

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

A G E N D A

KEIZER CITY COUNCIL

Monday, July 19, 1999

7:00 p.m.

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

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC TESTIMONY

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

4. COMMITTEE REPORTS

- a. Swearing In – Sergeant Greg Barber and Sergeant Bob Trump
- b. Parks Advisory Board Report – Councilor Christopher

5. 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 which are not on tonight's agenda.

- a. New Business
 - Newly Hired City of Keizer Employees
- b. Old Business
 - Year 2000 Update

6. PUBLIC HEARINGS

7. ADMINISTRATIVE ACTION

- a. Neighborhood Traffic Management Plan
- b. Traffic Safety Commission – Radar Reader Board Grant
- c. Appeal of Hearings Officer Decision – Case No. 99-17 (Viesko Quality Concrete Haul Road)
- d. ORDINANCE – Regulating Construction and Maintenance of Floating Structures

8. CONSENT CALENDAR

- a. RESOLUTION – Initiate Prairie Clover Street Lighting District
- b. RESOLUTION - Initiate Jordan Run Street Lighting District
- c. RESOLUTION – Authorizing City Manager to Enter Agreement for Slurry Seals
- d. RESOLUTION – Authorization for Clearing Account with US Bank
- e. RESOLUTION – Authorizing City Manager to Award Bid for Chemawa Road and Cummings Lane Road Improvements
- f. RESOLUTION – Cable Television Franchise Agreement Extension
- g. Approval of June 21, 1999 Regular Session Minutes

9. WRITTEN COMMUNICATIONS

To inform the Council of significant written communications and petitions.

10. AGENDA INPUT

July 28, 1999 (Wednesday) – Keizer Police Auditorium

- 5:30 p.m. Special City Council/Keizer Urban Renewal Board/Planning Commission
 - Urban Renewal Strategic Plan

August 2, 1999

- 7:00 p.m. City Council Meeting
 - Wittenberg Subdivision/PUD Amendment Public Hearing
 - Curfew Ordinance
 - Truancy Ordinance
 - Order – Case No. 99-17 - Viesko Quality Concrete Haul Road

August 9, 1999

- 5:30 p.m. City Council Work Session
 - Annual City of Keizer Parks Tour

August 16, 1999

- 7:00 p.m. City Council Meeting

11. ADJOURN

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



July 19, 1999

AGENDA ITEM 4a

SWEARING OF NEWLY APPOINTED POLICE SERGEANTS

AGENDA ITEM NO. _____

COUNCIL MEETING OF JULY 19, 1999

TO: MAYOR AND CITY COUNCIL

FROM:  MARC ADAMS, CHIEF OF POLICE

SUBJECT: SWEARING IN OF NEW PATROL SERGEANTS

Effective July 17, 1999, two (2) officers of the Keizer Police Department have been promoted to the position of Patrol Sergeant and sworn in at tonight's City Council meeting.

ROBERT D. TRUMP

Hired on January 3, 1993 as a patrol officer. In March of 1998 was assigned as a detective. Prior to working for Keizer Police, was a reserve officer for Portland Police Bureau for almost 3 years. Bob has a bachelors degree from Western Oregon University, possesses his Advanced Certification from the Department on Public Safety Standards and Training, and was approved for Senior Officer status in January of 1999.

GREG L. BARBER

Hired on May 17, 1993 as a patrol officer. He has also worked as a detective and school officer in addition to teaching DARE in the grade schools. Prior to working for Keizer Police, he was a reserve officer with Monmouth Police Department for 2 years and had experience as a Military Policeman. Greg has a bachelors degree from Western Oregon, possesses his Advanced Certification from DPSST, and received his Senior Officer status in May of 1999.

We heartily congratulate both newly promoted sergeants!

hma:cp



July 19, 1999

AGENDA ITEM 5a & 5b

OTHER BUSINESS

OTHER BUSINESS

**Staff Changes
(Dianne Hunt, Human Resources Officer)**

The City of Keizer is pleased to welcome the following new staff

Marilyn Sherwood started with the City as a Utility Billing Clerk on June 21. She provides customer service and billing for Keizer residents. Marilyn has worked in the banking field for over 8 years, as an Operations Supervisor for First Security Bank, and as a Personal Financial Representative for Washington Mutual.

Karen Sergent started June 28 as a Utility Billing Clerk and also provides customer service and billing duties for the residents of Keizer. Karen worked 12 years for First Pacific Corporation in Salem, as a Lead Data Processor. Her last four years with First Pacific was as a Client Service Representative assisting clients, completing reports, entering and posting payments, and setting up new accounts.

Kelley King was hired July 14 to fill the newly created Accounting Technician position approved through the 1999/00 budget process. Some of her duties include maintaining the City's accounts receivable and payable processes, payroll and cash receipts. Kelley has worked in the accounting field for over five years, most recently with Planned Parenthood of the Columbia/Willamette, Portland.

***WELCOME
Marilyn, Karen and Kelley***

**Year 2000 Update
(Dianne Hunt, Y2K Coordinator)**

Administration:

Telephone Hardware – is not Y2K ready. It is scheduled for upgrade by August 1, 1999.

Telephone Voice Mail System – is Y2K ready.

Computers –12 PCs have been ordered, received and are being installed this week to replace the computers that are not Y2K ready.

Finance:

Y2K ready Financial management system software has been installed. We are currently testing the software.

Planning:

Sierra Database which accesses Marion County Building Permit System is scheduled for update on August 1, 1999.

Police:

Police Vehicles, Patrol Mobile Data Terminals and Vehicle Radios are Y2K ready.

LEDS (state data center) is Y2K ready.

Photo Image Machine was updated in June and has been tested. It is Y2K ready.

911 Communication Center has informed us they are in the process of upgrading.

RAIN (regional data center) is scheduled for upgrade by August 1, 1999.

Municipal Court:

Municipal Court database. Y2K compliant software which operates the Municipal Court database was installed the first of July, and is currently being tested.

FileMagic, our records management system, is scheduled to be upgraded by September 1, 1999. Y2K ready hardware and software have been properly identified and ordered.

Public Works:

Itron Meter Reading software has been ordered with installation scheduled for July 23, 1999. Testing will follow.

The following Public Works critical systems are ready:

Telemetry System

Auxiliary motors and generators

Sewer System

Public Works Vehicles

Shop Generator

Electricity

Traffic Lights

Speed Counters

School Zone Flashers



July 19, 1999

AGENDA ITEM 7a

NEIGHBORHOOD TRAFFIC MANAGEMENT PLAN

CITY COUNCIL MEETING: July 19, 1999

AGENDA ITEM NUMBER: _____

TO: MAYOR NEWTON AND COUNCIL MEMBERS

THROUGH: WALLY MULL, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY 

SUBJECT: *NEIGHBORHOOD TRAFFIC MANAGEMENT PROGRAM*

At the City Council meeting in June, the Council directed staff to prepare a Resolution to adopt the Neighborhood Traffic Management Program. This Program is adapted from the larger Program which will be implemented through the Transportation System Plan. The attached Program is applicable for existing neighborhoods only.

RECOMMENDATION:

Adopt the attached Resolution.

ESJ/tmh
enclosure

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 Resolution R99-_____

3 IN THE MATTER OF THE ADOPTION OF THE
4 NEIGHBORHOOD TRAFFIC MANAGEMENT PROGRAM

5 WHEREAS, the Traffic Safety Commission and City staff have prep _____

6 Neighborhood Traffic Management Program;

7 WHEREAS, the City Council finds that the portion of the Program havin _____

8 already existing neighborhoods does not constitute a land use decision with rega _____

9 public works projects;

10 WHEREAS, the Council wishes to adopt the Program for implementati _____

11 neighborhoods only;

12 NOW, THEREFORE,

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

14 Traffic Management Program attached hereto is hereby adopted;

15 BE IT FURTHER RESOLVED that such Program shall be applica _____

16 hborhoods only.

17 PASSED this _____ day of _____, 1999.

18 SIGNED this _____ day of _____, 1999.

9
0

Mayor

City Recorder

Resolution R99-_____

Lien

Atto _____
485 _____
Keize _____
(50 _____

NEIGHBORHOOD TRAFFIC MANAGEMENT PROGRAM

City of Keizer
930 Chemawa Road
PO Box 21000
Keizer, Oregon 97307-3700
Voice: 503.390.3700
Fax: 503.393.9437

INTRODUCTION TO THE KEIZER NEIGHBORHOOD TRAFFIC MANAGEMENT PROGRAM

The following people are primarily responsible for the development of this program.

Keizer City Councilors

Bob Newton, Mayor
Garry Whalen
Lore Christopher
Jim Keller
Jacque Moir
Craig Campbell
Jerry McGee

Keizer Planning Commissioners

Bill Wolf
June Abbot
Manny Martinez
Dick Inman
Jere Clancy
Dan Nelson
Bruce Anderson

Keizer Traffic Safety Commission

Mike Kirby, Chairman
Ernest Smyres
Mariella Dibble
Fredric George
Al Kramer
Randy Jackson

Keizer Staff Members

Rob Kissler, Public Works Director
Richard Woelk, Traffic Engineer

Neighborhood Traffic Management Element

As traffic conditions change in the future and the city grows, there is a greater potential for neighborhoods to experience cut-through traffic and speeding that negatively impacts neighborhood livability. Left unmanaged over time, the city could find itself responding to issues of livability inefficiently, case by case.

Neighborhood Traffic Management (NTM) has evolved over the past twenty years to encompass a wide range of measures and activities that can be effective in improving the livability of a neighborhood. While there is a wide range of issues that are commonly attached to NTM, the bottom line is how the speed and volume of vehicle traffic are addressed on a roadway.

Arterial congestion and lack of connectivity are the leading causes of neighborhood traffic infiltration. Whenever possible the City should attempt to identify the causes of congestion or lack of connectivity first, before looking to implement neighborhood traffic management measures. Solutions to congestion or lack of connectivity may be the best NTM measure.

Neighborhood traffic management measures are a means of addressing traffic safety issues on a city wide basis. As such, their application should not be limited to just local streets. NTM measures should be used to increase safety for pedestrians, bicyclists and motorists despite street classification. It should be recognized that not all NTM measures are appropriate for all streets. Where appropriate, NTM measures may be installed in neighborhoods to limit speed and volume of traffic; on collector streets to reduce speeding traffic; and on arterials to enhance neighborhood pedestrian safety. Often a combination of solutions may be required.

NEIGHBORHOOD STREET CLASSIFICATION

Recent work in the area of neighborhoods and their specific street needs provides an additional level of functional classification: *neighborhood routes*. Neighborhood routes are commonly used by residents to circulate into or out of their neighborhood. They have connections within the neighborhood and between neighborhoods. These routes have neighborhood connectivity, but do not serve as citywide streets. They have been the most sensitive routes to through, speeding traffic due to their residential frontages. In past plans, many agencies defined a minor collector or a neighborhood collector; however, use of the term collector is not appropriate for these neighborhood streets. Collectors provide citywide or large district connectivity and circulation. There is a level between collector and local streets that is unique due to its level of connectivity. Local streets can be cul-de-sacs or short streets with limited or no connectivity. Because neighborhood routes provide some level of connectivity, they can commonly be used as cut-through routes in lieu of congested or less direct arterial or collector streets which are not performing adequately. Cut-through traffic has the highest propensity to speed, creating negative impacts on these neighborhood routes. By designating these routes, a more systematic, citywide program of neighborhood traffic management can be undertaken to protect these sensitive routes.

A process was used to identify the neighborhood routes in Keizer by working together with the Traffic Safety Commission and City staff for input. Building off the Transportation System Plan, a map was prepared that reflects their input and identifies the neighborhood routes (Figure 1). A definition was prepared for the TSP of the neighborhood route, as follows:

Definition: Neighborhood routes are usually long relative to local streets and provide connectivity to collectors or arterials. Because neighborhood routes have greater connectivity, they generally have more traffic than local streets and are used by residents in the area to get into and out of the neighborhood, but do not serve citywide/ large area circulation. Traffic from cul-de-sacs and other local streets may drain onto neighborhood routes to gain access to collectors or arterials. Because traffic needs are greater than a local street, certain measures should be considered to retain the neighborhood character and livability of these routes. Measures such as neighborhood traffic management are often appropriate (including tools such as traffic circles or other devices - refer to later section). However, it should not be construed that neighborhood routes automatically mean building something in the street to slow traffic. While these routes have special needs, neighborhood traffic management is only one measure, not the only measure. Table A1 provides the inputs for a neighbor route.

Table A1
Input to Basic Design Guidelines
Neighborhood Route

Reference	General Description
Function	Circulation within a neighborhood to other neighborhoods or collectors/arterial routes
Typical Daily Volume	500 to 4,000 vehicles per day
Ultimate Traffic Design	Typically two lanes
Bicycles	Shared Roadway
Sidewalks	Yes
On-street Parking	Permitted
Access Control	Minimum street and driveway spacing per Keizer Development Code
Minimum Right Of Way	60 feet

NTM PROGRAM

Neighborhood Traffic Management programs are built off the three "E's" of transportation.

- **Education:** By making people visibly aware of the problems, they can help by slowing down, staying on arterials/collectors, sharing with other people their concern regarding the negative impact of traffic and by using other modes of transportation.
- **Enforcement:** By focusing the Police Department's enforcement efforts to acknowledged areas of concern, community awareness of speeding problems can be increased.
- **Engineering:** There are several traffic calming measures that can be designed and built to reduce speeding and/or effect traffic volume. While neighbors near problem areas commonly promote these solutions, they can be expensive, create resentment among citizens and (if not done programmatically and with good judgement) can impact maintenance, liability, diversion, parking, noise, aesthetics, emergency response, utility vehicles, or other roadway users.

The process for the City of Keizer NTM program incorporates each of the "E's" at various stages of the plan. In developing the NTM plan several alternatives were considered. To be comprehensive, the NTM plan includes major components that work together to produce a complete NTM program. They include:

- **Process:** outlines how an existing problem is brought to the City, what are the thresholds/warrants for defining a problem, steps toward a solution, prioritization of the project and monitoring of the benefit/ impact.
- **Standards:** This provides a uniform way for NTM measures to be implemented in the City. It provides a process to minimize the impacts to safety and other user/stakeholders (as noted above maintenance, liability, diversion, parking, noise, aesthetic, emergence response, utility vehicles, or other roadway users).

Process

The process for assessing NTM issues includes many steps and decisions to assure the safest projects are developed for the City. The key steps include:

- 1. Identification of a Neighborhood Problem:** This can occur several ways, from a neighborhood organization where applicable or by a petition of a minimum of 75 percent of the residents on a specific street.

***Recommended Process:** Issues of livability brought before the applicable neighborhood association or identified by petition where the project is located be forwarded to the staff of the Public Works Department. A form will be developed by the staff for the neighborhood associations or petitions providing background regarding the problem. The form will request a statement of the problem and an area of concern (limits of the problem-A Street_from X to Y Street). The staff will maintain a set of informational brochures on NTM matters for mass distribution through the neighborhood associations. Should a resident not be satisfied with the findings of the Public Works Staff, they may forward a letter of appeal to the Director of Public Works.*

- 2. Level I Action Plan:** Once a problem has been presented to the TSC by the neighborhood association where applicable or by petition has been filed with the Public Works Department, the first step will be to address education and enforcement related NTM measures and notify 100 percent of the affected properties and the applicable neighborhood association. To be eligible for this step, the project must be a two-lane street that has residential zoning for at least 75 percent of the fronting properties. This first step is taken to address concerns immediately, without substantial cost in analysis. Should significant safety issues be presented in Step 1, there is a separate process for addressing safety-related matters with the Public Works Department.

Recommended Process: - Notify the City Police Traffic Enforcement team of the location and the nature of the request for speed enforcement. Enforcement efforts would include scheduling placement of the speed reader board trailer, requests for increased enforcement at problem areas identified in Step 1 and linking enforcement and reader board placement. The city may need to purchase additional reader board trailers. Additionally, the city may want to pursue legislative changes to allow for photo radar speed enforcement in residential neighborhoods and use this as a Level 1 measure.

3. **Analysis to Define the Problem.** Following Level 1, the affected residents affected working together with the neighborhood association where applicable, will determine if further actions are necessary. At this step, staff will conduct field reconnaissance and analysis to provide quantitative background regarding the street of concern. A data check list will be prepared that can include a 24-hour count of the traffic volume and speed, volume data adequate for a stop sign warrant check if appropriate in project limits, street width, presence of sidewalks, land use adjacent to street location of schools or special activities (parks, senior housing, retail centers, major employment or institutional uses within 1,000 feet), general assessment of pavement condition and grade, on-street parking, functional classification identification, sight distance issues, fronting land uses and driveways (use parcel maps to sketch information in project limits and potential street projects in the area in next five to 20 years from TSP and CIP). This information will be used to do two assessments: 1) determine if threshold criteria are met for consideration of Level 2 NTM; or 2) if Level 2 thresholds are not met, what additional Level 1 measures should be considered.

Recommended Process: City staff will make determination of whether Level 2 considerations are warranted. The thresholds for Level 2 consideration on **neighborhood routes** will include:

Speed.- 85 percentile speed **five** or more miles per hour above posted speed and,

Volume: Daily vehicle counts more than **800** vehicles per day, and,

Cut Through Traffic - Hourly estimate of **25** or more vehicles traveling between arterials.

For arterial or collector routes, the thresholds will include:

Fronting Land Use: More than 75 percent of the properties in the project limits have residential zoning

Speed: 85th percentile speed **10** or more miles per hour above the posted speed zone, and

Volume: Daily vehicle counts more than **1,500** vehicles per day for collectors and **5,000** vehicles per day on arterials

4. Level 2 Prioritization: At the point that thresholds have been met in Step 3 above the next step will be to prioritize the proposed NTM project. The reason for prioritizing the problem prior to developing solutions is to assure that staff, public and design efforts are expended where the greatest needs exist. A scoring system has been developed to assist with the prioritization process. Once the ranking process is completed by the Public Works Department, the project list will be entered into the City Capital Improvement Program process for funding and implementation. This is where the scheduling of a project will be identified and where other factors, beyond the ranking are considered.

Recommended Process: The scoring system by functional classification is noted below in Tables 2,3, 4 using the criteria that were ranked the most important by the Traffic Safety Committee. The Public Works Department will be responsible for ranking projects between functional classifications. A project list is forwarded for review in the CIP process, projects that meet the threshold criteria and commit to funding the NTM project privately will be given five additional bonus points for every 20 percent local funds up to 25 points. This additional scoring is intended to leverage public funds for NTM to get the maximum benefit for the public investment.

Table 2
Neighborhood Route Scoring Process

Criteria	Point	Basis for Scoring
Speed	35	Using 85 th percentile 2 points for an 85-percentile speed 4 mph over posted speed
	PLUS	3 points for every mph from 5 up to 10 mph over posted speed
	PLUS	Using speed profile: 1 point for every percent of volume with speed at or over 10 mph of posted speed up to 15 points.
Volume	25	1 point for every 100 vehicles per day over 500 vpd
Cut Through Traffic	15	10 points if an identified cut through route between arterials can be mapped and observed in the field
	PLUS	5 points if data is provided that indicates of the traffic on the project street that 20% or more is cut through between arterials.
Pedestrian Generators	5	5 points if within 500 feet of street that there are pedestrian generators (parks, elderly housing, retail commercial uses, high school, college or hospital)
Sidewalks	10	10 points if sidewalks in project area are discontinuous on both sides
		5 points if one side of the street has continuous sidewalks
		0 points if the street has continues sidewalks on both sides in project area
School	10	10 points if an elementary or middle school (public or private) is within 500 feet of the project street
TOTAL SCORE	100	

Table 3
Collector Scoring Process

Criteria	Point	Basis for Scoring
Speed	50	Using 85 th percentile 2 points for an 85 percentile speed 5 mph over posted speed PLUS 5 points for every mph from 6 to 10 mph over posted speed
		PLUS
		Using speed profile: 1 point for every percent of volume with speed at or over 10 mph of posted speed up to 15 points.
Volume	10	1 point for every 1000 vehicles per day rounded up
Pedestrian Generators	10	10 points if within 500 feet of street that there are pedestrian generators (parks, elderly housing, retail commercial uses, high school, college or hospital)
Sidewalks	15	15 points if sidewalks in project area are discontinuous on both sides 0 points if the street has continues sidewalks on both sides in project area
School	15	15 points if an elementary or middle school (public or private is within 500 feet of the project street
TOTAL SCORE	100	

Table 4
Arterial Scoring Process

Criteria	Points	Basis for Scoring
Transit	20	20 points if project street is a public transit route with stops
Pedestrian Generators	25	25 points if within 500 feet of street that there are pedestrian generators (parks, elderly housing, retail commercial uses, high school, college or hospital)
Sidewalks	25	25 points if sidewalks in project area are discontinuous on both sides 0 points if the street has continues sidewalks on both sides in project area
Crossing	15	15 points if crossing distance for pedestrians is greater than 60 feet
School	15	15 points if an elementary or middle school (public or private is within 500 feet of the project street
Trucks	10	1 point for every percent of traffic on project street that is trucks (peak hour count)
TOTAL SCORE	100	

5. Level 2 Project Development: Using the CIP process for transportation projects in the City, those projects will go into project development within two years. This step involves extensive public involvement though the neighborhood associations and the project subcommittees involving the City Staff. A NTM toolbox was developed for the City of Keizer based on input of the Traffic Safety Committee to provide a standard set of measures that could be uniformly applied through the problems identified in Steps 1 and 3.

Table 5
Keizer NTM Tool Box

Neighborhood		Collector	Arterial
Circle	Choker	Pavement Texture	Medians
On-street Parking	Speed Hump	On-street Parking	Curb Extensions
Truck Restrictions		One way entry/exit	Roundabouts
Turn Restrictions		Truck Restrictions	
Other Level 1 Measures		Turn Restrictions	
		Medians	
		Curb Extensions	
		Roundabouts	

Recommended Process.- The basic steps of project development will include the following:

- The project is within two years of funding through CIP.
- The project limits are defined in detail
- A neighborhood association meeting is held if applicable to discuss the project and outline the schedule of activities
- The sponsoring citizens for the project will complete an NTM petition form. This requires that signatures of support of 75 percent or more of all the fronting properties owners within the project limits for an NTM project. Without this support, the project will stop at this point.
- A project subcommittee is assigned that includes citizens and staff to develop conceptual design for the NTM project. A member from TSC will be assigned.
- A concept map will be prepared that outlines the types of measures anticipated and the possible alternatives (if any). The NTM project will use the Keizer Tool Box of NTM measures for neighborhood streets. Deviations from measures for which standards exist will require a separate process.
- Assessment of the NTM project will be undertaken including "fatal flaw" impact assessments. These are:
 - Potential diversion. Potential for diversion will be estimated for the project. If the anticipated diversion to another neighborhood or local street is over 150 vehicles per day, then residents from that street will be required to be added to the petition form. Diversion to arterials or collectors will not be considered an impact.
 - Impact to Emergency Routes. Obstruction measures will not be allotted on routes designated by the fire and police departments as primary response routes.
 - Multi-modal Access. Bicycle, pedestrian and transit access will not be negatively impacted by the NTM project.
 - Noise. The potential for noise impacts will be identified with selected NTM measures. A map will identify where additional noise might be anticipated.

■ *Loss of parking.* Where on-street parking is removed or added adjacent property owners will be notified in the development process.

■ *Visual/Aesthetic Concerns.* Samples of the visual character of the NTM measures selected will be reviewed in the public process.

■ *Maintenance.* The effect of the NTM program on maintenance will be identified. This includes added costs for NTM measure maintenance (Landscaping) and impacts to maintenance activities.

■ *Desired Effect.* Using Table 5 as a guide, the selected measure should produce the speed and / or volume benefit desired.

- *With the concept plan and assessment approved by the project subcommittee, the NTM project will be presented to the neighborhood association(s) for review and comment.*
- *Final design will be completed and construction documents prepared.*
- *Final approval from TSC*

2. **CIP Implementation/Funding:** Projects that have completed Step 5 will be advanced to the city for full funding, and implementation. As identified in Step 4, the highest rated group of projects will be forwarded to the CIP for funding.

Recommended Process: The final steps for implementation will include:

- Local funding (if provided) Will be secured
Should the local funding not be available at the time of project implementation, the project will be integrated into the City priority list if applicable. Local funding may come from residents.
- *City staff will prepare a schedule for implementation and notify the neighborhood association*
- *Construction will be completed*

9. **Monitoring:** Once an NTM project is completed, data collection will be conducted three months after completion to determine effectiveness and whether further refinements to the plan are required. Volume and speed data will be collected and summarized in a before and after report by City

staff. If refinements are necessary, they will be identified following analysis of before/after data.

Recommended Process: City staff will setup a standardized approach for before and after studies and tabulate performance data on all NTM projects implemented. Over time this research will be used to refine or upgrade the elements of the plan.

Standards for NTM

Implementing NTM measures can impact several stakeholders that use public streets from utilities to garbage companies, delivery companies to school buses, from emergency services to maintenance, from the postal service to the school district. The needs of all the stakeholders should be considered in any NTM measure. To best address the input of key stakeholders, it is recommended that a series of design standards be developed, reviewed and approved for inclusion in the *City of Keizer Street Design Standards*. This process will allow critical input and review by the stakeholders at one point, rather than having to seek each stakeholders input for each project that is contemplated.

The benefit of developing design standards is that NTM can be uniformly applied in Keizer. The standardization of NTM elements also helps keep the costs down. Most important, by going through a process of adopting the design standards with stakeholder input, the potential liability to the City is significantly reduced.

The development of standards can build off experience in Oregon with NTM and throughout the United States in tailoring a set of standards that meet Keizer's needs. As long as the standard of design are adhered to, the stakeholders can be assured of the character and nature of what may impact the street related to their operational needs.

The Manual of Uniform Traffic Control Devices (MUTCD) provides a reference for most traffic signing and striping needs. While the MUTCD does not address many of the NTM measures outlined in the tool box, many other cities and Keizer itself have working design experience with all of the measures. The following standards should be developed for the City of Keizer.

- Speed Humps (City of Portland has the most recognized standards in Oregon - also need spacing, criteria),
- Circle (Locations in Salem)
- Medians
- Street Width (the Portland region has extensive experience with 28 and 32 foot streets.
- Street Curvature (possibly 50 foot radius, reversing curves for curvilinear)

- Curb Extensions

FUNDING

Funds for NTM projects would most likely come from the approved Capital Improvement program for the current year budget. Funding may be limited or not available in any given Year. NTM projects with private (local) funding will be able to proceed through the NTM process even if public funding is not available at the time.

There are several options for funding NTM measures in Keizer. They will include:

- Full funding through the CIP
- Partial funding through the CIP
- New voter approved funding dedicated to NTM
- Private interests funding NTM without public funds
 - Local residents pay cash
 - Local residents agree to a local improvement district (not recommended due to the administrative costs)
 - Private development funds NTM as mitigation measure of project approval or as an element of site plan design
- Full funding as a mitigation measure of a transportation project (public funds)

Cities of Keizer Neighborhood Traffic Control Program

Potential Traffic Management and Control Devices

Described below are some typical traffic management and control devices that might be employed in a neighborhood traffic control project.

Traffic Management Devices:

(Physical devices which change street characteristics and traffic patterns.)

Traffic Circles are raised landscaped islands placed in the center of an intersection. Their primary purpose is to reduce speed and separate intersection conflicts. Circles are especially effective in a series and may reduce through-traffic.

Curb Extensions narrow the street by widening the sidewalk or the landscaped parking strip. These devices make pedestrian crossings easier. They also narrow the pavement and provide a visual cue to motorists that they are on a non-arterial route.

Speed Humps reduce speeds on residential streets by requiring vehicles too slow to residential speed limits as the driver approaches the "hump." These devices are from 14 to 22 feet in length and approximately 3 inches high. The newer "hump" design is unlike the older "speed bump" design in that it allows vehicles to travel near the legal speeds on residential streets.

Diagonal and Semi-Diverters limit access to a street from one direction by placing a barrier diagonally across an intersection, separating the legs of an intersection or by blocking half the street. They are effective in reducing volume and allow more freedom of circulation within the neighborhood than cul-de-sacs. Both diagonal diverters and semi-diverters can be designed and installed to allow emergency vehicle access.

Median Barriers are used on arterials to prevent through-traffic or control turns onto neighborhood streets from arterials. Medians may also be used within a neighborhood to prevent non-local traffic movement through a street. Medians may be used effectively in combination with forced turn channelization and turn prohibitions.

Forced Turn Channelization allows traffic entering or exiting a neighborhood street to move in one direction only. This discourages a potential or existing through-traffic pattern.

Parking Revisions can modify traffic conditions by: either removing parking to facilitate turns and visibility or revising parking to slow traffic movement or add spaces, i.e., angle parking on one way streets.

Parking Bays with wider parking strips can be used to narrow street pavement or lanes, and enhance street tree planting areas with longer curb extensions.

Pavement Modification can be used to emphasize heavily-used pedestrian crossings or neighborhood entries. Thresholds, different paving surfaces, or raised pavement surfaces, are often used in combination with curb extensions.

Lane Demarcations such as striping, buttons, or curbing can be used to better define or separate travel lanes, bicycle lanes, parking lanes, pedestrian lanes, etc. Generally, narrower travel lanes slow traffic slightly, but can raise other safety or operational problems.

Traffic Control Devices:

(Standard regulatory and advisory controls, such as signage and signals.)

The Federal Highway Administration has established guidelines, criteria or warrants that must be met to install each device. These guidelines apply to all streets in Keizer.

Stop Signs are devices used to assign right-of-way at an intersection. Stop signs should not be installed, and are not effective, in diverting traffic or reducing speeding. They are installed at uncontrolled intersections with accident problems, visibility restrictions (such as buildings or topography); and/or where volumes are high enough that the normal right-of-way and is unduly hazardous. Variations include two-way stops and all-way stops. Each variation has certain guidelines that dictate its use.

Signal Modifications can discourage or prohibit non-local movement on neighborhood streets (Local or collector) to or from arterials. Generally, the longer the signal wait times between side streets and arterials, (e.g., double cycles, etc.), the less non-local traffic will short-cut through a side street.

Turn prohibitions are used on arterials to prevent non-local traffic from using neighborhood streets (e.g., no left turn). These prohibitions may be in effect all day or just at weekday peak hours.

Signage Changes may be informational, (e.g., flashing school crossing signs, neighborhood entry signs), directional (e.g., "Arterial Route" signs), or regulatory (e.g., "No Trucks" signs).

Speed Limits are established by the State Speed Control Board, based on engineering criteria, local land use character, and existing speeds. Without physical changes to a street, a lower speed limit will not actually reduce speeds.

Rumble Strips are raised buttons placed on a street to warn of a hazard or cue drivers to another traffic control device; they may slightly decrease speed, but raise bicycle safety and maintenance concerns.

One Way Streets, where practical, may be used to discourage non-local traffic movements on neighborhood streets.

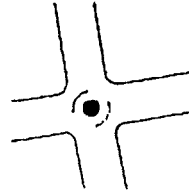
Clear Vision Areas are visibility zones at intersections and driveways. These areas are sometimes obstructed by fences, brush, shrubs, parked cars, etc., which the City can legally require to be removed or modified.

Other Techniques

Neighborhood Speed Watch is a method for neighbors to actually monitor and warn neighborhood speeders, using a City-loaned radar gun. Petitions for setting up a Neighborhood Speed Watch are available from the Keizer Engineering Division, Transportation Program.

Crosswalks at heavily used pedestrian or school crossings can be enhanced by visibility improvements, striping, warning signage, and by reducing the crosswalk distance.

TRAFFIC CIRCLES



DESCRIPTION:

Traffic circles are raised islands placed in an intersection. They are landscaped with ground cover and street trees. Traffic circles require drivers to slow to a speed that allows them to comfortably maneuver around them.

PURPOSE:

The primary benefit of traffic circles is they reduce the number of angle and turning collisions. An additional benefit is they slow high-speed traffic.

EFFECTIVENESS:

Traffic circles are very effective at lowering speeds in their immediate vicinity. Traffic circles are most effective when constructed in a series on a local service street.

Advantages	Disadvantages
Effectively reduce vehicle speeds Improve safety conditions (for example, there are fewer left-hand turn crashes involving other vehicles) Visually attractive	Require some parking removal Can cause bicycle/auto conflicts at intersections because of narrowed travel lane Can restrict emergency or transit vehicle movement if vehicles are parked illegally near the circle

COST:

Traffic circles cost approximately \$5,000 to \$15,000 each.

PARKING IMPACTS:

A minimum of 30 feet of curbside parking must be prohibited on the through street at each corner of the intersection.

TRANSIT SERVICE IMPACTS:

Cherriot buses can maneuver around traffic circles at slow speeds provided vehicles are legally parked near the circles.

EMERGENCY SERVICES IMPACTS:

Fire trucks can maneuver around traffic circles at slow speeds provided vehicles are legally parked near the circles.

NOISE IMPACTS:

Noise impacts are minimal. There may be some noise related to vehicles decelerating and accelerating near the circles.

OTHER CONSIDERATIONS:

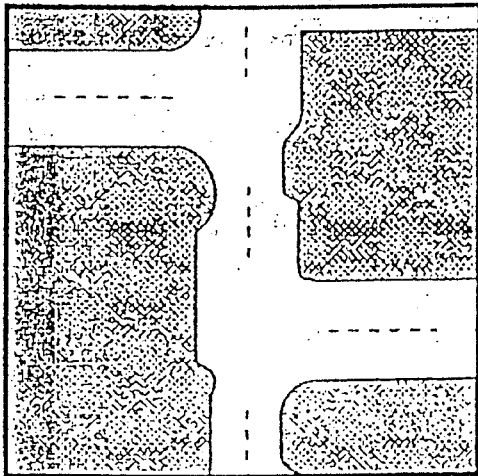
Well-maintained traffic circles can be very attractive. However, there are also a lot of traffic control signs and pavement markings associated with circles that are not so attractive.

CURB EXTENSIONS



DESCRIPTION:

Curb extensions narrow the street by widening the sidewalk or the landscaped parking strip.



PURPOSE:

These devices are employed to make pedestrian crossings easier and to narrow the roadway.

EFFECTIVENESS:

Curb extensions effectively improve pedestrian safety by reducing the street crossing distance and improving sight distance. They may also slightly influence driver behavior by changing the appearance of the street. They can be installed either at intersections or midblock.

Advantages	Disadvantages
- Reduce pedestrian crossing distance and time - Make pedestrian crossing points more visible to drivers - Prevent vehicles from passing other vehicles that are turning - May visually enhance the street through landscaping - Do not slow fire vehicles	- Require some parking removal - May make it difficult to accommodate full bicycle lanes

COST:

Curb extensions costs \$7,000-10,000.

PARKING IMPACTS:

Curb extensions may occupy street area otherwise available for curbside parking.

TRANSIT SERVICE IMPACTS:

Curb extensions do not adversely affect transit service. Curb extensions at transit stops enhance service by moving the curb so riders step directly between the sidewalk and bus door.

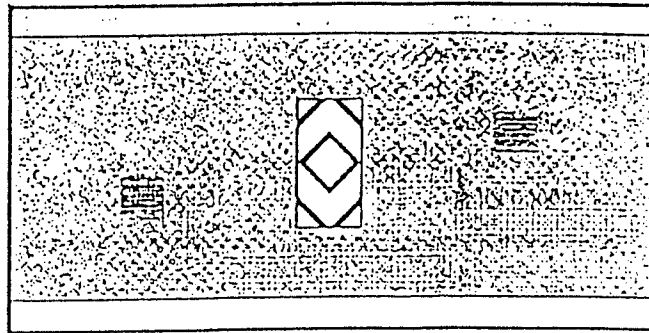
EMERGENCY SERVICES IMPACTS:

None.

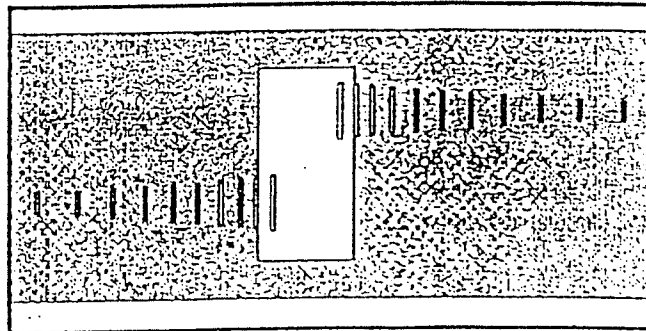
SPEED BUMPS

DESCRIPTION:

Speed bumps are asphalt mounds constructed on streets and spaced 300 to 600 feet apart. Portland uses two different shapes of speed bump according to the conditions and needs of a given street. On residential streets where speeds of 25 mph are desired, speed bumps that are 14 feet wide and ramp up to a height of 3 inches might be used. On streets where speeds of 30 mph are desired, 22 foot speed bumps might be used. On streets used by transit vehicles, are considered primary fire response routes by the Portland Fire Bureau or have exceptionally high volumes, the 22-foot bump may be selected instead of the 14 foot speed bumps.



14 Foot Speed Bumps



22 Foot Speed Bump

PURPOSE:

Speed bumps are intended to reduce vehicle speeds.

EFFECTIVENESS:

Fourteen-foot speed bumps are very effective at encouraging 25 mph vehicle speeds.
Twenty-two-foot speed bumps are very effective at encouraging 30 mph vehicle speeds.

Advantages

Effectively reduce vehicle speeds
Do not require parking removal
Pose no restrictions for bicycles
Do not affect intersection operations

Disadvantages

Can possibly increase traffic noise from braking and acceleration of vehicles, particularly buses and trucks
Slows fire vehicles

COST:

Speed bumps cost approximately \$1,000 - 1,500 each.

PARKING IMPACTS:

None.

TRANSIT SERVICE IMPACTS:

Like other vehicles, buses must cross a speed bump at reduced speeds. Experience shows that 22 foot speed bumps do not impede transit service or scheduling. Riding over speeds bumps do not significantly bother transit riders.

EMERGENCY SERVICES IMPACTS:

Like other vehicles, emergency response vehicles must cross a speed bump at reduced speeds. The speed bump design selected for any street takes into consideration whether it is used as a primary response route. The Portland Fire Bureau reviews all speed bumps proposed on primary response routes.

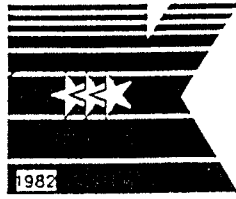
NOISE IMPACTS:

Speed bumps may generate some noise.

OTHER CONSIDERATIONS:

Traffic volumes typically decrease slightly after speed bumps are constructed. Traffic on neighboring streets must be monitored for diversion.

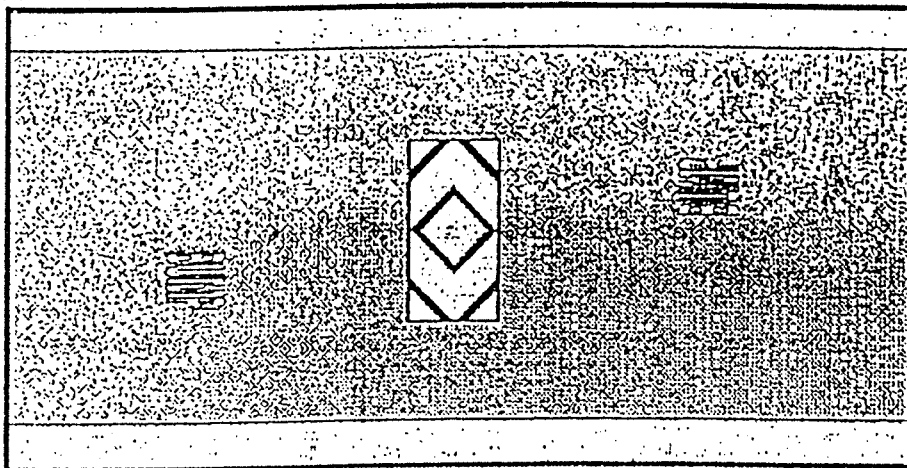
Speed bumps are not constructed on grades greater than 8%.



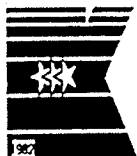
City of Keizer

P.O. BOX 21000 KEIZER, OR. 971303

NEIGHBORHOOD TRAFFIC MANAGEMENT PROGRAM



APPENDIX



NTMP Affected Neighbor Survey

Problem Description: _____

Petitioner Name.- _____

Daytime Telephone - _____

Petitioner Mailing Address- _____

Evening Telephone: _____

Location of Problem: _____
(For intersections, list both streets. For roads, indicate name and problem limits. e.g. Long Ave. between Church & Olive.)

By signing the survey below, you are indicating that you believe that the problem identified above is unacceptable and that you support implementing a mitigation measure to resolve the problem. This survey does not recommend a specific mitigation measure, or even ensure that a mitigation measure will be implemented. The Neighborhood Traffic Management Process (NTMP) will be used to determine what, if any, mitigation measures will be implemented. Signing this survey does not imply that you will be obligated to fund any portion of the project.

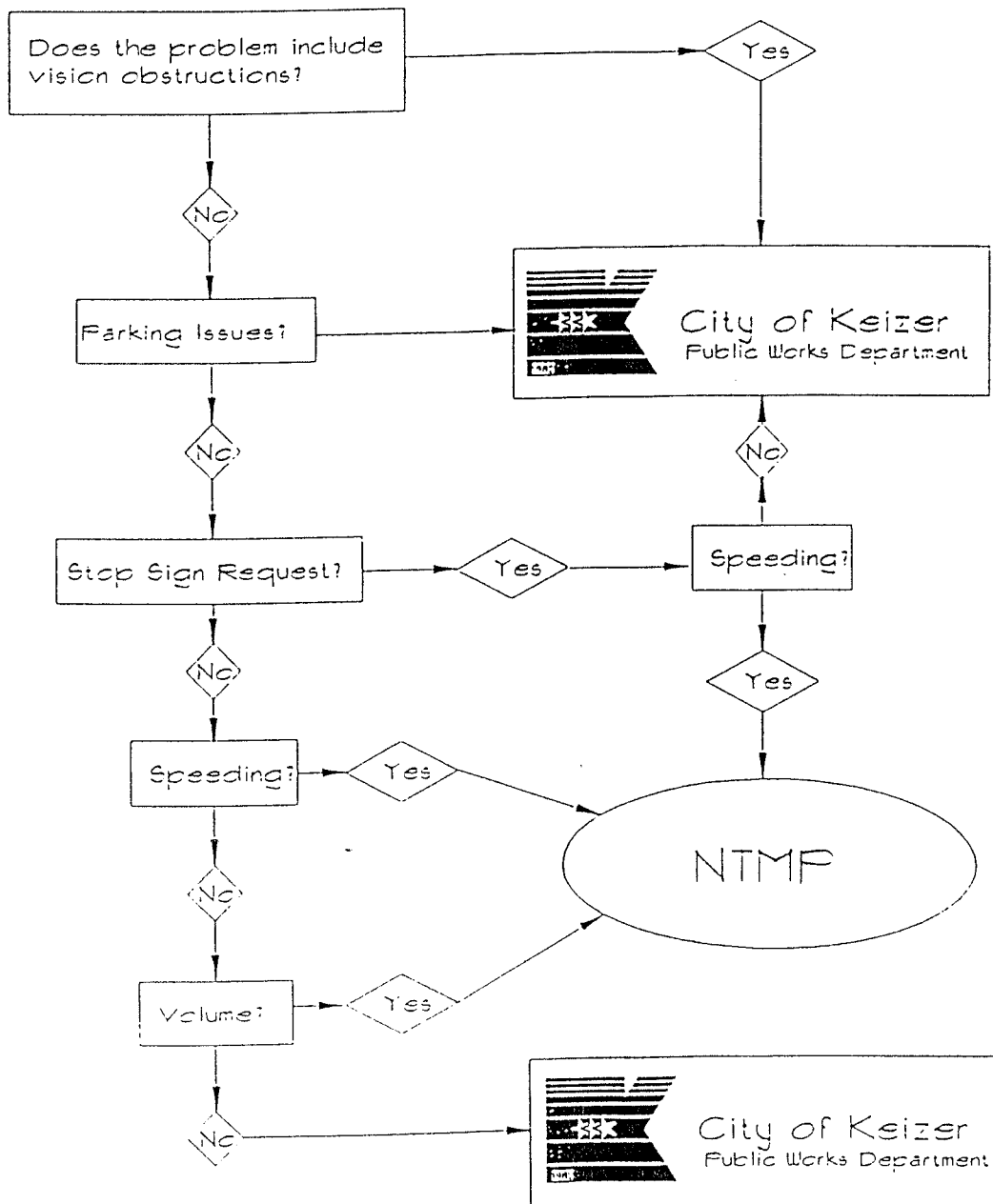
Name (Printed)	Signature	Address	Phone Number

A minimum of 75% of the affected properties owner signatures must be obtained

Flowchart for Neighborhood Association Problem Assignment

The following information is provided to assist the Neighborhood Association and the citizens of Keizer in the appropriate process for the described problem.

Not all problems should be addressed using the Neighborhood Traffic Management Program (NTMP). Many issues should be referred directly to the Public Works Department. The following flowchart should help with determining the correct course of action.





City of Keizer

P.O. BOX 21000 KEIZER, OR. 971303

Neighborhood Traffic Management Process (NTMP) Application

Section I (To be completed by Applicant)

Applicant Name: _____ Daytime Telephone: _____

Applicant Mailing Address: _____ Evening Telephone: _____

Location of Problem: _____
For intersections, list both streets. For roads, indicate name and problem limits. e.g. Long Ave. between Church & Olive.)

Description of Problem: _____
e.g. Excessive speeding on street, high volumes, etc.)

Section 2 (To be completed by the Neighborhood Association or Applicant)

Street Classification: _____ Volume: _____
Designated in Keizer TSP) (Attach Count Forms)

Number of Through Lanes: _____ Speed: _____
On Primary Roadway) (Attach Speed Forms)

Roadway Width: _____ Survey: _____
Width from curb to Curb) (Attach Survey Form)

Diagram:

Parking: _____
Indicate which side or both)

Section 3 (To be completed by the Neighborhood Association or Applicant)

Level One Checklist

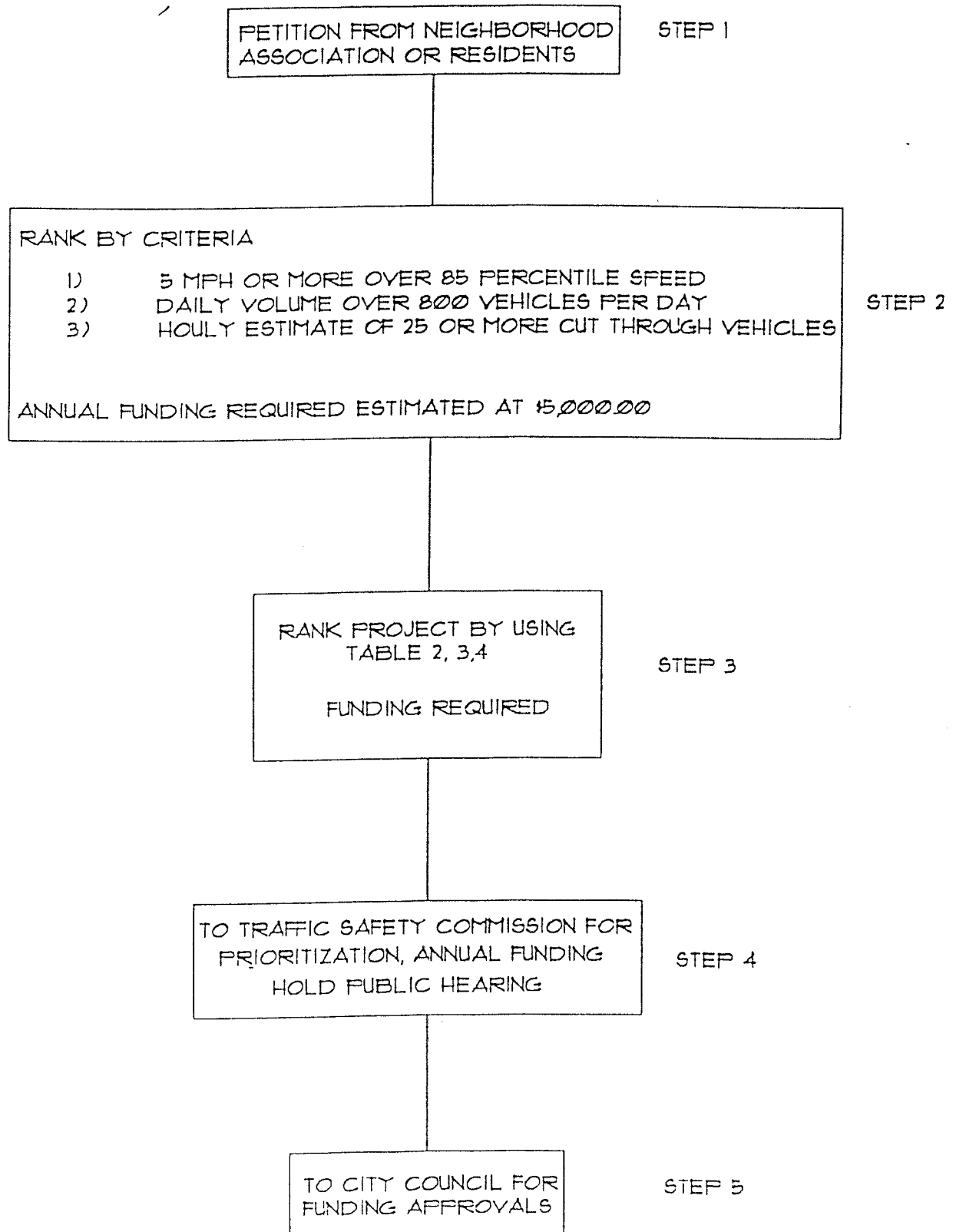
- ☐ First Level One Recommendation: _____
Date Completed: _____
- ☐ Second Level One Recommendation: _____
Date Completed: _____

Section 4 (To be completed by the Neighborhood Association or Applicant)

The Neighborhood Association has determined that the following action be taken for this application:

- ☐ Problem Resolved, Process Complete Date: _____
- ☐ Continue Level One Mitigation
- ☐ NTMP Level Two, Refer To Public Works
- ☐ Not NTMP Eligible, Refer to Public Works
- Traffic Chair: _____
- Association Chair: _____
- Neighborhood Chair: _____

CITY OF KEIZER - NEIGHBORHOOD TRAFFIC CONTROL PROGRAM PROCEDURES





July 19, 1999

AGENDA ITEM 7b

**TRAFFIC SAFETY COMMISSION – RADAR READER BOARD
GRANT**

COUNCIL MEETING: July 19, 1999

AGENDA ITEM NUMBER _____

TO: MAYOR NEWTON AND CITY COUNCILOR MEMBERS

THROUGH: WALLY G. MULL
CITY MANAGER

FROM: TRACY L. DAVIS, CMC
CITY RECORDER



SUBJECT: TRAFFIC SAFETY COMMISSION GRANT REQUEST

ISSUE:

Mike Kirby, Chair of the Traffic Safety Commission and Sgt. John Teague, staff liaison to the Traffic Safety Commission requested time on the agenda to address the Council on a request to apply for a grant for a radar reader board. This radar reader board is to be used in conjunction with the Neighborhood Traffic Management Plan.



July 19, 1999

AGENDA ITEM 7C

**APPEAL OF HEARINGS OFFICER DECISION – CASE NO 99-17
VIESKO QUALITY CONCRETE HAUL ROAD**

COUNCIL MEETING: July 19, 1999

AGENDA ITEM NUMBER: _____

TO: MAYOR NEWTON AND CITY COUNCILOR MEMBERS

**THROUGH: WALLY G. MULL
CITY MANAGER**

**FROM:  AMY C. DROUGHT, AICP
SENIOR PLANNER**

**SUBJECT: APPEAL OF HEARINGS OFFICER DECISION CONDITIONAL USE
CASE NO. 99-17; VIESKO QUALITY CONCRETE**

BACKGROUND

On June 21, 1999 the City Council conducted a public hearing on this appeal. The City Council closed the public hearing and the record, and set the date of July 19, 1999 for deliberations on this appeal.

RECOMMENDATION

Staff believes that a Conditional Use Permit is required to develop the proposed haul road. Staff recommends that the City Council approve the Conditional Use with the following conditions:

- 1) The applicant shall comply with the following Department of Public Works Requirements:
 - a) The applicant shall improve the proposed haul road to a $\frac{3}{4}$ width improvement in accordance with the City of Keizer Department of Public Works Street Standards.
 - b) The proposed haul road can be developed as a private road with a gate until such time that the property to the north develops. At that time, the $\frac{3}{4}$ width improvement shall be dedicated as public right of way for only that section of the haul road extending the length of the property to the north (Tax Lot 100).

- c) The applicant shall develop a sound wall along the south side of the proposed haul road. The design and construction of the sound wall shall be approved by the Keizer Public Works Department. The sound wall shall be installed prior to any use of the proposed road.
 - d) The applicant shall create a safe, well- lighted intersection with appropriate sight distances in all directions. The intersection with Windsor Island Road and Lockhaven Drive shall be designed to provide for a curvilinear alignment resulting in adequate centerline continuance for the intersection.
 - e) The applicant shall submit a site grading plan to the Department of Public Works indicating where fill will be proposed and showing that no storm water in the area will be impeded by the proposed development. A site grading plan shall be submitted to the Department of Public Works prior to any grading operations on the site within the City limits.
 - f) Once constructed, all Viesko Quality Concrete trucks and other vehicles associated with Viesko Quality Concrete business, shall use the haul road and not Willow Lake Road.
- 2) The applicant shall comply with Keizer Fire District and Marion County Fire District #1 requirements.

The staff reports submitted for the public hearing are attached, as well as the applicant's submittals. The entire record was copied and attached as part of the City Council packet for the public hearing on June 21, 1999. Therefore, this material has not been copied again. Please contact me if you have any questions. Thank you.

COUNCIL MEETING: June 21, 1999

AGENDA ITEM NUMBER: _____

TO: MAYOR NEWTON AND CITY COUNCILOR MEMBERS

THROUGH: WALLY G. MULL
CITY MANAGER 

FROM:  AMY C. DROUGHT, AICP
SENIOR PLANNER

SUBJECT: APPEAL OF HEARINGS OFFICER DECISION CONDITIONAL USE
CASE NO. 99-17; VISEKO QUALITY CONCRETE

Attached please find a staff report and copy of the record for this land use appeal. Shannon Johnson also prepared a staff report for your review as well. Please feel free to contact me if you have questions regarding any of the attached material.

Thank you.

MEMO TO: Mayor Newton and City Councilors

FROM:  Amy C. Drought, AICP, Senior Planner

THROUGH: Wally Mull, City Manager

RE: Appeal of Hearings Officer Decision on Conditional Use Case No. 99-17;
Viesko Quality Concrete

DATE: June 14, 1999

BACKGROUND:

A. Conditional Use Case No. 99-17

In March 1999, Viesko Quality Concrete applied for a Conditional Use Permit to develop a "haul road" to serve a planned aggregate extraction site, batch plant, and office. The proposed aggregate extraction site is located entirely within Marion County (Tax Lot 700). The proposed batch plant and office site is located outside of the City limits, but within the Salem-Keizer Urban Growth Boundary (Tax Lot 1500). Viesko proposes to use the former PGE easement (Tax Lot 200) in conjunction with Tax Lot 1600 to serve the proposed batch plant, office and aggregate extraction site.

The properties involved in this application are zoned Exclusive Farm use (EFU). The proposed haul road will be part of the sand and gravel processing operation. According to Section 2.117.03 of the Keizer Development Code, "exploration, and processing geothermal or other subsurface resources not used exclusively in conjunction with farm or forest management" is listed as a Conditional Use. Therefore, staff concluded that approval for the development of the proposed haul road required a Conditional Use Permit.

The City recommended approval of the CUP to the Hearings Officer with several conditions. A complete list of these conditions is listed in the attached Staff Recommendation. Some of these conditions include:

- The proposed batch plant and office site shall be annexed to the City of Keizer prior to the development of the haul road, and
- The proposed haul road shall be developed as a public street. This is proposed in order to adequately serve the property to the north of the subject property as well as other property in the vicinity of the subject property, and to meet the connectivity standards within the Keizer Development Code. The City Traffic Engineer and Public Works Department recommends that the trucks currently using Willow Lake Road from the Keizer Sand and Gravel Operation reroute their traffic to use this new public street as well.

B. Hearings Officer Decision

The Hearings Officer denied the Conditional Use Permit. The Hearings Officer concluded that the proposed “Haul Road” was not an allowed use in the EFU zone. Please see Shannon Johnson’s attached memo for additional information regarding the Hearings Officer decision.

C. Appeal by Viesko

Viesko Quality Concrete appealed the Hearings Officer decision. After a new review of the Keizer Development Code, the applicant now believes that a Conditional Use Permit is not needed because the definition of street in the Keizer Development Code specifically excludes access to mining operations. Section 1.200.04 of the Keizer Development Code Street states “The entire width between the boundary lines of every way of travel which provides for ingress and egress for vehicular and pedestrian traffic and the placement of utilities to one or more lots, parcels, areas, or tracts of land. Streets shall follow the locally adopted street designations. A private way created to provide ingress and egress to land in conjunction with the use of such land for forestry, mining, or agricultural purposes is excluded from this definition.”

The applicant states in their appeal letter that since a private access used in conjunction with mining is exempt from consideration as a street, there is no need for this Conditional Use application, and therefore, the Hearings Officer decision and the Conditional Use application should be dismissed.

ISSUE:

Staff disagrees with the Hearings Officer conclusion and applicant’s statement of appeal. The Hearings Officer concluded that since the Haul Road was not specifically listed as a use in the EFU zone, it could not be permitted. However, staff has always considered access for a proposed use to be part of the use itself for purposes of land use approval.

Since the haul road is proposed to provide access to an aggregate operation, and the aggregate operation is a conditional use in the EFU zone, the approval of the haul road therefore requires conditional use approval.

RECOMMENDATION:

Staff recommends that the City Council open, conduct, and close the public hearing. Staff recommends that the City Council deny the appeal and approve Use Case No. 99-17 with the following conditions:

- Prior to the construction and use of the proposed road, the proposed batch plant and office site shall be annexed to the City of Keizer.
- Prior to the construction and use of the proposed road, the applicant shall receive all required approvals from Marion County for development of the aggregate operation.
- Prior to the construction and use of the proposed road, the applicant shall apply for and receive all of the necessary land use approvals from the City of Keizer in order to develop and operate the Batch Plant and office use on the proposed site.
- A sound wall shall be constructed along the south side of the proposed haul road. The design and construction of the sound wall shall be approved by the Keizer Public Works Department. The sound wall shall be installed prior to any use of the proposed road.
- The applicant shall meet all Department of Public Works and Engineering requirements as noted in Exhibits “D” and “E” which are attached in the staff recommendation.
- The applicant shall meet the Keizer Fire District requirements and the Marion County Fire District #1 requirements as noted in Exhibit “F” which are attached in the staff recommendation.

MEMO TO: Mayor Newton and City Councilors

FROM: *Wally Mull* Amy Drought, AICP, Senior Planner

THROUGH: Wally Mull, City Manager

RE: Condition of Approval for Viesko Quality Concrete, Conditional Use Case
No. 99-17

DATE: June 21, 1999

At the public hearing before the Hearings Officer, staff added a condition of approval which was not included as part of the written staff recommendation. This condition was the following:

“This approval is given only with the understanding the proposed batch plant and office will be located on tax lot 1500. If the batch plant and office are to be located on any parcel other than the current proposal, this will require another evaluation from the City of Keizer through a new land use application process.”

Staff recommends that this condition be added to the list of conditions before you for consideration tonight.

KEIZER CITY ATTORNEY
MEMORANDUM

TO: MAYOR NEWTON AND
COUNCIL MEMBERS

THROUGH: WALLY MULL
CITY MANAGER

FROM: E. SHANNON JOHNSON
CITY ATTORNEY



SUBJECT: **CONDITIONAL USE CASE NO. 99-17 (VIESKO QUALITY
CONCRETE)**

DATE: JUNE 14, 1999

This matter is before the City Council on the applicant's appeal of the Hearings Officer decision. I am writing to supplement the Senior Planner's staff report on two specific issues: (1) the Hearings Officer's decision; and (2) the Applicant's theory on appeal.

Hearings Officer's decision. The Hearings Officer's decision denied the application, not because specific criteria were not met, but simply because the "road" was not listed as an allowed use either in the Keizer Development Code (KDC) or the state statutes on EFU zones. With regard to the KDC issue, the Hearings Officer is correct that the specific use (road) is not listed as an allowed or conditionally allowed use in the EFU. However, as a distinct and separate use, "road" or "street" does not appear as a use in other zones either. ("Street" appears as a generally permitted use in all zones, but only for public right-of-ways. KDC 2.203.01C).

Generally speaking, the Hearings Officer's premise that the use must be specifically listed to be allowed is a correct one. Zoning and development codes generally specify with some detail the exact uses that are allowed. Any other uses not listed are presumed to be disallowed. Therefore, the Hearings Officer's decision in some sense may be technically correct. However, the practice of the Community Development Department has been to evaluate street or access ways in connection with the connected use; e.g., a street connecting to a residential subdivision would be evaluated as a residential use. Though additional clarity in the KDC would be helpful, I believe the City Council could validly interpret the code to provide for an interpretation that is consistent with past staff analysis; that is that a road is reviewed in conjunction with the use it connects to.

The state statute issue is more problematic. The Hearings Officer correctly points out that state statutes do not specifically list "roads" as allowed uses for EFU zones. (Unlike other zones, the statutes specifically talk in detail about what is and is not allowed in EFU zones.) The first question for the Council to answer is whether or not the EFU statutes apply to cities. The statute chapter is entitled "County Planning", and the statutes appear to apply to counties by the language expressed therein. There certainly is no express exemption for cities in the statutes, however, I would advise that determining that the statutes do not apply to cities is appropriate.

Even if the statutes apply, the second question is whether the Hearings Officer's conclusion regarding the disallowance for the use is correct. The Hearings Officer felt without specific allowance for "roads" in the statutes, that the use could not be allowed. In this interpretation question, the City Council is not provided the deference that is allowed in interpreting the City's own code. However, though a close question, I believe that the City Council may conclude that the state statutes allow for this type of use. The reason for my conclusion is that a contrary answer would lead to an illogical result. If an aggregate (gravel) property owner can be allowed that type of use in an EFU zone, the road to the use would seem to be consistent, as long as all other criteria are met. For example, presume that Viesko's batch plant was within the city limits. The application would be reviewed as a whole; the plant itself and the road.

Consequently, if the Council chooses to do so, I believe that an interpretation that the statutes allow for the access road could be defensible.

Applicant's theory on appeal. The applicant's argument on appeal is a unique one. (See May 19, 1999 appeal letter from the applicant's consultant.) The applicant's consultant, Jeffrey R. Tross, argues that the definition of street at KDC 1.200.04 excludes the type of private access way proposed in this case. Such definition is set forth below:

Street. The entire width between the boundary lines of every way of travel which provides for ingress and egress for vehicular and pedestrian traffic and the placement of utilities to one or more lots, parcels, areas or tracts of lands. A private way created to provide ingress and egress to land in conjunction with the use of such land for forestry, mining, or agricultural purposes excluded from this definition.

Mr. Tross believes that because the proposed access will be a private way provided for ingress and egress in conjunction with mining, that it is excluded from the definition of street.

Mr. Tross concludes that such exception means that a conditional use permit is not necessary. I respectfully disagree with this position with this conclusion.

The Keizer Development Code requires that the use of all land, as well as the construction, structural alteration, use or occupation of any structure within the City conforms to the requirements of the Code. KDC 1.102.02. There is currently no road on the old PGE easement which is proposed for connecting the batch plant to Lockhaven Drive. The construction of the road in that location is certainly a use and a dramatic change in the use of the land. From a statutory interpretation point of view, it will result in a significant impact on land uses. Consequently, the question of whether or not this "private way" is defined as a street or not does not relieve the applicant from the burden of proving that the road is a valid conditional use within the EFU zone.

With regard to whether such access should be defined as a public street or not, the connectivity standards within the Code imply that public connection is an appropriate condition. The definition of "street" is useful for analyzing already existing streets and whether or not they fall within the definition requirements. However, I do not believe that analysis of the definition is helpful in this particular instance.

RECOMMENDATION:

After conducting and closing the public hearing, the Council has some threshold matters to consider before reviewing the conditional use permit criteria and deciding whether to grant or deny the application. The following is a suggestion in terms of order of analysis:

1. Determine whether the applicant's theory is correct; i.e., whether the applicant even needs to have conditional use permit approval in order to construct the access way. The Council should preliminarily determine whether or not the conditional use permit is necessary. If it is not necessary, that determination can be made by resolution and the appeal can be dismissed. If a conditional use permit is determined to be necessary, the Council should move to the next stage of analysis.

2. Determine whether or not the KDC allows the requested use of "road" or "street" in this particular circumstance. If the Council determines that the Code does not allow this type of use, the Hearings Officer's decision should be upheld and the application denied. If the Council determines that its interpretation of the Code allows for this type of use, then the Council should go to the next step in the analysis.
3. Determine whether or not the state statutes on EFU apply to this situation. If the Council determines that the statutes do not apply, then the Council should go forward to Step 5 in the analysis to determine the substantive issues in the case. If the Council determines that the statutes do apply, then the Council should go to the next step in the analysis.
4. Determine whether the EFU state statutes allow for this type of use; i.e., road or street use. If the Council determines that the statutes do not allow for this use, then the application should be denied and the Hearings Officer's decision should be upheld. If the Council determines that the statutes do allow for this type of use, then the Council should go to the next step in the analysis.
5. Determine whether or not the application meets the relevant criteria and either deny, grant, or grant with conditions the application.

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

ESJ/tmh
enclosure

JEFFREY R. TROSS
Land Planning and Development Consultant
1720 Liberty St. S.E., Salem, Oregon 97302
(503) 370-8704

May 19, 1999

Keizer City Council
c/o Community Development Department
City Hall
Keizer, Oregon 97307

RE: APPEAL OF HEARINGS OFFICER DECISION, CASE NO. CU 99-17,
VIESKO QUALITY CONCRETE

Dear Council Members:

I am writing on behalf of the Applicant, Viesko Quality Concrete, to Appeal the Hearings Officer's decision in Conditional Use Case No. CU 99-17, and to request that the Council hold a hearing on this matter. This decision was issued on May 11, 1999, and the Appeal Period extends to May 21, 1999. This Appeal is filed within the specified Appeal Period.

The purpose of this application is to create a private access to serve an existing sand and gravel resource site located to the west, outside of the UGB, and a future aggregate processing operation. The proposed accessway would be an alternative to the use of Willow Lake Road, the existing access to the property. The proposed accessway would remove the aggregate site traffic from the public street, which would avoid potential conflicts between industrial vehicles and the residential traffic that uses this street.

The proposed accessway would be located on land that is inside the city and zoned EFU. The Conditional Use application was filed in accordance with a City Staff determination that a private drive used in conjunction with an aggregate processing operation required a Conditional Use Permit under Keizer Development Code (KDC) 2.117.03-D.

The Hearings Officer denied the request on the sole basis of his determination that the proposed accessway does not qualify as a Conditional Use in the EFU zone. This was the only issue examined by the Hearings Officer. The Hearings Officer made no other judgments with regards to whether the proposal met the Conditional Use criteria, or any other matters related to the application.

After of a new review of the KDC, we believe that a Conditional Use Permit is not needed to allow this private access. Additional review of the Code since the Hearings Officer's public hearing reveals that the proposed private access is excluded from the definition of a street, as provided in KDC 1.200.04. A street is defined as a "...way of travel which provides for ingress and egress...to one or more lots, parcels, areas, or tracts of land".

The definition continues, *"A private way created to provide ingress and egress to land in conjunction with the use of such land for forestry, mining, or agricultural purposes is excluded from this definition."*

The proposed access will be a "private way". Its purpose will be to provide ingress and egress to land in conjunction with mining. The specific purpose of the access fits precisely with the exclusion provided in the definition of a street.

Since a private access used in conjunction with mining is exempt from consideration as a street, there was no need for this Conditional Use application. The proposed private access does not require a public hearing or a decision by the City. For these reasons, the Hearings Officer's decision, and the Conditional Use application, should be dismissed.

If, in the alternative, the Council determines that the proposed private access does qualify as a Conditional Use in the zone, the information provided in the application shows that the proposal satisfies the Conditional Use criteria.

Thank you for your consideration of this Appeal. We will look forward to discussing this matter with you at the public hearing.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Tross", written over a horizontal line.

Jeffrey R. Tross

cc: Viesko Quality Concrete

Rec'd # 1337
5/19/99



CITY OF KEIZER APPEAL FORM

APPEAL RIGHTS: Upon final action on a land use application by the Zoning Administrator, Hearings Officer or Planning Commission, the applicant or any persons receiving notice of decision may appeal the decision by filing within ten (10) days from the date of the mailing of the decision. An appeal to the Hearings Officer, Planning Commission or City Council shall include notice at least ten (10) days prior to hearing to the appellant, the applicant and any other individuals who received notice of the original decision.

Any interested person, including the applicant, who disagrees with this decision may request that the application be considered by the appropriate body at a public hearing. The appeal is subject to the appellant paying an \$150.00 fee at the time the appeal form is submitted. This fee will be refunded if the appeal is upheld. In addition, the applicant may request reconsideration of the decision on the basis of new information; provided, a waiver of the 120-day time limit for the review of zoning application is signed.

The appeal form must be received by the Keizer Community Development Department, 930 Chemawa Road NE, Keizer by 5:00 p.m. on the tenth day following the date of the mailing of the decision. The failure to submit the required fee with the appeal form or notice of appeal, including return of checks unpaid or other failure of consideration, shall be a jurisdictional defect resulting in the dismissal of the case.

FEE: \$150

Land Use Case Appealed: CU 99-17

Final Date of Appeal Period: MAY 21, 1999

Purpose of Appeal: - SEE ATTACHED LETTER OF APPEAL -

Appellant Name: SCOTT ELLISON / VIESKO QUALITY CONCRETE *Scott Ellison*

Address, City, Zip: PO Box 20610
KEIZER 97307

Daytime Phone Number: 393-5050

The City of Keizer Community Development Department will be in contact to notify you of the scheduled hearing for the appeal of this land use case. If you have any questions, contact the department at (503) 390-3700.



submitted by
Rick Stein
applicant
attorney
6-21-99

June 21, 1999

RAMSAY & STEIN, P.C.
ATTORNEYS AT LAW

The Honorable Bob Newton, Mayor
and the Keizer City Council
City of Keizer Civic Center
930 Chemawa Road N.E.
Keizer, Oregon 97303

Re: **Conditional Use Case No. 99 - 17,**
Viesko Quality Concrete

Dear Mayor Newton and City Councilors:

Our firm is representing the applicant in this case, Viesko Quality Concrete (Viesko). It is our position that the Hearings Officer erred in this case. It is also our position that the staff recommendations do not correctly interpret existing law and recommend an unconstitutional taking.

Hearings Officer's Decision

Both staff, the city attorney, and Viesko are in agreement that the Hearings Officer's decision is wrong. The decision is wrong for one of two reasons. Our position is that the road is a permitted use in the EFU zone for the reasons set out below. KDC 2.117.02 (A). The staff position is that the application is properly considered as a conditional use related to the exploration and processing of subsurface resources. KDC 2.117.03 (D). Their rationale is set out in the staff memorandum dated June 14, 1999, and forwarded to you. As the City Attorney correctly points out, the result reached by the Hearings Officer is absurd. Under this interpretation, a farmer could not build a road in the EFU zone because it is not specifically listed. The Hearings Officer should be reversed.

The Hearings Officer also gets in to the applicability of state law to this case, specifically ORS Chapter 215. Again, we agree with the memo from the Keizer City Attorney on this point, and there is case and statutory law in point. Specifically, the Oregon Supreme Court ruled in Byrd v. Stringer, 295 Or 311, 666 P2d 1332 (1983) that once a comprehensive plan has been acknowledged, it is the plan and the implementing ordinances that apply to land use decisions, and not the LCDC goals. 666 P.2d at 1334.

1395 LIBERTY ST. SE, STE. 101
SALEM, OREGON 97302
(503) 399-9776
FAX (503) 370-7909

Logically, since ORS 215 is an implementing statute for Goal 3 for the purpose of protecting agricultural lands, Byrd would apply since the Keizer Comprehensive Plan and implementing ordinances have been acknowledged by LCDC.

LUBA has also specifically ruled that in the case of a city, once a city's comprehensive plan and land use regulations are acknowledged, then they and not the state goals apply to land use decisions. Byrnes v. City of Hillsboro, 18 Or. LUBA 494, 505 (1989). This case was appealed to the Court of Appeals on other grounds, but in footnote 4 of its decision, the court inferred that LUBA's decision on this issue was the correct one. 790 P.2d 552, 554 (1990). Again, the clear logic is that it is the local comprehensive plan and implementing ordinances that apply once they are acknowledged and not state statute or the LCDC goals.

This conclusion is further reinforced by LUBA's scope of review set out in ORS 197.835(5), which provides that LUBA shall reverse or remand a decision not subject to an acknowledged comprehensive plan or a land use regulation if the decision does not comply with the goals. The necessary logical corollary is that if a land use decision is subject to an acknowledged comprehensive plan or a land use regulation, then LUBA does not review it for compliance with the goals, which is precisely what ORS 197.835(8) states. It is only the Keizer Comprehensive Plan and ordinances that apply.

Viesko's Position

As noted above, our position is that a conditional use permit is not required here because a private haul road to a gravel mining operation in an EFU is a permitted use. The parcel to be used for the private haul road is located in an EFU zone, but within the Keizer UGB and city limits. As the City Attorney correctly points out, it is a change of use. The question, however, is how is this change of use is regulated by the Keizer Development Code (KDC)

The City has taken the position that because the private haul road is ancillary to a batch plant, it should be processed as a conditional use under KDC 2.117.03(D). This analysis is incorrect, however, because there is no application before the City for the batch plant. In fact, the batch plant to be located in Marion County has not even been filed yet, and will be considered by the County. Although Viesko is negotiating to buy tax lots 1500 and 1600, there is a strip of land between these lots owned by the City of Salem and containing a sewer main. The City of Salem has tentatively indicated that it will grant an easement for the private haul road to cross this strip but it will retain ownership of the strip. Unless the City of Salem were to consent to the annexation of this strip, tax lot 1500 will not be contiguous at any point to the Keizer city limits at any point and, therefore, it cannot be legally annexed. Thus, Marion County will continue to be the governmental body with jurisdiction to hear a batch plant application for tax lot 1500, although Keizer will have the opportunity to fully participate in the hearings. No improvements other than the private haul road are planned for tax lot 1600 at the west end of the haul road.

In our view, the proper analysis in this case for applicability of the KDC is as follows:

1. **Permitted Use.** KDC 2.117.02(A) lists "farm use" as a permitted use in Keizer's EFU zone. In parentheses, this section says "see farm use definition". Turning to the general definition section found at KDC 1.200.04(p. 12), the term "farming" is defined, although "farm use" is nowhere to be found. The definition states that "farming" is "The use of land for purposes defined in ORS Chapter 215." **It is important to note that the definition does not say that farming has the same definition as "farm use" defined in ORS Chapter 215.**
2. **ORS 215.283(3).** Turning to ORS Chapter 215, ORS 215.283 generally deals with permitted uses in the EFU zone. Subsection (3) of this statute specifically allows "Roads, highways and other transportation facilities and improvements not allowed under (1) and (2) of this section..." In other words, one of the "purposes" defined in ORS Chapter 215 is for these types of facilities. A private haul road is certainly a "road" or "... other transportation facility... or improvement" within the meaning of the statute. Accordingly, a private haul road is a permitted use under KDC 2.117.02(A). (Emphasis added.)
3. **Consistent with Keizer Development Code.** This interpretation is consistent with the Keizer Development Code. As applicant has previously noted in its appeal notice dated May 19, 1999, the term "Street" as defined at KDC 1.200.04 (p.12) specifically *excludes* private haul roads by stating that:

"A private way created to provide ingress and egress to land in conjunction with the use of such land for forestry, mining, or agricultural purposes is excluded from this definition."

Clearly, the KDC recognizes private roads for the purposes stated. Our proposal is for a "private way" for "ingress and egress" to property for "mining" purposes. The Keizer Comprehensive Plan and implementing ordinances have been acknowledged by LCDC, so that excluding such private ways is consistent with state land use goals. This also makes perfect sense because forestry, gravel mining, and agriculture are all resource uses recognized and protected by the state goals and statutes. It is also a common sense fact is that private roads are needed to use land for these purposes.

Viesko is trying to be a good corporate citizen here by routing traffic out of neighborhoods via a private haul road. This is consistent with the Comprehensive Plan, Land Use and Economic Development, General Policy No. 13, which provides that it is a policy of the City of Keizer to discourage through traffic in residential neighborhoods. For the above reasons, we respectfully submit that the private haul road that we have proposed is a permitted use and this body should so rule.

Staff Position

We have already shown above why the staff analysis of this application is in error. In the event that the Council agrees with the staff's position, however, we would like to address the proposed conditions, as we believe that several of them present legal and constitutional problems.

As a general background, both the U. S. Supreme Court and Oregon courts have made it clear that while a city or county may impose conditions of approval on a land use application that deal with impacts created by that application, if they go too far, it can be an unconstitutional taking.

The U. S. Supreme Court in the *Dolan* case, stated that to avoid being an unconstitutional taking, a condition must have an "essential nexus" to a legitimate governmental interest and must be related in its nature and extent to the impact and development. *Dolan v. City of Tigard*, 512 US 374, 114 S.Ct. 2309, 129 L.Ed. 2d 304 (1994). The Court also ruled that there must be a "rough proportionality" between the condition and impacts and put the burden of demonstrating the above on the governmental body. A considerable degree of particularity by the government in explaining its justification was required the Court.

The Oregon appellate courts have had the chance to look at this issue since the U.S. Supreme Court decided *Dolan*, and the case of *Art Piculell Group v. Clackamas County*, 922 P.2d 1227, 142 Or App 327 (1996) is particularly instructive in this case. This case also dealt with a road. The Court of Appeals reviewed the requirements of *Dolan* and then went on to emphasize that:

"... the determinative factor must be the relationship between the impacts of the development and the approval conditions, and not the extent of the public's need for road or other improvements that happen to exist at the time the particular development is approved." 922 P.2d at 1236. (Emphasis added.)

We believe that the *Art Piculell* case and the above-quoted language have a direct bearing on this case.

Specifically, it is important to understand what is being proposed in the application and what is not being proposed. The applicant is simply asking to establish a private haul road. We are not asking for approval of a batch plant or a mining operation. Indeed, Viesko already has its mining permits and could legally begin hauling rock from the site right now. In terms of the batch plant, Viesko will go before Marion County for consideration of its application. Therefore, in terms of determining impacts, the City should look solely at the impacts, if any, of just the private haul road. It is clear in this regard, though, that the impact will be *to lessen* traffic impacts on the nearby residential streets. It is also clear that if this is made a public road, it will

create new and adverse traffic impacts. Thus, the City would be in the interesting position of imposing conditions on a application that has a positive impact on the community as currently designed but, by virtue of the proposed conditions, would create negative impacts - at the applicant's expense! We do not believe that this would meet the standards in either *Dolan* or *Art Piculell*.

With the above background in mind, we would like to review the proposed conditions as recommended by staff:

1. **Annexation:**

The public policy remains the same whether the company is hauling existing rock or processed rock after a new batch plant is in place - heavy truck traffic should be segregated from the residential area and traffic. Therefore, we would ask that Condition #2 be deleted.

Further, a condition to annex has nothing whatsoever to do with any impacts of the proposed haul road. Even if a connection could be articulated, there is no "rough proportionality" between the private haul road and such a requirement. Accordingly, such a condition violates both the *Dolan* and *Art Piculell* cases.

2. **Required Approvals:**

The public policy of separating heavy truck traffic from residential areas and traffic is the same, regardless of whether the road is used to haul out unprocessed rock now or processed rock, if a batch plant is approved. Therefore, Viesko would like the right to both construct and use the road prior to Marion County approval of the batch plant and would ask that recommended Condition #2 be deleted.

3. **Batch Plant Approval by City of Keizer:**

This condition is tied to the first condition. Therefore, if there is no annexation then this condition could not apply.

4. **Sound Wall:** This condition is acceptable.

5. **Public Works Requirements:**

The haul road has no impacts on water. Accordingly, the concerns set out

The Honorable Bob Newton

June 21, 1999

Page 6

in Exhibit D would not apply. With regard to Exhibit E, we have already stated our objection, based on *Dolan* and *Art Piculell*, not to mention public policy, that the haul road should not be a public road. Likewise, we would make the same objections to any requirements for water and sanitary sewers. We will be willing to cooperate on the issue of appropriate storm drainage. We have no objection to cooperating with Public Works on development of the intersection at Windsor Island Road, to the extent of applicant's land ownership. Obviously, this will require distribution between Public Works, ourselves, and the other property owners.

6. **Fire Districts:**

We are, of course, willing to make sure that fire equipment has adequate access. Because the private haul road will be designed to accommodate large and heavy gravel trucks, we do not anticipate any problem with the ability of the haul road to handle fire trucks or other equipment.

CONCLUSION

We hope that you will agree, after understanding the facts in this case, as well as the applicable law, that a private haul road is in the best interests of the community. We strongly believe that we are entitled to a permitted use for this purpose. Even if the Council should disagree, and treat it as a conditional use, then most of the conditions recommended by staff **create** new problems of the sort that the private haul road is designed to solve. Thank you for your consideration. We will be happy to answer any questions that you may have.

Sincerely,

RAMSAY & STEIN, P.C.



Richard C. Stein

RCS:jk

cc: Mr. Steve Erickson, Viesko Quality Concrete
Mr. Jeff Tross



July 19, 1999

AGENDA ITEM 7d

**ORDINANCE – REGULATING CONSTRUCTION AND
MAINTENANCE OF FLOATING STRUCTURES**

COUNCIL MEETING: July 19, 1999

AGENDA ITEM NUMBER: _____

TO: MAYOR NEWTON AND CITY COUNCILOR MEMBERS

**THROUGH: WALLY G. MULL
CITY MANAGER**

**FROM: *Wally Mull* AMY C. DROUGHT, AICP
SENIOR PLANNER**

SUBJECT: FLOATING STRUCTURES ORDINANCE

BACKGROUND

On June 21, 1999 the City Council conducted a public hearing on a proposed Floating Structures Ordinance. City Council directed staff to bring back an ordinance containing the recommended changes.

RECOMMENDATION

Staff recommends that Council approve the attached ordinance. Please let me know if you have any questions.

1 BILL NO. _____
2 NO. _____

A BILL

ORDINANCE

99- _____

3 FOR

5 AN ORDINANCE

7 IN THE MATTER OF ADOPTING STANDARDS FOR REGULATING THE
8 CONSTRUCTION OF FLOATING STRUCTURES
9

11 WHEREAS, the City of Keizer currently does not have any existing standards
12 regulating the construction of floating structures,

13 WHEREAS, the City Council of the City of Keizer finds that it in order to protect
14 the public health, welfare and safety of the citizens of Keizer, it is important to have a
15 body of standards regulating the construction and maintenance of floating structures,

16 NOW THEREFORE,

17 The City of Keizer ordains as follows:

18 Section 1. SHORT TITLE. This ordinance shall be known as the "Floating
19 Structures Ordinance."

20 Section 2. PURPOSE AND SCOPE. It is the purpose of this Ordinance to
21 promote the public's health, safety and welfare through the regulation of floating structures
22 and their appurtenances. These regulations recognize that waterborne structures, by their
23 very nature confront different environmental factors than do structures located on land.
24 Furthermore, it is recognized that waterborne structures have distinctive design requirements
25 such that strict adherence or application of land oriented Specialty Codes is not always
26 appropriate and that modifications or exceptions should be made in appropriate
27 circumstances in the application of those codes.

28 Section 3. SCOPE. This Ordinance does not apply to the construction,

1 maintenance, or operation of vessels or boats. The Oregon Structural Specialty Code and
2 the Oregon One and Two Family Dwelling Code, adopted by reference by the City in other
3 portions of this ordinance, is to be modified as appropriate by a nautical application or
4 tradition. Exceptions be made in this and similar circumstances to allow for the nautical
5 character and unique needs of floating structures. This ordinance shall cover all residential
6 and commercial uses. Floating structures moved into the City of Keizer shall comply with
7 this code as for new construction.

8 Section 4. DEFINITIONS.

- 9 1. Addition: An increase in the floor area or height of a structure or building.
- 10 2. Alteration: Any change or modification of existing construction.
- 11 3. Berth: An open (uncovered) waterside area defined by floating walkways and finer
12 floats, for the wet storage of a boat.
- 13 4. Boathouse: A covered floating structure used primarily for the wet or dry storage of
14 a boat.
- 15 5. Combo: A boathouse-floating home combination.
- 16 6. Fire Apparatus Access Roads: Roads providing the driving surface for fire
17 department vehicles responding to an emergency, extending from a public right of
18 way to a point nearest a moorage or marine gangway or pier.
- 19 7. Floating Home (Houseboat): A floating structure used primarily as a dwelling unit.
- 20 8. Floating Structure: A structure supported by a flotation system and held in place by
21 piling and mooring devices, including but not limited to boathouses, floating homes,
22 marinas, and walkways.
- 23 9. Gangway: A variable slope structure intended to provide pedestrian access between

- 1 a fixed pier or shore and a floating structure.
- 2 10. Houseboat: See floating home.
- 3 11. Marine: Floating structure(s) used primarily for the service, and/or repair, sale or
4 moorage of boats in berths, but may include other occupancies.
- 5 12. Moorage: A site used for the mooring of one or more floating structures or boats
6 and includes the piling, mooring connectors, piers, ramps, gangways, walkways, and
7 the land area used in conjunction therewith.
- 8 13. Moored or Mooring: The attachment of a boat or floating structure in one location
9 temporarily or permanently, to piles, walkways, gangways, piers or other structures.
- 10 14. Mooring Connectors: A connection between a floating structure, floating home,
11 boathouse, berth, or marina, and a pile, pier, walkway, ramp, gangway or other
12 structure, with the capability to hold the structure in place under reasonably expected
13 conditions.
- 14 15. Mooring Site: A site within a moorage designed or used for the mooring of a boat,
15 boathouse, floating home or other occupied floating structure.
- 16 16. New Construction: A new building or structure or an addition to an existing building
17 or structure.
- 18 17. Pier: A non-floating fixed platform extending out over the water from shore to
19 which gangways are usually attached.
- 20 18. Ramp: A fixed sloped structure providing pedestrian access between portions of a
21 moorage which are at different elevations.
- 22 19. Repair: The reconstruction or renewal of any part of an existing structure for the
23 purpose of its maintenance.

20. Specialty Codes: A code of regulations adopted under ORS 447.020(2), 455.020(2), 479.730(1) or 480.535 commonly referred to as the Structural Specialty Code, Mechanical Specialty Code, Plumbing Specialty Code and the Electrical Specialty Code.

21. Tender House: A non-habitable, floating accessory building.

22. Transient Tie-up: A floating structure used exclusively for the open moorage of pleasure boats on a short term, maximum 72 hour stay.

23. Walk: A fixed portion of a floating home structure providing access to and around a floating home.

24. Walkway: A covered or open floating structure used for ingress or egress to a mooring site. There are three types:

a. Fingerfloat: A fingerlike floating structure, usually attached perpendicular to a main walkway, which physically defines a berth and provides direct pedestrian access to and from a berthed boat or floating home.

b. Main Walkway: A floating structure to which two or more fingerfloats are attached, thereby providing direct pedestrian access between the berths and marginal walkways or shore.

c. Marginal Walkway: A floating structure which provides pedestrian access between two or more main walkways and shore.

25. Waste: Means garbage, litter, or sewage including kitchen, bath and laundry waste except for effluent from Coast Guard approved sanitation devices.

Section 5. ADMINISTRATION AND ENFORCEMENT.

Responsibility. The City Manager or his designee shall administer and enforce the

1 provisions of this Ordinance for new construction. The State of Oregon Department of
2 Environmental Quality shall have responsibility for enforcing violations pertaining to the
3 dumping of waste into the waters of the City. Nothing in this Ordinance is intended to
4 displace or conflict with any other relevant federal, state statute, rule or regulation nor grant
5 exemption therefrom.

6 **Permits and Inspections.** It shall be unlawful for any person, firm or corporation to
7 erect, construct, enlarge, alter, repair, move, improve or convert any structure regulated by
8 this Ordinance, except as provided for herein, or cause the same to be done without first
9 obtaining a separate permit for each structure from the City of Keizer as required by this
10 Ordinance. Specific exemptions from the permit requirements within this Ordinance shall
11 not be deemed to grant authorization for any work to be done in violation of the provisions
12 of this Ordinance or any other rules or regulations of the City of Keizer, the State of Oregon,
13 or the Federal government.

14 Failure to comply with the terms of this Ordinance subjects a person to such
15 remedies as the City, the Marion County Building Inspection Department, or the Keizer Fire
16 District, in the exercise of their reasonable discretion deems appropriate, and as may be
17 otherwise limited by law.

18 Unless otherwise exempted, separate plumbing, electrical and mechanical permits
19 are required for any work performed covered by this Ordinance.

20 1. Permits and inspections shall be required for the following:

- 21 (a). The new construction of floating homes or combos capable of supporting
22 full time residency and any alteration work performed on these same floating
23 structure involving over 50 percent of the structure.

1 (b) The new construction of an addition of habitable space to a floating home or
2 combo capable of supporting full time residency.

3 (c) Existing or new floating homes or combos capable of supporting full time
4 residency moved into the City of Keizer.

5 (d) The new construction of public and private floating structures such as, but
6 not limited to, moorages, marinas, yacht clubs, places of assembly, living
7 quarters, and attendant piling, mooring connectors, piers, ramps, gangways,
8 walkways, land structures, roadways and parking areas.

9 (e) Any new and/or alteration to any electrical, plumbing, heating/air
10 conditioning installation on a floating structure, including wood stoves.

11 2. Permits and inspections are not required for the following:

12 (a) Repairs and alterations with like materials in a manner to less than 50
13 percent of a moorage structure.

14 (b) Replacement of piles provided the replacement piles are like material,
15 installed in a like manner and total less than 50 percent of the piles
16 supporting the structure.

17 (c) Construction, alteration or repair of individual boathouses, swim or ski
18 floats, or combos not capable of supporting full time residency.

19 (d) Construction, alteration or repair of tender houses not meant or used for
20 living purposes.

21 (e) Relocation of boathouses, floating homes, combos or other floating
22 structures within a moorage or between separate moorages as long as the unit
23 moved is in good repair and the distance between units is not diminished by

the move.

(f) Other exceptions allowed pursuant to the various specialty codes.

3. Arrangements with regard to permits and inspection for projects constructed outside of Keizer but intended for use in Keizer are to be made with the City of Keizer prior to the commencement of construction.

4. It is the contractor's responsibility to request inspection prior to proceeding with the next phase of work. Instructions for requesting inspection are provided at permit issuance.

Fees. All permit and inspection fees shall be adopted by City Council resolution.

Section 6. REGULATIONS FOR FLOATING STRUCTURES.

General. Floating structures and moorages shall comply with these specific regulations as well as applicable Specialty Codes, and all other applicable regulations of the City, State, and Federal governments. Where conflicts exist between these specific regulations and other regulations, this Ordinance shall apply. Existing floating structures moved to the City of Keizer shall comply with this Ordinance as though they were new construction.

Maintenance. All floating structures and supporting structural systems, electrical, plumbing and mechanical installations and devices required by this Ordinance shall be maintained in good serviceable condition by the property owner or through the applicable homeowner's association. The City will not be responsible for any damage, loss or claim whatsoever due to any failure or defect or lack of conformity of any structure or system. Any break or damage resulting from a private sewer or water system shall be the property owner's responsibility.

1 Section 7. NEW CONSTRUCTION

2 **Minimum Standards.** The following are minimum standards by which moorages
3 and floating structures are to be designed and built. Moorages and floating structures may
4 be designed to a higher standard and be deemed to conform to these regulations.

5 **Materials and installations.**

6 1. **Structural materials.** Structural members and connectors within 18 inches of the
7 water shall be fabricated of materials or be coated or treated such that the materials will
8 resist deterioration due to their proximity to the water except logs used for flotation and steel
9 piling. In general: framing lumber shall be pressure treated with an approved preservative;
10 framing connectors shall be hotdipped galvanized or noncorrosive metal except for an
11 choring chain and pins; plywood shall have exterior type adhesive; exposed plywood shall
12 be exterior grade. All floating structures shall be constructed with standing seam metal
13 roofs with baked-on enamel non toxic coatings.

14 2. **Thermal insulation.** Main floor insulation shall be of a type approved for damp
15 locations.

16 3. **Underfloor ventilation.** All enclosed floating home, combo, or boathouse wood
17 construction systems, shall be ventilated in accordance with the building code.

18 **Engineered Construction.**

19 1. **General.** The minimum structural design of floating structures and moorages shall
20 be in conformity with all applicable sections of the State Building Code and the
21 requirements of this section. The piling, mooring connectors, the gangway, and flotation
22 system for all floating structures shall be designed by an engineer or architect of record who
23 is registered in Oregon. Hereafter, where the term "engineer of record" is written it shall

mean either engineer or architect of record.

The Engineer of Record shall be responsible for establishing the design criteria and completing the design of the complete project. The Engineer of Record shall do this by preparing and certifying complete construction drawings and calculations for structural strength and flotation. The design criteria shall be substantiated by the Engineer of record and noted on the first sheet of the construction drawings.

If an engineer(s) or architect of other than the Engineer of Record have been engaged to design a portion of the project (piles for example), the Engineer of Record is to:

(a) Verify that the other engineer(s) or architect(s) have provided drawings and calculations certified by an Oregon engineer or architect.

(b) Verify that the other engineer(s) or architect(s) have used design criteria (loads, load combinations, etc.) that have been established by the Engineer of record.

(c) Verify the compatibility of the portion's design with the design of the complete project.

(d) Verify that the designs of structural connections between the portion(s) of the project designed by other engineers and portions designed by the Engineer of Record have been accomplished by an engineer or architect registered in Oregon.

(e) Place review approval stamp on all drawings and calculations prepared by the other engineers showing that a. through d. have been accomplished.

2. Loading. All floating structures, piling, mooring devices and gangways shall be designed and constructed to sustain, within the stress limitations specified in the

1 State Building Code, all applicable wind, snow, and live loads specified in the State
2 Building Code and this Ordinance.

3 (a) Current loads shall be calculated on the basis of maximum current
4 anticipated at the location of the structure.

5 (b) Wave and wake loads shall be calculated on the basis of the maximum
6 possible wave and/or wake that can be expected at the location of the
7 structure.

8 (c) Impact loads from the boats, and other objects shall be considered with a
9 minimum velocity of 2 feet per second.

10 (d) Gangways not more than 6 feet wide shall be designed to sustain a live
11 load of 50 psf unless they serve structures which contain an occupancy
12 where more than 50 people may occupy a room at one time such as some
13 dining establishments or meeting rooms.

14 (e) Gangways not more than 6 feet wide serving public recreational boat
15 launching and transient tie up facilities may be designed to sustain a live
16 load of 40 psf. Those gangways and all those more than 6 feet wide shall
17 be designed to sustain a live load of 100 psf.

18 (f) All floating structures, piling, mooring connectors, gangways and ramps
19 shall be designed and constructed to resist lateral forces produced by the
20 reasonable combination of expected wind, current, wave/wake and impact
21 loads at the location. Reductions allowed in the State Building Code for
22 simultaneous loads may be applied.

23 **3. Mooring connectors.**

1 (a) Every floating structure shall be moored with connectors having the capacity
2 to hold the structure in place under reasonable expected conditions.

3 (b) Whatever structure the mooring connectors are attached to, whether it is a
4 walkway, piling, or other, shall be designed to withstand the loads from the
5 mooring connectors, the Engineer of Record's design criteria for the project
6 shall include the maximum dimensions of the floating structure(s) as these
7 determine the loads on the mooring connectors and their supports.

8 **4. Piling.**

9 (a) The floating structure shall be attached to piling which is adequate to resist
10 lateral forces produced by any normally expected combination of wind,
11 current, wave, wake and impact. The minimum height of the top of the
12 piling shall be a minimum of two feet above the 100 year flood elevations as
13 shown on the Federal Insurance Rate Maps published by the Federal
14 Emergency Management Agency.

15 The following apply to all floating structures:

16 **5. Flotation.**

17 (a) Floating structures shall be constructed and maintained to provide a flotation
18 system that complies with the requirements of this Ordinance. The flotation
19 devices shall be structurally sound and securely attached to the framing for
20 the superstructure, except that foam flotation blocks may be held in place by
21 friction only. The flotation systems shall provide support adequate to
22 provide a level and safe walking surface under all reasonable load
23 conditions. EXCEPTION: Floating homes, boat houses and combos need

1 only have adequate flotation to maintain clearance above water under all
2 applicable conditions.

3 (b). Clearance Above Water. The clearance above water as measured from the
4 water line to the top of the lowest point on the floor or deck under usual dead
5 load conditions, shall not be less than 1 foot-0 inches for walkways, and not
6 less than 1 foot-8 inches for all other floating structures.

7 (c) Live Loads. In addition to dead loads, the flotation system shall be adequate
8 to support the maximum condition of the following minimum live loads.
9 Depending on use, higher load may be more appropriate.

10 (1) 25 psf applied to the gross area; or,

11 (2) A concentrated load of 600 lbs.; or,

12 (3) 25 psf applied to the gross, main floor area plus 10 psf on each upper
13 floor or loft; or,

14 (4) For nonresidential occupancies, the live load required by the State
15 Building Code for the particular nonresidential occupancy.

16 (5) Pedestrian walkways or ramps serving an occupant load of 10 or
17 more 40 psf; all others 25 psf.

18 (6) Pedestrian walkways or structures serving boat launching or transient
19 tie up facilities 20 psf.

20 (7) At locations where live loads are transmitted from gangways to
21 floating structures, the live load may be reduced 50 percent on the
22 gangway for purposes of calculating the reaction only. Additional
23 flotation may have to be provided to compensate for this reaction on

1 the floating system to maintain the prescribed clearance above water.

2 (d). Stability with short term, off-center loading or wind loading. The floating
3 structure when subjected to either off-center loading or wind loading shall
4 not exceed the following limitations:

5 (1) The maximum angle of list shall not exceed 4 degrees, or the
6 clearance above water when measured from the water line to the top
7 of the first floor or deck shall not be less than 1/3 of the normal
8 clearance above water, whichever is the more restrictive.

9 (2) The ratio of resisting moment (M_r) to applied moment (M_a) shall be
10 equal or greater than unity:

11 (3) The resisting moment due to buoyancy (M_r) shall be computed
12 about a longitudinal axis passing through the center of gravity at a
13 list angle of not more than 4 degrees.

14 (4) The minimum off-center loading shall be considered as applicable to
15 the completed structure and shall be considered in addition to all
16 dead loads. It shall consist of a minimum live load of 100 pounds
17 per lineal foot of floor length at the first floor and 50 pounds per
18 lineal foot of floor length at each additional floor or loft. If the width
19 of the floor or loft exceeds 20 feet then the load shall consist of 5
20 pounds times the width of the floor per lineal foot of floor length at
21 the first floor and 2.5 pounds times the width of the floor per lineal
22 foot of floor length at each additional floor or loft. These uniform
23 live loads are to be applied halfway between the center of gravity and

the outside edges of the floors. The overturning moments resulting from the off-center loading (Ma) shall be computed about both sides of the center axis of gravity.

(5) Other appropriate eccentric or off-center loading due to wind, snow, live loads or combinations of these shall also be considered.

Fire Safety.

1. Fire apparatus access roads.

Access to moorages shall be by fire apparatus access roads having all-weather driving surfaces capable of supporting the imposed loads of Fire Apparatus. Such roads shall be a minimum 20 feet unobstructed width with not less than 13 feet-6 inches unobstructed vertical clearance. They shall be provided from the nearest public way to the head of the gangway. Fire apparatus turnarounds shall be required on any fire access road having a dead end exceeding 150 feet, as illustrated in City of Keizer Street Standards.

2. Moorage exits.

Two exit gangways are required whenever any one of the following conditions apply:

- (a) The marginal walkway exceeds 250 feet,
- (b) Total distance from the nearest point of apparatus set-up (usually at the head of a gangway) to the most remote portion of the moorage exceeds 800 feet.

EXCEPTION: Moorages used for the moorage of pleasure boats without covers (open moorage configuration) and having not more than two floating homes (for owner and caretaker, for instance) need have only one exit gangway. When two exit gangways are required, they shall be

1 separated by the maximum distance possible so as to avoid the possibility of
2 any one fire cutting off exit or access to both exit gangways.

3 3. A complete Residential Fire sprinkler system shall be installed in each Floating
4 Structure to meet or exceed NFPA Standards and/or the local fire jurisdiction.

5 4. **Distance between floating homes.**

6 (a) Separation between floating homes shall not be less than those prescribed
7 in the State Structural Specialty Code.

8 5. **Occupancy separation.** A covered boat well, in a floating home, enclosed on
9 more than two sides shall be separated from the habitable space by a wall having 5/8 inch
10 thick type 'X' gypsum board on the boat well side.

11 6. **Fire protection standpipe.** Moorages having any portion of a floating structure
12 more than 150 feet from the point of fire apparatus set up, shall have a Class 1 dry
13 standpipe system designed and installed in accordance with the Uniform Fire Code and the
14 following: EXCEPTION: 1: Installations for moorages used exclusively for loading and
15 off loading boats or vessels and transient tie-up moorages.

16 (a) Standpipes shall be located on plans and approved by the Fire Chief.

17 (b) Shall have a water supply that complies with any one of the following:

18 1. Municipal water providing 1000 gpm.

19 2. A fire hydrant within 500 feet of the closest point of fire department
20 access to a moorage site exit ramp.

21 3. The Willamette River or associated bodies of water with pump or
22 pumps capable of providing 250 GPM at 100 psi to any single outlet
23 on the standpipe system. Pumps are to be powered with natural gas

1 or propane and be listed by Underwriters Laboratory.

2 (c) Have a fire department connection located within 30 feet of fire apparatus set
3 up.

4 (d) Have pipe sized to provide minimum flows as designed to adequately supply
5 sprinkler system.

6 (e) Have adequate drain valves installed in ensure complete drainage.

7 (f) Have gate valve outlets made of noncorroding metal, 2-2-1/2 inch I.D. with
8 National Standard threads spaced a distance apart as follows:

9 1. For moorages having marine service stations, floating homes or other
10 type of structures, having permanent living quarter, valves are to be
11 every 100 feet and within 50 feet of the end of walkways.

12 2. For moorages serving only boathouses, valves are to be every 150 feet
13 and within 75 feet of the end of the walkways.

14 3. For moorages having only open moorage of pleasure boats, standpipes
15 shall only be required along the marginal walkway with valves required
16 only at intersecting main walkways, or not less than every 200 feet and
17 100 feet from the end of marginal walkways not having intersecting
18 walkways.

19 4. Standpipe systems shall be tested in accordance with Uniform Fire Code
20 Appendix III.C(97). The Fire Marshall shall be notified at least 24 hours
21 in advance of all tests and tests shall be done in their presence or the
22 presence of their representative. The system shall be tested annually or
23 as required by the Fire District.

1 **Gangways, Ramps, Walkways and Walks.**

2 1. Gangways, ramps and walkways shall be illuminated by lights designed, constructed
3 and maintained to provide a minimum average of 1 foot candle of light per square foot at the
4 walking surface. EXCEPTION: Recreational boat launching and transient tie up facilities.

5 2. Gangways and ramps shall have a maximum slope of 1 vertical to 2.5 horizontal and
6 shall have a non-slip walking surface or surface cleats securely fastened in place with a
7 minimum spacing center to center of 1 foot 6 inches.

8 3. Gangways shall have a minimum, unobstructed width of 5 feet when a single
9 gangway is required and 4 feet when more than one gangway is required and shall be
10 provided with guardrails and handrails as required by the building code. Intermediate
11 landings shall not be required for gangways. EXCEPTION: Gangways serving an
12 occupant load less than 10 and gangways serving recreational boat launching and transient
13 tie up facilities need not be more than 4 feet in width.

14 4. Walkways shall have a minimum, unobstructed width of 6 feet, except for
15 fingerwalkways, which may be 3 feet in width. Cleats, bull rails, mooring connectors,
16 utility stands and the like may not project into the required width of main and marginal
17 walkways.

18 5. A 2 foot wide walk shall be provided on at least one side of all floating homes.

19 **Identification.** All moorages shall be provided with identification as follows:

20 1. All moorages shall be identifiable by name and address from the street on which
21 they front at or near the point of emergency vehicle access.

22 2. The head of the gangway providing access to the moorage shall be obviously
23 identifiable from the point of emergency vehicle access; or in those cases having a

secondary access road, from the shore end of the access road; or the facility shall be signed as required to provide such identification.

3. The location and identification of all floating structures shall be obvious from the head of the gangway or a sign shall be provided indicating the layout of the moorage and the walkway and structure identification method.

4. The walkway and structure identification shall be logical and obvious.

Section 8. ELECTRICAL INSTALLATIONS

All electrical work shall be designed and installed in accordance with the State of Oregon Electrical Specialty Code, and this Ordinance. Permits and inspections are required for all work.

1. Transformer pads shall not be located closer than 8 feet to combustible surfaces and 2 feet to noncombustible surfaces.

2. Overhead power drops shall be installed and maintained a minimum of 12 feet above all walking surfaces or the ordinary high water line, whichever is higher.

3. Electrical installations within 2 feet of the water shall be considered to be in a wet environment, except that installations inside a structure and not exposed to the water may be considered to be in a dry environment.

Section 9. PLUMBING INSTALLATIONS

All plumbing installations shall be designed and installed in accordance with the Oregon State Plumbing Specialty Code (O.S.P.S.C.), and this chapter. Permits and inspections shall be required for all work except ordinary repairs as defined in the Oregon State Plumbing Specialty Code.

1. Sewage connections shall be planned and constructed to be environmentally

1 protective.

2 2. Sewage pipes shall be suspended and connected to the docks, walkways, and/or
3 ramps. No sewage pipe shall be submerged.

4 3. An alarm system shall be installed on all sewage connections to alert of an overflow.

5 4. All sewage connections shall be constructed with flexible connectors.

6 5. Sewage ejectors shall be installed in accordance with the manufacturer's instructions
7 and the O.S.P.S.C., except that the head pressure required by Section 318 K (6)(3) for
8 testing drainage systems is reduced from 10 feet to 5 feet for ejectors installed at individual
9 floating homes.

10 6. Flexible connectors for water lines shall be approved by the National Sanitation
11 Foundation and be of the type approved for mobile home installations or marine use.

12 7. Piping materials shall be as specified in the O.S.P.S.C.

13 8. Pipes shall be protected from freezing.

14 9. Approved Reduced Pressure Principal Backflow Prevention assembly shall be
15 required for each connection to a City water meter.

16 10. Expansion tank or approved equivalent must be installed downstream of the
17 Reduced Pressure Principal Backflow Prevention assembly.

18 Section 10. MECHANICAL INSTALLATIONS

19 All mechanical work including but not limited to heating, air conditions, ventilating,
20 gas piping and woodstoves, shall be designed and installed in accordance with the State of
21 Oregon Mechanical Specialty Code and this chapter. Permits and inspections shall be
22 required for all work.

23 //////////////

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Section 11. EFFECTIVE DATE

This Ordinance shall take place 30 days after its passage.

PASSED this ____ day of _____, 1999.

SIGNED this ____ day of _____, 1999.

MAYOR

CITY RECORDER



July 19, 1999

AGENDA ITEM 8a

**RESOLUTION – INITIATING CLOVER PRAIRIE STREET
LIGHTING DISTRICT**

COUNCIL MEETING: July 19, 1999

AGENDA ITEM NUMBER: _____

TO: MAYOR NEWTON AND CITY COUNCIL

THROUGH: WALLY G. MULL
CITY MANAGER

FROM: TRACY L. DAVIS, CMC
CITY RECORDER



SUBJECT: INITIATING PRAIRIE CLOVER STREET LIGHTING LOCAL
IMPROVEMENT DISTRICT

ISSUE:

Shall the City Council initiate the Prairie Clover Street Lighting Local Improvement District?

DISCUSSION:

A petition was filed on June 17, 1999 by the developer of Prairie Clover subdivision to form a local improvement district for street lights in this area of Keizer. The petition contained the required signatures of the property owner as outlined by City of Keizer Ordinance 94-278.

RECOMMENDATION:

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

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2
3 Resolution R99-_____

4
5 **DECLARING THE CITY'S INTENT TO INITIATE A STREET LIGHTING**
6 **LOCAL IMPROVEMENT DISTRICT (PRAIRIE CLOVER) AND**
7 **DIRECTING THE CITY ENGINEER TO MAKE A SURVEY AND FILE A**
8 **WRITTEN REPORT WITH THE CITY RECORDER**
9

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

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

16 NOW, THEREFORE,

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

- 18 1. The City Council declares its intent to initiate the Prairie Clover Street
19 Lighting Local Improvement District;
- 20 2. The map attached hereto, marked Exhibit "A", and by this reference
21 incorporated herein sets forth the proposed boundaries of the district;
- 22 3. The City Engineer is hereby directed to make a survey of the District;
- 23 4. The City Engineer shall file a written report with the City Recorder to be
24 considered by the City Council on September 7, 1999.

25 PASSED this ____ day of _____, 1999.

26 SIGNED this ____ day of _____, 1999.

27
28 _____
29 Mayor

30
31 _____
32 City Recorder

PETITION TO FORM LOCAL IMPROVEMENT DISTRICT FOR STREET LIGHTING

To the City Council for the City of Kelzer:

The undersigned being the owner or contract purchaser of the described property hereinafter set opposite my or its name, hereby petition the Kelzer City Council to form a STREET LIGHTING LOCAL IMPROVEMENT DISTRICT for:

FRANKIE CLAYTON SUBDIVISION ADDITION
within the City of Kelzer.

The legal description of the proposed district is:

Partition Plat 1997-118 Parcel 3 Legal 063W264A02702
Partition Plat 1997-118

Partition Plat 1997-118

Partition Plat 1997-118

This petition to form this district is in conformity with the charter, ordinances and regulations of the City of Kelzer.

PETITION SUBMITTED BY:

NAME: Ed Dunn Home - 240-1988

ADDRESS: 3655 Brooklake Rd

PHONE NUMBER: Brooklake, OR 97305

DATE	DEED HOLDER/CONTRACT BUYER	SIGNATURE	ADDRESS OF PROPERTY (IF VACANT - LOT NUMBER/SECTION)
	<u>Scott Dunn</u>	<u>Scott Dunn</u>	<u>Lot 45 1-2-3-4-5</u>

Red
6-17-99



July 19, 1999

AGENDA ITEM 8b

RESOLUTION – INITIATING JORDAN RUN STREET LIGHTING
DISTRICT

COUNCIL MEETING: July 19, 1999

AGENDA ITEM NUMBER: _____

TO: MAYOR NEWTON AND CITY COUNCIL

THROUGH: WALLY G. MULL
CITY MANAGER

FROM: TRACY L. DAVIS, CMC 
CITY RECORDER

SUBJECT: INITIATING JORDAN RUN STREET LIGHTING LOCAL IMPROVEMENT
DISTRICT

ISSUE:

Shall the City Council initiate the Jordan Run Street Lighting Local Improvement District?

DISCUSSION:

A petition was filed on March 2, 1999 by the developer of Jordan Run subdivision to form a local improvement district for street lights in this area of Keizer. The petition contained the required signatures of the property owner as outlined by City of Keizer Ordinance 94-278.

**This petition was held until the final plat for this subdivision had been approved and signed.

RECOMMENDATION:

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

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2
3 Resolution R99-_____

4
5 **DECLARING THE CITY'S INTENT TO INITIATE A STREET LIGHTING**
6 **LOCAL IMPROVEMENT DISTRICT (JORDAN RUN) AND**
7 **DIRECTING THE CITY ENGINEER TO MAKE A SURVEY AND FILE A**
8 **WRITTEN REPORT WITH THE CITY RECORDER**
9

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

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

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

- 18 1. The City Council declares its intent to initiate the Jordan Run Street
19 Lighting Local Improvement District;
- 20 2. The map attached hereto, marked Exhibit "A", and by this reference
21 incorporated herein sets forth the proposed boundaries of the district;
- 22 3. The City Engineer is hereby directed to make a survey of the District;
- 23 4. The City Engineer shall file a written report with the City Recorder to be
24 considered by the City Council on September 7, 1999.

25 PASSED this ____ day of _____, 1999.

26 SIGNED this ____ day of _____, 1999.

27
28 _____
29 Mayor

30
31 _____
32 City Recorder

PETITION TO FORM LOCAL IMPROVEMENT DISTRICT FOR STREET LIGHTING

To the City Council for the City of Kelzer:

The undersigned being the owner or contract purchaser of the described property hereinafter set opposite my or its name, hereby petition the Kelzer City Council to form a STREET LIGHTING LOCAL IMPROVEMENT DISTRICT for:

within the City of Kelzer.

The legal description of the proposed district is:

7 SW 11 AB, TRX LOTS 1700 & 2700 3875 Brooks Ave. NE
PLEASE ATTACH A MAP OF THE AREA

This petition to form this district is in conformity with the charter, ordinances and regulations of the City of Kelzer.

PETITION SUBMITTED BY:

NAME: Michael Murphy - Welcome Homes

ADDRESS: 19141 River Road NE

PHONE NUMBER: 503-793-2746

STPAU 9/137

DATE	DEED HOLDER/CONTRACT BUYER	SIGNATURE	ADDRESS OF PROPERTY (IF VACANT - LOT NUMBER/SECTION)
5/1/99	Michael Murphy - Welcome Homes	Michael Murphy	3875 Brooks Ave NE

Red 5/2/99



July 19, 1999

AGENDA ITEM 8C

**RESOLUTION – AUTHORIZING CITY MANAGER TO ENTER
AGREEMENT FOR SLURRY SEALS**

COUNCIL MEETING: _____

AGENDA ITEM NUMBER: _____

TO: MAYOR NEWTON AND CITY COUNCIL MEMBERS

**THROUGH: WALLY MULL
CITY MANAGER**

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

SUBJECT: ANNUAL STREET MAINTENANCE

BACKGROUND:

The City's Public Works Department Street Division has an annual street pavement maintenance program contracted through Marion County Public Works. This as part of that program, we have selected several neighborhood streets to be slurry sealed.

Slurry seal is a process that will seal moisture out of the sub grade add wear surface and prolong the life of a structurally sound street approximately seven years. No more than three applications of slurry seal product can be used on our existing streets. Two years ago, the Street Division used the slurry seal process on selected streets with great success.

Slurry seal is a cost effective tool to extend the life of average or better, neighborhood streets. The cost of resurfacing our streets with slurry seal is less than asphalt, allowing additional road miles to be maintained within the existing budget.

FISCAL IMPACT:

Funding for this project has been budgeted in the 99/00 street fund resurfacing line item.

RECOMMENDATION:

It is recommended the Council adopt the attached Resolution directing staff to enter into an agreement with low bidder Blackline Inc through Marion County Public Works to slurry seal various city streets for a cost of \$ 46,438.70

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 Resolution R99-_____

3 AUTHORIZING THE CITY MANAGER TO ENTER AN AGREEMENT FOR SLURRY
4 SEALS ON VARIOUS STREETS WITHIN THE CITY OF KEIZER
5

6 WHEREAS, the City of Keizer has an annual pavement management
7 maintenance program contracted through Marion County;

8 WHEREAS, as part of this program, several streets within various
9 neighborhoods in the city of Keizer have been selected to be slurry sealed;

10 WHEREAS, Marion County has awarded a bid to Blackline, Inc. to apply the
11 slurry seals on these various streets at a cost of \$46,438.70. NOW THEREFORE

12 BE IT RESOLVED by the City Council of the City of Keizer that the City
13 Manager is hereby authorized to enter into an agreement with Blackline, Inc.
14 through Marion County Public Works to slurry seal various streets within the city of
15 Keizer for a cost of \$46,438.70

16 PASSED this ____ day of _____, 1999.

17 SIGNED this ____ day of _____, 1999.

18
19
20 _____
21 Mayor
22

23
24 _____
25 City Recorder
26

SCHEDULE OF BID ITEMS
FOR
1999 SLURRY SEALING OF VARIOUS
CITY OF KEIZER STREETS

<u>Item Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Amount</u>
6305 Birchwood Ct N Slurry Seal Traffic Control	0.147 miles 3198	L.S. L.S.	\$ \$	\$ 2078.70 \$ 287.82
6305 Birchwood Ct N Slurry Seal Traffic Control	0.119 miles 2647	L.S. L.S.	\$ \$	\$ 1720.55 \$ 238.23
7219A Chehalis Dr N Slurry Seal Traffic Control	0.402 miles 7083	L.S. L.S.	\$ \$	\$ 4,603.95 \$ 637.47
7219B Chehalis Dr N Slurry Seal Traffic Control	0.064 miles 1279	L.S. L.S.	\$ \$	\$ 831.35 \$ 115.11
6277 Chehalis Pl N Slurry Seal Traffic Control	0.050 miles 1249	L.S. L.S.	\$ \$	\$ 811.85 \$ 112.41
6277 Chehalis Pl N Slurry Seal Traffic Control	0.030 miles 884	L.S. L.S.	\$ \$	\$ 574.60 \$ 79.56
711E Dearborn Ave NE Slurry Seal Traffic Control	0.098 miles 1961	L.S. L.S.	\$ \$	\$ 1274.65 \$ 176.49
7296 Espana St N Slurry Seal Traffic Control	0.118 miles 2094	L.S. L.S.	\$ \$	\$ 1361.10 \$ 188.46
6205 Faymar Dr NE Slurry Seal Traffic Control	0.175 miles 3783	L.S. L.S.	\$ \$	\$ 2458.95 \$ 340.47
6306 Fenwick Ct N Slurry Seal Traffic Control	0.148 miles 3252	L.S. L.S.	\$ \$	\$ 2113.80 \$ 292.68
6306 Fenwick Ct N Slurry Seal Traffic Control	0.094 miles 2161	L.S. L.S.	\$ \$	\$ 1404.65 \$ 194.49

SCHEDULE OF BID ITEMS
FOR
1999 SLURRY SEALING OF VARIOUS
CITY OF KEIZER STREETS

<u>Item Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Amount</u>
7308D Gobert Ave NE Slurry Seal Traffic Control	0.021 miles 425	L.S. L.S.	\$ \$	\$ 276.25 \$ 38.25
6252 Koala St N Slurry Seal Traffic Control	0.178 miles 3595	L.S. L.S.	\$ \$	\$ 2 336.75 \$ 323.55
7249E Manbrin Dr NE Slurry Seal Traffic Control	0.258 miles 5485	L.S. L.S.	\$ \$	\$ 3 565.25 \$ 493.65
6307 New Terrace Dr N Slurry Seal Traffic Control	0.073 miles 1472	L.S. L.S.	\$ \$	\$ 956.80 \$ 132.48
7345 Potts Dr NE Slurry Seal Traffic Control	0.144 miles 2872	L.S. L.S.	\$ \$	\$ 1 866.80 \$ 258.48
7608 Rafael Ct N Slurry Seal Traffic Control	0.075 miles 1640	L.S. L.S.	\$ \$	\$ 1 066.00 \$ 147.60
6311 Shepherd Ct N Slurry Seal Traffic Control	0.110 miles 2468	L.S. L.S.	\$ \$	\$ 1 604.20 \$ 222.12
7246B Shoreline Dr N Slurry Seal Traffic Control	0.307 miles 6486	L.S. L.S.	\$ \$	\$ 4,215.90 \$ 583.74
7609 Straw Dr N Slurry Seal Traffic Control	0.143 miles 2018	L.S. L.S.	\$ \$	\$ 1,311.70 \$ 181.62
7344A Weeks Dr NE Slurry Seal Traffic Control	0.154 miles 3072	L.S. L.S.	\$ \$	\$ 1 996.80 \$ 276.48
7992A Willamette Dr N Slurry Seal Traffic Control	0.125 miles 2203	L.S. L.S.	\$ \$	\$ 1 431.95 \$ 198.27

SCHEDULE OF BID ITEMS
FOR
1999 SLURRY SEALING OF VARIOUS
CITY OF KEIZER STREETS

<u>Item Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Amount</u>
7992B				
Willamette Dr N	0.072 miles			
Slurry Seal	1428	L.S.	\$ _____	\$ <u>928.20</u>
Traffic Control		L.S.	\$ _____	\$ <u>128.52</u>
TOTAL BID ITEMS:				\$ <u>46,438.70</u>

CONTRACT

THIS CONTRACT, made and entered into in triplicate this _____ day of _____, 19____, by and between THE CITY OF KEIZER, a Municipal Corporation of the State of Oregon, acting by and through its City Council, hereinafter called "City", and _____, herein called the "Contractor" for the Project entitled: Slurry Sealing of Various City Streets in Keizer, Oregon.

WITNESSETH

THAT the said Contractor, in consideration of the sums to be paid by the City in the manner and at the times herein provided and in consideration of the other covenants and agreements herein contained, hereby agrees to perform and complete the work herein described and provided for and to furnish all necessary machinery, tools, apparatus, equipment, supplies, materials and labor, and do all things in accordance with the applicable Plans, the applicable Standard Specifications, the General Provisions, Special Provisions, Technical Specifications and Bid Proposal bound herewith, and in accordance with such alterations and modifications of the same as may be made by the City. This Agreement shall be binding upon the heirs, executors, administrators, successors and assigns of the Contractor.

THAT the Contractor shall faithfully complete and perform all of the obligations of this Contract, and in particular does hereby agree:

1. If the contractor fails, neglects, or refuses to make prompt payment of any claim for labor or services furnished to the Contractor or a Subcontractor by any person, or the assignee of the person, in connection with the Public Works Contract as such claim becomes due, the proper officer or officers of the public contracting agency may pay such claim and change the amount of the payment against funds due or to become due the Contractor by reason of the Contract.
2. That no person shall be employed for more than eight (8) hours in any one day, or 40 hours in any one week except in cases of necessity, emergency, or where the public policy absolutely requires it, and in such cases, the person so employed shall be paid at least time and a half the person's regular rate of pay for all time worked in excess of eight (8) hours a day and time worked on Saturday and on any legal holiday specified in ORS 279.334.

3. That the Contractor shall promptly, as due, make payment to any person, co-partnership, association or corporation, furnishing medical, surgical, and hospital care or other needed care and attention, incident to sickness or injury, to the employees of such Contractor. Payment to the providers of care for the sick or injured employees shall be made from all monies and sums which the Contractor collected or deducted from the wages of the Contractor's employees pursuant to any law, contract or agreement for the purpose of providing or paying for such service.
4. That each worker in each trade or occupation employed in the performance of the Contract either by the Contractor, Subcontractor or other person doing or contracting to do the whole or any part of the work on the Contract, shall be paid not less than the applicable prevailing rate of wage set forth in the attached schedule.
5. That the contractor shall maintain all records and file all wage certification forms as required by Oregon Rules.

THAT the Contractor shall indemnify and save harmless the City, its City Council, its officers and employees and Marion County, its Board of Commissioners, its officers and employees from all suits, actions, or claims of any character brought because of any injuries or damage received or sustained by any person, persons, or property on account of the operations of the said Contractor, his Subcontractors or the employees of either; or on account of or in consequence of any neglect in safeguarding the work; or because of any act or omission, neglect, or misconduct of said Contractor; or because of any claims or amounts recovered from any claims or amounts arising or recovered under any Workmen's Compensation Law or any other law, ordinance, order or decree. A portion or all of the money due the said Contractor by virtue of his Contract, as may be considered necessary by the City for such purpose, may be retained for use of the City; or, in case no money is due, his surety may be held until such suit or suits, action or actions, claim or claims for injuries or damages as aforesaid shall have been settled and suitable evidence to that effect furnished to the City; except that money due the Contractor will not be withheld when the contractor produces satisfactory evidence that he is adequately protected by public liability and property damage insurance.

THAT in consideration of the faithful performances of all of the obligations, both general and special, herein set out and in consideration of the faithful performance of the work as set forth in this Contract, the applicable Plans, General Provisions, Bid Proposal, and all general and detailed Specifications and Plans which are a part hereof, and in accordance with the directions of the City and to its satisfaction, the City agrees to pay the said Contractor the amount earned as determined from

the actual quantities of work performed and the prices and other basis of payment specified, and taking into consideration any amounts that may be deductible under the terms of the Contract and to make such payments in the manner and at the times provided in the applicable Instructions to Bidders or Special Specifications, and the schedule of Contract prices.

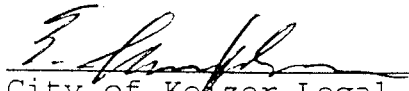
THAT the Contractor agrees to guarantee all work under this Contract for a period of one (1) year from the date of final acceptance thereof.

THAT if any unsatisfactory condition or damage develops within the time of this guarantee due to materials or workmanship which were defective, inferior, or not in accordance with the Contract, Contractor agrees, whenever notified by the City to immediately place such guaranteed work in a condition satisfactory to the City and make repairs of all damage made necessary in the fulfillment of the guarantee.

IN WITNESS WHEREOF, the parties hereto have subscribed their names and affixed their respective official seals, the day and year first above written.

Approved as to Form:

CITY OF KEIZER

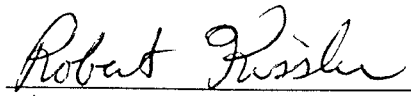


City of Keizer Legal Counsel

Mayor

Approved:

City Recorder



Director of Public Works

City Manager

Date: _____

CONTRACTOR: Blackline, Inc

By: Glenn Brooks

Title: Vice President

Date: 5/18/99

98kzsscont



July 19, 1999

AGENDA ITEM 8d

RESOLUTION – AUTHORIZING CLEARING ACCOUNT WITH
US BANK

BOARD MEETING: July 19, 1999

AGENDA ITEM NUMBER: _____

TO: MAYOR NEWTON AND COUNCIL MEMBERS

**THROUGH: WALLY G. MULL
CITY MANAGER**

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



SUBJECT: UB BANK CLEARING ACCOUNT

BACKGROUND:

Recent changes in the Oregon State Treasury banking system require the City to open a clearing account with Bank institutions in which the City holds investments. Funds such as interest earnings on investments need to be deposited into the clearing account prior to transferring the money to the Oregon State Treasury. Currently, the City holds a one-year federal note with US Bank.

FISCAL IMPACT:

The clearing account set up with US Bank is free of charge.

RECOMMENDATION:

The attached resolution authorizes the establishment and use of a clearing account to provide for funds transfers from US Bank to the Oregon State Treasury. Staff recommend the Council pass the attached resolution authorizing this account.

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2
3 Resolution R99-_____

4
5 AUTHORIZATION FOR SAVINGS ACCOUNT
6 WITH U.S. BANK NATIONAL ASSOCIATION
7

8 BE IT RESOLVED, that the term "Bank" as used herein shall refer to U.S. Bank
9 National Association.
10

11 BE IT FURTHER RESOLVED, that the Bank be and is hereby designated as a
12 depository of The City with authority to accept or receive at any time for the credit of
13 The City deposits by whomsoever made of funds and other property in whatever form or
14 manner transferred or endorsed; and that any officer of The City be and is hereby
15 authorized to open or cause to be opened one or more accounts with the Bank on such
16 terms, conditions, and agreements as the Bank may now or hereafter require and to make
17 any other agreements deemed advisable in regard to any of the foregoing;
18

19 BE IT FUTHER RESOLVED, that checks, drafts or other orders for the payment,
20 transfer or withdrawal of any of the funds or other property of The City on deposit with
21 the Bank shall be binding on The City when signed, manually or by use of a facsimile or
22 mechanical signature or otherwise authorized, by any one of the following persons:
23

24 Wally Mull, City Manager
25 Susan Gahlsdorf, Finance Director
26 Tracy Davis, City Recorder
27

28 The Bank is hereby authorized to pay and charge to the account of The City any
29 such checks, drafts or other orders so signed or otherwise authorized, including those
30 payable to the individual order of the person or persons signing or otherwise authorizing
31 the same and including also those payable to the Bank or to any other person for
32 application, or which are actually applied to the payment of any indebtedness owing to
33 the Bank from the person or persons who signed such checks, drafts or other withdrawal
34 orders or otherwise authorized such withdrawals.
35

36 In particular, and not in limiting of foregoing, such persons may authorize
37 payment, transfer or withdrawal by oral or telephonic directions to the Bank complying
38 with such rules and regulations relating to such authorization as the Bank may
39 communicate to The City, from time to time.
40

41 BE IT FURTHER RESOLVED, that the Secretary or an Assistant Secretary shall
42 certify to the Bank the names and signatures (either actual or any form or forms of
43 facsimile or mechanical signatures adopted by the person authorized to sign) of the
44 persons who presently are duly elected, qualified and acting as the officer or officers
45 named above, as well as the names and signatures of all other officers and persons

46 authorized to act on behalf of The City under these resolutions, and the Secretary or an
47 Assistant Secretary shall from time to time hereafter, upon a change in the facts so
48 certified, immediately certify to the Bank the names and signatures (actual or facsimile)
49 of the officers or persons then authorized to sign or to act, the Bank shall be fully
50 protected in relying on such certificates and on the obligation of the Secretary or an
51 Assistant Secretary (set forth above) to immediately certify to the Bank any change in
52 any facts so certified, and the Bank shall be indemnified and saved harmless by The City
53 from any claims, demands, expenses, loss or damage resulting from or growing out of
54 honoring or relying on the signature or other authority (whether or not properly used and,
55 in the case of any facsimile signature, regardless of when or by whom or by what means
56 such signature may have been made or affixed) of any officer or person whose name and
57 signature was so certified, or refusing to honor any signature or authority not so certified.
58

59 BE IT FURTHER RESOLVED, that these resolutions shall continue in force until
60 express written notice of their recession or modification has been furnished to and
61 received by the Bank.
62

63 BE IT FURTHER RESOLVED, that any and all transactions by or on behalf of
64 The City with the Bank prior to the adoption of this resolution (whether involving
65 deposits, withdrawals, rediscounts or borrowings, or otherwise) be and the same hereby
66 are in all respects ratified, approved and confirmed.
67

68 PASSED this _____ day of _____, 1999.

69 SIGNED this _____ day of _____, 1999.

70 _____
71 Mayor
72

73 _____
74 City Recorder
75



July 19, 1999

AGENDA ITEM 8e

**RESOLUTION – AUTHORIZING CITY MANAGER TO AWARD
BID FOR CHEMAWA ROAD AND CUMMINGS LANE ROAD
IMPROVEMENTS**

CITY COUNCIL MEETING: July 19, 1999

AGENDA ITEM NUMBER: _____

TO: MAYOR NEWTON AND CITY COUNCIL MEMBERS

THROUGH: WALLY G. MULL
CITY MANAGER 

FROM: ROB KISSLER
DIRECTOR OF PUBLIC WORKS

SUBJECT: CUMMINGS LANE AND CHEMAWA ROAD IMPROVEMENTS

ISSUE:

On July 14, 1999 five bids were received and opened for improvements to Cummings Lane and Chemawa Road. These improvements will widen Cummings Lane between North River Road and Shoreline Drive and Chemawa Road between North River Road and Verda Lane. Each project will include bike lanes.

All bids were received on time and were certified by the City Engineer as acceptable. The low bidder on each of these projects was Houck Construction. The bid for the Chemawa Road project was \$61,084.00 and the Cummins Lane project for \$117,995.40.

Work on these projects should begin in the very near future and completion of the Cummings Lane project should be finished prior to the opening of school in September.

FISCAL IMPACT:

Funds for this project were included in the 1999-2000 fiscal year budget in the Street Fund: Bike Path and Street Improvement line items.

RECOMMENDATION:

It is recommended the Council adopt the attached Resolution authorizing the City Manager to sign the necessary contracts awarding the street improvement projects to Houck Construction.



July 19, 1999

AGENDA ITEM 8f

RESOLUTION – CABLE TELEVISION FRANCHISE
AGREEMENT EXTENSION

CITY COUNCIL MEETING: July 19, 1999

AGENDA ITEM NUMBER: _____

TO: MAYOR NEWTON AND CITY COUNCIL MEMBERS

THRU: WALLY MULL, CITY MANAGER 

FROM: DIANNE HUNT, HUMAN RESOURCES OFFICER 

SUBJECT: CABLE REGULATORY COMMISSIONERS/ CITY OF KEIZER
FRANCHISE EXTENSION AGREEMENT WITH FAR-WEST
COMMUNICATIONS, INC. dba TCI CABLEVISION OF OREGON, INC.

BACKGROUND:

The City of Keizer entered into a franchise agreement with Far-West Communications, Inc. dba TCI Cablevision of Oregon, Inc. on August 29, 1994. This agreement is due for a renewal/extension on August 29, 1999. At its May 28, 1999 meeting, the CRC unanimously recommended that the franchise agreement with TCI be temporarily extended until January 26, 2000.

At its December 7, 1998 meeting, Keizer City Council approved CRC's recommendation to consent to the change in control with the merger of TCI and ATT. This approval was set forth in Resolution 98-1088.

Enclosed for Council's review are:

1. TCI letter to the CRC requesting that the jurisdictions grant an extension of the current franchise terms to allow sufficient time for renewal negotiations;
2. CRC letter to Council recommending that the jurisdictions take the appropriate action to temporarily extend the cable franchise; and
3. Resolution authorizing the City Manager to enter into a Franchise Extension Agreement with Far-West Communications, Inc. dba TCI Cablevision of Oregon, Inc

RECOMMENDATION:

It is recommended that Council adopt the attached Resolution authorizing the City Manager to enter into a Franchise Extension Agreement with Far-West Communications, Inc. dba TCI Cablevision of Oregon, Inc. through January 26, 2000.

1 **CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON**
2 **RESOLUTION NO. R99 _____**
3

4 AUTHORIZING THE CITY MANAGER TO ENTER INTO A
5 FRANCHISE EXTENSION AGREEMENT WITH FAR-WEST COMMUNICATIONS,
6 INC. DBA TCI CABLEVISION OF OREGON, INC.
7

8 **WHEREAS**, Far-West Communications, Inc. dba TCI Cablevision of Oregon, Inc.
9 ("TCI") currently hold a cable telephone franchise with the City of Keizer ("City"), dated
10 August 29, 1994; and
11

12 **WHEREAS**, TCI's Franchise with the City is scheduled to expire August 29, 1999; and
13

14 **WHEREAS**, TCI and the City have been engaged in informal renewal proceedings in
15 accordance with Section 626(h) of the Cable Communications Policy Act of 1984; and
16

17 **WHEREAS**, the amount of time required to negotiate and allow for public review will
18 extend beyond the initial expiration date; and
19

20 **WHEREAS**, it is in the public interest to extend the current Franchise for an additional
21 period time so that cable service to the public will not be interrupted;
22

23 **NOW, THEREFORE, THE CITY OF KEIZER DOES ORDAIN** that the Franchise
24 of TCI shall be extended through January 26, 2000.
25

26 **BE IT RESOLVED** by the City Council of the City of Keizer that the City Manager
27 is hereby authorized to enter into a Franchise Extension Agreement with Far-West
28 Communications, Inc. dba TCI Cablevision of Oregon, Inc.
29

30 **PASSED AND APPROVED** this _____ day of _____, 1999.
31
32

33 Mayor: _____
34

35 City Recorder: _____
36

37 **ACCEPTED** this _____ day of _____, 1999.
38

39 TCI Cablevision of Oregon, Inc.
40

41
42 By: _____
43

44 Name/Title: _____
45

46 ///

 ///

CC ✓

MID-WILLAMETTE
VALLEY

CABLE



REGULATORY COMMISSION

MARION COUNTY - CITY OF SALEM - CITY OF KEIZER

July 7, 1999

Keizer City Council
City of Keizer
P.O. Box 21000
Keizer OR 97303

Dear Council Representatives:

In the next several months the cable franchise with AT&T is due for a renewal/extension by all three member agencies of the Mid Willamette Valley Cable Regulatory Commission (CRC).

During examination of the franchise agreements held by CRC members, it was determined that additional time will be needed to ascertain what should be included in the renewal/extension process. The CRC members' representatives have asked their respective legal councils to review the franchises and provide additional information to CRC.

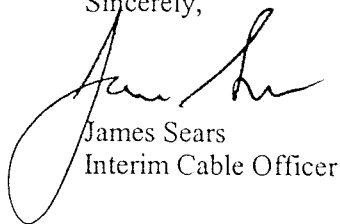
To accommodate the additional time this will take, AT&T has sent a letter indicating they are willing to accept up to a six month extension of the franchises.

Given the limited time remaining on our franchises, CRC felt that we should temporarily extend our cable franchisees. During CRC's meeting of May 28, 1999, it was moved and approved that the franchises with AT&T should be extended for a temporary period until January 26, 2000 by all CRC members.

CRC believes that the actual renewal/extension can take place before January 26, but would like to have this additional time just in case. CRC is recommending that the city take the appropriate action to temporarily extend the cable franchise with AT&T to January 26, 2000. Upon completion of the review by CRC, we will forward additional recommendations regarding CRC member's cable franchise renewal/extension.

Should you have any questions, please contact your CRC representatives.

Sincerely,



James Sears
Interim Cable Officer

JVS:jca

P:\USERS\PERSONAL\JSEARS\WP\Cable Commission\member franchise extension 2.doc

Printed on recycled paper



MARION COUNTY COURTHOUSE 100 HIGH STREET NE SALEM, OREGON 97301-3670



RECEIVED
MAY 25 1999

MAYOR-CITY MANAGERS OFFICE

May 24, 1999

Ms. Linda Berman
City of Salem
555 Liberty Street SE
Salem, OR 97301

Dear Linda:

As you know, our franchise agreements with the City of Salem, Marion County, Polk County and the City of Keizer are scheduled to expire on July 26, 1999. Although the parties have begun informal renewal proceedings, we have not reached a final agreement.

Insofar as the expiration date is rapidly approaching, TCI hereby requests that the jurisdictions grant a six (6) month extension to our current franchise terms in order to allow sufficient time for renewal negotiations in a thoughtful and appropriate manner. A six month extension would provide for a franchise expiration date of January 26, 2000. I have enclosed a draft extension agreement for your consideration.

Although we have every confidence that the renewal agreements will be reached through our informal discussions, we understand that all parties continue to reserve whatever rights each may have under the formal renewal procedures of Section 626 of the Cable Communications Policy Act of 1984.

We look forward to successful renewal negotiations and to providing quality cable television service in the jurisdictions for many years to come.

Very truly yours,

A handwritten signature in cursive script that reads "Gloria M. Crayton".

Gloria M. Crayton, Director
Government Affairs and Franchising

Enclosure

c: Franchise Department

TCI Cablevision of
Oregon, Inc.

3500 S.W. Bond Avenue
Portland, OR 97201
(503) 508-4900
FAX (503) 243-7419

An Equal Opportunity Employer



July 19, 1999

AGENDA ITEM 8g

**APPROVAL OF THE JUNE 21, 1999 REGULAR SESSION
MINUTES**

MINUTES
KEIZER CITY COUNCIL
Monday, June 21, 1999
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Newton called the regular meeting to order at 7:03 p.m. Roll Call was taken as follows:

Present:

Bob Newton, Mayor
Craig Campbell, Councilor
Lore Christopher, Councilor
Jim Keller, Councilor
Jerry McGee, Councilor
Jacque Moir, Councilor
Garry Whalen, Councilor

Staff:

Wally Mull, City Manager
Susan Gahlsdorf, Finance Director
Rob Kissler, Public Works Director
Amy Drought, Senior Planner
H. Marc Adams, Chief of Police
Dianne Hunt, Personnel Officer
Shannon Johnson, City Attorney
Tracy Davis, City Recorder

PUBLIC TESTIMONY

There was no public testimony to come before the Council.

**COMMITTEE
REPORTS**

**a. Council Liaison
Reports**

Planning Commission ~ Council President Whalen shared that two topics were covered. The Transportation Plan with a final draft will come before Council in the next couple of months. Verda Lane residents continued to express concerns and the Commission reassured residents that improvements were on the agenda to increase safety to the residents in the area.

Parks Advisory Board ~ Councilor Christopher noted that the Board met on June 15, 1999. They summarized the planning of a summer recreation program to be sponsored by the Parks Department. This would be in partnership with KYBA to possibly take place the last two weeks in July and the first two weeks of August. This program would consist of an open court at various schools in the area. Councilor Christopher shared that the Parks Board is hoping to donate \$500 towards this

program. The Board will also be participating in the Bicycle Rodeo that takes place at Dayspring Church as well as the Punt Pass and Kick Program.

In addition each Parks Board Member was assigned two to three parks with the idea of visiting these parks to prioritize what they would like seen in their parks and to complete the defined priorities.

Councilor Christopher shared that the Keizer Skate Park will have it's Grand Opening July 10, 1999 from 11:00 a.m. to 4:00 p.m. She noted that the Skate Park was the largest on the west coast with an estimated worth of \$350,000 and a total cost to the City of \$14,000.

Bikeways Committee ~ Mayor Newton was unable to attend the meeting, but would provide a copy of the minutes to the Council.

Library Task Force ~ Mayor Newton shared that the next to the last informational meeting took place. Mayor Newton suggested bringing the matter to the public in a non-binding referendum in November to gather the feelings of the public before the actual election in May or June 2000. Mayor Newton requested that the City Manager locate the cost of putting this issue before the voters and he would bring this information back to the Council at July's meeting.

Keizer Heritage Foundation ~ Councilor Keller introduced the members of the Foundation

Speaking on behalf of the Keizer Heritage Foundation were Les Zaitz, Tom Bauer, Jim Hupy and Al Rasmus.

They gave a history of how the Foundation jump- started the fund raising effort for the Old School House over the past 90 days including all the efforts from various groups and individuals in the City. Mr. Zaitz shared that the Foundation to date had raised \$285,000. It was noted that the project should be completed by November 1999. Each member thanked many of the participants in the fundraising efforts.

Mayor Newton thanked the Foundation for all their work.

OTHER BUSINESS

a. New Business

Councilor Keller recommended that the Council Liaison Reports be limited to anything that may need to be brought forward for Council action. He indicated that minutes from the meetings are available for review of the Council.

Chief Adams distributed a memo and a draft plan on goals and objectives for the new Community Services Specialist position for the next twelve months.

Finance Director, Susan Galhsdorf shared that Marilyn Sherwood was hired as the new Utility Clerk. Next week Karen Sergeant would begin employment as a Utility Billing Clerk.

b. Old Business

➤ Year 2000 Update

Mayor Newton requested that Ms. Hunt document all information received from vendors of the City pertaining to Y2K.

Ms. Hunt indicated that since the finalization of the budget the larger items would be in compliance by September 1, 1999.

Responding to questions Mr. Johnson indicated that the Governor had signed a bill, which would limit the liabilities to municipalities regarding Y2K.

➤ Cost of Making City Records Available.

City Manager shared that there is a Resolution that covers the cost of duplicating material. He indicated that when Ms. Bednarczyk requested copies that the City did not have the capability to duplicate what she was requesting and this had to be done outside of the City. Mr. Mull indicated that there are funds available in the budget to cover copying costs to the neighborhood associations and he would notify each association of the procedure they would need to follow in order to be reimbursed for this.

PUBLIC HEARINGS

a. ORDINANCE- Regulating Construction and Maintenance of Floating Structures

Mayor Newton opened the public hearing.

Senior Planner, Amy Drought shared her staff report noting in the early 1990's the City granted approval for a Planned Unit Development at Staats Lake. The approval included 21 floating homes. Staff was informed that a developer proposed to construct several floating homes in the near future, and currently there were no regulations adopted governing floating structures.

Ms. Drought stated that staff felt it was important to develop and Ordinance regulating the construction and maintenance of floating structures. She shared that staff worked closely with the Marion County Building Inspection Department and the Keizer Fire District to develop the Ordinance. The model of the Ordinance came from the City of Portland with input from the Department of Environmental Quality, the City of Salem and the Marine Board.

There was discussion of sanitary sewer standards. Ms. Drought indicated that there were no standards in place that discuss the closing off of the pipe into the lake in case of an accidental discharge.

Mayor Newton felt that if any spill should take place it should be contained at that site and not allowed to contaminate Claggett Creek.

Mr. Mull indicated when plans were submitted there would be a discussion with the City of Salem regarding the issues of other alternatives to prevent any type of breakage or overflow problem.

Ms. Drought shared some of the standards to avoid the spilling of sewage which include that the sewage pipes be connected at the dock and not submerged, an alarm system be installed on all sewage connections to alert of a possible overflow and that pipes be built with flexible connectors.

Presenting Public testimony were:

Don Woodley ~ Marion County Building Official- shared that usually a floating structure would have a pump installed in each individual unit that would feed into a larger pump that would go into the City's sewer system.

Councilor McGee requested the possibility of a single-tank above water level with individual lines from each home be researched. He felt this would decrease the size of any accidental exposure.

Responding to questions, Mr. Johnson felt the liability issue would not be of any greater significance than any other issue. He went on to state that diligence in the

completion of the ordinance and the permitting process would be important.

Mr. Kissler indicated that currently Salem's policy is that the individual homeowner is responsible for the sewer line out to the street that locates onto the main. He went on to share that the city would consider in this proposal that the lift station be privately owned up to the city manhole.

Ms. Drought noted as part of the permitting process this information could be attached.

Mr. Woodley noted on Page 7, Line 15 "Maintenance", he suggested that a line be added pertaining to sewage spills.

Responding to questions Mr. Johnson suggested a calendar of the clause for review in a year as opposed to a sunset clause in the ordinance.

Mr. Woodley explained that current standards would be applied on site built homes and off site structures are inspected to a standard by the state which the County does no inspection on.

Responding to questions Mr. Kissler shared that issues of storm water run off are an topic everywhere in Keizer, but there may be differences in this application as the comp roof could shed materials into the water. He felt that this instance is unique and may need to be researched.

The following changes in the ordinance were suggested.

Page seven, line 15 at the end of the last sentence to add, "by the property owner". Also add an additional sentence stating: "The City will not be responsible for any damage, loss or claim whatsoever due to any failure, defect or lack of conformity of any structure or system".

Page seven, line four to change the chief building official to: "City of Keizer designee". Ms. Drought agreed to research the document to see if the property owner's responsibilities needed further addressing.

Mr. Johnson suggested on **Page five, line nine** that the wording be; "specific exemptions from the requirements from within this ordinance".

There was discussion regarding the required distance between the homes. Mr. Woodley indicated single family homes are required to have six feet between them and other instances could be directed to reference the code.

Joel Stein, Fire Marshall-Keizer Fire District- Mr. Stein noted that separation distances could be dictated by exterior wall construction and whether there are openings in the walls.

Norm Cook-felt that that Council covered all aspects of this and was satisfied with their work.

Bob Krohn, Krohn Homes, 172 Cedar Bluff Circle North, Keizer- Thanked staff for their cooperation in putting the ordinance together. He stressed his concern for the community and making this something that works now and in the long term. Mr. Krohn indicated that the plan is to build 12 homes on the lake to keep aesthetic appeal and livability a high priority.

Mr. Krohn shared that the proposed Lakeshore Landing would need to meet the CC & R's of the associations' east and west of the development. He indicated that ownership would be transferred to the Lakeshore Landing Condominium Association. (the owners of the homes)

Mr. Krohn shared that the codes are very restrictive regarding the terms and laws when developing near a body of water. He described some of the plumbing specialty codes that are required by DEQ.

Addressing the roofing and siding concerns Mr. Krohn indicated that they would be using a standing seam metal roof which would not shed contaminants from it's material. He felt this would be helpful to add to the ordinance. Mr. Krohn went on to share that the distance between the units would be six feet between the floats with the units inside the floats a minimum of three to eight feet. The distance wall to wall would be a minimum of twelve to eighteen feet.

Responding to questions, Mr. Johnson felt roofing issues should be added to the ordinance. It was the consensus of the Council for this to be done.

Mr. Krohn noted that the structure for the dock would begin in August with completion of the homes by next year.

Mr. Johnson requested of the Council that he bring back the ordinance with the suggested changes at the July 19, 1999 Council Meeting.

Responding to questions Mr. Krohn indicated there were no plans for the construction of a floating restaurant and that they would be using boon logs as floats under the homes.

Mr. Krohn shared the site plans for the homes and the access for parking.

Mayor Newton closed the public hearing.

Councilor McGee moved to direct staff to make amendments to the ordinance as recommended and bring back to the Council on July 19, 1999. Councilor Campbell seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Campbell, Keller, McGee, Moir, Newton, Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**b. Appeal of Hearings
Officer Decision ~
Conditional Use Case
No. 99-17 ~ Viesko
Quality Concrete Haul
Road**

City Attorney, Shannon Johnson announced the appeal of the Hearings officer decision on Conditional Use Case No 99-17 ~ Viesko Quality Concrete. He noted the applicable criteria of the case as outlined in the Keizer Development Code. He asked that any testimony being presented be directed towards the criteria.

In response to an inquiry by Mr. Johnson pertaining to conflict of interest, bias or ex-parte contacts Council President Whalen stated that he was a property owner adjacent to the proposed haul road and did not feel it would prejudice his opinion and would participate in the debate and the vote.

Councilor Campbell disclosed an ex-parte contact with Scott Erickson a couple of months ago where a copy of the surrounding land map was supplied and Mr. Erickson

identified where the proposed access route would be and identified the items which would be placed along the road. (ie: sound walls) Councilor Moir shared she was at the same meeting as Councilor Campbell and received the same information.

Councilor McGee disclosed that he spoke with Mr. Erickson over a year ago before this was a land use issue. He noted that the information he received at that time is now public record.

Senior Planner, Amy Drought submitted the staff report stating in March, 1999 Viekso Quality Concrete applied for a Conditional Use Permit to develop a "haul road" to serve a planned aggregate extraction site, batch plant and office. Ms. Drought explained that the proposed aggregate extraction site is located entirely within Marion County. The proposed batch plant and office site is located outside of the City limits, but within the Salem-Keizer Urban Growth Boundary. Ms. Drought noted that Viekso proposes to use the former PGE easement in conjunction with Tax Lot 1600 to serve the proposed batch plant, office and aggregate extraction site. Ms. Drought noted a map that outlined the haul road and the tax lots involved.

Ms. Drought noted that the properties involved in the application are zoned Exclusive Farm use. The proposed haul road would be part of the sand and gravel processing operation and according to the Keizer Development Code gravel processing is listed as a Conditional Use. Therefore, staff concluded that approval for the development of the proposed haul road required a Conditional Use Permit.

Ms. Drought shared that the City recommended approval of the CUP to the Hearings Officer with a list of conditions. Some of the conditions were:

- The proposed batch plant and office site be annexed to the City of Keizer prior to the development of the haul road, and
- The proposed haul road be developed as a public street. Ms. Drought noted that this was proposed to adequately serve adjacent property as well as to meet the conductivity standards within the Keizer Development Code. Ms. Drought noted that the City

Traffic Engineer and the Public Works Department recommended that trucks currently using Willow Lake Road from the Keizer Sand and Gravel Operation reroute their traffic to use this new public street as well.

Ms. Drought shared that the Hearings Officer denied the Conditional Use Permit based on the grounds that the proposed "haul road" was not an allowed use in the EFU zone.

Viekso Concrete appealed the decision and after review of the development code the applicant felt that a Conditional Use Permit was not required as definition of a "street" in the Keizer Development Code specifically excludes access to mining operations, and since this is excluded from consideration from a street they felt that no Conditional Use Permit was required and the Hearings Officer decision and the Conditional Use Application should be dismissed.

Ms. Drought shared that staff disagreed with the Hearings Officers conclusion and the applicant's statement of appeal. The Hearing's Officer concluded since the Haul Road was not specifically listed as a use in the EFU zone, it could not be permitted. Ms. Drought noted that staff had always considered access for a proposed used to be part of the use itself for purposes of land use approval.

Ms. Drought stated that staff recommended that the City Council open and conduct a public hearing. Staff recommended that Council deny the appeal, but uphold the Conditional Use approval for 99-17. Staff felt that the applicant had met the criteria for a Conditional Use Permit provided that they meet specific conditions of approval as listed in the staff report.

Ms. Drought shared that an additional condition of approval was added at the time of the hearing stating: that the approval would be given only with the understanding that the proposed batch plan and office would be located on tax lots 1500. If located on any parcel other than the current proposal would require an additional evaluation from the City through a new land use approval process.

Mr. Johnson noted his supplemental staff reports and

asked the Council to note his comments regarding the Hearings Officer's decision and the applicant's theory on appeal. He also explained his suggested terms in order of analysis in reviewing the application.

Mr. Johnson requested that the hearing take place this evening, but be continued until July 19, 1999 in order to respond to issues that the applicant's attorney (Mr. Stein) brought forward. This would also entail the applicant applying for an extension to 120 days.

Responding to questions Ms. Drought declared the City felt the need to review the impacts that the batch plant and office would have, and since these facilities were located within the UGB but not within the City limits it would be appropriate to annex it. Ms. Drought went on to explain the use of a batch plant, and that staff is only looking to annex that piece of property.

Mr. Johnson explained his interpretation of ORS Chapter 215 and counterpart Chapter 227.

There was discussion among the Council whether to expand the annexation area or to review each property on a case by case basis.

Presenting Public testimony were:

Scott Erickson, President of Viesko Quality Concrete- Mr. Erickson gave a brief history of Viesko Concrete and noted they would like to expand the company into Keizer. He indicated that they own property west of Keizer that had been designated a sand and gravel site since 1950's with the only access to the property being down Willow Lake Lane. This street currently carries the traffic of Keizer Sand and Gravel, themselves and the expanding neighborhood traffic. He requested the City's support in separating truck traffic from the neighborhood traffic by allowing the private haul road.

Mr. Erickson shared his plan that would include turning a 40 -foot strip of land west of Lockhaven Drive into a private driveway to service Viesko Concrete. He informed the Council this would remove truck traffic from the neighborhood. Mr. Erickson explained a 10-foot high and 2 1/2 foot thick sound barrier wall would be built along the haul road to screen the neighborhood from

truck traffic and assist with the existing complaints of the noise from the treatment plant. He stressed that they did not have this option on Willow Lake Lane and sited safety concerns in this area as part of the reason for requesting the haul road.

Mr. Erickson noted that the condition of staff by making the driveway a public street would defeat the purpose of their intentions to separate truck and neighborhood traffic. Mr. Erickson stated that the property in which the City is requesting to be annexed is not contiguous and therefore he felt it could not be annexed.

Mr. Erickson stressed his concern for the community and stated he was proceeding with the project to try to do what would be best for the community.

Rick Stein, Land Use Attorney, 1395 Liberty Street SE, Suite 101, Salem - Representing the applicant in the case. Mr. Stein strongly expressed his opinion that the Hearings Officer's decision was incorrect and believed it was a permitted use.

Mr. Stein shared a handout and explained that he felt EFU statutes from Chapter 215 apply to this case. He sited the case of *Byrnes vs. the City of Hillsboro* and LUBA ruling in the case of the City stating once a city's comprehensive plan and land use regulations are acknowledged, they and not the state goals apply to land use decisions. Mr. Stein sited case law and felt this was clear and that EFU statutes did not apply in the case of the City.

Mr. Stein compared the Keizer Development Code, definitions within the code and the ORS definitions. He went on to state because of the definition of "street" in the Keizer Development Code and that the applicants request is a permitted use already recognized under the Keizer Development Code.

Mr. Stein discussed the staff's position of the application being a conditional use. He expressed his concerns with the conditions requested by staff and shared background from the U.S. Supreme Court and Oregon Courts indicating that a city or county may impose conditions of approval on a land use application that deal with impacts created by the application. Mr. Stein read language from the *Art Piculell Group vs. Clackamas County* ruling and

indicated they felt this quoted language had a direct bearing on their case.

Mr. Stein urged the Council to remember that the application is for a haul road and not a batch plant or mining operation. He reiterated Mr. Erickson's words stating that Viesko had it's mining permits and could begin this process and use Willow Lake Lane, but they were looking at lessening the impacts of commercial trucks on residential streets.

Mr. Stein reviewed the conditions as set forth by the city staff and felt annexation could not take place, as there was no contiguousness with the tax lot in question. He also requested that condition (2) two be deleted, as public policy separating heavy truck traffic from residential areas and traffic are the same, regardless of whether the road is used to haul unprocessed rock or processed rock, if a batch plant WAS approved. Mr. Stein indicated that the batch plant approval was tied to the condition of the annexation and without an annexation this condition would not apply. He shared that Viesko would be willing to place a sound wall as part of the condition, and noted under the Public Works Requirements that the haul road would have no impact on the City's water, and he reiterated their objection to the haul road being a public road. He also restated objection to the requirements for water and sanitary services. He indicated they would be willing to cooperate regarding any storm drainage issues and would be happy to discuss with Public Works the development of the intersection at Windsor Island Road. Mr. Stein indicated their willingness to see that an adequate access was made for fire equipment.

Mr. Stein concluded by stating that Viesko is working to make this a proactive approach and asked for the Council's consideration.

Mayor Newton requested clarification of Mr. Stein's wording of "Willow Lake Lane". It was verified by the map that it is actually "Willow Lake Road".

Councilor Moir questioned since tax lot 1500 and 1600 are not currently in possession by Viesko why a haul road would be considered.

Mr. Stein deferred the question to Mr. Tross.

Jeff Tross, Land Use Consultant, 1720 Liberty Street SE, Salem- Mr. Tross indicated that the proposed access drive was not intended to serve the batch plant, but to act as a long term access to a sand and gravel excavation site located outside of the UGB as an alternative route to using Willow Lake Road.

In response to questions Mr. Erickson shared that they own a strip of land on the north side of tax lot 1500 that does connect to the mine site west of the property.

Mr. Tross noted the report in the packet addressing the conditional use criteria and the applicable goals and policies in the comprehensive plan. Mr. Tross reiterated that this is a voluntary proposal and summarized this as a better way to access the property with reduced conflict between local traffic, pedestrians and commercial traffic. He shared that Viesko Sand and Gravel is listed on the Marion County Comprehensive Plan Inventory as a mineral and aggregate resource site and the intent of the driveway is to establish a limited-use access way. Mr. Tross explained that under LCDDC Goal (5) five the requirement of significant sand and gravel resources be protected from conflicting uses. He established that the definition of *street* in the Keizer Development Code and it's specific exclusion of private access ways that serve a mining site from the definition of a *street*. He noted that this exclusion meets the purposes of Goal (5) five in this case and stressed the need for the site to be able to be closed off by a gated entry after business hours to provide for the security and safety of the site.

Mr. Tross noted that the proposal would benefit the neighborhood by removing the truck traffic from Willow Lake Road and placing it on a private single purpose driveway that would be maintained by the property owner.

In response to questions Mr. Erickson clarified by use of a map the lots which he currently owns and how the access road would go through if lots 1500 and 1600 were not purchased. Mr. Erickson also confirmed he owned property on both sides of the UGB.

Mr. Johnson clarified that an annexation must generally be contiguous or connected with a "cherry stem" road. He indicated that staff's recommendation presumed that

Salem agrees to an annexation of the Salem owned strip and would be the only way the annexation would work. Currently there had been no contact with Salem through the City staff.

Responding to questions Mr. Erickson suggested that a haul road by his definition would be a truck that transports gravel to and from the plant, which would be paved and have a sound wall.

Mr. Erickson noted that the aggregate mine would be workable for 20-40 years, and felt the access road would continue to be used for access by the other properties after this time. Mr. Erickson indicated that they had offered the use of their proposed haul road to Keizer Sand and Gravel but could not force them to use it.

Mr. Erickson addressed Council's concerns regarding water and shared that the batch plant would only use one well running 600-1000 gallons per minute, which is considered small for by industrial standards. He acknowledged that their permit had requested 3100 gallons and explained how the site reuses pond water to wash the silt off of the rock and then returns the water back to the pond.

Public Works Director, Rob Kissler stated that a discussion with Viesko's Water Consultant indicated that the drilled well would not go into the City's aquia fir.

There was some discussion regarding hours of operation of the plant and Mr. Erickson commented that their general specified hours are from 6:00 a.m. to 6:00 p.m. Mr. Tross quoted the Marion County Zoning Ordinance which specifies these hours Monday through Friday with special provisions for a limited operation on Saturday.

Responding to questions Mr. Erickson indicated that the plant would not be able to hook up to Salem's sewer system, but Marion County would allow them to use a septic tank system.

Mr. Johnson noted that during the hearing at Council level any issues may be discussed, but the hearing only involved the haul road and specific conditions to the batch plant were not part of the hearing.

Providing Public Testimony were:

John Blake, 5655 Windsor Island Road, Keizer- Shared that his family owned and operated Willow Lake Nursery and their property was across from the batch plant. He detailed instances of increased theft and problems with the residential areas butting up to the agricultural areas and is in favor of the haul road and sound wall as a natural dividing line to cut back on some of these problems.

Dale Pierce, 5455 Windsor Island Road North, Keizer- Resides adjacent to the haul road and indicated that the sound wall would run across the back of his property. Mr. Pierce shared that Mr. Erickson was in contact with him and satisfied his concerns regarding noise, dust and hours of operation and appreciated Mr. Erickson's handling of the situation. Mr. Pierce expressed his preference in favor of the private haul road.

At Mr. Johnson's initiation there was a discussion among the Council whether to continue the hearing until August 2, 1999 or to only leave the record open.

Responding to Council's questions Ms. Drought noted that there were conductivity standards in the new development code which caused them to look at how adjacent properties would be affected. She shared that a large piece of undeveloped property sits to the north, which could be served by the proposed street. Ms. Drought suggested the possibility of working out an agreement with the applicant in allowing access from the property to the north.

Mayor Newton closed the public hearing, but requested the record remain open to be deliberated on July 19, 1999.

Council raised questions regarding the annexation portion of the hearing. Ms Drought indicated that the annexation proposal had been on the table from the beginning and staff had made this a condition of approval with the understanding that the applicant would work with the City of Salem to have that portion of land annex. Ms. Drought stated that since the Hearings Officer's decision this had changed.

City Manager, Wally Mull shared staff's thought

regarding the annexation issue that the City had no control if Marion County allowed a batch plant in the future. Mr. Mull indicated if this was not in the City of Keizer it would be very difficult to regulate and any complaints generated would come to the City and not to the County.

Mr. Erickson reiterated what he thought he and the staff had agreed regarding the annexation process and working with Marion County. He felt that even if the County submitted the permits the City would still have influential input with the County.

Councilor Keller moved to close the hearing and the record and to continue deliberations on July 19, 1999 to come to a final decision at that time. Council President Whalen seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Campbell, Keller, McGee, Moir, Newton, Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**c. RESOLUTION -
Authorizing City
Manager to Sale of City
Owned Real Property ~
25 foot strip ~ 1600
Block Chemawa Rd NE**

Mayor Newton opened the public hearing.

Mr. Johnson submitted his staff report indicating that earlier this year the Hearings Officer approved a lot line adjustment and subdivision request for the Chemawa Glen Subdivision. The subdivision is located east of Chemawa Road just beyond the curve east of the intersection of Chemawa and Veda Lane. Mr. Johnson shared that the applicant planned to access the property via Chemawa Road but to do this they would need to purchase the 21-foot by 511-foot strip owned by the City of Keizer.

Mr. Johnson noted that during the pre-application process staff indicated that they would be willing to recommend to Council the sale of the property, but the applicant wanted to be certain that final land use approval was received prior to the purchase of the property.

Mr. Johnson shared that the property was appraised at \$6,800 and recommended that a public hearing be

conducted and adoption of the resolution take place.

Presenting Public Testimony were:

Sylvia Sum-Attorney for Mt. West Investment Corporation-purchaser of the property- Ms. Sum did not have any testimony to add but was willing to answer questions.

Mayor Newton closed the public hearing.

Council President Whalen moved a Resolution Authorizing the City Manager to Enter into a Transaction for the Sale of City Owned Approximate 25-foot strip to the Mountain West Investment Corporation. (Chemawa Glen Subdivision). Councilor Campbell seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Campbell, Keller, McGee, Moir, Newton, Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

ADMINISTRATIVE ACTION

**a. RESOLUTION -
Adoption of 1999-2000
City of Keizer Budget
and Making
Appropriations**

Responding to questions Ms. Gahlsdorf explained how the budget law is written and how Resolution is broken down to cover the items in question.

Councilor McGee moved adoption of the Resolution Adopting the Fiscal Year 1999 Budget, Making Appropriations and Imposing and Categorizing Taxes. Councilor Campbell seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Campbell, Keller, McGee, Moir, Newton, Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**b. ORDINANCE -
Amendments to Provide
for Child Foster Homes**

City Attorney, Shannon Johnson submitted his staff report stating that during the Council's last meeting a public hearing was held on the adoption of amendments to the Keizer Development Code. This issue was brought before the Planning Commission and the City Council to

add childcare foster homes because references were inadvertently left out of the new Development Code.

Mr. Johnson noted at the last Council meeting the Council requested that staff receive further clarification from the Planning Commission regarding the Commission's recommendation for child foster homes in the medium density residential, residential limited and high density residential zones.

At the June 9, 1999 Planning Commission meeting, the Commission considered the issue and recommended that the language remain as it was in the previous Keizer Zoning Ordinance. The Commission felt that the higher density zones could accommodate larger child foster homes and that the requirement that such uses go through the conditional use review process would prevent problems from occurring.

Staff recommended adoption of the Ordinance.

In response to questions Ms. Drought stated that staff would have the ability to add conditions to the application to help mitigate the impact of a child care foster home with more than eight children.

Councilor McGee opposed the direction of the Ordinance and felt there should be a limit set and felt that a conditional use process would not cover this issue adequately.

Councilor McGee moved to adopt a bill for an Ordinance Amending the Keizer Development Code to Allow for Child Foster Homes for six, seven or eight children as Permitted and Conditionally Permitted Uses in Certain Zones Amending Ordinance 98-389 plus adding the Medium Density Residential, Residential Limited and High Density Residential Zones. Councilor Keller seconded the motion.

Councilor Keller requested that Ms. Drought share the Council's concerns regarding the Ordinance with the Planning Commission.

The motion passed unanimously as follows:

AYES: Christopher, Campbell, Keller, McGee, Moir, Newton, Whalen (7)

CONSENT CALENDAR

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

- a) RESOLUTION - Transferring Appropriations for Fiscal Year 1998-1999
- b) RESOLUTION - Election to Receive State Shared Revenue
- c) RESOLUTION - Certifying City of Keizer Provides Four or More Services
- d) Council Motion to Reschedule July 6, 1999 Regular City Council Meeting
- e) Approval of June 7, 1999 Regular Session Minutes

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

Councilor Campbell moved for approval of the items on the Consent Calendar with the exception of item "a". Councilor McGee seconded the Motion.

Council President Whalen shared he would be out of the country at the time of the July 12, 1999 Council Meeting. He indicated he would be discussing the issues with the Council prior to his departure.

The motion passed unanimously as follows:

AYES: Christopher, Campbell, Keller, McGee, Moir, Newton, Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Regarding Item "a" Ms. Gahlsdorf requested an additional fund be added to the Resolution. She shared that the fund would be the utility fund and the expenditure would be increased to \$24,461 and decreased by the same amount in contingency.

Responding to questions Ms. Gahlsdorf informed the Council that the reason for the requested change is that the Council and the Finance Officer are civilly liable if they go over budget.

Councilor McGee challenged the use of the contingency requesting more information.

City Manager Mull indicated that currently they do not foresee going over budget, but they did not wish to get into a situation by appropriating the money they would not be legally in a position that the City has gone over budget. He reiterated that they did not anticipate going over budget.

Councilor Keller moved a Resolution Transferring Appropriations for Fiscal Year 1998-1999 with the recommended addition of the change in the Utility Fund. Councilor Moir seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Campbell, Keller, McGee, Moir, Newton, Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

WRITTEN COMMUNICATIONS

Mayor Newton shared a letter of appreciation from the Salem-Keizer Schools to Lt. Miranda for the quick response by the Police Department regarding an incident at the Keizer schools.

AGENDA INPUT

July 6, 1999 (Tuesday)

7:00 p.m. City Council Meeting (CANCELLED - Rescheduled for July 12th)

July 12, 1999

6:00 p.m. City Council Meeting

- Salem-Keizer School District Land Use Public Hearing

July 19, 1999

7:00 p.m. City Council Meeting

- Traffic Safety Commission - Neighborhood Traffic Management Plan

July 28, 1999 (Wednesday)

5:30 p.m. Special City Council/Keizer Urban Renewal Board/Planning Commission

- Urban Renewal Strategic Plan

August 2, 1999
7:00 p.m. City Council Meeting

August 9, 1999
5:30 p.m. City Council Work Session
➤ Annual City of Keizer Parks Tour

Mayor Newton noted the agenda items.

Mayor Newton recessed the City Council meeting at 10:55 p.m. to assemble in Executive Session.

**EXECUTIVE
SESSION - Pursuant to
ORS 192660(1)(h) -
Potential Litigation**

Mayor Newton reconvened the Council meeting at 11:25 p.m.

Mr. Johnson gave a brief report during the Executive Session the Council discussed LUBA's decision which reversed Keizer's judgment. Mr. Johnson asked the Council whether they wished to appeal the decision to the Court of Appeals.

Councilor Campbell moved that the Council choose to affirm that the City did not wish to exercise the right to appeal the LUBA decision. Councilor Keller seconded the Motion.

The motion passed as follows:

AYES: Christopher, Campbell, Keller, McGee, Moir and Newton (6)

NAYS: None (0)

ABSTENTIONS: Whalen (1)

ABSENT: None (0)

ADJOURNMENT

Mayor Newton adjourned the meeting at 11:27 p.m.

Mayor ~ Bob Newton

City Recorder ~ Tracy Davis, CMC

COUNCIL MEMBERS:

Councilor #1 - Garry Whalen

Councilor #4 - Jacque Moir

Councilor #2 - Lore Christopher

Councilor #5 - Craig Campbell

Councilor #3 - Jim Keller

Councilor #6 - Jerry McGee

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

A G E N D A

URBAN RENEWAL AGENCY OF THE CITY OF KEIZER

Monday, July 19, 1999

Immediately Following City Council Meeting

Robert L. Simon Council Chambers

Keizer, Oregon 97303

1. CALL TO ORDER
2. ROLL CALL
3. PUBLIC HEARING
4. ADMINISTRATIVE ACTION
 - a. RESOLUTION – Authorizing the Issuance and Negotiated Sale of Short Term Subordinate Urban Renewal and Redevelopment Bonds
5. CONSENT CALENDAR
 - a. Approval of the June 21, 1999 Agency Minutes
 - b. RESOLUTION – Adopting FY 1999-2000 Budget (Revised Language)
6. OTHER BUSINESS

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

Upon request, auxiliary aids and/or special services will be provided to participants with disabilities. To request services, please contact us at 390-3700 at least two working days (48 hours) in advance.



URBAN RENEWAL AGENCY BOARD
July 19, 1999

AGENDA ITEM 4a

RESOLUTION – Authorizing the Issuance of Negotiated
Sale of Short Term Subordinate Urban Renewal and
Redevelopment Bonds

BOARD MEETING: July 19, 1999

AGENDA ITEM NUMBER: _____

TO: CHAIR NEWTON AND BOARD MEMBERS

**THROUGH: WALLY G. MULL
CITY MANAGER**

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

SUBJECT: URBAN RENEWAL FINANCING ARRANGEMENT

BACKGROUND:

Legal restrictions prohibit the district from transferring funds directly from the Tax Increment Fund to the Project Fund. The district needs to borrow funds overnight, use the Tax Increment Fund money to pay off the debt and deposit the proceeds of the overnight loan into the Project Fund. Similar borrowing arrangements will need to be done each year to move tax increment revenues from the Tax Increment Fund to the Project Fund.

ISSUE:

The attached resolution authorizes short-term borrowing arrangements over the next three years to cover the cash flow needs of the Project Fund. Setting up the resolution for a three-year period will save the agency money on bond counsel costs.

FISCAL IMPACT:

The agency needs to borrow \$2,700,000 during fiscal year 1999-2000 at an estimated \$7,400 for bond issue costs. The borrowing arrangement and related costs have been provided for in the 1999-2000 Agency Adopted Budget.

RECOMMENDATION:

Staff recommend the Council pass the attached resolution.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE ISSUANCE AND NEGOTIATED
SALE OF SHORT TERM SUBORDINATE URBAN RENEWAL AND
REDEVELOPMENT BONDS.

WHEREAS, the Urban Renewal Agency of the City of Keizer (the "Agency") finds it desirable to authorize the issuance of short term subordinate urban renewal and redevelopment bonds for the North River Road Economic Development Area; and,

WHEREAS, the bonds authorized by this Resolution will have a lien on the Agency's tax increment revenues which is subordinate to the lien of the Agency's outstanding indebtedness; now, therefore,

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

Section 1. Definitions.

For purposes of this Resolution, the following capitalized terms shall have the following meanings unless the context clearly requires otherwise:

"Agency" means the Urban Renewal Agency of the City of Keizer, Oregon.

"Agency Official" means the City Manager, Finance Director or the person designed in writing by any such persons to act as Agency Official under this Resolution.

"Area" means the North River Road Economic Development Area which is described in the Plan, and all additions thereto.

"Bonds" means the short term subordinate urban renewal and redevelopment bonds which are issued pursuant to Section 2 of this Resolution.

"City" means the City of Keizer, Oregon, a city duly organized and existing under and by virtue of the laws of the State of Oregon and the Charter of the City.

"Code" means the United States Internal Revenue Code of 1986, as amended.

"Plan" means the Agency's Urban Renewal Plan for the North River Road Economic Development Area, which is dated September, 1990, as that plan has been and may be amended from time to time.

"Projects Fund" means any separate fund or account of the Agency which is not part of the Tax Increment Fund, and which is used to hold the proceeds of the Bonds.

"Resolution No. UR98-030" means the resolution adopted by the Agency on May 18, 1998, authorizing the Senior Lien Bonds, as it may be amended.

"Resolution" means this Resolution authorizing the Bonds.

"Senior Lien Bonds" means the Agency's Urban Renewal Refunding Bonds, 1998 Series A (Tax-Exempt) and the Urban Renewal Refunding Bonds 1998 Series B (Federally Taxable) and any indebtedness which: (a) is payable from the Tax Increment Revenues of the

Area, and (b) is outstanding on the date a series of Bonds is issued (unless the indebtedness is specifically subordinated to that series of Bonds).

“Subordinate Indebtedness Account” means the account of that name in the Tax Increment Fund which is described in Section 4.5 of Resolution No. UR98-030.

“Tax Increment Fund” means the fund established under ORS 457.440(3) to hold the Tax Increment Revenues.

“Tax Increment Revenues” means all ad valorem tax revenues from property within the Area which are attributable to the increase in assessed value of property within the Area pursuant to Section 1c, Article IX of the Oregon Constitution and Oregon Revised Statutes, Chapter 457, all taxes levied in connection with the Plan pursuant to Article XI, Section 11(16) of the Oregon Constitution, and all earnings thereon while the Tax Increment Revenues are held in the Tax Increment Fund.

Section 2. Authorization of Series 1999 Bonds.

2.1 The Agency hereby authorizes the issuance of the Bonds. The Bonds may be issued in multiple series and at any time during the three fiscal years ending June 30, 2002. Each series of Bonds shall mature within thirty days after the date of its issuance, may bear interest at the rate or rates approved by the Agency Official pursuant to Section 8.3, may bear interest which is includable in gross income under the Code, and shall be issued on the terms established by the Agency Official pursuant to Section 8, below.

2.2 The principal amount of each series of Bonds shall not exceed the amount of Tax Increment Revenues which is pledged to pay that series of Bonds and which is available in the Subordinate Indebtedness Account to pay that series of Bonds on the date that series is issued. Tax Increment Revenues shall be considered available to pay a series of Bonds only if those Tax Increment Revenues are not required to be maintained in a debt service fund, reserve fund or similar fund, or as part of a minimum balance or similar requirement, for Senior Lien Bonds.

2.3 The pledge of, and lien on, the Tax Increment Revenues of each series of Bonds shall be subordinate to any Senior Lien Bonds which are outstanding on the date the series of Bonds is issued.

Section 3. Security for Series 1999 Bonds.

The Bonds shall not be general obligations of the City or the Agency. The principal of and the interest on the Bonds shall be payable solely from the Tax Increment Revenues in the Subordinate Indebtedness Account which are pledged to pay that series of Bonds, and the proceeds of that series of Bonds as provided herein. The Agency Official may irrevocably pledge all or any portion of the Tax Increment Revenues from the Area to pay the Bonds, including amounts deposited in the Subordinate Indebtedness Account. The lien on, and pledge of the Tax Increment Revenues to pay a series of Bonds shall be subordinate to the lien of any Senior Lien Bonds which are then outstanding, but shall otherwise be superior to all other claims against the Tax Increment Revenues (except any indebtedness which is specifically subordinated to that series).

Section 4. The Tax Increment Fund.

The Agency covenants to make deposits into the Tax Increment Fund as provided in Resolution No. UR98-030.

Section 5. Use of Proceeds.

Proceeds of each series of Bonds shall be used only to pay for costs of carrying out the Plan (including costs of issuing the series), and, if the pledged Tax Increment Revenues are not sufficient, to pay that series of Bonds.

Section 6. Superior, Parity and Subordinate Obligations.

As long as a series of Bonds is outstanding:

6.1 The Agency covenants not to issue any obligations payable from the Tax Increment Revenues which have a lien or claim on the Tax Increment Revenues which is superior to the lien of that outstanding series of Bonds.

6.2 The Agency covenants not to issue obligations which have a lien on the Tax Increment Revenues which is equal to the lien of that outstanding series of Bonds without the prior written consent of all owners of that series.

6.3 The Agency may issue subordinate obligations which have a lien on the Tax Increment Revenues which is subordinate to the lien of that outstanding series of Bonds, but only if the documents authorizing the subordinate obligations clearly indicate that no Tax Increment Revenues shall be used to pay those subordinate obligations until that outstanding series of Bonds has been paid in full.

Section 7. Execution of the Bonds.

The Bonds shall be signed with the manual signature of an Agency Official. The Bonds shall be in substantially the form attached hereto as Exhibit A.

Section 8. Delegation.

The Agency Official is hereby authorized on behalf of the Agency, and without further action by the Agency:

8.1 to establish the date from which each series of Bonds will bear interest;

8.2 to establish the date on which each series of Bonds will mature, and the method of paying each series of Bonds;

8.3 to pledge all or any portion of the Tax Increment Revenues to pay each series of Bonds;

8.4 to fix the interest rate which each series of Bonds shall bear;

8.5 to establish the price at which each series of Bonds shall be sold;

8.6 to establish the dates on which each series of Bonds may be redeemed at the option of the Agency and the prices for such redemption;

8.7 to redeem each series of Bonds on or prior to its stated maturity date;

8.8 to pledge the Tax Increment Revenues to secure each series of Bonds;

8.9 to negotiate the terms under which the Bonds will be sold, and approve and execute one or more lines of credit or Bond Purchase Agreements establishing the terms under which each series of Bonds are sold; and

8.10 take any other action which is desirable in order to issue, sell, and deliver each series of Bonds in accordance with this Resolution.

ADOPTED this ____th day of _____, 1999.

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

Authorized Officer

Exhibit A

No. R-1

\$**

United States of America
Urban Renewal Agency of the City of Keizer
Marion County
State of Oregon
Short Term Subordinate Urban Renewal and Redevelopment Bond
Series _____

The Urban Renewal Agency of the City of Keizer, Oregon, Oregon (the "Agency"), for value received, acknowledges itself indebted and hereby promises to pay on _____, but solely from the Tax Increment Revenues available in the Subordinate Indebtedness Account and the proceeds of this Bond deposited into the Projects Fund, to _____ (the "Owner"), the principal amount of _____ Dollars (\$_____) with interest thereon from the date hereof at the rate, as computed on an actual/360 basis, of _____ percent (____%) per annum. Interest is payable at maturity.

This Bond is subject to redemption at the option of the Agency on any date, in whole or in part, and is subject to mandatory redemption in whole on any date upon the occurrence, and declaration of an Event of Default (as defined in the Bond Purchase Agreement dated _____, between the Agency and the Owner) by the Owner, at a price of par plus accrued interest under the authority delegated in the Agency's Resolution No. ____ adopted on _____, (the "Resolution"). Capitalized terms which are used in this Bond but are not defined in this Bond have the meanings defined for such terms in the Resolution.

THIS BOND IS NOT A GENERAL OBLIGATION OF THE AGENCY OR THE CITY OF KEIZER, OREGON, AND IS PAYABLE SOLELY FROM THE TAX INCREMENT REVENUES AVAILABLE IN THE SUBORDINATE INDEBTEDNESS ACCOUNT AND PROCEEDS OF THIS BOND DEPOSITED INTO THE PROJECTS FUND, AS PROVIDED IN THE RESOLUTION.

This Bond is issued by the Agency for the purpose of financing the costs of urban renewal projects within the North River Road Economic Development Area in full and strict accordance and compliance with all of the provisions of the Constitution and Statutes of the State of Oregon.

The Agency has pledged the Tax Increment Revenues available in the Subordinate Indebtedness Account and the proceeds deposited in the Projects Fund to pay the Bond. The lien of this Bond on the Tax Increment Revenues is subordinate to the lien of the Agency's outstanding Senior Lien Bonds, as provided in the Resolution.

IT IS HEREBY CERTIFIED, RECITED, AND DECLARED that all conditions, acts, and things required to exist, to happen, and to be performed precedent to and in the issuance of this Bond have existed, have happened, and have been performed in due time, form, and manner as required by the Constitution and Statutes of the State of Oregon; and that the issue of which this Bond is a part, and all other obligations of the Agency, are within every debt limitation and other limit prescribed by such Constitution and Statutes.

IN WITNESS WHEREOF, the Agency has caused this bond to be signed by the signature of its Agency Official as of this ____ day of _____.

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

Agency Official



URBAN RENEWAL AGENCY BOARD

July 19, 1999

AGENDA ITEM 5a

APPROVAL OF JUNE 21, 1999 AGENCY MINUTES

MINUTES
URBAN RENEWAL AGENCY
MINUTES
Monday, June 21, 1999
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Chair Newton called the regular meeting to order at 6:31 p.m. Roll Call was taken as follows:

Present:

Bob Newton, Chair
Craig Campbell
Lore Christopher
Jim Keller
Jerry McGee
Jacque Moir
Garry Whalen (arrived at 6:34 p.m.)

Staff:

Wally Mull, City Manager
Susan Gahlsdorf, Finance Director
Marc Adams, Chief of Police
Tracy Davis, City Recorder

PUBLIC HEARING

Finance Director, Susan Gahlsdorf submitted her staff report with the staff recommendation of adoption of the Urban Renewal Budget.

Chair Newton opened the public hearing.

No public testimony was brought before the Agency.

Chair Newton closed the public hearing.

**ADMINISTRATIVE
ACTION**

a. RESOLUTION- Adoption of 1999-2000 Urban Renewal Agency Budget

Jim Keller moved a motion adopting the Resolution of the Urban Renewal Agency Fiscal year 1999-2000 Budget, making appropriations and Imposing and Categorizing Taxes. Jacque Moir seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Campbell, Keller, McGee, Moir, Newton, Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

CONSENT CALENDAR

a. Approval of the June 7, 1999 Agency Minutes

Jim Keller moved for approval of the consent calendar.
Jacque Moir seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Campbell, Keller, McGee, Moir,
Newton, Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

OTHER BUSINESS

No other business was brought before the Agency.

ADJOURNMENT

Chair Newton adjourned the meeting at 6:35 p.m.

Chair ~ Bob Newton

City Recorder ~ Tracy Davis, CMC

Garry Whalen

Jacque Moir

Lore Christopher

Craig Campbell

Jim Keller

Jerry McGee

Minutes approved:



URBAN RENEWAL AGENCY BOARD
July 19, 1999

AGENDA ITEM 5b

RESOLUTION - ADOPTION FY 1999-2000 BUDGET

URBAN RENEWAL MEETING: July 19, 1999

AGENDA ITEM NUMBER: _____

TO: CHAIR NEWTON AND BOARD MEMBERS

THROUGH: WALLY MULL
CITY MANAGER

FROM: SUSAN GAHLSDORF, CPA
FINANCE DIRECTOR



SUBJECT: Revised Resolution adopting Urban Renewal Agency fiscal year 1999-00 budget, making appropriations and confirming taxes.

ISSUE:

Staff spoke with the Department of Revenue regarding the above referenced resolution. The State is recommending the Board repeal Resolution UR99-041 and replace it with the attached resolution. The last sentence of UR99-041 has been changed to more accurately reflect the process by which the District receives its tax revenues. Please note, this revision does not change any revenue estimates or appropriation line items.

RECOMMENDATIONS:

Staff recommend that the Board approve the attached revised resolution.

CITY OF KEIZER, STATE OF OREGON

RESOLUTION UR99- 041

ADOPTING THE FY'00 BUDGET, MAKING APPROPRIATIONS,
AND IMPOSING AND CATEGORIZING TAXES

BE IT RESOLVED, that the Urban Renewal Agency of the City of Keizer hereby adopts a budget for fiscal year 1999-00 in the sum of \$7,625,240.

BE IT FURTHER RESOLVED that the amounts for the fiscal year beginning July 1, 1999, and for the purposes shown below are hereby appropriated as follows:

Tax Increment Fund

Debt Service	\$3,650,964
Reserves	808,779

TOTAL TAX INCREMENT FUND	\$4,459,743
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Project Fund

Operations	\$ 232,820
Capital Outlay	2,439,325
Transfers	100,000
Contingency	50,000

TOTAL PROJECT FUND	\$2,822,145
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Refund Fund

Operations	\$ 343,352
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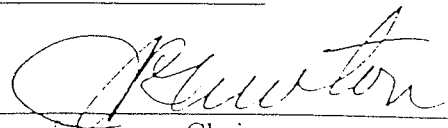
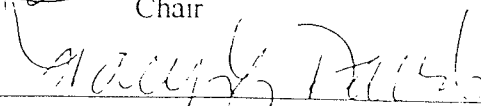
TOTAL PROJECT FUND	\$ 343,352
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TOTAL ALL FUNDS	\$7,625,240
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BE IT FURTHER RESOLVED that the Urban Renewal Board for the Keizer Urban Renewal District hereby imposes the taxes provided for in the adopted budget at the rate of \$14.465 per \$1,000 of increment value from the Division of Taxes, with no taxes to be imposed from a Special Levy.

PASSED this 21st day of June, 1999.

SIGNED this 21st day of June, 1999.


Chair

City Recorder