CITY COUNCIL AGENDA PACKET

MONDAY,
July 19, 2004

- 6:45 P.M. URBAN RENEWAL AGENCY MEETING

- 7:00 P.M. CITY COUNCIL REGULAR SESSION

Please contact Chris Eppley, City Manager if you have any questions or need additional information regarding any of the staff reports or issues contained on the agenda. Thanks!!

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CITY OF KEIZER
NOTICE OF MEETING

FAXED 7/16/04

URBAN RENEWAL AGENCY MEETING

NOTICE is hereby given that the Urban Renewal Agency of the City of Keizer will meet on **Monday, July 19, 2004 at 6:45 p.m.** The agenda includes review of a property improvement grant for Keizer Village.

The meeting will be held in the Robert L. Simon Council Chambers, Keizer City Hall, 930 Chemawa Road NE, Keizer, Oregon.

Questions regarding this session may be directed to Chris Eppley, City Manager at 390-3700.

Dated this 16th day of July, 2004.

Tracy L. Davis, CMC
City Recorder

Notice for Information Purposes Only.

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

PUBLIC TESTIMONY

IF YOU ARE INTERESTED IN ADDRESSING THE COUNCIL ON AN ISSUE NOT LISTED ON THE AGENDA OR AN ITEM ON THE AGENDA NOT SCHEDULED FOR A PUBLIC HEARING, PLEASE FILL OUT THE INFORMATION BELOW AND GIVE TO THE CITY RECORDER OR STAFF GREETER PRIOR TO THE START OF THE MEETING. THE MAYOR WILL RECOGNIZE YOU AND ASK FOR YOUR TESTIMONY AT EITHER ~~THE~~ PUBLIC TESTIMONY SECTION OF THE MEETING OR THE APPROPRIATE AGENDA ITEM.

EACH PERSON'S COMMENTS WILL BE LIMITED TO FIVE MINUTES.

6:40

Name: SHAYNE HOLLANDSWORTH

Address: ______

______

Subject or Agenda Item Number: PARKS BOARD

______

Your Comments:

Proponent ______ Opponent ______ General ______

Date 7/19/04

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6:40

Name: Art Bobrowitz

Address: 7315 Wheatland Rd. N.

Subject or Agenda Item Number:

River Road Posted Speed

Your Comments:

Proponent ______ Opponent ______ General ______

Date 7/19/04

PUBLIC TESTIMONY

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EACH PERSON'S COMMENTS WILL BE LIMITED TO FIVE MINUTES.

Name: Jerry McGee

Address: 1030 Ridgepoint St N.E
Keizer

Subject or Agenda Item Number: 1-Speed limit
2 – CM contract
2 - Topics

Your Comments:

Proponent ______ Opponent _______ General _______

Date 7/19/04

CITY OF KEIZER MISSION STATEMENT

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

AGENDA

KEIZER CITY COUNCIL
REGULAR SESSION
Monday, July 19, 2004
7:00 p.m.
Robert L. Simon Council Chambers
Keizer, Oregon 97303

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **FLAG SALUTE**

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

5. **PUBLIC HEARINGS**

   a. **Liquor License Application – US Market #125**

   b. **RESOLUTION – Forming Megan Lee Properties Street Lighting Dist**
      ORDINANCE – Spreading Assessments to Megan Lee Properties Street Light District

6. **COMMITTEE REPORTS**

   a. **Swearing In of Keizer Police Officer Grant Zaitz**

   b. **Library Task Force Report**

7. **OTHER BUSINESS**
   This time is provided to allow the Mayor, Council members or staff an opportunity to bring new or old matters before the Council that are not on tonight's agenda.
   - **New Business**
   - **Old Business**

8. **ADMINISTRATIVE ACTION**

   a. **ORDINANCE – Text Amendment – Case No. 04-08 – Industrial Business Park (IBP) Zone**

   b. **RESOLUTION – Authorizing City Manager to Enter Agreement to Purchase Property at 1505 Rockledge Drive NE, Keizer** passed

c. **RESOLUTION – Authorizing The City of Keizer to Apply for Local Government Grant for Acquisition of Property in the Vicinity of Keizer Rapids for Community Park Purposes**

9. CONSENT CALENDAR

passed

a. **RESOLUTION – Authorizing the City Manager to Enter Agreement for Development of a Transportation Capital Improvement Plan and System Development Charge**

passed

b. **RESOLUTION – Approving Engineer's Report for Hunter Addition Street Lighting District**

Smith

c. **RESOLUTION – Authorizing the Mayor to Sign Amendment to City Manager Contract**

passed

d. **RESOLUTION – Authorizing the City Manager to Enter Intergovernmental Agreement with City of Salem for Police Records Management**

passed

e. **RESOLUTION – Authorizing the City Manager to Enter Agreement with GEO Tec Services for Monitoring Well Construction**

f. **Approving June 7, 2004 Regular Session Minutes**

Taylor

g. **Approving June 21, 2004 Work Session Minutes**

h. **Approving June 21, 2004 Regular Session Minutes**

10. WRITTEN COMMUNICATIONS
To inform the Council of significant written communications.

11. AGENDA INPUT

August 2, 2004
7:00 p.m. City Council Regular Session

August 16, 2004
7:00 p.m. City Council Regular Session

August 30, 2004
5:30 p.m. City Council Work Session
- **Parks Tour**

12. ADJOURN

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Urban Renewal Agency
July 19, 2004

AGENDA ITEM 5a

Keizer Village Property Improvement Grant

URBAN RENEWAL AGENCY MEETING July 15, 2004

AGENDA ITEM NUMBER: ______________

MEMORANDUM

To: Urban Renewal Agency

Thru: Christopher Eppley, City Manager

From: Nate Brown, Community Development Director NWB

Date: July 16, 2004

Re: Property Improvement Grant for 3840 River Rd N

BACKGOUND

On March 14, 2003 staff presented a request for a Property Improvement Grant to the Keizer Urban Renewal Agency. The grant proposal was for frontage improvements to Keizer Village Shopping Center located at 3840 River Rd N. The Keizer Urban Renewal Agency approved the grant based upon the recommendation by the Keizer Urban Renewal Board (KURB). KURB recommended a 50% landscaping grant for improvements in landscaping inside of the property boundaries and 100% "demonstration project" grant to move sidewalks away from the street, creating a landscaped area between the street and sidewalk. In presenting this request to the Urban Renewal Agency staff inverted the dollar figures by assessing fifty percent of the perimeter work and 100 percent of the interior work as the dollar amounts to be paid. This resulted in a reduction of $6,767.35 being paid to the applicant. Therefore, we are requesting a revision to the approval received by the Agency on March 17, 2004 as listed below:

50% Landscaping grant as allowed in current policy			
Approved by KURB	$11,009.10	Approved by KURA	17,776.45
100% special project grant			
Approved by KURB	35,552.90	Approved by KURA	22,018.20
Totals	46,562.00		39,794.65
Difference			6,767.35
Additional cost of demonstration project (City incurred expenses)			$22,500.00

Staff inverted the dollar amounts by assessing fifty percent of the perimeter work and 100 percent of the interior work as the dollar amounts to be paid. This resulted in a difference of $6,767.35.

FISCAL IMPACT

The fiscal impact of this project presented to KURA originally was $62,294.65. This change will increase that total amount to $69,302.90 broken down as follows:

50% landscaping grant as allowed in Urban Renewal District policy	
(50% of 22,018.20)	11,009.10
100% special project grant	35,552.90
Additional cost of demonstration project	
(Sidewalk, closing of one driveway)	22,500.00
Total	69,062.00

RECOMMENDATIONS

It is recommended the Agency approve the disbursement of additional funds for the Property Improvement Grant for 3840 River Rd N in the amount of $6,767.35 as outlined in this staff report.

Attachments:

- Staff report to KURB dated February 26, 2003
- Minutes from KURB meeting October 22, 2003
- Staff report to Urban Renewal Agency dated March 14, 2003

Memo to: Keizer Urban Renewal Board

From: Cheryl Vafakos, Associate Planner

Date: July 16, 2004

RE: **Landscape Grant Application for 3840 block of River Rd NE**
Keizer Village
Dickerhoof Properties Real Estate Services

The Improvement Resolution regulating the Landscaping Grant has recently underwent some changes through City Council. One of those changes applicable to the above reference grant application is to reduce the requirement to one bid for unique situations. However, to protect Keizer's investment and the magnitude of this project staff contracted through Cascade Landscaping Management, Inc. to review the bid submitted. The result of this review resulted that the pricing was consistent with standard industry pricing. Please find attached a copy of the consultant's statement and comments made regarding the bid submitted.

The total of the bid presented by the Dickerhoof Properties was $57,571.10. The consultant was asked to divide the cost up between the perimeter work (that area adjacent to the street) and the interior work including the south side of the property. The result was $35,552.90 for the perimeter work and $22,018.20 for the inside and south side of the property.

In addition to this cost there will be an additional $22,500.00 for the removal of the existing sidewalk and driveway drop and replacement of the driveway drop with a new curb and setting the sidewalk back away from River Rd. This cost is in addition to the estimate provided by the Dickerhoof Properties.

The Keizer Urban Renewal Board is requested to evaluate the landscape improvement plans for the proposed project. The Board may elect to recommend awarding a grant to match funding for up to 50% of the total cost of the project. However, also allowed by the Resolution for Special Projects is the full or partial funding of property improvements. The Special Projects as amended in Resolution UR 2003-071 *grants are to fund projects of community wide significance, or that are unique, or that give a* *discernable benefit to the District. Examples include the creation of a publicly accessible fountain or plaza or the development of a transit shelter.*

Enclosures:
Copy of:
Resolution UR 96-022
Resolution UR 2003-071
Letter from Consultant Brenda Knobloch of Cascade Landscape Management, Inc.
Memo from William Peterson, City Engineer

Keizer Urban Renewal Board
Minutes
Wednesday, February 26, 2003
5:30 p.m.
Keizer City Hall - Conference Room B

1. CALL TO ORDER

Chair Frank called the meeting to order at 5:32 p.m.

2. ROLL CALL

The following members were present: Greg Frank, Greg Rands, Stuart Crosby, Marlene Kelly, Tom Callanan and Greg McLeod

New Board members Brian Butler and Christine Stimson were in attendance at the meeting, but were unable to participate in a vote, as their nomination had not been finalized by the City Council.

Absent: Stan Compton

Also present were: Associate Planner Cheryl Vafakos and Recording Secretary Cindy Perry

3. APPROVAL OF MINUTES.

- *January 22, 2003*

Greg Rands moved for approval of the January 22, 2003 minutes as written. Stuart Crosby seconded the motion.

The motion passed as follows:

AYES: Callanan, Crosby, Kelly, Frank, McLeod and Rands (6)
NAYES: None (0)
ABSENT: Compton (1)
ABSTENTION: None (0)

4. INTRODUCTION OF SENIOR PLANNER - *Nancy Murphy*

Ms. Murphy was unable to attend the meeting. Plans would be made for her to attend the next KURB meeting.

5. APPEARANCE OF INTERESTED CITIZENS

Jack Lowery with the Keizer Chamber of Commerce Economic Development was in attendance at the meeting to observe.

6. NEW BUSINESS

- *Landscaping Grant Application-Keizer Enterprises LLC for Keizer Shopping Center located at 3804 River Road North*

Matt and Dan Dickerhoof with Dickerhoof Properties provided layout pictures of the property and the proposed landscaping. The types of trees, irrigation and run-off plans were outlined by the Dickerhoof's, with questions from the Board being addressed.

Associate Planner Cheryl Vafakos indicated that the total landscaping bid as submitted by the applicant was $57,571.10. This dollar amount was broken down to $35,552.90 for the perimeter work and $22,018.20 for the inside and south side of the property. Ms. Vafakos indicated that the Board could grant up to 100% of the $35,552.90 and 50% of the $22,018.20, or 50% of the total $57,571.10. She indicated as part of the demonstration project removal of the existing sidewalk and a driveway drop with the addition of a new curb and replacement of the sidewalk would be an expense that the city would incur. The estimated cost for this portion of the project was $22,500.00.

Staff recommended review of the application grant with any recommendations being forwarded to the Keizer Urban Renewal Agency. For the benefit of the Board Ms. Vafakos summarized UR2003-071, which outlines the process and review for property improvement funding requests.

The Dickerhoof's answered additional questions regarding the bids obtained for the project and the following motion was made.

Stu Crosby moved a recommendation to the Keizer Urban Renewal Agency that the Agency approve 100% of the $35,552.90 and 50% of the $22.018.20. Marlene Kelly seconded the motion.

The motion passed as follows:

AYES: Callanan, Crosby, Kelly, Frank, McLeod and Rands (6)
NAYES: None (0)
ABSENT: Compton (1)
ABSTENTION: None (0)

7. OLD BUSINESS

Ms. Vafakos provided a brief update on the Keizer Feed landscaping grant.

Greg Rands and Marlene Kelly indicated due to spring break that they would not be in attendance at March's meeting.

8. ADJOURN

- *Next Meeting-March 27, 2003*

Chair Frank adjourned the meeting at 6:10 p.m.

City of Keizer
1982
Phone: (503) 390-3700 • Fax: (503) 393-9437
930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, Oregon 97307-1000
Administration • Public Works • Community Development • Municipal Court • Police (business only) Phone 503.390.3713 Fax 503.390.8295

TO: URBAN RENEWAL AGENCY

FROM: CHERYL VAFAKOS
INTERIM PLANNING DIRECTOR

DATE: MARCH 14, 2003

SUBJECT: PROPERTY IMPROVEMENT GRANT FOR KEIZER VILLAGE SHOPPING CENTER

BACKGOUND

Keizer Village Shopping Center located at 3840 River Rd N requested the Keizer Urban Renewal Board (KURB) approve a 50% landscaping grant for improvements they are required to make on their property that were initiated by the renovation of the existing building. In agreement with the applicant, staff presented to KURB the concept of another "demonstration project" that would move the sidewalk and pedestrian amenities away from River Road and create a landscaped area between the sidewalk and street curb. Keizer Urban Renewal Board's (KURB) recommendation to the Urban Renewal Agency is to approve a "special project" landscaping grant for the cost of 50% of the improvements within the core area of the property and 100%of the improvements around the perimeter of the property adjacent to the surrounding streets.

FISCAL IMPACT

The fiscal impact of the project includes the following:

♦ 50% landscaping grant as allowed in current policy (Approximate)	$17,776.45
♦ 100% special project grant	$22,018.20
♦ Additional cost of demonstration project (Sidewalk, closing of one driveway)	$22,500.00
Total	$62,294.65

RECOMMENDATIONS

Council must determine if this project meets the requirements of a special project as outlined in Resolution UR2003-071. This determination should be based upon the benefits this project can contribute to the Urban Renewal District; its uniqueness; or, it being a community wide benefit to the City.

Staff finds this is one of the larger commercial properties developed in Keizer. A majority of the buildings on the property have been vacant for several years. Staff also finds this is a highly visible piece of property surrounded on three sides by public streets; two of Keizer's major arterial streets and one collector street. Improvements to this property will provide major aesthetic benefits to the Urban Renewal District and may help to encourage a higher rate of occupancy.

Staff recommends the Urban Renewal Agency approve the landscaping grant request as presented and direct Staff to commence the described demonstration project.

Attachments:

- Urban Renewal Project Fund Budget
- Copy of KURB minutes
- Site map of demonstration project and landscape plan

KEIZER

Urban Renewal Agency
July 19, 2004

AGENDA ITEM 6a

Approval of June 21, 2004 Agency Minutes

MINUTES
KEIZER URBAN RENEWAL AGENCY
Wednesday, June 21, 2004
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Agent Christopher called the session to order at 6:07. Roll Call was taken as follows:

Present:	**Absent**
Lore Christopher, Chair	James Taylor
Charles E. Lee	
Jim Taylor	
Jacque Moir	
Judy Smith	
Richard Walsh	
Michel Gaynor	

Staff:
Nate Brown, Community Development Director
Chris Eppley, City Manager
Shannon Johnson, City Attorney
Rob Kissler, Public Works
Susan Gahlsdorf, Finance Director
Tracy Davis, City Recorder

PUBLIC TESTIMONY

None

PUBLIC HEARING Adopting 2004-2005 Fiscal Year Budget

Finance Director Susan Gahlsdorf reported that the Budget Committee had met last spring and opened the public testimony at the committee level, deliberated on the Urban Renewal Budget and approved the Manager's recommended Budget without amendment. Staff recommended that the Board conduct a public hearing to receive testimony, close the hearing and adopt the Budget for Fiscal Year 2004-05.

Agent Lee questioned why $10,000 less than the manager recommendation was approved for legal services on page **4**. Director Susan Gahlsdorf explained that the current year had gone over budget primarily because of the DDA discussions and that need is not anticipated in 2004-05. It could be increased, however, the $84,000 represents the best estimate.

Mayor Christopher opened the Public Hearing. With no one wishing to testify, Mayor Christopher closed the Public Hearing.

Councilor Moir moved to adopt Resolution 04 Adopting the FY05 Budget, Making Appropriations, and Imposing and Categorizing Taxes. Councilor Smith seconded.

Agent Gaynor asked how the services would be paid for if the Urban Renewal Fund were to go away. Director Gahlsdorf responded that this had been considered in the long range plan for the general fund. Allocations are examined every year. She explained costs, personnel services and materials and services costs adding that all these things have been considered in the long range plan. She concluded that as the Urban Renewal District diminishes, the City's share of the tax increment revenue will go into the general fund which will generously offset the cost.

The motion passed unanimously as follows:

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

ADMINISTRATIVE ACTION
Authorization for Resolution Transfer

Finance Director, Susan Gahlsdorf, reported that an additional $130,000 was needed to cover legal services relating to the Keizer Station Disposition Development Agreement and attorney services. An additional $20,000 is needed for Engineering Services incurred with the review of the Keizer Station Plan. As there are adequate funds available in the contingency in the Urban Renewal Project Fund to cover these costs, staff recommends the agency adopt a resolution authorizing the transfer.

Agent Moir moved to adopt Resolution UR 2004 Resolutiuon Transfer. Agent Lee seconded.

The motion passed unanimously as follows:

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

CONSENT CALENDAR

(a) Approval of January 20, 2004 Agency Regular Session Minutes
(b) Approval of February 2, 2004 Agency Regular Session Minutes
(c) Approval of May 17, 2004 Agency Work Session Minutes

Jacque Moir moved for approval of the Consent Calendar. Agent Gaynor seconded.

The motion passed unanimously as follows:

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

OTHER BUSINESS None

ADJOURNMENT The meeting was adjourned at 6:48 p.m.

APPROVED:

Debbie Lockhart, Recording Secretary

Lore Christopher, Chair

AGENCY MEMBERS

Michel Gaynor	Charles E. Lee
~ Absent ~ Jim Taylor	Jacque Moir
Judy Smith	Richard Walsh

Minutes approved:

CITY OF KEIZER MISSION STATEMENT

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

AGENDA

KEIZER CITY COUNCIL
REGULAR SESSION
Monday, July 19, 2004
7:00 p.m.
Robert L. Simon Council Chambers
Keizer, Oregon 97303

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **FLAG SALUTE**

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

5. **PUBLIC HEARINGS**

   a. **Liquor License Application – US Market #125**

   b. **RESOLUTION – Forming Megan Lee Properties Street Lighting Dist**
   ORDINANCE – Spreading Assessments to Megan Lee Properties Street Light District

6. **COMMITTEE REPORTS**

   a. **Swearing In of Keizer Police Officer Grant Zaitz**

   b. **Library Task Force Report**

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   a. **ORDINANCE – Text Amendment – Case No. 04-08 – Industrial Business Park (IBP) Zone**

   b. **RESOLUTION – Authorizing City Manager to Enter Agreement to Purchase Property at 1505 Rockledge Drive NE, Keizer**

c. **RESOLUTION – Authorizing The City of Keizer to Apply for Local Government Grant for Acquisition of Property in the Vicinity of Keizer Rapids for Community Park Purposes**

9. CONSENT CALENDAR

a. **RESOLUTION – Authorizing the City Manager to Enter Agreement for Development of a Transportation Capital Improvement Plan and System Development Charge**

b. **RESOLUTION – Approving Engineer's Report for Hunter Addition Street Lighting District**

c. **RESOLUTION – Authorizing the Mayor to Sign Amendment to City Manager Contract**

d. **RESOLUTION – Authorizing the City Manager to Enter Intergovernmental Agreement with City of Salem for Police Records Management**

e. **RESOLUTION – Authorizing the City Manager to Enter Agreement with GEO Tec Services for Monitoring Well Construction**

f. **Approving June 7, 2004 Regular Session Minutes**

g. **Approving June 21, 2004 Work Session Minutes**

h. **Approving June 21, 2004 Regular Session Minutes**

10. WRITTEN COMMUNICATIONS
To inform the Council of significant written communications.

11. AGENDA INPUT

August 2, 2004
7:00 p.m. City Council Regular Session

August 16, 2004
7:00 p.m. City Council Regular Session

August 30, 2004
5:30 p.m. City Council Work Session
- **Parks Tour**

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AGENDA ITEM 5a

Liquor License Application - US Market #125

July 19, 2004

CITY COUNCIL MEETING: ___July 19, 2004___

AGENDA ITEM NUMBER: ____________________

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

THROUGH: **CHRIS C. EPPLEY**
CITY MANAGER

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

SUBJECT: **US MARKET #125 LIQUOR LICENSE APPLICATION**
OFF-PREMISES SALES

BACKGROUND:

On June 28, 2004 Satwinder Singh submitted an application for an Off-Premises Sales liquor license for US Market #125 located at 3815 Cherry Avenue NE, Keizer, Oregon.

As required by Keizer Ordinance 95-318, a public hearing was scheduled; notice was published in the Keizertimes and mailed to all property owners within 200 feet of the proposed establishment. No responses have been received as of the writing of this report.

On June 29 a request was sent to the Keizer Police Department to conduct a background check on the applicants and calls for service at this location. The response is attached to this report. In addition, the Keizer Planning Department finds the location of the establishment to be properly zoned and has no comment on the application.

ORS 471.166 requires the City to make a recommendation within thirty (30) days of receipt of the application.

RECOMMENDATION:

It is recommended the public hearing be opened to allow testimony from the applicant or other interested individuals and upon completion, the hearing be closed. It is further recommended the Council approve the application for a Off-Premises liquor license for US Market #125 under the guidelines as established by ORS 471.178 and the Ordinances of the City of Keizer. This recommendation shall then be forwarded to the Oregon Liquor Control Commission.

OREGON LIQUOR CONTROL COMMISSION

LIQUOR LICENSE APPLICATION

PLEASE PRINT OR TYPE

Application is being made for:

LICENSE TYPES

- ❑ Full On-Premises Sales ($402.60/yr)
  - ❑ Commercial Establishment
  - ❑ Caterer
  - ❑ Passenger Carrier
  - ❑ Other Public Location
  - ❑ Private Club
- ❑ Limited On-Premises Sales ($202.60/yr)
- ☑ Off-Premises Sales ($100/yr)
  - ❑ with Fuel Pumps
- ❑ Brewery Public House ($252.60)
- ❑ Winery ($250/yr)
- ❑ Other:

ACTIONS

- ❑ Change Ownership
- ☑ New Outlet
- ❑ Greater Privilege
- ❑ Additional Privilege
- ❑ Other

Applying as:

☑ Individuals ❑ Limited Partnership ❑ Corporation ❑ Limited Liability Company

FOR CITY AND COUNTY USE ONLY

The city council or county commission:

(name of city or county)

recommends that this license be:

Granted ❑ Denied ❑

By: (signature) (date)

Name:

Title:

OLCC USE ONLY

Application Rec'd by: [signature]

Date: 6-14-04

90-day authority: ☒ Yes ❑ No

1. Applicant(s): [See SECTION 1 of the Guide]

① SATWINDER SINGH ③

② ④

2. Trade Name (dba): U.S. MARKET #125

3. Business Location: 3515 CHERRY AVE N.E. KEIZER OR 97303
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: AS ABOVE
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers:
(phone) (fax)

6. Is the business at this location currently licensed by OLCC? ❑Yes ☑No

7. If yes to whom: N/A Type of License:

8. Former Business Name: N/A

9. Will you have a manager? ❑Yes ☑No Name:
(manager must fill out an individual history form)

10. What is the local governing body where your business is located? KEIZER
(name of city or county)

11. Contact person for this application: SATWINDER SINGH 503-910-6527
(name) (phone number(s))

852 BURGUNDY AVE N.E. 503-362-2519
(address) (fax number) (e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

① [signature] Date 6/12/04 ③ Date

② Date ④ Date

1-800-452-OLCC (6522)

www.olcc.state.or.us

OREGON LIQUOR CONTROL COMMISSION

BUSINESS INFORMATION

Please Print or Type

Applicant Name: SATWINDER SINGH Phone:

Trade Name (dba): U.S. MARKET # 125

Business Location Address: 3815 CHERRY AVE N.E.

City: KEIZER ZIP Code: 97303

DAYS AND HOURS OF OPERATION

Business Hours:

		to	
Sunday	7:00 AM	to	11 PM
Monday	6 AM	to	12 AM
Tuesday	"	to	"
Wednesday	"	to	"
Thursday	"	to	"
Friday	6 AM	to	1 AM
Saturday	6 AM	to	1 AM

Outdoor Area Hours:

		to	
Sunday		to	
Monday		to	
Tuesday		to	
Wednesday		to	
Thursday		to	
Friday		to	
Saturday		to	

The outdoor area is used for:

☐ Food service Hours: ______ to ______

☐ Alcohol service Hours: ______ to ______

☐ Enclosed, how ______

The exterior area is adequately viewed and/or supervised by Service Permittees.

______ (Investigator's Initials)

Seasonal Variations: ☐ Yes ☒ No If yes, explain: ______

ENTERTAINMENT

Check all that apply:

☐ Live Music

☐ Recorded Music

☐ DJ Music

☐ Dancing

☐ Nude Entertainers

☐ Karaoke

☐ Coin-operated Games

☐ Video Lottery Machines

☐ Social Gaming

☐ Pool Tables

☐ Other: ______

DAYS & HOURS OF LIVE OR DJ MUSIC

		to	
Sunday		to	
Monday		to	
Tuesday		to	
Wednesday		to	
Thursday		to	
Friday		to	
Saturday		to	

SEATING COUNT

Restaurant: ______ Outdoor: ______

Lounge: ______ Other (explain): ______

Banquet: ______ Total Seating: ______

OLCC USE ONLY

Investigator Verified Seating: ____(Y) ____(N)

Investigator Initials: ______

Date: ______

I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: Satwinder Singh Date: 5/12/04

1-800-452-OLCC (6522)

www.olcc.state.or.us

(rev. 04/03)

KEIZER POLICE

1982

City Council Meeting of______________________

Agenda Item No.______________________

To: Mayor and City Council

Thru: Chris Eppley, City Manager

From: Marc Adams, Chief of Police
Rita Powers, Police Support Supervisor RP

Subject: U.S. Market #125

Issue: Shall the City Council approve the liquor license application of U.S. Market, 3815 Cherry Ave. N.E., Keizer, Oregon 97303.

Background

There was one call for service at the address of 3815 Cherry Ave. N.E.,. between June 1, 2003 and May 31, 2004. It was not in conflict with the ordinance. The applicant Singh has no Oregon Criminal History on Record

Thus, the background review did not reveal any significant history or events that would be in conflict with the City of Keizer City Ordinance 95-318.

Recommendation
The Keizer Police Department recommends approval of the liquor license for U.S. Market #125, 3815 Cherry Ave. N.E., Keizer, Oregon.

P.O. BOX 21000 ★ 930 CHEMAWA RD. N.E. ★ KEIZER, OREGON 97307-1000
PHONE: 503-390-3713 ★ FAX: 503-390-8295

<u>AGENDA ITEM 5b</u>

Megan Lee Properties Street Lighting District

July 19, 2004

COUNCIL MEETING:____________________

AGENDA ITEM NUMBER:______________

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

THROUGH: CHRIS EPPLEY
CITY MANAGER

FROM: TRACY L. DAVIS, CMC td
CITY RECORDER

SUBJECT: PUBLIC HEARING – FORMING AND SPREADING ASSESSMENTS TO MEGAN LEE PROPERTIES STREET LIGHTING LOCAL IMPROVEMENT DISTRICT

ISSUE:

On March 18, 2004 the developer of Megan Lee Properties subdivision filed a petition to form a street lighting local improvement district. In response to this petition, the City Council adopted Resolution R2004-1474 on April 5, 2004 to initiate formation of a street lighting local improvement district and direct the City Engineer to make a survey and file a report. On July 6, 2004 the City Council approved the City Engineer's report and set a public hearing to consider remonstrances to the project and objections to the proposed assessments. Notice of public hearing stating the intention to form the district and to assess for the lighting improvements, was distributed as required under City of Keizer Ordinance 94-278.

FISCAL IMPACT:

The City initially pays the street lighting expense to the utility company as it is billed throughout the year. The operating cost of the lights is then billed to the property owners on an annual basis, thereby recovering the City's costs for bills paid throughout the year. In addition, the bills include the cost of the City Engineer's Report in the first year, and an administrative charge in the first and subsequent years to recover the City's cost for administering the lighting districts. All funds are budgeted through the Utility Fund.

RECOMMENDATION:

Open the public hearing to first consider oral objections and written remonstrances to formation of Megan Lee Properties Street Lighting Local Improvement District. If valid remonstrances of the owners of two-thirds of the land to be specially assessed for the lighting district are presented to the Council at the public hearing, close the hearing and suspend formation of the district for six months. If remonstrances are not received, close the public hearing and consider adoption of the Resolution forming the lighting district. If Council forms the district, consider adoption of the proposed assessment ordinance.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2004-_____

FORMING MEGAN LEE PROPERTIES STREET LIGHTING

LOCAL IMPROVEMENT DISTRICT

WHEREAS, the City of Keizer has adopted a Resolution initiating the formation of Megan Lee Properties Street Lighting Local Improvement District; and

WHEREAS, the City Council has adopted a Resolution approving the City Engineer's Report for Megan Lee Properties Street Lighting Local Improvement District; and

WHEREAS, notice of public hearing to consider formation of street lighting district was mailed as required by Ordinance 94-278; and

WHEREAS, the City Council conducted a public hearing to receive objections and remonstrances to the formation of the street lighting district; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that Megan Lee Properties Street Lighting Local Improvement District is hereby formed, and that the street lights shall be installed within a reasonable time and in the manner set forth in the City Engineer's Report for Megan Lee Properties Street Lighting Local Improvement District.

PASSED this _____ day of _________________, 2004.

SIGNED this _____ day of _________________, 2004.

____
Mayor

____
City Recorder

BILL NO.________ **ORDINANCE NO. 2004-______**

A BILL FOR

AN ORDINANCE SPREADING ASSESSMENTS TO MEGAN LEE PROPERTIES STREET LIGHTING LOCAL IMPROVEMENT DISTRICT

Section 1. <u>FINDINGS</u>. The City Council of the City of Keizer makes the following findings:

a. The City Council did heretofore declare its intention to install street lights to serve an area known as Megan Lee Properties Street Lighting Local Improvement District which is described as follows:

> Megan Lee Properties - identified on the assessors map 06 3W 23CD – tax lots 200, 201, 202, 300, and 301 in the City of Keizer, County of Marion, State of Oregon;

which includes the installation of one (1) - 150-watt high pressure sodium flat lens luminaries mounted on six-foot long mast arms and attached to 30 foot gray fiberglass poles located within the subject local improvement district, all in accordance with the City Engineer's Report for Megan Lee Properties Street Lighting Local Improvement District.

b. The total initial estimated cost of Megan Lee Properties Street Lighting Local Improvement District is $297.34.

c. The per space/lot assessment formula was used for this district.

d. The improvements in the district have been or will be constructed as provided in the Engineer's Report.

e. Notice was duly mailed to the benefited property owners on July 7, 2004.

f. A meeting of the City Council was held at the time and place fixed by public notice for the purpose of considering any such written objections to the proposed assessments.

g. No written objections to the proposed assessments were filed.

h. The Council has considered the matter and determined that construction of said improvements was and is of material benefit to the City, and all the property to be assessed therefore will be specially benefited by the improvements in the amounts shown on the assessment roll.

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

Section 2. ASSESSMENTS.

a. First Annual Assessment. It is hereby determined that the share of the cost of the improvements for Megan Lee Properties Street Lighting Local Improvement District for each parcel and property benefited thereby for the first annual assessment is the amount set opposite the description of each piece or parcel of land as described in Megan Lee Properties Street Lighting District Assessment Roll as set forth in Exhibit "A" attached, and that each piece or parcel of land benefited by the improvements, to the full extent of the amount so set opposite such piece or parcel and that the respective amounts represent the proportionate benefits of said improvements to said respective parcels of property, and the Council does hereby declare that each of the parcels of property described in Megan Lee Properties Street Lighting District Roll as set forth in Exhibit "A" attached is hereby assessed the first annual assessment amount set opposite each respective description.

i. Summary of first annual assessment costs for formation of the lighting district to serve the area known as "Megan Lee Properties Street Lighting Local Improvement District":

1 – Pole and 150 Watt Luminaries	$192.84
Engineering Costs	$70.00
Administrative Fee	$34.50
Total Estimated Assessments	$297.34

ii. The Recorder of the City of Keizer is hereby directed to send a notice of first annual assessment to each owner of assessed property by mail within ten (10) days after this Ordinance levying the first annual installments is passed. The notice shall include information that an application to make installment payments may be filed with the City if the assessment is collected directly from the property owner and not pursuant to ORS 223.866.

b. Second and Subsequent Annual Assessments. After a municipal lighting district has been formed in accordance with City of Keizer Ordinance 94-278, the second and subsequent annual assessments shall be spread by Resolution which may include changes in the mode of collecting the assessment. The method of assessment and notification for subsequent annual assessments shall be determined in accordance with City of Keizer Ordinance 94-278.

c. Mode of Collecting Assessments. Assessments for Megan Lee Properties Street Lighting Local Improvement District shall be collected pursuant to ORS 223.866.

d. Lien on Property. The assessment shall be entered as a lien against the benefited property in the City Lien Docket.

PASSED this _______ day of __________________________, 2004.

SIGNED this _______ day of __________________________, 2004.

____
Mayor

____
City Recorder

EXHIBIT

A

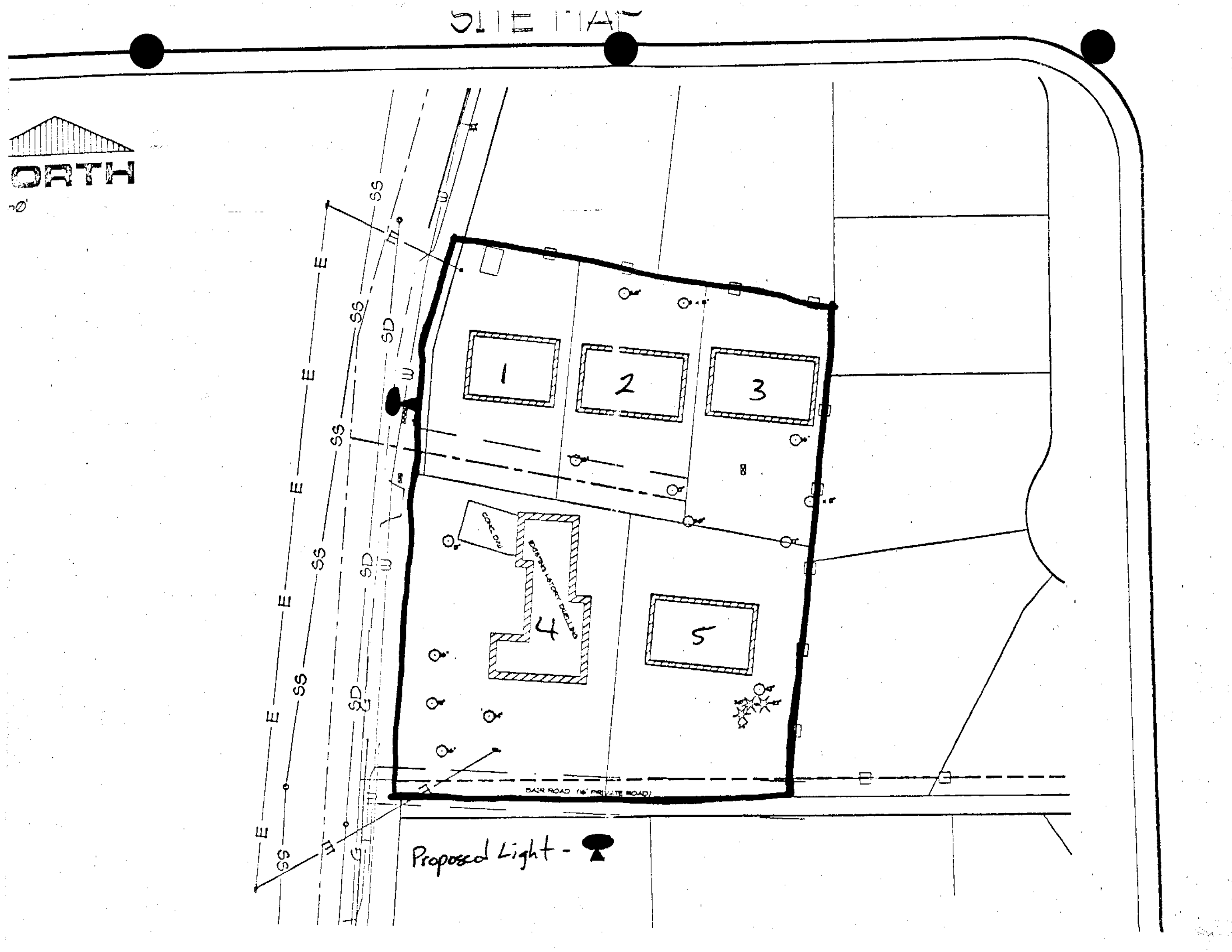
PRELIMINARY ASSESSMENT ROLL

MEGAN LEE PROPERTIES
STREET LIGHTING DISTRICT

*Assessors Map 06 3W 23CD

Tax Lot #:	Owners Name and Address	Cost per Lot	Lots	Assessment
200	ANDERSON, CHRISTOPHER D PO BOX 20935 KEIZER, OR 97307	$59.47	1	$59.47
201	ANDERSON, CHRISTOPHER D PO BOX 20935 KEIZER, OR 97307	$59.47	1	$59.47
202	ANDERSON, CHRISTOPHER D PO BOX 20935 KEIZER, OR 97307	$59.47	1	$59.47
300	ANDERSON, CHRISTOPHER D PO BOX 20935 KEIZER, OR 97307	$59.47	1	$59.47
301	FRESHOUR, RONALD G & FRESHOUR, BARBARA A 6975 RIDGETOP DR NE KEIZER, OR 97303	$59.47	1	$59.47

TOTAL ASSESSMENT: $297.34


SITE MAP
NORTH
1
2
3
4
5
EXISTING 1-STORY DWELLING
CONC. DW
BAIR ROAD (16' PRIVATE ROAD)
SS
SD
E
W
Proposed Light -

AGENDA ITEM 6a

Swearing in Keizer Police Officer Grant Zaitz

July 19, 2004

COUNCIL MEETING: July 19, 2004

AGENDA ITEM NUMBER:________

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

THROUGH: **CHRIS EPPLEY**
CITY MANAGER

FROM: **CHIEF H. MARC ADAMS**
KEIZER POLICE DEPARTMENT

SUBJECT: **SWEARING IN OF POLICE OFFICER**

ISSUE:

Shannon Johnson, City Attorney will be present to issue the oath of office to Keizer Police Officer Grant Zaitz.

Officer Zaitz was born and raised in the Salem/Keizer area. He played football for the McNary Celts. He graduated early from McNary High School in January 2000 and left for the Marine Corps at the age of 17. Officer Zaitz spent 4 years in the Marine Corps stationed in 29 Palms, California. He has served in Okinawa, Guam, Kuwait (Operation Enduring Freedom) and Iraq (Operation Iraq Freedom). He left the Marine Corps in January of 2004.

Officer Zaitz successfully graduated from the D.P.S.S.T. Police Academy on July 2, 2004. At the graduation ceremony, he was recognized for his academic achievements while attending the academy. He was honored with the Lee M. Brown Academic Achievement Award.

Please help us congratulate and welcome Officer Grant Zaitz to the Keizer Police Department.

KEIZER SINCE 1982

July 19, 2004

AGENDA ITEM 6b

Library Task Force Report

COUNCIL MEETING: **July 19, 2004**

AGENDA ITEM NUMBER:_______________

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

FROM: **CHRIS EPPLEY**
CITY MANAGER

SUBJECT: **LIBRARY TASK FORCE REPORT/RECOMMENDATION**

ISSUE:

On March 15, 2004 the City Council established a Library Task Force to develop a 21st century library package that is acceptable to both the City of Keizer and the Chemeketa Cooperative Regional Library Service and secure admittance into Chemeketa Cooperative Regional Library Service as a full member with all rights and privileges. The Task Force has been meeting on a monthly basis since this time. A mission statement, vision statement, service goals, and a recommendation have been formulated. The Task Force is requesting the City Council to adopt the mission statement, vision statement, service goals and recommendation. Each of these items is attached to this report.

It has also been recommended that the City Council give the Task Force the authority to present these documents to the Chemeketa Cooperative Regional Library Service for their consideration.

RECOMMENDATION:

It is recommended the City Council accept the recommendation of the Library Task Force and adopt the mission statement, vision statement, service goals, and recommendation as outlined. It is further recommended the City Council give the Task Force the authority to present these documents on behalf of the City at the Chemeketa Cooperative Regional Library Service meeting on August 13, 2004.

LIBRARY TASK FORCE RECOMMENDATION TO CITY COUNCIL:

"In order to avoid voter confusion with the Salem Library issue the Library Task Force recommends that the Keizer Library issue be postponed until no earlier than the Primary Election of 2006. The Task Force further recommends that Council direct the Task Force to continue refining the Library Proposal, work with the CCRLS and to analyze the data from the upcoming election."

Keizer Public Library

Service Goals

The Keizer Public Library will:

- *Be located within Keizer City limits providing a physical location for Keizer citizens and visitors to access local and regional library services.*
- *Be staffed by paid professional staff including a Director with a Master of Library Science (MLS) Degree, with strong, organized volunteer support staffing.*
- *Strengthen and add to regional library services currently available.*
- *Minimize duplication of inventory where possible.*
- *Provide specifically designed programs for children and adults.*
- *Be legally established and make services available to citizens within its tax-supporting service area without charge.*
- *Provide multiple computer work stations with current internet technology that exceeds the Oregon Library Association (OLA) "Excellent" Standards.*
- *Maintain library hours that reflect the community needs, augment other regional library services, and exceed the State of Oregon Library Standards.*
- *Maintain a book collection that exceeds the State of Oregon Library Standards.*
- *Provide access to interlibrary loans within the Chemeketa Cooperative Regional Library Service.*

Reference the Statute

Keizer Public Library

Mission Statement

The Keizer Public Library will provide access to a broad range of local and regional library services. Local services will be tailored to the needs of the community and will include specifically designed programs for children and adults. The library will provide resources that contribute to individual knowledge, enlightenment and enjoyment in the most efficient and cost effective manner possible.

Keizer Public Library

Vision Statement

The Keizer Public Library will provide free and equal access to information, knowledge and ideas, through local and regional library resources, at a site located within the city limits. The library will offer programs for children and adults, linking citizens with services that promote lifelong learning, literacy, and the love of reading in all age groups.

In addition to the traditional services, books and periodicals of a typical branch-size library, the Keizer library will provide services and resources that meet and exceed standards in specific areas of service. The library will provide exceptional services in these select niches, making it an integral component of the regional library system and a benefit to residents in Keizer and throughout the region.

The library will operate in a cost-efficient manner and will be responsive to the citizens of Keizer, providing quality service, positive human connections and an inviting environment.

AGENDA ITEM 8a

ORDINANCE - Text Amendment – Case No. 04-08 – Industrial Business Park (IBP) Zone

July 19, 2004

CITY COUNCIL MEETING: **July 19, 2004**

AGENDA ITEM NUMBER:___________

TO:	**MAYOR CHRISTOPHER AND COUNCIL MEMBERS**
THROUGH:	**CHRISTOPHER C. EPPLEY, CITY MANAGER**
FROM:	**E. SHANNON JOHNSON, CITY ATTORNEY**
SUBJECT:	***AMENDMENT TO KEIZER DEVELOPMENT CODE (TEXT AMENDMENT CASE NO. 04-08) - INDUSTRIAL BUSINESS PARK FLEXIBLE SPACE***

Following a public hearing, the City Council directed staff to prepare an appropriate Ordinance modifying the provision for flexible space limitations in the Keizer Station Plan area. Such Ordinance is attached for your review.

RECOMMENDATION:

Adopt the attached Ordinance.

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

ESJ/tmh
attachment

BILL NO. ____ | A BILL FOR AN ORDINANCE | ORDINANCE NO. 2004-________

IN THE MATTER OF AMENDING THE INDUSTRIAL BUSINESS PARK (IBP) ZONE TEXT (KDC SECTION 2.113); AND DECLARING AN EMERGENCY; **(AMENDING ORDINANCE NO. 98-389)**

WHEREAS, the Keizer Planning Commission has recommended to the Keizer City Council amendments to the Keizer Development Code (Ordinance No. 98-389) to make changes to the Industrial Business Park (IBP) zone text;

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

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

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

NOW, THEREFORE,

The City of Keizer ordains as follows:

///

///

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

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

Section 2. AMENDMENT TO THE KEIZER DEVELOPMENT CODE. The Keizer Development Code (Ordinance No. 98-389) is hereby amended at Section 2.113.02(N)(2)(a) and 2.113.02(N)(2)(b) (Industrial Business Park (IBP) Zone) as follows:

a. No single building shall be more than 25,000 square feet in area, with no more than 10,000 square feet to be utilized for any individual use listed in subsections 1(a) through (d).

b. The aggregate floor area for uses devoted to food stores (54), apparel and accessory stores (56), furniture, home furnishings and equipment stores (57), and miscellaneous retail (59) shall not exceed two percent of the total land area in the IBP district. "IBP district" is defined as IBP zoned property within the Keizer Station, including any internal public streets. In no case shall each contiguously zoned IBP district within the Keizer Station exceed 32,400 square feet of Flexible Use Space as set forth in sub-sections 1(a) through (d).

Section 3. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or board of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

///

///

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

Section 4. EFFECTIVE DATE. This Ordinance being necessary for the immediate preservation of the public health, safety and welfare, an emergency is declared to exist and this Ordinance shall take effect immediately upon its passage.

PASSED this _______ day of _________________, 2004.

SIGNED this _______ day of _________________, 2004.

____
Mayor

____
City Recorder

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

EXHIBIT "A"

FINDINGS

The City of Keizer finds that:

1. Findings relating to the impact of the proposed amendments on land use and development patterns within the City of Keizer are set forth below:

Traffic generation and circulation patterns.

FINDINGS: The proposed amendments do not have any impact on traffic generation or circulation patterns within the City because total amount of retail flex space in the Keizer Station remains unchanged.

Population concentrations.

FINDINGS: The proposed amendments do not impact population concentrations within the City, again due to the fact that the amendments are consistent with the uses and patterns already established as well as the fact that the area amounts remain unchanged.

Demand for public facilities and services.

FINDINGS: The proposed amendments do not impact the demand for public facilities or services within the City.

Maintenance of public health and safety.

FINDINGS: The proposed amendments are consistent with the levels of service established for the affected area, do not alter those standards, and do not adversely affect the protections already in place.

Level of park and recreation facilities.

FINDINGS: The proposed amendments will not negatively impact the level of park and recreation facilities in the city due to the fact that the development of this area under the amended zone will be consistent with that prior to such amendments. Through the establishment of landscaped open areas and the improvement of the regional trail system, the level of park and recreation facilities will be improved.

Economic activities.

FINDINGS: The proposed amendments may improve economic activities in the city as the amended zone text will allow more effective use of the properties in the affected area and will provide better opportunity to meet changing economic conditions.

Protection and use of natural resources.

FINDINGS: The proposed text amendments do not affect the protection of natural resources in the area or the City due to the fact that such protections are, and will continue to be, in place for the affected areas. There are no mapped waterways, wetlands or sensitive areas within the affected properties.

Natural hazards and constraints.

FINDINGS: The proposal does not alter the protections from natural hazards already in place in the areas affected.

Compliance of the proposal with existing adopted special purpose plans or programs, such as public facilities improvement programs.

FINDINGS: The proposal is consistent with and does not alter any special purpose plans or programs.

2. A demonstrated need exists for the proposed amendments in order to allow effective use of the property being developed within the Keizer Station Area "D" and addresses the need to establish greater equity between the areas within the Keizer Station which are zoned IBP.

3. These proposed amendments comply with statewide land use goals and related administrative rules as follows:

GOAL 1: CITIZEN INVOLVEMENT

Public hearings were conducted on this matter with the review and adoption proceedings consistent with local land use regulations.

GOAL 2: LAND USE PLANNING

The adoption proceeding was conducted in a manner consistent with the requirements of the Keizer Comprehensive Plan, Keizer Development Code, and applicable state law.

GOALS 3 THROUGH 7:
AGRICULTURE LAND; FOREST LANDS;
OPEN SPACES, SCENIC AND HISTORIC AREAS,
AND NATURAL RESOURCES;
AIR, WATER AND LAND RESOURCES QUALITY;
AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

These amendments do not affect agriculture or forest lands, open spaces, resource quality, or natural disasters and hazards. Therefore, these goals are inapplicable in these amendments.

GOAL 8: RECREATIONAL NEEDS

These amendments do not affect recreational activities or uses within the city. Therefore, this goal is inapplicable in these amendments.

GOAL 9
ECONOMIC DEVELOPMENT

These amendments may improve economic activities in the city, as the amended zone text will allow more effective use of the properties in the affected area.

GOAL 10
HOUSING

These amendments do not affect the level of housing availability in the planning area.

GOAL 11
PUBLIC FACILITIES AND SERVICES

These amendments facilitate the improvement of public facilities by allowing appropriate support facilities, consistent with proper limitations, to be developed in the area.

GOALS 12 THROUGH 13:
TRANSPORTATION;
ENERGY CONSERVATION

These amendments do not affect transportation and energy conservation. Therefore, these Goals are inapplicable in this instance.

GOAL 14: URBANIZATION

These amendments are consistent with the text already in place.

GOAL 15: WILLAMETTE GREENWAY

The amendments will not impact this Goal.

GOALS 16, 17, 18 AND 19:
ESTUARINE RESOURCES, COASTAL SHORELANDS,
BEACHES AND DUNES, AND OCEAN RESOURCES

These goals do not apply as Keizer is not located in an ocean shoreland area.

4. These amendments are deemed by the City Council to be desirable, appropriate, and proper as the amendments will create a better balance in the distribution of uses within the affected areas, and will maintain the established purposes of the Industrial Business Park zone.

KEIZER

July 19, 2004

AGENDA ITEM 5a

Liquor License Application - US Market #125

CITY COUNCIL MEETING: July 19, 2004

AGENDA ITEM NUMBER: ____________

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

THROUGH: CHRIS C. EPPLEY
CITY MANAGER

FROM: TRACY L. DAVIS, CMC
CITY RECORDER

SUBJECT: US MARKET #125 LIQUOR LICENSE APPLICATION
OFF-PREMISES SALES

BACKGROUND:

On June 28, 2004 Satwinder Singh submitted an application for an Off-Premises Sales liquor license for US Market #125 located at 3815 Cherry Avenue NE, Keizer, Oregon.

As required by Keizer Ordinance 95-318, a public hearing was scheduled; notice was published in the Keizertimes and mailed to all property owners within 200 feet of the proposed establishment. No responses have been received as of the writing of this report.

On June 29 a request was sent to the Keizer Police Department to conduct a background check on the applicants and calls for service at this location. The response is attached to this report. In addition, the Keizer Planning Department finds the location of the establishment to be properly zoned and has no comment on the application.

ORS 471.166 requires the City to make a recommendation within thirty (30) days of receipt of the application.

RECOMMENDATION:

It is recommended the public hearing be opened to allow testimony from the applicant or other interested individuals and upon completion, the hearing be closed. It is further recommended the Council approve the application for a Off-Premises liquor license for US Market #125 under the guidelines as established by ORS 471.178 and the Ordinances of the City of Keizer. This recommendation shall then be forwarded to the Oregon Liquor Control Commission.

#2155
6/28/04
$70-

OREGON LIQUOR CONTROL COMMISSION

LIQUOR LICENSE APPLICATION

PLEASE PRINT OR TYPE

Application is being made for:

LICENSE TYPES

- ☐ Full On-Premises Sales ($402.60/yr)
  - ☐ Commercial Establishment
  - ☐ Caterer
  - ☐ Passenger Carrier
  - ☐ Other Public Location
  - ☐ Private Club
- ☐ Limited On-Premises Sales ($202.60/yr)
- ☒ Off-Premises Sales ($100/yr)
  - ☐ with Fuel Pumps
- ☐ Brewery Public House ($252.60)
- ☐ Winery ($250/yr)
- ☐ Other:

ACTIONS

- ☐ Change Ownership
- ☒ New Outlet
- ☐ Greater Privilege
- ☐ Additional Privilege
- ☐ Other

Applying as:

☒ Individuals ☐ Limited Partnership ☐ Corporation ☐ Limited Liability Company

FOR CITY AND COUNTY USE ONLY

The city council or county commission:

(name of city or county)

recommends that this license be:

Granted ☐ Denied ☐

By: (signature) (date)

Name:

Title:

OLCC USE ONLY

Application Rec'd by: [signature]

Date: 6-14-04

90-day authority: ☒ Yes ☐ No

1. Applicant(s): [See SECTION 1 of the Guide]

① SATWINDER SINGH ③

② ④

2. Trade Name (dba): U.S. Market #125

3. Business Location: 3515 CHERRY AVE N.E (number, street, rural route) KEIZER (city) (county) OR (state) 97303 (ZIP code)

4. Business Mailing Address: AS ABOVE (PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: (phone) (fax)

6. Is the business at this location currently licensed by OLCC? ☐Yes ☒No

7. If yes to whom: N/A Type of License:

8. Former Business Name: N/A

9. Will you have a manager? ☐Yes ☒No Name: (manager must fill out an individual history form)

10. What is the local governing body where your business is located? KEIZER (name of city or county)

11. Contact person for this application: SATWINDER SINGH (name) 503-910-6527 (phone number(s))

852 BURGUNDY AVE N.E (address) 503-362-2519 (fax number) (e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

① Satwinder Singh Date 5/12/04 ③ Date

② Date ④ Date

1-800-452-OLCC (6522)

www.olcc.state.or.us

OREGON LIQUOR CONTROL COMMISSION
BUSINESS INFORMATION

Please Print or Type

Applicant Name: SATWINDER SINGH Phone: ____________

Trade Name (dba): U.S. MARKET # 125

Business Location Address: 3815 CHERRY AVE N.E.

City: KEIZER ZIP Code: 97303

DAYS AND HOURS OF OPERATION

Business Hours:

Sunday	7:00 AM	to	11 PM
Monday	6 AM	to	12 AM
Tuesday	"	to	"
Wednesday	"	to	"
Thursday	"	to	"
Friday	6 AM	to	1 AM
Saturday	6 AM	to	1 AM

Outdoor Area Hours:

Sunday		to	
Monday		to	
Tuesday		to	
Wednesday		to	
Thursday		to	
Friday		to	
Saturday		to	

The outdoor area is used for:

☐ Food service Hours: ________ to ________

☐ Alcohol service Hours: ________ to ________

☐ Enclosed, how ____________

The exterior area is adequately viewed and/or supervised by Service Permittees.

____________ (Investigator's Initials)

Seasonal Variations: ☐ Yes ☒ No If yes, explain: ____________

ENTERTAINMENT

Check all that apply:

- ☐ Live Music
- ☐ Recorded Music
- ☐ DJ Music
- ☐ Dancing
- ☐ Nude Entertainers
- ☐ Karaoke
- ☐ Coin-operated Games
- ☐ Video Lottery Machines
- ☐ Social Gaming
- ☐ Pool Tables
- ☐ Other: ____________

DAYS & HOURS OF LIVE OR DJ MUSIC

Sunday		to	
Monday		to	
Tuesday		to	
Wednesday		to	
Thursday		to	
Friday		to	
Saturday		to	

SEATING COUNT

Restaurant: ________ Outdoor: ________

Lounge: ________ Other (explain): ____________

Banquet: ________ Total Seating: ________

OLCC USE ONLY

Investigator Verified Seating: ____(Y) ____(N)

Investigator Initials: ____________

Date: ____________

I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: Satwinder Singh **Date:** 5/12/04

1-800-452-OLCC (6522)

www.olcc.state.or.us

(rev. 04/03)

KEIZER POLICE

1982

City Council Meeting of________________________

Agenda Item No.______________________

To: Mayor and City Council

Thru: Chris Eppley, City Manager

From: Marc Adams, Chief of Police
Rita Powers, Police Support Supervisor RP

Subject: U.S. Market #125

Issue: Shall the City Council approve the liquor license application of U.S. Market, 3815 Cherry Ave. N.E., Keizer, Oregon 97303.

Background

There was one call for service at the address of 3815 Cherry Ave. N.E.,. between June 1, 2003 and May 31, 2004. It was not in conflict with the ordinance. The applicant Singh has no Oregon Criminal History on Record

Thus, the background review did not reveal any significant history or events that would be in conflict with the City of Keizer City Ordinance 95-318.

Recommendation
The Keizer Police Department recommends approval of the liquor license for U.S. Market #125, 3815 Cherry Ave. N.E., Keizer, Oregon.

KEIZER

AGENDA ITEM 5b

Megan Lee Properties Street Lighting District

July 19, 2004

COUNCIL MEETING:______________________

AGENDA ITEM NUMBER:______________

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

THROUGH: **CHRIS EPPLEY**
CITY MANAGER

FROM: **TRACY L. DAVIS, CMC** td
CITY RECORDER

SUBJECT: **PUBLIC HEARING – FORMING AND SPREADING ASSESSMENTS TO MEGAN LEE PROPERTIES STREET LIGHTING LOCAL IMPROVEMENT DISTRICT**

ISSUE:

On March 18, 2004 the developer of Megan Lee Properties subdivision filed a petition to form a street lighting local improvement district. In response to this petition, the City Council adopted Resolution R2004-1474 on April 5, 2004 to initiate formation of a street lighting local improvement district and direct the City Engineer to make a survey and file a report. On July 6, 2004 the City Council approved the City Engineer's report and set a public hearing to consider remonstrances to the project and objections to the proposed assessments. Notice of public hearing stating the intention to form the district and to assess for the lighting improvements, was distributed as required under City of Keizer Ordinance 94-278.

FISCAL IMPACT:

The City initially pays the street lighting expense to the utility company as it is billed throughout the year. The operating cost of the lights is then billed to the property owners on an annual basis, thereby recovering the City's costs for bills paid throughout the year. In addition, the bills include the cost of the City Engineer's Report in the first year, and an administrative charge in the first and subsequent years to recover the City's cost for administering the lighting districts. All funds are budgeted through the Utility Fund.

RECOMMENDATION:

Open the public hearing to first consider oral objections and written remonstrances to formation of Megan Lee Properties Street Lighting Local Improvement District. If valid remonstrances of the owners of two-thirds of the land to be specially assessed for the lighting district are presented to the Council at the public hearing, close the hearing and suspend formation of the district for six months. If remonstrances are not received, close the public hearing and consider adoption of the Resolution forming the lighting district. If Council forms the district, consider adoption of the proposed assessment ordinance.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2004-_____

FORMING MEGAN LEE PROPERTIES STREET LIGHTING LOCAL IMPROVEMENT DISTRICT

WHEREAS, the City of Keizer has adopted a Resolution initiating the formation of Megan Lee Properties Street Lighting Local Improvement District; and

WHEREAS, the City Council has adopted a Resolution approving the City Engineer's Report for Megan Lee Properties Street Lighting Local Improvement District; and

WHEREAS, notice of public hearing to consider formation of street lighting district was mailed as required by Ordinance 94-278; and

WHEREAS, the City Council conducted a public hearing to receive objections and remonstrances to the formation of the street lighting district; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that Megan Lee Properties Street Lighting Local Improvement District is hereby formed, and that the street lights shall be installed within a reasonable time and in the manner set forth in the City Engineer's Report for Megan Lee Properties Street Lighting Local Improvement District.

PASSED this _____ day of ________________, 2004.

SIGNED this _____ day of ________________, 2004.

____
Mayor

____
City Recorder

BILL NO.________ **ORDINANCE NO. 2004-_______**

A BILL FOR

AN ORDINANCE SPREADING ASSESSMENTS TO MEGAN LEE PROPERTIES STREET LIGHTING LOCAL IMPROVEMENT DISTRICT

Section 1. FINDINGS. The City Council of the City of Keizer makes the following findings:

a. The City Council did heretofore declare its intention to install street lights to serve an area known as Megan Lee Properties Street Lighting Local Improvement District which is described as follows:

> Megan Lee Properties - identified on the assessors map 06 3W 23CD – tax lots 200, 201, 202, 300, and 301 in the City of Keizer, County of Marion, State of Oregon;

which includes the installation of one (1) - 150-watt high pressure sodium flat lens luminaries mounted on six-foot long mast arms and attached to 30 foot gray fiberglass poles located within the subject local improvement district, all in accordance with the City Engineer's Report for Megan Lee Properties Street Lighting Local Improvement District.

b. The total initial estimated cost of Megan Lee Properties Street Lighting Local Improvement District is $297.34.

c. The per space/lot assessment formula was used for this district.

d. The improvements in the district have been or will be constructed as provided in the Engineer's Report.

e. Notice was duly mailed to the benefited property owners on July 7, 2004.

f. A meeting of the City Council was held at the time and place fixed by public notice for the purpose of considering any such written objections to the proposed assessments.

g. No written objections to the proposed assessments were filed.

h. The Council has considered the matter and determined that construction of said improvements was and is of material benefit to the City, and all the property to be assessed therefore will be specially benefited by the improvements in the amounts shown on the assessment roll.

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

Section 2. <u>ASSESSMENTS</u>.

a. <u>First Annual Assessment.</u> It is hereby determined that the share of the cost of the improvements for Megan Lee Properties Street Lighting Local Improvement District for each parcel and property benefited thereby for the first annual assessment is the amount set opposite the description of each piece or parcel of land as described in Megan Lee Properties Street Lighting District Assessment Roll as set forth in Exhibit "A" attached, and that each piece or parcel of land benefited by the improvements, to the full extent of the amount so set opposite such piece or parcel and that the respective amounts represent the proportionate benefits of said improvements to said respective parcels of property, and the Council does hereby declare that each of the parcels of property described in Megan Lee Properties Street Lighting District Roll as set forth in Exhibit "A" attached is hereby assessed the first annual assessment amount set opposite each respective description.

i. Summary of first annual assessment costs for formation of the lighting district to serve the area known as "Megan Lee Properties Street Lighting Local Improvement District":

1 – Pole and 150 Watt Luminaries	$192.84
Engineering Costs	$70.00
Administrative Fee	$34.50
Total Estimated Assessments	$297.34

ii. The Recorder of the City of Keizer is hereby directed to send a notice of first annual assessment to each owner of assessed property by mail within ten (10) days after this Ordinance levying the first annual installments is passed. The notice shall include information that an application to make installment payments may be filed with the City if the assessment is collected directly from the property owner and not pursuant to ORS 223.866.

b. Second and Subsequent Annual Assessments. After a municipal lighting district has been formed in accordance with City of Keizer Ordinance 94-278, the second and subsequent annual assessments shall be spread by Resolution which may include changes in the mode of collecting the assessment. The method of assessment and notification for subsequent annual assessments shall be determined in accordance with City of Keizer Ordinance 94-278.

c. Mode of Collecting Assessments. Assessments for Megan Lee Properties Street Lighting Local Improvement District shall be collected pursuant to ORS 223.866.

d. Lien on Property. The assessment shall be entered as a lien against the benefited property in the City Lien Docket.

PASSED this _______ day of ___________________________, 2004.

SIGNED this _______ day of ___________________________, 2004.

____
Mayor

____
City Recorder

EXHIBIT
A

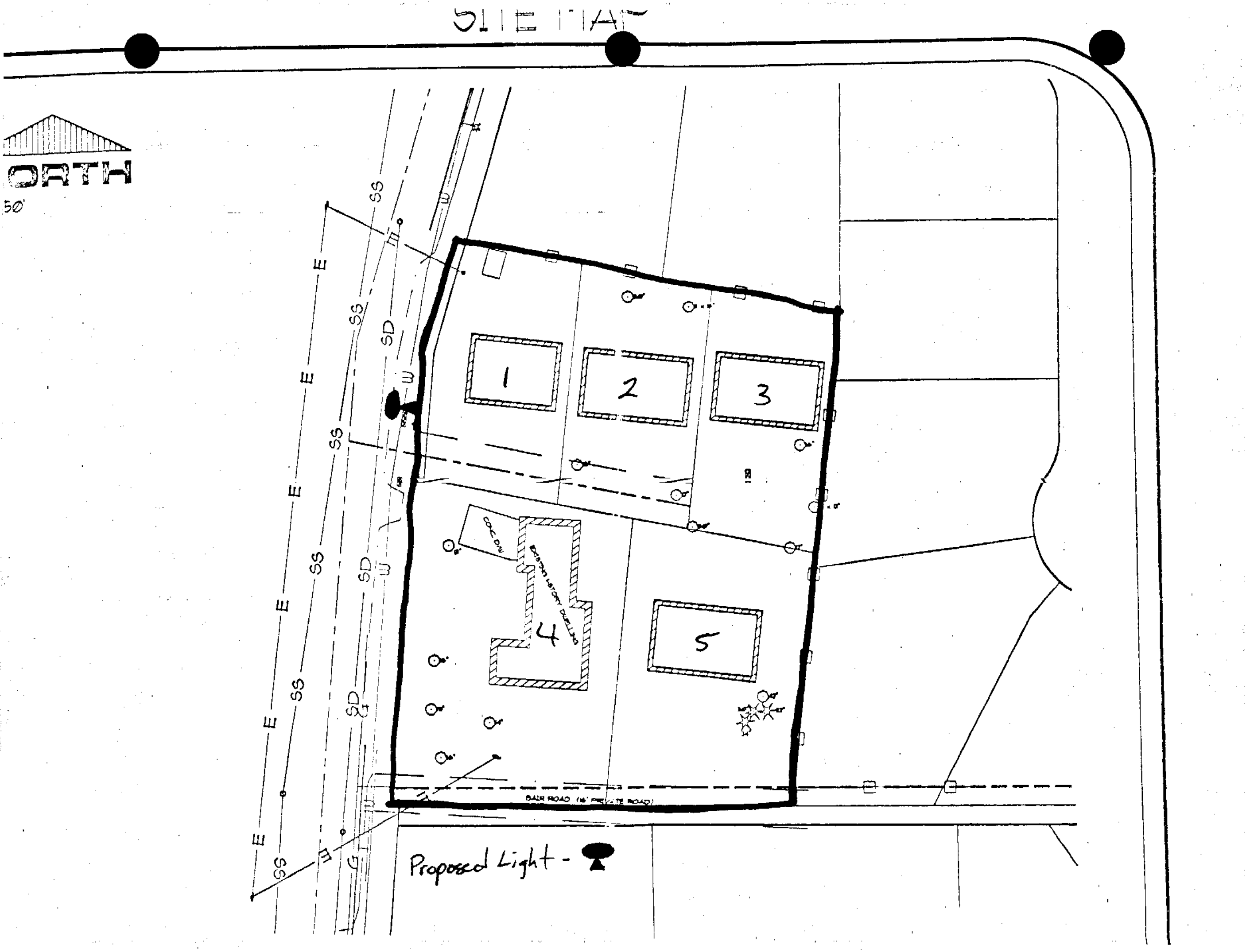
PRELIMINARY ASSESSMENT ROLL

MEGAN LEE PROPERTIES
STREET LIGHTING DISTRICT

*Assessors Map 06 3W 23CD

Tax Lot #:	Owners Name and Address	Cost per Lot	Lots	Assessment
200	ANDERSON, CHRISTOPHER D PO BOX 20935 KEIZER, OR 97307	$59.47	1	$59.47
201	ANDERSON, CHRISTOPHER D PO BOX 20935 KEIZER, OR 97307	$59.47	1	$59.47
202	ANDERSON, CHRISTOPHER D PO BOX 20935 KEIZER, OR 97307	$59.47	1	$59.47
300	ANDERSON, CHRISTOPHER D PO BOX 20935 KEIZER, OR 97307	$59.47	1	$59.47
301	FRESHOUR, RONALD G & FRESHOUR, BARBARA A 6975 RIDGETOP DR NE KEIZER, OR 97303	$59.47	1	$59.47

TOTAL ASSESSMENT: $297.34


SITE MAP
NORTH
50'
E
SS
SD
W
G
1
2
3
4
5
EXISTING 1 STORY DWELLING
CONC. D/W
BAIR ROAD (16' PRIVATE ROAD)
Proposed Light -

KEIZER

July 19, 2004

AGENDA ITEM 6a

Swearing in Keizer Police Officer Grant Zaitz

COUNCIL MEETING: July 19, 2004

AGENDA ITEM NUMBER:________

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

THROUGH: **CHRIS EPPLEY**
CITY MANAGER

FROM: **CHIEF H. MARC ADAMS**
KEIZER POLICE DEPARTMENT

SUBJECT: **SWEARING IN OF POLICE OFFICER**

ISSUE:

Shannon Johnson, City Attorney will be present to issue the oath of office to Keizer Police Officer Grant Zaitz.

Officer Zaitz was born and raised in the Salem/Keizer area. He played football for the McNary Celts. He graduated early from McNary High School in January 2000 and left for the Marine Corps at the age of 17. Officer Zaitz spent 4 years in the Marine Corps stationed in 29 Palms, California. He has served in Okinawa, Guam, Kuwait (Operation Enduring Freedom) and Iraq (Operation Iraq Freedom). He left the Marine Corps in January of 2004.

Officer Zaitz successfully graduated from the D.P.S.S.T. Police Academy on July 2, 2004. At the graduation ceremony, he was recognized for his academic achievements while attending the academy. He was honored with the Lee M. Brown Academic Achievement Award.

Please help us congratulate and welcome Officer Grant Zaitz to the Keizer Police Department.

KEIZER

July 19, 2004

AGENDA ITEM 6b

Library Task Force Report

COUNCIL MEETING: July 19, 2004

AGENDA ITEM NUMBER: ______________

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

FROM: CHRIS EPPLEY
CITY MANAGER

SUBJECT: LIBRARY TASK FORCE REPORT/RECOMMENDATION

ISSUE:

On March 15, 2004 the City Council established a Library Task Force to develop a 21st century library package that is acceptable to both the City of Keizer and the Chemeketa Cooperative Regional Library Service and secure admittance into Chemeketa Cooperative Regional Library Service as a full member with all rights and privileges. The Task Force has been meeting on a monthly basis since this time. A mission statement, vision statement, service goals, and a recommendation have been formulated. The Task Force is requesting the City Council to adopt the mission statement, vision statement, service goals and recommendation. Each of these items is attached to this report.

It has also been recommended that the City Council give the Task Force the authority to present these documents to the Chemeketa Cooperative Regional Library Service for their consideration.

RECOMMENDATION:

It is recommended the City Council accept the recommendation of the Library Task Force and adopt the mission statement, vision statement, service goals, and recommendation as outlined. It is further recommended the City Council give the Task Force the authority to present these documents on behalf of the City at the Chemeketa Cooperative Regional Library Service meeting on August 13, 2004.

LIBRARY TASK FORCE RECOMMENDATION TO CITY COUNCIL:

"In order to avoid voter confusion with the Salem Library issue the Library Task Force recommends that the Keizer Library issue be postponed until no earlier than the Primary Election of 2006. The Task Force further recommends that Council direct the Task Force to continue refining the Library Proposal, work with the CCRLS and to analyze the data from the upcoming election."

Keizer Public Library

Service Goals

The Keizer Public Library will:

- *Be located within Keizer City limits providing a physical location for Keizer citizens and visitors to access local and regional library services.*
- *Be staffed by paid professional staff including a Director with a Master of Library Science (MLS) Degree, with strong, organized volunteer support staffing.*
- *Strengthen and add to regional library services currently available.*
- *Minimize duplication of inventory where possible.*
- *Provide specifically designed programs for children and adults.*
- *Be legally established and make services available to citizens within its tax-supporting service area without charge.*
- *Provide multiple computer work stations with current internet technology that exceeds the Oregon Library Association (OLA) "Excellent" Standards.*
- *Maintain library hours that reflect the community needs, augment other regional library services, and exceed the State of Oregon Library Standards.*
- *Maintain a book collection that exceeds the State of Oregon Library Standards.*
- *Provide access to interlibrary loans within the Chemeketa Cooperative Regional Library Service.*

Keizer Public Library

Mission Statement

The Keizer Public Library will provide access to a broad range of local and regional library services. Local services will be tailored to the needs of the community and will include specifically designed programs for children and adults. The library will provide resources that contribute to individual knowledge, enlightenment and enjoyment in the most efficient and cost effective manner possible.

Keizer Public Library

Vision Statement

The Keizer Public Library will provide free and equal access to information, knowledge and ideas, through local and regional library resources, at a site located within the city limits. The library will offer programs for children and adults, linking citizens with services that promote lifelong learning, literacy, and the love of reading in all age groups.

In addition to the traditional services, books and periodicals of a typical branch-size library, the Keizer library will provide services and resources that meet and exceed standards in specific areas of service. The library will provide exceptional services in these select niches, making it an integral component of the regional library system and a benefit to residents in Keizer and throughout the region.

The library will operate in a cost-efficient manner and will be responsive to the citizens of Keizer, providing quality service, positive human connections and an inviting environment.

KEIZER

July 19, 2004

AGENDA ITEM 8a

ORDINANCE - Text Amendment - Case No. 04-08 - Industrial Business Park (IBP) Zone

CITY COUNCIL MEETING: July 19, 2004

AGENDA ITEM NUMBER:____________

TO: **MAYOR CHRISTOPHER AND COUNCIL MEMBERS**

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

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

SUBJECT: ***AMENDMENT TO KEIZER DEVELOPMENT CODE (TEXT AMENDMENT CASE NO. 04-08) - INDUSTRIAL BUSINESS PARK FLEXIBLE SPACE***

Following a public hearing, the City Council directed staff to prepare an appropriate Ordinance modifying the provision for flexible space limitations in the Keizer Station Plan area. Such Ordinance is attached for your review.

RECOMMENDATION:

Adopt the attached Ordinance.

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

ESJ/tmh
attachment

BILL NO. ____ | A BILL FOR AN ORDINANCE | ORDINANCE NO. 2004-________

IN THE MATTER OF AMENDING THE INDUSTRIAL BUSINESS PARK (IBP) ZONE TEXT (KDC SECTION 2.113); AND DECLARING AN EMERGENCY; **(AMENDING ORDINANCE NO. 98-389)**

WHEREAS, the Keizer Planning Commission has recommended to the Keizer City Council amendments to the Keizer Development Code (Ordinance No. 98-389) to make changes to the Industrial Business Park (IBP) zone text;

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

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

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

NOW, THEREFORE,

The City of Keizer ordains as follows:

///

///

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

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

Section 2. AMENDMENT TO THE KEIZER DEVELOPMENT CODE. The Keizer Development Code (Ordinance No. 98-389) is hereby amended at Section 2.113.02(N)(2)(a) and 2.113.02(N)(2)(b) (Industrial Business Park (IBP) Zone) as follows:

a. No single building shall be more than 25,000 square feet in area, with no more than 10,000 square feet to be utilized for any individual use listed in subsections 1(a) through (d).

b. The aggregate floor area for uses devoted to food stores (54), apparel and accessory stores (56), furniture, home furnishings and equipment stores (57), and miscellaneous retail (59) shall not exceed two percent of the total land area in the IBP district. "IBP district" is defined as IBP zoned property within the Keizer Station, including any internal public streets. In no case shall each contiguously zoned IBP district within the Keizer Station exceed 32,400 square feet of Flexible Use Space as set forth in sub-sections 1(a) through (d).

Section 3. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or board of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

///

///

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

Section 4. EFFECTIVE DATE. This Ordinance being necessary for the immediate preservation of the public health, safety and welfare, an emergency is declared to exist and this Ordinance shall take effect immediately upon its passage.

PASSED this _______ day of _________________, 2004.

SIGNED this _______ day of _________________, 2004.

____
Mayor

____
City Recorder

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

EXHIBIT “A”

FINDINGS

The City of Keizer finds that:

1. Findings relating to the impact of the proposed amendments on land use and development patterns within the City of Keizer are set forth below:

Traffic generation and circulation patterns,

FINDINGS: The proposed amendments do not have any impact on traffic generation or circulation patterns within the City because total amount of retail flex space in the Keizer Station remains unchanged.

Population concentrations,

FINDINGS: The proposed amendments do not impact population concentrations within the City, again due to the fact that the amendments are consistent with the uses and patterns already established as well as the fact that the area amounts remain unchanged.

Demand for public facilities and services,

FINDINGS: The proposed amendments do not impact the demand for public facilities or services within the City.

Maintenance of public health and safety,

FINDINGS: The proposed amendments are consistent with the levels of service established for the affected area, do not alter those standards, and do not adversely affect the protections already in place.

Level of park and recreation facilities,

FINDINGS: The proposed amendments will not negatively impact the level of park and recreation facilities in the city due to the fact that the development of this area under the amended zone will be consistent with that prior to such amendments. Through the establishment of landscaped open areas and the improvement of the regional trail system, the level of park and recreation facilities will be improved.

Economic activities,

FINDINGS: The proposed amendments may improve economic activities in the city as the amended zone text will allow more effective use of the properties in the affected area and will provide better opportunity to meet changing economic conditions.

Protection and use of natural resources,

FINDINGS: The proposed text amendments do not affect the protection of natural resources in the area or the City due to the fact that such protections are, and will continue to be, in place for the affected areas. There are no mapped waterways, wetlands or sensitive areas within the affected properties.

Natural hazards and constraints,

FINDINGS: The proposal does not alter the protections from natural hazards already in place in the areas affected.

Compliance of the proposal with existing adopted special purpose plans or programs, such as public facilities improvement programs,

FINDINGS: The proposal is consistent with and does not alter any special purpose plans or programs.

2. A demonstrated need exists for the proposed amendments in order to allow effective use of the property being developed within the Keizer Station Area "D" and addresses the need to establish greater equity between the areas within the Keizer Station which are zoned IBP.

3. These proposed amendments comply with statewide land use goals and related administrative rules as follows:

GOAL 1: CITIZEN INVOLVEMENT

Public hearings were conducted on this matter with the review and adoption proceedings consistent with local land use regulations.

GOAL 2: LAND USE PLANNING

The adoption proceeding was conducted in a manner consistent with the requirements of the Keizer Comprehensive Plan, Keizer Development Code, and applicable state law.

GOALS 3 THROUGH 7: AGRICULTURE LAND; FOREST LANDS; OPEN SPACES, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES; AIR, WATER AND LAND RESOURCES QUALITY; AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

These amendments do not affect agriculture or forest lands, open spaces, resource quality, or natural disasters and hazards. Therefore, these goals are inapplicable in these amendments.

GOAL 8: RECREATIONAL NEEDS

These amendments do not affect recreational activities or uses within the city. Therefore, this goal is inapplicable in these amendments.

GOAL 9 ECONOMIC DEVELOPMENT

These amendments may improve economic activities in the city, as the amended zone text will allow more effective use of the properties in the affected area.

GOAL 10 HOUSING

These amendments do not affect the level of housing availability in the planning area.

GOAL 11
PUBLIC FACILITIES AND SERVICES

These amendments facilitate the improvement of public facilities by allowing appropriate support facilities, consistent with proper limitations, to be developed in the area.

GOALS 12 THROUGH 13:
TRANSPORTATION;
ENERGY CONSERVATION

These amendments do not affect transportation and energy conservation. Therefore, these Goals are inapplicable in this instance.

GOAL 14: URBANIZATION

These amendments are consistent with the text already in place.

GOAL 15: WILLAMETTE GREENWAY

The amendments will not impact this Goal.

GOALS 16, 17, 18 AND 19:
ESTUARINE RESOURCES, COASTAL SHORELANDS, BEACHES AND DUNES, AND OCEAN RESOURCES

These goals do not apply as Keizer is not located in an ocean shoreland area.

4. These amendments are deemed by the City Council to be desirable, appropriate, and proper as the amendments will create a better balance in the distribution of uses within the affected areas, and will maintain the established purposes of the Industrial Business Park zone.

July 19, 2004

AGENDA ITEM 8b

RESOLUTION - Authorizing City Manager to Purchase Property at 1505 Rockledge Drive NE, Keizer

CITY COUNCIL MEETING: July 19, 2004

AGENDA ITEM NUMBER:____________

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY ESJ

SUBJECT: ***REAL ESTATE PURCHASE (BRET AND TINA GOSS)***

The City Engineer's office has been negotiating with Bret and Tina Goss to purchase their residence at 1505 Rockledge Drive NE, Keizer. Originally, the Public Works wished to purchase an easement for the walkway on the side of the residence to allow construction of a new pedestrian bridge over Labish Ditch to Country Glen Park. Such pedestrian access would allow the Hidden Creek and Country Glen residents access to the Gubser neighborhood.

Mr. and Mrs. Goss did not want to convey an easement for the walkway, but were amenable to the idea of selling the entire property. The $170,000.00 purchase price was the formal appraised price.

The Public Works Department intends on constructing the walkway adjacent to the residence and reselling the property following such construction. In that manner, the new buyers will be able to see the walkway and will not have any interference with their ownership that may occur if it was constructed later.

RECOMMENDATION:

Adopt the attached Resolution authorizing the City Manager to enter into the attached Sale Agreement.

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

ESJ/tmh
attachment

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2004-_____

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT TO PURCHASE PROPERTY LOCATED AT 1505 ROCKLEDGE DRIVE NORTHEAST, KEIZER, MARION COUNTY, OREGON (BRET AND TINA GOSS)

WHEREAS, Bret and Tina Goss are the owners of certain property located at 1505 Rockledge Drive Northeast, Keizer, Marion County, Oregon;

WHEREAS, a portion of Mr. and Mrs. Goss' property is necessary for a walkway to connect to a future pedestrian bridge over Labish Ditch;

WHEREAS, the City Engineer's office has negotiated the fair market value for the purchase of such land and the Sale Agreement has been prepared for the City Manager's signature;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the City Manager is authorized to enter into that certain Sale Agreement, a copy of which is attached as Exhibit "A" and by this reference incorporated herein.

///

///

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

BE IT FURTHER RESOLVED that the City Manager is directed and authorized to take all action necessary and appropriate to consummate such transaction. The funds for this transaction will be paid from the street fund.

PASSED this __________ day of _________________, 2004.

SIGNED this __________ day of _________________, 2004.

____
Mayor

____
City Recorder

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

SALE AGREEMENT AND
RECEIPT FOR EARNEST MONEY

DATE: ____________________, 2004

SELLER: BRET GOSS and TINA GOSS,
husband and wife
1505 Rockledge Drive NE
Keizer, OR 97303

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

RECITAL:

Sellers desire to sell to Buyer and Buyer desires to purchase from Sellers certain real property with all improvements located on it commonly known as 1505 Rockledge Drive NE, Keizer, Marion County, Oregon, having the following legal description (the "Property"):

> Lot 3, Block 7, Stonehedge Estates No. 2, in the City of Keizer, County of Marion, State of Oregon.

AGREEMENT:

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

1. **Sale and Purchase.** Buyer agrees to purchase the Property from Sellers and Sellers agree to sell the Property to Buyer for the sum of $170,000.00 (the "Purchase Price").

2. **Earnest Money.** Buyer shall pay the sum of $1,000.00 as earnest money within 24 hours of Buyer's acceptance. The earnest money shall be deposited with escrow and shall be applied to the Purchase Price on the Closing Date, as that term is defined below.

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

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

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

4. **Closing.** Closing shall take place on or before August 16, 2004 (the "Closing Date"), at the offices of Fidelity National Title Company of Oregon.

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

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

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

6.2 Buyer's written acceptance of any adverse conditions noted in any inspections, studies, surveys or tests conducted on the Property. Buyer shall have the right, at its expense, to conduct any such inspections, studies, surveys and tests, and Sellers agree to reasonably accommodate such inspectors.

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

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

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

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

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

11. **Possession.** Buyer shall be entitled to possession immediately upon closing subject to the rights of the Sellers to remain rent free on the Property six (6) months after the Closing Date. Sellers understand and agree that Sellers are responsible for all maintenance and utilities for the term Sellers are in possession of the property. Sellers also understand and agree that Sellers are responsible for insurance for their personal property for the term Sellers are in possession of the property. Sellers further understand and agree that Buyer shall be entitled to access to the property immediately upon closing and during the term Sellers are in possession to that portion of the property necessary to begin and complete any construction projects desired by Buyer. Such property shall not include any portion of any existing structures.

All understandings and agreements contained in this Section will survive closing and the conveyance of the Property to Buyer.

12. **Property Included.** All built-in appliances, floor coverings, window and door screens, storm doors and windows, irrigation, plumbing, ventilation, cooling and heating fixtures and equipment, water heaters, attached electric light fixtures, window coverings, awnings, attached television antenna, planted shrubs, plants and trees, and all fixtures are part of the Property and shall be left on the Property by Sellers.

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

14. **Sellers' Representations.** Sellers represent and warrant to Buyer as follows:

(1) Sellers know of no material structural defects with respect to the Property.

(2) All electrical wiring, heating, cooling, and plumbing systems are in good working order and the balance of the Property, including the yard, will be in substantially its present condition on the Closing Date.

(3) Sellers have received no written notice of any liens to be assessed against the Property.

(4) Sellers have received no written notice from any governmental agency of any violation of any statute, law, ordinance, or deed restriction, rule, or regulation with respect to the Property.

(5) Sellers are not a "foreign person" as that term is defined in IRC §1445.

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

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

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

15. **Buyer Held Harmless as Municipal Government.** Sellers agree and understand that Buyer's responsibility and obligations under this Agreement do not and cannot bind Buyer as to its duties as municipal government which are necessarily separate and apart from its obligations hereunder. To that end, with regard to any actions that may affect Sellers' operation of the Premises in any manner whatsoever, Sellers agree that enforcement in good faith of any lawful ordinances or regulations or any other acts Buyer may take with regard to the adoption of appropriate and necessary laws and ordinances, or any other acts Buyer may take in its role as municipal government shall not be restricted by the fact that Buyer entered into this Agreement. However, nothing in this Section shall be

interpreted to permit Buyer to act or fail to act in any way inconsistent with any common law, constitutional or statutory rights of Sellers or the established duties and obligations of Buyer as a municipal body. This provision shall survive closing and shall not merge with the deed.

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

17. **Remedies.** TIME IS OF THE ESSENCE REGARDING THIS AGREEMENT. If the conditions described in Section 6 above are satisfied or waived by Buyer and the transaction does not thereafter close, through no fault of Sellers, before the close of business on the Closing Date, Buyer shall forfeit the earnest money deposit to Sellers as liquidated damages, and this Agreement shall be of no further effect, it being the intention of the parties that Buyer may forfeit the earnest money and be free of any further obligations under this Agreement. If Sellers fail to deliver the deed described in Section 7 above on the Closing Date or otherwise fails to consummate this transaction, the earnest money shall be refunded to Buyer, but acceptance by Buyer of the refund will not constitute a waiver of other remedies available to Buyer.

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

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

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

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

A 5 6

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

23. Agreement Preparation. Sellers understand that the law firm of Lien & Johnson prepared this Agreement on behalf of the Buyer and in no way represents the Sellers. Sellers are advised to seek independent legal counsel.

24. Acceptance. This Agreement shall be null and void unless accepted by Buyer, by Buyer's execution of it, on or before July 22, 2004. Sellers may not withdraw this offer prior to this date.

SELLERS:

DATE:____________________

____

Bret Goss

____

Tina Goss

BUYER:

DATE:____________________

THE CITY OF KEIZER, an Oregon Municipal Corporation

By:______________________________

Christopher C. Eppley,
City Manager

KEIZER

July 19, 2004

AGENDA ITEM 8b

RESOLUTION – Authorizing City Manager to Purchase Property at 1505 Rockledge Drive NE, Keizer

CITY COUNCIL MEETING: July 19, 2004

AGENDA ITEM NUMBER:____________

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: ***REAL ESTATE PURCHASE (BRET AND TINA GOSS)***

The City Engineer's office has been negotiating with Bret and Tina Goss to purchase their residence at 1505 Rockledge Drive NE, Keizer. Originally, the Public Works wished to purchase an easement for the walkway on the side of the residence to allow construction of a new pedestrian bridge over Labish Ditch to Country Glen Park. Such pedestrian access would allow the Hidden Creek and Country Glen residents access to the Gubser neighborhood.

Mr. and Mrs. Goss did not want to convey an easement for the walkway, but were amenable to the idea of selling the entire property. The $170,000.00 purchase price was the formal appraised price.

The Public Works Department intends on constructing the walkway adjacent to the residence and reselling the property following such construction. In that manner, the new buyers will be able to see the walkway and will not have any interference with their ownership that may occur if it was constructed later.

RECOMMENDATION:

Adopt the attached Resolution authorizing the City Manager to enter into the attached Sale Agreement.

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

ESJ/tmh
attachment

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2004-_____

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT TO PURCHASE PROPERTY LOCATED AT 1505 ROCKLEDGE DRIVE NORTHEAST, KEIZER, MARION COUNTY, OREGON (BRET AND TINA GOSS)

WHEREAS, Bret and Tina Goss are the owners of certain property located at 1505 Rockledge Drive Northeast, Keizer, Marion County, Oregon;

WHEREAS, a portion of Mr. and Mrs. Goss' property is necessary for a walkway to connect to a future pedestrian bridge over Labish Ditch;

WHEREAS, the City Engineer's office has negotiated the fair market value for the purchase of such land and the Sale Agreement has been prepared for the City Manager's signature;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the City Manager is authorized to enter into that certain Sale Agreement, a copy of which is attached as Exhibit "A" and by this reference incorporated herein.

///

///

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

BE IT FURTHER RESOLVED that the City Manager is directed and authorized to take all action necessary and appropriate to consummate such transaction. The funds for this transaction will be paid from the street fund.

PASSED this _________ day of ________________, 2004.

SIGNED this _________ day of ________________, 2004.

____
Mayor

____
City Recorder

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

SALE AGREEMENT AND
RECEIPT FOR EARNEST MONEY

DATE: ____________________, 2004

SELLER: BRET GOSS and TINA GOSS,
husband and wife
1505 Rockledge Drive NE
Keizer, OR 97303

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

RECITAL:

Sellers desire to sell to Buyer and Buyer desires to purchase from Sellers certain real property with all improvements located on it commonly known as 1505 Rockledge Drive NE, Keizer, Marion County, Oregon, having the following legal description (the "Property"):

> Lot 3, Block 7, Stonehedge Estates No. 2, in the City of Keizer, County of Marion, State of Oregon.

AGREEMENT:

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

1. **Sale and Purchase.** Buyer agrees to purchase the Property from Sellers and Sellers agree to sell the Property to Buyer for the sum of $170,000.00 (the "Purchase Price").

2. **Earnest Money.** Buyer shall pay the sum of $1,000.00 as earnest money within 24 hours of Buyer's acceptance. The earnest money shall be deposited with escrow and shall be applied to the Purchase Price on the Closing Date, as that term is defined below.

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

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

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

4. **Closing.** Closing shall take place on or before August 16, 2004 (the "Closing Date"), at the offices of Fidelity National Title Company of Oregon.

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

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

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

6.2 Buyer's written acceptance of any adverse conditions noted in any inspections, studies, surveys or tests conducted on the Property. Buyer shall have the right, at its expense, to conduct any such inspections, studies, surveys and tests, and Sellers agree to reasonably accommodate such inspectors.

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

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

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

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

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

11. **Possession.** Buyer shall be entitled to possession immediately upon closing subject to the rights of the Sellers to remain rent free on the Property six (6) months after the Closing Date. Sellers understand and agree that Sellers are responsible for all maintenance and utilities for the term Sellers are in possession of the property. Sellers also understand and agree that Sellers are responsible for insurance for their personal property for the term Sellers are in possession of the property. Sellers further understand and agree that Buyer shall be entitled to access to the property immediately upon closing and during the term Sellers are in possession to that portion of the property necessary to begin and complete any construction projects desired by Buyer. Such property shall not include any portion of any existing structures.

All understandings and agreements contained in this Section will survive closing and the conveyance of the Property to Buyer.

12. **Property Included.** All built-in appliances, floor coverings, window and door screens, storm doors and windows, irrigation, plumbing, ventilation, cooling and heating fixtures and equipment, water heaters, attached electric light fixtures, window coverings, awnings, attached television antenna, planted shrubs, plants and trees, and all fixtures are part of the Property and shall be left on the Property by Sellers. save and accept all glads, iris & lilly bulbs

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

14. Sellers' Representations. Sellers represent and warrant to Buyer as follows:

(1) Sellers know of no material structural defects with respect to the Property.

(2) All electrical wiring, heating, cooling, and plumbing systems are in good working order and the balance of the Property, including the yard, will be in substantially its present condition on the Closing Date.

(3) Sellers have received no written notice of any liens to be assessed against the Property.

(4) Sellers have received no written notice from any governmental agency of any violation of any statute, law, ordinance, or deed restriction, rule, or regulation with respect to the Property.

(5) Sellers are not a "foreign person" as that term is defined in IRC §1445.

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

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

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

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

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

17. **Remedies.** TIME IS OF THE ESSENCE REGARDING THIS AGREEMENT. If the conditions described in Section 6 above are satisfied or waived by Buyer and the transaction does not thereafter close, through no fault of Sellers, before the close of business on the Closing Date, Buyer shall forfeit the earnest money deposit to Sellers as liquidated damages, and this Agreement shall be of no further effect, it being the intention of the parties that Buyer may forfeit the earnest money and be free of any further obligations under this Agreement. If Sellers fail to deliver the deed described in Section 7 above on the Closing Date or otherwise fails to consummate this transaction, the earnest money shall be refunded to Buyer, but acceptance by Buyer of the refund will not constitute a waiver of other remedies available to Buyer.

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

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

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

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

A page 5 of 6

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

23. Agreement Preparation. Sellers understand that the law firm of Lien & Johnson prepared this Agreement on behalf of the Buyer and in no way represents the Sellers. Sellers are advised to seek independent legal counsel.

24. Acceptance. This Agreement shall be null and void unless accepted by Buyer, by Buyer's execution of it, on or before July 22, 2004. Sellers may not withdraw this offer prior to this date.

SELLERS:	BUYER:
DATE:________________	DATE:____________________
	THE CITY OF KEIZER, an Oregon Municipal Corporation
____________________________ Bret Goss	
____________________________ Tina Goss	By:__________________________ Christopher C. Eppley, City Manager

Exh A page 6 of 6

KEIZER

July 19, 2004

AGENDA ITEM 8c

RESOLUTION - Authorizing the City of Keizer to Apply for Local Government Grant for Acquisition of Property for Community Park

CITY COUNCIL MEETING: July 19, 2004

AGENDA ITEM NUMBER:___________

TO: **MAYOR CHRISTOPHER AND COUNCIL MEMBERS**

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

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

SUBJECT: ***APPLICATION FOR OREGON PARKS AND RECREATION DEPARTMENT GRANT TO ACQUIRE PROPERTY ADJACENT TO KEIZER RAPIDS STATE PROPERTY***

Based on Council resolution, staff has been moving forward to inquire regarding the establishment of the Keizer Rapids Regional Community Park. As you know, the majority of the park ground would be the existing state-owned property. In addition, adjacent parcels may be acquired to allow for an appropriate sized regional community park.

Working together with the Trust for Public Lands, staff has reached the point where an application needs to be submitted to the state in order to acquire grant funds necessary to acquire the adjoining properties. The grant request is for $500,000.00. The matching funds would come from park SDCs and Marion County funds. Further detail will be provided at tonight's meeting.

The grant process requires a formal resolution to be adopted by the Council authorizing the application for the grant. The grant deadline is August 2. Such resolution is attached.

RECOMMENDATION:

Adopt the attached Resolution.

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

ESJ/tmh
enclosure

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2004-_____

AUTHORIZING THE CITY OF KEIZER TO APPLY FOR A LOCAL GOVERNMENT GRANT FROM THE OREGON PARKS AND RECREATION DEPARTMENT FOR ACQUISITION OF PROPERTY IN THE VICINITY OF KEIZER RAPIDS FOR REGIONAL COMMUNITY PARK PURPOSES AND DELEGATING AUTHORITY TO THE CITY MANAGER TO SIGN THE GRANT APPLICATION

WHEREAS, the Oregon Parks and Recreation Department is accepting applications for the Local Government Grant Program;

WHEREAS, the City of Keizer desires to participate in this grant program to the greatest extent possible as a means of providing needed park and recreation acquisitions, improvements and enhancements;

WHEREAS, the City Council has identified the acquisition of property in the vicinity of the Keizer Rapids/Beardsley Bar state property for a community park as a high priority need for the City of Keizer;

WHEREAS, the project envisions that the Keizer Rapids/Beardsley Bar state property, combined with adjoining properties will be developed into a regional community park with multiple uses, and such park will enhance the livability of Keizer and the greater region;

WHEREAS, the City of Keizer hereby certifies that the matching share for the grant application is readily available from Keizer's funds together with funds from its regional partners;

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

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the City Manager is authorized to apply for a Local Government Grant from the Oregon Parks and Recreation Department for acquisition of property at the Keizer Rapids location as specified above.

PASSED this __________ day of _________________, 2004.

SIGNED this __________ day of _________________, 2004.

____
Mayor

____
City Recorder

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

KEIZER

July 19, 2004

AGENDA ITEM 9a

RESOLUTION - Authorizing the City Manager to Enter Agreement for Development of a Transportation Capital Improvement Plan and System Development Charge

COUNCIL MEETING: July 19, 2004

AGENDA ITEM NUMBER: ____________

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

THROUGH: CHRIS EPPLEY
CITY MANAGER

FROM: NATE BROWN
COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: **Contract for Consultant to Develop a Transportation System Development Charge (SDC) Program**

BACKGROUND:

The City issued a Request For Proposal (RFP) in April, 2004 for interested parties who wished to provide consulting services for a transportation System Development Charge program to submit their proposals to the city for consideration. On May 27th the three top candidates were interviewed by an RFP review committee, consisting of Councilors Smith and Walsh, Chris Eppley, Rob Kissler, Mike Erdman (Representing Marion Polk Building Industry Association), Hersch Sangster, and Nate Brown.

After careful consideration, the committee decided that the top candidate was The Transpo Group, as presented by Andrew Mortensen. Mr. Mortensen was invited to submit a proposed contract for consideration by the City for the services outlined in their proposal. This contract has been reviewed by the City Attorney and found to meet or exceed the City's requirements.

ISSUE:

In order to responsibly address the issues facing the City of Keizer as development progresses on such things as the Keizer Station, Chemawa Station and other projects, the implementation of a transportation SDC is the most efficient tool available to asses a proportionate share off site improvements necessitated by development projects.

The consultant selected by the committee has been chosen based on professional expertise, grasp of local issues, cost, and a demonstration of excellent understanding of the law governing the establishment of SDC's.

RECOMMENDATION:

It is recommended the City Council adopt a Resolution Authorizing the City Manager to enter into a contract with The Transpo Group, (Attachment 1).

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2004- ___________

AUTHORIZING THE CITY MANAGER TO ENTER AGREEMENT WITH TRANSPO GROUP FOR DEVELOPMENT OF A TRANSPORTATION CAPITAL IMPROVEMENTS PLAN AND SYSTEM DEVELOPMENT CHARGE

WHEREAS, the City of Keizer is interested in developing a transportation capital improvement plan and implementing a transportation system development charge;

WHEREAS, a request for proposals was completed, responding firms were interviewed, and a recommendation made to contract with The Transpo Group for these services. NOW, THEREFORE

BE IT RESOLVED by the City Council of the City of Keizer that the City Manager is hereby authorized to execute an agreement, which by this reference made a part hereof and attached as exhibit "A", with The Transpo Group for development of a Capital Improvement Plan and System Development Charge for the City of Keizer.

PASSED this _____ day of ________________, 2004.

SIGNED this _____ day of ________________, 2004.

____

Mayor

____

City Recorder

PROFESSIONAL SERVICES AGREEMENT

City of Keizer Transportation Capital Improvements Plan and Systems Development Charge

THIS AGREEMENT is entered into the date last below as of June 11, 2003, between the City of Keizer, Oregon (CLIENT) and The Transpo Group, Inc. (CONSULTANT).

1. SERVICES BY CONSULTANT

The level of effort required for this project is detailed in Exhibits A Scope of Work, Schedule and Project Budget attached hereto and by this reference made part of this AGREEMENT.

2. PAYMENT

A. The estimated staff hours and budget and the other direct costs are detailed in Exhibit A. CONSULTANT will invoice on an overall percent complete basis to a maximum of $27,000. CONSULTANT shall provide a progress report with each invoice. The progress report will describe the work completed to date, the work anticipated for the next period, and will list any out-of-scope work that has been requested by CLIENT.

B. Consultant shall invoice the City of Keizer no more than once per month. All invoices shall be paid by the City of Keizer within 60 days of receipt of a proper invoice.

C. If the services rendered do not meet the requirements of the agreement, consultant will correct or modify the work to comply with the agreement. The City of Keizer may withhold payment for such work until the work meets the requirements of the agreement.

3. DISCRIMINATION AND COMPLIANCE WITH LAWS

A. Consultant agrees not to discriminate against any employee or applicant for employment or any other person in the performance of this agreement because of race, creed, color, national origin, marital status, sex, age, disability, or other circumstance prohibited by federal, state or local law or ordinance, except for a bona fide occupational qualification.

B. Consultant shall comply with federal, state, and local laws and ordinances applicable to the work and in effect at the time of the work to be done under this contract.

C. Violation of this Paragraph 3 shall be a material breach of this agreement and grounds for cancellation, termination or suspension of the agreement by the City of Keizer.

4. TERM AND TERMINATION OF AGREEMENT

A. This agreement shall be effective upon signing and shall remain in effect until terminated in accordance with paragraph B of this section.

B. This agreement may be terminated by either party without cause upon thirty days written notice, in which event all finished or unfinished documents, reports or other material or work of consultant pursuant to this agreement shall be submitted to the City of Keizer. Consultant shall be entitled to just and equitable compensation at the rate set forth in Paragraph 2 for any satisfactory work completed prior to the date of termination.

5. OWNERSHIP OF WORK PRODUCT

All data, materials, reports, memoranda and other documents developed under this agreement whether finished or not shall become the property of City of Keizer. shall be forwarded to the City of Keizer at its request and may be used by the City of Keizer as it sees fit. The City of Keizer agrees that if it uses products prepared by consultant for purposes other than those intended in this agreement, it does so at its sole risk and it agrees to hold consultant harmless.

6. GENERAL ADMINISTRATION AND MANAGEMENT

The Director of Community Development of the City of Keizer, or his/her designee, shall be CLIENT'S representative, and shall oversee and approve all services to be performed, coordinate all communications, and review and approve all invoices, under this agreement.

7. HOLD HARMLESS

A. Consultant shall protect, defend, indemnify and save harmless CLIENT, its officers, employees and agents from any and all cost, claims, judgments or awards of damages, arising out of or in any way resulting from the negligent acts, errors or omissions of consultant, its officers, employees and agents in performing this agreement.

B. CLIENT shall protect, defend, indemnify and save harmless consultant, its officers, employees and agents from any and all cost, claims, judgments or awards of damages, arising out of or in any way resulting from the negligent acts, errors or omissions of CLIENT, its officers, employees and agents in performing this agreement

8. INSURANCE

Consultant shall maintain insurance as follows:

A. Certificate of Insurance will be provided to the CLIENT within 10 days of signing.

B. Worker's compensation and employer's liability insurance as required by the state.

C. General commercial liability insurance in an amount not less than a single limit of one million and 00/100 dollars ($1,000,000.00) for bodily injury, including death and property damage per occurrence.

D. Professional liability insurance in an amount of not less than one million and 00/100 dollars ($1,000,000.00).

9. SUBLETTING OR ASSIGNING CONTRACT

Neither CLIENT nor Consultant shall assign, transfer, or encumber any rights, duties or interests accruing from this agreement without the express prior written consent of the other.

10. FUTURE SUPPORT

CLIENT makes no commitment and assumes no obligations for the support of Consultant's activities except as set forth in this agreement.

11. INDEPENDENT CONTRACTOR

Consultant is and shall be at all times during the term of this agreement an independent consultant.

12. EXTENT OF AGREEMENT/MODIFICATION

This agreement, together with attachments or addenda, represents the entire and integrated agreement between the parties hereto and supersedes all prior negotiations, representations, or agreements, either written or oral. This agreement may be amended; modified or added to only by written instrument properly signed by both parties hereto.

IN WITNESS WHEREOF, the parties have executed this Agreement as of June _________, 2004.

CONSULTANT
THE TRANSPO GROUP, INC.

By:______________________________

Name:____________________________

Title:____________________________

CLIENT
CITY OF KEIZER

By:______________________________

By:______________________________

Approved as to form:

By:______________________________

EXHIBIT A

WORK PLAN, SCHEDULE and BUDGET

City of Keizer Transportation Capital Improvements Plan and Systems Development Charge

WORK PLAN

Below is the Work to update Keizer's CIP, prepare its Transportation SDC methodology and implementing ordinance, and assist City staff and the City Council through their adoption. Each of the work tasks includes (1) a list of the major products as deliverables to the City of Keizer towards adoption of a new Transportation SDC; and, (2) City roles and responsibilities.

As a baseline of understanding between the Client and Consultant, it is recognized that the City of Keizer wishes to complete the following three technical elements by September, 2004 (so the City can adopt its CIP and SDC by November, 2004):

1. A list of capital improvements—easily termed "growth-related transportation needs"—assimilated from current, adopted, and draft transportation plans, including cost escalations where needed.
2. Keizer's development trends and forecasts (growth) measured by "new trips" generated by growth, translated for further reference with the ITE *Trip Generation*, 7th Edition.
3. An effective transportation SDC methodology, complete with appropriate and fitting adjustments and credits based on sound public policy.

Task 1. Review and Summarize Plans and Policies; Develop Goals and Objectives

Task 1 includes conducting a kick-off meeting with Keizer Staff to help identify study issues, data and documentation, and identification of goals and objectives. ORS 223.297 to 223.314 requires that SDC's be based on adopted plans. This task is critical to establish the baseline by which a sound methodology for Keizer's transportation SDC can be established, one that is most fair and equitable to the variety of developments expected within the Keizer Station area and throughout the Keizer UGB.

Keizer's current CIP (Source: *Keizer Transportation Systems Plan*) identifies a number of projects citywide. The *Keizer Station Master Plan*, recently completed in April 2004, identifies other projects that may duplicate or add to the current CIP, but does not provide planning-level cost estimates. A complete listing of CIP and other Plan projects will be prepared from which the eligibility for SDC funding will be determined.

A draft set of Goals and Objectives will be developed with City Staff and confirmed by the Task Force.

Deliverables: Memorandum summarizing the City's transportation plans and policies, existing CIP and other Plan project summaries, and Draft and Final Goals and Objectives.

City Role & Responsibility: (1) Assimilate and provide Consultant with relevant plans, policies, CIP project cost estimates and developable land use data.

Task 2. Identify Impacts of Growth/Existing and Future Transportation System Needs and Deficiencies

This task includes coordination with Keizer Staff to identify the general type, location, and size of land development, consistent with the City's Comprehensive Plan. Much of the City's growth is located in the Keizer Station area, but there are other in-fill developments expected throughout the City. These growth data will serve as critical input into the SDC methodology, particularly when it comes to defining both citywide and sub area SDC schedules. Transportation "capacity" improvements can be defined in several ways, and defended legally as has been tested and validated by other Oregon jurisdictions. The Consultant's effort in this task will be to define the range of SDC-eligible, transportation capacity improvements based on current plans. Based on the summary of Task 1 the Consultant will identify the range of fully- or partially-eligible transportation capacity improvement projects and their planning-level costs.

Deliverables:

- Memorandum summarizing the Keizer area growth, transportation system deficiencies, SDC-eligible transportation system improvements, and total new trip generation from growth over the future planning horizon
- Spreadsheet listing Keizer transportation improvements (by functional class, type of improvement, and SDC-eligibility)

Task 3. Revise and Update Keizer CIP to Include Current Planning-Level Cost Estimates

Planning-level cost estimates have been previously prepared for many of the projects within the documents and resources that will be summarized in Task 1. Most of the cost estimates are now slightly outdated. Planning-level cost estimates for those additional projects in the Keizer Station area have not yet been prepared. The Consultant has ready access to recent unit cost estimates derived from arterial/collector street construction projects in the Salem area that can be efficiently applied to these projects. The Consultant will also integrate escalation and adjustment factors in the revised Keizer CIP to account for annual inflation.

Deliverables:

- Memorandum summarizing the revised and new planning-level costs estimates for Keizer's CIP
- Spreadsheets summarizing Revised and Updated Keizer CIP, including total costs and SDC-eligible costs, and escalation factors

Task 4. Develop SDC Methodology Options

The Consultant will develop and test two major options for Keizer's Transportation SDC: (1) a flat, city-wide SDC structure that evenly apportions all SDC-eligible costs to growth; and (2) a sub area SDC structure that proportionately attributes unique costs within two or three sub areas. The latter is likely to define the Keizer Station area as one sub area, the remaining portions of Keizer in another. Each option will be summarized to compare and contrast Keizer's Transportation SDC's by land use category based on the most recent ITE *Trip Generation*. Transpo has recently updated its SDC library to include ITE's latest version of Trip Generation (7th Edition, December 2003).

Deliverables:

- Memorandum summarizing SDC Methodology Options, including example SDC schedules to compare and contrast SDC's by land use category (as reported by ITE)
- Spreadsheets summarizing Revised Keizer CIP (including total costs and SDC-eligible costs, and escalation factors) and SDC Schedules for each option

Task 5. Develop Recommended Transportation SDC Methodology

The Consultant will develop and recommend a Transportation SDC Methodology that is most fair and equitable, and reflects City goals and policies. This task will examine the various SDC components, including trip generation rates by ITE land use category, trip adjustment factors (average trip length and pass-by trips) and credits.

The Consultant will also provide a comparison of Keizer's Transportation SDC charges with other Oregon jurisdictions, including the basis upon which they were developed. This comparison will be based on the extensive research conducted by Transpo for the City of Salem, and the firm's experience with comparable SDC's and impact fees across the State.

Final, separate reports will be prepared for the Keizer Capital Improvements plan and Transportation Systems Development Charge.

Deliverables:

- Memorandum summarizing recommended Transportation SDC methodology and a comparison of SDC charges with other Oregon communities
- Spreadsheet(s) that includes Transportation SDC by ITE land use category, complete with appropriate trip rate adjustments for fairness and equity
- Final Keizer Capital Improvement Plan and Transportation Systems Development Charge Methodology Reports (1 camera-ready hard copy and a CD containing original WORD report files and EXCEL supporting files)

Task 6. Prepare Transportation CIP and SDC Ordinance

The Consultant will meet with City Staff to discuss the necessary steps for SDC implementation. The Consultant will prepare a Draft and Final Ordinance to implement the new Transportation SDC. The ordinance will include the necessary components for SDC credits, special considerations, and administration requirements. The Draft Ordinance will include the Transportation SDC Schedule based on the findings and recommendations of Task

5. The Draft ordinance will be presented to City Staff. Comments will be incorporated in a revised Draft and presented to the City Council.

The Consultant will also prepare a memorandum summarizing the various implementation steps for revenue reporting, accounting and administration of the SDC's.

Deliverables:
- Draft and Final Ordinance to implement SDC's
- Memorandum summarizing implementation measures

City Role & Responsibility: (1) Review, consider, deliberate, revise (as needed) and adopt Ordinance.

Task 7. Project Management and Meetings

While not specific in the City's RFP, effective project management is essential to the project success. As Project Manager, Andy Mortensen will serve as the day-to-day contact for City of Keizer Staff, track key milestones and the project schedule and budget, provide weekly and monthly project status and progress reports, coordinate with City Staff to develop the agenda for each of the City Staff, Task Force and Council presentations, attend the project meetings, and provide quality assurance and control of the consultant work product.

Given the short duration of the study, the Consultant will hold bi- monthly meetings with Keizer's Planning Director, and monthly meetings with City Staff to review and discuss interim findings, prepare for Task Force and City Council meetings, and give City Staff the opportunity to provide input and feedback in a timely and regular manner. It is anticipated that Public Works, Planning, City Manager, and Legal staff will attend these monthly meetings.

The Consultant will make three presentations with the Project Task Force, and four City Council public meetings and hearings. Andy Mortensen will coordinate with City Staff and prepare for, attend and help facilitate the Staff, Task Force and City Council meetings.

Deliverables:
- Attendance and facilitation of Bi-Monthly Staff Project Manager meetings (by phone and in person) (10)
- Attendance and facilitation of Monthly Staff meetings (5)
- Attendance and facilitation of Task Force meetings (3)
- Attendance and facilitation of City Council public meetings and public hearings (4)

City Role & Responsibility: (1) Form and convene Task Force.
(2) Coordinate Staff, Task Force and City Council Meetings, including documentation and summary of meeting minutes to the level desired by the City of Keizer.
(3) Attend and participate in Staff meetings.

PROJECT COST, STAFFING AND SCHEDULE

The Consultant team includes Andy Mortensen as the Project Manager and day-to-day contact for Keizer, who will conduct much of the analysis and make all of the presentations to Staff, Commission and general public. Jon Pascal will assist Andy in the travel demand technical analysis. Larry Toedtli will provide oversight.

The Consultant's estimated Cost and Schedule to complete the Keizer Transportation CIP and SDC is summarized in Table 1. The Schedule is based on the City's desire for completed technical analysis by September, 2004, with an assumed start date by June 11, 2004. The estimate of Cost is not to exceed $27,000 for this effort.

Table 1

				[illegible]	[illegible]		
1	Review & Summarize Plans	June 15, 2004	8			8	$1,160
2	Identify Growth Impacts and Transportation Needs	June 30, 2004	32			32	$4,640
3	Revise CIP with Current Cost Estimates	July 15, 2004	24			24	$3,480
4	Develop SDC Methodology Options	July 15, 2004	16	8		24	$3,120
5	Recommended Methodology	Aug 15, 2004	32			32	$4,640
6	Prepare CIP/SDC Ordinance	Oct 1, 2004	16		8	24	$3,680
7	Project Management & Meetings	Nov 1, 2004	32			32	$4,640
	Total Labor (Hours)		**160**	**8**	**8**	**176**	
	Labor Cost		**$23,200**	**$800**	**$1,360**	**$25,360**	
	Direct Expense (Travel, printing, delivery)					$1,000	
	Total Cost					**$26,36(**	

KEIZER

July 19, 2004

AGENDA ITEM 9b

RESOLUTION – Approving Engineer's Report for Hunter Addition Street Lighting District

COUNCIL MEETING: July 19, 2004

AGENDA ITEM NUMBER: ________________

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

THROUGH: **CHRIS EPPLEY**
CITY MANAGER

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

SUBJECT: **HUNTER ADDITION STREET LIGHTING LOCAL IMPROVEMENT DISTRICT**

ISSUE:

On April 5, 2004, the City Council adopted Resolution R2004-1477 declaring the City's intent to initiate Hunter Addition Street Lighting Local Improvement District and directing the City Engineer to make a survey and file a written report with the City Recorder. This Council action was taken in response to a petition from the developer requesting the formation of a lighting district in this area.

Attached to this staff report is a City Engineer's report filed for Hunter Addition Street Lighting Local Improvement District. The report was reviewed by the Public Works Department and found to meet the guidelines as outlined in the City of Keizer Ordinance for development of street lighting districts. Upon adoption of the report by the City Council, a public hearing will be scheduled to receive any remonstrances to the formation of this street lighting district.

FISCAL IMPACT:

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

RECOMMENDATION:

It is recommended City Council adopt a Resolution approving the City Engineer's Report and set the public hearing date for August 2, 2004 to consider remonstrances and other comments on the district's formation and objections to proposed assessments.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2004-________

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

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

Section 1. That the City Council hereby finds the City Engineer's Report, marked as exhibit "A" and by this reference incorporated herein, containing preliminary plans and an estimate of probable costs for Hunter Addition Street Lighting Local Improvement District which was filed with the City Recorder on July 6, 2004 to be satisfactory, and the same are hereby approved and adopted.

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

Section 3. That the City Council hereby directs the City Recorder to give notice of its intention to form Hunter Addition Street Lighting Local Improvement District and to make the improvements by sending notice to the property owners within the district stating a public hearing will be held on August 2, 2004, said notice to also provide that information required under City of Keizer Ordinance 94-278, an ordinance providing for procedures for municipal lighting districts and special assessments.

PASSED this ____ day of ________________, 2004.

SIGNED this ____ day of ________________, 2004.

____
Mayor

____
City Recorder

KEIZER SINCE 1982

City of Keizer

Phone (503) 390-3700 • Fax: (503) 393-9437
930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, OR 97307-1000

ENGINEER'S REPORT

FOR

HUNTER ADDITION SUBDIVISION

STREET LIGHTING DISTRICT

For City Council Action July 19, 2004

REGISTERED PROFESSIONAL ENGINEER
6,191PE
OREGON
JULY 12, 1968
WILLIAM I. PETERSON
Renewal date: December 31, 2004

PREPARED BY:
Peterson Eng. Consultants, Inc.
4300 Cherry Ave. N
Keizer, OR 97303
(503) 390-7402

Date: June 28, 2004

Project File: 0865

Rec'd 7-6-04

TO: The Hon. Mayor and City Council

FROM: City Engineer's Office

SUBJECT: Street Lighting District for the Hunter Addition Subdivision

Authority and Purpose: This report is submitted in accordance with the requirements of City of Keizer **Ordinance No. 94-278** and Council **Resolution 2004-1477** for the purpose of creating the subject Street Lighting District.

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

Lighting Plan The lighting improvements will consist of 2, 100 Watt, high pressure sodium, flat lens luminaries mounted on 6 foot long mast arms and attached to 30 foot gray fiberglass poles. This design is selected to be consistent with adjacent lighted areas. It is recommended that installation be accomplished by the following method:

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

Estimated Costs:

Initial Cost and Annual costs -

2 Poles & 100 Watt luminaries @ \$14.52 per month each x 12 mos. =	\$348.48
Administrative Fee @ \$6.90/Lot:	34.50
Engineering @ \$14.00/Lot:	70.00
Total Assessment	\$452.98
(1)Per Lot Assessment (First Year, 5 Lots)	\$90.60

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

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

The first year assessment would include the one time costs for District formation and engineering. Subsequent years assessments would reduce to $69.70 per lot.

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

Respectfully submitted,

William I. Peterson, PE

PRELIMINARY ASSESSMENT ROLL

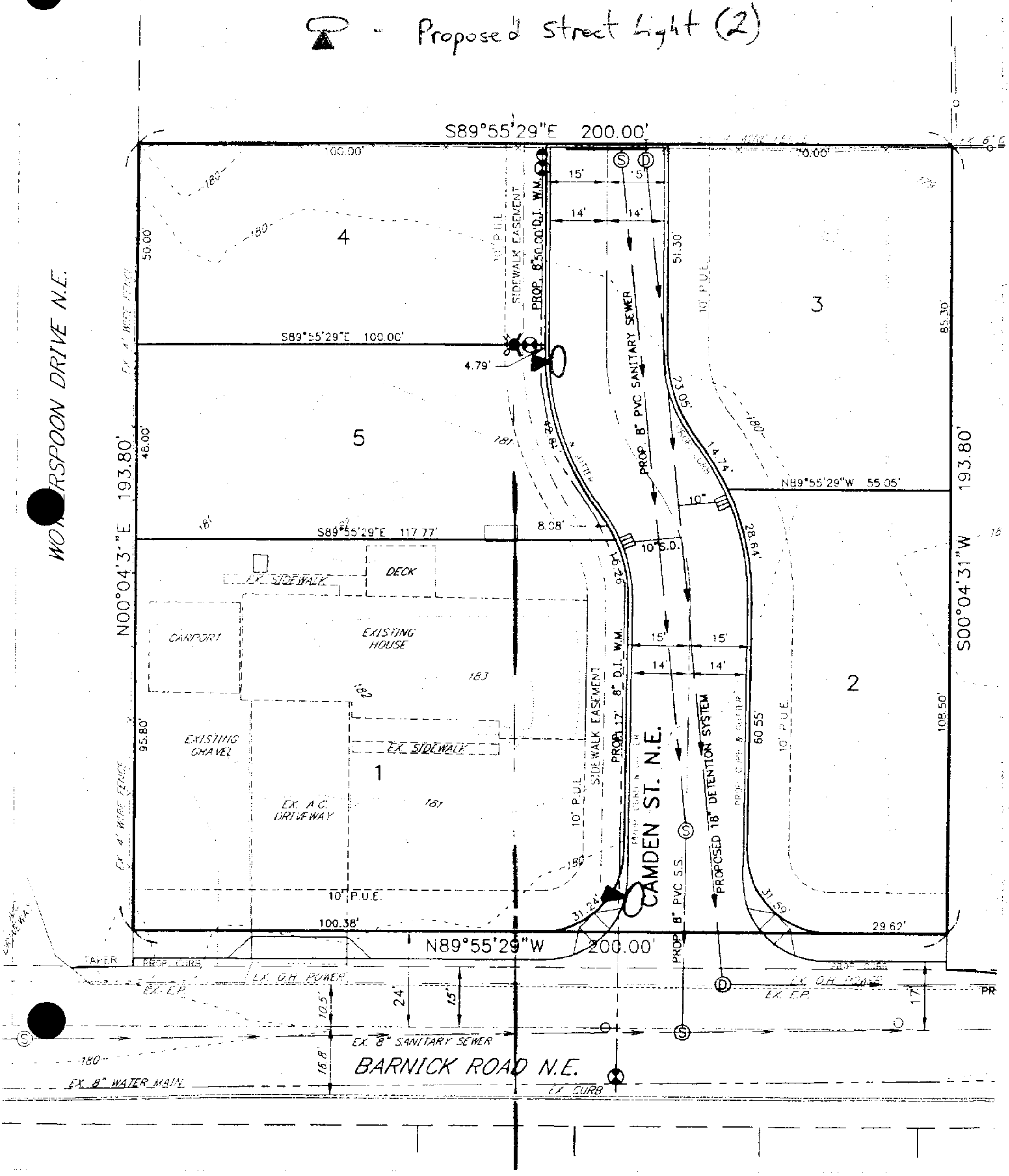
HUNTER ADDITION SUBDIVISION
STREET LIGHTING DISTRICT

*Assessors Map 06 3W 23DC

Tax Lot #:	Owners Name and Address	Cost per Lot	Lots	Assessment
400	STOMBAUGH, DAVE PO BOX 13122 SALEM, OR 97309	$90.60	5	$452.98

TOTAL ASSESSMENT: $452.98

5



Proposed Street Light (2)
S89°55'29"E 200.00'
N89°55'29"W 200.00'
N00°04'31"E 193.80'
S00°04'31"W 193.80'
WOTHERSPOON DRIVE N.E.
BARNICK ROAD N.E.
CAMDEN ST. N.E.
S89°55'29"E 100.00'
S89°55'29"E 117.77'
N89°55'29"W 55.05'
PROP. 8" PVC SANITARY SEWER
PROPOSED 18" DETENTION SYSTEM
PROP. 8" PVC S.S.
SIDEWALK EASEMENT
10' P.U.E.
EXISTING HOUSE
CARPORT
DECK
EXISTING GRAVEL
EX. A.C. DRIVEWAY
EX. SIDEWALK
EX. 4' WIRE FENCE
EX. 8" SANITARY SEWER
EX. 8" WATER MAIN
EX. O.H. POWER
EX. E.P.
EX. CURB
PROP. CURB
TAPER
1
2
3
4
5

KEIZER

July 19, 2004

AGENDA ITEM 9c

RESOLUTION – Authorizing the Mayor to Sign Amendment to City Manager Contract

CITY COUNCIL MEETING: July 19, 2004

AGENDA ITEM NUMBER:____________

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: ***CITY MANAGER EMPLOYMENT CONTRACT (REVISITED)***

I have attached a Resolution and a new contract amendment to clarify that the Step increase for the City Manager would be an automatic one Step unless different action is taken by the Council. This is consistent with the policy for other city employees.

I have also amended the notice date and added the life insurance provision.

RECOMMENDATION:

Review the attached contract and take action on the Resolution as appropriate.

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

ESJ/tmh
attachments

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2004-_____

AUTHORIZING THE MAYOR AND COUNCIL PRESIDENT TO ENTER INTO THE CITY MANAGER CONTRACT AMENDMENT; REPEALING RESOLUTION R2004-1504

WHEREAS, the City Council adopted Resolution R2004-1504 to provide for a contract amendment for the City Manager;

WHEREAS, such contract amendment did not clarify the provisions for Step increases for the City Manager's salary;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the Mayor and Council President are hereby authorized to enter into that certain employment contract amendment, a copy of which is attached as Exhibit "A" and by this reference incorporated herein.

BE IF FURTHER RESOLVED that Resolution R2004-1504 is hereby repealed.

PASSED this __________ day of _________________, 2004.

SIGNED this __________ day of _________________, 2004.

____
Mayor

____
City Recorder

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

**AMENDMENT OF
EMPLOYMENT CONTRACT
BETWEEN
CHRISTOPHER C. EPPLEY
AND THE
CITY OF KEIZER**

THIS AGREEMENT is made and entered into this _____ day of _______________, 2004, by and between CITY OF KEIZER, hereinafter referred to as the "City," and Christopher C. Eppley, hereinafter referred to as "City Manager."

WITNESSETH:

WHEREAS, the parties named above entered into that certain Employment Contract dated April 17, 2000; and

WHEREAS, the parties have agreed to amend the Employment Contract as set forth below;

NOW, THEREFORE, in consideration of the mutual promises contained in the Employment Contract and herein, the parties agree as follows:

SECTION 1. TERM.

The term of the Employment Contract is extended to June 30, 2005. Pursuant to Section 13 of the Contract, City Council may give written notice of one (1) year contract extensions. Such notice shall not require formal contract amendment.

SECTION 2. SALARY.

Section 2 of the Employment Contract is amended as follows:

The City shall pay City Manager at a monthly salary rate ~~of $5,113.00; after 6 months of service, $5,424.00; and, after 1 year of service, $5,587.00 upon completion of satisfactory job performance~~ pursuant to the salary matrix adopted by the City and at such Range and Step as determined by the Council. The salary rate will be reviewed annually and may be adjusted by the ~~City~~ Council without formal amendment of this Contract. Unless different action is taken by the Council, the salary shall automatically be increased by one Step, including applicable cost-of-living adjustment. Such salary rate may only be reduced if the reduction is proportionate to salary reductions which are part of a uniform plan affecting all non-represented city employees. City Manager shall receive any cost of living adjustments received by the Department heads during the period of this Agreement.

SECTION 3. AUTOMOBILE.

Section 9 of the Employment Contract is deleted and replaced by the following:

The City Manager shall be given a vehicle allowance in the amount of $350.00 per month. Such allowance shall be in lieu of any mileage reimbursement. City Manager shall pay all necessary and appropriate withholdings on such amount.

SECTION 4. EXTENSION OF AGREEMENT.

Section 13 of the Employment Contract is amended as follows:

This Contract is for the term set forth above in Section 1. This Contract may be extended for additional terms of one (1) year each by written notice provided by the City Council to City Manager on or before ~~April 15~~ January 31 of each year of this Contract. The terms and conditions of any such extension shall be determined by the City Council in consultation with the City Manager. An affirmative vote of the City Council is required to extend this Contract. If such notice is not given on or before ~~April 15~~ January 31 of each year of this Contract, the parties acknowledge that this Contract will terminate on the date set forth in Section 1.

SECTION 5. LIFE INSURANCE POLICY.

A new Section 21 shall be added as follows:

City shall provide, at City's expense, a term life insurance policy in the a face amount of $250,000.00, insuring City Manager's life. Such policy shall be purchased and maintained only so long as City Manager is insurable under a Preferred Non-Smoker Classification. City Manager shall be responsible for any taxes and withholdings in connection with such life insurance policy.

///

///

SECTION 6. CONTRACT TO REMAIN IN FORCE.

Except as specifically amended herein, all other terms of the Employment Contract shall remain in full force and effect.

Dated:______________________ Dated:______________________

THE CITY OF KEIZER,
an Oregon municipal corporation

By:______________________
Lore Christopher, Mayor

____
Christopher C. Eppley

By:______________________
Council President

KEIZER

July 19, 2004

AGENDA ITEM 9d

RESOLUTION – Authorizing the City manager to Enter Intergovernmental Agreement with Salem for Police Records Management

COUNCIL MEETING:
AGENDA ITEM NUMBER:____________

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH : CHRIS EPPLEY
CITY MANAGER

FROM: H. MARC ADAMS
CHIEF OF POLICE

SUBJECT Intergovernmental Agreement with the City of Salem for Police Records Management.

ISSUE:

The City of Keizer has traditionally contracted with the Regional Automated Information Network (RAIN) for our automated police records management system. The system became antiquated and has been discontinued. The City of Salem has purchased a new automated police record system called PRIORS. The Keizer Police Department has to have an automated police record system and has decided the majority of the RAIN users to contract with the City of Salem for PRIORS. The RAIN organization continues to operate but the majority of the funding that previously would go to RAIN for police records management will now go to the City of Salem for PRIORS.

FISCAL IMPACT:

$62,918 this amount has been approved in the 2004/05 City of Keizer Budget under RAIN.

RECOMMENDATION:

Staff recommends the Council pass the attached resolution.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2004-_____

AUTHORIZING THE CITY MANAGER TO ENTER INTO INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF SALEM FOR POLICE RECORDS MANAGEMENT

WHEREAS, the City of Keizer Police Department has been working with the City of Salem to develop and implement a multi-user police records management system;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the City Manager is hereby authorized to execute an intergovernmental agreement, a copy of which is attached hereto and by this reference incorporated herein, with the City of Salem for management of the City of Keizer's police records.

PASSED this __________ day of _________________, 2004.

SIGNED this __________ day of _________________, 2004.

____
Mayor

____
City Recorder

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

KEIZER

July 19, 2004

AGENDA ITEM 9e

RESOLUTION - Authorizing the City manager to Enter Agreement with GEO Tec Services for Monitoring Well Construction

CITY COUNCIL MEETING:____________________

AGENDA ITEM NUMBER:________________

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

THROUGH: **CHRIS EPPLEY**
CITY MANAGER

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

SUBJECT: **MONITIORING WELLS**

DATE: **JULY 15, 2004**

BACKGROUND:

In a continuing effort to identify the extent of Groundwater contamination and the impact to Municipal Wells, staff has determine monitoring wells will be needed system wide. In conjunction with the DEQ's planned geo-probe investigation along River Road, the Water Department will install monitoring wells at two sites. Upon completion of DEQ's geo-probe investigation additional monitoring well sites may be needed. Monitoring wells will provide data on contamination, direction of groundwater flow and potential vulnerability of municipal wells. Two wells are drilled at each location one shallow and one deep.

City staff solicited three bids from qualified monitoring well drillers. Average of the three bids was $34,292.33 with Geo-Tech Explorations of Tualatin Oregon at low bid of $31,985.00.

ATTACHMENTS:

Site map showing locations of monitoring well installations

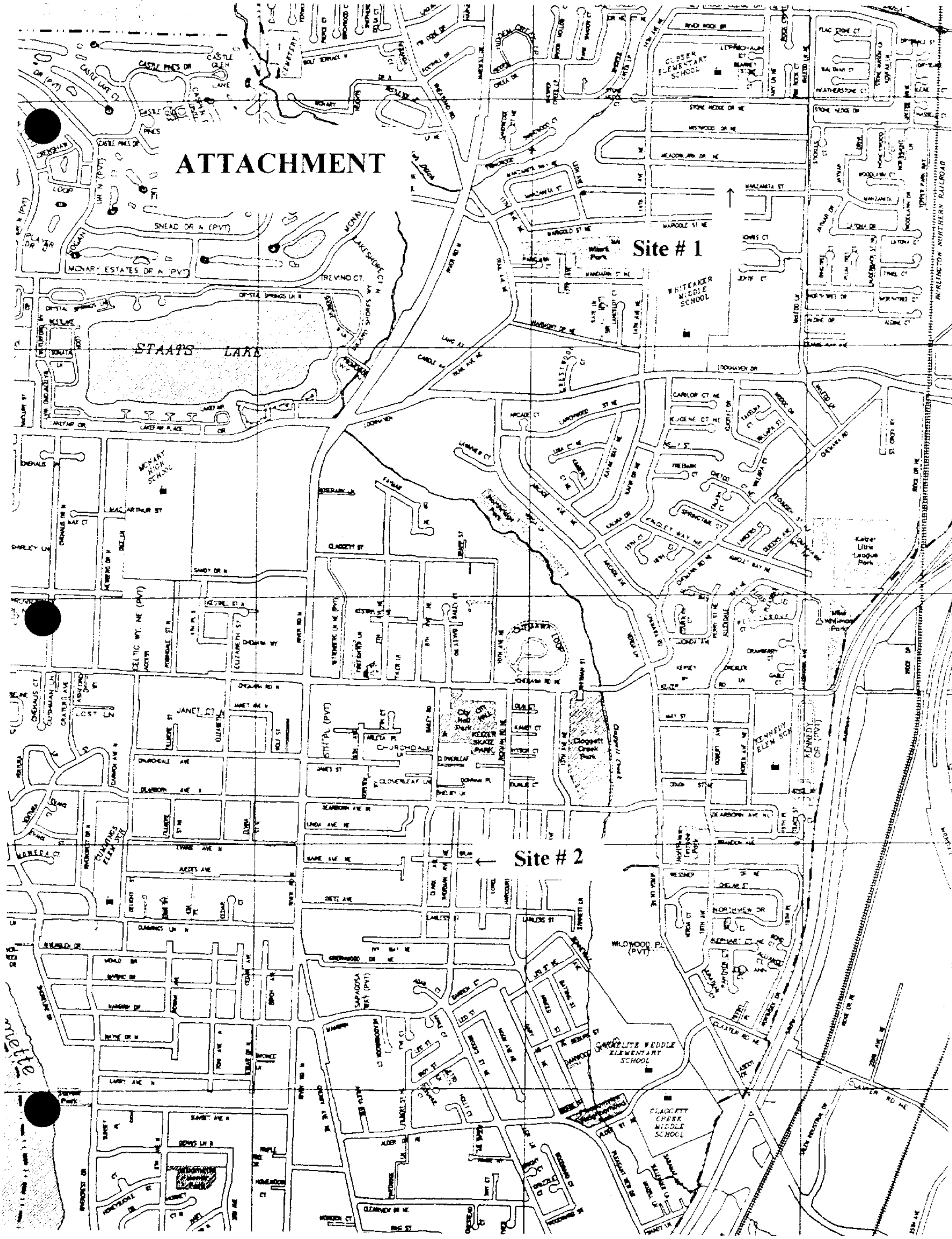
FISCAL IMPACT:

Funds are available in the Water Fund budget line item 52

RECOMMENDATION:

Staff recommends City Council adopt the attach Resolution authorizing the City Manager to enter into a contract with Geo-Tech Exploration for the amount of $31,985.00.

If you have questions, please contact Bill Lawyer at extension 148. Bill will be attending City Council on my behalf.



ATTACHMENT
Site # 1
Site # 2
STAATS LAKE
WHITEAKER MIDDLE SCHOOL
CLAGGETT CREEK MIDDLE SCHOOL
BURLINGTON NORTHERN RAILROAD

KEIZER

July 19, 2004

AGENDA ITEM 8c

RESOLUTION - Authorizing the City of Keizer to Apply for Local Government Grant for Acquisition of Property for Community Park

CITY COUNCIL MEETING: July 19, 2004

AGENDA ITEM NUMBER:____________

TO: **MAYOR CHRISTOPHER AND COUNCIL MEMBERS**

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

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

SUBJECT: ***APPLICATION FOR OREGON PARKS AND RECREATION DEPARTMENT GRANT TO ACQUIRE PROPERTY ADJACENT TO KEIZER RAPIDS STATE PROPERTY***

Based on Council resolution, staff has been moving forward to inquire regarding the establishment of the Keizer Rapids Regional Community Park. As you know, the majority of the park ground would be the existing state-owned property. In addition, adjacent parcels may be acquired to allow for an appropriate sized regional community park.

Working together with the Trust for Public Lands, staff has reached the point where an application needs to be submitted to the state in order to acquire grant funds necessary to acquire the adjoining properties. The grant request is for $500,000.00. The matching funds would come from park SDCs and Marion County funds. Further detail will be provided at tonight's meeting.

The grant process requires a formal resolution to be adopted by the Council authorizing the application for the grant. The grant deadline is August 2. Such resolution is attached.

RECOMMENDATION:

Adopt the attached Resolution.

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

ESJ/tmh
enclosure

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2004-_____

AUTHORIZING THE CITY OF KEIZER TO APPLY FOR A LOCAL GOVERNMENT GRANT FROM THE OREGON PARKS AND RECREATION DEPARTMENT FOR ACQUISITION OF PROPERTY IN THE VICINITY OF KEIZER RAPIDS FOR REGIONAL COMMUNITY PARK PURPOSES AND DELEGATING AUTHORITY TO THE CITY MANAGER TO SIGN THE GRANT APPLICATION

WHEREAS, the Oregon Parks and Recreation Department is accepting applications for the Local Government Grant Program;

WHEREAS, the City of Keizer desires to participate in this grant program to the greatest extent possible as a means of providing needed park and recreation acquisitions, improvements and enhancements;

WHEREAS, the City Council has identified the acquisition of property in the vicinity of the Keizer Rapids/Beardsley Bar state property for a community park as a high priority need for the City of Keizer;

WHEREAS, the project envisions that the Keizer Rapids/Beardsley Bar state property, combined with adjoining properties will be developed into a regional community park with multiple uses, and such park will enhance the livability of Keizer and the greater region;

WHEREAS, the City of Keizer hereby certifies that the matching share for the grant application is readily available from Keizer's funds together with funds from its regional partners;

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

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the City Manager is authorized to apply for a Local Government Grant from the Oregon Parks and Recreation Department for acquisition of property at the Keizer Rapids location as specified above.

PASSED this __________ day of _________________, 2004.

SIGNED this __________ day of _________________, 2004.

____
Mayor

____
City Recorder

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

KEIZER

July 19, 2004

AGENDA ITEM 9a

RESOLUTION - Authorizing the City Manager to Enter Agreement for Development of a Transportation Capital Improvement Plan and System Development Charge

COUNCIL MEETING: July 19, 2004

AGENDA ITEM NUMBER:____________

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

THROUGH: CHRIS EPPLEY
CITY MANAGER

FROM: NATE BROWN
COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: Contract for Consultant to Develop a Transportation System Development Charge (SDC) Program

BACKGROUND:

The City issued a Request For Proposal (RFP) in April, 2004 for interested parties who wished to provide consulting services for a transportation System Development Charge program to submit their proposals to the city for consideration. On May 27th the three top candidates were interviewed by an RFP review committee, consisting of Councilors Smith and Walsh, Chris Eppley, Rob Kissler, Mike Erdman (Representing Marion Polk Building Industry Association), Hersch Sangster, and Nate Brown.

After careful consideration, the committee decided that the top candidate was The Transpo Group, as presented by Andrew Mortensen. Mr. Mortensen was invited to submit a proposed contract for consideration by the City for the services outlined in their proposal. This contract has been reviewed by the City Attorney and found to meet or exceed the City's requirements.

ISSUE:

In order to responsibly address the issues facing the City of Keizer as development progresses on such things as the Keizer Station, Chemawa Station and other projects, the implementation of a transportation SDC is the most efficient tool available to asses a proportionate share off site improvements necessitated by development projects.

The consultant selected by the committee has been chosen based on professional expertise, grasp of local issues, cost, and a demonstration of excellent understanding of the law governing the establishment of SDC's.

RECOMMENDATION:

It is recommended the City Council adopt a Resolution Authorizing the City Manager to enter into a contract with The Transpo Group, (Attachment 1).

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2004- ___________

AUTHORIZING THE CITY MANAGER TO ENTER AGREEMENT WITH TRANSPO GROUP FOR DEVELOPMENT OF A TRANSPORTATION CAPITAL IMPROVEMENTS PLAN AND SYSTEM DEVELOPMENT CHARGE

WHEREAS, the City of Keizer is interested in developing a transportation capital improvement plan and implementing a transportation system development charge;

WHEREAS, a request for proposals was completed, responding firms were interviewed, and a recommendation made to contract with The Transpo Group for these services. NOW, THEREFORE

BE IT RESOLVED by the City Council of the City of Keizer that the City Manager is hereby authorized to execute an agreement, which by this reference made a part hereof and attached as exhibit "A", with The Transpo Group for development of a Capital Improvement Plan and System Development Charge for the City of Keizer.

PASSED this _____ day of _________________, 2004.

SIGNED this _____ day of _________________, 2004.

____

Mayor

____

City Recorder

PROFESSIONAL SERVICES AGREEMENT

City of Keizer Transportation Capital Improvements Plan and Systems Development Charge

THIS AGREEMENT is entered into the date last below as of June 11, 2003, between the City of Keizer, Oregon (CLIENT) and The Transpo Group, Inc. (CONSULTANT).

1. SERVICES BY CONSULTANT

The level of effort required for this project is detailed in Exhibits A Scope of Work, Schedule and Project Budget attached hereto and by this reference made part of this AGREEMENT.

2. PAYMENT

A. The estimated staff hours and budget and the other direct costs are detailed in Exhibit A. CONSULTANT will invoice on an overall percent complete basis to a maximum of $27,000. CONSULTANT shall provide a progress report with each invoice. The progress report will describe the work completed to date, the work anticipated for the next period, and will list any out-of-scope work that has been requested by CLIENT.

B. Consultant shall invoice the City of Keizer no more than once per month. All invoices shall be paid by the City of Keizer within 60 days of receipt of a proper invoice.

C. If the services rendered do not meet the requirements of the agreement, consultant will correct or modify the work to comply with the agreement. The City of Keizer may withhold payment for such work until the work meets the requirements of the agreement.

3. DISCRIMINATION AND COMPLIANCE WITH LAWS

A. Consultant agrees not to discriminate against any employee or applicant for employment or any other person in the performance of this agreement because of race, creed, color, national origin, marital status, sex, age, disability, or other circumstance prohibited by federal, state or local law or ordinance, except for a bona fide occupational qualification.

B. Consultant shall comply with federal, state, and local laws and ordinances applicable to the work and in effect at the time of the work to be done under this contract.

C. Violation of this Paragraph 3 shall be a material breach of this agreement and grounds for cancellation, termination or suspension of the agreement by the City of Keizer.

4. TERM AND TERMINATION OF AGREEMENT

A. This agreement shall be effective upon signing and shall remain in effect until terminated in accordance with paragraph B of this section.

B. This agreement may be terminated by either party without cause upon thirty days written notice, in which event all finished or unfinished documents, reports or other material or work of consultant pursuant to this agreement shall be submitted to the City of Keizer. Consultant shall be entitled to just and equitable compensation at the rate set forth in Paragraph 2 for any satisfactory work completed prior to the date of termination.

5. OWNERSHIP OF WORK PRODUCT

All data, materials, reports, memoranda and other documents developed under this agreement whether finished or not shall become the property of City of Keizer, shall be forwarded to the City of Keizer at its request and may be used by the City of Keizer as it sees fit. The City of Keizer agrees that if it uses products prepared by consultant for purposes other than those intended in this agreement, it does so at its sole risk and it agrees to hold consultant harmless.

6. GENERAL ADMINISTRATION AND MANAGEMENT

The Director of Community Development of the City of Keizer, or his/her designee, shall be CLIENT'S representative, and shall oversee and approve all services to be performed, coordinate all communications, and review and approve all invoices, under this agreement.

7. HOLD HARMLESS

A. Consultant shall protect, defend, indemnify and save harmless CLIENT, its officers, employees and agents from any and all cost, claims, judgments or awards of damages, arising out of or in any way resulting from the negligent acts, errors or omissions of consultant, its officers, employees and agents in performing this agreement.

B. CLIENT shall protect, defend, indemnify and save harmless consultant, its officers, employees and agents from any and all cost, claims, judgments or awards of damages, arising out of or in any way resulting from the negligent acts, errors or omissions of CLIENT, its officers, employees and agents in performing this agreement.

8. INSURANCE

Consultant shall maintain insurance as follows:

A. Certificate of Insurance will be provided to the CLIENT within 10 days of signing.

B. Worker's compensation and employer's liability insurance as required by the state.

C. General commercial liability insurance in an amount not less than a single limit of one million and 00/100 dollars ($1,000,000.00) for bodily injury, including death and property damage per occurrence.

D. Professional liability insurance in an amount of not less than one million and 00/100 dollars ($1,000,000.00).

9. SUBLETTING OR ASSIGNING CONTRACT

Neither CLIENT nor Consultant shall assign, transfer, or encumber any rights, duties or interests accruing from this agreement without the express prior written consent of the other.

10. FUTURE SUPPORT

CLIENT makes no commitment and assumes no obligations for the support of Consultant's activities except as set forth in this agreement.

11. INDEPENDENT CONTRACTOR

Consultant is and shall be at all times during the term of this agreement an independent consultant.

12. EXTENT OF AGREEMENT/MODIFICATION

This agreement, together with attachments or addenda, represents the entire and integrated agreement between the parties hereto and supersedes all prior negotiations, representations, or agreements, either written or oral. This agreement may be amended; modified or added to only by written instrument properly signed by both parties hereto.

IN WITNESS WHEREOF, the parties have executed this Agreement as of June _________, 2004.

CONSULTANT **THE TRANSPO GROUP, INC.**	**CLIENT** **CITY OF KEIZER**
By:_______________________________	By:_______________________________
	By:_______________________________
Name:____________________________	Approved as to form:
Title:_____________________________	By:_______________________________

EXHIBIT A

WORK PLAN, SCHEDULE and BUDGET

City of Keizer Transportation Capital Improvements Plan and Systems Development Charge

WORK PLAN

Below is the Work to update Keizer's CIP, prepare its Transportation SDC methodology and implementing ordinance, and assist City staff and the City Council through their adoption. Each of the work tasks includes (1) a list of the major products as deliverables to the City of Keizer towards adoption of a new Transportation SDC; and, (2) City roles and responsibilities.

As a baseline of understanding between the Client and Consultant, it is recognized that the City of Keizer wishes to complete the following three technical elements by September, 2004 (so the City can adopt its CIP and SDC by November, 2004):

1. A list of capital improvements—easily termed "growth-related transportation needs"—assimilated from current, adopted, and draft transportation plans, including cost escalations where needed.
2. Keizer's development trends and forecasts (growth) measured by "new trips" generated by growth, translated for further reference with the ITE *Trip Generation*, 7th Edition.
3. An effective transportation SDC methodology, complete with appropriate and fitting adjustments and credits based on sound public policy.

Task 1. Review and Summarize Plans and Policies; Develop Goals and Objectives

Task 1 includes conducting a kick-off meeting with Keizer Staff to help identify study issues, data and documentation, and identification of goals and objectives. ORS 223.297 to 223.314 requires that SDC's be based on adopted plans. This task is critical to establish the baseline by which a sound methodology for Keizer's transportation SDC can be established, one that is most fair and equitable to the variety of developments expected within the Keizer Station area and throughout the Keizer UGB.

Keizer's current CIP (Source: *Keizer Transportation Systems Plan*) identifies a number of projects citywide. The *Keizer Station Master Plan*, recently completed in April 2004, identifies other projects that may duplicate or add to the current CIP, but does not provide planning-level cost estimates. A complete listing of CIP and other Plan projects will be prepared from which the eligibility for SDC funding will be determined.

A draft set of Goals and Objectives will be developed with City Staff and confirmed by the Task Force.

Deliverables: Memorandum summarizing the City's transportation plans and policies, existing CIP and other Plan project summaries, and Draft and Final Goals and Objectives.

City Role & Responsibility: (1) Assimilate and provide Consultant with relevant plans, policies, CIP project cost estimates and developable land use data.

Task 2. Identify Impacts of Growth/Existing and Future Transportation System Needs and Deficiencies

This task includes coordination with Keizer Staff to identify the general type, location, and size of land development, consistent with the City's Comprehensive Plan. Much of the City's growth is located in the Keizer Station area, but there are other in-fill developments expected throughout the City. These growth data will serve as critical input into the SDC methodology, particularly when it comes to defining both citywide and sub area SDC schedules. Transportation "capacity" improvements can be defined in several ways, and defended legally as has been tested and validated by other Oregon jurisdictions. The Consultant's effort in this task will be to define the range of SDC-eligible, transportation capacity improvements based on current plans. Based on the summary of Task 1 the Consultant will identify the range of fully- or partially-eligible transportation capacity improvement projects and their planning-level costs.

Deliverables:

- Memorandum summarizing the Keizer area growth, transportation system deficiencies, SDC-eligible transportation system improvements, and total new trip generation from growth over the future planning horizon
- Spreadsheet listing Keizer transportation improvements (by functional class, type of improvement, and SDC-eligibility)

Task 3. Revise and Update Keizer CIP to Include Current Planning-Level Cost Estimates

Planning-level cost estimates have been previously prepared for many of the projects within the documents and resources that will be summarized in Task 1. Most of the cost estimates are now slightly outdated. Planning-level cost estimates for those additional projects in the Keizer Station area have not yet been prepared. The Consultant has ready access to recent unit cost estimates derived from arterial/collector street construction projects in the Salem area that can be efficiently applied to these projects. The Consultant will also integrate escalation and adjustment factors in the revised Keizer CIP to account for annual inflation.

Deliverables:

- Memorandum summarizing the revised and new planning-level costs estimates for Keizer's CIP
- Spreadsheets summarizing Revised and Updated Keizer CIP, including total costs and SDC-eligible costs, and escalation factors

Task 4. Develop SDC Methodology Options

The Consultant will develop and test two major options for Keizer's Transportation SDC: (1) a flat, city-wide SDC structure that evenly apportions all SDC-eligible costs to growth; and (2) a sub area SDC structure that proportionately attributes unique costs within two or three sub areas. The latter is likely to define the Keizer Station area as one sub area, the remaining portions of Keizer in another. Each option will be summarized to compare and contrast Keizer's Transportation SDC's by land use category based on the most recent ITE *Trip Generation*. Transpo has recently updated its SDC library to include ITE's latest version of Trip Generation (7th Edition, December 2003).

Deliverables:

- Memorandum summarizing SDC Methodology Options, including example SDC schedules to compare and contrast SDC's by land use category (as reported by ITE)
- Spreadsheets summarizing Revised Keizer CIP (including total costs and SDC-eligible costs, and escalation factors) and SDC Schedules for each option

Task 5. Develop Recommended Transportation SDC Methodology

The Consultant will develop and recommend a Transportation SDC Methodology that is most fair and equitable, and reflects City goals and policies. This task will examine the various SDC components, including trip generation rates by ITE land use category, trip adjustment factors (average trip length and pass-by trips) and credits.

The Consultant will also provide a comparison of Keizer's Transportation SDC charges with other Oregon jurisdictions, including the basis upon which they were developed. This comparison will be based on the extensive research conducted by Transpo for the City of Salem, and the firm's experience with comparable SDC's and impact fees across the State.

Final, separate reports will be prepared for the Keizer Capital Improvements plan and Transportation Systems Development Charge.

Deliverables:

- Memorandum summarizing recommended Transportation SDC methodology and a comparison of SDC charges with other Oregon communities
- Spreadsheet(s) that includes Transportation SDC by ITE land use category, complete with appropriate trip rate adjustments for fairness and equity
- Final Keizer Capital Improvement Plan and Transportation Systems Development Charge Methodology Reports (1 camera-ready hard copy and a CD containing original WORD report files and EXCEL supporting files)

Task 6. Prepare Transportation CIP and SDC Ordinance

The Consultant will meet with City Staff to discuss the necessary steps for SDC implementation. The Consultant will prepare a Draft and Final Ordinance to implement the new Transportation SDC. The ordinance will include the necessary components for SDC credits, special considerations, and administration requirements. The Draft Ordinance will include the Transportation SDC Schedule based on the findings and recommendations of Task

5. The Draft ordinance will be presented to City Staff. Comments will be incorporated in a revised Draft and presented to the City Council.

The Consultant will also prepare a memorandum summarizing the various implementation steps for revenue reporting, accounting and administration of the SDC's.

Deliverables:
- Draft and Final Ordinance to implement SDC's
- Memorandum summarizing implementation measures

City Role & Responsibility: (1) Review, consider, deliberate, revise (as needed) and adopt Ordinance.

Task 7. Project Management and Meetings

While not specific in the City's RFP, effective project management is essential to the project success. As Project Manager, Andy Mortensen will serve as the day-to-day contact for City of Keizer Staff, track key milestones and the project schedule and budget, provide weekly and monthly project status and progress reports, coordinate with City Staff to develop the agenda for each of the City Staff, Task Force and Council presentations, attend the project meetings, and provide quality assurance and control of the consultant work product.

Given the short duration of the study, the Consultant will hold bi- monthly meetings with Keizer's Planning Director, and monthly meetings with City Staff to review and discuss interim findings, prepare for Task Force and City Council meetings, and give City Staff the opportunity to provide input and feedback in a timely and regular manner. It is anticipated that Public Works, Planning, City Manager, and Legal staff will attend these monthly meetings.

The Consultant will make three presentations with the Project Task Force, and four City Council public meetings and hearings. Andy Mortensen will coordinate with City Staff and prepare for, attend and help facilitate the Staff, Task Force and City Council meetings.

Deliverables:
- Attendance and facilitation of Bi-Monthly Staff Project Manager meetings (by phone and in person) (10)
- Attendance and facilitation of Monthly Staff meetings (5)
- Attendance and facilitation of Task Force meetings (3)
- Attendance and facilitation of City Council public meetings and public hearings (4)

City Role & Responsibility: (1) Form and convene Task Force.
(2) Coordinate Staff, Task Force and City Council Meetings, including documentation and summary of meeting minutes to the level desired by the City of Keizer.
(3) Attend and participate in Staff meetings.

PROJECT COST, STAFFING AND SCHEDULE

The Consultant team includes Andy Mortensen as the Project Manager and day-to-day contact for Keizer, who will conduct much of the analysis and make all of the presentations to Staff, Commission and general public. Jon Pascal will assist Andy in the travel demand technical analysis. Larry Toedtli will provide oversight.

The Consultant's estimated Cost and Schedule to complete the Keizer Transportation CIP and SDC is summarized in Table 1. The Schedule is based on the City's desire for completed technical analysis by September, 2004, with an assumed start date by June 11, 2004. The estimate of Cost is not to exceed $27,000 for this effort.

Table 1

1	Review & Summarize Plans	June 15, 2004	8			8	$1,160
2	Identify Growth Impacts and Transportation Needs	June 30, 2004	32			32	$4,640
3	Revise CIP with Current Cost Estimates	July 15, 2004	24			24	$3,480
4	Develop SDC Methodology Options	July 15, 2004	16	8		24	$3,120
5	Recommended Methodology	Aug 15, 2004	32			32	$4,640
6	Prepare CIP/SDC Ordinance	Oct 1, 2004	16		8	24	$3,680
7	Project Management & Meetings	Nov 1, 2004	32			32	$4,640
	Total Labor (Hours)		**160**	**8**	**8**	**176**	
	Labor Cost		**$23,200**	**$800**	**$1,360**	**$25,360**	
	Direct Expense (Travel, printing, delivery)					$1,000	
	Total Cost					**$26,36(**	

KEIZER

July 19, 2004

AGENDA ITEM 9b

RESOLUTION – Approving Engineer's Report for Hunter Addition Street Lighting District

COUNCIL MEETING: July 19, 2004

AGENDA ITEM NUMBER: ______________

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

THROUGH: **CHRIS EPPLEY**
CITY MANAGER

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

SUBJECT: **HUNTER ADDITION STREET LIGHTING LOCAL IMPROVEMENT DISTRICT**

ISSUE:

On April 5, 2004, the City Council adopted Resolution R2004-1477 declaring the City's intent to initiate Hunter Addition Street Lighting Local Improvement District and directing the City Engineer to make a survey and file a written report with the City Recorder. This Council action was taken in response to a petition from the developer requesting the formation of a lighting district in this area.

Attached to this staff report is a City Engineer's report filed for Hunter Addition Street Lighting Local Improvement District. The report was reviewed by the Public Works Department and found to meet the guidelines as outlined in the City of Keizer Ordinance for development of street lighting districts. Upon adoption of the report by the City Council, a public hearing will be scheduled to receive any remonstrances to the formation of this street lighting district.

FISCAL IMPACT:

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

RECOMMENDATION:

It is recommended City Council adopt a Resolution approving the City Engineer's Report and set the public hearing date for August 2, 2004 to consider remonstrances and other comments on the district's formation and objections to proposed assessments.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2004-________

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

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

Section 1. That the City Council hereby finds the City Engineer's Report, marked as exhibit "A" and by this reference incorporated herein, containing preliminary plans and an estimate of probable costs for Hunter Addition Street Lighting Local Improvement District which was filed with the City Recorder on July 6, 2004 to be satisfactory, and the same are hereby approved and adopted.

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

Section 3. That the City Council hereby directs the City Recorder to give notice of its intention to form Hunter Addition Street Lighting Local Improvement District and to make the improvements by sending notice to the property owners within the district stating a public hearing will be held on August 2, 2004, said notice to also provide that information required under City of Keizer Ordinance 94-278, an ordinance providing for procedures for municipal lighting districts and special assessments.

PASSED this ____ day of ______________, 2004.

SIGNED this ____ day of ______________, 2004.

____
Mayor

____
City Recorder

KEIZER SINCE 1982

City of Keizer

Phone: (503) 390-3700 • Fax: (503) 393-9437
930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, OR 97307-1000

ENGINEER'S REPORT

FOR

HUNTER ADDITION SUBDIVISION

STREET LIGHTING DISTRICT

For City Council Action July 19, 2004

REGISTERED PROFESSIONAL ENGINEER
6,191PE
OREGON
JULY 12, 1968
WILLIAM I. PETERSON
Renewal date: December 31, 2004

PREPARED BY:
Peterson Eng. Consultants, Inc.
4300 Cherry Ave. N
Keizer, OR 97303
(503) 390-7402

Date: June 28, 2004

Project File: 0865

"Pride, Spirit and Volunteerism"

Recycled Paper

TO: The Hon. Mayor and City Council

FROM: City Engineer's Office

SUBJECT: Street Lighting District for the Hunter Addition Subdivision

Authority and Purpose: This report is submitted in accordance with the requirements of City of Keizer **Ordinance No. 94-278** and Council **Resolution 2004-1477** for the purpose of creating the subject Street Lighting District.

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

Lighting Plan The lighting improvements will consist of 2, 100 Watt, high pressure sodium, flat lens luminaries mounted on 6 foot long mast arms and attached to 30 foot gray fiberglass poles. This design is selected to be consistent with adjacent lighted areas. It is recommended that installation be accomplished by the following method:

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

Estimated Costs:

Initial Cost and Annual costs -

2 Poles & 100 Watt luminaries @ $14.52 per month each x 12 mos. =	$348.48
Administrative Fee @ $6.90/Lot:	34.50
Engineering @ $14.00/Lot:	70.00
Total Assessment	$452.98
(1)Per Lot Assessment (First Year, 5 Lots)	$90.60

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

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

The first year assessment would include the one time costs for District formation and engineering. Subsequent years assessments would reduce to $69.70 per lot.

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

Respectfully submitted,

William I. Peterson, PE

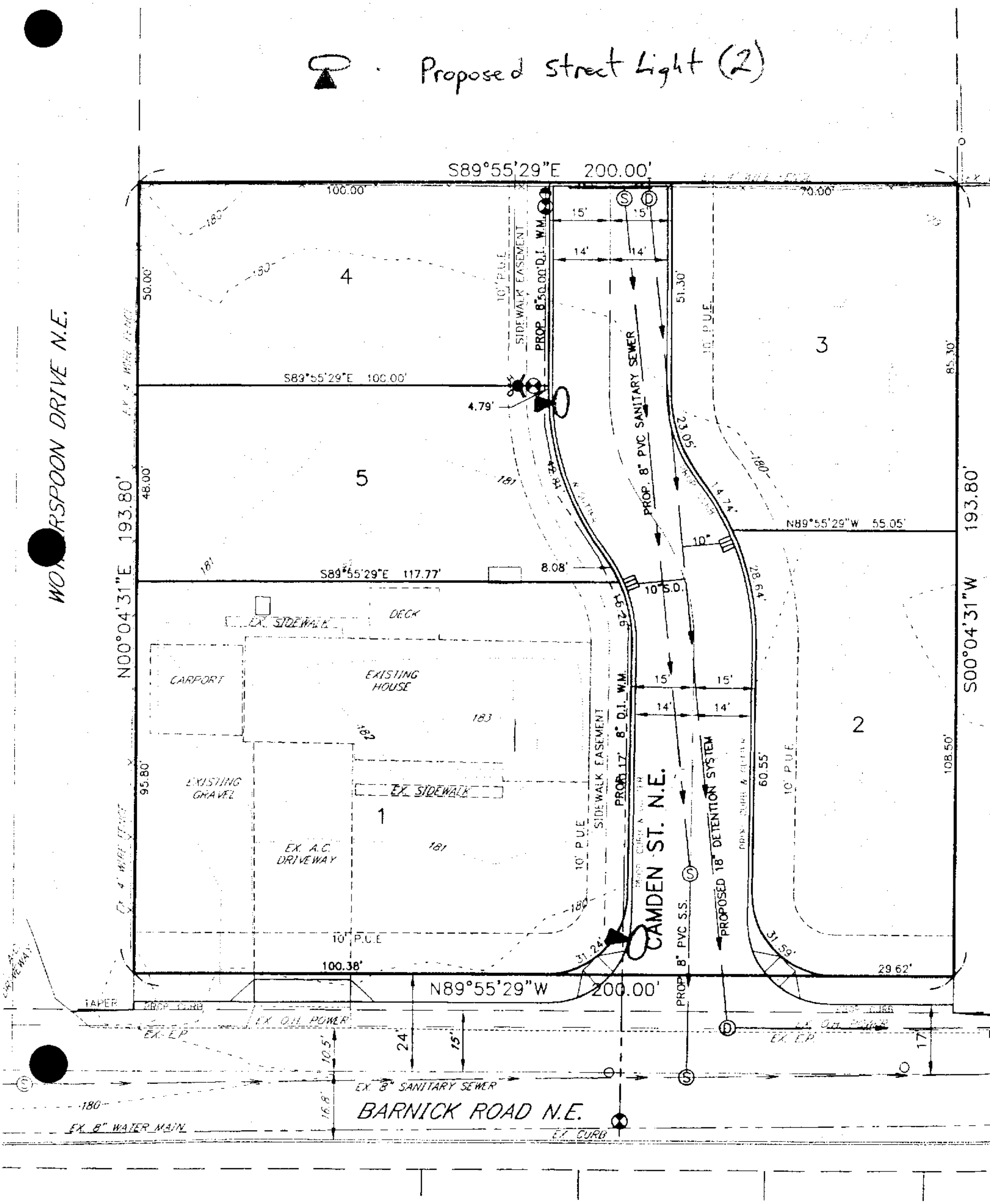
PRELIMINARY ASSESSMENT ROLL

HUNTER ADDITION SUBDIVISION
STREET LIGHTING DISTRICT

*Assessors Map 06 3W 23DC

Tax Lot #:	Owners Name and Address	Cost per Lot	Lots	Assessment
400	STOMBAUGH, DAVE PO BOX 13122 SALEM, OR 97309	$90.60	5	$452.98

TOTAL ASSESSMENT: $452.98



Proposed Street Light (2)
S89°55'29"E 200.00'
100.00'
70.00'
4
3
5
2
1
WOTHERSPOON DRIVE N.E.
N00°04'31"E 193.80'
S00°04'31"W 193.80'
S89°55'29"E 100.00'
S89°55'29"E 117.77'
N89°55'29"W 55.05'
N89°55'29"W 200.00'
100.38'
29.62'
50.00'
48.00'
95.80'
51.30'
85.30'
108.50'
4.79'
8.08'
10' P.U.E.
SIDEWALK EASEMENT
PROP. 8" 50.00' D.I. W.M.
PROP. 8" PVC SANITARY SEWER
PROP 17' 8" D.I. W.M.
PROPOSED 18" DETENTION SYSTEM
PROP. 8" PVC S.S.
CAMDEN ST. N.E.
10' S.D.
15'
14'
CARPORT
EXISTING HOUSE
DECK
EX. SIDEWALK
EXISTING GRAVEL
EX. A.C. DRIVEWAY
TAPER
PROP. CURB
EX. O.H. POWER
EX. E.P.
EX. 8" SANITARY SEWER
BARNICK ROAD N.E.
EX. 8" WATER MAIN
EX. CURB

KEIZER

July 19, 2004

AGENDA ITEM 9c

RESOLUTION - Authorizing the Mayor to Sign Amendment to City Manager Contract

CITY COUNCIL MEETING: July 19, 2004

AGENDA ITEM NUMBER:____________

TO: **MAYOR CHRISTOPHER AND COUNCIL MEMBERS**

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

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

SUBJECT: ***CITY MANAGER EMPLOYMENT CONTRACT (REVISITED)***

I have attached a Resolution and a new contract amendment to clarify that the Step increase for the City Manager would be an automatic one Step unless different action is taken by the Council. This is consistent with the policy for other city employees.

I have also amended the notice date and added the life insurance provision.

RECOMMENDATION:

Review the attached contract and take action on the Resolution as appropriate.

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

ESJ/tmh
attachments

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2004-_____

AUTHORIZING THE MAYOR AND COUNCIL PRESIDENT TO ENTER INTO THE CITY MANAGER CONTRACT AMENDMENT; **REPEALING RESOLUTION R2004-1504**

WHEREAS, the City Council adopted Resolution R2004-1504 to provide for a contract amendment for the City Manager;

WHEREAS, such contract amendment did not clarify the provisions for Step increases for the City Manager's salary;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the Mayor and Council President are hereby authorized to enter into that certain employment contract amendment, a copy of which is attached as Exhibit "A" and by this reference incorporated herein.

BE IF FURTHER RESOLVED that Resolution R2004-1504 is hereby repealed.

PASSED this __________ day of _________________, 2004.

SIGNED this __________ day of _________________, 2004.

____
Mayor

____
City Recorder

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

AMENDMENT OF
EMPLOYMENT CONTRACT
BETWEEN
CHRISTOPHER C. EPPLEY
AND THE
CITY OF KEIZER

THIS AGREEMENT is made and entered into this _____ day of _______________, 2004, by and between CITY OF KEIZER, hereinafter referred to as the "City," and Christopher C. Eppley, hereinafter referred to as "City Manager."

WITNESSETH:

WHEREAS, the parties named above entered into that certain Employment Contract dated April 17, 2000; and

WHEREAS, the parties have agreed to amend the Employment Contract as set forth below;

NOW, THEREFORE, in consideration of the mutual promises contained in the Employment Contract and herein, the parties agree as follows:

SECTION 1. TERM.

The term of the Employment Contract is extended to June 30, 2005. Pursuant to Section 13 of the Contract, City Council may give written notice of one (1) year contract extensions. Such notice shall not require formal contract amendment.

SECTION 2. SALARY.

Section 2 of the Employment Contract is amended as follows:

The City shall pay City Manager at a monthly salary rate ~~of $5,113.00; after 6 months of service, $5,424.00; and, after 1 year of service, $5,587.00 upon completion of satisfactory job performance~~ pursuant to the salary matrix adopted by the City and at such Range and Step as determined by the Council. The salary rate will be reviewed annually and may be adjusted by the ~~City~~ Council without formal amendment of this Contract. Unless different action is taken by the Council, the salary shall automatically be increased by one Step, including applicable cost-of-living adjustment. Such salary rate may only be reduced if the reduction is proportionate to salary reductions which are part of a uniform plan affecting all non-represented city employees. City Manager shall receive any cost of living adjustments received by the Department heads during the period of this Agreement.

SECTION 3. AUTOMOBILE.

Section 9 of the Employment Contract is deleted and replaced by the following:

The City Manager shall be given a vehicle allowance in the amount of $350.00 per month. Such allowance shall be in lieu of any mileage reimbursement. City Manager shall pay all necessary and appropriate withholdings on such amount.

SECTION 4. EXTENSION OF AGREEMENT.

Section 13 of the Employment Contract is amended as follows:

This Contract is for the term set forth above in Section 1. This Contract may be extended for additional terms of one (1) year each by written notice provided by the City Council to City Manager on or before ~~April 15~~ January 31 of each year of this Contract. The terms and conditions of any such extension shall be determined by the City Council in consultation with the City Manager. An affirmative vote of the City Council is required to extend this Contract. If such notice is not given on or before ~~April 15~~ January 31 of each year of this Contract, the parties acknowledge that this Contract will terminate on the date set forth in Section 1.

SECTION 5. LIFE INSURANCE POLICY.

A new Section 21 shall be added as follows:

City shall provide, at City's expense, a term life insurance policy in the a face amount of $250,000.00, insuring City Manager's life. Such policy shall be purchased and maintained only so long as City Manager is insurable under a Preferred Non-Smoker Classification. City Manager shall be responsible for any taxes and withholdings in connection with such life insurance policy.

///

///

SECTION 6. CONTRACT TO REMAIN IN FORCE.

Except as specifically amended herein, all other terms of the Employment Contract shall remain in full force and effect.

Dated:___________________________ Dated:___________________________

THE CITY OF KEIZER,
an Oregon municipal corporation

By:______________________________
Lore Christopher, Mayor

____
Christopher C. Eppley

By:______________________________
Council President

KEIZER

July 19, 2004

AGENDA ITEM 9d

RESOLUTION – Authorizing the City manager to Enter Intergovernmental Agreement with Salem for Police Records Management

COUNCIL MEETING:
AGENDA ITEM NUMBER:___________

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH : CHRIS EPPLEY
CITY MANAGER

FROM: H. MARC ADAMS
CHIEF OF POLICE

SUBJECT Intergovernmental Agreement with the City of Salem for Police Records Management.

ISSUE:

The City of Keizer has traditionally contracted with the Regional Automated Information Network (RAIN) for our automated police records management system. The system became antiquated and has been discontinued. The City of Salem has purchased a new automated police record system called PRIORS. The Keizer Police Department has to have an automated police record system and has decided the majority of the RAIN users to contract with the City of Salem for PRIORS. The RAIN organization continues to operate but the majority of the funding that previously would go to RAIN for police records management will now go to the City of Salem for PRIORS.

FISCAL IMPACT:

$62,918 this amount has been approved in the 2004/05 City of Keizer Budget under RAIN.

RECOMMENDATION:

Staff recommends the Council pass the attached resolution.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2004-_____

AUTHORIZING THE CITY MANAGER TO ENTER INTO INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF SALEM FOR POLICE RECORDS MANAGEMENT

WHEREAS, the City of Keizer Police Department has been working with the City of Salem to develop and implement a multi-user police records management system;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the City Manager is hereby authorized to execute an intergovernmental agreement, a copy of which is attached hereto and by this reference incorporated herein, with the City of Salem for management of the City of Keizer's police records.

PASSED this __________ day of _________________, 2004.

SIGNED this __________ day of _________________, 2004.

____
Mayor

____
City Recorder

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

AGENDA ITEM 9e

KEIZER

July 19, 2004

RESOLUTION - Authorizing the City manager to Enter Agreement with GEO Tec Services for Monitoring Well Construction

CITY COUNCIL MEETING:____________________

AGENDA ITEM NUMBER:_________________

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

THROUGH: **CHRIS EPPLEY**
CITY MANAGER

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

SUBJECT: **MONITIORING WELLS**

DATE: **JULY 15, 2004**

BACKGROUND:

In a continuing effort to identify the extent of Groundwater contamination and the impact to Municipal Wells, staff has determine monitoring wells will be needed system wide. In conjunction with the DEQ's planned geo-probe investigation along River Road, the Water Department will install monitoring wells at two sites. Upon completion of DEQ's geo-probe investigation additional monitoring well sites may be needed. Monitoring wells will provide data on contamination, direction of groundwater flow and potential vulnerability of municipal wells. Two wells are drilled at each location one shallow and one deep.

City staff solicited three bids from qualified monitoring well drillers. Average of the three bids was $34,292.33 with Geo-Tech Explorations of Tualatin Oregon at low bid of $31,985.00.

ATTACHMENTS:

Site map showing locations of monitoring well installations

FISCAL IMPACT:

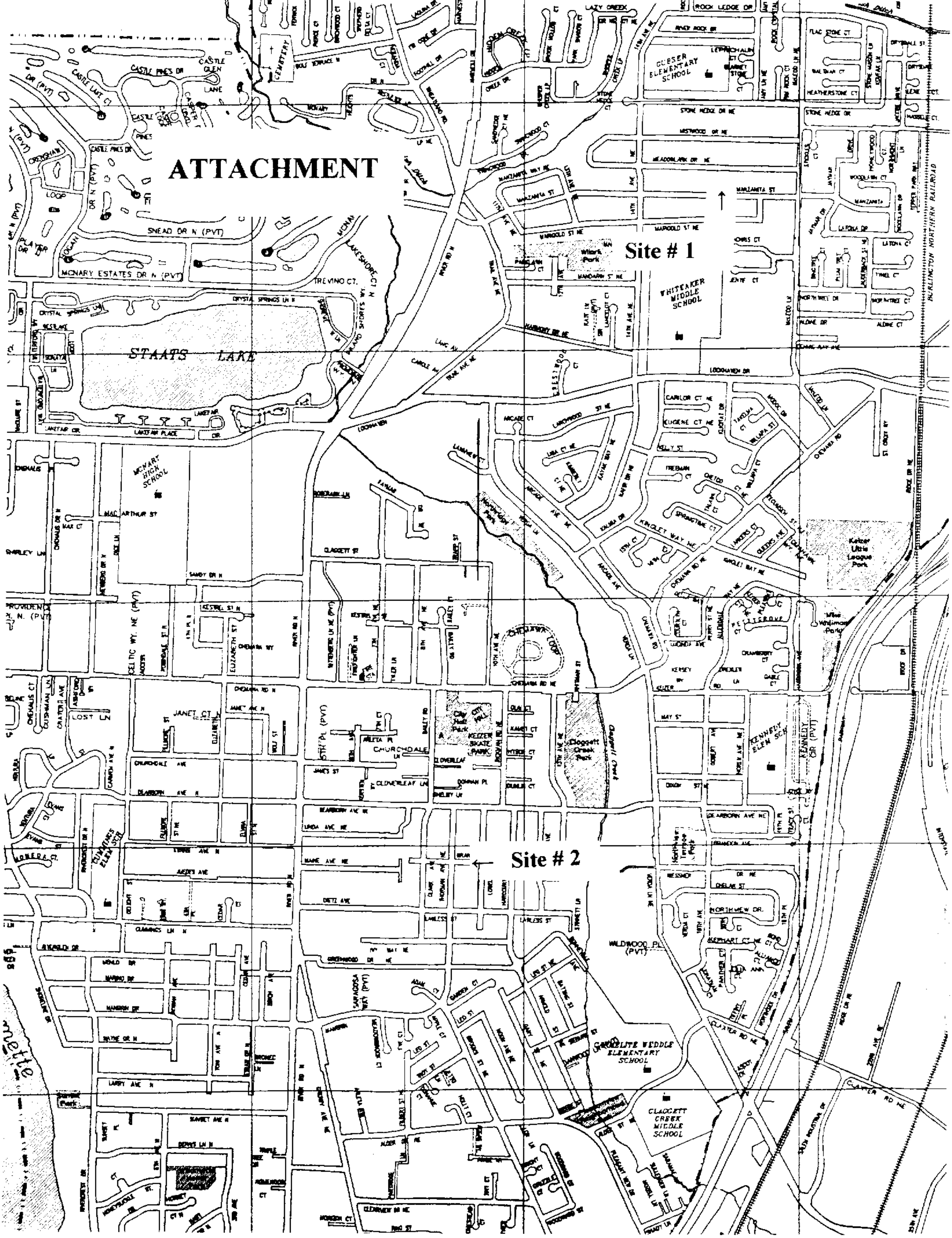
Funds are available in the Water Fund budget line item 52

RECOMMENDATION:

Staff recommends City Council adopt the attach Resolution authorizing the City Manager to enter into a contract with Geo-Tech Exploration for the amount of $31,985.00.

If you have questions, please contact Bill Lawyer at extension 148. Bill will be attending City Council on my behalf.

ATTACHMENT



Site # 1
Site # 2
STAATS LAKE
MCNARY HIGH SCHOOL
WHITEAKER MIDDLE SCHOOL
CUMMINGS ELEM SCH
KENNEDY ELEM SCH
CLAGGETT CREEK MIDDLE SCHOOL
BURLINGTON NORTHERN RAILROAD
CEMETERY
MCNARY ESTATES DR N (PVT)
SNEAD DR N (PVT)
CASTLE PINES DR
CHEMAWA LOOP
KENNEDY CIR (PVT)
WILDWOOD PL (PVT)
LOST LN
JANET CT N
CHURCHDALE
TREVINO CT.
LAKESHORE CT N
MONERA CT.
MAC ARTHUR ST

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2004-____________

AUTHORIZING THE CITY MANAGER TO ENTER CONTRACT WITH GEO-TECH EXPLORATION FOR WELL MONITORING

WHEREAS, the City of Keizer's Public Works Department has been continuing to identify the extent of groundwater contamination and the impact to municipal wells, staff has determined that monitoring wells will be needed;

WHEREAS, the City of Keizer has solicited bids from qualified monitoring well drillers;

WHEREAS, the low qualified bid was received from Geo-Tech Explorations of Tualatin Oregon in the amount of $31,985.00 NOW, THEREFORE

BE IT RESOLVED by the City Council of the City of Keizer that the City Manager is hereby authorized to execute an agreement with Geo Tech Explorations for well monitoring at a cost of $31,985.00.

PASSED this _____ day of __________________, 2004.

SIGNED this _____ day of __________________, 2004.

____

Mayor

____

City Recorder

KEIZER

AGENDA ITEM 9f

Approval of June 7, 2004 Regular Session Minutes

July 19, 2004

MINUTES
KEIZER CITY COUNCIL
Monday, June 7, 2004
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Christopher called the regular meeting to order at 7:04 pm. Roll Call was taken as follows:

Present:
Lore Christopher, Mayor
Jacque Moir, Council President
Judy K. Smith, Councilor
Richard Walsh, Councilor
Chuck Lee, Councilor
Michel Gaynor, Councilor
Jim Taylor, Councilor

Staff:
Chris Eppley, City Manager
Shannon Johnson, City Attorney
Dianne Hunt, Human Resources
Rob Kissler, Public Works
Nate Brown, Community Development Director
Chief Marc Adams, Police Department
Susan Gahlsdorf, Finance Director
Tracy Davis, City Recorder

Absent:
Crisel Perez, Youth Councilor

FLAG SALUTE

Councilor Lee led the flag salute.

PUBLIC TESTIMONY

None

PUBLIC HEARING
a. ORDINANCE – Water Rate/COSA (continued from May 3, 2004)

City Manager Chris Eppley reported that this Public Hearing was a continuation of the one held on May 3, 2004, introducing the need to increase water rates. It was continued in order to receive additional comment and allow staff to update the Water Rate Model. The model shows that a 4% system-wide increase is needed to pay for infrastructure as outlined in the City's Capital Improvement Program.

Staff recommends Council continue the public hearing on the proposed water rate increases, close the public hearing, deliberate on this issue and approve the proposed Ordinance, setting new water rates and repealing Ordinance 2002-473.

Councilor Moir questioned why it is more equitable to the users of Keizer water to do the alternative structure where the different classes pay at a different rate per 100 cubic feet.

City Manager, Chris Eppley explained that when the COSA was adopted last time there were three policy decisions discussed and agreed upon:

1) Capital Improvements Program (which covers the infrastructure of the water system);
2) Changing the flat rate and consumption rate. The flat rate covers infrastructure costs and the consumption rate is the price per gallon. The decision was to lower the flat rate and increase the consumption rate primarily to promote conservation and to be more equitable to all users.
3) To break the rate out in a Cost of Service Analysis. This decision addresses the different categories of users. It was determined that because single-family dwellings put the greatest stress on the infrastructure due to the water usage during peak times, those users would pay the higher rate, because their usage requires construction and maintenance of a larger infrastructure. This decision was made, again, to be more equitable to all users. Basically, it eliminated the subsidy of the other classes.

Rob Kissler noted that an increase was scheduled for 2003 but was not implemented. The last increase was in 2002. He added that if council changed the policy so that all classes pay the same commodity rate, the rate would be between $.93 and $.95 per 100. This change would mean a significant increase for Multiple Family and Commercial users. If every user was paying the same rate, that would still meet current needs for the Capital Improvement Program.

Councilor Walsh questioned if there could be only two categories: Commercial and Residential, and what the rates would be if this option was adopted. Susan Gahlsdorf responded that the commercial accounts are such a small percentage of the total customer base that the effect would be minimal.

Councilor Gaynor noted that the critical issue, and the one most difficult to justify, was why a single family unit is paying $.96 for 100 cubic feet of water and an apartment dweller is paying $.58. Susan Gahlsdorf reviewed the numbers explaining the rationale. Single-family uses 1.3 million cf per year; multifamily uses 300,000 cf and commercial 100,000 cf. Average daily usage is: 3,500 for single, 800 for multi-family and 200 for commercial. Maximum usage in a year is 3.5 times those numbers for a single family dwelling. Multi-family usage is 2.5 times. So a single-family residence will use 12,250 cf as opposed to 2,000 cf. Therefore, extra capacity is necessary for residential customers and that extra capacity costs the city more money.

Rob Kissler noted some reasons for single-family greater usage: lawn irrigation, washers, possible hot tubs and/or swimming pools and multiple bathrooms. He added that by building additional above ground storage, the aquifer will not have to be aggressively pumped, reducing the possibility of contaminants being introduced into the system.

Mayor Christopher opened the Public Hearing.

Charles Shirley, 1499 Northern Heights Loop NE, Keizer noted that over the past seven years the water bill has changed. He questioned the purpose of the license fees and consumption fees that are included with the basic rates in the water bill. Mr. Eppley responded that the fees are to offset the administrative costs on the general fund for maintaining rights of way where water lines lay and for purchasing easements.

Lynn DeSpain, 896 Appleblossom Avenue NE, Keizer stated that he was in favor of raising the water rates but questioned the single family or multi-family classification. He added that he felt all residents should be treated the same but commercial patrons should have a lower rate to encourage more businesses to open in the Keizer area.

Judy DeSpain, 896 Appleblossom Avenue NE, Keizer added that she too was concerned about the division of classes of residents and asked Council to re-evaluate the process of billing by class. She concluded that she thought the distribution of water charges was unfair because of the classification system, but she did not feel there was inequity in charging the commercial user less. In summary, she felt two classifications (commercial and residential) would be more equitable. Rob Kissler pointed out that if all users paid the same rate, the cost per cubic foot for single-family users would drop from $.96 to $.93.

Robert Mitchell, 933 Whisper Creek Loop NE, Keizer voiced his concern over the equity of the situation and suggested a base rate and a cost per 100 cf for all three categories.

Dave Pfifer, 6494 Whisper Creek Loop NE, Keizer stated that he disagreed with the split rate for multi-family units and single-family units, but felt that the lesser rate for commercial users was equitable. He added that the present system does not promote conservation because most people who live in a multi-family dwelling aren't paying the water bill so have no concern over consumption.

Mayor Christopher asked two members of the original Water Task Force to come forward to field questions.

Jack Lowery, 869 Crystal Springs Loop NE, Keizer
Garry Whalen, P.O. Box 20188, Keizer

Mr. Lowery and Mr. Whalen answered questions offered by Council members.

Mayor Christopher closed the public hearing.

Councilor Moir moved to table the issue until no later than July 6th, 2004, in order to get Karen from Black & Veatch to explain the tier system that was recommended to the City Council and to the Water Task Force. Councilor Lee seconded.

Councilor Walsh offered a friendly amendment that the consultant come back with an analysis of a two-tier system with commercial and residential being the only two tiers.

Councilors Moir and Lee accepted the friendly amendment.

Motion passed unanimously as follows:

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

Rob Kissler clarified the scope of work: A two-tier analysis, rationale for ratio between multi-family and single-family; and analysis of the whole alternative structure (ratio, peaking, maximum hour, maximum day, etc.)

Councilor Smith moved to have the consultant also look into the flat rate fee with an analysis of how it was reached and the basis for the flat rate for multi-family. Councilor Gaynor seconded.

Rob Kissler noted that this work has already been done; the consultant could clarify that along with the previously requested information.

Councilor Smith withdrew the motion.

COMMITTEE REPORTS

a. Volunteer of Quarter Award (Gary Miller and McNary Science Class)

Because Mr. Miller was unable to attend the meeting, the presentation of this award was postponed to the June 21st or July 6th Council meeting, depending on when he could attend.

Councilor Moir suggested that Mr. Miller be encouraged to bring members of his science class to receive the award.

b. Appointment to Keizer Planning Commission (Jack Lowery)

City Manager, Chris Eppley, gave a brief history of the vacancy on the Planning Commission and the subsequent amendment to the Ordinance forming the Planning Commission. It was recommended that City Council accept the recommendation of the Volunteer Coordinating Committee and appoint Jack Lowery to fill the unexpired term on the Keizer Planning Commission.

Mayor Christopher added that she had received a letter from the Chair of the Planning Commission, Bruce Anderson, supporting this appointment.

Councilor Moir moved to accept the recommendation of the Volunteer Coordinating Committee and appoint Jack Lowery to fill the unexpired term on Keizer Planning Commission. Councilor Lee seconded.

Motion passed as follows:

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

Mayor Christopher presented the proclamation to Mr. Lowery who responded with thanks and assured Council that he would bring a good balance to the Planning Commission.

c. RIVERR Task Force – Approval of Grant Request

Community Development Director, Nate Brown, requested authorization from Council to apply for a Transportation Enhancement Grant explaining that jurisdictions had been invited to submit grant applications for consideration. The proposed concept is for a multi-use path to the park area west of town. Staff recommendation is for council to authorize application for said grant, as well as a grant from BLM for informational material development for the project being developed by the RIVERR Task Force, and also for council to authorize the preparation and submission of a letter of support, from the City to the River Trails Conservation Assistance Program, in seeking grants from the National Park Service for providing river trail facilities.

Mayor Christopher clarified the recommendation: Authorization to staff to prepare a concept and apply for a Transportation Enhancement Grant for a multi-use path, but in addition to that agree in concept for the same thing to be done with the Bureau of Land Management, River Keeper and National Parks Trails.

Councilor Moir moved to direct staff to prepare a concept and general cost estimate for a multi-use path from the City to the park area west of the city limits for consideration for inclusion in the Transportation Enhancement Grant process and authorize the preparation and submission of a grant application if the concept is selected by Salem Keizer Area Transportation Study. Councilor Walsh seconded.

Motion passed unanimously as follows:

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

Mayor Christopher moved to authorize staff to prepare a concept and general cost estimate for the purpose of developing public outreach for consideration of grants that may become available by the Bureau of Land Management River Keepers and by National Parks Trails and then submission of those grant applications if they are selected. Councilor Walsh seconded.

Motion passed unanimously as follows:

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

THER BUSINESS

Councilor Smith reported:

Planning Commission meeting for Wednesday is cancelled, the next meeting will be July 14.
Volunteer Coordinating Committee meeting is scheduled for 6:30 on Thursday.
Peer Court letter distributed to each Councilor will be mailed in the Chamber newsletter. This letter describes the purpose and function of Peer Court and is a request for contributions to meet the challenge for a matching grant of $5,000. She added that this Peer Court is based on the Stayton-Sublimity Peer Court, with full cooperation of Marion County Juvenile Court.

Councilor Walsh reported:

RIVERR Task Force was discussed earlier, but he added that the committee had been successful in attracting some grant applications.
Bikeways Committee has had their Monster Cookie event and it was a great success with a record-breaking turnout. He added that the committee especially wanted to express their thanks to the Keizer Police Department.
Library Task Force meeting will be Thursday at City Hall.
MWACT (Mid-Willamette Area Commission on Transportation) recommendations are available in typed form for anyone who is

interested. Additionally the Commission is just now starting the Oregon Transportation Plan Update. The plan is available for anyone who is interested. The process will take about one year to complete.

Personnel Policies Committee did consultant interviews for Transportation Capital Improvement Plan and System Development Charge and selected a consultant but he has not yet been notified.

Councilor Moir reported that Parks Board meeting was on Tuesday so she had nothing to report. She also thanked everyone who came to the Iris Festival and said she thought it was one of the best ones yet.

Councilor Lee noted that he is currently involved with three committees: **Meth, Not in My Neighborhood, Today's Choices Tomorrow** and **Youth Compact** which are all in the process of doing some organizational work and continuing to meet. He concluded that he would bring Council up to date at the next meeting.

City Manager Chris Eppley noted that he had provided Council with three things:

1) Draft of next year's community survey for review and comment by the next council meeting, targeted to be sent out in August;
2) A summary of car allowances by city with comparable cities highlighted; and
3) Draft letter to the county expressing our interest in the potential realignment of 35^{th} Street and an extension outside of the Urban Growth Boundary.

Dianne Hunt, Human Resources Director, reported that:

- Insurance plans are being reviewed. There has been a 29% increase in premiums so other options are being investigated.
- Cost of living and step increases will be implemented July 1.
- At the next Council meeting there should be 3-5 new policies for approval.
- In order to enhance customer service, Municipal Court will be moving from the City Recorder to the Finance Department and the receptionist will be moving from Human Resources to Finance.
- Seasonals are being hired for Water and Parks Departments.

Public Works Director, Rob Kissler, reported that the Reitz well is operational. He thanked the Public Works staff for doing some of the work on site rather than hiring an outside contractor at an hourly rate.

Community Development Director, Nate Brown, directed Council to the Proposal to Establish a Land Use Application Fee for Master Plan

Review. He asked Council to amend the current fee schedule and add a new category for Master Plan Review, with the review fee being the same as that charged for a subdivision because the review type is identical.

City Attorney, Shannon Johnson, noted that state law requires that input be solicited from the audience but, because the only person in the audience was the reporter from Keizer Times, no input was received.

Councilor Moir moved to suspend the rules to amend Resolution 2000-1182 Creating a Fee for Master Plan Review which shall be the Same as that Established for Subdivision Review. Councilor Smith seconded.

Motion passed unanimously as follows:

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

Councilor Moir moved to adopt Resolution R2004 which amends Resolution 2000-1182 Creating a Fee for Master Plan Review which shall be the Same as that Established for Subdivision Review. Councilor Smith seconded.

Motion passed unanimously as follows:

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

Mr. Brown reported that the RIVERR Task Force has proposed a name for the west Keizer park project they are working on and, because that is governed by resolution which requires a recommendation from the Parks Board, he will be attending the next Parks Board meeting, presenting the name of "Keizer Rapids" for the project and asking them for a recommendation of same.

City Attorney Shannon Johnson updated Council on the Chemawa Road project, stating that John Lien had been working with Bill Peterson and the property owner (Verda Lane & Chemawa) and the agreement will be presented to Council at the next meeting.

ADMINISTRATIVE TION

Shannon Johnson, noted that the water system development charge ordinance needs to be amended to correct some confusion regarding exemptions. As existing structures on private wells switch to city water they should be required to pay system development charges because of the increased demand on the system caused by the connection. Staff recommendation is to adopt an Ordinance amending the water system development charge ordinance incorporating this change.

a. ORDINANCE – Water SDC Ordinance (removal of exemption)

Councilor Moir moved to adopt a Bill for an Ordinance Amending the Water Supply, Treatment and Distribution System Development Charge; Amending Ordinance No. 91-207.1; Declaring an Emergency. Councilor Gaynor seconded.

Motion passed unanimously as follows:

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

b. ORDINANCE – Approach for City Roads and Right of Way

Finance Director, Susan Gahlsdorf, reported that the proposed amendment pertains to permits issued for approach to city roads and public right of way (aka Driveway permits). The recommendation is to:
1) Change the effective date on the fee changes from October 2 to July 1 of each year to match the fiscal year;
2) Establish the permit fee at $55 and change the methodology used to adjust the fees by using $5 increments ; and
3) Deposit the funds in the Street fund rather than the General fund.

Councilor Moir moved to adopt a Bill for an Ordinance Amending the Ordinance for Approval and Establishing Permits Regarding Approach to City Roads and Public Rights-of-Way (Driveway Permits) Amending Ordinance No. 2000-428. Councilor Taylor seconded.

Motion passed unanimously as follows:

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

CONSENT CALENDAR

A. **RESOLUTION – Authorization of Disposition of Surplus Property**
B. **RESOLUTION – Extension of Contract with Grove, Mueller, and Swank**
C. **RESOLUTION – Amendment to City Manager Employment Contract**
D. **Approval of Minutes of May 3, 2004 Regular Session**

Mayor Christopher pulled Item C which will be moved to the June 21 agenda.

Councilor Moir moved for approval of the Consent Calendar with Item C removed. Councilor Smith seconded.

Motion passed unanimously as follows:

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

WRITTEN COMMUNICATIONS

Mayor Christopher read a letter from United Way stating:

- UW has presented a check for $10,000 to "Meth, Not in My Neighborhood" for use by non-profit organizations who deal directly with the meth problem.
- United Way Night at the Volcanoes will be August 18. For ticket information call United Way of the Mid-Willamette Valley.
- Days of Caring are August 20 and 21. To learn more about the good works of non-profits and to participate in this event, volunteers will be teamed with an organization needing help with projects such as landscaping, office work, etc. Contact Pam Groff at 363-1651.

She also read a letter from CCRLS regarding the Keizer library proposal which included instructions on how to present the proposal.

GENDA INPUT

June 14, 2004

12:00 p.m. City Council Work Session
(**Work session cancelled unless consultant on Water Rate COSA is available. **)

June 21, 2004

5:30 p.m. City Council Work Session
- Civic Center Task Force Recommendation

7:00 p.m. City Council Regular Session
- Hearing and Adoption of 2004-05 City of Keizer Budget
- Keizer Station Master Plan Review

July 6, 2004 (Tuesday)

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

Councilor Taylor noted he would be absent June 21, 2004.
Councilor Smith noted she would be absent July 6, 2004.

ADJOURNMENT

Mayor Christopher adjourned the meeting at 10:25 p.m.

APPROVED:
MAYOR:

Debbie Lockhart, Recording Secretary

Lore Christopher

COUNCIL MEMBERS

Councilor #1 – Judy K. Smith

Councilor #4 – Jacque Moir

Councilor #2 – Michel Gaynor

Councilor #5 – Richard Walsh

Councilor #3 – Charles E. Lee

Councilor #6 – James Taylor

Minutes approved:

KEIZER

July 19, 2004

AGENDA ITEM 9g

Approval of June 21, 2004 Work Session Minutes

MINUTES
KEIZER CITY COUNCIL
WORK SESSION
Monday, June 21, 2004
Robert L. Simon Council Chambers
Keizer City Hall, Keizer, Oregon

CALL TO ORDER

Mayor Christopher called the work session to order at 5:37 pm. Roll call was taken as follows:

Present:
Jacque Moir, Council President
Judy Smith, Councilor
Richard Walsh, Councilor
Charles Lee, Councilor

Absent:
James Taylor, Councilor

Also Present:
Alan Costic

Staff Present:
Chris Eppley, City Manager
Nate Brown, Community Development
Marc Adams, Chief of Police
Dianne Hunt, Human Resources
Tracy Davis, City Recorder

DISCUSSION:
a. Civic Center Task Force Recommendation

City Manager Chris Eppley noted that that Council asked staff to do additional research:

Alan Costic was to provide additional information on the feasibility of using the Wittenberg Inn as the Civic Center. He attended the meeting and had a proposal put together should the city wish to go forward and do a more thorough analysis of that building.

Chris Eppley was to look at additional sites of an appropriate size where a Civic Center might be built. He looked at sites that were greater than 5 acres with no significant structures already on the property and with no existing current planning actions being taken on those sites. He did not consider the agricultural/industrial land out by the sewer plant because it was too far away. He found six sites.

1. 5 acres that the city owns just north of the baseball stadium. However, this property is removed from the center of the community, expensive and it is anticipated that it will be master planned in the Keizer Station Plan.
2. Mr. Earl's property off of Lockhaven
3-4. The two Jungworth properties just south of McNary Golf Course; one on each side of River Road,

5. Mr. Epping's property (21.3 acres of mixed use, just south of Country Glen and North of Hidden Creek) and
6. St. Edward's property (18 acres between the church and McNary High School.

To compare prices, Mr. Eppley used the Tax Assessor's real market values as a base to compare units, however, appraisals will be considerably higher. An appraisal has been ordered for the current City Hall site including the buildings.

At first look Mr. Eppley noted that the existing City Hall property is basically of the same value as the other properties. He added that if Council wanted to follow up on a particular property he would have an appraisal done on that property. Discussion continued on the possibility that upgrading the existing site for City Hall would spur commercial development on Chemawa. Additionally, Mr. Eppley questioned the prudence of taking the highest best-use value of ground off the market and converting it to public use.

Councilor Lee interjected that something worth consideration would be to purchase a large parcel, using a portion for City functions and leasing the remainder for commercial development in a public/private partnership. Mr. Eppley responded that, although the concept was new to this City's government and there would be some political issues, it was a valid concept.

Councilor Moir stated emphatically that she felt the existing City Hall property was the best option but she was willing to investigate the St. Edwards property because it was still in the heart of the city. She concluded that in her opinion any City Hall complex needs to be in the heart of the city so that it is accessible to all.

Councilor Smith agreed with Councilor Moir that the present location was best but was opposed to looking at the St. Edwards property because that property had commercial potential. She also opposed the Earl property because it is located on Lockhaven which has enough traffic already.

Councilor Gaynor agreed that as city leaders it was important to use due diligence to look at all possibilities. He added however, that it seemed inappropriate to leave property that is already owned, centrally located and is buildable without interference to city business and purchase additional property that might not be a better site. He concluded that it was important to investigate and entertain other possibilities but he had not seen any alternative sites that were better than the existing site.

Councilor Walsh stated that the fact that there were six possible sites for a new City Hall was important information and that an appraisal should be done on the existing property including the value of the buildings. He concluded that the most likely scenario is that the existing site will be the best, but the decision should not be made until all the information was in. He added that inquiry should be made regarding the Safeway site. Mr. Eppley stated that Northwest National LLC had recently approached area grocery stores with the possibility of moving, and none of them were in a position to relocate. Mr. Walsh reiterated that at least a phone call should be made.

Councilor Lee recommended further investigation into the Epping property adding that he is in favor of a new civic center but is concerned that there will not be voter support to generate the funds necessary to achieve that goal. Therefore, some creative financing/development should be investigated.

City Manager, Chris Eppley, cautioned Council to be aware that there is discrepancy on some properties between what the county has them assessed at in terms of zoning and the zoning the city has enacted on a particular parcel. Where there is a discrepancy there is a potential that there may be a large differential in price for assessed market value. For example Epping's property is assessed as UT (Urban Transitional) which is basically agricultural, but the city has it zoned as mixed-use residential. There is a large difference between those zones. Consequently, the sale value of Epping's property will likely be more than $1,000,000.

Mr. Walsh suggested that instead of getting appraisals on all the properties, a phone call be made to the owners to establish price and/or willingness to sell. All council members agreed and directed Mr. Eppley to call all six property owners as well as Safeway.

Alan Costic cautioned that it was important to be sure that the infrastructure is in place for whatever is proposed for a site, including traffic issues. He pointed out that the size of property being investigated is also the same size needed for school sites so members should consider if taking a potential school site would be beneficial for the community.

Referring to the Wittenberg Inn Mr. Costic stated that he had looked at the facility with the idea of using the building for the Civic Center. He reviewed the building stating that not only was there was more square footage in the building than what is necessary for the City Hall complex, but there were facilities and fixtures in the building that would not be of use to the civic center complex. In order to make appropriate use of the building and meet public building codes, a great deal of costly work would be required.

Council members agreed that they were not interested in pursuing the Wittenberg Inn as a possible location for the Civic Center.

Mayor Christopher asked Mike Gaynor, Governmental Affairs Liaison to the Chamber of Commerce, to set up a meeting with the Governmental Affairs committee from the Chamber, Adam Wittenberg and Alan Costic to explain why Council had determined not to pursue this option.

Councilors Gaynor and Smith noted that they had reservations about making phone calls to the owners of the properties being investigated. Councilor Lee replied that although it has been the intention of the city to use the existing property for a Civic Center, due diligence dictates that all avenues should be investigated.

Councilor Gaynor added that he liked Councilor Lee's idea of the joint public/private joint venture with Mr. Epping and encouraged that that possibility be investigated. Councilor Walsh noted that he agreed with both Councilors Gaynor and Lee and also with Councilor Smith. He concluded that he still felt it was necessary to make the phone calls and get the information so questions from the voters could be fielded with actual answers and not assumptions.

Councilors agreed that if property owners contacted were unwilling to sell, the matter should be dropped and that it was acceptable for Councilor Lee to sit in on the meeting to be scheduled with Mr. Eppley and Mr. Epping.

Adjournment

Meeting adjourned at 6:30 pm.

Debbie Lockhart, Recording Secretary

APPROVED:
MAYOR:

Lore Christopher

COUNCIL MEMBERS

Councilor #1 – Judy K. Smith

Councilor #4 – Jacque Moir

Councilor #2 – Michel Gaynor

Councilor #5 – Richard Walsh

Councilor #3 – Charles E. Lee

~ Absent ~
Councilor #6 – James Taylor

Minutes approved:

KEIZER

AGENDA ITEM 9f

Approval of June 7, 2004 Regular Session Minutes

July 19, 2004

MINUTES
KEIZER CITY COUNCIL
Monday, June 7, 2004
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Christopher called the regular meeting to order at 7:04 pm. Roll Call was taken as follows:

Present:
Lore Christopher, Mayor
Jacque Moir, Council President
Judy K. Smith, Councilor
Richard Walsh, Councilor
Chuck Lee, Councilor
Michel Gaynor, Councilor
Jim Taylor, Councilor

Staff:
Chris Eppley, City Manager
Shannon Johnson, City Attorney
Dianne Hunt, Human Resources
Rob Kissler, Public Works
Nate Brown, Community Development Director
Chief Marc Adams, Police Department
Susan Gahlsdorf, Finance Director
Tracy Davis, City Recorder

Absent:
Crisel Perez, Youth Councilor

FLAG SALUTE

Councilor Lee led the flag salute.

PUBLIC TESTIMONY

None

PUBLIC HEARING
a. ORDINANCE – Water Rate/COSA (continued from May 3, 2004)

City Manager Chris Eppley reported that this Public Hearing was a continuation of the one held on May 3, 2004, introducing the need to increase water rates. It was continued in order to receive additional comment and allow staff to update the Water Rate Model. The model shows that a 4% system-wide increase is needed to pay for infrastructure as outlined in the City's Capital Improvement Program.

Staff recommends Council continue the public hearing on the proposed water rate increases, close the public hearing, deliberate on this issue and approve the proposed Ordinance, setting new water rates and repealing Ordinance 2002-473.

Councilor Moir questioned why it is more equitable to the users of Keizer water to do the alternative structure where the different classes pay at a different rate per 100 cubic feet.

City Manager, Chris Eppley, explained that when the COSA was adopted last time there were three policy decisions discussed and agreed upon:

1) Capital Improvements Program (which covers the infrastructure of the water system);
2) Changing the flat rate and consumption rate. The flat rate covers infrastructure costs and the consumption rate is the price per gallon. The decision was to lower the flat rate and increase the consumption rate primarily to promote conservation and to be more equitable to all users.
3) To break the rate out in a Cost of Service Analysis. This decision addresses the different categories of users. It was determined that because single-family dwellings put the greatest stress on the infrastructure due to the water usage during peak times, those users would pay the higher rate, because their usage requires construction and maintenance of a larger infrastructure. This decision was made, again, to be more equitable to all users. Basically, it eliminated the subsidy of the other classes.

Rob Kissler noted that an increase was scheduled for 2003 but was not implemented. The last increase was in 2002. He added that if council changed the policy so that all classes pay the same commodity rate, the rate would be between $.93 and $.95 per 100. This change would mean a significant increase for Multiple Family and Commercial users. If every user was paying the same rate, that would still meet current needs for the Capital Improvement Program.

Councilor Walsh questioned if there could be only two categories: Commercial and Residential, and what the rates would be if this option was adopted. Susan Gahlsdorf responded that the commercial accounts are such a small percentage of the total customer base that the effect would be minimal.

Councilor Gaynor noted that the critical issue, and the one most difficult to justify, was why a single family unit is paying $.96 for 100 cubic feet of water and an apartment dweller is paying $.58. Susan Gahlsdorf reviewed the numbers explaining the rationale. Single-family uses 1.3 million cf per year; multifamily uses 300,000 cf and commercial 100,000 cf. Average daily usage is: 3,500 for single, 800 for multi-family and 200 for commercial. Maximum usage in a year is 3.5 times those numbers for a single family dwelling. Multi-family usage is 2.5 times. So a single-family residence will use 12,250 cf as opposed to 2,000 cf. Therefore, extra capacity is necessary for residential customers and that extra capacity costs the city more money.

Rob Kissler noted some reasons for single-family greater usage: lawn irrigation, washers, possible hot tubs and/or swimming pools and multiple bathrooms. He added that by building additional above ground storage, the aquifer will not have to be aggressively pumped, reducing the possibility of contaminants being introduced into the system.

Mayor Christopher opened the Public Hearing.

Charles Shirley, 1499 Northern Heights Loop NE, Keizer noted that over the past seven years the water bill has changed. He questioned the purpose of the license fees and consumption fees that are included with the basic rates in the water bill. Mr. Eppley responded that the fees are to offset the administrative costs on the general fund for maintaining rights of way where water lines lay and for purchasing easements.

Lynn DeSpain, 896 Appleblossom Avenue NE, Keizer stated that he was in favor of raising the water rates but questioned the single family or multi-family classification. He added that he felt all residents should be treated the same but commercial patrons should have a lower rate to encourage more businesses to open in the Keizer area.

Judy DeSpain, 896 Appleblossom Avenue NE, Keizer added that she too was concerned about the division of classes of residents and asked Council to re-evaluate the process of billing by class. She concluded that she thought the distribution of water charges was unfair because of the classification system, but she did not feel there was inequity in charging the commercial user less. In summary, she felt two classifications (commercial and residential) would be more equitable. Rob Kissler pointed out that if all users paid the same rate, the cost per cubic foot for single-family users would drop from $.96 to $.93.

Robert Mitchell, 933 Whisper Creek Loop NE, Keizer voiced his concern over the equity of the situation and suggested a base rate and a cost per 100 cf for all three categories.

Dave Pfifer, 6494 Whisper Creek Loop NE, Keizer stated that he disagreed with the split rate for multi-family units and single-family units, but felt that the lesser rate for commercial users was equitable. He added that the present system does not promote conservation because most people who live in a multi-family dwelling aren't paying the water bill so have no concern over consumption.

Mayor Christopher asked two members of the original Water Task Force to come forward to field questions.

Jack Lowery, 869 Crystal Springs Loop NE, Keizer
Garry Whalen, P.O. Box 20188, Keizer

Mr. Lowery and Mr. Whalen answered questions offered by Council members.

Mayor Christopher closed the public hearing.

Councilor Moir moved to table the issue until no later than July 6th, 2004, in order to get Karen from Black & Veatch to explain the tier system that was recommended to the City Council and to the Water Task Force. Councilor Lee seconded.

Councilor Walsh offered a friendly amendment that the consultant come back with an analysis of a two-tier system with commercial and residential being the only two tiers.

Councilors Moir and Lee accepted the friendly amendment.

Motion passed unanimously as follows:

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

Rob Kissler clarified the scope of work: A two-tier analysis, rationale for ratio between multi-family and single-family; and analysis of the whole alternative structure (ratio, peaking, maximum hour, maximum day, etc.)

Councilor Smith moved to have the consultant also look into the flat rate fee with an analysis of how it was reached and the basis for the flat rate for multi-family. Councilor Gaynor seconded.

Rob Kissler noted that this work has already been done; the consultant could clarify that along with the previously requested information.

Councilor Smith withdrew the motion.

COMMITTEE REPORTS

a. Volunteer of Quarter Award (Gary Miller and McNary Science Class)

Because Mr. Miller was unable to attend the meeting, the presentation of this award was postponed to the June 21st or July 6th Council meeting, depending on when he could attend.

Councilor Moir suggested that Mr. Miller be encouraged to bring members of his science class to receive the award.

Appointment to Keizer Planning Commission (Jack Lowery)

City Manager, Chris Eppley, gave a brief history of the vacancy on the Planning Commission and the subsequent amendment to the Ordinance forming the Planning Commission. It was recommended that City Council accept the recommendation of the Volunteer Coordinating Committee and appoint Jack Lowery to fill the unexpired term on the Keizer Planning Commission.

Mayor Christopher added that she had received a letter from the Chair of the Planning Commission, Bruce Anderson, supporting this appointment.

Councilor Moir moved to accept the recommendation of the Volunteer Coordinating Committee and appoint Jack Lowery to fill the unexpired term on Keizer Planning Commission. Councilor Lee seconded.

Motion passed as follows:

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

Mayor Christopher presented the proclamation to Mr. Lowery who responded with thanks and assured Council that he would bring a good balance to the Planning Commission.

c. RIVERR Task Force – Approval of Grant Request

Community Development Director, Nate Brown, requested authorization from Council to apply for a Transportation Enhancement Grant explaining that jurisdictions had been invited to submit grant applications for consideration. The proposed concept is for a multi-use path to the park area west of town. Staff recommendation is for council to authorize application for said grant, as well as a grant from BLM for informational material development for the project being developed by the RIVERR Task Force, and also for council to authorize the preparation and submission of a letter of support, from the City to the River Trails Conservation Assistance Program, in seeking grants from the National Park Service for providing river trail facilities.

Mayor Christopher clarified the recommendation: Authorization to staff to prepare a concept and apply for a Transportation Enhancement Grant for a multi-use path, but in addition to that agree in concept for the same thing to be done with the Bureau of Land Management, River Keeper and National Parks Trails.

Councilor Moir moved to direct staff to prepare a concept and general cost estimate for a multi-use path from the City to the park area west of the city limits for consideration for inclusion in the Transportation Enhancement Grant process and authorize the preparation and submission of a grant application if the concept is selected by Salem Keizer Area Transportation Study. Councilor Walsh seconded.

Motion passed unanimously as follows:

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

Mayor Christopher moved to authorize staff to prepare a concept and general cost estimate for the purpose of developing public outreach for consideration of grants that may become available by the Bureau of Land Management River Keepers and by National Parks Trails and then submission of those grant applications if they are selected. Councilor Walsh seconded.

Motion passed unanimously as follows:

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

THER BUSINESS

Councilor Smith reported:

Planning Commission meeting for Wednesday is cancelled, the next meeting will be July 14.
Volunteer Coordinating Committee meeting is scheduled for 6:30 on Thursday.
Peer Court letter distributed to each Councilor will be mailed in the Chamber newsletter. This letter describes the purpose and function of Peer Court and is a request for contributions to meet the challenge for a matching grant of $5,000. She added that this Peer Court is based on the Stayton-Sublimity Peer Court, with full cooperation of Marion County Juvenile Court.

Councilor Walsh reported:

RIVERR Task Force was discussed earlier, but he added that the committee had been successful in attracting some grant applications.
Bikeways Committee has had their Monster Cookie event and it was a great success with a record-breaking turnout. He added that the committee especially wanted to express their thanks to the Keizer Police Department.
Library Task Force meeting will be Thursday at City Hall.
MWACT (Mid-Willamette Area Commission on Transportation) recommendations are available in typed form for anyone who is

interested. Additionally the Commission is just now starting the Oregon Transportation Plan Update. The plan is available for anyone who is interested. The process will take about one year to complete.

Personnel Policies Committee did consultant interviews for Transportation Capital Improvement Plan and System Development Charge and selected a consultant but he has not yet been notified.

Councilor Moir reported that Parks Board meeting was on Tuesday so she had nothing to report. She also thanked everyone who came to the Iris Festival and said she thought it was one of the best ones yet.

Councilor Lee noted that he is currently involved with three committees: **Meth, Not in My Neighborhood, Today's Choices Tomorrow** and **Youth Compact** which are all in the process of doing some organizational work and continuing to meet. He concluded that he would bring Council up to date at the next meeting.

City Manager Chris Eppley noted that he had provided Council with three things:

1) Draft of next year's community survey for review and comment by the next council meeting, targeted to be sent out in August;
2) A summary of car allowances by city with comparable cities highlighted; and
3) Draft letter to the county expressing our interest in the potential realignment of 35th Street and an extension outside of the Urban Growth Boundary.

Dianne Hunt, Human Resources Director, reported that:

- Insurance plans are being reviewed. There has been a 29% increase in premiums so other options are being investigated.
- Cost of living and step increases will be implemented July 1.
- At the next Council meeting there should be 3-5 new policies for approval.
- In order to enhance customer service, Municipal Court will be moving from the City Recorder to the Finance Department and the receptionist will be moving from Human Resources to Finance.
- Seasonals are being hired for Water and Parks Departments.

Public Works Director, Rob Kissler, reported that the Reitz well is operational. He thanked the Public Works staff for doing some of the work on site rather than hiring an outside contractor at an hourly rate.

Community Development Director, Nate Brown, directed Council to the Proposal to Establish a Land Use Application Fee for Master Plan

Review. He asked Council to amend the current fee schedule and add a new category for Master Plan Review, with the review fee being the same as that charged for a subdivision because the review type is identical.

City Attorney, Shannon Johnson, noted that state law requires that input be solicited from the audience but, because the only person in the audience was the reporter from Keizer Times, no input was received.

Councilor Moir moved to suspend the rules to amend Resolution 2000-1182 Creating a Fee for Master Plan Review which shall be the Same as that Established for Subdivision Review. Councilor Smith seconded.

Motion passed unanimously as follows:

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

Councilor Moir moved to adopt Resolution R2004 which amends Resolution 2000-1182 Creating a Fee for Master Plan Review which shall be the Same as that Established for Subdivision Review. Councilor Smith seconded.

Motion passed unanimously as follows:

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

Mr. Brown reported that the RIVERR Task Force has proposed a name for the west Keizer park project they are working on and, because that is governed by resolution which requires a recommendation from the Parks Board, he will be attending the next Parks Board meeting, presenting the name of "Keizer Rapids" for the project and asking them for a recommendation of same.

City Attorney Shannon Johnson updated Council on the Chemawa Road project, stating that John Lien had been working with Bill Peterson and the property owner (Verda Lane & Chemawa) and the agreement will be presented to Council at the next meeting.

ADMINISTRATIVE ACTION

Shannon Johnson, noted that the water system development charge ordinance needs to be amended to correct some confusion regarding exemptions. As existing structures on private wells switch to city water they should be required to pay system development charges because of the increased demand on the system caused by the connection. Staff recommendation is to adopt an Ordinance amending the water system development charge ordinance incorporating this change.

a. ORDINANCE – Water SDC Ordinance (removal of exemption)

Councilor Moir moved to adopt a Bill for an Ordinance Amending the Water Supply, Treatment and Distribution System Development Charge; Amending Ordinance No. 91-207.1; Declaring an Emergency. Councilor Gaynor seconded.

Motion passed unanimously as follows:

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

b. ORDINANCE – Approach for City Roads and Right of Way

Finance Director, Susan Gahlsdorf, reported that the proposed amendment pertains to permits issued for approach to city roads and public right of way (aka Driveway permits). The recommendation is to:
1) Change the effective date on the fee changes from October 2 to July 1 of each year to match the fiscal year;
2) Establish the permit fee at $55 and change the methodology used to adjust the fees by using $5 increments ; and
3) Deposit the funds in the Street fund rather than the General fund.

Councilor Moir moved to adopt a Bill for an Ordinance Amending the Ordinance for Approval and Establishing Permits Regarding Approach to City Roads and Public Rights-of-Way (Driveway Permits) Amending Ordinance No. 2000-428. Councilor Taylor seconded.

Motion passed unanimously as follows:

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

CONSENT CALENDAR

A. RESOLUTION – Authorization of Disposition of Surplus Property
B. RESOLUTION – Extension of Contract with Grove, Mueller, and Swank
C. RESOLUTION – Amendment to City Manager Employment Contract
D. Approval of Minutes of May 3, 2004 Regular Session

Mayor Christopher pulled Item C which will be moved to the June 21 agenda.

Councilor Moir moved for approval of the Consent Calendar with Item C removed. Councilor Smith seconded.

Motion passed unanimously as follows:

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

WRITTEN COMMUNICATIONS

Mayor Christopher read a letter from United Way stating:

- UW has presented a check for $10,000 to "Meth, Not in My Neighborhood" for use by non-profit organizations who deal directly with the meth problem.
- United Way Night at the Volcanoes will be August 18. For ticket information call United Way of the Mid-Willamette Valley.
- Days of Caring are August 20 and 21. To learn more about the good works of non-profits and to participate in this event, volunteers will be teamed with an organization needing help with projects such as landscaping, office work, etc. Contact Pam Groff at 363-1651.

She also read a letter from CCRLS regarding the Keizer library proposal which included instructions on how to present the proposal.

AGENDA INPUT

June 14, 2004

12:00 p.m. City Council Work Session
(**Work session cancelled unless consultant on Water Rate COSA is available. **)

June 21, 2004

5:30 p.m. City Council Work Session

- Civic Center Task Force Recommendation

7:00 p.m. City Council Regular Session

- Hearing and Adoption of 2004-05 City of Keizer Budget
- Keizer Station Master Plan Review

July 6, 2004 (Tuesday)

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

Councilor Taylor noted he would be absent June 21, 2004.
Councilor Smith noted she would be absent July 6, 2004.

ADJOURNMENT

Mayor Christopher adjourned the meeting at 10:25 p.m.

APPROVED:
MAYOR:

Debbie Lockhart, Recording Secretary

Lore Christopher

COUNCIL MEMBERS

Councilor #1 – Judy K. Smith

Councilor #4 – Jacque Moir

Councilor #2 – Michel Gaynor

Councilor #5 – Richard Walsh

Councilor #3 – Charles E. Lee

Councilor #6 – James Taylor

Minutes approved:

KEIZER

SINCE 1982

July 19, 2004

AGENDA ITEM 9g

Approval of June 21, 2004 Work Session Minutes

MINUTES
KEIZER CITY COUNCIL
WORK SESSION
Monday, June 21, 2004
Robert L. Simon Council Chambers
Keizer City Hall, Keizer, Oregon

CALL TO ORDER

Mayor Christopher called the work session to order at 5:37 pm. Roll call was taken as follows:

Present:
Jacque Moir, Council President
Judy Smith, Councilor
Richard Walsh, Councilor
Charles Lee, Councilor

Absent:
James Taylor, Councilor

Also Present:
Alan Costic

Staff Present:
Chris Eppley, City Manager
Nate Brown, Community Development
Marc Adams, Chief of Police
Dianne Hunt, Human Resources
Tracy Davis, City Recorder

DISCUSSION:
a. Civic Center Task Force Recommendation

City Manager Chris Eppley noted that that Council asked staff to do additional research:

Alan Costic was to provide additional information on the feasibility of using the Wittenberg Inn as the Civic Center. He attended the meeting and had a proposal put together should the city wish to go forward and do a more thorough analysis of that building.

Chris Eppley was to look at additional sites of an appropriate size where a Civic Center might be built. He looked at sites that were greater than 5 acres with no significant structures already on the property and with no existing current planning actions being taken on those sites. He did not consider the agricultural/industrial land out by the sewer plant because it was too far away. He found six sites.

1. 5 acres that the city owns just north of the baseball stadium. However, this property is removed from the center of the community, expensive and it is anticipated that it will be master planned in the Keizer Station Plan.
2. Mr. Earl's property off of Lockhaven
3-4. The two Jungworth properties just south of McNary Golf Course; one on each side of River Road,

5. Mr. Epping's property (21.3 acres of mixed use, just south of Country Glen and North of Hidden Creek) and
6. St. Edward's property (18 acres between the church and McNary High School.

To compare prices, Mr. Eppley used the Tax Assessor's real market values as a base to compare units, however, appraisals will be considerably higher. An appraisal has been ordered for the current City Hall site including the buildings.

At first look Mr. Eppley noted that the existing City Hall property is basically of the same value as the other properties. He added that if Council wanted to follow up on a particular property he would have an appraisal done on that property. Discussion continued on the possibility that upgrading the existing site for City Hall would spur commercial development on Chemawa. Additionally, Mr. Eppley questioned the prudence of taking the highest best-use value of ground off the market and converting it to public use.

Councilor Lee interjected that something worth consideration would be to purchase a large parcel, using a portion for City functions and leasing the remainder for commercial development in a public/private partnership. Mr. Eppley responded that, although the concept was new to this City's government and there would be some political issues, it was a valid concept.

Councilor Moir stated emphatically that she felt the existing City Hall property was the best option but she was willing to investigate the St. Edwards property because it was still in the heart of the city. She concluded that in her opinion any City Hall complex needs to be in the heart of the city so that it is accessible to all.

Councilor Smith agreed with Councilor Moir that the present location was best but was opposed to looking at the St. Edwards property because that property had commercial potential. She also opposed the Earl property because it is located on Lockhaven which has enough traffic already.

Councilor Gaynor agreed that as city leaders it was important to use due diligence to look at all possibilities. He added however, that it seemed inappropriate to leave property that is already owned, centrally located and is buildable without interference to city business and purchase additional property that might not be a better site. He concluded that it was important to investigate and entertain other possibilities but he had not seen any alternative sites that were better than the existing site.

Councilor Walsh stated that the fact that there were six possible sites for a new City Hall was important information and that an appraisal should be done on the existing property including the value of the buildings. He concluded that the most likely scenario is that the existing site will be the best, but the decision should not be made until all the information was in. He added that inquiry should be made regarding the Safeway site. Mr. Eppley stated that Northwest National LLC had recently approached area grocery stores with the possibility of moving, and none of them were in a position to relocate. Mr. Walsh reiterated that at least a phone call should be made.

Councilor Lee recommended further investigation into the Epping property adding that he is in favor of a new civic center but is concerned that there will not be voter support to generate the funds necessary to achieve that goal. Therefore, some creative financing/development should be investigated.

City Manager, Chris Eppley, cautioned Council to be aware that there is discrepancy on some properties between what the county has them assessed at in terms of zoning and the zoning the city has enacted on a particular parcel. Where there is a discrepancy there is a potential that there may be a large differential in price for assessed market value. For example Epping's property is assessed as UT (Urban Transitional) which is basically agricultural, but the city has it zoned as mixed-use residential. There is a large difference between those zones. Consequently, the sale value of Epping's property will likely be more than $1,000,000.

Mr. Walsh suggested that instead of getting appraisals on all the properties, a phone call be made to the owners to establish price and/or willingness to sell. All council members agreed and directed Mr. Eppley to call all six property owners as well as Safeway.

Alan Costic cautioned that it was important to be sure that the infrastructure is in place for whatever is proposed for a site, including traffic issues. He pointed out that the size of property being investigated is also the same size needed for school sites so members should consider if taking a potential school site would be beneficial for the community.

Referring to the Wittenberg Inn Mr. Costic stated that he had looked at the facility with the idea of using the building for the Civic Center. He reviewed the building stating that not only was there was more square footage in the building than what is necessary for the City Hall complex, but there were facilities and fixtures in the building that would not be of use to the civic center complex. In order to make appropriate use of the building and meet public building codes, a great deal of costly work would be required.

Council members agreed that they were not interested in pursuing the Wittenberg Inn as a possible location for the Civic Center.

Mayor Christopher asked Mike Gaynor, Governmental Affairs Liaison to the Chamber of Commerce, to set up a meeting with the Governmental Affairs committee from the Chamber, Adam Wittenberg and Alan Costic to explain why Council had determined not to pursue this option.

Councilors Gaynor and Smith noted that they had reservations about making phone calls to the owners of the properties being investigated. Councilor Lee replied that although it has been the intention of the city to use the existing property for a Civic Center, due diligence dictates that all avenues should be investigated.

Councilor Gaynor added that he liked Councilor Lee's idea of the joint public/private joint venture with Mr. Epping and encouraged that that possibility be investigated. Councilor Walsh noted that he agreed with both Councilors Gaynor and Lee and also with Councilor Smith. He concluded that he still felt it was necessary to make the phone calls and get the information so questions from the voters could be fielded with actual answers and not assumptions.

Councilors agreed that if property owners contacted were unwilling to sell, the matter should be dropped and that it was acceptable for Councilor Lee to sit in on the meeting to be scheduled with Mr. Eppley and Mr. Epping.

Adjournment

Meeting adjourned at 6:30 pm.

APPROVED:
MAYOR:

Debbie Lockhart, Recording Secretary

Lore Christopher

COUNCIL MEMBERS

Councilor #1 – Judy K. Smith

Councilor #4 – Jacque Moir

Councilor #2 – Michel Gaynor

Councilor #5 – Richard Walsh

Councilor #3 – Charles E. Lee

~ Absent ~
Councilor #6 – James Taylor

Minutes approved:

AGENDA ITEM 9h

Approval of June 21, 2004 Regular Session Minutes

July 19, 2004

MINUTES
KEIZER CITY COUNCIL
Monday, June 21, 2004
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

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

Present:
Lore Christopher, Mayor
Jacque Moir, Council President
Judy K. Smith, Councilor
Richard Walsh, Councilor
Chuck Lee, Councilor
Michel Gaynor, Councilor
Crisel Perez, Youth Councilor

Staff:
Chris Eppley, City Manager
Shannon Johnson, City Attorney
Dianne Hunt, Human Resources
Rob Kissler, Public Works
Nate Brown, Community Development Director
Chief Marc Adams, Police Department
Susan Gahlsdorf, Finance Director
Tracy Davis, City Recorder

Absent:
Jim Taylor, Councilor

FLAG SALUTE

Flag salute was led by Girl Scout Troop 258 representatives Marissa Foster, Whitney Asher and Becka Cross.

PUBLIC TESTIMONY

Kim Thatcher, 1724 Chemawa Road NE, Keizer, the Republican candidate for House District 25, introduced herself and encouraged voters to contact her at 503-932-1291 or through City Hall e-mail to voice their opinions or just to get to know her.

Clark Williams, 1050 Rafael Street, Keizer, Chair of the Parks Advisory Board first thanked Council for their support in the budget process and reported on improvements in the parks. Activities planned are a 3-night Summer Slam Dunk with Keizer Youth Basketball Association in

July and a 5-year celebration for the Carlson Skate Park sometime in August. Additionally the Parks Advisory Board extended an invitation to Council members for the Parks Tour and Barbeque in August and encouraged members to determine a convenient date and contact him. Council set a tentative date of August 10 at 5:30 pm.

Garry Whalen, P.O. Box 21088, Keizer, member of Parks Advisory Board reported that last month Dr. David Brauner, Professor of Archeology from OSU spoke to the Board regarding the Wallace House and informed members that Wallace house would represent some of the earliest historic data in the Willamette Valley. He has made a site visit to River's Edge Park and is planning on coming back for a "test pit" in August. Dr. Brauner will be at the July meeting to give more information.

Additionally, Mr. Whalen, presented a brief history of Pleasantview Park and Ben Miller and asked Council to consider holding a Public Hearing in August to rename Pleasantview Park to Ben Miller Park.

Public Hearing was set for August 2 Council Meeting.

Councilor Walsh suggested that neighbors within 250 feet of the park be notified of the proposed name change by mail and by posting a sign in the park. City staff agreed to do this.

Marissa Foster, 1211 Mandarin Street NE, Whitney Asher, 7576 Zinfandel Court N,, Katie Valcuredna, 6084 Palm Tree Court NE, Becka Cross, 6708 14th Avenue, all from Girl Scout Troop 258 explained that they are working towards completing the steps toward earning the Bronze Award, which is the highest award they can earn as Junior Girl Scouts. They asked permission to plant flowers at the two entrances to Willark Park.

Councilor Walsh moved to suspend the rules in order to make a motion to allow the girls to plant flowers at Willark Park. Councilor Gaynor seconded.

Councilor Smith noted that she would abstain on the vote because Marissa Foster is her daughter.

Motion passed unanimously as follows:

AYES: Christopher, Gaynor, Walsh, Moir, and Lee (5)
NAYS: None (0)
ABSTENTIONS: Smith (1)
ABSENT: Taylor (1)
Councilor Walsh moved to grant permission to Girl Scout Troup 258 to

plant flowers in Willark Park. Councilor Gaynor seconded.

Motion passed unanimously as follows:

AYES: Christopher, Gaynor, Walsh, Moir, and Lee (5)
NAYS: None (0)
ABSTENTIONS: Smith (1)
ABSENT: Taylor (1)

COMMITTEE REPORTS

a. Keizer Police Department Award to Jose Troncoso

Chief Marc Adams noted that the Keizer Police Department relies heavily on volunteers and he wanted to take the opportunity to recognize someone who had volunteered for the KPD over the years. He gave a brief history of Jose Troncoso and the areas which he has helped the department. He concluded thanking Mr. Troncosa and presenting him with a gift.

b. PROCLAMATION Support of Tourism in Marion and Polk Counties

Mayor Christopher read a Proclamation in Support of Tourism in Marion and Polk Counties. She noted that the Support Summit will be held on Wednesday, June 23, from 2 to 4 pm. at the Red Lion. Mayor Christopher encouraged Council members to attend.

Volunteer of the Quarter Award

Because the recipient of the award was not in attendance, Council agreed to wait until the next meeting to present the award.

d. Appointment to Keizer Urban Renewal Board

City Manager Chris Eppley reported that on February 2004 the 3-year term of Greg Rands expired on the Keizer Urban Renewal Board. At the June 10, 2004, Volunteer Coordinating Committee meeting, it was unanimously recommended that Mr. Rands be reappointed for another 3-year term on the board. Mr. Rands was not in the audience to accept the award.

Councilor Moir moved to accept the recommendation of the Volunteer Coordinating Committee and reappoint Greg Rands to an additional 3-year term on the Keizer Urban Renewal Board.

Councilor Smith seconded.

Motion passed unanimously as follows:

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

Salem Sewer Agreement Update

Tim Gerling, City of Salem Public Works Director updated Council on sewer rates for the coming year and distributed and reviewed a handout covering points that would be of interest to Keizer residents. He noted that the rates have not been adopted and a Public Hearing is scheduled for July 12 and explained the CIP and requirements for various projects.

PUBLIC HEARING

a. RESOLUTION – Authorizing the City Manager to Enter Into Transaction for Sale of City Owned 20-foot by 85-foot Strip on Allendale Avenue to Phyllis Dinsmore

City Attorney Shannon Johnson explained the legal requirements for selling public land adding that those requirements had been met and reviewed the location of the property.

Mayor Christopher opened the Public Hearing. Seeing no one wishing to speak to Council on this issue, she closed the Public Hearing.

Councilor Moir moved to adopt Resolution R2004 Authorizing the City Manager to Enter Into a Transaction for the Sale of City-owned 20-foot by 85-foot Strip on Allendale Avenue to Phyllis Dinsmore.

Councilor Lee seconded.

Motion passed unanimously as follows:

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

b. RESOLUTION – Adoption of 2004-2005 City of Keizer Budget, Making Appropriations, and Imposing and Categorizing Taxes

Finance Director, Susan Gahlsdorf, summarized the process which the Budget Committee went through to review and approve the Manager's Recommended Budget as amended. Staff recommendation is for Council to open a Public Hearing, deliberate on the budget, and finally approve same. Ms. Gahlsdorf reviewed items that had come to light after approval:

1. During Urban Renewal Budget hearings Dr. Jerry McGee, representing the Points of Interest Committee, proposed that $11,445 for signage be taken out of Urban Renewal. Because approximately $5,000 worth of these signs are outside the Urban Renewal District, it is recommended that $5,000 be budgeted in the street fund to carry the City's portion of that cost.
2. Staff recommends a change in the Water Fund: $14,700 was budgeted in materials and services for computer equipment and duplicated in capital outlay. The change would increase the fund balance to $343,700.

Mayor Christopher opened the Public Hearing on adopting the 2004-2005 City of Keizer Budget and making Appropriations and Imposing and Categorizing Taxes.

Jerry McGee, 1030 Ridgepoint Street NE, Keizer congratulated the Budget Committee for the effort made in the budget. He added that in his opinion the budget could still be improved pointing out the $2000 designated for the after school program and noting that approval of this item would be approval of a social type activity which is a significant departure from the unwritten philosophy of the City. He concluded that even though the budget was "in the black" these $2000 items could change that.

With no other testimony, Mayor Christopher closed the Public Hearing.

Councilor Moir moved a motion to remove the $2000 for the Power Program from the 2004-2005 Budget. Councilor Smith seconded.

Councilor Moir noted that she agreed with Mr. McGee and the understanding when this was put in the budget the first time was that it would be only for one year. Councilor Smith echoed Councilor Moir.

Councilor Lee stated that he was in support of leaving it in the budget because of the disparity in what is happening in the Salem school district. He noted that programs like this are struggling and with just a little support from the community, they can leverage the monies into more funds for the program. He concluded that he supports it for this year only and does not support continuing it from year to year. Councilors Gaynor and Walsh agreed with Councilor Lee.

Motion failed as follows:

AYES: Smith and Moir (2)
NAYS: Christopher, Gaynor, Walsh, and Lee (4)
ABSTENTIONS: None (0)
ABSENT: Taylor (1)

Councilor Moir moved to adopt Resolution R2004 Adopting Fiscal Year 05 Budget, Making Appropriations, and Imposing and Categorizing Taxes. Councilor Lee seconded.

Motion passed unanimously as follows:

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

c. Keizer Station Master Plan – Area A

Mayor Christopher opened the Public Hearing for the Addendum Keizer Station Master Plan – Area A.

City Attorney, Shannon Johnson, stated that the applicable criteria for the quasi-judicial case is set forth in the staff report, but because the staff report was lengthy he would not be reading it, however, copies were available. Hearing no objections to not reading the entire list of criteria, they were considered waived. He continued that testimony and evidence directed toward the criteria in this application must meet those set forth which apply to the decision. Failure to raise an issue accompanied by statements or evidence sufficient to afford the Council and the Parties an opportunity to respond to that issue precludes appeal to Land Use Board of Appeals based on that issue. He asked if there were any objections as to notice, opportunity to be heard, jurisdiction, conflict of interest, or bias or prejudice of the Councilors. If so, they should be raised at this time. If there are any exparte contacts or bias that need to be disclosed they should be disclosed at this time. There was no response to this. Mr. Johnson noted that the entire Community Development file in addition to the documents before the Council is before the Council for review and is considered placed into the record without objection.

Community Development Director, Nate Brown pointed out that the composite drawing includes the transportation system, landscaping plan, street lighting, and plans for the plazas including the tree retentions. It does not have the subdivision or signage requirements which are under consideration.

Mr. Brown called attention to:

1. A memo dated June 21, 2004, from Public Works Director, Rob Kissler, which should be added as an addendum to the conditions that are already identified as an addendum/cover to the staff report.
2. A memo submitted by Oregon Department of Transportation. He pointed out that Dan Fricke was in the audience and would be willing to answer questions.

Mr. Brown noted that the application consists of four separate applications: (1) The Master Plan, (2) the Subdivision required to divide the parcels, (3) the Setback Variance for some of the buildings under consideration, and (4) a sign variance. Keizer Development Code allows these to be rolled into one decision for ease of processing.

Mr. Brown stated that the application represents a positive representation of some great assets to the community with many amenities such as plazas, a trail system, and landscaping which will take place with both the public and private development of the facility. What is proposed is almost 1,000,000 square feet of commercial and industrial space representing some significant and complex issues.

Rather that review all 68 conditions of the staff report and addendums, Mr. Brown presented a major overview of the four different applications and the issues addressed through the conditions. The Master Plan is significant. Staff has tried to insure that amenities proposed are those required, and that some aspects and impacts to neighboring properties are addressed such as a sight and sound obscuring wall to be constructed between the residential properties and that of Area B. Mayor Christopher pointed out that, because the sight and sound obscuring wall for Area B has to do with the transportation system that is benefiting Area A, it was being addressed this evening. Mr. Brown confirmed this and noted that Area B will undergo a Master Plan process which will be submitted as the areas are developed.

Continuing, Mr. Brown pointed out that in regards to the subdivision, there were concerns over compliance with area requirements in the EG zone which specifies a complex balance between commercial and industrial properties. The southwest corner of the parcel had been shown as industrial but included the car wash and service station which are not listed as industrial uses but as commercial. The developer has indicated that they will modify the conditions presented. Mr. Brown noted that he is confident that the issues will be worked out on the subdivision in a manner that will legally comply with all the requirements of the zone for that balance of commercial/industrial. Basically that requirement would be that some of the small lots on the proposal would have to be combined with other lots in order to comply with requirements.

Mr. Brown noted that the applicant has submitted a request for major variance for yard setbacks. The justification for the variance in most cases is because the Master Plan requires that they accommodate the eventual build-out of Radiant Drive with the subdivision, and they dedicate the right-of-way necessary to accommodate that eventual build-out. That extra wide right-of-way width placed a burden on the developer for developable space. Extra-large setbacks required by the EG zone are not necessary because only the road width necessary to accommodate the foreseeable future traffic through the year 2008 is being built. Staff supports the request for a variance with the exception of the request from tenant space B. This request is to surround the building with a drive-through, but staff recommends that that aspect of the request be denied.

Mr. Brown then addressed the Sign Variance Request which would apply throughout the entire development adding that staff supports the approach they have granted. They are basically limiting the amount of free-standing signage throughout the development and staff feels that is an appropriate trade for granting additional height and area on an identifying sign to the development. However, staff is recommending that the height of the sign be limited to the same height as the Volcano Stadium and Woodburn Mall signs. Mr. Brown added that the developer is agreeable to this.

Mr. Brown noted that one of the conditions staff recommends is that the circulation system, particularly the pedestrian system, be amended to better connect it to the remainder of the pedestrian transportation. Staff recommends that the west side of the new road "A" have an additional sidewalk installed. Developer will address this issue with the Council because they feel there are some significant constraints by the railroad tracks which present safety problems and it is questionable how much pedestrian traffic there would be in the area because there is pedestrian circulation along Radiant Drive as it connects to Lockhaven. Other conditions are acceptable to the developer.

Councilor Moir asked if the points brought up in the ODOT letter had been reviewed. Mr. Brown responded that ODOT has reviewed this carefully and indicated that they are supportive as long as the documentation has been submitted, it complies with all state requirements and all state-required permits have been obtained.

Chris Eppley thanked ODOT, Dan Fricke and Tony Martin specifically, for their responsiveness in working through this and getting a comment to the City in a timely manner.

Councilor Smith questioned if there was room to expand the road in the future if the variance for setbacks is approved. Mr. Brown responded that the right-of-way required now is for the eventual build-out, so with this approval all right-of-way necessary will be established. Setback would be reduced from 20 feet to 10 feet so there would not be a sidewalk next to the building.

Councilor Lee questioned if the lease with the Volcanoes had been checked pertaining to requirements regarding Radiant Drive. City Manager Chris Eppley responded that contact has been maintained with the Volcanoes over the last four years regarding this project and he has no doubt that they would be willing to work with the City on future alignments.

Councilor Lee asked for additional explanation on Road C. Mr. Brown responded that Road C is necessary to provide internal circulation. By establishing Road C, a portion of land was carved off some parcels. If establishing Road C, a portion of land was carved off some parcels. If that is a public right-of-way, it creates a parcel that does not meet the dimension or area requirements of the EG zone because of size, depth or width requirements. City Manager, Chris Eppley, followed up that the reason it is developed on a public easement as opposed to right-of-way, is that allows them to retain ownership of the ground and count that area as part of a lot size so it remains in one parcel. The road that will be built will feel like a public road and the City will maintain ownership and maintenance of it.

Chuck Sides, 2555 Hollywood Drive, Salem, complimented staff on all the hard work that has been done on the project and added that it was his hope that the Council will vote to move forward because time is of the essence and the concept has to be approved in order to meet the next movement forward.

Jeff Benner, 5000 SW Meadows Road, Suite 430, Lake Oswego, the designer of the master plan explained that what has been done over the last four years is a culmination of a lot of hard effort:: a site plan that takes into account everything that has been addressed in the Keizer Master Plan requirements and criteria created by the developer and others. There are two (and possibly three) tenants who are signed and ready to move forward on this project with many to follow.

Councilor Gaynor inquired as to the location of the sign. Mr. Benner showed him the location on the map and continued that in the first Urban Renewal hearing it was located in a different location, but it has been moved away from the park and is being treated as an identifying sign element.

Councilor Moir questioned Tepper Lane and the pedestrian underpass, the landscaping along the back of the buildings, and access points for pedestrians that would be using Tepper to get to the stores if they didn't want to come down to the proposed realignment of Radiant Drive.

Mr. Benner responded that he was not sure of exactly what the future plans are for the PGE property but concerning the area of the entertainment/sports facilities, they are in planning, with every effort being made to make good pedestrian connections to the baseball field and the anticipated entertainment. Concerning Tepper Lane there is an underpass under the railroad tracks. Pedestrians will border along an 8-foot sidewalk eastward, pass a loading area and be connected into the front of "Major One" where they can actually traverse to "Anchor 2" and "Anchor 1" or they connect to "Majors 2, 3 and 4". There are other connections that move laterally throughout the site to the shops buildings and those buildings across the street.

Councilor Smith noted that with the orientation of the buildings the Keizer Stadium and a future entertainment sports complex will be looking at the back of buildings (blank walls, loading docks, garbage bins, etc.). She asked if landscaping was planned to make it more attractive.

Mr. Benner responded affirmatively and showed some different pictures. He added that there will be a significant amount of articulation and undulation in the building wall, variation in heights and tower-like elements, 12-foot screen walls, character-adding details and landscaping.

Councilor Walsh asked what Tepper would look like at completion. Mr. Benner replied that it would have a ¾ street improvement so on the south edge there would be a finished street with the bike lane, landscaping, and an 8-foot sidewalk, but it would not be improved on the north side. Mr. Brown added that the conditions require only the south side of Tepper to be fully improved. The cross section of Tepper is ¾ width, constructed at collector street standards to accommodate anticipated heavy truck traffic, but at this point there is no requirement to complete the other half of the street until that side develops.

Councilor Walsh noted that if the north side of the street would not have a bike lane until development occurs, bikes would have to use the other side going either direction. Mr. Brown responded that Tepper lane will be closed off to through traffic. Mr. Walsh pointed out that it would be designated for bikers and go through for bikes and since there are loading areas, there will be trucks. Rob Kissler stated that it is legal for a bicycle to ride on a 12-foot lane going westbound toward Tepper. There will be a transition at the end of Tepper Lane on the westernmost portion for a turnaround to accommodate emergency services. The transition will also allow for bicycles and pedestrians to continue west under Tepper Lane. Currently development code standards do not require improvements on the north side of Tepper Lane. Additionally, at the time of the construction of Volcano Stadium the city constructed a gravel walking path on the north side of Tepper to give pedestrians an opportunity to stay off the roadway. Mr. Kissler added that he would not want to lead Council into thinking that there was ever going to be any development on the north side of Tepper, at least on the frontage of the BPA because he does not anticipate that use being changed any time soon. It is unfortunate that when the BPA developed that years ago that they weren't required to do some frontage improvements. So the short answer is that they are not required to construct a bike path, but if Council wishes, there may be some ways to do that with other funding and incorporate at least a bike path on that side. It would take some work with utility relocation and a property owner who would be willing to work with the city on placing that bike path along a potential part of their frontage.

Mr. Walsh added that if this is the area we are encouraging everyone from the Gubser neighborhood to come into via alternative transportation, there should be a safe way to return home, especially with truck traffic. He encouraged exploring the completion of the route through whatever means available.

Responding to questioning from Mr. Eppley, Mr. Brenner said that he thought the 8-foot sidewalk on the south side of Tepper Lane was dedicated right-of-way and a 12-foot sidewalk could be built which is the ODOT standard for a multi-use path in that area. This would take care of the bike lane issue.

Mr. Benner requested approval of the Master Plan and the subdivision map with the caveat that he will work closely with staff for the next four days to make sure that a subdivision map is created that is acceptable to the city. Although they would like to be granted the variance on Anchor B, with respect to all the conditions for approval including the signs, they are in favor of the compromise. Mr. Benner noted the concern over pedestrian traffic coming eastbound on the north side of Chemawa where they cross Road A and move northerly. Nate Brown had suggested providing the pedestrian connection adjacent to the railroad tracks on the west side of Road A as a direct connection to Anchor 1. Mr. Benner stated that his firm believes that people coming from Lockhaven/Chemawa will use Radiant. This sidewalk will provide direct access to the center. It is thought that the sidewalk in question would not have high usage. Other sidewalks could be provided on the south side, but conditions from ODOT and the railroad prevent necessary crossings. It is also anticipated that northbound pedestrians would drop down into the project along the south side of Anchor A. In conclusion, Mr. Benner stated that a link can be provided that will connect Anchor A and Anchor 1.

Chris Stanely, Kittleson & Associates, 610 SW Alder, Portland, stated that the pedestrian crossing details will be worked out with the City and ODOT. There are many components and factors that come into play. The original plan was right-in right-out movements which did not allow pedestrian crossings across Chemawa. To cross, pedestrians will currently cross in different locations. A diagonal crossing is being evaluated. Typically they are done where there is an "all pedestrian" phase at a signal so pedestrians can cross at both 90° and 45° angles but it is definitely a design-specific solution for this project. Mr. Brown added that staff has not considered or evaluated any of the details of such a proposal.

Mr. Stanley continued addressing the bikeway on Tepper Lane. He described the character of Tepper Lane as a dead end street so the volumes will be low. From this standpoint there should be flexibility to provide bicycle facilities including a multi-purpose path. Another option would be no striping on the street with cars and pedestrians sharing the same travel way.
Council recessed for 10 minutes.

Public Testimony

Ross Day, 7831 St. Charles Street NE, Keizer objected to procedural issues: (1) with regard to jurisdiction, he will reserve the right to raise the issue on further appeal and (2) during the last recess he witnessed numerous exparte contacts which were not declared on the record immediately upon session reconvening as required. He then disclosed that he is privileged to serve on the Keizer Planning Commission and that during the planning process of this development, he was arguably, outside of the developer, the biggest proponent of the Keizer Station Plan and he still is. However, he did not attend the meeting in his capacity as a Planning Commissioner. Instead he attended as attorney for Robert and Marilyn Lowery, property owners alongside Chemawa Lane. They own 5 or 6 tax lots which are within the scope of this Master Plan. Mr. Day submitted a letter outlining the issues and concerns. He noted the Keizer Development Code is very clear; it states that the only people who can apply are the property owners or their agents, authorized agents, or a successor in interest. The applicants are neither. This application is not properly before the council today. The jurisdictional question is also an issue of criteria because part of the criteria for submitting an application requires the submitter to be a proper applicant. Mr. Day directed Council to the *Johnston vs. City of Albany 34 LUBA 32, 1998* Case which has nearly identical facts. A Master Plan by developers was submitted to the City of Albany; the city approved it; but it included some property which was not owned by the developers at the time and, as a result, the LUBA reversed and remanded the decision. The Lowerys still own their property despite the condemnation threats that are being levied against them. They have lived there since 1946 and operated the nursery for 30 years. They are not the applicants here today, but the application involves their property. Accordingly, this application should not have been accepted and is not properly before the council.
Mr. Day stated that his concern is not only with the process but also with the rights of the Lowerys. The reason for the haste in moving this application forward is that within 7 days of June 30th the developers

can request the Keizer Urban Renewal Agency to institute condemnation proceedings, presumably against the only two property owners who have not sold. He believed this inappropriate use of the condemnation authority which is a tremendous authority and should not be used lightly. Mr. Day represented that the he and the Lowerys would fight this as long as they have to. It is a simple matter of fairness to the Lowerys. The matter is not properly before the council and the council does not have the authority to approve it. Although it may be approved, an appeal will be filed and it will be back before the Council.

Councilor Smith mentioned that she was at the nursery a year ago and the two gentlemen who sold the plants to her indicated that they were leasing or buying the business from the Lowerys. She noted that last summer Mr. Lowery was not there and questioned if he had leased or sold the business. Mr. Day responded that to the best of his knowledge Mr. Lowery still owns the nursery.

Councilor Walsh asked Shannon Johnson about declaring exparte contacts or any contacts. Mr. Johnson responded that the hearing was recessed technically and it probably should have been held more as a joint discussion. He suggested that if any Councilor speaks, the exparte contacts should be declared. He explained that an exparte contact would be anyone (including another Councilor) who was spoken to as well as the nature of it. The reason for that is that theoretically during the break all members should have left the room and not discussed the issue, but it makes the most sense to get up and look at the pictures and, while people are standing around, talk about what you see in the pictures. Technically, however, that is an exparte contact because the record is not open and the tape is not running. To just say you had the exparte contact is not enough, because objectors don't know what you learned from that and cannot make appropriate rebuttal. So he suggested that Council members declared them and put them on the record at this time.

Councilor Moir declared two exparte contacts:

1) Joel Stein of the Keizer Fire Department discussing Tepper Lane and the turnaround for the fire vehicles to see if that met their standards and he informed her that they did.
2) Jerry Walker of the Keizer Volcanoes; discussing future possibilities for the development of the area north of the area being reviewed tonight and accesses into that area. She did not finish the conversation because she brought the City Manager in and left.

Councilor Walsh declared the following exparte contacts:

1) Jerry Walker regarding Tepper Lane and some improvements there;

2) Mr. Jensen discussing and pointing at the sign and expanding the path to 12 feet. Mr. Jensen had commented about the expense of adding an additional 4 feet and that was discussed.
3) Mayor Christopher and Jerry Walker joined the conversation with Mr. Jenson and they all tried to figure out how big 68 feet was because the height of the sign is 68 feet. They were outside trying to compare different trees measuring them against the 10-foot tall basketball hoops and trying figure out how many basketball hoops it would take and came to the conclusion that the second tree next to the white house is probably closest to 68 feet so that would be about the size of the sign.
4) Mr. Gaynor and Mr. Lee about the path and sign.
5) Joel Stein with the Fire Department who mentioned Tepper Lane and how it would be nice to find an alternative path for fire trucks to get to the back side of the Keizer Station, perhaps under the underpass which was an idea that he proposed several months ago.

Mayor Christopher stated that she participated in the tree discussion.

Councilor Gaynor stated that his exparte contact was with:
1) Chris Eppley after he finished talking about the traffic patterns by Station A. Mr. Gaynor stated that he had an area where he liked to walk his dog and he wanted to know if it would be possible to get a path up to the corner so he could go across the street heading north and connect to the same bicycle path that now goes under because he didn't want to go down the hill and back up again, and he thought others might feel the same. However, Mr. Eppley had informed Councilor Gaynor that if that was done, the pedestrians would interfere with the traffic flow on Chemawa Road because they would be pushing the button. Councilor Gaynor asked if the pedestrians could be ignored and Mr. Eppley had said no, there has to be a button for a pedestrian walkway.
2) Chris Stanley with Kittleson discussing the 68-foot sign and that he liked the sign.

Councilor Smith declared one exparte contact with former Councilor McGee with discussion centering on the Budget.

Councilor Lee declared that he wandered around listening to everyone but his exparte contacts were with:
1) Richard Walsh taking part in the tree debate regarding the sign.
2) Former Councilor McGee and Councilor Smith with some mention as to how many people were going to be speaking at the Public Hearing this evening.
3) Larry Epping who stated he was here to learn more about it. They

spoke about how exciting the project is.

4) Councilor Gaynor and Shannon Johnson regarding the location of the sign.

City Attorney Shannon Johnson encouraged anyone in the audience, including Mr. Day, to question the councilors on their exparte contacts

<u>*Jim Shomeyer, 2328 Aldene Court NE, Keizer*</u> stated he attended the meeting to get clarification on the site and boundary wall that will be along the property lines on Site B, the entrance road of the project. He also wanted to know how tall it would be and questioned what would be done with the sewer cleanout behind the property because it affects his property value.

Nate Brown explained that the wall would be at the rear of all of the residential properties that abut Area B and that it is the desire of the City to work with the property owners adding that, because Radiant Drive is depressed, the need for the wall might be better addressed by working with individual property owners. Those details have not been defined specifically. Council might wish to direct staff to work with individual property owners abutting the rear property line, which staff would be willing to do.

Mr. Brown continued that the wall depends on site characteristics: the ones along the freeway are higher than something within the city. Mr. Shomeyer added that he wanted to have input regarding the wall because some residents will have lights coming into the back of their house, as well as sound pollution and foot traffic. Originally it was supposed to be a landscape barrier rather than a wall, which he didn't like either. Some neighbors like the wall idea, but he noted he couldn't speak for all of them.

Mr. Brown explained that the Development Code requires that lighting be directed away from residences, so that issue will be addressed. When the Master Plan is developed for that area, the lighting will be considered. Regarding the landscape buffer vs. the wall, the landscape buffer typically does not attenuate sound very well, and the concern has been for the privacy. There will be a large amount of traffic on Radiant so a wall is being required. Details of the specific wall will depend on a lot of factors. Contact with the landowners will come at the direction of Council.

Councilor Smith noted that a wall of this nature was an effective means of blocking sound. The Lockhaven Sound wall (10-12 feet high) might be a good example for Mr. Shomeyer to look at. Chris Eppley added that because the site has unique characteristics and the road will drop below ground level for a significant portion, the wall might have less impact in some areas than others, so the site will need to be evaluated specifically and property owners consulted. The City does not want to build more wall than necessary but wants to assure residents in the area that they will be protected from sight and sound.

Jerry Walker, 6604 Rimrock Court NE, Keizer with the Salem-Keizer Volcanoes noted he had no idea he was involved in exparte contacts. He added that he has had a lot of discussion with the developers and he commended them for their work. He added that much work has been done to get people out of the Volcano Stadium parking lot and onto the roads that go through the development. The drawing presented will not work. Because of this he has met with the developer several times over the last month and they have come up with three very good alternatives, two of which are very good. None of these alternatives are shown on the map although he understood that the developer intended to include it. He encouraged the developers to present the plans and added that this would be an appropriate time to see how people would be directed out of the stadium. The current drawing shows only one lane of traffic leaving Volcano Stadium and that created his initial concern which led to the discussions with the developers. Mr. Walker concluded that the developers have developed a couple of good workable plans and encouraged Chris Stanley could speak to that point.

Chris Stanley joined Mr. Walker and reported that, based on meetings with the Volcanoes, a few sketches were provided to Jerry Walker to review to ensure that the stadium will be able to accommodate the games and other special events and that people will be able to easily and efficiently get in and out. Radiant Drive was evaluated and additional capacity was added specifically to accommodate stadium events. The next question was with Radiant Drive being realigned, how would it connect to the stadium. Several alternatives were developed to be evaluated. Because there are several factors that must go into that evaluation, such as utilities and plans for the area to the north, Mr. Stanley's recommendation was not to choose an alternative at this time because it might become something that is difficult to build, but he would recommend that the Council allow the work with the Volcanoes to continue so that whatever is built is to their satisfaction.

Mr. Stanley stated that currently Radiant Drive dead ends into the middle of the stadium parking lot. The new plan shifts it to the west so the driveway out of the stadium is somewhat offset. The current exit out of the stadium accommodates two lanes out, one continuing straight down Chemawa and the other one continuing right across Tepper. As part of the plan, the vehicular access is going to be eliminated which will be a better solution because it will reduce stadium traffic across the railroad and through the neighborhood. That means two exit lanes will be required in order to maintain the same capacity. There is redundancy in the system by adding a second southbound lane on Radiant to the first signal and there are alternative routes throughout so there is a lot of flexibility. The addition of the traffic signals will improve safety particularly at Chemawa where there will be signalized access points instead of the current unsignalized ones. Work with the stadium involves connecting this road that currently "T"s into Tepper with the stadium. Ultimately there is a lot of discussion about the possibility of extension to the north for some long range planning with the City, future development, etc. When the applications come in, this will be something that must be considered in the design. The current focus is on guaranteeing continued capacity but not limiting possibilities.

One of the options investigated was widening of Tepper Lane so that there are two lanes out of the parking lot up to where Radiant intersects and then continue southward. A constraint, however, is the width, because there is currently a power line on the north side of Tepper Lane.

Another option is to provide two lanes into the southern area of the parking lot and another is to provide two more lanes into the central area of the parking lot. Some of the issues that will need to be addressed with this option are: property ownership, the power line in the area, making sure that when the connection is made into the parking lot the striping and the configuration of the lot facilitate access. Mr. Stanley concluded stating that they will continue to refine the constraints and work with Mr. Walker to ensure that the alternative can be built and will operate well.

Councilor Walsh inquired if signals could be tailored to the ball games or timed to give priority to the ball game people. Mr. Stanley responded that that has been something the city has said from the beginning: they want Radiant Drive to be a priority roadway. That people traveling throughout the area and particularly to/from the stadium want the through movements to have little delay. The infrastructure has been designed accordingly and the traffic signals along Radiant will be interconnected so that when one signal is approached it will turn green giving priority to through movements. Mr. Stanley added that he anticipates that a specific signal phasing plan will be done for stadium events so that when the games let out, people leaving the stadium will have even greater priority. As it is the light will stay green until someone comes to the side street, but a specific plan will probably be developed that increases the green time even further to maximize traffic flow.

Mr. Walker stated that he would be pleased with any type of approval that is subject to or conditioned upon creating that link to the Volcano Stadium parking lot. Apparently it is not defined accurately yet, but it is very important.

Mayor Christopher closed the public hearing.

Councilor Walsh asked Mr. Brown to point out the exact lots belonging to Mr. Lowery on the Master Plan. Mr. Brown directed Mr. Walsh to Exhibit 1 which shows existing conditions and property lines. Mr. Walsh asked the location of the Krispy Kreme, which Mr. Brown showed him on the map. Referring to Mr. Day's comment, Mr. Walsh inquired if the development could be Master Planned with that portion cut out. Shannon Johnson responded that he did not know and wished to reserve judgment and discussion for a later Council meeting.

Referring to the Department Staff Recommendation Mayor Christopher stated that she would start with page one and take questions or comments on each page until the end of the report was reached.

Page 1 – No comments

Page 2 – Councilor Moir asked Mr. Brown to define a "bollard". Mr. Brown responded that it is a traffic control device or design feature which provides visual interest. It is a low-height pole or architectural feature that is about 3 or 4 feet high providing traffic separation. It is only an example of the kinds of architectural features that would be seen in outdoor spaces. It is not intended that as a specific requirement.

Page 3 – Councilor Walsh inquired about the 35th issue adding that this circulation description did not mention 35th and all the previous ones have at least mentioned it as one of the goals. Mr. Brown responded that the issue of the connection to 35th is something that is offsite so not contemplated, approved or recommended by staff at this time because there is not enough information to recommend one way or another how this is going to provide additional connection. Councilor Walsh summarized that this was an overall philosophy table of contents and the philosophy from the Council from the beginning was to incorporate 35th. What was stated was "don't worry, this does incorporate 35th." At least that is the philosophy in terms of the future. But 35th has always been mentioned as one of the issues. He noted that he could accept the representation that this deals with that in the letter that Chris sent out and discussion had with Marion County, etc.

but he wanted to make sure it is in the philosophy sections which have always included 35th as the way to get out to the north. Mr. Walsh concluded that he wanted to add the language including 35th.
Mr. Brown agreed to do so but suggested that motions be made for the changes.

Councilor Walsh moved that the first paragraph of page 3 be amended adding the words "and north (35th)" after "west (Lockhaven)". Councilor Gaynor seconded.

Motion passed unanimously as follows:

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

Page 4 – Councilor Gaynor inquired about the height of the sign and dropping it down to 50 feet stating that he felt it was not a good idea. He added that he understands the idea of uniformity of codes, etc., but wanted more input. Mr. Brown explained that there is a section specifically addressing the issue adding that this page was basically a table of contents. He concluded requesting that Councilor Gaynor reserve comment until the specific section is reached.

Pages 5 through 7 – No comments

Page 8 – Councilor Smith read the statement *"Although the proposed master plan will provide the desired employment, the current design appears to fall short of the objectives to provide a focal point for community and multiple activities, and a gateway to sports activities (primarily the baseball park to the north)."* And asked if there had been anything that has changed that statement. Mr. Brown responded that this addresses the desire to relocate the buildings (which is part of the conditions) providing the kind of focal point that was intended in Keizer Station. Recommendation is that the professional office building be moved so that it more directly relates to the park and the street, creating a more central focus. So this statement supports the recommendations and findings presented later in the report.

Page 9 – No comment

Page 10 – Regarding Findings: 2.119.02 Councilor Moir asked if the issue regarding the "proposed service station and automobile services uses" had been resolved. Mr. Brown responded that it had been resolved adding that this basically refers to the subdivision issues and the split between the 25% and 75% commercial/industrial uses. The automobile service components that are currently located at that portion of the site have to be counted as commercial and therefore adjustment must be made to the areas that are dedicated to industrial as specified in the EG zone vs. special permitted conditional uses. This is also addressed in the conditions. The applicant has indicated that they will work diligently with the city in this next week to make sure that commercial/industrial uses are clearly identified.

Regarding Findings 2.119.10 Development Standards Councilor Moir referred to the statement "Eight buildings or footprints do not meet these requirements" and asked if that had been corrected. Mr. Brown responded that if Council adopts the staff recommended variance then the buildings would be in compliance.

Pages 11 through 13 – No comment

Page 14 – Councilor Walsh inquired if this was where the increased width of Tepper Lane should be addressed. Mr. Brown responded that it would be appropriate, adding that particularly what is being dealt with is the ordinance, Keizer Station Plan and Development Disposition Agreement requirements.

When Councilor Walsh suggested specific verbiage for a bike path, Rob Kissler proposed a more general wording so that staff would have the flexibility to work with the developer on how this might be accomplished. He also asked Mr. Walsh if he wanted to address the pedestrian issue on Tepper. He noted that the developer had proposed that the pedestrians would be on one side of the street with an 8-foot walk, they could go both ways as pedestrians, but maybe the bicycles would be appropriately out in the street going eastbound and westbound. Councilor Walsh pointed out that this would be a designated bike route because it is going under Tepper and it could be a pedestrian route, but what he was trying to avoid was mixing the bikes with the trucks that would be using Tepper Lane.

<u>Councilor Walsh moved to add to the end of the existing sentence of the Findings under 2.302.03.D verbiage that Tepper Lane would safely accommodate bicycle and pedestrian traffic for both easterly and westerly movements separate from vehicular traffic. Councilor Moir seconded.</u>

<u>Motion passed unanimously as follows:</u>

<u>AYES:</u> Christopher, Gaynor, Smith, Walsh, Moir, and Lee (6)
<u>NAYS:</u> None (0)
<u>ABSTENTIONS:</u> None (0)
<u>ABSENT</u>: Taylor (1)

Page 15 – No comment

Page 16 – Councilor Moir verified that staff recommendation is a minimum of 2" caliper on the trees. Mr. Brown clarified that the recommendation is that the minimum size tree be increased from 1½" to 2" in keeping with industry standards because the survivability of smaller trees is very questionable. Staff has agreed that the larger trees should be placed anywhere that they would be subject to damage, such as parking lots, streets, sidewalks, etc. There may be some outlying locations where the smaller trees could be used. Councilor Moir asked if that was something Mr. Brown would work out with the developer. Mr. Brown responded that it would be done under specific site plan approval with the building permit application as long as the council is comfortable with the condition of increasing the size in areas where the trees would be subject to damage.

Page 17 – Councilor Lee referenced the findings for 2.303.6 asking when the parking area calculations would be determined. Mr. Brown stated that as part of the approval the developer would be required to supply all required documentation to be reviewed and approved by the Community Development office before they can proceed. Councilor Lee clarified that what is shown on the drawings for parking areas might not be accurate. Mr. Brown responded that he had been assured that it is accurate, but he had not been able to verify the counts and square footages so he is asking that the developer supply the documentation as part of the approval. He added that he believed that the drawings are accurate, but he does not have the documentation and there has not been time to actually count the spaces and divide it up.

Councilor Walsh noted that there are parking requirements for bicycles, compact cars and large cars but with all the greenery there are no special spaces for motorcycles. He added that he didn't know if that was important, but some places don't fill up spaces with planters so that multiple motorcycles can use a single spot. Mr. Brown stated that it was not currently a requirement of the development code. Mr. Walsh asked if it was the recommendation of staff that motorcycles take up a full parking space. Mr. Brown and Mr. Eppley stated that it was.

Councilor Lee inquired where the handicap spaces fit into the codes and numbers. Mr. Brown responded that they are specified in the building code and that would be taken care of with the building code requirements. There is a certain number specified for van-accessible vs. non-van accessible handicap stalls. Mr. Eppley added that it is calculated per 1,000 square feet of building space.

Page 18 – No comment

Page 19 – Councilor Moir referred to the first findings "Staff recommends that, due to the high volume of traffic, aisle width in parking areas be increased to the industry design standards of 24 feet." She asked if the industry design standards were not also the standards of Keizer's Development Code. Mr. Brown responded that the Development Code only specifies 22 feet and staff is recommending that it be increased to 24 feet.

Pages 20 and 21 – No comment

Pages 22 and 23 – Councilor Smith asked Rob Kissler if the Master Plan would have to follow NPDES Regulations that will be implemented once the permit is approved even though the Master Plan is being approved prior to the approval and implementation. Mr. Kissler responded that they would have to follow the regulations of the state that are in place at the time that they provide construction drawings for approval. An Erosion Control Plan will be required through the process and they will be required to get a permit from DEQ for their NPDS if they disturb 1 acre or greater.

Pages 24 through 31 – No comment

Page 32 – Councilor Moir asked when necessary replanting is done, what triggers it and how long it takes. Mr. Brown explained that the Development Standards require that "Landscaping shall be continually maintained. Appropriate methods of care and maintenance of landscaped plant material shall be provided by the owner of the property."

Page 33 – Mr. Brown stated that the first bullet under the findings of section 2.315.08.A should be changed. The developer is requesting that this bullet be removed. Mr. Brown stated the staff concern is not so much the traffic that comes from the west, it is the pedestrian traffic that will be generated in Area C and the concern was how to get those people into the pedestrian circulation system. There have been discussions with the developer addressing provision of adequate crossing mid-block between the two. Probably the biggest generator of cross traffic will be between those uses, not particularly from offsite. The need for pedestrian connection to Lowe's is probably not as great as it is between the uses within the site. Mr. Brown stated that he could support removal of the first bullet point as long as there is adequate connection provided internally.

Mayor Christopher moved to strike the first bullet point under the findings section 2.315.08.A. Councilor Smith seconded.

Motion passed unanimously as follows:

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

Councilor Moir referred to the sentence in the findings "Staff recommends modifications to the site plan to bring uses, such as hotel, restaurants, retail pads, parks, office building and plazas closer together and with an orientation to Radiant Drive." She noted that she assumed that discussion has taken place and the orientation is acceptable now. Mr. Brown responded that the developer has indicated that those changes are acceptable.

Councilor Smith moved to add appropriate connectivity between Anchor 1 and Anchor A. Councilor Walsh seconded.

Motion passed unanimously as follows:

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

Pages 34 through 37 – No comments

Page 38 – Councilor Smith mentioned that she thought all automotive services had been removed because it was determined that a bunch of cars sitting out waiting to be worked on would be inappropriate for the development. Mr. Eppley responded that car sales lots were not allowed. Mr. Brown added that auto repair shops were not allowed either and added that what is being proposed is automobile service, not repair. A gas station is allowed as a special conditional commercial use. They had indicated it as an industrial use so those issues will have to be worked out with them and they will have to show it as a commercial use.

Councilor Lee asked why car washes were inappropriate and Mr. Brown responded that they would be allowed as a commercial use and therefore has to fit into that balance between commercial and industrial uses. It is important to make sure that areas designated as industrial meet the criteria established in the zone.

Pages 39 through 41 – No comments

Page 42 – Councilor Moir referred to the findings under Pedestrian Circulation, Item C, "With amendments to the walkway system…" and asked if, with the changes that have been made, this finding is okay. Mr. Nate responded affirmatively.

Pages 43 through 45 – No comments

Page 46 – Councilor Moir referred to the findings for Crime Prevention and Security (Page 45) and the verbiage about parks isolated so they are not used in different areas and the open space on the far northeast corner and asked Mr. Brown to address those issues and whether they have been addressed with the developer to a satisfactory end. Mr. Brown explained that staff has determined that the park area currently identified as "Tower Park", which is in the corner of the site between the Target store and the freeway, does not meet the intent or criteria. Staff recommends the area be used for other amenities as needed in the development even including parking. This is a trade-off for increased amenities along the trail system to including, for example, seating areas or exercise stations. With the other two park areas shown on the plan, the area requirements are met, but the area in question has very little use for a park facility so staff recommends attention be given elsewhere. This is acceptable to all parties.

Pages 47 through 50 – No comments

Page 51 – Councilor Moir asked Rob Kissler if the language was strong enough that construction plans would be submitted in time for the pre-design conference. Mr. Kissler responded that typically what happens is that when/if the Master Plan is approved, a pre-design conference is held, construction plans are developed, and a preconstruction meeting is held with the proposed contractors. Ms. Moir added that she assumed that the fire department is brought in on the fire sprinkler line locations. Mr. Kissler agreed adding that they will be part of the pre-design conference.

Page 52 – Councilor Walsh stated that on Paragraph 15, the 35th language needed to be incorporated and on paragraph 16 the bike path language. Mr. Brown agreed with the bike path language but argued that these are conditions of approval, not statements of overall philosophy, so the 35th language may be inappropriate. Mr. Walsh agreed.

<u>Councilor Walsh moved to add to Paragraph 16 verbiage that Tepper Lane would safely accommodate bicycle and pedestrian traffic for both</u>

easterly and westerly movements separate from vehicular traffic. Councilor Smith seconded.

Motion passed unanimously as follows:

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

Councilor Lee asked if this would be where the entry/exit plan for the Volcano stadium would be inserted and if there had been any discussion on whether it was the responsibility of the developer, the City, or the Volcanoes. City Attorney Shannon Johnson replied that he was not aware of a requirement in the lease. The requirement in the lease had to do with not moving Radiant more than a certain number of feet to the west and that requirement has been met. The issue is the stadium egress and access being changed. Instead of a straight shot into the parking lot, the road is over on the side. He added that he assumed that the area under discussion is the extension directly north of where the new Radiant ends. The stadium arguably could get along with that by offsetting the same exit and people would make a right out and a left onto the new Radiant. With that being said, if council chooses, they could find the developer responsible for this issue. It was not discussed with the developer, their feelings on the matter are not known and the hearing is closed so it is up to the council to decide how they want to do that.

Mayor Christopher pointed out that there is still an obligation to get the cars out of the stadium in 30 minutes and the turns would slow them down, so the Council should include this in the plan. Mr. Johnson noted that he was unaware of a legal requirement to get cars out of the stadium in 30 minutes, it was a "goal". Councilor Walsh pointed out that currently there are two lanes of traffic able to exit the stadium, one going down Tepper the other going down Radiant, so it is not just the extension, it is how to move that volume of traffic through this development.

Mr. Kissler noted that Chris Stanly and Jerry Walker have had some good conversations on the issue of exiting Volcanoes Stadium. Tonight was the first he has heard of the three options and he indicated that he would like to review the options.

Councilor Moir moved that adequate access, meeting the needs of the stadium and the Keizer Station transportation plan shall be provided on Tepper. Councilor Gaynor seconded.

Councilor Smith asked if when the developer applies for building of the road, the reviewer would determine whether or not this meets the requirements. Mr. Kissler replied that it would give staff the flexibility to accept, deny or alter the proposal presented. Ms. Smith noted that there was some question as to whether it was the responsibility of the developer to do that section or not, and with Mr. Stanley taking on that job and going outside the area, she assumed that they are taking it on.

Motion passed unanimously as follows:

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

Page 53 through 55 – No comments

Page 56 – Councilor Moir moved that the first bullet under item 43, page 56, be eliminated. Mayor Christopher seconded.

Motion passed unanimously as follows:

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

Councilor Smith moved to add a bullet for appropriate connectivity between Anchor 1 and Anchor A. Councilor Moir seconded.

Motion passed unanimously as follows:

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

Pages 57 through 61 – No comments

Page 61 – Councilor Moir referred to the second paragraph on this page asking if the issue had been resolved. Mr. Brown responded that this is the same issue that the developer has committed to resolving and is all tied to the amount of space that has to be accounted for industrial vs. commercial.

Pages 62 through 65 – No comments

Page 66 –Mayor Christopher inquired if the street lights would be consistent with the lights on River Road. Mr. Brown responded that the specifications submitted are the acorn lights prevalent in the Urban Renewal District. He added that there was some discussion about the kind of pole used for the traffic signals. Mr. Kissler stated that some of the criteria that has been discussed with both developers in Area A and Area D is to try to remain consistent between the two areas. The acorn style is being considered with a glass lens to alleviate yellowing and 95% of the light being directed to the street. Black fluted aluminum style lights are being considered as well. Powder coated in black is being considered for the traffic signal poles. Additionally, instead of putting overhead mast arms, decorative lighting on the corners is being considered. He concluded that it is a work in progress with the goal being to remain the same as the proposed Chemawa Road. Mr. Brown added that some details have not been worked out, but the intent is that it shall be decorative lighting to match the rest of the district.

Pages 67 and 68 – No comment

Page 69 – Mr. Brown pointed out that as the details are worked out, information will be presented to council for approval. If there are slight modifications, Council will be made aware of them before any ordinance is adopted.

Page 70 – No comment

Page 71 – Councilor Smith questioned the wording at the end of the paragraph on Major Variance for "Anchor B": "Staff cannot support this variance request and therefore does not recommend approval of this request." She asked if Council is just accepting the staff recommendation. Mayor Christopher replied that unless someone raises an objection to it, the motion will be to accept staff recommendation.

Pages 72 and 73 – No comment

Page 74 – Councilor Gaynor questioned why the sign was going to be lowered to 50 feet. Mr. Brown explained that the obligation is to approve only the minimum variance necessary to accommodate the need, special circumstance or hardship. In considering the height of other approvals and particularly the language in the staff report created during the approval of the Volcanoes stadium sign variance that granted them the height, it was clear that the council at that time intended that that would be a standard that would carry over to other properties that had freeway frontage. The language was examined as well as the Woodburn sign which is 48 feet high and very visible and adequate for identification. Staff felt that it would be appropriate to be consistent with those others.

Mr. Gaynor replied that respecting previous councils and their intentions, he felt that at 68 feet it would be a big sign and if the city was going to put 1,000,000 square feet out there, attention should be drawn to it. This is not supposed to be standard, it should be big, exciting, and something that will pull people off the freeway.

Councilor Gaynor moved to leave the sign at 68 feet. Councilor Smith seconded.

Councilor Smith explained that the reason she was saying yes to this variance is because the Volcanoes Stadium sign is advertising one entity. The Keizer Station sign is for the entire complex and many stores will be represented. She suggested putting community events on the sign as well. Councilor Lee noted that he didn't have a problem with the 68 feet, but he struggled with the area of fairness and the code says 50 feet and Volcano Stadium followed that and it didn't seem fair.

Attorney Johnson explained that the Volcano sign was not a variance but a special code provision specifically for a stadium seating 4,000 people or more so it is a code provision. As Nate mentioned, however, the discussion at that time was that it was setting a standard. There is no reason that council has to abide by that. At that time the council elected not to wrestle with the entire issue and considered the stadium sign only. Mayor Christopher added that during her exparte contact with Jerry Walker he stated a preference that the sign not be larger than the Volcano sign. Councilor Walsh agreed that fairness is an important consideration but agreed with Councilor Smith adding that this is the gateway to the city. Mr. Brown pointed out that ODOT will have some jurisdiction in the matter.

Motion failed as follows:

AYES: Gaynor, Smith and Walsh (3)
NAYS: Christopher, Moir and Lee (3)
ABSTENTIONS: None (0)
ABSENT: Taylor (1)

Page 75 – No comment

Councilor Moir moved to direct staff to prepare an appropriate order approving the applications pursuant to conditions and findings set forth in this addendum and the additional addendum provided by Public Works and direct staff to work with the property owners on Aldene in the process for constructing a sound/sight obscuring wall along homes in Area B and the attached staff report as amended. Councilor Gaynor seconded.

Councilor Walsh inquired, in light of the different things that will be coming back in two weeks, preparations staff will be working on and legal issues, if it would be appropriate to vote on the motion in two weeks. Mr. Johnson stated that it was not appropriate because the motion is to direct staff to prepare an order, there is no final decision made with this motion. If the decision is generally acceptable then the vote can be favorable but the important vote will be on the final order.

Motion passed unanimously as follows:

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

d. RESOLUTION – Forming Trebber Estates (FKA Martin Addition) Street Lighting District

Rob Kissler reported that at the May 3, 2004 City Council meeting a Public Hearing was scheduled to consider a Resolution Forming and an Ordinance Spreading Assessments to Trebber Estates. A letter was received from Vera Martin requesting her parcels be removed from the district. The Council continued the Public Hearing and requested staff analyze the concerns raised in the letter. Upon review, it was noted that her lots were included in the original planning action and legally recorded sub-division plat. The City's Development Code requires installation of street lights. If Ms. Martin wishes lots 14 and 15 to be excluded from the Trebber Estates Street Light District, a new petition with 2/3 of the property owners signatures supporting the removal of her lots is needed before the City can take action. Staff recommends that Council hold a Public Hearing and after closing the Public Hearing, adopt a Resolution forming Trebber Estates (FKA Martin Addition) Street Lighting District and an Ordinance Spreading assessments to Trebber Estates (FKA Martin Addition) Street Lighting District with the inclusion of Lots 14 and 15.

Mayor Christopher re-opened the Public Hearing.

Seeing no one wishing to speak to this issue, Mayor Christopher closed the Public Hearing.

Councilor Moir moved to adopt Resolution R2004 Forming Trebber Estates (FKA Martin Addition) Street Lighting Local Improvement

District. Councilor Lee seconded.

Councilor Walsh questioned if all the lots were plotted as the same subdivision and that is the reason they are in the same lighting district. Mr. Kissler responded affirmatively adding that it would be possible if Council wishes, try to exclude the two lots by taking some other formal action. The street lighting district boundary could be changed. Shannon Johnson added that the subdivision has a very routine condition in it that a street lighting district be formed for the subdivision. It might be possible to interpret it as creating a street lighting district for the "main" part of the subdivision. Other developments sometimes occur where older lots are "not a part of" the subdivision and they are sort of partitioned off and the subdivision only includes the new homes. That did not occur in this case. Mr. Kissler directed Council to one of the exhibits, the subdivision map in the packet, showing a potential for future extension of Dale Avenue out to O'Neil Road. A significant parcel to the north could potentially develop.

Motion passed unanimously as follows:

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

ORDINANCE – Spreading Assessments to Trebber Estates (FKA Martin Addition) Lighting District (continued from May 3, 2004)

Councilor Moir moved to adopt a bill for an Ordinance Spreading Assessments to Trebber Estates (FKA Martin Addition) Lighting District. Councilor Smith seconded.

Motion passed unanimously as follows:

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

OTHER BUSINESS

Rob Kissler reported that there will be repairs done on River Road just north of Lockhaven along the 7-11 property on the east side of River Road because of dissatisfaction with the work of the contractor. Repairs will begin Wednesday nightabout 7:30 p.m. It should be a one-night process. Property owners and businesses in the area will be personally contacted.

ADMINISTRATIVE ACTION

RESOLUTION –

City Attorney Shannon Johnson reported that John Lien has been working together with Rob Kissler and Bill Peterson to acquire a piece of property on the north side of Chemawa, just this side of the Verda intersection for the realignment and expansion on the Chemawa Road

Ratifying the City Manager's Agreement to Purchase Property Along Chemawa Road NE, Keizer from Dorothy Crooks

project. Agreement has been reached. Normally permission is secured from Council before an agreement, but in this case it needed to get to the Title Company quickly so City Manager Chris Eppley signed the agreement subject to a condition that it is ratified.

Councilor Moir moved to adopt Resolution R2004 Ratifying the City Manager's Agreement to Purchase Property Along Chemawa Road NE, Keizer, Marion County, Oregon from Dorothy M. Crooks.

Councilor Smith seconded.
Motion passed unanimously as follows:

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

b. RESOLUTION – Authorization for Resolution Transfer

Susan Gahlsdorf presented the Resolution Transfer to move six items from General Fund Contingency: Baseball Stadium Program Contingency, Public Education Government Fund Contingency, 9-1-1 Fund Materials & Services Contingency, Utility Fund (Sewer) Materials & Services Revenue, Utility Fund (Sewer) Capital Outlay Contingency and the Street Lighting District Fund Capital Outlay Contingency to comply with the Oregon Budget law. Staff recommends that Council adopt the Resolution.

Councilor Moir moved to adopt Resolution R2004 Authorization for Resolution Transfer. Councilor Gaynor seconded.

Motion passed unanimously as follows:

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

CONSENT CALENDAR

A. **RESOLUTION – Authorizing City Manager to Enter Street Sweeping Contract Amendment**
B. **RESOLUTION – Adoption of Certain Personnel Policies (Insurance Program, Smoke Free Work Place, Safety and Health, and Health Insurance Portability and Accountability Act)**
C. **RESOLUTION – City's Election to Receive State Revenue**
RESOLUTION – Certifying the City of Keizer Provides Four or More Services
D. **RESOLUTION – Certifying Delinquent Sewer Accounts**
E. **Keizer Mart Liquor License** – Change of Ownership/Addition of Partner
F. **Approval of Minutes of May 17, 2004 Regular Session**
G. **Approval of Minutes of May 24, 2004 Work Session**

Councilor Smith pulled Item B, Councilor Moir pulled Item F.

Councilor Moir moved for approval of the Consent Calendar items A, C, D, E and G. Councilor Lee seconded.

Motion passed unanimously as follows:

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

Referring to Item B, Councilor Smith directed Councilors to an e-mail she had sent Dianne Hunt, Human Resources Director, regarding some of the policies. She questioned if policy committee should review her e-mail before approval. The policy in question was Section 100.00 – Safety and Health.

Councilor Walsh moved to Approve the remaining policies: 30.600 - Insurance Programs, 30.800 - Health Insurance Portability and Accountability Act (HIPAA) and 100.300 – Smoke Free Workplace. And that Section 100.000 – Safety and Health be referred back to the Policy Committee for further review. Councilor Gaynor seconded.

Personnel Director, Dianne Hunt, pointed out that the references in Councilor Smith's e-mail are actually part of the safety manual. OSHA requires programs relating to a variety of different topics and those in the subject e-mail are part of the OSHA requirements and located in the Safety Manual. Councilor Smith replied that some changes consisted of modifications and additions to sentences. Ms. Hunt noted that the next meeting was scheduled for Wednesday June 23.

Motion passed unanimously as follows:

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

Referring to Item F of the Consent Calendar, Councilor Moir pointed out that on the Minutes, page 4 under the Mayor's Association Newsletter, Mayor McArdle's name was misspelled and should be corrected.
Councilor Moir moved for approval of the May 17, 2004 City Council Regular Session Minutes as corrected. Councilor Walsh seconded.

Motion passed unanimously as follows:

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

WRITTEN COMMUNICATIONS

Deferred to next meeting.

AGENDA INPUT

July 6, 2004 (Tuesday)

7:00 p.m. City Council Regular Session

- Water Rates/COSA
- IBP Zone – Text Amendment
- Pavement Management Program

July 12, 2004

12:00 p.m. City Council Work Session

July 19, 2004

7:00 p.m. City Council Regular Session

- Review of City Noise Ordinance – Variance Process

ADJOURNMENT

Mayor Christopher adjourned the meeting at 11:08 p.m.

APPROVED:
AYOR:

Debbie Lockhart, Recording Secretary

Lore Christopher

COUNCIL MEMBERS

Councilor #1 – Judy K. Smith

Councilor #4 – Jacque Moir

Councilor #2 – Michel Gaynor

Councilor #5 – Richard Walsh

Councilor #3 – Charles E. Lee

~ Absent ~
Councilor #6 – James Taylor

Minutes approved:

AGENDA ITEM 9h

Approval of June 21, 2004 Regular Session Minutes

July 19, 2004

MINUTES
KEIZER CITY COUNCIL
Monday, June 21, 2004
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

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

Present:
Lore Christopher, Mayor
Jacque Moir, Council President
Judy K. Smith, Councilor
Richard Walsh, Councilor
Chuck Lee, Councilor
Michel Gaynor, Councilor
Crisel Perez, Youth Councilor

Staff:
Chris Eppley, City Manager
Shannon Johnson, City Attorney
Dianne Hunt, Human Resources
Rob Kissler, Public Works
Nate Brown, Community Development Director
Chief Marc Adams, Police Department
Susan Gahlsdorf, Finance Director
Tracy Davis, City Recorder

Absent:
Jim Taylor, Councilor

FLAG SALUTE Flag salute was led by Girl Scout Troop 258 representatives Marissa Foster, Whitney Asher and Becka Cross.

PUBLIC TESTIMONY *Kim Thatcher, 1724 Chemawa Road NE, Keizer*, the Republican candidate for House District 25, introduced herself and encouraged voters to contact her at 503-932-1291 or through City Hall e-mail to voice their opinions or just to get to know her.

Clark Williams, 1050 Rafael Street, Keizer, Chair of the Parks Advisory Board first thanked Council for their support in the budget process and reported on improvements in the parks. Activities planned are a 3-night Summer Slam Dunk with Keizer Youth Basketball Association in

July and a 5-year celebration for the Carlson Skate Park sometime in August. Additionally the Parks Advisory Board extended an invitation to Council members for the Parks Tour and Barbeque in August and encouraged members to determine a convenient date and contact him. Council set a tentative date of August 10 at 5:30 pm.

Garry Whalen, P.O. Box 21088, Keizer, member of Parks Advisory Board reported that last month Dr. David Brauner, Professor of Archeology from OSU spoke to the Board regarding the Wallace House and informed members that Wallace house would represent some of the earliest historic data in the Willamette Valley. He has made a site visit to River's Edge Park and is planning on coming back for a "test pit" in August. Dr. Brauner will be at the July meeting to give more information.

Additionally, Mr. Whalen, presented a brief history of Pleasantview Park and Ben Miller and asked Council to consider holding a Public Hearing in August to rename Pleasantview Park to Ben Miller Park.

Public Hearing was set for August 2 Council Meeting.

Councilor Walsh suggested that neighbors within 250 feet of the park be notified of the proposed name change by mail and by posting a sign in the park. City staff agreed to do this.

Marissa Foster, 1211 Mandarin Street NE, Whitney Asher, 7576 Zinfandel Court N., Katie Valcuredna, 6084 Palm Tree Court NE, Becka Cross, 6708 14th Avenue, all from Girl Scout Troop 258 explained that they are working towards completing the steps toward earning the Bronze Award, which is the highest award they can earn as Junior Girl Scouts. They asked permission to plant flowers at the two entrances to Willark Park.

Councilor Walsh moved to suspend the rules in order to make a motion to allow the girls to plant flowers at Willark Park. Councilor Gaynor seconded.

Councilor Smith noted that she would abstain on the vote because Marissa Foster is her daughter.

Motion passed unanimously as follows:

AYES: Christopher, Gaynor, Walsh, Moir, and Lee (5)
NAYS: None (0)
ABSTENTIONS: Smith (1)
ABSENT: Taylor (1)
Councilor Walsh moved to grant permission to Girl Scout Troop 258 to

plant flowers in Willark Park. Councilor Gaynor seconded.

Motion passed unanimously as follows:

AYES: Christopher, Gaynor, Walsh, Moir, and Lee (5)
NAYS: None (0)
ABSTENTIONS: Smith (1)
ABSENT: Taylor (1)

COMMITTEE REPORTS

a. Keizer Police Department Award to Jose Troncoso

Chief Marc Adams noted that the Keizer Police Department relies heavily on volunteers and he wanted to take the opportunity to recognize someone who had volunteered for the KPD over the years. He gave a brief history of Jose Troncoso and the areas which he has helped the department. He concluded thanking Mr. Troncosa and presenting him with a gift.

b. PROCLAMATION Support of Tourism in Marion and Polk Counties

Mayor Christopher read a Proclamation in Support of Tourism in Marion and Polk Counties. She noted that the Support Summit will be held on Wednesday, June 23, from 2 to 4 pm. at the Red Lion. Mayor Christopher encouraged Council members to attend.

Volunteer of the Quarter Award

Because the recipient of the award was not in attendance, Council agreed to wait until the next meeting to present the award.

d. Appointment to Keizer Urban Renewal Board

City Manager Chris Eppley reported that on February 2004 the 3-year term of Greg Rands expired on the Keizer Urban Renewal Board. At the June 10, 2004, Volunteer Coordinating Committee meeting, it was unanimously recommended that Mr. Rands be reappointed for another 3-year term on the board. Mr. Rands was not in the audience to accept the award.

Councilor Moir moved to accept the recommendation of the Volunteer Coordinating Committee and reappoint Greg Rands to an additional 3-year term on the Keizer Urban Renewal Board.

Councilor Smith seconded.

Motion passed unanimously as follows:

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

d. Salem Sewer Agreement Update

Tim Gerling, City of Salem Public Works Director updated Council on sewer rates for the coming year and distributed and reviewed a handout covering points that would be of interest to Keizer residents. He noted that the rates have not been adopted and a Public Hearing is scheduled for July 12 and explained the CIP and requirements for various projects.

PUBLIC HEARING

a. RESOLUTION – Authorizing the City Manager to Enter Into Transaction for Sale of City Owned 20-foot by 85-foot Strip on Allendale Avenue to Phyllis Dinsmore

City Attorney Shannon Johnson explained the legal requirements for selling public land adding that those requirements had been met and reviewed the location of the property.

Mayor Christopher opened the Public Hearing. Seeing no one wishing to speak to Council on this issue, she closed the Public Hearing.

Councilor Moir moved to adopt Resolution R2004 Authorizing the City Manager to Enter Into a Transaction for the Sale of City-owned 20-foot by 85-foot Strip on Allendale Avenue to Phyllis Dinsmore.

Councilor Lee seconded.

Motion passed unanimously as follows:

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

b. RESOLUTION – Adoption of 2004-2005 City of Keizer Budget, Making Appropriations, and Imposing and Categorizing Taxes

Finance Director, Susan Gahlsdorf, summarized the process which the Budget Committee went through to review and approve the Manager's Recommended Budget as amended. Staff recommendation is for Council to open a Public Hearing, deliberate on the budget, and finally approve same. Ms. Gahlsdorf reviewed items that had come to light after approval:

1. During Urban Renewal Budget hearings Dr. Jerry McGee, representing the Points of Interest Committee, proposed that $11,445 for signage be taken out of Urban Renewal. Because approximately $5,000 worth of these signs are outside the Urban Renewal District, it is recommended that $5,000 be budgeted in the street fund to carry the City's portion of that cost.
2. Staff recommends a change in the Water Fund: $14,700 was budgeted in materials and services for computer equipment and duplicated in capital outlay. The change would increase the fund balance to $343,700.

Mayor Christopher opened the Public Hearing on adopting the 2004-2005 City of Keizer Budget and making Appropriations and Imposing and Categorizing Taxes.

Jerry McGee, 1030 Ridgepoint Street NE, Keizer congratulated the Budget Committee for the effort made in the budget. He added that in his opinion the budget could still be improved pointing out the $2000 designated for the after school program and noting that approval of this item would be approval of a social type activity which is a significant departure from the unwritten philosophy of the City. He concluded that even though the budget was "in the black" these $2000 items could change that.

With no other testimony, Mayor Christopher closed the Public Hearing.

Councilor Moir moved a motion to remove the $2000 for the Power Program from the 2004-2005 Budget. Councilor Smith seconded.

Councilor Moir noted that she agreed with Mr. McGee and the understanding when this was put in the budget the first time was that it would be only for one year. Councilor Smith echoed Councilor Moir.

Councilor Lee stated that he was in support of leaving it in the budget because of the disparity in what is happening in the Salem school district. He noted that programs like this are struggling and with just a little support from the community, they can leverage the monies into more funds for the program. He concluded that he supports it for this year only and does not support continuing it from year to year. Councilors Gaynor and Walsh agreed with Councilor Lee.

Motion failed as follows:

AYES: Smith and Moir (2)
NAYS: Christopher, Gaynor, Walsh, and Lee (4)
ABSTENTIONS: None (0)
ABSENT: Taylor (1)

Councilor Moir moved to adopt Resolution R2004 Adopting Fiscal Year 05 Budget, Making Appropriations, and Imposing and Categorizing Taxes. Councilor Lee seconded.

Motion passed unanimously as follows:

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

c. Keizer Station Master Plan – Area A

Mayor Christopher opened the Public Hearing for the Addendum Keizer Station Master Plan – Area A.

City Attorney, Shannon Johnson, stated that the applicable criteria for the quasi-judicial case is set forth in the staff report, but because the staff report was lengthy he would not be reading it, however, copies were available. Hearing no objections to not reading the entire list of criteria, they were considered waived. He continued that testimony and evidence directed toward the criteria in this application must meet those set forth which apply to the decision. Failure to raise an issue accompanied by statements or evidence sufficient to afford the Council and the Parties an opportunity to respond to that issue precludes appeal to Land Use Board of Appeals based on that issue. He asked if there were any objections as to notice, opportunity to be heard, jurisdiction, conflict of interest, or bias or prejudice of the Councilors. If so, they should be raised at this time. If there are any exparte contacts or bias that need to be disclosed they should be disclosed at this time. There was no response to this. Mr. Johnson noted that the entire Community Development file in addition to the documents before the Council is before the Council for review and is considered placed into the record without objection.

Community Development Director, Nate Brown pointed out that the composite drawing includes the transportation system, landscaping plan, street lighting, and plans for the plazas including the tree retentions. It does not have the subdivision or signage requirements which are under consideration.

Mr. Brown called attention to:

1. A memo dated June 21, 2004, from Public Works Director, Rob Kissler, which should be added as an addendum to the conditions that are already identified as an addendum/cover to the staff report.
2. A memo submitted by Oregon Department of Transportation. He pointed out that Dan Fricke was in the audience and would be willing to answer questions.

Mr. Brown noted that the application consists of four separate applications: (1) The Master Plan, (2) the Subdivision required to divide the parcels, (3) the Setback Variance for some of the buildings under consideration, and (4) a sign variance. Keizer Development Code allows these to be rolled into one decision for ease of processing.

Mr. Brown stated that the application represents a positive representation of some great assets to the community with many amenities such as plazas, a trail system, and landscaping which will take place with both the public and private development of the facility. What is proposed is almost 1,000,000 square feet of commercial and industrial space representing some significant and complex issues.

Rather that review all 68 conditions of the staff report and addendums, Mr. Brown presented a major overview of the four different applications and the issues addressed through the conditions. The Master Plan is significant. Staff has tried to insure that amenities proposed are those required, and that some aspects and impacts to neighboring properties are addressed such as a sight and sound obscuring wall to be constructed between the residential properties and that of Area B. Mayor Christopher pointed out that, because the sight and sound obscuring wall for Area B has to do with the transportation system that is benefiting Area A, it was being addressed this evening. Mr. Brown confirmed this and noted that Area B will undergo a Master Plan process which will be submitted as the areas are developed.

Continuing, Mr. Brown pointed out that in regards to the subdivision, there were concerns over compliance with area requirements in the EG zone which specifies a complex balance between commercial and industrial properties. The southwest corner of the parcel had been shown as industrial but included the car wash and service station which are not listed as industrial uses but as commercial. The developer has indicated that they will modify the conditions presented. Mr. Brown noted that he is confident that the issues will be worked out on the subdivision in a manner that will legally comply with all the requirements of the zone for that balance of commercial/industrial. Basically that requirement would be that some of the small lots on the proposal would have to be combined with other lots in order to comply with requirements.

Mr. Brown noted that the applicant has submitted a request for major variance for yard setbacks. The justification for the variance in most cases is because the Master Plan requires that they accommodate the eventual build-out of Radiant Drive with the subdivision, and they dedicate the right-of-way necessary to accommodate that eventual build-out. That extra wide right-of-way width placed a burden on the developer for developable space. Extra-large setbacks required by the EG zone are not necessary because only the road width necessary to accommodate the foreseeable future traffic through the year 2008 is being built. Staff supports the request for a variance with the exception of the request from tenant space B. This request is to surround the building with a drive-through, but staff recommends that that aspect of the request be denied.

Mr. Brown then addressed the Sign Variance Request which would apply throughout the entire development adding that staff supports the approach they have granted. They are basically limiting the amount of free-standing signage throughout the development and staff feels that is an appropriate trade for granting additional height and area on an identifying sign to the development. However, staff is recommending that the height of the sign be limited to the same height as the Volcano Stadium and Woodburn Mall signs. Mr. Brown added that the developer is agreeable to this.

Mr. Brown noted that one of the conditions staff recommends is that the circulation system, particularly the pedestrian system, be amended to better connect it to the remainder of the pedestrian transportation. Staff recommends that the west side of the new road "A" have an additional sidewalk installed. Developer will address this issue with the Council because they feel there are some significant constraints by the railroad tracks which present safety problems and it is questionable how much pedestrian traffic there would be in the area because there is pedestrian circulation along Radiant Drive as it connects to Lockhaven. Other conditions are acceptable to the developer.

Councilor Moir asked if the points brought up in the ODOT letter had been reviewed. Mr. Brown responded that ODOT has reviewed this carefully and indicated that they are supportive as long as the documentation has been submitted, it complies with all state requirements and all state-required permits have been obtained.

Chris Eppley thanked ODOT, Dan Fricke and Tony Martin specifically, for their responsiveness in working through this and getting a comment to the City in a timely manner.

Councilor Smith questioned if there was room to expand the road in the future if the variance for setbacks is approved. Mr. Brown responded that the right-of-way required now is for the eventual build-out, so with this approval all right-of-way necessary will be established. Setback would be reduced from 20 feet to 10 feet so there would not be a sidewalk next to the building.

Councilor Lee questioned if the lease with the Volcanoes had been checked pertaining to requirements regarding Radiant Drive. City Manager Chris Eppley responded that contact has been maintained with the Volcanoes over the last four years regarding this project and he has no doubt that they would be willing to work with the City on future alignments.

Councilor Lee asked for additional explanation on Road C. Mr. Brown responded that Road C is necessary to provide internal circulation. By establishing Road C, a portion of land was carved off some parcels. If establishing Road C, a portion of land was carved off some parcels. If that is a public right-of-way, it creates a parcel that does not meet the dimension or area requirements of the EG zone because of size, depth or width requirements. City Manager, Chris Eppley, followed up that the reason it is developed on a public easement as opposed to right-of-way, is that allows them to retain ownership of the ground and count that area as part of a lot size so it remains in one parcel. The road that will be built will feel like a public road and the City will maintain ownership and maintenance of it.

Chuck Sides, 2555 Hollywood Drive, Salem, complimented staff on all the hard work that has been done on the project and added that it was his hope that the Council will vote to move forward because time is of the essence and the concept has to be approved in order to meet the next movement forward.

Jeff Benner, 5000 SW Meadows Road, Suite 430, Lake Oswego, the designer of the master plan explained that what has been done over the last four years is a culmination of a lot of hard effort:: a site plan that takes into account everything that has been addressed in the Keizer Master Plan requirements and criteria created by the developer and others. There are two (and possibly three) tenants who are signed and ready to move forward on this project with many to follow.

Councilor Gaynor inquired as to the location of the sign. Mr. Benner showed him the location on the map and continued that in the first Urban Renewal hearing it was located in a different location, but it has been moved away from the park and is being treated as an identifying sign element.

Councilor Moir questioned Tepper Lane and the pedestrian underpass, the landscaping along the back of the buildings, and access points for pedestrians that would be using Tepper to get to the stores if they didn't want to come down to the proposed realignment of Radiant Drive.

Mr. Benner responded that he was not sure of exactly what the future plans are for the PGE property but concerning the area of the entertainment/sports facilities, they are in planning, with every effort being made to make good pedestrian connections to the baseball field and the anticipated entertainment. Concerning Tepper Lane there is an underpass under the railroad tracks. Pedestrians will border along an 8-foot sidewalk eastward, pass a loading area and be connected into the front of "Major One" where they can actually traverse to "Anchor 2" and "Anchor 1" or they connect to "Majors 2, 3 and 4". There are other connections that move laterally throughout the site to the shops buildings and those buildings across the street.

Councilor Smith noted that with the orientation of the buildings the Keizer Stadium and a future entertainment sports complex will be looking at the back of buildings (blank walls, loading docks, garbage bins, etc.). She asked if landscaping was planned to make it more attractive.

Mr. Benner responded affirmatively and showed some different pictures. He added that there will be a significant amount of articulation and undulation in the building wall, variation in heights and tower-like elements, 12-foot screen walls, character-adding details and landscaping.

Councilor Walsh asked what Tepper would look like at completion. Mr. Benner replied that it would have a ¾ street improvement so on the south edge there would be a finished street with the bike lane, landscaping, and an 8-foot sidewalk, but it would not be improved on the north side. Mr. Brown added that the conditions require only the south side of Tepper to be fully improved. The cross section of Tepper is ¾ width, constructed at collector street standards to accommodate anticipated heavy truck traffic, but at this point there is no requirement to complete the other half of the street until that side develops.

Councilor Walsh noted that if the north side of the street would not have a bike lane until development occurs, bikes would have to use the other side going either direction. Mr. Brown responded that Tepper lane will be closed off to through traffic. Mr. Walsh pointed out that it would be designated for bikers and go through for bikes and since there are loading areas, there will be trucks. Rob Kissler stated that it is legal for a bicycle to ride on a 12-foot lane going westbound toward Tepper. There will be a transition at the end of Tepper Lane on the westernmost portion for a turnaround to accommodate emergency services. The transition will also allow for bicycles and pedestrians to continue west under Tepper Lane. Currently development code standards do not require improvements on the north side of Tepper Lane. Additionally, at the time of the construction of Volcano Stadium the city constructed a gravel walking path on the north side of Tepper to give pedestrians an opportunity to stay off the roadway. Mr. Kissler added that he would not want to lead Council into thinking that there was ever going to be any development on the north side of Tepper, at least on the frontage of the BPA because he does not anticipate that use being changed any time soon. It is unfortunate that when the BPA developed that years ago that they weren't required to do some frontage improvements. So the short answer is that they are not required to construct a bike path, but if Council wishes, there may be some ways to do that with other funding and incorporate at least a bike path on that side. It would take some work with utility relocation and a property owner who would be willing to work with the city on placing that bike path along a potential part of their frontage.

Mr. Walsh added that if this is the area we are encouraging everyone from the Gubser neighborhood to come into via alternative transportation, there should be a safe way to return home, especially with truck traffic. He encouraged exploring the completion of the route through whatever means available.

Responding to questioning from Mr. Eppley, Mr. Brenner said that he thought the 8-foot sidewalk on the south side of Tepper Lane was dedicated right-of-way and a 12-foot sidewalk could be built which is the ODOT standard for a multi-use path in that area. This would take care of the bike lane issue.

Mr. Benner requested approval of the Master Plan and the subdivision map with the caveat that he will work closely with staff for the next four days to make sure that a subdivision map is created that is acceptable to the city. Although they would like to be granted the variance on Anchor B, with respect to all the conditions for approval including the signs, they are in favor of the compromise. Mr. Benner noted the concern over pedestrian traffic coming eastbound on the north side of Chemawa where they cross Road A and move northerly. Nate Brown had suggested providing the pedestrian connection adjacent to the railroad tracks on the west side of Road A as a direct connection to Anchor 1. Mr. Benner stated that his firm believes that people coming from Lockhaven/Chemawa will use Radiant. This sidewalk will provide direct access to the center. It is thought that the sidewalk in question would not have high usage. Other sidewalks could be provided on the south side, but conditions from ODOT and the railroad prevent necessary crossings. It is also anticipated that northbound pedestrians would drop down into the project along the south side of Anchor A. In conclusion, Mr. Benner stated that a link can be provided that will connect Anchor A and Anchor 1.

Chris Stanely, Kittleson & Associates, 610 SW Alder, Portland, stated that the pedestrian crossing details will be worked out with the City and ODOT. There are many components and factors that come into play. The original plan was right-in right-out movements which did not allow pedestrian crossings across Chemawa. To cross, pedestrians will currently cross in different locations. A diagonal crossing is being evaluated. Typically they are done where there is an "all pedestrian" phase at a signal so pedestrians can cross at both 90° and 45° angles but it is definitely a design-specific solution for this project. Mr. Brown added that staff has not considered or evaluated any of the details of such a proposal.

Mr. Stanley continued addressing the bikeway on Tepper Lane. He described the character of Tepper Lane as a dead end street so the volumes will be low. From this standpoint there should be flexibility to provide bicycle facilities including a multi-purpose path. Another option would be no striping on the street with cars and pedestrians sharing the same travel way.
Council recessed for 10 minutes.

Public Testimony

Ross Day, 7831 St. Charles Street NE, Keizer objected to procedural issues: (1) with regard to jurisdiction, he will reserve the right to raise the issue on further appeal and (2) during the last recess he witnessed numerous exparte contacts which were not declared on the record immediately upon session reconvening as required. He then disclosed that he is privileged to serve on the Keizer Planning Commission and that during the planning process of this development, he was arguably, outside of the developer, the biggest proponent of the Keizer Station Plan and he still is. However, he did not attend the meeting in his capacity as a Planning Commissioner. Instead he attended as attorney for Robert and Marilyn Lowery, property owners alongside Chemawa Lane. They own 5 or 6 tax lots which are within the scope of this Master Plan. Mr. Day submitted a letter outlining the issues and concerns. He noted the Keizer Development Code is very clear; it states that the only people who can apply are the property owners or their agents, authorized agents, or a successor in interest. The applicants are neither. This application is not properly before the council today. The jurisdictional question is also an issue of criteria because part of the criteria for submitting an application requires the submitter to be a proper applicant. Mr. Day directed Council to the *Johnston vs. City of Albany 34 LUBA 32, 1998* Case which has nearly identical facts. A Master Plan by developers was submitted to the City of Albany; the city approved it; but it included some property which was not owned by the developers at the time and, as a result, the LUBA reversed and remanded the decision. The Lowerys still own their property despite the condemnation threats that are being levied against them. They have lived there since 1946 and operated the nursery for 30 years. They are not the applicants here today, but the application involves their property. Accordingly, this application should not have been accepted and is not properly before the council.
Mr. Day stated that his concern is not only with the process but also with the rights of the Lowerys. The reason for the haste in moving this application forward is that within 7 days of June 30th the developers

can request the Keizer Urban Renewal Agency to institute condemnation proceedings, presumably against the only two property owners who have not sold. He believed this inappropriate use of the condemnation authority which is a tremendous authority and should not be used lightly. Mr. Day represented that the he and the Lowerys would fight this as long as they have to. It is a simple matter of fairness to the Lowerys. The matter is not properly before the council and the council does not have the authority to approve it. Although it may be approved, an appeal will be filed and it will be back before the Council.

Councilor Smith mentioned that she was at the nursery a year ago and the two gentlemen who sold the plants to her indicated that they were leasing or buying the business from the Lowerys. She noted that last summer Mr. Lowery was not there and questioned if he had leased or sold the business. Mr. Day responded that to the best of his knowledge Mr. Lowery still owns the nursery.

Councilor Walsh asked Shannon Johnson about declaring exparte contacts or any contacts. Mr. Johnson responded that the hearing was recessed technically and it probably should have been held more as a joint discussion. He suggested that if any Councilor speaks, the exparte contacts should be declared. He explained that an exparte contact would be anyone (including another Councilor) who was spoken to as well as the nature of it. The reason for that is that theoretically during the break all members should have left the room and not discussed the issue, but it makes the most sense to get up and look at the pictures and, while people are standing around, talk about what you see in the pictures. Technically, however, that is an exparte contact because the record is not open and the tape is not running. To just say you had the exparte contact is not enough, because objectors don't know what you learned from that and cannot make appropriate rebuttal. So he suggested that Council members declared them and put them on the record at this time.

Councilor Moir declared two exparte contacts:
1) Joel Stein of the Keizer Fire Department discussing Tepper Lane and the turnaround for the fire vehicles to see if that met their standards and he informed her that they did.
2) Jerry Walker of the Keizer Volcanoes; discussing future possibilities for the development of the area north of the area being reviewed tonight and accesses into that area. She did not finish the conversation because she brought the City Manager in and left.

Councilor Walsh declared the following exparte contacts:
1) Jerry Walker regarding Tepper Lane and some improvements there;

2) Mr. Jensen discussing and pointing at the sign and expanding the path to 12 feet. Mr. Jensen had commented about the expense of adding an additional 4 feet and that was discussed.
3) Mayor Christopher and Jerry Walker joined the conversation with Mr. Jenson and they all tried to figure out how big 68 feet was because the height of the sign is 68 feet. They were outside trying to compare different trees measuring them against the 10-foot tall basketball hoops and trying figure out how many basketball hoops it would take and came to the conclusion that the second tree next to the white house is probably closest to 68 feet so that would be about the size of the sign.
4) Mr. Gaynor and Mr. Lee about the path and sign.
5) Joel Stein with the Fire Department who mentioned Tepper Lane and how it would be nice to find an alternative path for fire trucks to get to the back side of the Keizer Station, perhaps under the underpass which was an idea that he proposed several months ago.

Mayor Christopher stated that she participated in the tree discussion.

Councilor Gaynor stated that his exparte contact was with:
1) Chris Eppley after he finished talking about the traffic patterns by Station A. Mr. Gaynor stated that he had an area where he liked to walk his dog and he wanted to know if it would be possible to get a path up to the corner so he could go across the street heading north and connect to the same bicycle path that now goes under because he didn't want to go down the hill and back up again, and he thought others might feel the same. However, Mr. Eppley had informed Councilor Gaynor that if that was done, the pedestrians would interfere with the traffic flow on Chemawa Road because they would be pushing the button. Councilor Gaynor asked if the pedestrians could be ignored and Mr. Eppley had said no, there has to be a button for a pedestrian walkway.
2) Chris Stanley with Kittleson discussing the 68-foot sign and that he liked the sign.

Councilor Smith declared one exparte contact with former Councilor McGee with discussion centering on the Budget.

Councilor Lee declared that he wandered around listening to everyone but his exparte contacts were with:
1) Richard Walsh taking part in the tree debate regarding the sign.
2) Former Councilor McGee and Councilor Smith with some mention as to how many people were going to be speaking at the Public Hearing this evening.
3) Larry Epping who stated he was here to learn more about it. They

spoke about how exciting the project is.

4) Councilor Gaynor and Shannon Johnson regarding the location of the sign.

City Attorney Shannon Johnson encouraged anyone in the audience, including Mr. Day, to question the councilors on their exparte contacts

Jim Shomeyer, 2328 Aldene Court NE, Keizer stated he attended the meeting to get clarification on the site and boundary wall that will be along the property lines on Site B, the entrance road of the project. He also wanted to know how tall it would be and questioned what would be done with the sewer cleanout behind the property because it affects his property value.

Nate Brown explained that the wall would be at the rear of all of the residential properties that abut Area B and that it is the desire of the City to work with the property owners adding that, because Radiant Drive is depressed, the need for the wall might be better addressed by working with individual property owners. Those details have not been defined specifically. Council might wish to direct staff to work with individual property owners abutting the rear property line, which staff would be willing to do.

Mr. Brown continued that the wall depends on site characteristics: the ones along the freeway are higher than something within the city. Mr. Shomeyer added that he wanted to have input regarding the wall because some residents will have lights coming into the back of their house, as well as sound pollution and foot traffic. Originally it was supposed to be a landscape barrier rather than a wall, which he didn't like either. Some neighbors like the wall idea, but he noted he couldn't speak for all of them.

Mr. Brown explained that the Development Code requires that lighting be directed away from residences, so that issue will be addressed. When the Master Plan is developed for that area, the lighting will be considered. Regarding the landscape buffer vs. the wall, the landscape buffer typically does not attenuate sound very well, and the concern has been for the privacy. There will be a large amount of traffic on Radiant so a wall is being required. Details of the specific wall will depend on a lot of factors. Contact with the landowners will come at the direction of Council.

Councilor Smith noted that a wall of this nature was an effective means of blocking sound. The Lockhaven Sound wall (10-12 feet high) might be a good example for Mr. Shomeyer to look at. Chris Eppley added that because the site has unique characteristics and the road will drop below ground level for a significant portion, the wall might have less impact in some areas than others, so the site will need to be evaluated specifically and property owners consulted. The City does not want to build more wall than necessary but wants to assure residents in the area that they will be protected from sight and sound.

Jerry Walker, 6604 Rimrock Court NE, Keizer with the Salem-Keizer Volcanoes noted he had no idea he was involved in exparte contacts. He added that he has had a lot of discussion with the developers and he commended them for their work. He added that much work has been done to get people out of the Volcano Stadium parking lot and onto the roads that go through the development. The drawing presented will not work. Because of this he has met with the developer several times over the last month and they have come up with three very good alternatives, two of which are very good. None of these alternatives are shown on the map although he understood that the developer intended to include it. He encouraged the developers to present the plans and added that this would be an appropriate time to see how people would be directed out of the stadium. The current drawing shows only one lane of traffic leaving Volcano Stadium and that created his initial concern which led to the discussions with the developers. Mr. Walker concluded that the developers have developed a couple of good workable plans and encouraged Chris Stanley could speak to that point.

Chris Stanley joined Mr. Walker and reported that, based on meetings with the Volcanoes, a few sketches were provided to Jerry Walker to review to ensure that the stadium will be able to accommodate the games and other special events and that people will be able to easily and efficiently get in and out. Radiant Drive was evaluated and additional capacity was added specifically to accommodate stadium events. The next question was with Radiant Drive being realigned, how would it connect to the stadium. Several alternatives were developed to be evaluated. Because there are several factors that must go into that evaluation, such as utilities and plans for the area to the north, Mr. Stanley's recommendation was not to choose an alternative at this time because it might become something that is difficult to build, but he would recommend that the Council allow the work with the Volcanoes to continue so that whatever is built is to their satisfaction.

Mr. Stanley stated that currently Radiant Drive dead ends into the middle of the stadium parking lot. The new plan shifts it to the west so the driveway out of the stadium is somewhat offset. The current exit out of the stadium accommodates two lanes out, one continuing straight down Chemawa and the other one continuing right across Tepper. As part of the plan, the vehicular access is going to be eliminated which will be a better solution because it will reduce stadium traffic across the railroad and through the neighborhood. That means two exit lanes will be required in order to maintain the same capacity. There is redundancy in the system by adding a second southbound lane on Radiant to the first signal and there are alternative routes throughout so there is a lot of flexibility. The addition of the traffic signals will improve safety particularly at Chemawa where there will be signalized access points instead of the current unsignalized ones. Work with the stadium involves connecting this road that currently "T"s into Tepper with the stadium. Ultimately there is a lot of discussion about the possibility of extension to the north for some long range planning with the City, future development, etc. When the applications come in, this will be something that must be considered in the design. The current focus is on guaranteeing continued capacity but not limiting possibilities.

One of the options investigated was widening of Tepper Lane so that there are two lanes out of the parking lot up to where Radiant intersects and then continue southward. A constraint, however, is the width, because there is currently a power line on the north side of Tepper Lane.

Another option is to provide two lanes into the southern area of the parking lot and another is to provide two more lanes into the central area of the parking lot. Some of the issues that will need to be addressed with this option are: property ownership, the power line in the area, making sure that when the connection is made into the parking lot the striping and the configuration of the lot facilitate access. Mr. Stanley concluded stating that they will continue to refine the constraints and work with Mr. Walker to ensure that the alternative can be built and will operate well.

Councilor Walsh inquired if signals could be tailored to the ball games or timed to give priority to the ball game people. Mr. Stanley responded that that has been something the city has said from the beginning: they want Radiant Drive to be a priority roadway. That people traveling throughout the area and particularly to/from the stadium want the through movements to have little delay. The infrastructure has been designed accordingly and the traffic signals along Radiant will be interconnected so that when one signal is approached it will turn green giving priority to through movements. Mr. Stanley added that he anticipates that a specific signal phasing plan will be done for stadium events so that when the games let out, people leaving the stadium will have even greater priority. As it is the light will stay green until someone comes to the side street, but a specific plan will probably be developed that increases the green time even further to maximize traffic flow.

Mr. Walker stated that he would be pleased with any type of approval that is subject to or conditioned upon creating that link to the Volcano Stadium parking lot. Apparently it is not defined accurately yet, but it is very important.

Mayor Christopher closed the public hearing.

Councilor Walsh asked Mr. Brown to point out the exact lots belonging to Mr. Lowery on the Master Plan. Mr. Brown directed Mr. Walsh to Exhibit 1 which shows existing conditions and property lines. Mr. Walsh asked the location of the Krispy Kreme, which Mr. Brown showed him on the map. Referring to Mr. Day's comment, Mr. Walsh inquired if the development could be Master Planned with that portion cut out. Shannon Johnson responded that he did not know and wished to reserve judgment and discussion for a later Council meeting.

Referring to the Department Staff Recommendation Mayor Christopher stated that she would start with page one and take questions or comments on each page until the end of the report was reached.

Page 1 – No comments

Page 2 – Councilor Moir asked Mr. Brown to define a "bollard". Mr. Brown responded that it is a traffic control device or design feature which provides visual interest. It is a low-height pole or architectural feature that is about 3 or 4 feet high providing traffic separation. It is only an example of the kinds of architectural features that would be seen in outdoor spaces. It is not intended that as a specific requirement.

Page 3 – Councilor Walsh inquired about the 35th issue adding that this circulation description did not mention 35th and all the previous ones have at least mentioned it as one of the goals. Mr. Brown responded that the issue of the connection to 35th is something that is offsite so not contemplated, approved or recommended by staff at this time because there is not enough information to recommend one way or another how this is going to provide additional connection. Councilor Walsh summarized that this was an overall philosophy table of contents and the philosophy from the Council from the beginning was to incorporate 35th. What was stated was "don't worry, this does incorporate 35th." At least that is the philosophy in terms of the future. But 35th has always been mentioned as one of the issues. He noted that he could accept the representation that this deals with that in the letter that Chris sent out and discussion had with Marion County, etc.

but he wanted to make sure it is in the philosophy sections which have always included 35th as the way to get out to the north. Mr. Walsh concluded that he wanted to add the language including 35th.
Mr. Brown agreed to do so but suggested that motions be made for the changes.

Councilor Walsh moved that the first paragraph of page 3 be amended adding the words "and north (35th)" after "west (Lockhaven)". Councilor Gaynor seconded.

Motion passed unanimously as follows:

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

Page 4 – Councilor Gaynor inquired about the height of the sign and dropping it down to 50 feet stating that he felt it was not a good idea. He added that he understands the idea of uniformity of codes, etc., but wanted more input. Mr. Brown explained that there is a section specifically addressing the issue adding that this page was basically a table of contents. He concluded requesting that Councilor Gaynor reserve comment until the specific section is reached.

Pages 5 through 7 – No comments

Page 8 – Councilor Smith read the statement *"Although the proposed master plan will provide the desired employment, the current design appears to fall short of the objectives to provide a focal point for community and multiple activities, and a gateway to sports activities (primarily the baseball park to the north)."* And asked if there had been anything that has changed that statement. Mr. Brown responded that this addresses the desire to relocate the buildings (which is part of the conditions) providing the kind of focal point that was intended in Keizer Station. Recommendation is that the professional office building be moved so that it more directly relates to the park and the street, creating a more central focus. So this statement supports the recommendations and findings presented later in the report.

Page 9 – No comment

Page 10 – Regarding Findings: 2.119.02 Councilor Moir asked if the issue regarding the "proposed service station and automobile services uses" had been resolved. Mr. Brown responded that it had been resolved adding that this basically refers to the subdivision issues and the split between the 25% and 75% commercial/industrial uses. The automobile service components that are currently located at that portion of the site have to be counted as commercial and therefore adjustment must be made to the areas that are dedicated to industrial as specified in the EG zone vs. special permitted conditional uses. This is also addressed in the conditions. The applicant has indicated that they will work diligently with the city in this next week to make sure that commercial/industrial uses are clearly identified.

Regarding Findings 2.119.10 Development Standards Councilor Moir referred to the statement "Eight buildings or footprints do not meet these requirements" and asked if that had been corrected. Mr. Brown responded that if Council adopts the staff recommended variance then the buildings would be in compliance.

Pages 11 through 13 – No comment

Page 14 – Councilor Walsh inquired if this was where the increased width of Tepper Lane should be addressed. Mr. Brown responded that it would be appropriate, adding that particularly what is being dealt with is the ordinance, Keizer Station Plan and Development Disposition Agreement requirements.

When Councilor Walsh suggested specific verbiage for a bike path, Rob Kissler proposed a more general wording so that staff would have the flexibility to work with the developer on how this might be accomplished. He also asked Mr. Walsh if he wanted to address the pedestrian issue on Tepper. He noted that the developer had proposed that the pedestrians would be on one side of the street with an 8-foot walk, they could go both ways as pedestrians, but maybe the bicycles would be appropriately out in the street going eastbound and westbound. Councilor Walsh pointed out that this would be a designated bike route because it is going under Tepper and it could be a pedestrian route, but what he was trying to avoid was mixing the bikes with the trucks that would be using Tepper Lane.

Councilor Walsh moved to add to the end of the existing sentence of the Findings under 2.302.03.D verbiage that Tepper Lane would safely accommodate bicycle and pedestrian traffic for both easterly and westerly movements separate from vehicular traffic. Councilor Moir seconded.

Motion passed unanimously as follows:

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

Page 15 – No comment

Page 16 – Councilor Moir verified that staff recommendation is a minimum of 2" caliper on the trees. Mr. Brown clarified that the recommendation is that the minimum size tree be increased from 1½" to 2" in keeping with industry standards because the survivability of smaller trees is very questionable. Staff has agreed that the larger trees should be placed anywhere that they would be subject to damage, such as parking lots, streets, sidewalks, etc. There may be some outlying locations where the smaller trees could be used. Councilor Moir asked if that was something Mr. Brown would work out with the developer. Mr. Brown responded that it would be done under specific site plan approval with the building permit application as long as the council is comfortable with the condition of increasing the size in areas where the trees would be subject to damage.

Page 17 – Councilor Lee referenced the findings for 2.303.6 asking when the parking area calculations would be determined. Mr. Brown stated that as part of the approval the developer would be required to supply all required documentation to be reviewed and approved by the Community Development office before they can proceed. Councilor Lee clarified that what is shown on the drawings for parking areas might not be accurate. Mr. Brown responded that he had been assured that it is accurate, but he had not been able to verify the counts and square footages so he is asking that the developer supply the documentation as part of the approval. He added that he believed that the drawings are accurate, but he does not have the documentation and there has not been time to actually count the spaces and divide it up.

Councilor Walsh noted that there are parking requirements for bicycles, compact cars and large cars but with all the greenery there are no special spaces for motorcycles. He added that he didn't know if that was important, but some places don't fill up spaces with planters so that multiple motorcycles can use a single spot. Mr. Brown stated that it was not currently a requirement of the development code. Mr. Walsh asked if it was the recommendation of staff that motorcycles take up a full parking space. Mr. Brown and Mr. Eppley stated that it was.

Councilor Lee inquired where the handicap spaces fit into the codes and numbers. Mr. Brown responded that they are specified in the building code and that would be taken care of with the building code requirements. There is a certain number specified for van-accessible vs. non-van accessible handicap stalls. Mr. Eppley added that it is calculated per 1,000 square feet of building space.

Page 18 – No comment

Page 19 – Councilor Moir referred to the first findings "Staff recommends that, due to the high volume of traffic, aisle width in parking areas be increased to the industry design standards of 24 feet." She asked if the industry design standards were not also the standards of Keizer's Development Code. Mr. Brown responded that the Development Code only specifies 22 feet and staff is recommending that it be increased to 24 feet.

Pages 20 and 21 – No comment

Pages 22 and 23 – Councilor Smith asked Rob Kissler if the Master Plan would have to follow NPDES Regulations that will be implemented once the permit is approved even though the Master Plan is being approved prior to the approval and implementation. Mr. Kissler responded that they would have to follow the regulations of the state that are in place at the time that they provide construction drawings for approval. An Erosion Control Plan will be required through the process and they will be required to get a permit from DEQ for their NPDS if they disturb 1 acre or greater.

Pages 24 through 31 – No comment

Page 32 – Councilor Moir asked when necessary replanting is done, what triggers it and how long it takes. Mr. Brown explained that the Development Standards require that "Landscaping shall be continually maintained. Appropriate methods of care and maintenance of landscaped plant material shall be provided by the owner of the property."

Page 33 – Mr. Brown stated that the first bullet under the findings of section 2.315.08.A should be changed. The developer is requesting that this bullet be removed. Mr. Brown stated the staff concern is not so much the traffic that comes from the west, it is the pedestrian traffic that will be generated in Area C and the concern was how to get those people into the pedestrian circulation system. There have been discussions with the developer addressing provision of adequate crossing mid-block between the two. Probably the biggest generator of cross traffic will be between those uses, not particularly from offsite. The need for pedestrian connection to Lowe's is probably not as great as it is between the uses within the site. Mr. Brown stated that he could support removal of the first bullet point as long as there is adequate connection provided internally.

Mayor Christopher moved to strike the first bullet point under the findings section 2.315.08.A. Councilor Smith seconded.

Motion passed unanimously as follows:

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

Councilor Moir referred to the sentence in the findings "Staff recommends modifications to the site plan to bring uses, such as hotel, restaurants, retail pads, parks, office building and plazas closer together and with an orientation to Radiant Drive." She noted that she assumed that discussion has taken place and the orientation is acceptable now. Mr. Brown responded that the developer has indicated that those changes are acceptable.

Councilor Smith moved to add appropriate connectivity between Anchor 1 and Anchor A. Councilor Walsh seconded.

Motion passed unanimously as follows:

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

Pages 34 through 37 – No comments

Page 38 – Councilor Smith mentioned that she thought all automotive services had been removed because it was determined that a bunch of cars sitting out waiting to be worked on would be inappropriate for the development. Mr. Eppley responded that car sales lots were not allowed. Mr. Brown added that auto repair shops were not allowed either and added that what is being proposed is automobile service, not repair. A gas station is allowed as a special conditional commercial use. They had indicated it as an industrial use so those issues will have to be worked out with them and they will have to show it as a commercial use.

Councilor Lee asked why car washes were inappropriate and Mr. Brown responded that they would be allowed as a commercial use and therefore has to fit into that balance between commercial and industrial uses. It is important to make sure that areas designated as industrial meet the criteria established in the zone.

Pages 39 through 41 – No comments

Page 42 – Councilor Moir referred to the findings under Pedestrian Circulation, Item C, "With amendments to the walkway system…" and asked if, with the changes that have been made, this finding is okay. Mr. Nate responded affirmatively.

Pages 43 through 45 – No comments

Page 46 – Councilor Moir referred to the findings for Crime Prevention and Security (Page 45) and the verbiage about parks isolated so they are not used in different areas and the open space on the far northeast corner and asked Mr. Brown to address those issues and whether they have been addressed with the developer to a satisfactory end. Mr. Brown explained that staff has determined that the park area currently identified as "Tower Park", which is in the corner of the site between the Target store and the freeway, does not meet the intent or criteria. Staff recommends the area be used for other amenities as needed in the development even including parking. This is a trade-off for increased amenities along the trail system to including, for example, seating areas or exercise stations. With the other two park areas shown on the plan, the area requirements are met, but the area in question has very little use for a park facility so staff recommends attention be given elsewhere. This is acceptable to all parties.

Pages 47 through 50 – No comments

Page 51 – Councilor Moir asked Rob Kissler if the language was strong enough that construction plans would be submitted in time for the pre-design conference. Mr. Kissler responded that typically what happens is that when/if the Master Plan is approved, a pre-design conference is held, construction plans are developed, and a preconstruction meeting is held with the proposed contractors. Ms. Moir added that she assumed that the fire department is brought in on the fire sprinkler line locations. Mr. Kissler agreed adding that they will be part of the pre-design conference.

Page 52 – Councilor Walsh stated that on Paragraph 15, the 35th language needed to be incorporated and on paragraph 16 the bike path language. Mr. Brown agreed with the bike path language but argued that these are conditions of approval, not statements of overall philosophy, so the 35th language may be inappropriate. Mr. Walsh agreed.

Councilor Walsh moved to add to Paragraph 16 verbiage that Tepper Lane would safely accommodate bicycle and pedestrian traffic for both easterly and westerly movements separate from vehicular traffic. Councilor Smith seconded.

Motion passed unanimously as follows:

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

Councilor Lee asked if this would be where the entry/exit plan for the Volcano stadium would be inserted and if there had been any discussion on whether it was the responsibility of the developer, the City, or the Volcanoes. City Attorney Shannon Johnson replied that he was not aware of a requirement in the lease. The requirement in the lease had to do with not moving Radiant more than a certain number of feet to the west and that requirement has been met. The issue is the stadium egress and access being changed. Instead of a straight shot into the parking lot, the road is over on the side. He added that he assumed that the area under discussion is the extension directly north of where the new Radiant ends. The stadium arguably could get along with that by offsetting the same exit and people would make a right out and a left onto the new Radiant. With that being said, if council chooses, they could find the developer responsible for this issue. It was not discussed with the developer, their feelings on the matter are not known and the hearing is closed so it is up to the council to decide how they want to do that.

Mayor Christopher pointed out that there is still an obligation to get the cars out of the stadium in 30 minutes and the turns would slow them down, so the Council should include this in the plan. Mr. Johnson noted that he was unaware of a legal requirement to get cars out of the stadium in 30 minutes, it was a "goal". Councilor Walsh pointed out that currently there are two lanes of traffic able to exit the stadium, one going down Tepper the other going down Radiant, so it is not just the extension, it is how to move that volume of traffic through this development.

Mr. Kissler noted that Chris Stanly and Jerry Walker have had some good conversations on the issue of exiting Volcanoes Stadium. Tonight was the first he has heard of the three options and he indicated that he would like to review the options.

Councilor Moir moved that adequate access, meeting the needs of the stadium and the Keizer Station transportation plan shall be provided on Tepper. Councilor Gaynor seconded.

Councilor Smith asked if when the developer applies for building of the road, the reviewer would determine whether or not this meets the requirements. Mr. Kissler replied that it would give staff the flexibility to accept, deny or alter the proposal presented. Ms. Smith noted that there was some question as to whether it was the responsibility of the developer to do that section or not, and with Mr. Stanley taking on that job and going outside the area, she assumed that they are taking it on.

Motion passed unanimously as follows:

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

Page 53 through 55 – No comments

Page 56 – Councilor Moir moved that the first bullet under item 43, page 56, be eliminated. Mayor Christopher seconded.

Motion passed unanimously as follows:

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

Councilor Smith moved to add a bullet for appropriate connectivity between Anchor 1 and Anchor A. Councilor Moir seconded.

Motion passed unanimously as follows:

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

Pages 57 through 61 – No comments

Page 61 – Councilor Moir referred to the second paragraph on this page asking if the issue had been resolved. Mr. Brown responded that this is the same issue that the developer has committed to resolving and is all tied to the amount of space that has to be accounted for industrial vs. commercial.

Pages 62 through 65 – No comments

Page 66 –Mayor Christopher inquired if the street lights would be consistent with the lights on River Road. Mr. Brown responded that the specifications submitted are the acorn lights prevalent in the Urban Renewal District. He added that there was some discussion about the kind of pole used for the traffic signals. Mr. Kissler stated that some of the criteria that has been discussed with both developers in Area A and Area D is to try to remain consistent between the two areas. The acorn style is being considered with a glass lens to alleviate yellowing and 95% of the light being directed to the street. Black fluted aluminum style lights are being considered as well. Powder coated in black is being considered for the traffic signal poles. Additionally, instead of putting overhead mast arms, decorative lighting on the corners is being considered. He concluded that it is a work in progress with the goal being to remain the same as the proposed Chemawa Road. Mr. Brown added that some details have not been worked out, but the intent is that it shall be decorative lighting to match the rest of the district.

Pages 67 and 68 – No comment

Page 69 – Mr. Brown pointed out that as the details are worked out, information will be presented to council for approval. If there are slight modifications, Council will be made aware of them before any ordinance is adopted.

Page 70 – No comment

Page 71 – Councilor Smith questioned the wording at the end of the paragraph on Major Variance for "Anchor B": "Staff cannot support this variance request and therefore does not recommend approval of this request." She asked if Council is just accepting the staff recommendation. Mayor Christopher replied that unless someone raises an objection to it, the motion will be to accept staff recommendation.

Pages 72 and 73 – No comment

Page 74 – Councilor Gaynor questioned why the sign was going to be lowered to 50 feet. Mr. Brown explained that the obligation is to approve only the minimum variance necessary to accommodate the need, special circumstance or hardship. In considering the height of other approvals and particularly the language in the staff report created during the approval of the Volcanoes stadium sign variance that granted them the height, it was clear that the council at that time intended that that would be a standard that would carry over to other properties that had freeway frontage. The language was examined as well as the Woodburn sign which is 48 feet high and very visible and adequate for identification. Staff felt that it would be appropriate to be consistent with those others.

Mr. Gaynor replied that respecting previous councils and their intentions, he felt that at 68 feet it would be a big sign and if the city was going to put 1,000,000 square feet out there, attention should be drawn to it. This is not supposed to be standard, it should be big, exciting, and something that will pull people off the freeway.

<u>Councilor Gaynor moved to leave the sign at 68 feet. Councilor Smith seconded.</u>

Councilor Smith explained that the reason she was saying yes to this variance is because the Volcanoes Stadium sign is advertising one entity. The Keizer Station sign is for the entire complex and many stores will be represented. She suggested putting community events on the sign as well. Councilor Lee noted that he didn't have a problem with the 68 feet, but he struggled with the area of fairness and the code says 50 feet and Volcano Stadium followed that and it didn't seem fair.

Attorney Johnson explained that the Volcano sign was not a variance but a special code provision specifically for a stadium seating 4,000 people or more so it is a code provision. As Nate mentioned, however, the discussion at that time was that it was setting a standard. There is no reason that council has to abide by that. At that time the council elected not to wrestle with the entire issue and considered the stadium sign only. Mayor Christopher added that during her exparte contact with Jerry Walker he stated a preference that the sign not be larger than the Volcano sign. Councilor Walsh agreed that fairness is an important consideration but agreed with Councilor Smith adding that this is the gateway to the city. Mr. Brown pointed out that ODOT will have some jurisdiction in the matter.

<u>Motion failed as follows:</u>

<u>AYES:</u> Gaynor, Smith and Walsh (3)
<u>NAYS:</u> Christopher, Moir and Lee (3)
<u>ABSTENTIONS:</u> None (0)
ABSENT: Taylor (1)

Page 75 – No comment

<u>Councilor Moir moved to direct staff to prepare an appropriate order</u>

approving the applications pursuant to conditions and findings set forth in this addendum and the additional addendum provided by Public Works and direct staff to work with the property owners on Aldene in the process for constructing a sound/sight obscuring wall along homes in Area B and the attached staff report as amended. Councilor Gaynor seconded.

Councilor Walsh inquired, in light of the different things that will be coming back in two weeks, preparations staff will be working on and legal issues, if it would be appropriate to vote on the motion in two weeks. Mr. Johnson stated that it was not appropriate because the motion is to direct staff to prepare an order, there is no final decision made with this motion. If the decision is generally acceptable then the vote can be favorable but the important vote will be on the final order.

Motion passed unanimously as follows:

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

d. RESOLUTION – Forming Trebber Estates (FKA Martin Addition) Street Lighting District

Rob Kissler reported that at the May 3, 2004 City Council meeting a Public Hearing was scheduled to consider a Resolution Forming and an Ordinance Spreading Assessments to Trebber Estates. A letter was received from Vera Martin requesting her parcels be removed from the district. The Council continued the Public Hearing and requested staff analyze the concerns raised in the letter. Upon review, it was noted that her lots were included in the original planning action and legally recorded sub-division plat. The City's Development Code requires installation of street lights. If Ms. Martin wishes lots 14 and 15 to be excluded from the Trebber Estates Street Light District, a new petition with 2/3 of the property owners signatures supporting the removal of her lots is needed before the City can take action. Staff recommends that Council hold a Public Hearing and after closing the Public Hearing, adopt a Resolution forming Trebber Estates (FKA Martin Addition) Street Lighting District and an Ordinance Spreading assessments to Trebber Estates (FKA Martin Addition) Street Lighting District with the inclusion of Lots 14 and 15.

Mayor Christopher re-opened the Public Hearing.

Seeing no one wishing to speak to this issue, Mayor Christopher closed the Public Hearing.

Councilor Moir moved to adopt Resolution R2004 Forming Trebber Estates (FKA Martin Addition) Street Lighting Local Improvement

District. Councilor Lee seconded.

Councilor Walsh questioned if all the lots were plotted as the same subdivision and that is the reason they are in the same lighting district. Mr. Kissler responded affirmatively adding that it would be possible if Council wishes, try to exclude the two lots by taking some other formal action. The street lighting district boundary could be changed. Shannon Johnson added that the subdivision has a very routine condition in it that a street lighting district be formed for the subdivision. It might be possible to interpret it as creating a street lighting district for the "main" part of the subdivision. Other developments sometimes occur where older lots are "not a part of" the subdivision and they are sort of partitioned off and the subdivision only includes the new homes. That did not occur in this case. Mr. Kissler directed Council to one of the exhibits, the subdivision map in the packet, showing a potential for future extension of Dale Avenue out to O'Neil Road. A significant parcel to the north could potentially develop.

Motion passed unanimously as follows:

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

ORDINANCE – Spreading Assessments to Trebber Estates (FKA Martin Addition) Lighting District (continued from May 3, 2004)

Councilor Moir moved to adopt a bill for an Ordinance Spreading Assessments to Trebber Estates (FKA Martin Addition) Lighting District. Councilor Smith seconded.

Motion passed unanimously as follows:

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

OTHER BUSINESS

Rob Kissler reported that there will be repairs done on River Road just north of Lockhaven along the 7-11 property on the east side of River Road because of dissatisfaction with the work of the contractor. Repairs will begin Wednesday nightabout 7:30 p.m. It should be a one-night process. Property owners and businesses in the area will be personally contacted.

ADMINISTRATIVE ACTION

RESOLUTION –

City Attorney Shannon Johnson reported that John Lien has been working together with Rob Kissler and Bill Peterson to acquire a piece of property on the north side of Chemawa, just this side of the Verda intersection for the realignment and expansion on the Chemawa Road

Ratifying the City Manager's Agreement to Purchase Property Along Chemawa Road NE, Keizer from Dorothy Crooks

project. Agreement has been reached. Normally permission is secured from Council before an agreement, but in this case it needed to get to the Title Company quickly so City Manager Chris Eppley signed the agreement subject to a condition that it is ratified.

Councilor Moir moved to adopt Resolution R2004 Ratifying the City Manager's Agreement to Purchase Property Along Chemawa Road NE, Keizer, Marion County, Oregon from Dorothy M. Crooks.

Councilor Smith seconded.
Motion passed unanimously as follows:

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

b. RESOLUTION – Authorization for Resolution Transfer

Susan Gahlsdorf presented the Resolution Transfer to move six items from General Fund Contingency: Baseball Stadium Program Contingency, Public Education Government Fund Contingency, 9-1-1 Fund Materials & Services Contingency, Utility Fund (Sewer) Materials & Services Revenue, Utility Fund (Sewer) Capital Outlay Contingency and the Street Lighting District Fund Capital Outlay Contingency to comply with the Oregon Budget law. Staff recommends that Council adopt the Resolution.

Councilor Moir moved to adopt Resolution R2004 Authorization for Resolution Transfer. Councilor Gaynor seconded.

Motion passed unanimously as follows:

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

CONSENT CALENDAR

A. **RESOLUTION – Authorizing City Manager to Enter Street Sweeping Contract Amendment**
B. **RESOLUTION – Adoption of Certain Personnel Policies (Insurance Program, Smoke Free Work Place, Safety and Health, and Health Insurance Portability and Accountability Act)**
C. **RESOLUTION – City's Election to Receive State Revenue**
RESOLUTION – Certifying the City of Keizer Provides Four or More Services
D. **RESOLUTION – Certifying Delinquent Sewer Accounts**
E. **Keizer Mart Liquor License – Change of Ownership/Addition of Partner**
F. **Approval of Minutes of May 17, 2004 Regular Session**
G. **Approval of Minutes of May 24, 2004 Work Session**

Councilor Smith pulled Item B, Councilor Moir pulled Item F.

Councilor Moir moved for approval of the Consent Calendar items A, C, D, E and G. Councilor Lee seconded.

Motion passed unanimously as follows:

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

Referring to Item B, Councilor Smith directed Councilors to an e-mail she had sent Dianne Hunt, Human Resources Director, regarding some of the policies. She questioned if policy committee should review her e-mail before approval. The policy in question was Section 100.00 – Safety and Health.

Councilor Walsh moved to Approve the remaining policies: 30.600 - Insurance Programs, 30.800 - Health Insurance Portability and Accountability Act (HIPAA) and 100.300 – Smoke Free Workplace. And that Section 100.000 – Safety and Health be referred back to the Policy Committee for further review. Councilor Gaynor seconded.

Personnel Director, Dianne Hunt, pointed out that the references in Councilor Smith's e-mail are actually part of the safety manual. OSHA requires programs relating to a variety of different topics and those in the subject e-mail are part of the OSHA requirements and located in the Safety Manual. Councilor Smith replied that some changes consisted of modifications and additions to sentences. Ms. Hunt noted that the next meeting was scheduled for Wednesday June 23.

Motion passed unanimously as follows:

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

Referring to Item F of the Consent Calendar, Councilor Moir pointed out that on the Minutes, page 4 under the Mayor's Association Newsletter, Mayor McArdle's name was misspelled and should be corrected.
Councilor Moir moved for approval of the May 17, 2004 City Council Regular Session Minutes as corrected. Councilor Walsh seconded.

Motion passed unanimously as follows:

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

WRITTEN COMMUNICATIONS Deferred to next meeting.

AGENDA INPUT July 6, 2004 (Tuesday)

7:00 p.m. City Council Regular Session
- Water Rates/COSA
- IBP Zone – Text Amendment
- Pavement Management Program

July 12, 2004

12:00 p.m. City Council Work Session

July 19, 2004

7:00 p.m. City Council Regular Session
- Review of City Noise Ordinance – Variance Process

ADJOURNMENT Mayor Christopher adjourned the meeting at 11:08 p.m.

APPROVED:
MAYOR:

Debbie Lockhart, Recording Secretary

Lore Christopher

COUNCIL MEMBERS

Councilor #1 – Judy K. Smith

Councilor #4 – Jacque Moir

Councilor #2 – Michel Gaynor

Councilor #5 – Richard Walsh

Councilor #3 – Charles E. Lee

~ Absent ~
Councilor #6 – James Taylor

Minutes approved:

AGENDA ITEM 9h

Approval of June 21, 2004 Regular Session Minutes

July 19, 2004

KEIZER

July 19, 2004

AGENDA ITEM 9g

Approval of June 21, 2004 Work Session Minutes

KEIZER

July 19, 2004

AGENDA ITEM 9f

Approval of June 7, 2004 Regular Session Minutes

PUBLIC HEARING SIGN UP SHEET

PUBLIC HEARING RE: US MARKET #125 LIQUOR LICENSE

DATE: July 19, 2004 **TIME:** 7:00 p.m. **AGENDA ITEM #** 5B

BEFORE THE: KEIZER CITY COUNCIL **PLACE:** ROBERT L. SIMON COUNCIL CHAMBERS

(PLEASE PRINT)

NAME	ADDRESS	GENERAL	PROPONENT	OPPONENT

PUBLIC HEARING SIGN UP SHEET

PUBLIC HEARING RE: MEGAN LEE PROPERTIES STREET LIGHT DISTRICT

DATE: July 19, 2004 **TIME:** 7:00 p.m. **AGENDA ITEM #** 5B

BEFORE THE: KEIZER CITY COUNCIL **PLACE:** ROBERT L. SIMON COUNCIL CHAMBERS

(PLEASE PRINT)

NAME	ADDRESS	GENERAL	PROPONENT	OPPONENT

handed out by Nate - 7-6-04

VIII. RECOMMENDATION AND CONDITIONS FOR SUBDIVISION APPLICATION

Subdivision – Development Considerations

8 ~~A.~~ The City Engineer, Keizer Fire District; City of Salem Public Works Department; Marion County Surveyor's Office: and, Portland General Electric submitted a list of development requirements. The requirements are necessary to ensure public health and safety. Staff recommends these as conditions of approval.

82 B. The Keizer Development Code requires the developer to connect to public utility services. The Development Code also requires all utility services to be placed below ground. These requirements apply to this request. Further, the developer is responsible for all utility connection costs.

83 C. The City's System Development Charge for park development shall be the fees in place at the time of building permit application. These Development charges, as well as those involving the extension of sewer, water, and storm drainage, will apply to this request.

Recommendation and Conditions for Subdivision Application

REQUIREMENTS: The Keizer Development Code establishes specific development and processing requirements. These requirements are mandatory and in many cases cannot be modified even through the variance or adjustment process. These requirements are included for the benefit of the applicant.

84 1. Completion, submittal and recording of the final subdivision plat shall comply with the requirements contained in the Keizer Development Code.

85 2. Unless otherwise required by this decision, development of the individual lots shall comply with the applicable requirements of the Keizer Development Code and building requirements of the Marion County Building Inspection Division.

86 3. The applicant shall be responsible for all costs associated with public facility improvements, including all applicable system development charges ~~for sewer, water, parks and other facilities~~ and shall comply with established City rules and regulations in effect at the time of the final approval of the Subdivision Plat.

87 4. Minimum lot area shall conform to the requirements of KDC 2.310 and 2.119.09.

88 5. The Chemawa Park pathway shall be increased to be 12 feet wide, consistent with the pathway width along Interstate 5. The pathways shall be designed to prohibit vehicle traffic and shall include lighting.