September 1991, awaiting concurrence from the other three jurisdictions.

Adopted the Keizer Comprehensive Plan Final Order.

Endorsed eight policy revisions initiated by Marion County.

Action Required. Hold a public hearing August 10, 1992 on the eight revised policies initiated by Marion County. Wait for concurrence from the three jurisdictions prior to adoption of the entire Final Order.

KEIZER Adopted the SACP final order of September 1991 and seven of eight of the policy revisions originating with Marion County.

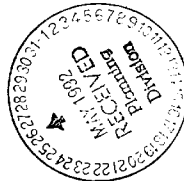
Action Required. Hold a public hearing for the one of eight policy revisions initiated by Marion County remaining to be heard and adopted as an amendment.

POLK
COUNTY Adopted an ordinance regarding the SACP and Periodic Review.

Action Required. Hold a public hearing and adopt the July 1991 Review Order, as amended by the eight policy revisions initiated by Marion County.



Marion County
OREGON
COMMUNITY DEVELOPMENT
DEPARTMENT



DIRECTOR
Craig O. Luedeman

BUILDING INSPECTION
(503) 588-5147

**PLANNING &
ENFORCEMENT**
(503) 588-5038

**BOARD OF
COMMISSIONERS**
Randall Franke
Gary Heer
Mary Pearmine

**ADMINISTRATIVE
OFFICER**
Ken Roudybush

MEMORANDUM

TO: Kenn Battaile, City of Salem
FROM: Russ Nebon, Marion County
DATE: May 22, 1992
SUBJECT: Periodic Review

The Board of Commissioners reviewed and approved the industrial policy proposed in your memorandum of May 11, 1992.

The Board is ready to proceed with adoption of the Salem Area Comprehensive Plan Final Local Review Order with this industrial policy included in lieu of Industrial Policy 12, and with the previously agreed upon modifications, but excluding the proposed General Development Policy 18 regarding annexation of new development contiguous to the city limits. Until the adverse effects of annexation on property tax revenues as a result of Measure 5 are addressed the Board is unwilling to alter longstanding plan policy.

Let me know if the city would like the county to proceed with final approval on this basis.

ATTACHMENT A



1982

City of Keizer

Administration

930 Chemawa Rd. N.E. • P.O. Box 21000

Keizer, Oregon 97307-1000 • (503) 390-3700 • Fax # 390-8295

CITY COUNCIL MEETING: July 20, 1992

AGENDA ITEM NUMBER: 8d

TO: MAYOR AND CITY COUNCIL
FROM: DONALD H. OTTERMAN, CITY MANAGER
SUBJECT: EXTENSION OF VIACOM CABLE FRANCHISE AGREEMENT

ISSUE

Shall the City Council authorize an extension of the present cable franchise agreement from August 19, 1992 to January 20, 1994?

DISCUSSION

Attached is a memorandum from the City Attorney regarding the history behind the Viacom Cable franchise agreement. The franchise is scheduled to expire August 19, 1992. The City Council in January 1990 authorized the City Manager to contact the Joint Government Committee on Cable Television and request that they represent the City in negotiating the new franchise. I did contact the Committee and was told that they did not want to represent the City of Keizer because the City had chosen not to be members of the PEG access cable communication system and was not contributing to the system monetarily.

At that time I chose to monitor the progress of the Committee in the negotiations and felt that they were better equipped to handle the negotiations. They have not been able to negotiate a new franchise agreement, and have approved an extension to January 20, 1994 for the current franchise agreement. A copy of the staff report from the City of Salem is attached.

Federal regulations regarding the cable industry are very complex. I would recommend that the City consider again asking the Joint Government Committee to include Keizer in their negotiations, or that the City consider hiring a consultant to carry on the negotiations. Paying the Joint Government Committee would be more cost effective for the city.

RECOMMENDATION

It is recommended that the City Council approve the Resolution extending the franchise agreement to January 20, 1994 and that the City once again approach the Joint Government Committee on Cable Television for the purpose of requesting that they represent the City in further negotiations.

"Pride, Spirit and Volunteerism"

MEMORANDUM

TO: Don Otterman, City Manager
FROM: John A. Lien, City Attorney 
RE: Cable Franchise Extension
DATE: July 17, 1992

ISSUE:

Whether to authorize an extension of the present cable franchise agreement from August 19, 1992 to January 20, 1994.

BACKGROUND:

In 1987, the Council adopted Ordinance 87-082, which provided the regulatory framework for granting cable television systems within the city. The Council also adopted Resolution R87-300, which authorized a cable television franchise to Far-West Communications, Inc. That five-year franchise expires August 19, 1992. In 1988, the Council considered a proposed intergovernmental agreement with Salem, Marion County and Polk County to construct, operate and maintain a unified public, educational or government (PEG) access cable communication system. After consideration, the Council declined to participate in the intergovernmental agreement because of the expense involved.

In January of 1990, the Council considered the question of negotiating individually for renewal of its Viacom Cable television franchise. The Council decided to authorize the joint government committee on cable television to negotiate on behalf of the City of Keizer. At that time, the Council authorized the City Manager to pay up to \$5,000 for the intergovernmental committee on cable television to act on Keizer's behalf in phase I of the renewal process. It is my understanding that the intergovernmental committee declined to act on Keizer's behalf in the negotiations with Viacom.

It is my understanding that the intergovernmental committee on behalf of Salem and Marion County has been studying what additional features and technical upgrades they want in the cable television system. Those jurisdictions did not feel they were ready to negotiate a renewal of their franchises at this time. Consequently, Salem and Marion County have negotiated an extension of their franchise agreements to January 20, 1994.

Given Keizer's limited funding and very limited expertise in this area, Keizer has adopted the strategy of piggybacking upon the franchise agreement that Salem and Marion County negotiate with Viacom. As a result, we have had no direct negotiations with Viacom concerning the terms for renewal of Keizer's cable television franchise with them. I have had discussions with Carol Sullivan from Marion County concerning the renewal issue. She requested that Keizer enter into the extension agreement giving all jurisdictions a common renewal date in order to facilitate their negotiations with Viacom. I have spoken briefly with Terry Dillon from Viacom. He expressed Viacom's willingness to enter into the franchise extension agreement.

I have modified the franchise extension agreement entered into by Salem to more closely fit Keizer's situation. I have also drafted a resolution authorizing the franchise extension agreement. Please be advised that I have not undertaken any in-depth analysis of the agreement or the franchise situation. As you know, regulation of cable television systems is a highly technical area. I have not undertaken an in-depth analysis of the situation because of the potential expense to the City. If the Council wishes to pursue more active and direct negotiations with the cable television franchisee, we will have to consider whether to proceed on our own or retain a consultant to advise us.

JAL:clt

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 Resolution R92-_____

3 AUTHORIZING AN EXTENSION OF THE CABLE
4 TELEVISION FRANCHISE AGREEMENT WITH FAR-WEST
5 COMMUNICATIONS, INC.

6 WHEREAS, the City of Keizer, pursuant to Resolution R87-300,
7 authorized and entered into a franchise agreement with Far-West
8 Communications, Inc., a wholly owned subsidiary of Viacom
9 International, Inc., to operate, construct, maintain and
10 reconstruct a cable television system within the city; and

11 WHEREAS, it is in the mutual interests of the parties to
12 continue the franchise while the City evaluates public need and
13 policy concerning a renewed franchise; NOW, THEREFORE,

14 BE IT RESOLVED by the City Council of the City of Keizer that
15 the City enter into the attached Franchise Extension Agreement with
16 Far-West Communications, Inc. extending the franchise to and
17 including January 20, 1994, and that the Mayor and City Recorder
18 are authorized to sign said agreement on behalf of the City of
19 Keizer.

20 PASSED this _____ day of _____, 1992.

21 SIGNED this _____ day of _____, 1992.

22 _____
23 Mayor

24 _____
25 City Recorder

26 824D.003

FRANCHISE EXTENSION AGREEMENT

This Agreement is made between the CITY OF KEIZER, an Oregon municipal corporation ("City"), and FAR-WEST COMMUNICATIONS, INC., an Oregon corporation dba VIACOM CABLE ("Viacom"), for the purpose of extending the terms and conditions of a certain AGREEMENT (the "original franchise") dated August 19, 1987 between the City and Viacom's predecessor in interest granting Viacom a franchise for a cable television system with the City.

IN CONSIDERATION of the mutual benefits and obligations derived by the parties, including without limitation Viacom's continuation of franchise rights and City's benefit in obtaining more time to evaluate public need and policy concerning a renewed franchise, the parties agree as follows:

1. City recognizes Viacom's letter request of September 21, 1989 that the City commence franchise renewal proceedings under Section 626 of the Cable Communications Policy Act of 1984 (the "Cable Act"). Viacom recognizes that City has not completed such proceedings, having good faith concerns relating to anticipated technological advances, the state of the local economy, and the public interest in having a viable cable franchise for the community.

2. The parties agree that such concerns should be resolved in order that renewal proceedings may be based on a franchise expiration date of January 20, 1994.

3. The parties agree that by extension of the franchise to January 20, 1994, all rights and obligations provided the parties under the Cable Act shall remain intact and in full effect as though the original franchise had expired on January 20, 1994. All prior notices, requests, and acts relevant to establishing rights and obligations under the Cable Act shall be deemed to have been timely given and done with reference to that date.

4. Neither Viacom nor City shall assert any claim, denial or defense based upon the expiration date of the original franchise agreement.

5. Viacom shall, during the extended term of the franchise, continue its obligation to provide PEG access under Article 6 of the original franchise agreement.

6. Viacom shall, for the extended term of the franchise, provide funds not to exceed Sixty-Seven Thousand Five Hundred Dollars (\$67,500) upon the same terms and conditions as provided in Section 6.3 of the original franchise with Salem.

///

7. City shall enact a resolution approving extending the franchise agreement approved by City of Keizer Resolution No. R87-300 on or before August 19, 1992, or this Agreement shall expire without further notice or action.

IN WITNESS WHEREOF, the parties have caused this Agreement to be signed in their respective names by their duly authorized representatives as of the dates set forth below.

CITY OF KEIZER, an Oregon
Municipal Corporation

FAR-WEST COMMUNICATIONS, INC.
an Oregon Corporation, dba
VIACOM CABLE

By: _____
Mayor

By: _____
General Manager

Date: _____

Date: _____

By: _____
City Recorder

Date: _____

824D.002

VIACOM CABLE

More of What You're Looking For.

June 16, 1992

Andrew J. Orcutt
Mayor of Keizer
PO Box 21000
Keizer, OR 97307

RECEIVED

'92 JUN 17 AM 10 24

Dear Mayor Orcutt:

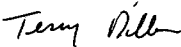
Enclosed please find a copy of the City of Salem's *Franchise Extension Agreement* between Viacom Cable and the City of Salem.

This agreement extends the terms and conditions of our 1987 agreement to January 20, 1994. Both parties agree that all rights and obligations provided the parties under the Cable Act shall remain in effect as though the original franchise had expired on January 20, 1994.

Through letters and telephone discussions we have had, it is my understanding it is your intention (as with the original franchise) to act in unison with the City of Salem through the renewal period. That being the case, I respectfully request you to review Salem's draft and adopt similar language to extend our franchise with the City of Keizer.

Thank you for your attention to this matter. If you need to contact me please feel free to use my private number, 370-2767.

Sincerely,



Terry Dillon
General Manager

TD:pb

Enclosure

cc: John Lien, Legal Counsel

C:\WP\Phyllis\MarionCo.Ltr

Passed 6-22-92

For Council Meeting: June 22, 1992

Agenda Item: 5.1 b

TO: MAYOR AND CITY COUNCIL
THRU: GARY A. EIDE, CITY MANAGER *J. Wacker*
FROM: LARRY WACKER, ASSISTANT CITY MANAGER *J.W.*
SUBJECT: CABLE FRANCHISE EXTENSION

ISSUE:

Whether to authorize an extension of the present cable franchise for 18 months.

POLICY DECISION:

None

BACKGROUND:

Negotiations over an 18 month extension agreement with Viacom Cable Co. representatives have been underway for the past several months. We exchanged proposals and eventually the company concurred with the City's proposed extension agreement.

Our present cable franchise has been in place since 1987. It was a 5 year agreement which officially expires July 20, 1992. The provisions of the present agreement require a renewal or extension prior to July 1, 1992.

FACTS & FINDINGS:

1. A full 5 year renewal of the present agreement was felt by City staff to be inappropriate at this time. Several factors caused us to seek a simple 18 month extension. Those factors are:
 - a) More time to demonstrate the community need and support for public, educational and government (PEG) access.
 - b) Upcoming technology changes including the possibility of signal compression in the existing lines.
 - c) Additional service providers such as U.S. West which could change the nature of this business.

- d) Possible federal legislation that could give rate setting authority to cities.
 - e) The opportunity to do a public opinion survey of our citizens once CCTV activities are well established.
2. The proposed agreement extends all the provisions of the existing franchise agreement until January 20, 1994. (See attached)
 3. A key provision in the proposed extension agreement provides that Viacom will give the City \$67,500 to be used for PEG access equipment. This money would be given to the Cable Regulatory Commission to supervise the funds as they would then be given to CCTV to maintain and replace vital equipment. This money is a pro-rated amount that is based on the amount provided under the original 5 year franchise agreement.
 4. The original agreement requires an extension or renewal to be in place by July 1, 1992.
 5. Staff received approval from Viacom representatives on Wednesday, June 17, 1992. An extension ordinance has been prepared for Council action on Monday, June 22, 1992, which would require suspension of the Council rules and passage on that date. Prompt passage would remove any legal issues over the expiration of the present franchise agreement.

RECOMMENDATION:

Approve an 18 month extension of the present cable franchise agreement to January 20, 1994.

attachment

1 A BILL
2 BILL NO. FOR ORDINANCE NO.

3 AN ORDINANCE relating to extension of a franchise for cable
4 television service.

5 BE IT ORDAINED BY THE COMMON COUNCIL
6 OF THE CITY OF SALEM, OREGON:

7 Section 1. The Common Council finds that for the reasons
8 stated in paragraph 1 of the Franchise Extension Agreement attached
9 hereto and, by this reference, incorporated herein, it is in the
10 public interest to extend the franchise of Far-West Communications
11 (commonly known as "Viacom") for a period of eighteen months during
12 which time further study and evaluation of public needs, economic
13 impact, and technological capability may be carried out.

14 Section 2. Notwithstanding the provisions of Sections 43.020
15 to 43.090 of the Salem Revised Code, the franchise granted to Far-
16 West Communications, Inc., a wholly owned subsidiary of Viacom
17 International, Inc. is hereby extended from its date of expiration
18 to and including January 20, 1994, upon the condition that said
19 franchisee execute and deliver to the City on or before July 20,
20 1992 an extension agreement in the form attached hereto and, by this
21 reference, incorporated herein.

22 PASSED by the Common Council this 22nd day of June, 1992.

23 SIGNED by the Mayor this 23rd day of June, 1992.

24 Mayor of the City of Salem

25 ATTEST:

26 CITY RECORDER

27 Approved by City Attorney: _____
28

M I N U T E S

KEIZER CITY COUNCIL

Tuesday, January 2, 1990

Robert L. Simon Council Chambers
Keizer City Hall

CALL TO ORDER

Mayor Orcutt called the regular session to order at 7:30 p.m. Roll call was taken with the following members present: Councilors Fischer, Hart, Newton, Pritchard, Van Meter and Mayor Orcutt. Councilor Bay was absent.

PUBLIC TESTIMONY

There was no public testimony to come before the Council.

COMMITTEE REPORTS

There were no committee reports offered to the City Council.

VIACOM CABLE
TELEVISION
FRANCHISE REQUEST

City Manager Don Otterman reviewed with the City Council a request from Viacom Cablevision to renew their franchise with the City of Keizer.

Mr. Otterman discussed the option of joining with the City of Salem and Marion County in the Cable Regulatory Commission. The purpose of the commission is to negotiate the terms of the new franchise agreement with Viacom. In order to become a member of the Commission, Keizer would need to pay approximately 40% of the franchise fees it collects as dues, or about \$25,000 per year. As an alternative, Mr. Otterman suggested the City of Keizer pay the Cable Regulatory Commission a fee to conduct the Phase 1 negotiations on its behalf. This phase includes holding public hearings and conducting surveys. The charge to Keizer would be calculated on a per capita basis.

Mr. Otterman noted that the Cable Television Act specifies that any costs incurred by a local government to negotiate with a cable company must be reimbursed by the cable company back to the local government. Therefore, any costs Keizer would pay to the Cable Regulatory Commission would be returned to Keizer through Viacom.

Mr. Otterman indicated that Salem has budgeted \$25,000 for its Phase 1 costs for the franchise renewal. Assuming Keizer's population is approximately 1/5 the size of Salem, Mr. Otterman estimated that Keizer would pay in the neighborhood of \$5,000 to the Cable Regulatory Commission for its negotiation services. He also stressed the lack of existing Keizer staff to handle the process.

Councilor Hart questioned the three year lead time. Mid-Willamette Valley Council of Governments Director Alan Hershey stated that the folks who were involved in negotiating the first contract through the Cable Regulatory Commission suggested that plenty of time be calculated into the process to allow for any unexpected situations. Councilor Hart indicated his recollection that the jurisdictions formed the commission to avoid having the cable company playing games with the different jurisdictions in separate negotiations.

Responding to a question from Councilor Newton, Mr. Hershey stated that the Cable Regulatory Commission is comprised of Chairman John Shirley, Salem City Councilman; Vice Chairman Randy Franke, Marion County Commissioner; and Tom Neilsen, Salem Mayor.

Councilor Hart moved to authorize the City Manager to transmit to the Intergovernmental Committee on Cable Television the City of Keizer's authorization for it to act on the City of Keizer's part in Phase 1 of the renewal process. Councilor Pritchard seconded the motion.

Responding to a question from Councilor Van Meter, Mr. Otterman explained that Phase 2 of the negotiations would occur only if the City determines not to renew the franchise.

Councilor Newton asked for clarification that the cable company would reimburse the City for its costs in negotiating the new franchise and whether the money used by the cable company for the

reimbursement would presumably come from the ratepayers. Mr. Otterman indicated this was his belief.

The motion was put to a vote and carried, with Councilor Newton voting in opposition (Councilor Bay absent).

SEWER DISPOSAL
RULES &
REGULATIONS
ORDINANCE

Mr. Lien indicated that attorneys Dan Ritter and Joe Murch have discussed with the Council at an earlier City Council meeting the need for a developer reimbursement ordinance for sewer system development. As directed by the Council, Mr. Lien has been drafting the requested ordinance. The two other ordinances, however, regarding adoption of waste water collection and disposal system rules and regulations and establishing a sewer system development charge for wastewater treatment facilities are coming back to the Council for consideration and adoption. The two attorneys who approached the Council earlier indicated they had no problem with adoption of the first two ordinances pending the drafting of the reimbursement ordinance.

The first ordinance to come before the Council regarding waste water collection and disposal system rules and regulations refers to two exhibits, A and B. These exhibits, as explained by Mr. Lien, are City of Salem ordinances regarding the same matter. The proposed Keizer ordinances makes several changes to the Salem ordinance to fit Keizer's needs.

Councilors Hart and Newton agreed that they feel at a loss in adopting the ordinance without have the attached exhibits.

Responding to a question from Councilor Van Meter, Mr. Lien explained that there is no reason why this ordinance must be adopted this evening. There being no objection from the Council, Mayor Orcutt asked that the ordinance concerning waste water collection and disposal system rules and regulations be postponed for adoption until the City Council's January 15, 1990 meeting.



City of Keizer

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

COUNCIL MEETING: JANUARY 2, 1990

AGENDA ITEM NO.: 5

TO: MAYOR AND CITY COUNCIL
FROM: DONALD H. OTTERMAN M.S.P.A, CITY MANAGER *OK*
SUBJECT: RENEWAL OF VIACOM CABLEVISION FRANCHISE REQUEST

ISSUE

Should the City of Keizer negotiate, on its own, the renewal of the Viacom Cablevision franchise, or should the joint government committee on cable television be authorized to negotiate on behalf of the City of Keizer?

BACKGROUND

The City Council of the City of Keizer, on February 9, 1987, adopted Resolution R87-254, authorizing an Intergovernmental Agreement Joint Government Committee on Television. This Resolution, basically, stated that the City of Keizer recognized that present and future cable communication systems and service areas crossed jurisdictional boundaries and that the public interest would be served by a unified approach to negotiation of cablevision agreements for the Salem/Keizer urban area. The Resolution also authorized the City of Keizer to participate in a Joint Government Committee, comprised of representatives of the City of Keizer, City of Salem, Marion County and Polk County, with the purpose of approaching cable television franchising on a system-wide basis.

The cable television negotiations were conducted by a subcommittee of the Salem City Council, on behalf of the Joint Government Committee on Cable Television. The franchise agreement that was approved by the city, was for a period of five (5) years. The existing franchise will expire August 19, 1992.

Viacom Cablevision has put the city on notice that it intends to renew the franchise and has taken its first step to comply with the renewal procedures, as outlined in the Federal Communications Policy Act of 1984.

The City of Keizer has now been asked whether it wishes the Cable Regulatory Commission to act on its behalf in the negotiations of the renewal of the cable franchise. The City

of Salem and Marion County have agreed to have the Cable Regulatory Commission act on their behalf for Phase I of the franchise renewal process. Phase I of the renewal process pertains to the public proceedings, and is outlined on page 2 of the memorandum for the Salem City Council, dated November 20, 1989. A copy of that memorandum is attached to this agenda statement.

It is my feeling that the Cable Regulatory Commission would be the appropriate body to conduct Phase I of the renewal process. The Mid-Willamette Valley Cable Regulatory Commission was created to monitor and regulate Viacom Cablevision's operation, as it relates to the Salem/Keizer area and the existing franchise agreements. Since these responsibilities are closely tied to the overall purpose of the public proceedings, as identified in the Federal Cable Act, it would appear that the Cable Regulatory Commission would be the most appropriate group to conduct these proceedings.

Phase II of the renewal process is consideration of the actual proposal for renewal. Phase II would be the time when negotiations would be completed with the cable company regarding the details of the proposed franchise. At the end of Phase II, the franchise would be renewed or there would be a preliminary judgement that the franchise should not be renewed. It is my feeling that Phase II and Phase III, if necessary, should be conducted by the City of Keizer independently and that at this point in time, the City Council should authorize the Cable Regulatory Commission to act on its behalf to perform Phase I of the renewal process.

RECOMMENDATION

It is, therefore, recommended that the City Council authorize the City Manager to transmit to the Intergovernmental Committee on Cable Television the City of Keizer's authorization for it to act on the City of Keizer's part in Phase I of the renewal process.

DHO:clm

Attachment

f:\admin\Cable.mmo

liaison officers in the schools if the second officer cannot be included within the 6% increase. He believes the City may be able to get support for an additional patrol officer in the community if the request receives support from the City Council.

**Sandy Drive
Traffic Signal**

Mr. Van Meter indicated that the McNary LSAC has requested that the City install a traffic signal at the intersection of North River Road at Sandy Drive. He stated that Mr. Payne made a presentation to the LSAC about possible funding. He believed the signal is necessary because of the number of accidents and a recent fatality at this location.

**PUBLIC HEARING -
CHEMAWA ACTIVITY
CENTER DESIGN PLAN
AMENDMENT**

Mayor Simon opened the continued public hearing to consider a legislative amendment to the Keizer Comprehensive Plan to adopt a design plan for the Chemawa Activity Center. Mr. Payne indicated there has been no new input into the matter. He stated that the SKAPAC Policy Subcommittee will be meeting the week of May 23 to, hopefully, finalize a decision which can then be submitted to the full governing bodies.

There being no further testimony, Mayor Simon continued the public hearing to the City Council's June 6, 1988 meeting.

PEG AGREEMENT

Mayor Simon stated that the Salem City Council deferred action on the PEG Access Agreement until after the May 17, 1988 election results are known.

Mayor Simon moved to table discussion on the PEG Access Agreement to a later date.
Councilor Bay seconded the motion.

Councilor Newton indicated this issue ties in with the 1988-89 budget which will be under discussion later tonight. Mayor Simon suggested the funding of the agreement be discussed under the budget agenda item.

The motion was put to a vote and carried unanimously.

**POLICE DEPARTMENT
SAFETY EQUIPMENT**

Police Chief Chuck Stull reviewed the staff report regarding the purchase of certain safety equipment to meet State statutes to be utilized by police department personnel during illegal drug labs and hazardous materials

Reduce Beginning Fund Balance to \$140,000.
Increase Traffic Fine Revenues to \$18,000.
Increase Miscellaneous Revenues to \$4,000.

Mr. Payne explained that this results in an overall decrease of \$6,000 in General Fund revenues.

The issue before the Council tonight is whether to authorize placement of a serial levy before the voters on June 28 or to stay within the existing tax base. The deadline to submit a measure for the June 28 ballot is May 25. Therefore, he suggested that if the Council desires to go forward with a levy, a decision be made tonight.

Councilor Newton asked about \$20,300 budgeted for the PEG access system. Mayor Simon responded that because of Salem's action to postpone its decision until after the May 17 election, he would favor placing this on hold until a future time. The Mayor also discussed \$200,000 in equipment to be put in by Viacom, and that Salem, Keizer and Marion County would each contribute 40% of the costs to operate the program. Polk County's share would be much lower since it has fewer subscribers. The school system would be a user of the system and not a contributor.

Councilor Newton noted the absence of an operating budget and lack of information on services to be provided. Mayor Simon responded that the system would initially be developed for fire and police training, public access, etc. He cited Vancouver as an example of a successful system.

Councilor Newton indicated he would oppose the inclusion of \$20,300 for PEG access in the budget because there is no budget in place, he does not understand what the system will do for the City of Keizer, and the agreement is perpetual with termination and buyout provisions that are not clear.

Councilor Newton moved to delete \$20,300 of PEG access funds from the proposed budget.
Councilor Nopp seconded the motion.

Responding to a question from Councilor Fischer, Mr. Payne stated that the Council could later reconsider funding the program,

however, he questioned where the funds will come from at that time. Mr. Payne also noted that Salem questioned the funding of a new program when money is not available to fund existing programs. He suggested that Keizer look at funding new programs in the same manner. The Council could set the funds aside in the Contingency Fund in the event it wishes to reconsider the program at a later time.

Councilor Fischer agreed with Councilor Newton's assessment of the issue because of the vagueness of the agreement and the shortage of money.

Councilor Bay favored bringing the program back next year for reconsideration if the funds are not available this year.

Mr. Payne noted that the franchise agreement with Viacom does not specify a start-up time frame. He believed that if the City of Salem's tax base is defeated, it will return to the voters with a serial levy in June.

Following further discussion, Councilor Newton wished to amend his earlier motion to transfer the \$20,300 earmarked for PEG access into the Contingency Fund. Councilor Nopp, as the second, indicated he would not support this amendment.

Following further discussion, Councilor Newton restated his amendment to eliminate the PEG access funds of \$20,000 and transfer it to the Contingency Fund. Councilor Nopp seconded this amendment. The motion was put to a vote and carried unanimously.

Councilor Newton moved to eliminate \$6,000 earmarked for sergeant standby compensation, purchase 1/2 of a second police vehicle from the Vehicle Reserve Fund, and reduce the amount for radios and chargers by \$2,000. Mayor Simon seconded the motion.

Councilor Newton explained that he is proposing a total package for police services which includes one police chief, three sergeants, eleven officers, two liaison officers, one police support specialist and a 1/2 time clerk.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R92-_____

DECLARING THE CITY'S INTENT TO INITIATE A STREET LIGHTING DISTRICT
(MEADOWS PHASE 5) AND DIRECTING THE CITY ENGINEER TO MAKE A SURVEY AND
FILE A WRITTEN REPORT WITH THE CITY RECORDER.

WHEREAS, the City County of the City of Keizer has received a
petition to initiate a street lighting district in the Meadows Phase 5
Subdivision, in the City of Keizer, Oregon; and

WHEREAS, pursuant to City of Keizer Ordinance 87-094, the necessary
signatures of land owners representing two-thirds of the property to be
included within the Meadows Phase 5 Lighting District have requested the
formation of the district; NOW, THEREFORE,

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

1. The City Council declares its intent to initiate the Meadows
Phase 5 Street Lighting District;
2. The City Engineer is hereby directed to make a survey of the
district;
3. The City Engineer is hereby directed to file a written report
with the City Recorder to be considered by the City Council on
August 3, 1992.

PASSED this _____ day of _____, 1992.

SIGNED this _____ day of _____, 1992.

Mayor

City Recorder

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R92-_____

DECLARING THE CITY'S INTENT TO INITIATE A STREET LIGHTING DISTRICT
(TIMBERVIEW PHASE 3) AND DIRECTING THE CITY ENGINEER TO MAKE A SURVEY
AND FILE A WRITTEN REPORT WITH THE CITY RECORDER.

WHEREAS, the City County of the City of Keizer has received a
petition to initiate a street lighting district in the Timberview Phase
3 Subdivision, in the City of Keizer, Oregon; and

WHEREAS, pursuant to City of Keizer Ordinance 87-094, the necessary
signatures of land owners representing two-thirds of the property to be
included within the Timberview Phase 3 Lighting District have requested
the formation of the district; NOW, THEREFORE,

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

1. The City Council declares its intent to initiate the
Timberview Phase 3 Street Lighting District;

2. The City Engineer is hereby directed to make a survey of the
district;

3. The City Engineer is hereby directed to file a written report
with the City Recorder to be considered by the City Council on
August 3, 1992.

PASSED this _____ day of _____, 1992.

SIGNED this _____ day of _____, 1992.

Mayor

City Recorder



City of Keizer

Administration
930 Chemawa Rd. N.E. • P.O. Box 21000
Keizer, Oregon 97307-1000 • (503) 390-3700 • Fax # 390-8295

COUNCIL MEETING: JULY 20, 1992

AGENDA ITEM NO.: 9a

TO: MAYOR AND CITY COUNCIL

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

FROM: WALLY G MULL, PUBLIC WORKS DIRECTOR *WGM*

SUBJECT: 1992-93 RESURFACING OF STREETS BID AWARD

DISCUSSION

On July 14, 1992 sealed bids were received, publicly opened and read for the resurfacing of various streets in Keizer. The proposals were divided into five projects, depending on the vicinity of the street. Bids were received from three local contractors; Morse Bros, Salem Road & Driveway and D & D Paving. Morse Bros was the low bidder on projects 92-150 through 92-153. Salem Road & Driveway was the low bidder on project 92-154.

FISCAL IMPACT

The City of Keizer currently has \$300,000 budgeted for resurfacing in 1992-93. The total of both bids is \$304,084.58. There are sufficient funds in street improvements to cover the additional \$4,084.58 needed to complete the entire resurfacing projects.

RECOMMENDATION

Staff recommends City Council AWARD projects 92-150, 92-151, 92-152 and 92-153 to Morse Bros at a cost of \$286,883.50 and project 92-154 to Salem Road & Driveway at a cost of \$17,201.08 for a total of \$304,084.58 as the low bidders meeting the specifications.

Attach
Bids



City of Keizer

Administration

930 Chemawa Rd. N.E. • P.O. Box 21000

Keizer, Oregon 97307-1000 • (503) 390-3700 • Fax # 390-8295

CITY OF KEIZER RESURFACING BID OPENING July 14, 1992

<u>92-</u>	<u>MORSE BROS</u>	<u>SALEM ROAD & DRIVEWAY</u>	<u>D & D</u>
92-150	127,672.50	140,189.05	149,375.66
92-151	67,357.00	71,856.63	73,326.20
92-152	66,511.00	71,768.79	74,469.03
92-153	25,343.00	26,989.68	26,654.30
92-154	19,042.00	17,201.08	19,302.61
 TOTAL	 304,084.58		

“Pride, Spirit and Volunteerism”

26-JUN-1992

CITY OF KEIZER
PROPOSED LIST FOR 1992 RESURFACING

NAME	ROAD#	FROM	TO	LENGTH	OLD WIDTH	NEW WIDTH
11TH AVE NE	K-6208	MARIGOLD AVE	HANZANITA WAY	460	34	34
13TH AVE NE	K-6209	MARIGOLD AVE	HANZANITA WAY	545	34	34
17TH AVE NE	K-7367	MARIGOLD AVE	HANZANITA ST	325	34	34
BAILEY RD NE	K-7337	CHEWAWA RD	DEAD END	613	19	21
BROOKS ST NE	K-7285	ALDER DR	HANBURN	1418	34	34
CEDAR AVE N	K-7626	HANBURN DR	DEAD END	825	30-34	30-34
CUNNINGHAM LN N	K-706	W END CITY PARK	SHORLINE DR	596	18	21
EUGENE CT NE	K-6248	KALNIA DR	CUL DE SAC	484	34	34
EVANS AVE N	K-7271	DELIGHT	RIVER RD	1818	20	21
JACK ST N	K-7230	WILSHIRE DR	APPLEBLOSSOM AV	317	34	34
JAMES ST NE	K-7216	RIVER RD	DEAD END	929	19-28	22-34
JUAN DR N	K-7236	CHEWAWA RD	HOUSE 5295	1616	34	34
KALNIA DR NE	K-6214	HOUSE #5369	LOCKHAVEN DR	1442	34	34
LEO ST NE	K-7252	BROOKS ST	NOON AVE	283	34	34
HANZANITA ST NE	K-6206	HOUSE #1315	17TH AVE	1320	34	34
HANZANITA WAY NE	K-6212	11TH AVE	13TH AVE	680	34	34
MARIGOLD ST NE	K-6207	HANZANITA ST	11TH AVE	2650	34	34
MCLEOD LN NE	K-6101	ALDINE DR	HANZANITA ST NE	1249	26-36	26-36
NEUBERG ST N	K-7206	CHEWAWA RD	HACAURICHER ST	1637	20	21
ROBINDALE DR N	K-7701	CHEWAWA RD	DEAD END	972	20	20
SIR LANCELOT CT NE	K-6233	HARMONY DR	CUL DE SAC	460	34	34
TRAIL AVE NE	K-24	LOCKHAVEN DR	HARMONY DR	1180	21	31
WILLAMETTE DR N	K-7292	SALEM CL	HOUSE # 3380	661	30	30
WILLAMETTE DR N	K-7292	HOUSE # 3380	DEAD END	378	34	34

TOTAL MILES	4.32	TOTAL
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SECONDARY LIST

CLEAR LAKE RD	K-613	WHEATLAND RD	CITY LIMITS	3356	19	21
15TH CT NE	K-6216	CUL DE SAC	KINGLET WAY	433	30	31
16TH CT NE	K-6215	CUL DE SAC	KINGLET WAY	194	30	31
KINGLET WAY NE	K-6217	KALNIA DR	CHEWAWA RD	765	34	34

TOTAL MILES	0.90	TOTAL
-------------	------	-------

PRIMARY	37
GRAND TOTAL	

MINUTES

KEIZER CITY COUNCIL

Tuesday, May 26, 1992

Special Meeting

Robert L. Simon Council Chambers

Keizer City Hall

CALL TO ORDER

Mayor Orcutt called the Special Session to order at 12:07 p.m. Roll call was taken as follows:

Present

Andrew J. Orcutt, Mayor

Mike Hart, Councilor

Dennis Koho, Councilor

Jerry McGee, Councilor

Al Miller, Councilor

Bob Newton, Councilor

Absent

Joe Van Meter, Councilor

Staff

Donald H. Otterman, City Manager

Wally Mull, Public Works Director

John Morgan, Community Development Director

Paul Frykberg, Accountant

Chuck Stull, Police Chief

Susan Darby, City Recorder

PUBLIC TESTIMONY

There was no public testimony to come before the Council.

DISCUSSION - 1992-93 BUDGET AND ONE YEAR OPERATING LEVY

Mayor Orcutt said that Councilor Van Meter was suffering from poison oak, but that he indicated his favor of the \$1.35 million budget.

Mr. Otterman summarized the changes he has made to the budget document. Those include a one-time reduction in the U. S. West franchise fees for the current fiscal year because of a rebate. The projected figure for next year remains at \$80,607. Under interest revenue, he has projected \$5,324, and a

change in the rental property income to \$11,090. The special duty officer has been changed to \$800. Miscellaneous is at \$16,012. The interest in the parks fund has been changed to \$814. He noted that this will not make any difference in the bottom line because it will be transferred out to the parks fund at the end of the year.

For the expenditure side of the budget on page 5 of the proposed budget, Mr. Otterman said that he reviewed the current figures where expenditures were less than 83.33%. The total personal services projected through June 1992 is \$184,391.

On page 6, Mr. Otterman has projected actual rental property expenditures of \$5,465. Legal expenditures are projected at \$80,000. He noted that at the end of April, expenditures total \$70,706. This does not include a bill just paid to Lien & Hobson in May of \$6,200 and an unpaid bill to Akin Blitz. In addition, there is the anticipation of an arbitration hearing in June, as well as routine items such as the sign code issue. He determined that these expenditures will exceed the \$80,000 projection.

Mr. Otterman noted that all of contract services will be expended as will the training budget. The audit line item has been amended to read \$2,767.

Councilor Koho asked for the net difference in the ending balance. Mr. Otterman responded that the net difference is an increase to \$340,604.

Responding to a question from Councilor Miller, Mr. Otterman explained that the legal fees between April and the end of June are unknown. He has instructed Lien & Hobson to cut back wherever possible, however, there is an arbitration scheduled for June 16 and 17 which will incur additional legal expenses.

Responding to a question from Councilor McGee, Mr. Otterman explained that the City's medical insurance plan, beginning June 1, increases 20% which equates to an increase of \$1,300. The police budget is over 90% now on medical insurance premiums at this point. The overall increase for medical insurance is about \$11,000 which will come out of the contingency. Additional legal expenses will also come from the contingency, which could total \$10,000.

Councilor Hart asked about the lawsuits from the tow companies. Mr. Otterman indicated that the insurance carrier is covering the legal expenses at this point, however, if there is a judgment, the city will be required to pay the cost.

Councilor McGee suggested cutting the projected expenditures from contingency. Mr. Otterman indicated that \$10,000 should cover the expenses,

including office supplies in the police department which hit 100% in April. Operating materials are at 101%. Councilor McGee said that there is at least \$20,000 which can be brought forward. Mr. Otterman replied that if expenditures from contingency is underestimated and the fund balance is overestimated, the additional needs will come from next year's budget.

Councilor Hart indicated that while he appreciates Councilor McGee's viewpoint, the budget is not an exact tool but rather an instrument based on projections. He preferred that the expenditures from contingency remain at \$50,000.

Councilor Koho stated that while cutting the contingency back as far as possible might be the admirable thing to do, caution must be exercised so that the city does not run out of money and become unable to pay the bills. He preferred a figure somewhere in the middle.

Following further discussion, the Council agreed to establish the ending fund balance at \$355,604 for fiscal year 1991-92.

With respect to the 1992-93 budget, Mr. Otterman proposed a shift of expenditures for the Community Development Director, 10% of the Accountant's time, and 10% of clerical time to the Urban Renewal fund. This was the recommendation of the Urban Renewal Advisory Board. Mr. Otterman explained that Mr. Morgan is spending more time with urban renewal issues and it would be appropriate to reflect this in the appropriate budget.

Councilor McGee agreed with the need to transfer \$23,000 to Urban Renewal.

Councilor Hart asked for direction on the procedure. Mr. Otterman explained that the Council can make a reduction in expenditures without Budget Committee review as long as the bottom line does not change by more than 10% and property taxes are not increased. Neither of those apply to this situation. In addition, the Urban Renewal Agency will be holding a budget session prior to July 1.

Responding to a question from Councilor Koho, Mr. Otterman indicated that 20% of the reduction would be from administration and 5% from planning.

Councilor Newton agreed with the proposal to shift the funds accordingly, as did Mayor Orcutt.

Mr. Otterman indicated the court training budget has been reduced from \$1,500 to \$750 to reflect one conference for the judge next year. The professional collections line item would be eliminated. Mr. Otterman indicated that Councilor McGee proposed to cut \$4,000 from parks seasonal help.

There being no objection from the Council, Mayor Orcutt indicated that the court training budget be reduced to \$750. The Council discussed the professional collections line item and agreed to reduce the amount to \$0 but to retain the line item in the budget.

With respect to Councilor McGee's proposal to eliminate the parks seasonal help line item, Mr. Otterman explained that this work is done now at a much higher rate through Cascade Landscaping. The proposal is to hire college or high school students to do the work at a lower cost. Following discussion on the parks seasonal help line item, the Council concurred in leaving this in the budget.

The Council then discussed the lieutenant's line item and the sergeants' line item. Mr. Otterman said that the proposal would promote one sergeant to a lieutenant, leaving four permanent sergeants and one acting sergeant. The acting sergeant would be reclassified to a permanent sergeant.

Councilor Koho indicated that he would favor the lieutenant's position. Councilor Newton stated that this shuffling of positions has gone on without the Council's consent. Then, at budget time, staff must consult the Council. He opposed an increase of \$5,000 to call the position lieutenant rather than sergeant. Councilor Newton indicated that he does not subscribe to the proposal, especially when no one is working detective narcotics which is a need that is not being satisfied. He added that there has been some public comment about the lieutenant's position and whether it is really needed. This would result in beefing up the police department's administrative bureaucracy rather than having more people working on crime.

Councilor McGee said that the concept of an administrative sergeant is working well and continue with this situation.

Chief Stull said that the lieutenant would have direction supervision over the supervisory staff.

Mayor Orcutt said that he suggested increasing the administrative sergeant's position because someone that is like an assistant manager is needed in the police department. This would provide a distinct chain of command.

Councilor Miller said that there would be increased responsibility and supervisory capacity and it would only cost \$2,900 which is not a whole bunch of money. He said he thinks it is necessary.

There being no further comments from the Council, Mayor Orcutt indicated that the lieutenant's position would remain.

Mr. Otterman stated that Councilor McGee proposed that the school resource officer position be changed from a sworn position to a civilian position, resulting in a savings of about \$11,500. Chief Stull has concerns, though, such as how the union contract would be affected. Chief Stull said that he did not know this was going to the City Council today. He has no plan nor has any research been done to indicate whether it is a solid idea from an administrative standpoint. He said that any new position in the police department is subject to negotiation by the union. He said there could be a potential for conflict in negotiating salary and benefits between sworn and non-sworn positions.

Responding to a question from Councilor Hart, Chief Stull said that during a normal work day the school resource officers would be called out on an emergency of a major magnitude. During the summer, they are transferred into investigations to help work on the tremendous backlog of active cases.

Councilor McGee said that this area must be explored. The civilian would be trained differently, and it would be possible to get more bang for the buck than a school resource officer.

Councilor Koho said that while he thinks the concept has merit, there are a number of questions that need to be answered. He asked for something from the police department on the ways and how such a position could be utilized, along with the estimated costs.

Councilor McGee said there are two openings in the police department now. Existing officers can be moved into those slots and the school resource officer position be filled by a community service person.

Mayor Orcutt said that under the tight timelines, it would be difficult to implement the position now.

Councilor Newton asked whether the union's concern over the addition of a community services person does not extend to the lieutenant's position. Chief Stull said that the lieutenant's position is a non bargaining position.

There being no further comment, Mayor Orcutt indicated that the school resource officer positions will remain the same.

Mr. Otterman proposed that the police postage line item be reduced from \$3,000 to \$1,500. Councilor McGee has suggested a reduction in gasoline expenditures by \$3,000. Mr. Otterman stated that actual expenditures for 1990-91 was \$26,900 when the department was at full staffing. If the department gets back to full staffing, he anticipates that the level of expenditures would be about the same.

Councilor Koho asked about the existing vacancies for two officers.

Presumably, those vacancies will not be filled before July 1. Mr. Otterman indicated that the individuals would be paid from their hire date and through the academy.

Mr. Otterman indicated that he would have no objection to Councilor McGee's suggestion to reduce the utilities by \$400. In addition, the prisoner medical expenses would be reduced to \$1,750. The transfer of a patrol car from capital revenue to revenue sharing would necessitate moving something else out of revenue sharing. The records management system has been suggested. Councilor McGee said that this system has not been used widely across the state. Mayor Orcutt stated that Councilor McGee has tried to remove this from the budget and he has tried to retain it. He indicated that purchasing the system could make the limited staff more efficient and more effective than similar communities in the State of Oregon and would give the residents a better product for the money. He indicated he would not support any movement to remove the records system from the budget. Councilor McGee said that Mayor Orcutt's timing in supporting this system was bad. Councilor Koho indicated that he will continue to support the Mayor's position. With limited resources, it may be possible to forestall the need for additional clerical or administrative help. He noted that the professional staff is burdened with many duties that are more clerical in nature and the records management system can be a real time saver for them.

Councilor McGee moved to transfer funds for a patrol vehicle to the Revenue Sharing Fund and eliminate the electronic records keeping system. Councilor Newton seconded the motion.

Responding to a question from Councilor Newton, Mr. Otterman indicated that the records system is now in the Revenue Sharing budget.

Mayor Orcutt indicated that as staff is experiencing more and more pressure to serve the public, this system will enable them to perform their jobs more efficiently and effectively.

Councilor Miller said that he was persuaded by one person on the Budget Committee who seemed to have recordkeeping experience. That person indicated his belief that advances are being made and significant improvements will be made. For that reason, he will support the motion to remove the system from this year's budget because he does not wish to buy something that will be obsolete in two years.

Councilor Koho indicated that this individual on the Budget Committee who represented himself as the only expert in computerized matter is not the only person with such experience and knowledge. Councilor Koho indicated that, like hand held calculators, the records management system will be cheaper and

better in two years, but a decision must be made at some point that it is worth the purchase. There will always be a better price or better technology in the future. Today is the day it is needed.

Councilor Newton asked if it could have application in the police department as well as the administrative offices. Mr. Morgan responded that it could. If the police department wants to put records on it, it can be secured and work for them as well. Councilor Newton asked about staff to be assigned to use the system. Mr. Morgan indicated that the expectations are that staff will begin using it from that point forward. Placing historical records into the system would be done by volunteers. It will take less than what goes into paper filing today.

The motion failed by the following vote:

AYES: McGee, Miller (2)

NAYS: Orcutt, Koho, Hart, Newton (4)

ABSENT: Van Meter (1)

Mr. Otterman indicated that the \$4,000 purchase of office furniture in the police department be eliminated. Chief Stull said that they are replacing some existing furniture that the police department has had since incorporation ten years ago. He said that the records and supervisory areas are complete. He is now working on patrol and investigations. Councilor Newton reminded Chief Stull that the police department did not incorporate ten years ago.

Councilor McGee asked if this amount is removed, whether it would mean sitting on older couches and chairs for a while. Though it may affect their moral, it would not affect their performance. Chief Stull said that if the existing items cannot be repaired, they would replace them item by item. Councilor Koho suggested cutting the budget in half, acknowledging that replacement occur if items break. Councilor Miller said that it should include furniture that's needed if existing furniture is not available for a given purpose.

There being no objection, Mayor Orcutt indicated that this lien item would be cut in half.

Mr. Otterman said that the suggestion has been made to eliminate the \$30,000 City Hall replacement fund. Councilor Koho indicated that \$30,000 won't go far in the way of replacing city hall. Councilor Miller said that it would be less than prudent if budgeting isn't started for replacement when the present building crumbles. Councilor McGee said he would support a reduction of the amount. Councilor Hart indicated that he is more concerned that the fund remain than the actual dollar amount at this point.

Mayor Orcutt suggested combining this fund with the maintenance fund. Mr. Otterman said that he would prefer to keep them separate since that are separate concepts. He indicated that he would prefer \$20,000 in each. Councilor Hart indicated that he could support this idea.

There was no objection from the Council for this proposal.

The Council then discussed the BPST assessment and unitary tax for traffic citations. Mr. Otterman indicated there are about 3,000 citations per year being issued now. This number would increase with full staffing. Mr. Otterman proposed leaving the unitary assessment at 20,000. There was no objection from the Council.

Mr. Otterman indicated that with these changes, cuts of about \$78,000 have been made. Total resources except taxes is \$1,493,799. In addition to the cuts, there is an increase of \$60,000. In resources, making the total amount necessary from property taxes \$1,124,498. The total budget would be \$2,618,297.

Mayor Orcutt indicated that he does not favor going lower than 7% because of too many uncertainties. Councilor Hart agreed. Councilor Koho said that he checked with the tax department today and they anticipate the uncollectible rate to be about 7% by the end of June, but they don't keep exact records.

Councilor McGee said that 7% is excessive. Mayor Orcutt disagreed, stating that the chart shows that had the City levied 7% uncollectibles, it would have been under the amount necessary. Councilor Koho stated that anything under 7% is not advisable.

Councilor McGee said that the additional money is being pulled out for no one's gain, and it has been absorbed into the budget. He said that this is not being strictly honest. Councilor Koho disagreed, saying that a reduction from 10% is good, but anything less than 7% would be a mistake.

Councilor Koho moved to levy taxes using an uncollectible rate of 7% for 1991-92. Councilor Hart seconded the motion.

The motion passed by the following vote:

AYES: Orcutt, Hart, Koho, Miller (4)

NAYS: Newton, McGee (2)

ABSENT: Van Meter (1)

Councilor Koho moved for a resolution placing a one year fixed dollar amount operating levy of \$1,209,137 with a 7% uncollectible rate on the June 30, 1992 ballot. Councilor Hart seconded the motion.

Councilor McGee said that he would prefer to get down one cent more, to a \$2 rate.

The motion passed unanimously by the following vote:

AYES: Orcutt, Hart, Koho, McGee, Miller, Newton (6)

NAYS: None (0)

ABSENT: Van Meter (1)

OTHER BUSINESS

Councilor Koho noted that the June 30 mail-in ballots will be sent to electors on June 20.

WRITTEN COMMUNICATIONS

There was no Written Communication to come before the Council.

ADJOURN

The meeting adjourned at 1:45 p.m.

APPROVED:

Tracy Davis, City Recorder pro tem

MAYOR

(COUNCILOR VAN METER ABSENT)

MINUTES

KEIZER CITY COUNCIL
Monday, June 15, 1992
Robert L. Simon Council Chambers
Keizer City Hall

CALL TO ORDER

Mayor Orcutt called the regular meeting to order at 7:32 p.m. Roll call was taken as follows:

Present

Andrew J. Orcutt, Mayor
Mike Hart, Councilor
Dennis Koho, Councilor
Jerry McGee, Councilor
Al Miller, Councilor (arrived 7:35 p.m.)
Bob Newton, Councilor

Absent

Joe Van Meter, Councilor

Staff

Donald H. Otterman, City Manager
John Morgan, Community Development Director
Skip Wendolowski, City Planner
Shannon Johnson, City Attorney
Linda Sanders, Recording Secretary

PUBLIC TESTIMONY

There was no public testimony to come before the Council.

COMMITTEE REPORTS

Volunteer of the Month

Jo Anne Beilke of the Volunteer Coordinating Committee introduced the Volunteer of the Month for June as Mr. Jay Prall. Mr. Prall was nominated by the Keizer Police Department where he has served as a Police Reserve Officer since October 1990. He completed the Reserve Academy in March of 1991. He has volunteered countless hours including working at the Oregon State Fair Booth and the Lancaster Mall Resource Show, enforcing handicap parking, working at the Iris Festival including the repair of the Department's float, surveying homes for security and patrolling several hundred hours. Mr. Prall is a life long resident of Keizer, attending Cummings, Whitaker and McNary Schools. The Police Department thanked Jay for his many hours of volunteer work.

Mayor Orcutt presented the June 1992 Volunteer of the Month plaque to Mr. Prall.

Mayor Orcutt opened the Public hearing on the matter of Zone Change 92-1 continued from May 18, 1992.

Mr. Johnson gave a preliminary procedural announcement. The applicable criteria in the zone change must be listed. Testimony must address the applicable criteria if possible. Any issues that need to be raised must be raised at the close of the hearing or the close of the record, if the record is held open. The record can be held open for 7 days unless there is a continuance, if any person requests. If any person is entitled to a continuance, documents supporting the application must be submitted.

Mr. Wendolowski gave the staff report. He reviewed the application, the original staff report and comments from the hearings officer regarding the request to change the zone from Commercial Office to Commercial Retail on the land owned by Richard Beck and Phyllis Nelson. The purpose is to permit the development of a Pizza Hut.

Mr. Wendolowski clarified the property in question and elaborated on the zoning of the nearby properties. The zone change criteria are found in Section 4.16 of the Zoning ordinance. Mr. Wendolowski reviewed the staff report's analysis of the criteria and the proposals conformance.

The major issue facing development is street access. The Taco Bell on the south has primary access on River Road. The traffic engineer encouraged use of access to River Road for both properties. Staff noted a limited use overlay could be used to limit the effect of the development on the neighborhood. Staff also recommended the placement of specific requirements.

The hearings officer denied the request based on available property and the traffic destabilizing the land use of adjacent property. The staff agreed, in general, with the hearings officer's statements regarding available property. At the present time, it may be inappropriate to make zone changes until the River Road Design Plan has been approved. The staff recommended the Council uphold the hearings officer's decision and deny the zone change.

Speaking as proponents of the zone change were:

Jeff Tross, 1720 Liberty Street S.E., Salem, Oregon 97302. Mr. Tross spoke on behalf of Richard Beck. He addressed the aspects of zone use and property development. He felt the application did conform to the Comprehensive plan as a service business. The Plan explicitly identifies North River Road as the place for businesses requiring automobile traffic. He stated the Plan, by identifying that location, excluded other areas of Keizer.

He elaborated on the actual property setup. The Beck/Nelson property occupies the same position on Linda Avenue as the Taco Bell property does on Maine Avenue. One half of the block is zoned commercial retail while the remainder of the block is zoned commercial office. He stated that auto traffic is the big

criteria. The present situation is such that Mr. Beck can not use the driveway on the Taco Bell property, thus there will be more traffic on Linda Avenue. The property now is in adverse circumstances even if the variance is approved. He felt it is hard to see Taco Bell sharing a driveway with an office. Under the present zoning an ATM drive up banking facility could operate on the property which would be more traffic intensive than the proposed restaurant.

Mr. Tross stated the traffic concerns can be effectively addressed through site design, perhaps with an exit only driveway on Linda, curved so that only left turns can be made. A sign that Linda is a dead end, along with the left turn only sign could result in minimal traffic on Linda.

Mr. Tross stated the Pizza Hut restaurant could be accommodated by a driveway off River Road rather than Linda. These measures would only be possible if Taco Bell grants an easement. The Hearings officer denial prevented a shared driveway.

Mr. Tross also noted that only vacant land is required to be examined as possible sites. The only two other available pieces of land that are zoned commercial retail are many times larger than the company needed and they did not want to purchase additional land. Mr. Tross stated the conclusion of the hearings officer did not include the evidence that the other lots were too large for the business.

Mr. Richard E. Beck, 4485 River Road S., Salem, Oregon.

Mr. Beck is a partner in the lot on the corner of Linda Avenue and River Road. He stated that when it was decided to sell the property, he let the Pizza Hut owners make the application. They were assured at that time that there would be no problem since the lot met criteria and the prospective use met the traffic condition. The site plans were reviewed.

Mr. Beck showed slides to the Council of the property from all views. Some of the slides included showed the wall erected by the Taco Bell company, the types of land use near the property, the Taco Bell driveway and the present view from the property in question. He stated the owners are now in a poor position since there is no access from their property. The plan is only half finished. He urged to Council to move forward and approve the appeal.

Phyllis Nelson, 524 Linda Avenue, Keizer, Oregon 97303.

Ms. Nelson is a co-owner of the property who had previously planned to reinvest her profits from the sale in a home in Keizer. She is not certain that she still wishes to do so after this experience. She stated that her fence had been torn down and her privacy had been invaded since only half of the plan had been completed.

Speaking against the application were:

Lillian Walston, 513 Linda Avenue NE, Keizer, Oregon 97303. Ms. Walston deferred to Mr. Bluhm.

Wilbur Bluhm, 743 Linda Avenue NE, Keizer, Oregon. Mr. Bluhm stated he

was in agreement with the hearings officer. He also stated that he understood the issue of availability is but one of the issues. He elaborated on the history and character of Linda Avenue, stating little had changed in the past 15 years. The residents range from young families to senior citizens. The street has no sidewalks, is a dead end and is a children's playground. Livability and character are very important to the people there.

Since Linda Avenue is one block south of Dearborn, traffic is a serious problem. He said that the signal at Dearborn often caused traffic to be backed up 3 or 4 blocks to the south and it is difficult to get onto River Road. He was concerned that people coming out of Pizza Hut would not follow the sign but would come down Linda looking for a cross street to miss the light.

Mr. Bluhm raised the question of what might happen if the zone is changed to Commercial Retail and a restaurant did fail there. He stated the proper land use action is to try to build buffers where you have highly conflicting uses of land. He was not pleased with the possibility of having an unsightly wall as a buffer. He was also concerned about the impact of the restaurant noise, lights and late hours. It is possible an emergency vehicle might have difficulty getting down Linda if traffic were blocked at the intersection. He was extremely concerned about that being a life or death matter. River Road is the only access the people of Linda have and it is an extremely serious issue.

Marilyn Wendel, 754 Linda Avenue, Keizer, Oregon 97303. Ms. Wendel was concerned about the extra traffic that might be generated on a street that is .2 of a block long. The street also has no other access. She mentioned the extra noise that will be generated by the restaurant since the people using it will be younger. She was concerned that the corner in question would be a real problem for a high impact restaurant. She also suggested two alternate sites.

Isabelle Cassidy, 7333 Linda Avenue NE, Keizer, Oregon 97303. Ms. Cassidy concurred with the previous speakers.

Dorothy Shearer, 583 Linda Avenue NE, Keizer, Oregon 97303. Ms. Shearer concurred with the previous speakers.

Jackie B. Miller, 744 Linda Avenue NE, Keizer, Oregon 97303, concurred with the previous speakers.

Ed Schunke, 644 Linda Avenue NE, Keizer, Oregon 97303. Mr. Schunke concurred with the previous speakers.

Al Lofstedt, 624 Linda Avenue NE, Keizer, Oregon 97303. Mr. Lofstedt stated he was a renter and concurred with the previous speakers.

Deby Nelson, 624 Linda Avenue NE, Keizer, Oregon 97303. Ms. Nelson agreed with the previous speakers.

Gary Ryder, 663 Linda Avenue NE, Keizer, Oregon 97303. Mr. Ryder suggested a curb be built into the exit onto Linda Avenue. He said it wouldn't take many cars to block both lanes which would cause problems for emergency vehicles

getting in. He pointed the Council to the key points of the hearings officer's decision especially the availability of alternative properties. He thought that Pizza Hut could consider occupied properties if they were so inclined.

Lillian Walston, 513 Linda Avenue NE, Keizer, Oregon 97303. Ms. Walston stated she lives behind the dental complex. She had reported in the first hearing that her apartment had been hit four times and not all the damage had been repaired. On the end of the apartment there is a private driveway with a "No Trespassing Sign", but people still whip through there. She also stated she was a heart patient and was concerned about emergency vehicles being able to get in if the traffic increased.

Evelyn Franz, 693 Linda Avenue, Keizer, Oregon 97303. Ms. Franz commented on the number of fast food places presently visible from the property. Ms. Franz said that she and Ms. Shelton had done some research on available properties and on April 6 she found 22 places from the Parkway to Manzanita. Nine of the properties are zoned commercial retail and three are zoned commercial office.

Roy Shelton, 723 Linda Avenue, Keizer, Oregon 97303. Mr. Shelton said that he had lived in that location over 30 years. He was concerned about the bus stop for the children to get on and off the school bus. The children would be required to go along River Road or through the Pizza Hut and Taco Bell properties. He also pointed out there is a U-shaped court across from the property that would not be protected by the wall on the east perimeter thus causing the senior citizens to be affected by the noise. Mr. Shelton pointed out the Senior Citizen court on the map at the request of Councilor McGee.

Carol Shelton, 723 Linda Avenue NE, Keizer, Oregon 97303. Ms. Shelton concurred with the previous speakers.

Bev Ryder, 663 Linda Avenue NE, Keizer, Oregon 97303. Ms. Ryder concurred with the previous speakers.

Jim Shelton, 723 Linda Avenue NE, Keizer, Oregon 97303. Mr. Shelton concurred with the previous speakers.

Dyan Hood-Taylor, 674 Linda Avenue NE, Keizer, Oregon 97303. Ms. Hood-Taylor concurred with the previous speakers.

Joni Gilles, 684 Linda Avenue NE, Keizer, Oregon 97303. Ms. Gilles concurred with the previous speakers.

Beth Shelton, 724 Linda Avenue NE, Keizer, Oregon 97303. Ms. Shelton concurred with the previous speakers.

George Sukos, 773 Linda Avenue NE, Keizer, Oregon 97303. Mr. Sukos concurred with the previous speakers.

Russell Smith, 672 Maine Avenue NE, Keizer, Oregon 97303. Mr. Smith stated that although he lived on Maine Avenue, he was speaking against allowing the

same thing to happen to Linda Avenue that happened to his street. The two streets are like bookends since they are similar in character. He felt there would be more benefit in maintaining the current office zoning and having a diverse economic situation rather than turning the area into a fast food strip.

Councilor Newton questioned how Mr. Smith differentiated that situation from James Avenue since it was similar. Mr. Smith stated that James may have some intersecting streets. Every house on Linda Avenue gets every car coming past it. He believed with older folks and rental property down the avenue, Pizza Hut did not fit.

Al Lofstedt, 624 Linda Avenue, Keizer, Oregon 97303. Mr. Lofstedt believed no matter where the turn is put, the drive will be too short to channel the cars back onto River Road without using Linda. He felt drivers are going to get smart and zigzag over to Dearborn through the private drive.

Speaking in rebuttal to the opponents of the variance were:

Jeff Tross, 1720 Liberty Street SE, Salem, Oregon 97302. Mr. Tross stated that although he heard sincere comments, he was certain there are solutions. The effect of traffic today on Linda is a problem which is not caused by Mr. Beck's property. He felt the City of Keizer had the talent to work out the traffic problems. If there were to be no driveway on Linda, then the development would not cause a problem. He also didn't think there would be a problem for emergency vehicles, but if there were, the vehicle could cut through the Pizza Hut Property and get out.

With the present zoning, one of the examples of use permitted today, would be a drive up banking center with constant traffic. A restaurant has peak times, lunch and dinner. The dinner hour is typically after the rush hour. Two driveways would likely not create any compounding of traffic. A limited use condition has been proposed and would be a natural.

Mayor Orcutt questioned whether he heard Mr. Tross state that the development could live with no driveway if access could be obtained to the Taco Bell Driveway. Mr. Tross answered yes. Mayor Orcutt also asked about the aesthetic issue. Mr. Tross stated they would be willing to install something other than a wall which would be a buffer, but since that doesn't provide a sound barrier, maybe a wall with hedge would be best.

Councilor Miller asked whether both businesses are owned by Pepsico or did they just own the franchise. Mr. Tross answered that he understood the two were subsidiaries. The Pizza Hut will be owned completely separately. Since Pizza Hut is one of the largest companies nationwide, not many are allowed to close and disappear. He also stated that the use of property with River Road frontage was supposed to be for auto traffic and Pizza Hut would fit. It would only have 41 parking spots and is a family restaurant. If there is a traffic problem, the city needs to address the problem which he did not believe was associated with his property.

Mr. Morgan gave the final staff comments. He stated that the two businesses

are separate franchise holders and their only connection is that they have one delivery truck. The drive way permit for Taco Bell was granted with several conditions. They were required to grant to the Beck property access so that whatever business was there could use the driveway.

He also stated the Taco Bell people agreed to relocate the driveway if the River Road design plan feels it should be moved. The traffic issues brought up will perhaps be changed by the implementation of the second year of the Design Plan. The thrust is to synchronize all the signals and time the progression for 30-32 miles per hour. This would create platooning and bunch the cars up. He also stated that while there are uses in the Commercial Retail zone that generate more traffic, a medical office would create more than a Pizza Hut.

Councilor Miller commented that it is hard to conceive an office complex wanting to share a driveway with Taco Bell. If the land was developed into an office, they would drive on Linda Avenue.

Councilor McGee questioned the comments regarding a previous agreement and understanding. Mr. Morgan stated that the City brought together all the parties in the beginning to see if there was a way to foster joint access. The result was the site plan which Pizza Hut and Taco Bell both initially accepted. Mr. Morgan said the staff told Pizza Hut they should apply for a zone change. When they did, there were real deficiencies in the zone change request. If they could have proven their case, the staff would have been with them. Councilor McGee commented that he liked to see commitments in writing, especially when things are complicated. Councilor Hart noted it wouldn't have to be presented to the Council in writing since they would set up the conditions if they made a decision.

Mayor Orcutt closed the Public Hearing on Zone Change 92-1.

Variance 92-3

Ackerly Communications

Mr. Johnson suggested the matter be held over for one meeting. As indicated previously, the City and the company are reaching settlement on the underlying citation. The variance request would be withdrawn if there were a settlement. Mayor Orcutt asked for anyone wishing to address the Council regarding the matter.

Mayor Orcutt continued the hearing to the July 6, 1992 meeting.

Periodic Review

Mayor Orcutt opened the Public Hearing.

Mr. Morgan gave the staff report. He said that at the prior Council meeting, there had been a request by the City of Salem to hold the hearing open. During that period, Salem concurred. Marion County came up with two requested changes in the document. They requested the regional density policy become a sub regional policy.

The second requested amendment had to do with keeping an inventory of large pieces of vacant industrial land in the area. They would like to assure a business coming to town would have a site as opposed to having to breach the Urban Growth Boundary. The policy would be that any parcel over 40 acres can be divided but one parcel of 40 acre size would have to remain. Only one property in Keizer would be included in this issue. The philosophy of the recommendation is sound. Mr. Morgan requested the Council charge the city attorney with preparing the document, if they wished to go along with the two amendments.

Councilor McGee asked why the requested acreage amount was 40 acres. Mr. Morgan stated that large hi-tech plants tend to be 40 acres in size although he felt the size was probably a negotiated point. Councilor Hart questioned what the sub-regional policy meant as far as making a change in what has been prior. Mr. Morgan answered there are three kinds of policies - local, regional and sub-regional. Willow Lake was an example of a sub-regional policy.

Mayor Orcutt closed the Public Hearing.

Sign Code

Mayor Orcutt opened the Public Hearing.

Mr. Morgan gave the staff report on revisions for the Sign Code. The Code has been in effect for two years and fine tuning was needed. The Government Affairs Committee and the staff proposed recommendations. They were displayed in table form so that each point could be viewed including support or opposition.

Mr. Morgan reported one of the big discussions regarded regulation of window signs. He gave the history of the code in this area. The code today says those signs are counted in the total square footage. That is fairly impractical since signs such as VISA/MC would be included. The Government Affairs Committee proposes that window signs should not be included in the square footage at all. There is a practical problem with regulation.

Councilor Hart questioned why the matrix included a recommendation from the Planning Commission to delay until after the River Road Design Plan. Mr. Morgan said that the Planning Commission looked at all the recommendations twice. They felt the River Road Design Plan may make some significant recommendations when it is approved which would affect the proposals. Therefore, the Planning Commission chose to delay action on those proposals they viewed might be affected. Mr. Morgan stated the present Design Plan Draft does not make any substantive changes in those areas.

There are especially some questions regarding the integrated business center and Mr. Morgan stated it may be best to delay on that. One issue causing difficulty in the community is the maximum sign face height of 8 feet. Dairy Queen wanted to put up its standard sign which would not be acceptable under the present code. The staff recommends that the fundamental changes may be delayed but some of the finite changes could be considered.

Speaking in the hearing were:

Jim Keller, 1919 Mistwood Drive, Keizer, Oregon 97303. Mr. Keller requested the Council consider approving those proposals where the Government Affairs Committee, Planning Commission and the Staff are in agreement. He also asked the Council to reconsider and approve the areas where the Planning Commission wanted to delay until the River Road Design Plan is approved. Mr. Keller also asked that signs for business not in an integrated Business Center be considered tonight.

Councilor Miller asked for the reason in the difference of opinion of the Government Affairs Committee and the Staff. Mr. Keller stated Ms. Abbott, Chair of the Committee, could speak to that better than he.

Tom Landon, 761 Lockhaven Drive N.E., Keizer, Oregon 97303. Mr. Landon is the owner of the new Dairy Queen. He brought the attention of the Council to the possible sketches of ways to comply with the present Sign Code regarding the Dairy Queen sign. He would like to see this issue addressed favorably tonight. He noted they had reduced the sign to comply with the square footage requirement and would reduce the maximum height to fit the requirement but the third issue of an 8 foot sign face would be more difficult.

Jerry Watson, 1237 Manzanita Way, Keizer, Oregon 97303. Mr. Watson appeared as chair of the Planning Commission. He noted the Planning Commission spent quite a lot of time on the issues and a good deal of consensus resulted. Of the 16 listed, the Planning Commission disapproved 2 of them, recommended approval for 6 and recommended delay on 7.

Mr. Morgan recommended the Council hold the hearing open until the 6th and direct the staff to prepare the ordinance which would come back on the agenda of that meeting. Councilor McGee assumed the information was laid out for the Council to approve as quickly as possible the information given. He thought the Council could make the decision tonight if it would. Mr. Morgan stated the ordinance would be required for action. Mr. Johnson stated that if the Council wished to direct the staff, they could come back with an ordinance which might split up the proposals. Councilor Miller asked for input from June Abbott.

June Abbott, 445 River Road N., Keizer, Oregon 97303. Ms. Abbott spoke regarding 15.70 (1) Signs for a Business not in an Integrated Business Center. She stated various members worked on certain areas and are not always in agreement. They wanted to allow larger sign area space on certain areas along River Road that have large frontages in more than one direction. The small signage was lost on the large buildings. The committee felt the signage should be measured by lineal frontage through a formula to allow larger sign area. An example was Knecht's Auto Parts at the corner of Sunset and River Road.

Mr. Morgan noted there are two increases in size, one in businesses not in an Integrated Business Center, and the second for properties larger than two acres.

Mayor Orcutt continued the hearing to July 6, 1992.

The Council recessed for a short time.

DELIBERATION
Zone Change 92-1

Councilor Miller began discussion on this issue by stating that he believed that if Pizza Hut were not allowed to go in under certain conditions, the people who live on Linda Avenue are going to suffer more. He said that more traffic would be generated on Linda since an office building, with people coming and going all day probably would not want to share a driveway with Taco Bell. They would end up having a drive on Linda and more traffic would result. He suggested there could be two school bus stops instead of the present one.

Councilor Miller made a motion to direct the staff to prepare the proper ordinance to support Pizza Hut's appeal with the following conditions: no access onto Linda Avenue from the Pizza Hut parking lot, a sound barrier on the east side of the property, a sound and sight barrier to extend from the North east corner of the property to the west edge even with the private drive across the street, a dead end sign at River Road, one joint driveway with Taco Bell, the relocation of the present driveway and the removal of the billboard on the property. Councilor McGee seconded the motion.

Councilor Hart stated he did not agree with the hearings officer regarding the availability of parcels which might be too big since they do not fit the need. He also said the congestion of traffic on Linda is a difficult issue although he had driven down the street 4 times and was able to turn right each time without any difficulty. The question regarding emergency vehicles from the hearings officer did not seem pertinent since Councilor Hart felt the street was wide enough. He also stated something can be done to keep persons from turning down that street, i.e., sign, arrow on pavement, slight curb cut. Councilor Hart also commented on the concern voiced regarding the park on Linda becoming popular for pizza eaters. That doesn't seem to be a problem since it has 2 foot high grass. He raised the question whether Linda should be closed off to delivery trucks.

Councilor Miller said that the Pizza Hut representative stated they would be able to operate without access onto Linda. Councilor Hart commented he didn't think that would be their preference. Mr. Morgan noted that the delivery truck has been indicated to be a full-size semi and he did not think they would be able to get on the property and off using only the River Road access. He suggested a better solution might be to have a gated driveway on Linda that only the truck could exit. In that case the driver would carry a key. Deliveries should be only a couple times a week and it would be the same delivery truck as for Taco Bell.

Councilor Koho questioned whether the request had met the criteria for a zone change if the criteria includes the question regarding other commercial retail zoned land they could use. He thought there probably were other sites, although there is some debate over the term vacant, and asked for clarification. Mr. Johnson clarified that vacant means the property is available for development, i.e., houses willing to be torn down. He thought it alluded to vacant as being available or on the market for sale.

Councilor McGee felt the major concern is to maintain livability of the neighborhood. Traffic is an issue. One given is that there will be development on that corner. He said available property elsewhere is irrelevant and the greatest protection would be to make access to Linda extremely limited. He said homeowners living there knew the property would be developed sometime and Pizza Hut would be removing a substantial blight at the entrance to their neighborhood. He also thought the traffic problems were not caused by the two businesses but they will increase it. The solution in the long range is signalization. He felt the motion on the table was the ultimate solution.

Councilor Koho said that if the impact on the neighborhood is the question, then the Council was on the right track. If rezoning is the issue and the requirements include finding other available property, then maybe the solution is different.

Mr. Johnson reiterated that most of the criteria had been met. The criteria that were in question were: supply of vacant land in the proposed (CR) zone is inadequate for development required for uses in the next five years or the location of the appropriately zoned land is not locationally or physically suited to the particular uses proposed for the subject property or lack site specific amenities for the proposed use. The other criteria dealing with the neighborhood being affected would be: the proposed zone, if it allows uses more intensive than other zones appropriate for the land use designation, will not allow uses that would destabilize the land use pattern for the area or significantly adversely affect adjacent properties.

Councilor Newton stated he did not see enough to persuade him from changing the hearings officer's findings. Although he thought aesthetically it might be an improvement, the result might destabilize land use. He also thought that traffic may make more difficult an already bad traffic situation. Councilor Miller said he would be willing to amend the conditions to include a gated entrance. He also reiterated that at the present time any one could go in and build an office building which would destabilize and detract from that neighborhood. He believed granting the appeal subject to the conditions would keep that from happening.

Councilor McGee questioned the staff regarding the provisional restriction wording. Mr. Morgan explained that a limited use overlay zone would grant a zone change for commercial retail for "X", i.e. Pizza Hut, a restaurant, etc.

Mr. Morgan asked for clarification regarding the buffer. It would need to respect vision clearance and the shrubbery couldn't go within 10 feet of the driveway and within 30 feet of the corner at River Road. Councilor Miller said the condition was to be even, across the street, with the west boundary of the private drive. Mr. Morgan stated that on the relocation of the driveway, the city had the capacity to require Taco Bell to cooperate. Taco Bell has had a real problem regarding the removal of the billboard. Making this condition a part of the motion could make it a long process between the owners of the billboard and Taco Bell.

Councilor Miller questioned what the specific of the overlay might be. Mr.

Morgan suggested either "Pizza Hut" or perhaps "a non fast food restaurant in keeping in what was represented in the site plan and the character discussed in this hearing. Mayor Orcutt noted that "fast food" might be misunderstood. Mr. Morgan further suggested "a restaurant with internal dining space and without an outside menu."

Councilor McGee asked if there had been thought given about having a right turn only lane coming out onto River Road. Mr. Morgan stated that the River Road Design Plan, at this moment, would have a median which would force a right turn. Councilor McGee noted this still wouldn't help the people at Linda. He also asked about how much difference the signal change would make. Mr. Morgan explained that the lights that are presently in would stay. The change would be the platooning which would bunch up the traffic and should help.

Councilor Miller asked for clarification on large delivery vehicles. Mr. Morgan suggested the same condition be used as on Taco Bell.

Councilor Miller made an amendment to delete the conditions regarding the removal of the billboard and relocating the driveway, adding conditions requiring a gated driveway for large service vehicles, a limited use overlay for operation of a restaurant as represented in and keeping with the site plan and the character as discussed in this hearing and Taco Bell and Pizza Hut share a driveway off of River Road. Councilor McGee seconded the motion.

Mr. Johnson questioned the intent of the motion regarding the barriers. He asked if the sound barrier on the east would be similar to the one behind Taco Bell and the visual barrier on the north extending to even with the private drive would be a sight obscuring hedge. Councilor Miller stated the condition included a sound and aesthetic buffer of 6 feet in height. He stated the testimony of the evening said a hedge wouldn't cut the sound and the wall would be unattractive. He said the intent of the condition was to have a sound barrier with hedging or something between that and the street to make it aesthetically pleasing.

Councilor Koho asked where the driveway would go. Councilor Hart noted it was in the site plan. Councilor Miller intended the driveway would be as on the plan.

Councilor McGee stated he would be supporting the amendment and the motion because it is the best way in the long run. He asked the Council to consider what can be done to reduce the impact. Councilor Hart asked if the gated driveway as shown on the site plan was included. Councilor Miller said that it wasn't included as one of the conditions.

The amendment passed with the following votes:

AYES: Hart, Koho, Orcutt, Miller, McGee, Newton (6)

NAYS: None

ABSTENTIONS: None

ABSENT: Van Meter (1)

Mayor Orcutt agreed with Councilor Newton. He did not think the application has met the criteria for a zone change and he will vote in opposition. He also thought the decision of the Council in the past should probably have included an overlay zone for the Taco Bell property. Councilor McGee said the decision of the past is not being considered and he believed support of the present motion would be the best way to treat the neighborhood now. Mayor Orcutt disagreed, stating an office complex would produce traffic in a different pattern, all throughout the day, and would not affect people as adversely since the trips are scattered. Councilor Miller noted the traffic from an office would be on to Linda Avenue rather than on River Road.

The main motion as amended failed with a tie vote:

AYES: Hart, Miller, McGee (3)

NAYS: Orcutt, Koho, Newton (3)

ABSTENTIONS: None

ABSENT: Van Meter (1)

Councilor Koho moved to direct staff to prepare and order to uphold the hearing officer's order. The motion was seconded by Councilor Newton.

Councilor McGee asked if the Council couldn't come up with a compromise. Councilor Koho suggested that if it failed on this motion that the Council bring it back at the next meeting. Councilor Hart stated he felt the hearings officer did a poor job.

The motion failed with a tie vote:

AYES: Hart, Miller, McGee (3)

NAYS: Orcutt, Koho, Newton (3)

ABSTENTIONS: None

ABSENT: Van Meter (1)

Councilor McGee asked if there was any way to at least partially solve the traffic problem, which seems to be the sincere worry of the neighborhood. Councilor Newton stated the traffic engineer has studied this and the problem on River Road needs to be addressed. He wished the problem had been solved but although this is a good idea, the timing is bad. All the problems may be changed with the sequencing of traffic lights. He asked when the issue might be brought back if the traffic was solved.

Mr. Morgan noted that the staff was sorry that both the Taco Bell and Pizza Hut situations have come up now. It is the hope to have the traffic component of the River Road Design plan completed in a month or so, but he wasn't sure it would be specific enough to deal with this issue.

Councilor Koho stated he needed to go through tonight's process to come to his present position and that he was not inflexible but would like to talk to the business owners. Councilor Hart stated this is a land use matter and Councilors can not talk to people because they would have to disqualify themselves from the vote. Councilor Koho said he understood he merely had

to disclose the nature of the contacts.

Mr. Johnson clarified the issue because the hearing is closed. The idea behind disclosing the discussion in ex-party contacts would allow for both sides to have equal time for their side. He stated with the hearing closed, he would suggest the Councilors not have ex-party contacts. If the Council can't come to a decision in this meeting, they can talk to staff. Mayor Orcutt also added that Councilors can talk among themselves.

Mayor Orcutt stated that since the Council is at a stalemate now, deliberation will continue at the next meeting in July. In order for Councilor Van Meter to vote on the issue, he must listen to the tapes and sign that he has listened to the tapes.

Sign Code

Councilor Newton moved that the staff be directed to return to the Council with a proposal to adopt those recommendations which the staff has recommended approval and to put the others off until additional information is received and they can be resolved. Councilor McGee seconded the motion.

Councilor McGee asked if this would address the problem for Dairy Queen. Mr. Johnson stated the ordinance couldn't be passed tonight but the Council can direct staff to come back with an ordinance. That would address the issue.

Councilor Hart pointed out that based on the motion, all of the Government Affairs Committee recommendation approvals would also be included except for the one regarding projecting signs. He asked if that one should be included. Councilor Newton said the staff's recommendation for that issue solves a lack of definition that isn't there now. Councilor McGee asked if there must be some limit for projecting signs. Mr. Morgan stated they are limited to 18 inches in another place in the Code. The Government Affairs Committee bogged down on discussion of this complex issue and planned on coming back.

Councilor Koho was in favor of the motion but noted it doesn't solve all the problems. Mayor Orcutt stated he would have a problem with roof signs and non-conforming signs when those issues are brought before the Council.

The motion passed unanimously with the following votes:

AYES: Hart, Koho, Newton, Orcutt, McGee, Miller (6)

NAYS: None

ABSTENTIONS: None

ABSENT: Van Meter (1)

DISCUSSION TERRACE GREEN RESERVE STRIP

Mr. Morgan gave the staff report. He stated the staff had sent a letter to the Terrace Green Association as directed by the Council. The Association did not return the deed and have asked their attorney to be present for tonight's

meeting. He also asked for direction from the Council as to how the staff is to become involved.

Speaking on the issue was:

Norman Webb, of Webb and Martinis, 1114 12th St. SE, Salem, Oregon 97303-2897, representing the Terrace Green Association. Mr. Webb stated he felt the essential question of the issue was whether a private party could enlist the aid of the City of Keizer in an action that will have an adverse effect on a neighborhood.

He gave some history of Lot 41 of Terrace Green No. 2. He stated in 1968 that the developer was to deed a 1 foot reserve strip to Marion County. This was not done. The lot was deeded to Bohemia, Inc. In 1976, Bohemia conveyed the property to Terrace Green Association. His clients are the owners of three reserve lots with nothing in the deed regarding the reserve strips being deeded to the county. He showed some pictures of the property in question. The lane, which borders Terrace Green, has at one end a cyclone fence and shrubbery. Cedar trees border and serve as a shade and wind barrier. This lane was considered an amenity to Terrace Green buyers.

Mr. Webb noted that he had contact with Marion County in 1989. He asked three times for information regarding the request for the property to be deeded to the county. He received nothing.

Mr. Webb stated that the commitment to Marion County was made by the first owners in 1968. Terrace Green Association was not a part of that commitment. He also stated that since nothing was placed on record the commitment is considered void under ORS 93.640. Improvements have been made. Taxes have been paid by the Association and they have cared for the trees as well. Petitions have been signed by 86 property owners that they bought their own property knowing about lot 41.

Since Terrace Green is a PUD, two-thirds of the property owners must agree to transfer the property. He stated the matter is not one of public concern, but of private concern. The land owner who is bringing the question to the Council bought his property knowing the strip was owned. Mr. Webb said that if the City chooses to support that individual the expense to the Terrace Green owners becomes a significant financial one.

Also speaking was Steve Johnston, Terrace Green owner. He had lived in Terrace Green for 14 years. He stated Nottingham was one of the most beautiful streets in Keizer. He said the issue is the request of an individual to take away private property for personal use. The individual has access through Wheatland Road if he chooses to use it. Although it is not a fair fight, the Terrace Green Association is willing to continue to fight. He was concerned that the property was desired merely for an individual's profit and this could set a precedent for the City to take the property of any one.

Mayor Orcutt asked whether Terrace Green was a PUD or a subdivision. Mr. Morgan stated it is recorded as a subdivision and was approved through the

PUD process which the county approved. The trees are probably in the right of way and the streets are public. Mr. Johnson clarified that there is a deeded reserve strip which was deeded to the Association rather than to the county. The Association owns a 1 foot strip of land around Nottingham. Councilor Newton noted that in effect that is private property owned by Terrace Green Association. Councilor McGee noted that seemed different from what the Council had previously understood. Mr. Morgan stated that the usual condition is that the strip is to be deeded to the City so they can maintain the property. It is very customary but here is a point where the developer did not do what they were supposed to do and dedicated it to the Association.

Councilor Koho said he was having trouble figuring out what good it would do to take possession since the City would not want to take down the trees and would not have money to take care of them. Councilor Miller agreed. Councilor Newton said that he had assumed that the County had the deed to that reserve strip. Councilor McGee said he didn't believe that the Council understood that it was private property. He had thought that the City had lost what was theirs and then the tree decision would be the City's. In fact it is not the Council's decision to make. Mr. Morgan stated that the transaction was legal, but it should not have been done. Part of the issue is to enforce a condition of 24 years ago.

Councilor Hart stated that as a member of Terrace Green Association and a landowner, he could not vote. He did note that a reserve strip usually is on the width of a street only and the reserve strip does not have a Lot number thus this is a different situation. Mr. Morgan pointed out that the City does have reserve strips that run along the length of the street. An example is Spring Time Court where the City released the reserve strip when the property went through a partitioning. The reason to have reserve strips is so that the City can control driveways and access.

Speaking was Jerry Horner, 7050 Wheatland Road, Keizer, Oregon, 97303. Mr. Horner stated that although the trees are appealing on the road, from his side of the property, they are unkempt, shade the property and are quite messy. He also said that Terrace Green Association fully knew what they were doing when they took the strip from the developer. They have an agreement and the agreement needs to be fulfilled. He said the Council is giving up the City's access to control the streets and letting Terrace Green be the City of Keizer. In his research, Mr. Horner stated he found it to be a tax exempt lot and wondered how much they had paid in taxes.

Mayor Orcutt asked Mr. Horner how he thought the property would change if the City had the ownership. There probably would not be any change in the issue of the trees. Mr. Horner stated that he thought the City Council would go along with an adjacent property owner to help him do with his property what he wanted if he was within statutes. He planned to develop the property. Mayor Orcutt stated he didn't think getting the reserve strip would change the tree situation. Councilor Miller stated that he would imagine there might be only one vote on the Council that would allow the trees to be cut down for any development. All that would be accomplished would be that the City would be responsible for the trees.

Al Byrd, 929 Nandina Court, Keizer, Oregon 97303. Mr. Byrd stated he was the President of the Terrace Green Council. He had 86 signatures of residents on the petition submitted to the Council. He felt he could have more. Mr. Byrd said the petitioner could pay for the dandelions that comes from his lot onto the Terrace Green property.

The Mayor, sensing a Council consensus, declared the Council did not wish the City to pursue this matter any further.

The Council took a 3 minute break.

DELIBERATION

Periodic Review

Councilor Newton stated that he could live with the County's request regarding the 6.5 density but he was irritated by the other policy request since only one piece of property in the community falls under the proposal. Councilor Miller noted the differences between Keizer and Salem especially in Salem's desire to have larger plants in their city. He felt Keizer was not interested in this type of development. The concept was the result of negotiations between the County and the City of Salem. Mr. Morgan stated it was new to the City of Keizer. Councilor Hart supported not having new items brought up and he will not support the policy.

Councilor Koho made a motion that the Council direct the City Attorney to prepare the appropriate ordinances adopting the Periodic Review of the Keizer Comprehensive Plan, amending the document to include the first condition but not the second. Councilor Newton seconded the motion.

Councilor Miller said he liked the idea of the motion but wondered if it was taking away any negotiation possibilities. Mr. Johnson said that he could draft an ordinance but the ordinance should not be adopted until we have concurrence. The way the system is set up is that concurrence will happen when all jurisdictions concur. It is supposed to work that amendments are brought up and the jurisdictions concur before adoption. Mr. Johnson suggested a message could be sent by adopting a resolution or sending a letter rather than the passing of an ordinance. Mayor Orcutt said the Council could prepare an ordinance and show the county they are mad. The City had lengthy negotiations in earnest and then the question of density came up. It was negotiated. He said now, after four years of negotiating, the County is throwing more curves and he was mad.

Councilor Koho asked why it needed to be a sub-regional policy to have 6.5 density. Mayor Orcutt said he thought it was agreed at Marion County that all the jurisdictions would build to this density or there would be no expansion of the Urban Growth boundary. They are trying to double dip with this additional change. Councilor McGee asked why in philosophy the County should have a veto over Keizer in the second policy either. Councilor Koho stated he would change his motion to include the 6.5 density rate as a civic policy. Mr. Morgan stated it didn't need to be done.

Councilor McGee stated the County did not want to deal with public reaction regarding not extending the urban growth boundary if a large plant wanted to come in. He said he is not sure Keizer wants a huge conglomerate to come to our city. Councilor Newton said he did not want to lock the City in if it is premature, that the Council could send the same message without approving the plan. Mayor Orcutt noted the Council is not approving the plan, just asking legal council to prepare the ordinance.

Councilor Newton stated that since the density issue is not an obstacle for Keizer, the City could not be seen as an ogre. Councilor Hart stated he didn't have a problem with that issue since it had been studied and the City was in a positive position. He had a problem with the 40 acre issue. Mayor Orcutt stated his problem was with the County changing the game plan. He thought it had all been worked out prior. Councilor Koho thought the County Commissioners would abhor the tactics of their staff and he will tell them. Councilor Newton said the City could say they would agree to the County's policy regarding density but stop inventing new stuff. It would be affirming what was agreed to a year ago regarding density and what was agreed to 4 years ago but then nothing else new.

Councilor Hart questioned the sub-regional policy idea. He asked if it has to be in the City's Comp Plan. Mr. Morgan says there is a rather general regional policy regarding building in a compact manner, etc. There is a city policy that we build in a 6.5 density rate. If the City were to change it, there would be a hearing. The County is asking for a veto if the density in the policy is being changed.

Mr. Johnson stated the County is attempting to force the City to keep the 6.5 density by saying it can't be changed without the County's approval.

Councilor Koho moved to amend the motion to remove 6.5 density (the first condition) as a sub regional policy. The motion would then read - the Council directs the City Attorney to prepare the appropriate ordinances adopting the Periodic Review of the Keizer Comprehensive Plan. Mayor Orcutt seconded the motion.

Mayor Orcutt questioned whether if this is a sub-regional policy and the County requested the City to raise the number to 7 the next time the Comprehensive Plan comes up and they refused, the City could be held in non-concurrence. Mr. Morgan said there is a situation where the County must concur in areas outside of the boundaries. When the Periodic Review comes up in 5 years, everything is out on the table.

The amendment passed unanimously with the following votes:

AYES: Hart, Koho, Newton, Orcutt, McGee, Miller (6)

NAYS: None

ABSTENTIONS: None

ABSENT: Van Meter (1)

The motion passed unanimously with the following votes:

AYES: Hart, Koho, Newton, Orcutt, McGee, Miller (6)

NAYS: None

ABSTENTIONS: None

ABSENT: Van Meter (1)

CONSENT CALENDAR

- May 26, 1992 special session minutes
- June 1, 1992 regular session minutes
- RESOLUTION - Insurance Agent of Record
- La Brisa Liquor License Renewal

Councilor McGee requested the May 26, 1992 special session minutes be pulled from the Calendar. He asked if Mr. Otterman had reviewed the minutes and gave one example of an error he found in them. He asked that the staff look at the minutes before they get to the Council. Since that meeting was a significant one, he was angry that there were too many mistakes in the minutes. Councilor Miller also mentioned some mistakes he had found. Mayor Orcutt asked that the May 26, 1992 minutes be returned to the City Manager to be brought back to the next meeting.

A motion was made by Councilor Koho that the Consent Calendar be approved. The motion was seconded by Councilor Hart.

Councilor Miller also mentioned a correction on page 9 of the June 1, 1992 minutes. He asked that the sentence be changed from "all of the members of the City Council have had disagreements" to "all of the members of the City Council have had their disagreements with the KeizerTimes."

The motion passed unanimously with the following votes:

AYES: Hart, Koho, Newton, Orcutt, McGee, Miller (6)

NAYS: None

ABSTENTIONS: None

ABSENT: Van Meter (1)

APPOINTMENT OF PRO TEM CITY RECORDER

Councilor Newton moved that the Resolution R92- Appointing Pro Tem City Recorder be approved. The motion was seconded by Councilor Hart.

The motion passed unanimously with the following votes:

AYES: Hart, Koho, Newton, Orcutt, McGee, Miller (6)
NAYS: None
ABSTENTIONS: None
ABSENT: Van Meter (1)

PARTICIPATION IN MID-WILLAMETTE VALLEY COG

Mr. Otterman stated his recommendation was that the Council approve the ordinance for the City to be a part of the Council of Governments. He asked that the clause "subject to funding being available" be added.

A motion was made by Councilor Koho that a bill for an Ordinance relating to participation by the City of Keizer in an Intergovernmental agreement rechartering the Mid-Willamette Valley Council of Governments be prepared subject to the passage of the June 30, 1992 levy. The motion was seconded by Councilor Hart.

The motion passed unanimously with the following votes:

AYES: Hart, Koho, Newton, Orcutt, McGee, Miller (6)
NAYS: None
ABSTENTIONS: None
ABSENT: Van Meter (1)

OTHER BUSINESS

Councilor Koho stated he wasn't sure that whether he agreed with Councilor McGee or not concerning the comments regarding the minutes but he suggested it be discussed in an upcoming session. Councilor McGee stated he felt the City Manager must look at the Minutes and it was gross incompetence to let them appear with substantive mistakes. Mayor Orcutt stated the minutes are submitted by the City Recorder or the Recording Secretary and it is not the responsibility of the City Manager. Councilor Koho stated again he is willing to listen to other's arguments but tonight he felt the City Recorder is responsible for the minutes.

WRITTEN COMMUNICATIONS

There were no written communications to come before the council.

AGENDA INPUT

Councilor Hart asked for "No Parking Signs" on Clearview to be discussed in the next meeting. Mayor Orcutt said that Pizza Hut, the Sign Code and possibly Ackery Communications would be included on the agenda. Councilor Miller would like to be updated regarding the traffic light at Sandy at least every other meeting. Councilor Newton asked for progress reports every meeting for that traffic light and for the one at McLeod Drive. Councilor Miller felt the property owners may be stalling at the Sandy intersection. Councilor Newton wanted to get going in the process.

ADJOURNMENT

The meeting was adjourned at 11:55 p.m.

Linda S. Sanders,
Recording Secretary

APPROVED:

MAYOR

KEIZER CITY COUNCIL

Monday, July 6, 1992

Robert L. Simon Council Chambers
Keizer City Hall**CALL TO ORDER**

Mayor Orcutt called the regular meeting to order at 7:30 p.m. Roll call was taken as follows:

Present

Andrew J. Orcutt, Mayor
Mike Hart, Councilor
Dennis Koho, Councilor
Jerry McGee, Councilor
Al Miller, Councilor (arrived 7:35 p.m.)
Bob Newton, Councilor
Joe Van Meter, Councilor

Staff

Donald H. Otterman, City Manager
John Morgan, Community Development Director
Skip Wendolowski, City Planner
Charles Stull, Chief of Police
Wally Mull, Public Works Director
Shannon Johnson, City Attorney
Linda Sanders, Recording Secretary

PUBLIC TESTIMONY

Giving testimony was:

Diane Burns, a citizen and a representative of the Neighborhood Watch program. Ms. Burns stated she had initially been hostile to the Keizer Police Department because of some unfavorable experiences. After she discovered some of her neighbors were drug dealers, she began working to begin a Neighborhood Watch. In the beginning the Police Department thought they would not have enough staff to begin the program. She and Sgt. Jenness attended a Neighborhood Watch meeting in Salem. She felt the Keizer Police Department needed more interaction with the citizens and the Watch program would help. Since Neighborhood Watch has begun in Keizer, Ms. Burns' attitude regarding the Department has changed and she said cutting personnel would be a detriment to this program. In discussion with Neighborhood Watch captains regarding the levy, she found the biggest complaint was not with the Police Department but with the way money was being spent outside the Department. They believe money must be put in the Police Department to insure safe neighborhoods. Citizens need to be involved with the Department on all level, also. Security is an important issue and Ms. Burns stated people must be available to answer the phones. The person at the desk can be just as important as saving some one's life.

Councilor McGee commented that Ms. Burns was the driving force with the Police help behind the Neighborhood Watch program which is now up to 10 Watches. He said that

Ms. Burns is an example of what one individual can do.

COMMITTEE REPORTS

Volunteer of the Month

Mike Gainer, representing the Keizer Volunteer Coordinating Committee presented the Volunteer of the Month for July as Dick Inman. Mr. Inman has been involved with the City since 1983. He has been involved with the City Parks doing "grunt" work including installing signs at Sunset and Claggett parks and basketball equipment, planting trees and plants at Claggett Park and provided equipment, transportation and labor for the Annual cleanup at Claggett Park. He has been a member of the Budget Committee since incorporation. Mr. Gainer noted he had known of Dick's work and the summary given was only a modest description.

Mayor Orcutt presented the July 1992 Volunteer of the Month plaque to Mr Inman.

PUBLIC HEARINGS

Comprehensive Park System Plan

The Mayor opened the Public Hearing.

Giving the staff report was Wally Mull, Public Works Director. Mr. Mull related the history of the Comprehensive Park Plan. One of the 1991 goals of the Council was to establish the direction of Keizer's Park system by developing a plan. OTAK was approved on October 21, 1991 by the Council as the company best suited to do the consulting work after proposals were received from seven firms. He stated the City had no previous plan and applications for grant monies require a plan. System Development Fees also must be based on a plan documenting the fiscal impact development has on, in this case, the City Park System.

Mr. Mull stated that OTAK had been very complete and sensitive to the needs of the City. The plan includes direct input from the Parks Board, City Staff and the citizens. He noted a major consideration in the plan was the results of a phone survey. The survey was designed to determine what residents would like to see in the parks, how to prepare for the future and what they are willing to pay for. The plan deals with the preservation of open space and can be used for many years to come.

Mr. Mull said that the plan had been reviewed by LCDC and the Keizer Planning Commission. If the plan is adopted, the City can apply for grants and collect a Systems Development Fee to be used for park improvements and acquisition. There should be no negative financial impact although the plan does recommend monies being spent in areas not previously targeted which should save the City money. Mr. Mull stated the staff recommended that the City Council accept the Comprehensive Park System Development Plan as prepared by OTAK Inc.

Speaking in the hearing was Marian Drake, Mail Slot #101, 115 Madison St., Salem, Oregon, 97303. Ms. Drake stated she had a copy of the Master Plan and developed a document in response to the Plan. Copies of her document were available to those interested. She felt some things were overlooked by the plan. One of those items was regarding a Keizer City Park similar to those found in cities in our area. The standard for the development of park acreage relates to local characteristics and the facility inventories. These serve as guidelines to estimate the number of acres needed to meet the local recreation demand. The recommended northwest standard is comparable to

other similar cities in the region. She gave some examples of City parks in some of those cities.

Ms. Drake spoke next on the recommended park acreage. She stated that the city should have 133.4 acres of Natural area according to the 1991 population and using the same formula used in the plan to determine needs by the year 2005. At present the city has only 21.9 acres. Ms. Drake also highlighted in the inaccessibility of Northridge Park. In the third point, Ms. Drake spoke about Willark Park. She noted the Plan stated the stream in the park was a great asset and under utilized. She recommended the City talk to Dennis Wise, Gary Swanson or other wildlife specialists before anything is done. Ms. Drake was concerned that the plan might recommend the selling of Palma Cia Park. She would prefer it to be used a Natural Area using a railroad tie type stairway. Ms. Drake felt Sunset Park was ideal the way it is and did not need any additional "improvements."

In her final point, Ms. Drake stated her belief that OTAK might not have expertise in Open Space, natural resource conservation and preservation or environmental issues. She recommended the establishment of an Open Space and Urban Ecology Citizen Task Force separate from the Parks Board. She also raised some questions regarding possible biases of the survey.

Ms. Drake recommended all funds designated for paving, clearing and engineering be used to purchase appropriate, quiet natural open spaces. She cited an example in the San Francisco area with natural trails for hundreds of miles.

Councilor Hart asked Ms. Drake what she meant by the term City Park. Ms. Drake answered that most parks in Keizer are small and used by neighborhoods. In contrast, City Parks are large parks which are often centrally located.

Mayor Orcutt closed the Public Hearing.

Keizer Tomorrow Community Vision Statement

Mayor Orcutt opened the Public Hearing.

Mr. Morgan gave the staff report. He noted the report summarized the issues and the history. The staff recommended the resolution be adopted. He pointed out the Committee had specific recommendations for assignments on the details so that implementation can begin and the resolution reflected that. Several committee members were present at the meeting.

Bob French, Chair of the Committee, spoke in the hearing. Mr. French hoped the City Council would involve the entire community in implementation of the plan. The committee stressed these were not ideas trying to be foisted off on the community. Individual neighborhood participation was very light other than some civic groups. He urged the Council go the extra mile to involve the community. Some of the implications need some substantial community involvement since several of the statements are couched in broad terms needing the framework to be filled in by the community.

Mayor Orcutt closed the public hearing.

Sign Code

Mayor Orcutt reopened the public hearing which was continued from June 15, 1992.

Mr. Morgan gave the staff report. He stated the Council had directed the staff to prepare an order bill which is before the Council tonight. These recommendations included 13 out of 16 points. The other 3 points went back to the Planning Commission for discussion. Other changes are reflected in the staff report which will be discussed in the deliberation part of the issue.

Mayor Orcutt closed the public hearing.

Amendment to Sewer Plan

Mayor Orcutt opened the public hearing.

There was no testimony.

Mayor Orcutt continued the hearing until July 20, 1992.

DELIBERATION Parks Master Plan

Councilor Newton questioned whether the Master Plan called for any immediate action or spending of money. Mr. Morgan stated no.

Councilor Koho noted he had tried to read Ms. Drake's report and asked if adoption would preclude looking at her points at a later date. Mayor Orcutt stated action is contingent on the Council budgetary authority.

Councilor Koho moved the adoption of the Comprehensive Parks System Development Plan dated May 7, 1992 (Amending Ordinance No. 87-077). The motion was seconded by Councilor Newton.

Councilor McGee said he would be voting for the motion. He stated he really appreciated Marian Drake's enthusiasm and the time she obviously spent studying the plan. It is a service to the community to have someone doing that. He said he was voting for it, because he knew he would have a later opportunity to speak on it, especially on the excellent point she made about Sunset Park and some others as well. He felt the plan is necessary to obtain funds, gives a vehicle to amend and is an excellent starting place.

Councilor Newton stated he would also be supporting the plan. He thanked Marian for the work she had done and referred it to the Parks Committee for their consideration. He commented that the Claggett Creek park is seen as the City Park for Keizer, while the others are considered neighborhood parks. In the natural area referred to as Northridge, he understood the frustration related to that. The area is entirely a wetland and is bordered on both sides by home owners. Opening it up to the public would require substantial lighting because of its potential for vandalism since it is not patrolled. He said although there may be some rumor about Palma Cia Park going into private ownership, he agreed that the Council needed to study this carefully. The Council's intention is to wait until FEMA completes their study.

Councilor Newton also said that the creek in Willark park is a storm drain with no fish all summer long. That portion of the plan might need to be visited since it is not a year

round stream. In the area of Sunset Park, he wasn't sure if wheelchairs would be able to get down in it in the winter. He felt that needed to be looked at carefully. If it is accessible in wet weather then it should be paved. Finally, he commented that the proposed viewpoint in Sunset Park was to allow children to observe the fish and fowl with a protected view of the River. He said the plan might need work but is close enough to approve.

Councilor Miller wanted to echo thanks to Marian Drake and urge staff not to put this on the back burner. He was going to support the motion but did not want the Council to pass this and her work to go for nothing.

Councilor Hart requested a copy of Marian's work. He also saw the necessity for approval tonight to move forward for grant applications and to work on the items brought to the Council's attention by Marian. He called the question.

The motion carried unanimously:

AYES: Hart, Newton, Van Meter, Orcutt, Koho, Miller, McGee (7)

NAYS: None

ABSTENTIONS: None

ABSENT: None

**Keizer Tomorrow
Community Vision**

Councilor Van Meter moved that the Resolution Approving the Keizer Tomorrow Community Vision be approved. Council Koho seconded the motion.

The motion carried unanimously:

AYES: Hart, Newton, Van Meter, Orcutt, Koho, Miller, McGee (7)

NAYS: None

ABSTENTIONS: None

ABSENT: None

Sign Code

Mr. Morgan highlighted proposed additions considered for inclusion in the order bill. The proposals result from confusion relating to portable or temporary signs. Clarity is needed in the Code.

The first addition enhances the definition of a portable sign. Portable signs are designed to be moved and not permanently affixed to a building, structure or the ground. Councilor Koho asked if real estate or political signs were considered portable signs. Mr. Morgan clarified those are in a separate category.

The second addition adds the definition of a temporary business. An amendment was proposed to the section on Temporary Signs, removing the existing section and enhancing the definition.

Mr. Morgan asked the Council for direction in clarifying the proposed amendment to Signs Generally Permitted relating to the length of time that temporary signs may be posted. The Code presently states that such signs may not be posted for more than 90 days in a 365 day period. The staff had interpreted it to mean no single sign should be

up for more than 90 days but it can be replaced by another sign when it is removed. The original intent may have been that a total of all the temporary signs posted for a business could be up only 90 days out of year. If that is the case, the wording is not correct. The proposed amendment would clarify that.

Finally, Mr. Morgan proposed an amendment to create a new section for Signs for temporary businesses to allow them to display temporary or portable signs with specific criteria. Mr. Morgan recommended the adoption of the ordinance bill with those additions.

Councilor Koho stated his concern about process. The previous meeting, Councilors had a chart relating the proposals and the results of discussion by the Planning Commission, Government Affairs Committee and Staff. He was concerned that the new proposals had not been to those groups. Councilor Miller expressed concern regarding the wording on the provision for 90 days sign posting and the possibility for misuse. Mr. Morgan agreed with the need for clarity and direction for the staff. He said if the Council would like to return the proposals to staff for additional work that could be done. Councilor Miller asked that the two other groups consider the proposals, too.

Councilor Van Meter joined Councilors Miller and Koho in requesting the extra time but wondered if any businesses were left hanging with the Sign code. He wondered if the new issues should be pulled out and referred back. Mr. Morgan stated businesses were waiting for the revisions to be adopted, i.e. Dairy Queen. He encouraged the passage of the ordinance and then possibly referring the proposals on temporary and portable signs back to the other advisory committees.

Councilor Koho moved a bill for an Ordinance Amending Ordinance No. 87-078 (Keizer Zoning Ordinance): Amendment of Chapter 15 - Sign Regulations; and Declaring an Emergency with the exclusion of recommendations presented by staff which should be referred back to go through the processes. Councilor Miller seconded the motion.

Councilor McGee asked if there were any other new additions than the ones highlighted by staff. Mr. Morgan stated the previous matrix chart was used to draft the ordinance. City Attorney, Mr. Johnson, stated that since the Council was going to hold off on the temporary sign issue, he had another area for discussion. A provision on page 7 would allow an automatic variance for non-conforming sign within 5% of code standards. The idea behind the provision is to allow for signs that are close to being acceptable. The provision does not allow for new businesses that come in after 1997 to get the 5% variance. By 1997, all businesses were to be equal under the Code. This could be an argument or weakening if someone wanted to fight against that.

Mayor Orcutt stated he had discussed that with the staff, also. He thought perhaps there ought to be a conditional use permit. The possibility of someone who is 6% over saying they are within 5% of the 5% could begin a problem. He agreed with Mr. Johnson saying any variation should have a permit. Councilor Hart felt the same way and that the line should be drawn.

Councilor McGee asked if the motion should be amended to include the comments. Mayor Orcutt stated yes.

Councilor McGee made a motion to amend the motion to remove the bracketed areas on

page 7, paragraph 4 to the end of the bracket- "except that, permanent signs in existence on May 7, 1990 shall be considered conforming signs if such signs do not exceed any quantifiable standard contained within this Chapter by more than 5%." The motion was seconded by Councilor Hart.

Councilor Koho asked if the proposal was drafted as a conceptual idea or toward a specific problem. Mr. Morgan stated the proposal was a conceptual one.

The amendment carried unanimously:

AYES: Hart, Newton, Van Meter, Orcutt, Koho, Miller, McGee (7)
NAYS: None
ABSTENTIONS: None
ABSENT: None

The amended motion passed unanimously:

AYES: Hart, Newton, Van Meter, Orcutt, Koho, Miller, McGee (7)
NAYS: None
ABSTENTIONS: None
ABSENT: None

Zone Change 92-1

Councilor Hart stated that there had been some feedback that he had violated Ex-parte rules. He had made two phone calls, apologizing to both sides that there would be a three week delay. He said there was no discussion regarding the zone change and after talking to legal counsel, he planned to vote. Councilor Van Meter stated he had reviewed the tapes of the public hearing, the staff report in total, several times, and Mr. Tross' information. He said he would be supporting the hearings officer.

Mayor Orcutt made a motion that the Council uphold the Hearings Officer and deny the zone change. Councilor Van Meter seconded the motion.

Councilor Hart stated he still felt there had been an error on the part of the hearings officer. Normally the issue passes and the particular kinds of concerns raised are made as conditions. The points the hearings officer used to say no could have been corrected. Councilor Koho said that he had supported the hearings officer the last time but he would be voting differently this time. He said the decision had come after some anxiety and he felt he owed the public a little bit of explanation. One of the things that had happened was the opening of the Taco Bell who's impact on Maine would be similar to the opening of a restaurant on Linda. He was able to walk back during the dinner hour to see what kind of noise there was and what kind of cars were turning. He was surprised by the lack of impact on the neighborhood. Combining that observation traffic being able to enter and exit onto Linda with no sound abatement for a possible office on the site, resulted in his voting differently.

Councilor Newton asked the staff if there had been any changes noted regarding the impact on traffic on River Road from this time as compared to when the analysis was done. Mr. Morgan noted the traffic will be observed probably in the next 3 to 4 months. With an empirical observation, he said the traffic was increasing but seemed to be sorting itself out.

Councilor McGee asked about the upcoming traffic light improvements scheduled for River Road and the time frame for their installation. He noted they would make a substantial difference to the traffic on Linda Avenue and wondered if they were in the offing within a year and a half or two years. Mr. Morgan stated that specifically the River Road Design Plan, which should come before the Council by fall, will recommend the inclusion of a new traffic signal at Bi-Mart with a new street there, the deletion of the signal at either the Cummings or the Manbrin signal and the deletion of the signal at Manbrin and Cherry. These signal changes need to be made to make the system work so traffic will move in platoons or groupings to allow easier access from side streets. If everything moves as it should, it is hoped the signal changes would be in place by the end of the summer 1993.

The motion failed with the following votes:

AYES: Newton, Van Meter, Orcutt (3)

NAYS: McGee, Miller, Hart, Koho (4)

ABSTENTIONS: None

ABSENT: None

Councilor Miller moved that the decision of the Hearings Officer be overturned and the City Attorney be directed to draft an order for the zone change to be allowed with the following conditions: the zone is a limited use overlay zone to accomplish the objective of concern about possible future use of the property, customer access is limited to a River Road driveway, the sound wall on the east side should be continued north to Linda Avenue, a sound and aesthetic buffer should be on the east side of the property to River Road that will not impose a traffic hazard and a gated service entrance onto Linda Avenue is required. The motion was seconded by Councilor Hart.

Councilor McGee said he would be voting for the motion. He agreed that the Council should listen to the Linda Avenue community and that they did. He believed this would be the best thing for Linda Avenue. It should remove the blight and together with the upcoming traffic lighting, should relieve most of the concerns of the Linda Avenue community.

The motion passed with the following votes:

AYES: Hart, Miller, Koho, McGee (4)

NAYS: Van Meter, Newton, Orcutt (3)

ABSTENTIONS: None

ABSENT: None

RESOLUTION

Clearview-No Parking

Mr. Mull stated that Councilor Hart received correspondence regarding the parking situation at 1000 Clearview Drive. The Partridge Apartments have 72 units and a private street goes through the complex between Clearview and Alder. The staff has received complaints about the overflow of parking from residents or visitors on Clearview Drive. The apartment complex has leased land adjacent to the complex for overflow parking but still the situation continues. The residents of Clearview Drive, adjacent to the entrance of the Partridge Apartments, have asked to designate a section of the street as "No Parking". Staff agrees with the proposed designation and recommended the adoption of

a Resolution to this effect.

Councilor Van Meter moved that Resolution R92- Designating Portions of Clearview Drive NE as a "No Parking" Zone. Councilor McGee seconded.

Councilor McGee related he had received a letter from the residents of that area suggesting the problem could best be seen early in the morning or at 5:00 p.m. He did travel that area at that time and said they had a substantial problem. It is not just a problem of convenience but a safety factor is involved. Councilor Hart agreed. Councilor Van Meter said he would be voting for this motion but that with the recent levy defeat the issuing of tickets in the area are going to be a low priority so the designation may not be such an assistance.

Councilor Newton asked whether there are other apartment houses in the city where no parking is permitted. Mr. Mull only knew of the retirement center. The Partridge Apartments have tried to provide additional parking but those visiting don't use it.

The motion passed unanimously:

AYES: Hart, Newton, Van Meter, Orcutt, Koho, Miller, McGee (7)

NAYS: None

ABSTENTIONS: None

ABSENT: None

LCDC Application

Mr. Morgan stated, in the staff report, that the state Transportation Planning Rule requires adoption and implementation by 1994 of land use regulations that help minimize dependence on use of single-occupant automobiles. None of the local jurisdictions have the resources available to independently research and develop ordinances needed for implementation. He said a consortium of the jurisdictions are applying to the Land Conservation and Development Commission for a \$50,000 grant to do that. The staff is asking for the endorsement of the Council for the application. It would require a \$2,000 commitment on the part of the Council and the money was funded in the levy supported budget. The work is needed to be done and he said it would be a tremendous opportunity to leverage \$2,000 into \$50,000 of work. The staff requests the Council approve and authorize the Mayor to sign a letter of commitment.

Councilor Koho moved the Council approve and authorize the Mayor to sign the letter endorsing the grant application. Councilor Newton seconded the motion.

Councilor Van Meter questioned where the \$2000 was coming from. Mr. Morgan noted he had not had time to identify that but one suggestion is that it might be reestablished in the budget. Councilor Van Meter noted that whatever money could be found in the budget would go to public safety. Mr. Morgan said that if the grant was rewarded, then the Council could be approached at that time regarding the \$2000. Councilor Koho noted that since the letter says the \$2000 will be provided, he would like to withdraw his motion and have the item be considered with the levy discussion.

Councilor Hart said that could be done but it could also be worded so that if funds are available it will be passed.

Councilor Hart moved to amend the motion to include "provided funds are available we will provide the \$2000." Councilor Newton seconded the motion.

The amendment passed unanimously with the votes:

AYES: Hart, Newton, Van Meter, Orcutt, Koho, Miller, McGee (7)

NAYS: None

ABSTENTIONS: None

ABSENT: None

Councilor Newton commented that the budget does include contractual and professional services which are not yet specified. If the Council specified that this is one that should have action, and he thought it was, the funds would be available. Councilor McGee questioned whether Keizer would be an equal partner with Salem in the venture. Mr. Morgan stated there would be a 5 person task force that would oversee the work with representatives from the cities of Salem and Keizer, Marion County, School District J and the Transit District. Salem was chosen as the grantee because one jurisdiction needs to do that and they have the resources. The Task Force will not adopt anything but recommend to the local agencies.

Councilor McGee asked if the County was involved. Mr. Morgan replied that Marion County is but Polk is not. Councilor McGee said tried to think of some of the land use issues that might encourage higher use of cars by more than one person. The staff had identified infilling as one of those. He was concerned that the City had recently had some serious discussion with the County regarding the interpretation of density level. He asked if the proposal is developing a second hammer for them.

Mr. Morgan said that issue is pretty well settled and he thought the market reflected that. He stated the number of infill applications the City is receiving is phenomenal. People are recognizing a tremendous advantage of developing or redeveloping the large parcels in the City. There is an application for a subdivision west of McNary High School. The proposed work will give a better capacity to handle this and know we are not damaging neighborhood character. He did not see it giving the county any advantage over the City of Keizer.

The motion passed unanimously:

AYES: Hart, Newton, Van Meter, Orcutt, Koho, Miller, McGee (7)

NAYS: None

ABSTENTIONS: None

ABSENT: None

Possible Reduction- Personnel & Calls

Chief Stull gave the staff report. At present he did not have a staffing or call for service reduction plan but hoped to have it soon. He reported that if the levy had passed, the increase in taxes on a \$60,000 house would have been \$5.40. With the defeat of the levy, the tax savings would be \$55 on the same house. The savings will result in decreased staff in the Police Department: 2 Patrol officers, 2 Traffic officers, 2 School Resource Officers and 1 Criminal investigator.

He shared statistics that showed an increase in all the calls received at the Keizer Police Department this year over the statistics from the prior year. Chief Stull said the most glaring statistic states that in the first five months of 1992, 1000 more calls have been received than in the same period of 1991. With the defeat of the levy, he anticipated some of the programs that will probably have to be eliminated are the DARE program, the Crime Prevention program, the Neighborhood Watch program, the Gang Suppression group formed with the LSAC's, Vacation Home checks, Cultural Awareness programs and the Traffic Accident Education program. He stated they will probably be able to respond only to life threatening calls. In one twelve hour period last week, 32 calls for service were received.

Chief Stull noted three possible staffing scenarios if staffing cuts had to be made as a point of reference although he did not have a shift plan formalized. The result would probably be a Sgt. and 2 officers assigned to each shift. About 50% of the time, that would result in only having 2 officers available because of vacations, court time, etc. At present the Police Department responds to all calls. A reduction in the levy would probably result in a 50% reduction of response.

The citizen will need to take over some of the burden in crime prevention if the staff cuts are made. Chief Stull stated that over \$50,000 has been spent to train the 5 officers that are targeted for layoff. This is in contrast to the small amount of money needed to go back for another levy. Should the officers be laid off, it will take between 18 and 30 months to reestablish the present staffing level, should the money become available. The City will probably lose about 1500 traffic citations which equates to about \$60,000 in traffic fines to the City.

He suggested the Council had three choices. The first is to proceed with the layoffs and the second is to proceed with the layoffs, but go back to the voters in September. The final option is to forgo the layoffs until September and give the voters one more opportunity to pass the levy with all the information regarding the impact to the City resting upon the vote. The persons being laid off will have no trouble finding new jobs. He urged the Council to return to the voters for another levy.

Councilor Hart questioned Chief Stull regarding whether the sergeants were included in the staffing scenarios. The Chief clarified that the first option did. Councilor McGee asked if prioritizing were necessary, would it be something like is done in Salem. Chief Stull wasn't sure how Salem prioritized but he would consider their plan. Councilor McGee questioned whether prioritizing is done now and whether the top priority calls would be affected. Chief Stull stated that the top calls would be responded to. Presently all calls are prioritized by seriousness but none are eliminated. Councilor McGee was establishing that prioritizing was not new to Keizer and other organizations.

Councilor Koho commented that although the organizational chart was not hard and fast, he noted that it showed 7 management and 9 officers. He thought the ratio would have to be looked at. Chief Stull said that the Department had worked for 5 years to get the management staff established which makes the organization run more efficiently resulting in less resources being needed. The Department's top priority is efficiency. Councilor Koho noted that they may have some differences on that.

Mr. Otterman noted that the Council had received a memo from Councilor McGee regarding possibilities for funding to not cut the staffing. In an afternoon discussion

with Councilor McGee, they decided that 2 officers could possibly be saved. This could happen only if the resources were not lower than anticipated and the other suggested changes - reduction in the unemployment line item, cost savings in the City Recorder's position and an increase in the ending fund balance, remained. Mr. Otterman said in a discussion with Chief Stull regarding the projected \$75,000 income in traffic citations, the Chief stated that the officer would probably not have the time to do the traffic enforcement and the resources would be reduced. A reduction in any of the mentioned resources would result in keeping only 1 officer on.

Mr. Otterman said the Council needed to look at the levy and all the options that could be made on a temporary basis. It seems that the maximum number of officers that could be saved would be 2 officers but reality would probably be 1. This would continue with the layoffs in City Hall.

Mayor Orcutt stated the question is whether a levy should be sought and not the specific question of budget numbers. Mayor Orcutt opened the floor up for citizen comment.

Speaking were:

Judith Westbrook, 4003 Noon Avenue NE, Keizer 97303. Ms. Westbrook belonged to the first Neighborhood watch and shared an example of the minutes of their last meeting. She related her family had been selected, watched and burglarized in Salem and thus she moved to Keizer. She was burglarized again in Keizer. The Police Department responded quickly and with the help of the neighborhood, the suspect is in prison. She said the relationship between Neighborhood Watch and the Police Department now is a positive one where each help the other. Ms. Westbrook noted she voted for the levy although there were some unclear issues. She was concerned that the failure of the levy would result in Keizer becoming a city open to lawbreakers. Ms. Westbrook also noted the irony of the Police Department layoff notices taking effect the day before the National Neighborhood Watch Night Out celebration.

Councilor Miller did not want to put the speaker on the spot but he asked what specific items were unclear. Ms. Westbrook stated she was unclear about the need for the Police clerk, the positions in City Hall, the transfer of services from Marion County and the possible addition of a Sergeant position. She had talked to Sgt. Jenness to understand. Mayor Orcutt asked Ms. Westbrook how the word might have gotten out better. He noted there was a public hearing, visits to Mobile Home Parks and speaking at other groups. Ms. Westbrook said better public relations were needed. Someone was needed who can coordinate the effort and ignite people. For the Neighborhood Watch, they had a parade.

Councilor McGee noted that he was not correcting Ms. Westbrook but did want to point out the specific regarding the transfer of services from Marion County resulted in money being saved. Since it is almost self supporting, he didn't want the citizens to think it was a bad deal. Ms. Westbrook noted that it was not fully explained and just having it listed is not enough.

Bill Pearl, 6137 Hogan, Keizer, Oregon. Mr. Pearl stated he agreed with most of what Chief Stull and the previous speaker had said. He also felt the word needed to get out. He mentioned the misunderstanding over the projected cutting of the police officers followed by a newspaper story about two new police officers being hired. He later found

out those officers were already in the academy. He felt that needed to be clarified with the public as well as other issues regarding the budget. He had supported the levy and would be willing to help get the word out if a new levy was supported.

John Bohlander, 1326 Opec Street NE, Keizer, Oregon. Mr. Bohlander is the Assistant Principal at McNary High School. He spoke to offer support for the School Resource Officer program. He felt it is cost effective although it might not show on the ledger sheet since the need is for the future. Those officers have responded to robberies, burglaries, abuse, both physical and sexual, and drug busts. He gave five of the benefits of the SRO program. The first is the educational aspect both in the classroom and outside. Secondly, they serve as role models. The SRO's serve as deterrents to crime. They also enforce the law. Mr. Bohlander was able to give specific illustrations to support his points. The situation of 1600 people together for 6.5 hours at the High School does result in problems. Lastly, the SRO's deal with theft and vandalism resulting in recovery of thousands of dollars worth of property.

Mr. Bohlander noted that violence is bound to increase but that the Keizer schools are relatively safe and he wanted to keep them that way. He would like to expand the program but at the minimum he would like the SRO program continued until other funding could be sought.

Jack Spitzmesser, Wildwood Mobile Home Court, 5510 Windsor Island Road N., Keizer, Oregon 97303. Mr. Spitzmesser noted that the Council was interested in getting the word out but that 2 weeks ago 45 members of the Mobile Home court were willing to listen and no one showed up to share. Councilor Miller said he wasn't aware of any meeting and asked who was to appear. Mr. Spitzmesser said he did not know. He said the manager had called the meeting and told the residents that someone was coming to talk about the budget. Councilor Miller offered his apologies. Mr. Spitzmesser felt that if they had a good message the levy might have passed.

Frank Jellison, 564 Manbrin Drive N., Keizer, Oregon 97303. Mr. Jellison was the Vice Chair of the Cummings LSAC and is now a member of the Gang Violence in schools program. Mr. Jellison spoke in favor of keeping the SRO program. He wished it would be expanded in the grade schools. Children there need to see the Police Department in a positive vein and have a good experience since they may come from homes where the Police are bad mouthed. He said a way needed to be found to have the SRO's in the schools in September.

Lydia Muniz, 990 Ivy Way NE, Keizer, Oregon 97303. Ms. Muniz is president of the Whitaker LSAC for the coming year. She wanted to express her concern for the loss of the SRO's. She felt they were critical in the elementary and middle schools. She also spoke as a public citizen supporting the Cultural Awareness program. The continued growth in the minority population makes it critical that minority officers be retained. She asked that the Council put the levy up again.

Jeff Anderson, 3394 Jack Street N., Keizer, Oregon 97303. Mr. Anderson stated he came to speak as a victim. His house had been broken into 2 times and both his neighbors had been broken into more than once. He said he lived virtually on the southern most edge of Keizer. He asked the Council to consider a levy in September. He felt he could represent a community that hadn't been tapped by his involvement in the AFL-CIO in the area. He was willing to support the levy through reaching out.

Carol Jellison, Keizer LSAC Chair. Ms. Jellison spoke both as a parent and as a LSAC chair. She was concerned with the safety of her children in the neighborhood and had experience with the police responding to her calls. She shared some information regarding a new curriculum addition which would integrate part of the DARE program and result in teaching children how to behave better in the community. She felt the effects of community policing have been proven and the SRO's are part of that program. Ms. Jellison said the City couldn't afford to let crime get out of hand. The cost of prevention is still much more reasonable than the alternative of providing jail space, public defenders and victim restitution. She related her positive experiences with the specific officers which made her feel comfortable.

Ms. Jellison urged another public forum for testimony. She stated that the community has not used the Town Hall forum. Most of the people present in the audience tonight were the results of a telephone tree. Councilor McGee asked how the telephone tree was initiated. She answered that most of the contacts started with contacts with some of the Council members and the Police Chief. Discussion continued at task force meetings and through other phone calls. Councilor McGee asked more specifically how the organization worked for tonight's meeting. Ms. Jellison said the contacts resulted from continued interaction between people who met through other situations. She encouraged the use of the Town Hall meeting although it could be uncomfortable for the Council. Councilor Koho said that he had held a Town Hall meeting a year ago and then this past month. He felt he had told the groups he met with that the levy vote was a decision between levels of service.

Ms. Jellison noted that many people seemed to disregard the mail out ballot. She felt the Town Hall would be more successful than newspaper communication. She also said there was lots of resentment regarding misuse of taxes and although it might be at misuses on the state or other level, the frustration is taken out at the local budget.

Council Van Meter asked if a newsletter would be useful to inform the citizens about the City. Ms. Jellison said no, since they don't read the school bulletin they probably wouldn't read a newsletter. Councilor Hart noted he did not feel uncomfortable with the Town Meeting and really appreciated the enthusiasm of the speakers. Councilor McGee wondered why the other side of the vote were not represented in the meeting.

Jerry Hartley, 950 Rafael Avenue N., Keizer, Oregon 97303. Mr. Hartley spoke as an opponent of the levy. He told of his frustration with the promotional meeting and the mailer. He felt he could not get the information he needed. He did not believe using other cities as comparisons was helpful. He wanted an explanation of the levy. He felt he could have an effect on enough people to help pass a budget. He wanted a reason for a 5% increase on the budget and to hear information about the figures. Councilor Koho asked if he would like the opportunity to vote for another budget. He said if he were offered a budget of 1.5 million, it would see support.

Mayor Orcutt adjourned the meeting for a short break.

The meeting was called back to order at 10:18 p.m.

The Council continued hearing testimony from the Public regarding the possible reduction in Personnel and Calls for Service in the Police Department.

Speaking were:

Carol Miller, 1088 Ventura Street N., Keizer, Oregon 97303. Ms. Miller is an officer in the Cummings LSAC and was a part of the recent school bond election. She related some of the ways that organization worked for passage of the election. She suggested three questions need to be asked regarding the possible elimination of resource officers in the schools. Those are: Why do the positions exist? Where would the schools and students be without them? and What will the schools look like in 5 to 10 years? She commented on the difference for students now as compared to the past. She shared some of the involvement of the Police Department in the LSAC at Cummings School and their stress on prevention, awareness and parental involvement. She encouraged the City to find a way to use volunteers which could be the City's greatest asset.

Herb Sangster, 832 Maine Avenue, Keizer, Oregon 97303. Mr. Sangster said he supported what had been said about the Resource Officers, stating he thought it was one of the best preventive police programs in Keizer. He suggested himself as an example of what a Resource Officer could do, since he was talked to by an officer when in school and now he was a productive, tax paying citizen. He urged support.

Neal Harris, 952 Mistletoe Loop, Keizer, Oregon 97303. Mr. Harris is a teacher in Keizer and voted yes on the levy. He related experiences in his teaching where he had to call the Police for his classroom. He stated that time is taken out of his teaching when he must restrain students. He also said the other students in the class look to him for protection and he had a good year in cooperation with the Police Department. There are only 3 classrooms such as his in the district and they are dependent upon the agencies, especially the Police Department to act as a deterrent and role model. He commented on the quality of the work done by the Police Department and he urged the Council to put the levy before the voters again in September.

Cathy Harris, 952 Mistletoe Loop N., Keizer, Oregon 97303. Ms. Harris said she was not a part of the phone tree but was attending the meeting as a citizen. She wanted to be protected and felt there should be more police added, never taking any away. She thought that the Council should wait until September and try again. She urged that the information from the Police Department regarding the cuts be advertised.

Ray Wilson 617 Rosepark Lane, Keizer, Oregon. Mr. Wilson noted he did support the police but he had a concern with perception. He had a concern with the River Road Redevelopment issue and the contrast of laying off police officers. He encouraged Student Resource Officers, officers in the streets and another chance at the levy.

Bob Emmerich, 6188 Crampton Drive N., Keizer, Oregon 97303. Mr. Emmerich stated he and his wife were new to the Keizer area and had moved here because it was a safe community. He was concerned that if the police force was cut, it would not be as good a community and the criminal element might see this as open season. Mr. Emmerich stated he thought the questions were how much is the levy and how do the citizens who said no get informed? He noted there was only one person who spoke against and the challenge is to find out why people voted no. He supported the Town Hall idea and was willing to serve on a committee.

Gary Steiner, 454 Noon Avenue, Keizer, Oregon 97303. Mr. Steiner stated he was grateful for the opportunity to speak and to hopefully vote yes in September. He hoped the focus would be on setting the ballot in a clear manner, not including other issues. He spoke of his positive involvement in the Neighborhood Watch and other community

organizations. He wanted to get people in the know as to what's happening. He also assured the Council there were yes votes in the public.

Sue Rodriguez, 949 Plymouth Drive, Keizer, Oregon 97303. Ms. Rodriguez was concerned about the Student Resource officer program. She said her kids were devastated by the option of losing the officers. She also supported having the police going up and down her street.

Deliberation

Councilor Miller moved that a levy be placed on the ballot in September and the Council review the budget in future meetings to see if there are cuts that could be made from the levy presented in June. The motion was seconded by Councilor Newton.

Councilor Miller appreciated all the input that was received from the citizens. He said that included most of the notes he had made and based on the reasons heard tonight, the Council should go for the levy. He also said he disagreed with Councilors who might not be for the levy. Councilor Koho stated that during the past campaign he thought he was getting out the message that the June levy was the last chance. He did not think it was getting out since he didn't think he had ever seen such an outpouring of people saying, "Let us tax ourselves."

Councilor McGee related that he previously spoke out as strongly as he could to have the levy go out again, based on his idea at the time that it was a tie. His phone began ringing from people who said he had made a mistake. He rethought his position and then went on a telephone survey which resulted in 30 to 35 of the people saying, "don't go out again." He commented on the eloquence of the speakers regarding keeping the SRO's but that was not the issue. His bottom line was that the people have been approached twice and it was voted down. To go out again would damage credibility and he was not sure the gains would be there. He thought there is money in the budget to save 2 officers which might or might not be SRO's. He was puzzled by the lack of opponents at the meeting but thought they needed to have comments from those who were not present. He did point out the vote does not necessarily connect with losing the SRO's.

Council Miller noted that it took a big person to admit mistakes and several speaking tonight have done that. He thought perhaps others were not present because they determined the error of their ways from the newspaper. He felt they should have another chance to vote. The Salem-Keizer School District, in the past, has continued to go back to the voters with levies until one passed. He didn't think the voters knew this was the last chance. Also, he said since the election was the result of a small voter turnout, he thought the election was carried by a majority of a minority. Councilor Van Meter believed the government's role is public safety and he would be voting for the levy to go out in September.

Councilor Hart agreed and said the whole campaign talked about public safety. He did not want to lose the present officers and wanted another shot in September. Councilor Koho noted there is an opportunity for confusion for the voters with the way the school district works since the City does not fall back on a safety net. Councilor Newton said the levies are an expensive and difficult way of communicating with the citizens. He would prefer Town Hall meetings or a better way but thought the levy opportunity was needed to establish the level which the citizen will support. This levy should finally establish the base level of services. Should it fail, the City will have to resort to the

former base at which he did not believe the level of service would be satisfactory.

Councilor Hart shared his conversations with two voters asking them if they supported the present level of services or wanted to go back for another levy. He noted they did not understand what the levy is doing. They wanted to stay at the current level. He commented he appreciated the comments of the speakers in volunteering to work on the campaign in September. Mayor Orcutt stated he had wrestled with the question of whether or not to go out. The testimony from this evening and the welfare of his own family had helped change his decision to support a levy in September.

Mayor Orcutt moved to amend the Motion to direct staff to prepare a status quo budget with just inflation and cost of living factored in. Councilor Van Meter seconded the motion.

Councilor Koho voiced his support for the motion as a starting budget. Councilor Miller thought it was premature to limit the budget like that. He said there has been good support for the new personnel in the Police Department. He didn't think both decisions should be made now. Mayor Orcutt said he agreed with the need for Police personnel but that the Council is down to crunch time and there are not going to be other chances. He was not willing to risk officers to add officers. He wanted to see if the voters will pay for the services provided today. Councilor Miller thought the Council ought not to lock themselves in. He felt other things could be cut and perhaps status quo could mean different things. It should be considered in the budgetary process. Mayor Orcutt pointed out the motion just allowed for staff direction for an initial look. Councilor Van Meter said he would not be supporting levy attempts that would be more than the amounts of 1991 and 1992 and thought using Councilor McGee's figures, perhaps the levy could be less.

The amendment passed with the following votes:

AYES: Hart, Newton, Van Meter, Orcutt, Koho, Miller, (6)

NAYS: McGee (1)

ABSTENTIONS: None

ABSENT: None

The amended motion passed with the votes:

AYES: Hart, Newton, Van Meter, Orcutt, Koho, Miller (6)

NAYS: McGee (1)

ABSTENTIONS: None

ABSENT: None

Councilor McGee noted he had tried to express the viewpoint of the people who were not present but was not all that disappointed because it was his personal wish to go back. He said he will support and work for the success of the levy although he thought it is philosophically wrong to keep going back and it is not the way to build credibility. Mayor Orcutt asked that the staff have figures regarding the impact of keeping the staff at present level until the levy.

Mr. Otterman noted that as it stands, the layoff notices were extended for 30 days. The Council would have to take action between now and August 3 to rescind those notices.

In answer to a question from Councilor Koho regarding time frames, Mr. Otterman said the ballots have to go out 14 days before the election. Councilor Koho noted that the budget must be submitted by July 30. Councilor Miller asked that the staff offer some information regarding the total cost in the upcoming levy of the increase as a result of the pay increase and benefits as a result of the labor negotiations. He thought it might be impossible to have the same level of service in the Police Department in the next year with the increases and meet the 1991 and 1992 levy.

CONSENT CALENDAR

-RESOLUTION - Designation Checking Account

Signers

Councilor Koho moved the approval of the Consent Calendar. Councilor Van Meter seconded the motion.

The motion passed unanimously with the votes:

AYES: Hart, Newton, Van Meter, Orcutt, Koho, Miller,

McGee (7)

NAYS: None

ABSTENTIONS: None

ABSENT: None

OTHER BUSINESS

There was no other business to come before the Council.

WRITTEN COMMUNICATIONS

There were no written communications to come before the council.

AGENDA INPUT

Councilor Van Meter noted the Amendment to the Sewer Plan would need to be added. Mayor Orcutt added the Ordinance Zone Change 92-1 to Agenda. Councilor Van Meter also asked about the timing for the budget meetings and hearings. Mr. Otterman said it would take at least a week and half to get the notices out and the Budget Committee requested the proposed budget one week in advance. Mr. Otterman asked about possible vacations for Council members.

ADJOURNMENT

The meeting was adjourned at 11:05 p.m.

Linda S. Sanders,
Recording Secretary

APPROVED:

MAYOR

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2
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City of Keizer — Public Works Department

Phone: 390-3700 • 393-1608 • Fax # 390-8295
930 Chemawa Rd. N.E. • P.O. Box 21030 • Keizer, Oregon 97307-1030

COUNCIL MEETING: July 20, 1992

AGENDA ITEM: 9e

TO: MAYOR AND CITY COUNCIL

THROUGH: DONALD H. OTTERMAN M.S. PA *DP*
CITY MANAGER

FROM: WALLY G MULL, PUBLIC WORKS DIRECTOR *WM*

SUBJECT: LOCAL AGENCY FUND EXCHANGE AGREEMENT
(LOCKHAVEN PHASE II)

BACKGROUND

The Oregon Department of Transportation (ODOT) is changing the way they do business with local governments. The Intermodal surface Transportation Efficiency Act of 1991 (ISTEA) provides more money and greater flexibility to the states. ODOT has recently approved a fund exchange program that would allow an exchange rate of \$0.94 cents for every \$1.00 STP dollar of eligible project cost.

The City of Keizer Public Works Department would provide construction management services and Marion County Department of Public Works provide design and surveying control services. Without ODOT involvement in the construction phase of the project the City should see additional savings.

FISCAL IMPACT

Under this agreement the City would be trading \$440,000 Federal Funds for \$413,600 State Funds. In the old FAU Fund allocating system the City of Keizer would have been responsible for 6.5% or \$28,600. The Engineers estimate for this project is \$409,047. The City also has \$393,000 in the Lockhaven Phase II Improvement Reserve Fund. This money was to be used should no FAU Funds be available.

RECOMMENDATION

City Council adopt the attached Resolution authorizing the Mayor and City Recorder to sign the Local Agency Fund Exchange Agreement.

K:\lockagree

_____"Pride, Spirit and Volunteerism"_____

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2
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4 Resolution R92-____

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6
7 LOCAL AGENCY FUND EXCHANGE AGREEMENT FOR
8 LOCKHAVEN BETWEEN JOAN DRIVE NORTH AND WINDSOR ISLAND ROAD
9

10
11 WHEREAS, the City of Keizer is eligible to receive Federal Aid
12 Urban (FAU) funds to finance the construction of Lockhaven between
13 Joan Drive North and Windsor Island Road;
14

15 WHEREAS, the project was approved by the State Highway
16 Engineer on March 6, 1979, under delegated authority from the
17 Oregon Transportation Commission;

18 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City
19 of Keizer that the City of Keizer enter into the attached Local
20 Agency Fund Exchange Agreement within the State of Oregon and that
21 the Mayor and City Recorder are authorized to sign said Agreement
22 on behalf of the City of Keizer.
23

24 PASSED this _____ day of _____, 1992.

25
26 SIGNED this _____ day of _____, 1992.

27
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29
30
31 _____
32 Mayor

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34
35
36 _____
37 City Recorder
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39
40



City of Keizer — *Community Development*

Phone: 390-3700 • Fax # 390-8295

930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, Oregon 97307-1000

CITY COUNCIL MEETING: July 20, 1992

AGENDA ITEM NUMBER: 9 f&g

TO: MAYOR AND CITY COUNCIL

THROUGH: DONALD H. OTTERMAN M.S.P.A,
CITY MANAGER

FROM: JOHN N. MORGAN, AICP
COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: RESOLUTIONS ADOPTING URBAN RENEWAL BUDGET

DISCUSSION:

The City Council adopted by motion the FY 1992-1993 budget for the Keizer Urban Renewal Agency on June 30, 1992.

Attached to this report are two resolutions formalizing the adoption. The first adopts the budget and the second makes appropriations. These resolutions are necessary in order to certify the budget to the County Assessor and allow the collection of the increment.

RECOMMENDATION:

It is recommended the Council adopt the resolutions adopting the Keizer Urban Renewal Agency Budget for FY 92-93 and making appropriations.

CITY COUNCIL MEETING: July 20, 1992

AGENDA ITEM NUMBER: 9f

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R92- _____

**RESOLUTION ADOPTING THE
KEIZER URBAN RENEWAL AGENCY BUDGET**

1 BE IT RESOLVED by the City Council of the City of Keizer that
2 the City Council hereby adopts the budget approved by the Budget
3 Committee with the necessary adjustments as permitted in accordance
4 with ORS 294.435 for 1992-1993 in the total sum of \$4,272,872 now
5 on file at City Hall.

6
7 PASSED this _____ day of _____, 1992.

8
9 SIGNED this _____ day of _____, 1992.

10
11 _____
12 Mayor
13
14
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17 _____
18 City Recorder

CITY COUNCIL MEETING: July 20, 1992

AGENDA ITEM NUMBER: 9g

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R92-_____

RESOLUTION MAKING APPROPRIATIONS FOR THE
KEIZER URBAN RENEWAL AGENCY

BE IT RESOLVED by the City Council of the City of Keizer that the amounts for the fiscal year beginning July 1, 1992, and for the purposes shown below, are hereby appropriated for the Keizer Urban Renewal Agency as follows:

URBAN RENEWAL FUND

Personal Services	\$ 23,679.
Materials and Services	\$ 91,000.
Debt Service	\$ 150,000.
Capital Improvements	<u>\$2,320,000.</u>

TOTAL URBAN RENEWAL FUND APPROPRIATIONS \$2,584,679.

PASSED this _____ day of _____, 1992.

SIGNED this _____ day of _____, 1992.

Mayor

City Recorder



1982

City of Keizer

Administration

930 Chemawa Rd. N.E. • P.O. Box 21000

Keizer, Oregon 97307-1000 • (503) 390-3700 • Fax # 390-8295

CITY COUNCIL MEETING: July 20, 1992

AGENDA ITEM NUMBER: 9 h&i

TO: MAYOR AND CITY COUNCIL

FROM: DONALD H. OTTERMAN, CITY MANAGER

SUBJECT: ADOPTION OF AMENDED RESOLUTIONS REGARDING THE ADOPTION OF
THE 1992-93 BUDGET.

ISSUE

Shall the City Council adopt the amended Resolutions regarding the adoption of the 1992-93 budget and appropriations from that budget?

DISCUSSION

The Department of Revenue has informed the City that if the City wishes to request approval of a levy from the voters in September, it needs to adopt a budget that is based upon a requested levy, even though the levy has not been voted upon by the voters or the amount of the request determined by the City Council. The Department of Revenue, in discussions with the City Attorney and I, told us that we should revise the Resolutions regarding the 1992-93 budget and adopt Resolutions that reflect what was published in the newspaper public hearing notice for the levy that was requested in June, and then pare down the City's request to the voters from there for the September levy election. As long as the City's request of the voters is not greater than the requested levy vote in June, it would be able to revise the adopted budget after the vote on the levy request, to either reflect the voters approval, or rejection of the levy request.

The budget that will be adopted by the Council with the amended Resolutions is only for the purpose of technical compliance with the Department of Revenue, and should only be considered the basis for which to formulate the new request of the voters. Adoption of the budget, even though relying on a future levy, does not give authorization to spend the funds. If the City does not have the funds, it does not have the authorization to spend those funds.

The City Council should not be concerned that it is giving appropriations authorization in excess of the funds available. The

"Pride, Spirit and Volunteerism"

City will not expend any funds from property taxes above the tax base prior to September 15, 1992 and if the levy fails, it will revise the budget to reflect the levy failure. No vacant positions in any general fund supported department will be filled until the levy decision is determined. If the levy passes, the city will need to revise the budget to reflect the amount of money the voters approve.

RECOMMENDATION

It is recommended that the City Council approve both Resolutions regarding the 1992-93 budget.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R92-_____

AMENDING RESOLUTION R-92-569 AND

MAKING APPROPRIATIONS

WHEREAS, Resolution R92-569 made appropriations based upon an adopted budget showing no tax levy beyond the tax base;

WHEREAS, it was the intention of the Budget Committee and City Council to preserve the option of submitting another levy request;

WHEREAS, the adopted budget has been amended to reflect a proposed levy request; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that Resolution R92-569 is hereby amended as follows that the amounts shown below for the fiscal year beginning July 1, 1992, and for the purposes shown below, are hereby appropriated as follows:

GENERAL FUND

Personal Services

Administration	\$ 169,212.
Police	\$1,346,285.
Municipal Court	\$ 26,476.
Parks	\$ 27,749.
Planning	\$ 57,984.
Total Personal Services	\$1,627,707.

Materials and Services

Administration	\$ 122,142.
City Council	0
Municipal Court	\$ 48,430.
Parks	\$ 46,960.
Planning	\$ 27,450.
Police	\$ 444,515.
Total Materials and Services	\$ 689,497.

Capital Outlay		
Administration	\$	0
Municipal Court	\$	1,800.
Police	\$	80,259.
Parks	\$	<u>25,000.</u>
Total Capital Outlay	\$	107,059.
Operating Contingency	\$	50,000.
Transferred to Other Funds	\$	<u>103,079.</u>
TOTAL GENERAL FUND APPROPRIATIONS		\$2,577,342.
<u>REVENUE SHARING FUND</u>		
Capital Outlay	\$	<u>148,702.</u>
TOTAL REVENUE SHARING FUND APPROPRIATIONS		\$ 148,702.
<u>STREET FUND</u>		
Personal Services	\$	76,554.
Materials & Services	\$	498,593.
Bond Debt Payment	\$	65,411.
Capital Outlay	\$	648,310.
Contingency	\$	<u>15,000.</u>
TOTAL STREET FUND APPROPRIATIONS		\$1,303,868.
<u>UTILITY FUND</u>		
Personal Services	\$	45,124.
Materials & Services	\$	1,686,488.
Bonded Debt Payment	\$	401,564.
Capital Outlay	\$	10,000.
Operating Contingency	\$	<u>50,000.</u>
TOTAL UTILITY FUND APPROPRIATIONS		\$2,193,176.

1
2 9-1-1 EMERGENCY COMMUNICATIONS FUND
3

4 Disbursements \$ 80,896.
5
6 TOTAL 9-1-1 EMERGENCY COMMUNICATIONS FUND
7 APPROPRIATIONS \$ 80,896.
8
9

10 WATER FUND
11

12 Personal Services \$ 412,494.
13
14 Materials & Services \$ 816,107.
15
16 Capital Outlay \$ 134,500.
17
18 Transfer to Facility Replacement
19 Reserve \$ 100,000.
20
21 Operating Contingency \$ 50,000.
22
23 Bonded Debt Payment \$ 370,085.
24
25 TOTAL WATER FUND APPROPRIATIONS \$1,883,186.
26
27

28 WATER FACILITY REPLACEMENT RESERVE FUND
29

30 Reserved for Future Expenditure \$ 615,159.
31
32 New Production Well \$ 150,000.
33
34 WATER FACILITY REPLACEMENT RESERVE FUND
35 APPROPRIATIONS \$ 765,159.
36
37

38 LOCKHAVEN IMPROVEMENT RESERVE FUND
39

40 Reserve for Future Expenditure \$ 393,000.
41
42 TOTAL LOCKHAVEN IMPROVEMENT RESERVE FUND
43 APPROPRIATIONS \$ 393,000.
44
45

46 CITY HALL REPLACEMENT FUND
47

48 City Hall Master Plan \$ 10,000.
49
50 Reserved for Future Expenditure \$ 10,000.
51
52 TOTAL CITY HALL REPLACEMENT FUND APPROPRIATIONS \$ 20,000.

Personal Services	\$ 6,475.
TOTAL CITY FACILITIES MAINTENANCE FUND APPROPRIATIONS	\$ 6,475.
<u>PARK IMPROVEMENT FUND</u>	
Reserved for Future Expenditure	\$ 65,289.
TOTAL PARK IMPROVEMENT FUND APPROPRIATIONS	\$ 65,289.
TOTAL APPROPRIATIONS	\$ 9,437,093.

PASSED this day of _____, 1992.

SIGNED this day of _____, 1992.

Mayor

City Recorder

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R92-_____

AMENDING JUNE 30, 1992 MINUTE MOTION ADOPTING BUDGET

WHEREAS, on June 30, 1992, the Budget Committee and City Council discussed the option of submitting a new levy request;

WHEREAS, a decision whether or not to submit a new levy was set over to the next Council meeting;

WHEREAS, the Council was required to adopt a budget in order to authorize spending in the fiscal year beginning July 1, 1992;

WHEREAS, the Council adopted a reduced budget based upon no levy beyond the tax base;

WHEREAS, the Oregon Department of Revenue interprets its rules to include a proposed levy in anticipated revenues, and the Revenue Department requires a proposed budget to include anticipated revenues, thereby requiring cities to adopt a proposed budget which includes revenues from a proposed levy;

WHEREAS, it was the intention of the Budget Committee and Council to preserve the option of submitting another levy request;
NOW, THEREFORE,

BE IT RESOLVED that the City Council of the City of Keizer hereby amends the June 30, 1992 minute motion to adopt the budget and hereby adopts the budget for 1992-93 in the sum of \$_____ which is now on file at the City Hall.

PASSED this _____ day of _____, 1992.

SIGNED this _____ day of _____, 1992.

Mayor

City Recorder



City of Keizer

Administration

930 Chemawa Rd. N.E. • P.O. Box 21000

Keizer, Oregon 97307-1000 • (503) 390-3700 • Fax # 390-8295

COUNCIL MEETING: July 20, 1992

AGENDA ITEM NO.: 14a

DATE: JULY 15, 1992

TO: MAYOR AND CITY COUNCIL

FROM: *X* TRACY DAVIS, CITY RECORDER, PRO TEM

SUBJECT: AGENDA ITEM 14a, EXECUTIVE SESSION ORS 192.660 (1)(e) -
NEGOTIATION OF REAL PROPERTY TRANSACTION

Agenda Item Number 14a is not included in this agenda package. However, the material will be provided to you on or before Monday, July 20, 1992.