CITY OF KEIZER MISSION STATEMENT

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

A G E N D A

URBAN RENEWAL AGENCY OF THE CITY OF KEIZER

Monday, July 19, 1993
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 Urban Renewal Agency on matters not on the agenda.

4. PUBLIC HEARINGS

5. DISCUSSION

   a. RESOLUTION - Awarding of Appleblossom Storm Drain Contract

   b. Appointment of Park Representative to River Road Redevelopment Board

6. CONSENT CALENDAR

   a. Approval of July 6, 1993 Agency Minutes

7. 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.

8. WRITTEN COMMUNICATIONS

   To inform the Urban Renewal Agency of significant written communications and petitions.

9. ADJOURN

1982

City of Keizer

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

URBAN RENEWAL AGENCY BOARD MEETING: July 19, 1993

AGENDA ITEM NUMBER: 5a

TO: CHAIR KOHO AND AGENCY BOARD MEMBERS

THROUGH: DOTTY TRYK
CITY MANAGER

FROM: WALLY G. MULL
PUBLIC WORKS DIRECTOR

SUBJECT: BID AWARD (APPLEBLOSSOM STORM DRAIN LINE)

ISSUE:

Bids for the Appleblossom Storm Drain Line (URBAN RENEWAL) will be opened on Friday, 16 July 1993, at 11:00AM at the City of Keizer. Bid tabulations will be made and a Resolution recommending award will be distributed prior to the Council meeting on 19 July 1993.

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City of Keizer

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Keizer, Oregon 97307-1000 • (503) 390-3700 • Fax # 393-9437

URBAN RENEWAL AGENCY MEETING: July 19, 1993

AGENDA ITEM NUMBER: 5b

TO: CHAIR KOHO AND AGENCY BOARD MEMBERS

THROUGH: DOTTY TRYK
CITY MANAGER

FROM: TRACY L. DAVIS
CITY RECORDER

SUBJECT: PARKS REPRESENTATIVE TO RIVER ROAD REDEVELOPMENT BOARD

ISSUE:

Recently Ed Bartlett resigned as the Park Board representative to the River Road Redevelopment Board. At the Parks Advisory Board meeting on Tuesday, July 13, 1993, Shannon Blake-Theiss was nominated for the appointment to the Board. Attached is a memo from Kevin Wickman supporting this nomination.

RECOMMENDATION:

It is recommended the Agency Board appoint Shannon Blake-Theiss to fill the vacancy of Ed Bartlett as the Parks Advisory Board representative to the River Road Redevelopment Board.

Recycled Paper

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City of Keizer — Public Works Department

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

July 14, 1993

M E M O

To: Tracy Davis

From: Kevin Wickman

At the Parks Advisory Board meeting on Tuesday July 13, 1993, it was decided that Shannon Blake-Thiess will represent the Parks Board on the River Road Redevelopment Board. Shannon will be taking over for Ed Bartlett who has filled this position.

MINUTES

URBAN RENEWAL AGENCY OF THE CITY OF KEIZER
Tuesday, July 6, 1993
Robert L. Simon Council Chambers
Keizer City Hall

CALL TO ORDER

Chair Koho called the meeting to order at 7:06 p.m. Roll call was taken as follows:

Present
Dennis Koho, Chair
Jim Keller
Jerry McGee
Chet Patterson
Jerry Watson
Marlene Wellin

Excused Absence
Al Miller

Staff
Dotty Tryk, City Manager
John Morgan, Community Development Director
Shannon Johnson, City Attorney
Tracy L. Davis, City Recorder

PUBLIC TESTIMONY

There was no public testimony to come before the Agency Board.

DISCUSSION

Resolution - Authorize Issuance of Urban Renewal Bonds

City Manager, Dotty Tryk advised the Agency Board the resolution would authorize the sale of bonds. It also establishes the structure and makes commitments on the part of the Agency to the bondholders. She advised the agency the bond sale should occur on July 13, 1993 and will close July 28, 1993.

City Manager Tryk stated Dan Anderson, financial advisor was present if the Agency board had any questions.

Chet Patterson asked about the Resolution referring to the issuance of bonds in an amount not more than $5,000,000. Ms. Tryk stated this will allow her the flexibility to do the job properly.

Chet Patterson moved for a Resolution authorizing the issuance and negotiated sale of Urban Renewal Bonds, Series 1993 in an aggregate principal amount of not more than $5,000,000. Jerry Watson seconded the Motion.

The Motion passed with the following votes:

AYES: Keller, Koho, McGee, Patterson, Watson and Wellin (6)
NAYS: None (0)
ABSTENTIONS: None
ABSENT: Miller (1)

CONSENT CALENDAR

The Consent Calendar consisted of the following:

a. Approval of June 21, 1993 Agency Minutes

Marlene Wellin moved for approval of the Consent Calendar. Dennis Koho seconded the Motion.

The Motion passed with the following votes:

AYES: Keller, Koho, McGee, Patterson, Watson and Wellin (6)
NAYS: None (0)
ABSTENTIONS: None
ABSENT: Miller (1)

OTHER BUSINESS There was no other business to come before the Agency.

WRITTEN COMUNICATION There was no written communication to come before the Agency.

ADJOURNMENT The Meeting was adjourned at 7:15 p.m.

TRACY L. DAVIS
City Recorder

APPROVED:

CHAIR:

(Al Miller absent)

CITY OF KEIZER MISSION STATEMENT

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

AGENDA

KEIZER CITY COUNCIL

Monday, July 19, 1993
7:30 p.m.
Robert L. Simon Council Chambers
Keizer City Hall
Keizer, Oregon 97303

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC TESTIMONY

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

4. COMMITTEE REPORTS

   a. Mission Statement Report

5. PUBLIC HEARINGS

6. DELIBERATION

7. DISCUSSION

   a. Unimproved Streets Report

   b. Noise Ordinance Report

8. CONSENT CALENDAR

   a. RESOLUTION - McNary Traffic Solution

   b. Approval of July 6, 1993 Regular Session Minutes

9. OTHER BUSINESS

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

10. WRITTEN COMMUNICATIONS

To inform the Council of significant written communications and petitions.

11. EXECUTIVE SESSION

a. Pursuant to ORS 192.660(1)(h)

12. AGENDA INPUT

August 2, 1993

7:30 p.m. City Council Meeting

Keizer Little League Lights
Conditional Use Appeal/91-9 Chandler (cont. from 9-21-92)
Chemawa Activity Center Public Hearing (cont. from 7-6-93)

August 16, 1993

7:30 p.m. City Council Meeting

Clear Lake Zone Change Public Hearing
ADA Self Evaluation Public Hearing

13. ADJOURN

1982

City of Keizer

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

CITY COUNCIL MEETING: July 19, 1993

AGENDA ITEM NUMBER: 7a

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

THROUGH: DOTTY TRYK
CITY MANAGER

FROM: WALLY G. MULL
PUBLIC WORKS DIRECTOR

SUBJECT: UNIMPROVED STREETS

ISSUE:

When the City of Keizer was incorporated in 1982 the City Council adopted a policy of not maintaining streets that were not up to City of Keizer Standards at the time of incorporation. That policy has been maintained to this day.

In the past few months the City Public Works Department and the City Manager have received requests to do something with the unimproved streets in Keizer. In June a list of unimproved streets was developed and a cost estimate for improvements was completed.
(See Attached List)

At a City Council work session held on 14 June 1993 Public Works was directed to review a list of unimproved streets in Keizer and offer suggestions for funding the improvements and prioritize the list of streets.

ANALYSIS-FUNDING OPTIONS

There are several different options. 1) Do Nothing. 2) Grade and Gravel. 3) The formation of a Local Improvement District (LID) where the improvements are paid by the owner of the real property. 4) The City could pay for the improvements from the street fund (Gas Taxes). 5) A combination of street funds and an (LID). 6) Developer contributions. 7) Urban Renewal Funds and Grants.

If we do nothing there will be no cost to the City but we will continue to receive complaints from the residents.

Grading and Graveling will cost $15.00 per foot for the first year and approximately $5.00 per foot per year after that. The advantage is that we can eliminate the potholes and level the road but continued maintenance will be expected by the residents.

The advantages of an LID are that the real property owners will receive instant benefit in the form of the improvement and have a period of time to pay for the improvements. The formation of an LID will let the City know how many real property owners are actually interested in the project, increase property values and act as a lien against the property.

The disadvantages of an LID are the possible delays while the LID is being formed, bookkeeping and administration of the LID. Written remonstrances of the owners of 2/3 of the land to be assessed would suspend the proposed improvement leaving the City with some funds expended and no project.

Funding of the projects with street funds will allow the City to group the projects together for bidding purposes and allow the projects to be done in a time frame that suits the City.

Waiting for development to occur and require improvements as part of that has the advantage of requiring development to pay for its impact on the City. The disadvantage is that the time frame is dependent upon the development.

The advantage of Urban Renewal Funds and Grants are that street funds could be used for other projects. The disadvantage of Renewal Funds and Grants are that they are usually designated for specific projects, locations and time frames.

PRIORITIZED PROJECTS:

The streets have been prioritized as follows by staff taking into consideration traffic safety, accessibility, drainage, possible future expansion of Utilities, participation by new developer and the number of residents benefitted.

1) Orchard Street (Between Joan Dr & Newberg) Est Cost $50,000

2) Sieberg St (Between Gary St & Batting St) Est Cost $42,000

3) Fillmore St (North of Churchdale) Est Cost $25,000

4) Fillmore St (Between Evans & Dearborn) Est Cost $32,500

5) Cade St (Between River Rd & Cherry Ave) Est Cost $87,000

6) Rowan Ave N (North of Menlo Dr) Est Cost $6,250

7) Ring St (West of Cherry & South of Clearview) Est Cost $24,800

8) 15th Ave (Between Juniper & Chemawa Rd N) Est Cost $40,000

Orchard St, Sieberg St and both sections of Fillmore are projects that would enhance traffic safety, provide better local access and link local neighborhoods. Funding for these projects is available in the current 1993-94 budget (Gas Taxes) and construction on these projects could be done in the spring of 1994.

Cade Street presents several costly problems from encroachment into the right-of-way to serious drainage problems. Other funding options available include Urban Renewal and Block Grant.

Rowan Ave actually acts as a private driveway for two residents and will never be extended.

Ring St and 15th Street have undeveloped property adjacent to them and development will occur that could offset the costs of these improvements.

RECOMMENDATION:

Council adopt a resolution to make the improvements of Orchard St, Sieberg St and both Sections of Fillmore St at an approximate cost of $180,000, which is currently available in the street fund. Funding would include the improvements, engineering, surveying, inspection, legal, and contingencies bringing these streets up to City of Keizer Standards.

The remaining projects would be addressed in the 1994-95 budget for possible funding at that time.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R93-_____

DECLARING THE CITY'S INTENT TO IMPROVE ORCHARD STREET, SIEBERG STREET AND FILLMORE STREET

WHEREAS, the City Council is interested in making improvements to streets within the City of Keizer; NOW, THEREFORE

BE IT RESOLVED by the City Council of the City of Keizer that staff is directed to make the improvements to Orchard Street, Sieberg Street and both sections of Fillmore Street at an approximate cost of $180,000.

BE IT FURTHER RESOLVED funding for these projects will come from the street fund.

PASSED this _____ day of _____, 1993

SIGNED this _____ day of_____, 1993.

_____
Mayor

_____
City Recorder

Keizer Police Department

930 Chemawa Rd. N.E. • P.O. Box 21060
Keizer, Oregon 97307-1060 • 390-3713 / FAX 390-8295

Charles R. Stull
Chief of Police

Agenda Item # 7b

City Council 7/19/93

Date: July 13, 1993
To: Mayor and City Council
Thru: Dotty Tryk, City Manager
From: Charles R. Stull, Chief of Police

Subject: **City of Keizer Noise Ordinance Review**

Recently there has been discussion in regards to the City of Keizer's current noise ordinance regulations and our enforcement policy.

I am currently in the process of preparing a staff report for the Keizer City Council which will provide information on the City's current noise ordinance adoption and additionally address issues that recently have developed which may affect the future enforcement of the ordinance as currently written.

Due to unforeseen circumstances, the staff report will not be available to the Keizer City Council until Monday, July 19, 1993. I hope that this delay will not cause too much of an inconvenience.

crs:cp

City of Keizer

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

DATE: July 16, 1993

TO: Mayor Koho And Council Members

FROM: Dotty Tryk, City Manager

SUBJECT: Noise Ordinance And Recent Noise Complaint

TD-
This went out to the Council on Friday. L

BACKGROUND:

At your meeting a few weeks ago, the Council requested that staff revisit the current noise ordinance and make appropriate recommendations for change. The associated issue at that time was a wild animal complaint. Since that time, the Police were called upon to enforce the current ordinance against a local event.

Because of this incident, I asked Chief Stull to expedite the report and recommendations on the noise ordinance. I also asked Chief Stull to prepare a report on the event and the Police response. This report is attached. As it is quite comprehensive, I wanted you to have it in advance of Monday night's meeting.

RECOMMENDATION:

I am comfortable that the Police acted responsibly in enforcing the current ordinance. There are, however, several actions that the Council can take to give more direction in the ordinance. These are listed in the staff report.

I concur with the Chief's recommendation that the Council direct staff to prepare a draft ordinance which is more technical and specific and which addresses special events. If you so choose, we will return with an ordinance in mid-August.

Please feel free to contact me here or at home to discuss the report or recommendation.

Attachments

Recycled Paper

Keizer Police Department

930 Chemawa Rd. N.E. • P.O. Box 21060
Keizer, Oregon 97307-1060 • 390-3713 / FAX 390-8295

Charles R. Stull
Chief of Police

AGENDA #_____

CITY COUNCIL_____

DATE: July 16, 1993

TO: Mayor and City Council

THRU: Dotty Tryk, City Manager

FROM: Charles R. Stull, Chief of Police

SUBJECT: **REVIEW OF CITY NOISE ORDINANCE #90-190**

ISSUE:

Shall the current City of Keizer Noise Ordinance (90-190), which prohibits disturbing noise, be amended?

BACKGROUND:

The development of a Noise Ordinance for the City of Keizer can be traced based on my files as far back as April of 1986. Citizen complaints of excessive noise and the ability of the Police Department to effectively address these noise disturbances has long been an issue.

On August 18, 1986 the Keizer City Council received a staff report prepared by City Attorney John Lien addressing the issue of developing a City Ordinance for Noise Regulation (SEE ATTACHMENT A). Mr. Lien's report provided an analysis of the different types of Noise Ordinance regulations in use at that time by other jurisdictions. Mr. Lien identified the two types of ordinances as one being a "general" approach to noise regulation and the other as being a more "technical" approach to the regulation of disturbing noise.

Mr. Lien's report advised: "The general trend for noise regulation appears to be toward the more technically oriented ordinances. The feeling seems to be the more technical standards eliminate the judgment calls and provide a more objective basis for determining whether or not the activity constitutes a violation. This approach avoids the court's concern about vague ordinances and also helps to

blunt the common assertion in these cases that the complaining neighbor or enforcement officer is simply "out to get" the offending person."

Mr. Lien drafted a sample "technical" noise ordinance for the Council's review and attached it to his original staff report (SEE ATTACHMENT B). The City Council reviewed the various approaches to noise enforcement and directed staff to proceed with the development of a noise ordinance based upon a TECHNICAL approach which establishes maximum permissible decibel levels of sound for various activities.

On September 15, 1986 the issue of adopting a Noise Ordinance was again brought before the Keizer City Council for discussion. The staff report (SEE ATTACHMENT C) prepared by then City Manager Roy Payne listed three possible options for Council consideration. Mr. Payne stated, "The approach the Council suggested regarding a technical approach to enforcement is the most comprehensive. However, it is also the most expensive with regard to equipment required and the time involvement required for investigation and follow-up enforcement."

Mr. Payne's recommendation to the Council was to choose an alternative approach which was to: "Take no action. This would continue the status quo and give the City minimum noise enforcement ability. The State statutes on noise would still apply. ORS 166.025 establishes unreasonable noise as disorderly conduct if the noise causes public inconvenience. Along with this option, the City could encourage neighbors who have a noise problem to utilize the Neighbor-to-Neighbor Mediation Service which is available in the Keizer/Salem area."

Mr. Payne's second option for Council consideration was to: "Establish a general noise regulation similar to Portland's or the general provisions of the Salem Ordinance which stated, "It shall be unlawful for any person knowingly or create, assist in creating, permit, continue, or permit the continuance of any noise disturbance. A noise disturbance is any sound which annoys, disturbs, injuries or endangers the comfort, repose, health, peace, or safety of others within the limits of the City." The Council decided to accept the City Manager's recommendation and choose Option #1, take no action which tabled the issue.

As you will note, this second option proposed by the City Manager was the basis of our current noise ordinance #90-190 (SEE ATTACHMENT D).

On October 15, 1990 the issue of a proposed Noise Ordinance was again brought before the Keizer City Council by former City Manager Don Otterman (SEE ATTACHMENT E). Generally the same issues were discussed during this review as were in the original review of 1986.

Mr. Otterman addressed four key issues which the Council needed to discuss. They were listed in his report as follows:

1. Does the City of Keizer need a noise ordinance?

2. If the City needs a noise ordinance, to what extent should the City go in drafting such an ordinance?

3. If a technical ordinance is adopted, what would be the cost for enforcement ?

4. Do we have the personnel necessary to enforce such an ordinance?

The result of the noise ordinance review by the Council on October 15, 1990 was a directive to staff to prepare a General Noise Ordinance for Council review and adoption.

On October 25, 1990 former City Manager Don Otterman provided a memorandum to all city staff regarding the proposed Noise Ordinance: "Attached is a copy of a proposed Noise Ordinance as prepared by the City Attorney. The proposed Ordinance is extremely general in nature as was the direction of the City Council. I am concerned whether the ordinance, as drafted, would be enforceable and if so, what procedures would be put into place to enforce the ordinance." (SEE ATTACHMENT F)

On November 5, 1990 the Keizer City Council adopted the proposed Bill for an Ordinance Prohibiting Noise (#90-190).

ANALYSIS:

According to City Attorney Shannon Johnson, since the Noise Ordinance was enacted in November of 1990, there have been sixteen (16) citations issued. Of these, 2 were found not guilty, 3 were found guilty, 10 defendants failed to appear, and 1 case is pending.

During this same time period, the Keizer Police Department received 939 complaints of disturbing noise from Keizer citizens. This equates to approximately 98% of all disturbance calls received are adequately handled by the investigating officer through the initial contact with the violator and without having to take more stringent enforcement action by issuing a citation.

The general procedure for the enforcement of the current noise ordinance has been when an officer receives a complaint of a noise disturbance he will respond to the location and see if he can hear or observe the alleged violation. If the officer can in fact observe or hear the disturbance, they will then make contact and attempt to have the noise or action stopped. If the disturbance is stopped, no further action is taken.

If the disturbance is not stopped or starts again at a later time, then the officer will normally return and issue a citation for violation of the City's Noise Ordinance. If the offense continues even after a citation has been issued, the officer could return and make an arrest for violation of the ORS 166.025 Disorderly Conduct. If an officer arrives at the scene and cannot see or hear any disturbance, the complaining party is advised that if they wish to file a complaint that they need to contact the City Attorney's office and make arrangements to begin the complaint process. To this date, City Attorney John Lien advises that no one has ever followed through with the complaint process.

On June 28, 1993 I received a copy of a letter addressed to Mr. Orville Roth from Mr. Richard S. Heath, 6491 Sandwedge Court NE (SEE ATTACHMENT G). Mr. Heath was expressing his concerns with the upcoming Courthouse Athletic Club event scheduled for July 10, 1993. I took the liberty to provide a copy of this letter to Ms. Christine Garcia of the Courthouse and additionally made some suggestions regarding public relations efforts with the surrounding neighborhood. The event was billed as the Summer Benefit Bash. The schedule of events listed Tom Grant 3:00-5:00 pm, dinner 4:00-8:00 pm, and classic rock bands from 6:00-11:00 pm. The flyer advised that proceeds would benefit the Oregon Chapter for Prevention of Child Abuse and Special Olympics (SEE ATTACHMENT H).

Due to our anticipation that this event would, in all likelihood, generate noise complaints from the surrounding neighborhood, I instructed Administrative Sergeant Bruce Jenness to prepare a memorandum for the nightshift supervisor outlining our response action (SEE ATTACHMENT I).

I have listed below, in chronological order, the complaints received and the actions taken during the event.

COMPLAINT #	1, 2, 3 (WARNING #1)
TIME RECEIVED:	Approximately 1145 am to 1215 pm
BY WHOM:	Mayor Koho
PERSONS CONTACTED:	Christine Garcia, Tom Bauer
CONTACT MADE BY:	Sergeant Miranda

SUMMARY: At approximately 12:20 pm I was contacted by the City Manager in regards to complaints received by Mayor Koho regarding the loud music coming from the Courthouse Athletic Club event. I contacted Sergeant Miranda at 12:27 pm and advised him of the complaints and instructed him to contact the event organizers about the loud music. Sergeant Miranda responded to the Courthouse and contacted Christine Garcia and Tom Bauer. Sergeant Miranda advised them of the noise complaint and they indicated that they would insure that the music was turned down. Mrs. Garcia asked what the noise decibel limits were and what the time limits were. Sergeant Miranda explained the Keizer Noise Ordinance to both Mrs. Garcia and Mr. Bauer. Mrs. Garcia mentioned to Sergeant

Miranda that they too had received several complaints about the music. Mrs. Garcia had advised that she had instructed her call-takers to obtain names and addresses of any complaints received so that apology letters could be sent. Mrs. Garcia mentioned to Sergeant Miranda that there would be four different bands playing during the event. Sergeant Miranda advised that he expressed his concern that each band would have to be told to keep the noise level down.

COMPLAINT #	4 (WARNING #2)
TIME RECEIVED:	2:33 pm
BY WHOM:	Police Dispatch
PERSONS CONTACTED:	Christine Garcia, Tom Bauer
BY WHOM:	Sergeant Miranda

SUMMARY: At 2:33 pm Mr. Don Baer of 6075 Trail Avenue called police dispatch complaining about the loud music. Due to other pending calls, Sergeant Miranda was not immediately available to respond to this call. Sergeant Miranda did respond at 3:19 pm and, at this time, the band was on a break and no music was playing. Sergeant Miranda again contacted Mrs. Garcia and Mr. Bauer and advised them of the complaint which had been received. Mrs. Garcia and Mr. Bauer advised that they would keep the music down.

WARNING #	3
TIME RECEIVED:	3:45 pm
BY WHOM:	Chief Stull
PERSONS CONTACTED:	Christine Garcia, Tom Bauer
BY WHOM:	Sergeant Miranda

SUMMARY: After clearing from the 3:19 pm call, Sergeant Miranda contacted me at my residence to brief me on the situation at the Courthouse. My residence is located off of McLeod Street approximately 1 1/4 road miles from the Courthouse Athletic Club. We were sitting on my patio and at this time could clearly hear the music coming from the Courthouse and could easily identify it as piano music. Believing that if we could hear it at that distance, the possibility of more complaints was imminent. At 4:10 pm Sergeant Miranda again contacted Mrs. Garcia and Mr. Bauer and advised them of his observations. They apparently did not feel that the piano music was loud and, at this time, Sergeant Miranda advised them that if we continued to receive complaints, that it may become necessary to shut down the music. Mr. Bauer advised Sergeant Miranda "No, you won't". Mrs. Garcia asked who would make the decision to shut down the music, Sergeant Miranda or the Police Chief. Sergeant Miranda reiterated that the situation depends on the complaints that the police department receives. Sergeant Miranda did advise that he was appraising the Chief of the situation.

WARNING #	4, 5, 6
TIME RECEIVED:	5:30 pm to 8:30 pm
BY WHOM:	Chief Stull
PERSONS CONTACTED:	Mr. Tom Bauer
BY WHOM:	Chief Stull

SUMMARY: At approximately 5:30 pm I arrived at the Courthouse Athletic Club for the purpose of participating in a charity volleyball game. The Courthouse had previously requested that the Keizer Police Department play the Keizer Fire Department in a volleyball match. Due to the loud music at that time, I contacted Mr. Tom Bauer and explained to him that we had been receiving calls about the music being too loud and that it was obvious to me at that time that to eliminate these calls that the music needed to be turned down. Mr. Bauer took my advice and did in fact have the music turned down.

At approximately 7:20 pm I again contacted Mr. Bauer and advised him that during the last half hour the music had become increasingly louder and I again suggested that he have the music turned down. At approximately 8:10 PM the band was playing and the drummer went into a solo drum performance which was extremely loud. I again contacted Mr. Bauer and advised him that that was exactly what I was talking about in regards to the music being too loud. I again suggested that he have the music turned down so that more complaints would not be received. Mr. Bauer did comply with my suggestion. I left the event at approximately 8:30 pm.

CONTACT #	1
TIME RECEIVED:	7:30 pm
BY WHOM:	Acting Sergeant Hunter
PERSONS CONTACTED:	Christine Garcia, Tom Bauer
BY WHOM:	Acting Sergeant Hunter

SUMMARY: At approximately 7:30 pm Acting Sergeant Hunter, the night shift supervisor, went to the Courthouse Athletic Club to contact the event organizers as instructed by Sergeant Jenness. Sergeant Hunter was contacted in the parking lot by Tom Bauer and Christine Garcia who asked if he had received a complaint. Sergeant Hunter advised that he had not received any complaints but was there just to make contact with the parties in charge. Mr. Bauer advised that the Courthouse Athletic Club had received a complaint by phone from a person who lived on Sandwedge Drive or Swingwood Drive. Mr. Bauer advised that he went to the location but could not hear any music.

COMPLAINT #	5
TIME RECEIVED:	9:00 pm
BY WHOM:	Police Dispatch
PERSON CONTACTED:	Acting Sergeant Hunter

SUMMARY: At approximately 9:00 pm Acting Sergeant Hunter received a call from dispatch that they had received an anonymous phone call from a citizen complaining about the loud music at the Courthouse. Sergeant Hunter was on another call at this time and did not respond immediately.

COMPLAINT #	6
TIME RECEIVED:	9:15 pm
BY WHOM:	Acting Sergeant Hunter
PERSON CONTACTED:	Don Otterman
BY WHOM:	Acting Sergeant Hunter

SUMMARY: At approximately 9:15 pm Acting Sergeant Hunter received another message from dispatch advising that Mr. Don Otterman called and was irate about the loud music coming from the Courthouse and that he wanted it shut down. Dispatch also advised Acting Sergeant Hunter that Mr. Otterman stated he was going to keep calling until they shut down and that he wanted a return call to him from the police. After receiving this message, Acting Sergeant Hunter contacted me by phone, appraised me of the situation, and requested direction. I advised him to recontact Mrs. Garcia and Mr. Bauer and have them turn the music down.

COMPLAINT #	7
TIME RECEIVED:	10:06 pm
BY WHOM:	Police Dispatch
PERSON CONTACTED:	Acting Sergeant Hunter

SUMMARY: After discussing the latest loud music complaint with me, Acting Sergeant Hunter was enroute to have the music turned down. Subsequently dispatch advised Acting Sergeant Hunter that they had received another complaint of loud music. Dispatch advised Hunter that the complainant, who refused to identify herself, called to complain about the loud music at the Courthouse was keeping her children awake. Dispatch noted that they could hear the music in the background during the conversation with the complainant. I was apprised of this latest complaint of loud music at approximately 10:10 pm. Due to the latest series of complaining calls and the apparent situation that we were going to have to issue a citation for violation of the noise ordinance, I instructed Acting Sergeant Hunter to contact Mrs. Garcia and Mr. Bauer and have the music shut down.

At approximately 10:15 pm Acting Sergeant Hunter contacted Mr. Bauer on the grounds of the Courthouse Athletic Club and advised him that we had received more complaints and that the current song the band was playing would have to be the last song. Mr. Bauer asked if they could play for ten more minutes and was advised "No, that this would have to be the last song".

Mr. Bauer went toward the stage and at this time Mrs. Garcia contacted Sergeant Hunter. Sergeant Hunter appraised Mrs. Garcia of the additional noise complaints and that the last one received by the dispatcher indicated the music could be heard in the background over the phone conversation. Mr. Bauer returned and inquired if they should call the Chief. Acting Sergeant Hunter advised that would not do any good at this time. Mr. Bauer returned to the stage and after the song was over thanked the band and announced that they had just played their last song. Acting Sergeant Hunter cleared from the Courthouse at 10:32 pm.

ALTERNATIVES/OPTIONS:

I have listed below four (4) alternatives or options the Council may wish to consider during their review of the current Noise Ordinance.

1. Do Nothing. The current noise ordinance as written has not caused an enforcement problem for the street officer. As previously noted in this report, 98% of all noise complaints are adequately handled upon the first or second contact. Discretion on the particular level of enforcement, based on the situation and circumstances, does fall on the investigating officer. Given the 939 complaint calls we have received since the ordinance was enacted, there may not be a need to amend the ordinance.

2. Amend the Current Ordinance. The one issue not addressed in the current noise ordinance is "special events". The current noise ordinance from a legal interuptation covers all disturbing noise and does not grant any exceptions or variances for events such as the Iris Festival, the Courthouse Summer Bash, Miracle of Xmas, etc. The Council could amend the current ordinance to grant exceptions or variances for these types of events.

3. Create a Special Event Ordinance. The Council may wish to consider creating a new Special Event Ordinance which would specifically require the issuing of a permit for special events. The permit ordinance may go beyond the issue of noise and cover dates of events, times of operations, specific locations, noise, liability, traffic, etc.

4. Rewrite the Current City Noise Ordinance. The Council could decide to rewrite the current noise ordinance and develop a brand new ordinance. This new ordinance may specifically address the issues of noise enforcement for the patrol officers, provide a technical enforcement requirement for both normal and/or special situations, and identify a process for special events exemptions or variances by the City Manager or City Council.

RECOMMENDATION:

It is staff recommendation that the Keizer City Council should consider developing a comprehensive noise ordinance which will ensure the continued peace and tranquility of our community and also allow special events to occur which enhance the citizens' enjoyment.

crs:cp

COUNCIL MEETING: AUG. 18, 1986

MEMORANDUM

AGENDA ITEM NO.: 11

To: The Mayor, City Council and City Manager

From: City Attorney JAR

Re: Noise Regulation

Date: August 14, 1986

The City staff and some councilors have been approached regarding the regulation of noise in the City of Keizer. I have attached copies of the ordinances regulating noise for the Cities of Salem, Eugene, and Portland. The three ordinances are examples of the three approaches to regulation of noise.

Section 14.24.150 of the Portland City Code is an example of the general approach to noise regulation. The ordinance is only one sentence and is framed in very general terms. The ordinance does go on to specifically address sound producing or reproducing equipment.

The City of Eugene's former noise ordinance takes a somewhat more comprehensive approach. The ordinance starts from the same general premise as Portland's, however, it then attempts to define some of the actions that would constitute a violation of the ordinance. Eugene went on to provide for a permit for some construction activity. The City of Eugene has subsequently revised its noise ordinance and has gone more toward the technical approach that the City of Salem has adopted. I hope to have a copy of their new ordinance for you to review also.

The City of Salem has a reasonably comprehensive and technical noise ordinance. The focus is on decibel levels for various activities in various neighborhoods. However, the ordinance does include a general prohibition similar to Portland and Eugene's. Salem does include a variance procedure also.

The general approach to noise regulation and the technical approach offer different advantages and disadvantages which usually are the converse of one another. The general approach offers considerable flexability and does not necessarily require technical equipment. By that same token, it is subject to considerable judgment on the part of the enforcement officers and consequently, could be subject to some abuse. The Courts have raised questions about such ordinances for that very reason.

The old Eugene ordinance attempts to address some of those problems with definitions of particular actions that would violate the ordinance. The obvious problem is you can't necessarily list every action that may violate the ordinance. As a result, you end up with some judgment required of the enforcement officers but not perhaps as much as in the simpler, general prohibition. Eugene has apparently revised its ordinance and gone more toward the technical ordinance that Salem has adopted.

Salem's technical ordinance has the advantage of being more definitive. Its ordinance goes a long way toward eliminating judgment calls on the part of enforcement officers. Consequently, it can be viewed as reasonably objective. However, it is complicated and does require special equipment to enforce it. As a result, it may be hard for citizens to know in advance whether they are in compliance with the ordinance without the special equipment available to make that determination. As a practical matter, I am advised that the City of Salem usually seeks enforcement of noise violations under their more general provision rather than the technical part.

The variance provisions of Salem's ordinance would require additional administrative involvement on the part of the city staff. It would provide a mechanism for regulation of particular noise producing activities however.

The general trend for noise regulation appears to be toward the more technically oriented ordinances. The feeling seems to be the technical standards eliminate the judgment calls and provide a more objective basis for determining whether or not the activity constitutes a violation. This approach avoids the court's concern about vague ordinances and also helps to blunt the common assertion in these cases that the complaining neighbor or enforcement officer is simply "out to get" the offending person.

/t

BILL NO.

A BILL
FOR

ORDINANCE NO.
86-_____

AN ORDINANCE PROHIBITING
NOISE AND PROVIDING FOR VARIANCE

The City of Keizer ordains as follows:

Section 1. PURPOSE. It is hereby found and declared that:

A) The making and creation of excessive, unnecessary or unusually loud noises within the limits of the City of Keizer is a condition which has existed for some time and the extent in volume of such noises is increasing;

B) The making, creation, or maintenance of such excessive, unnecessary, unnatural, or unusually loud noises which are prolonged, unusual and unnatural in their time, place and use affect and are a detriment to public health, comfort, convenience, safety, welfare, and prosperity of the residents of the City of Keizer, and

C) The necessity in the public interest for provisions and prohibitions hereinafter contained in this chapter, is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare, and prosperity and the peace and quiet of the City of Keizer and its inhabitants.

Section 2. DEFINITIONS. As used in this ordinance:

A) "A-scale (dBA)" means the sound level in decibels

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measured using the A-weighted network as specified in American National Standard Specification for Sound Level Meters (ANSI S 1.4-1971).

B) "Commercial" means any use of an office, service establishment, hotel, motel, retail store, park, amusement or recreation facility, or other use of the same general type, and rights-of-way appurtenant thereto, whether publicly or privately owned.

C) "Decibel (dB)" means a unit for measuring the volume of a sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure. The reference pressure is 20 micropascals (20 micronewtons per square meter).

D) "Domestic power equipment" means power tools or equipment used for home or building repair, maintenance, alteration or other home manual arts projects, including but not limited to powered hand tools, lawn mowers, garden equipment and snow removal equipment.

E) "Frequency" means the time of repetition of a periodic phenomenon, measured in Hertz (H_Z).

F) "Impulse sound" means a single pressure peak or single burst (multiple pressure peaks) for a duration of less than one second as measured on a peak unweighted sound level meter.

G) "Industrial" means any use of a warehouse, factory, mine, wholesale trade establishment, or other use of the same general type, and rights-of-way appurtenant thereto, whether publicly

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or privately owned.

H) "Motor vehicle" means any land vehicle which is designed to be self-propelled.

I) "Noise sensitive" means any use of a church, temple, synagogue, day care center, hospital, rest home, retirement home, group care home, school, dwelling unit (single family dwelling, duplex, triplex, multifamily dwelling, or mobile home), or other use of the same general type, and rights-of-way appurtenant thereto, whether publicly or privately owned.

J) "Octave band" means an interval in Hertz between two frequencies having a ratio of two to one. For purposes of this chapter, octave band sound pressure levels may be measured at any of the following center frequencies: 31.5, 63, 125, 250, 500, 1000, 2000, 4000 and 8000 Hz.

K) "Plainly audible" means unambiguously communicated to the listener. Plainly audible sounds include, but are not limited to understandable musical rhythms, understandable spoken words, and vocal sounds other than speech which are distinquishable as raised or normal.

L) "Sound level" in dBA, means the weighted sound pressure level, measured by the use of an A-weighted sound level meter set at a fast meter response.

M) "Sound level meter" means a sound level measuring device, either Type 1 or Type 2, as defined by American National Standard Speficiation for Sound Level Meters (ANSI S1.4-1971).

N) "Sound pressure level," in dB, is 20 times the logarithm

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to the base 10 of the ratio of the root-mean square of the pressure of a given sound to the reference pressure. The reference pressure is 20 micropascals (20 micronewtons per square meter).

Section 3. NOISE DISTURBANCE PROHIBITED. A) Generally. In addition to the specific prohibitions in subsection B) of this section and Section 5, it shall be unlawful for any person knowingly to create, assist in creating, permit, continue, or permit the continuance of any noise disturbance. A noise disturbance is any sound which annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others, within the limits of the City.

B) Specific prohibitions. Unless exempted by Section 6, the following acts are declared to be noise disturbances, provided that this enumeration shall not be deemed to be exclusive:

1) Dynamic braking devices. Using any dynamic braking device on any motor vehicle, except to avoid imminent danger to persons or property. A dynamic braking device is one used primarily on trucks and busses to convert a motor from an internal combustion engine to an air compressor for the purpose of vehicle braking without the use of wheel brakes.

2) Idling engines on motor vehicles. Operating for more than 15 consecutive minutes on any idling engine in such a manner as to be plainly audible within any dwelling unit between 10:00 p.m. and 7:00 a.m.

3) Motor vehicle repair and testing. Repairing or testing

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any motor vehicle in such a manner as to be plainly audible within any dwelling unit between 10:00 p.m. and 7:00 a.m.

4) Steam whistles. Blowing any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work.

5) Sirens. Sounding a stationary siren.

6) Railroad whistles and horns. Blowing a railroad train whistle or electric horn at any private roadway crossing or at any public crossing at which are installed and operating flashing light signals, audible signals, and gate arms or equivalent warning devices which are automatically activated by the approach of railroad trains or equipment on the tracks, except where the person blowing the whistle or horn deems it to be necessary in the exercise of sound judgment to prevent an accident.

Section 4. MOTOR VEHICLE RACE TRACKS. It shall be unlawful for any person to operate or permit to be operated a motor vehicle race track in any residentially zoned district within the City.

Section 5. MAXIMUM PERMISSIBLE SOUND LEVELS. A) Except as specifically provided elsewhere in this chapter, no person shall cause or permit sound to be received on property used as specified herein if the sound exceeds the limits set forth in subsections B) and C). For purposes of this section "day" hours are between 7:00 a.m. and 10:00 p.m., and "night" hours are between 10:00 p.m. and 7:00 a.m.

B) Table of Maximum Permissible Sound Levels (in dBA).

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Type of Source by Use	Type of Receiver by Use					
	Noise Sensitive		Commercial		Industrial	
	Day	Night	Day	Night	Day	Night
Noise Sensitive	55	45	60	55	65	60
Commercial	55	50	70	65	70	65
Industrial	55	50	70	65	Not Applicable	

1) No sound received on a property shall exceed the established maximum permissible sound levels in the Table of Maximum Permissible Sound Levels by 10 dBA.

2) No sound received on a property shall exceed the established maximum permissible sound levels in the Table of Maximum Permissible Sound Levels by 5 dBA for a cumulative total of greater than one minute, but less than five minutes in any ten minute period.

3) No sound received on a property shall exceed the established maximum permissible sound levels in the Table of Maximum Permissible Sound Levels for a cumulative total of five minutes or more in any ten minute period.

C) Exceptions.

1) Octave band sound. Notwithstanding any other sound levels in this section, no person shall operate or permit the operation of a noise source if the sound produced by such operation is measured at a median octave band sound pressure level which exceeds the levels set forth in the following table:

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Median Octave Band Sound Pressure Levels (in dB)

Octave Band Center	Day	Night
31.5	68	65
63	65	62
125	61	56
250	55	50
500	52	46
1000	49	43
2000	46	40
4000	43	37
8000	40	34

2) Impulse sound. Notwithstanding any other sound levels in this section, no person shall operate or permit the operation of a noise source which emits an impulse sound which has a peak sound pressure level in excess of 100 dB in the day or 80 dB in the night.

3) Sound producing, amplifying, or reproducing equipment. During night hours, no person shall cause or permit sound produced by a musical instrument, radio, television, phonograph, loudspeaker, or other similar equipment to be plainly audible within any dwelling unit other than the source. This standard replaces the table in subsection B) of this Section for night sounds only; day sounds shall be governed by that table.

4) Domestic power equipment. The day sound levels in the table in subsection B) of this section do not apply to sounds produced by domestic power equipment.

During night hours, no person shall operate domestic power equipment in such a manner as to be plainly audible within any dwelling unit other than the source.

5) Commercial construction. The day sound levels in the

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table in subsection B) of this section do not apply to sounds produced in commercial construction activity.

6) Off-highway vehicles. No person shall operate any self-propelling motor vehicle designed for or capable of travel on or over natural terrain, including but not limited to motorcycles, minibikes, motor scooters, dune buggies, and jeeps, off a public right-of-way in such a manner that the sound level generated thereby exceeds 60 dBA in the day or 55 dBA in the night as measured at or within the boundary of a noise sensitive receiver property.

7) Auxiliary equipment on motor vehicles. No person shall cause, allow, permit, or fail to control the operation of any auxiliary equipment on a motor vehicle for more than 30 minutes when the sound level generated thereby exceeds 55 dBA in the day or 50 dBA in the night as measured at or within the boundary of noise sensitive property. Auxiliary equipment means a mechanical device which is built in or attached to a motor vehicle, including, but not limited to, refrigeration units, compressors, compactors, chippers, power lifts, mixers, pumps, and blowers.

D) Measurement of sound levels under this section shall be made at one of the following points, whichever is farther from the sound source:

1) 25 feet from that point on a receiver building nearest the sound source, or

2) That point on the receiver property line nearest the

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sound source.

Section 6. EXEMPTIONS. The following sounds are exempted from the provisions of this ordinance:

A) Sounds made by work necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from imminent exposure to danger.

B) Sounds made by warning devices to protect persons or property from imminent exposure to danger, provided however that burglar or fire alarms shall not operate continuously for more than fifteen minutes.

C) Sounds made by an emergency vehicle, as defined in ORS 801.260, when responding to or from an emergency or when in pursuit of an actual or suspected violator of the law.

D) Sounds made by current employment of land and buildings on a farm for the purpose of obtaining a profit in money by raising, harvesting, and selling crops or by the feeding, breeding, management, and sale of livestock, poultry, fur-bearing animals or honeybees, or the produce thereof, or for dairying and the sale of dairy products or any other agricultural or horticultural operations or any combination thereof including the preparation and storage of the products raised for man's use and animal use and disposal by marketing or otherwise by a farmer on such farm.

E) Sounds made by activities by or on direction of the City of Keizer in maintenance, construction, or repair of public improvements in public rights-of-way or easements.

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F) Sounds produced pursuant to a specific variance granted by the Oregon Environmental Quality Commission, or under Section 8 of this ordinance.

G) Sounds produced by sound amplifying equipment at athletic events sponsored by Salem-Keizer School District 24J.

H) Sounds made by motor vehicle exhaust systems that comply with the provisions of ORS 815.250, but this exemption does not apply to violation of Section 3(B)[2] of this ordinance.

Section 7. ENFORCEMENT RESPONSIBILITY AND AUTHORITY. This chapter shall be jointly enforced by the police department and the City Manager's designee.

Section 8. VARIANCES, Generally. Any person who owns, controls, or operates any sound source which does not comply with a provision of this chapter may apply for:

A) A Class A Variance, for an event or activity which does not exceed 72 hours in duration; or

B) A Class B Variance, for an event or activity or series of related events, or activities which are 72 hours or more in duration.

Section 9. VARIANCE APPLICATION. A) An applicant for a variance shall submit in writing:

1) A reference to the provision from which the variance is sought;

2) The reason or reasons why the variance is necessary;

3) The physical characteristics of the involved sound;

4) The times when the involved sound will be emitted and

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the anticipated duration of the sound;

5) Where the sound will not be generated by a mobile source which moves beyond the boundaries of one block, a site plan sketch which shows the area of sound generation and designates whether the uses in the area within 400 feet of the source of the involved sound are commercial, industrial, or noise sensitive as defined in Section 2, or a combination thereof;

6) Any other supporting information which the building official or council may reasonably require to allow consideration of the conditions set forth in Section 11.

B) The applicant for a Class A Variance shall submit the application to the City Manager's designee. The applicant for a Class B Variance shall submit the application to the City Recorder, who shall place the matter on the agenda for the forthcoming council meeting.

Section 10. PUBLIC NOTIFICATION FOR CLASS B VARIANCE. The applicant for a Class B Variance shall notify in writing any person residing or owner of a business within 400 feet of the sound source that an application for a variance is to be considered by the council. Notice under this section shall state the date the council will consider the application, the nature and substance of the variance to be considered, and that recipients of the notification may file written comments on the application with the City Recorder before the council meeting at which the application will be considered.

Section 11. VARIANCE REVIEW. The City Manager or the City

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Manager's designee or council may grant a variance, after considering the written application for variance and any written comments submitted by persons specified in Section 10, when it appears that the following conditions exist:

1) There are unnecessary or unreasonable hardships or practical difficulties which can be most effectively relieved by granting the variance;

2) That granting the application will not be unreasonably detrimental to the public welfare.

Section 12. VARIANCE DECISION. A) The City Manager or the City Manager's designee shall grant or deny a Class A Variance within 3 days of receipt of a complete variance application, excluding Saturdays, Sundays, and holidays.

B) The council shall grant or deny a Class B Variance within 30 days of receipt of the application, and may, on its own motion, hold a public hearing on the application before deciding to grant or deny the variance.

C) The City Manager or council may impose such limitations, conditions, and safeguards as deemed appropriate, so that the spirit of this chapter will be observed, and the public safety and welfare secured. A violation of any such condition or limitation shall constitute a violation of this ordinance.

D) A decision to grant or deny a variance shall be in writing and shall state the reasons for such decision. The Council or City Manager shall notify the applicant of the decision and shall make it available to any person who has

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submitted written comments on the application.

Section 13. REVIEW. The decision of the council to grant or deny a variance is final. The City Manager shall file his written decision with the city recorder, who shall place the matter on the agenda for the forthcoming council meeting. The decision of the City Manager is final on the date of that council meeting unless the council, on its own motion, decides to reverse or modify the decision of the City Manager to schedule a public hearing on the application. If a public hearing is held, the council shall grant or deny the variance within 30 days after the hearing, and may impose conditions on the granting of the variance as set forth in Section 12.

Section 14. VIOLATIONS: A) Violation of any provision of this ordinance is an infraction.

Section 15. EMERGENCY. This ordinance being necessary for the immediate preservation of the public health, safety, and welfare, an emergency is declared to exist and this ordinance shall take effect immediately upon its passage.

PASSED this_____day of_____, 1986.

SIGNED this_____day of_____, 1986.

_____
Mayor

_____
City Recorder

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City of Keizer

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Keizer, Oregon 97303-0890 • (503) 390-3700

COUNCIL MEETING: SEPTEMBER 15, 1986

AGENDA ITEM NO.: 11

TO: MAYOR AND CITY COUNCIL

FROM: ROY PAYNE, CITY MANAGER

SUBJECT: DISCUSSION - NOISE ORDINANCE

ISSUE

Shall the City Council adopt a noise ordinance making the creation of excessive, unnecessary or unusually loud noises a violation of City law based upon maximum permissible sound levels established by the City Council?

BACKGROUND

The Council Council, both collectively and individually, has previously received requests from Keizer residents desiring adoption of a noise ordinance. The Council, on August 18, 1986, reviewed various approaches to noise enforcement and directed Staff to proceed with the development of a noise ordinance based upon a technical approach which establishes maximum permissible decibel levels of sound for various activities.

ANALYSIS

The City Council in the past has viewed the creation of new City regulations and ordinances as the last resort in attempting to solve an identified problem. The philosophy of the Council has been to stick to basic City services and to minimize the amount of regulation within the City.

Noise problems can occur because of noisy machinery, barking dogs, unmufflered motorcycles, and radios or stereos, building construction activity, traffic, trains, fire alarms, football games, etc. A comprehensive noise ordinance should address all of these possible noise sources and establish the acceptability of certain noises and exempt them from regulation or establish maximum acceptable noise levels for each noise source. A lot of noise irritation occurs between neighbors as a result of neighborhood disputes or low-tolerance levels of certain individuals. It is a difficult item for a police department to enforce without objective standards to measure the "loudness" of a noise or sound.

The approach the Council suggested regarding a technical approach to enforcement is the most comprehensive. However, it is also the most expensive with regard to equipment required and the time involvement required for investigation and follow-up enforcement.

Other options available to the City are as follows:

1. Take no action. This would continue the status quo and give the City minimum noise enforcement ability. The State statutes on noise would still apply. ORS166.025 establishes unreasonable noise as disorderly conduct if the noise causes public inconvenience.

   Along with the option, the City could encourage neighbors who have a noise problem to utilize the Neighbor-to-Neighbor Mediation Service which is available in the Keizer/Salem area.

2. Establish a general noise regulation similar to Portland's or the general provisions of the Salem Ordinance which states:

   "It shall be unlawful for any person knowingly or create, assist in creating, permit, continue, or permit the continuance of any noise disturbance. A noise disturbance is any sound which annoys, disturbs, injures or endangers the comfort, repose, health, peace, or safety of others within the limits of the City."

   This would give the City more authority than currently found under State law and would not require any additional cost in terms of sound measurement equipment. It could also be expanded to include the more specific, technical regulations in the future, if a determination is made to further regulate noise disturbances.

RECOMMENDATION

The City Manager recommends either Option 1 or Option 2 as an approach to noise regulation rather than the more costly technical approach.

Attachment

RP/clm

noise.adg

HAVE A PROBLEM?

USE YOUR NEIGHBOR-TO-NEIGHBOR MEDIATION SERVICE

SOME PROBLEMS WE MEDIATE:

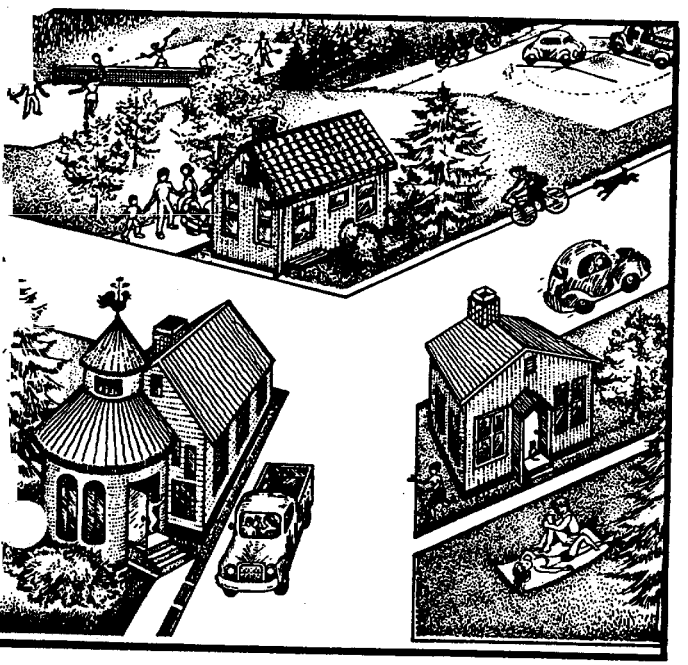
- Noise
- Money
- Parking
- Harrassment
- Animals
- Landlord/Tenant
- Litter
- Vandalism
- Property Damage
- Trespassing
- Business Relationships
- Workplace Relations
- Teacher/Parent/ Student Relationships

HOW WE WORK:

1. Individuals with problems contact our office.
2. A trained community volunteer is sent to speak with both parties involved in the problem.
3. If both parties agree to use our service, a mediation session is scheduled.
4. The session is held in a neutral setting.
5. Trained community volunteers serve as panel members at the hearing. The panel does not determine guilt, or decide who is right or wrong. The panelists work with the parties to help them reach their own solution to the problem.
6. When a solution is reached, the agreement is written and signed by the parties.
7. Follow-up is done to see how well the solution is working.

WHO WE ARE

Neighbor-to-Neighbor is an affiliate of Salem Neighborhoods, Inc. We are a group of community volunteers trained to help others resolve conflicts within their own communities.



NEIGHBOR-TO-NEIGHBOR BOARD:
Joyce Wilson
Dave Hunt
Lorraine Pullman
Jan Alsever
Roy Patton, M.D.
Bryan Johnston
Gary Pullman
Katherine Krueger
Karen Fabos
Margie Baum
Hugh Dierker
Rosa Leonardi
Julio Viamonte,VI

OUR PROCESS IS QUICK, EFFECTIVE, INFORMAL, AND FREE.

For More Information, Call Neighbor-to-Neighbor 581-9726

or

write
PO Box 3653
Salem, Oregon 97302

BILL NO. 172 A BILL FOR ORDINANCE NO. 90-190

AN ORDINANCE PROHIBITING NOISE

The City of Keizer ordains as follows:

Section 1. PURPOSE: It shall be unlawful for any person knowingly to create, assist in creating, permit, continue, or permit the continuance of any noise disturbance. A noise disturbance is any sound which annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others, within the limits of the city.

Section 2. VIOLATIONS: Violation of this ordinance is an infraction.

PASSED this 5th day of November, 1990.

SIGNED this 6th day of November, 1990.

Mayor

City Recorder

ORDINANCE NO._____

2370COK.001

City of Keizer

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

COPY FOR YOUR INFORMATION

COUNCIL MEETING: October 15, 1990

AGENDA ITEM NO.: 7

TO: MAYOR AND CITY COUNCIL

FROM: DONALD H. OTTERMAN, M.S.PA, CITY MANAGER DHO

SUBJECT: DISCUSSION - PROPOSED NOISE ORDINANCE

ISSUE

Councilor Newton has requested that this item be placed on the Council agenda for discussion. The issue is, "Shall the City Council conduct public hearings to adopt a noise ordinance?"

BACKGROUND

In 1986 and 1987, the City Council discussed the need for adoption of a noise ordinance regulating excessive noise within the city limits. An ordinance was prepared by the City Attorney for Council consideration. At the end of the Council discussions, it was decided that the enforcement of such a noise ordinance would be difficult at best for the Police Department due to lack of staffing and lack of equipment and that, in lieu of a noise ordinance, State statutes regarding noise and disorderly conduct be enforced by the Police Department. In addition, the City encouraged neighbors who have a noise problem to use the Neighbor to Neighbor Mediation Service.

DISCUSSION

Attached to this agenda item is the staff report of September 15, 1986 which includes a memorandum from the City Attorney, a proposed noise ordinance and information regarding the Neighbor to Neighbor Mediation Service. In addition to these attachments is a copy of an ordinance that was utilized by the city where I was formerly employed. It is an ordinance that is very general in nature and leaves the discretion to the enforcing officer as to whether the noise being created is a public nuisance.

The question is whether the City needs a noise ordinance and, if so, whether the ordinance should be technical in nature or should be prepared in a general nature to be utilized at the discretion of the enforcing officer.

Does the City of Keizer need a noise ordinance?

If the City Council feels that it is appropriate for the City to become involved in neighborhood disputes regarding excessive noise, then the City must pass a noise ordinance. There have been occasions in the past that the City has been called by a complainant with a request that the City take action against a person who is making excessive noise. The Police Department has chosen not to take action to enforce the State laws due to the fact that the District Attorney's office will not prosecute a violation of such law due to work load, and that it takes a large number of individuals complaining about the noise before the State law can be invoked. The City does not have its own noise ordinance to enforce and, therefore, complaints regarding excessive noise are not handled by the City. In most instances, neighbors should be able to handle a problem with another neighbor regarding excessive noise. However, in some occasions, the neighbor causing the excessive noise is not considerate of other neighbors and will not cease and desist the noise making activity without being told to by an enforcing officer. Those are the occasions that City ordinances are drafted to resolve. As is the case in 99% of the situations, laws are prepared because of a small minority of individuals. An example of such a situation was the topic of letters to the City Council in December of 1986 regarding outdoor pool parties conducted during the summer that lasted until dawn.

The City is beginning to receive more complaints regarding excessive noise and, as the City grows, adds population and the population density increases, such noise problems will also increase due to the increase in population density.

If the City needs a noise ordinance, to what extent should the City go in drafting such an ordinance?

The City Attorney, in his memorandum dated August 18, 1986, discusses two types of ordinances: the technical ordinance and the general ordinance. He raises a concern regarding the general ordinance due to the fact that it requires considerable judgment on the part of the enforcement officer and, consequently, could be subject to some abuse. He goes on to state that the courts have raised questions about such ordinances for that very reason. The other type of ordinance, the technical ordinance, is an ordinance that requires equipment to enforce but is based upon scientifically determined levels of noise that are easily enforceable, whether by the enforcement officer or in the court. The trend seems to be that the technical ordinances are being prepared for adoption by other

cities. However, I question whether the City needs to go to the extend of preparing such a technical ordinance due to the fact that in almost every instance, the violator creating excessive noise will cease and desist the activity that is creating that noise if an enforcement officer requests that he do so and states that there is an ordinance against excessive noise. The appearance of an enforcement officer with the authority to require the reduction of noise level is almost always adequate to handle the situation.

If a technical ordinance is adopted, what would be the cost for enforcement?

A hand held noise meter adequate to enforce a technical ordinance would cost approximately $300. When I say "adequate to enforce a technical ordinance," I mean adequate to obtain readings by the enforcement officer to determine whether or not he should take action to have the noise reduced. If there is a question that the violation will be taken to court, readings from a hand held noise meter would probably not be adequate. If the matter does go to court and the noise is a continuing problem, acoustical engineers can be retained by the City to take noise readings that will provide printouts of noise levels to be entered as evidence in court.

Do we have the personnel necessary to enforce such an ordinance?

Our police officers are out of service handling calls for an extremely high percentage of their day. Adding another ordinance to enforce will increase the out of service time. The question is, "How many complaints could the City safely assume would be registered if a noise ordinance is adopted by the City Council?"

The department currently does respond to all complaints or requests for service, whether there is an ordinance in effect covering the complaint or not. In other words, if an individual calls and complains about a large party, the department will respond and request that the person conducting the party reduce the noise level. In almost all cases, the violator does comply even though the City does not have an ordinance in effect but is simply requesting from a public relations standpoint that the noise be reduced. If there was a noise ordinance adopted, the amount of complaints handled by the department would not increase dramatically. But, adoption of the ordinance would give the officers authority to take further legal action if necessary.

It is requested that the City Council discuss the options of adoption of a noise ordinance and determine if adoption of such an ordinance is a priority of the City Council. If the Council wishes staff to prepare a general ordinance, that can be done. If the Council wishes a more technical ordinance, the ordinance that was prepared in 1986 could be slightly revised and adopted by the Council.

City of Keizer

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

RECEIVED OCT 2 6 1990

TO: CHUCK STULL, POLICE CHIEF
JOHN LIEN, CITY ATTORNEY
SUE DARBY, CITY RECORDER

FROM: DONALD H. OTTERMAN M.S.PA, CITY MANAGER DHO

DATE: OCTOBER 25, 1990

SUBJECT: PROPOSED NOISE ORDINANCE

Attached is a copy of a proposed Noise Ordinance, as prepared by the City Attorney. The proposed Ordinance is extremely general in nature as was the direction of the City Council. I am concerned whether the Ordinance, as drafted, would be enforceable and, if so, what procedures would be put into place to enforce the Ordinance.

It is requested that you review the proposed Ordinance and then discuss the Ordinance prior to the November 5, 1990, City Council meeting. We should review that proposed Ordinance on Tuesday or Wednesday, October 30, or October 31, 1990, to be sure that we are together on its enforcement before it goes to the Council on November 5, 1990. It is requested that you, after reviewing the Ordinance, work with the City Recorder to schedule a meeting to review the proposed Ordinance.

DHO:clm

f:\admin\noise.mmo

BILL NO. A BILL FOR ORDINANCE NO. 90-_____

AN ORDINANCE PROHIBITING NOISE

The City of Keizer ordains as follows:

Section 1. PURPOSE: It shall be unlawful for any person knowingly to create, assist in creating, permit, continue, or permit the continuance of any noise disturbance. A noise disturbance is any sound which annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others, within the limits of the city.

Section 2. VIOLATIONS: Violation of this ordinance is an infraction.

Section 3. EMERGENCY. This ordinance being necessary for the immediate preservation of the public health, safety, and welfare, an emergency is declared to exist and this ordinance shall take effect immediately upon its passage.

PASSED this _____ day of _____, 1990.

SIGNED this _____ day of _____, 1990.

_____
Mayor

_____
City Recorder

LIEN & HOBSON
Attorneys at Law
4855 River Rd. N
Keizer, Oregon 97303
(503) 390-1635

6491 Sandwedge Court NE
Keizer, OR 97303
June 24, 1993

Mr. Orville Roth
Roth's Corporate Headquarters
4895 Indian School Road NE
Salem, OR 97305

Dear Mr. Roth:

I must preface the topic of my letter by informing you that the main reason we shop at Roth's is because of the commitment you have made to give something back to the communities in which you do business. Your employees are friendly and the service is great but we really appreciate the help you give to countless organizations in this area.

However, I am writing to ask if you can make a special effort to have someone from Roth's supervise the event scheduled for July 10th at the Courthouse Athletic Club in Keizer. I am a resident of a cul-de-sac directly across the street from the Courthouse. When this event was held last year, the loudspeakers were positioned directly at our neighborhood and the resulting reverberation among the houses made for a very unpleasant evening. A friend who resides on Meadowlark, at least 10 blocks away, could hear the music as if she was at the event itself so I leave it to you to imagine what the effect is from one block away.

I am not insensitive to the reason for the event and I can put up with some noise for a while but it was very aggravating last year when the music continued until 12:30 a.m. instead of ending at the scheduled time of 11:00 p.m. I eventually called the Keizer police to register a complaint and they advised me that they had already been to the site once to ask them to quiet down and had received many phone calls complaining about the noise but other priorities prevented them from returning right away. I then went over in person to complain but by that time they were finally calling it quits. I was disturbed that I could not find anyone from Roth's with whom I could voice my objections. I cannot imagine that you would want Roth's associated with an activity that disturbs so many citizens.

Do you think it would be possible this year to arrange the speakers so they are pointed toward the golf course or the Courthouse building instead of our neighborhood? Also, I think it would be beneficial if someone from Roth's could be in attendance to insure that the event will

end when scheduled and to insure more sensitivity to the rights of the surrounding neighborhoods. It was apparent last year that whoever was representing the Courthouse Athletic Club was more interested in having a good time than the effect they were having on other people.

I do not know what the pertinent city rules are pertaining to such events but I am taking the liberty to forward a copy of this letter to Mayor Koho and Police Chief Stull so they are aware that, in my opinion, there was a problem last year and that they can prepare for this year if necessary. I trust now that you have been made aware of the situation there will not be a repetition of last year's problem. I want to be a good neighbor and I want to support the good cause you are sponsoring but I cannot agree that having huge speakers pointed at my house and being forced to listen to loud music until nearly one o'clock in the morning is the way I want to participate. Lest you feel I have exaggerated, I extend an invitation to you to visit my home on July 10th when the music has begun.

I appreciate your attention to this matter and hope you are able to act on some of my suggestions. Thank you very much.

Sincerely,

Richard S. Heath

Richard S. Heath

cc: Mayor Dennis Koho
Chief Charles Stull

RECEIVED
JUN 28 1993
KEIZER P.D.

Roth's IGA
Friendly Foodliner

4895 Indian School Road N.E. Salem, Oregon 97305
Phone (503) 393-ROTH

RECEIVED
JUL 0 2 1993
KEIZER P.D.

June 28, 1993

Mr. Richard S. Heath
6491 Sandwedge Court, NE
Keizer, Oregon 97303

Dear Mr. Heath:

Thank you for writing to share your concerns about loudspeaker placement and music volume of the upcoming fund-raising event to be held at the Keizer Courthouse on Saturday, July 10.

First, let me assure you I share your concern. As you pointed out, it is not to Roth's advantage to be associated with an event which causes ill will in our community. By a copy of this letter (and a copy of yours), I am asking our staff and the management of the Courthouse Athletic Club to be especially aware of the placement of the loudspeakers, the music volume and adherence to the announced closure time. I am also sharing this letter with Mayor Koho and Chief Stull.

Again, thank you for writing before the event so we can proact to make this fund-raising concert and dinner enjoyable for all.

Sincerely,

Orville N. Roth
President and Owner

cc: Tom Dieker, Roth's Keizer Store Manager
Darrell Rybloom, Roth's
Michael Roth, Roth's
Christine Garcia, Keizer Courthouse Manager
Mayor Koho, City of Keizer
Chief Stull, Keizer Police Dept.

COURTHOUSE
ATHLETIC CLUB

RECEIVED
JUL 06 1993
KEIZER P.D.

Richard Heath
6491 Sandwedge Court NE
Keizer, OR 97303

Dear Mr. Heath,

I am writing in response to the letter you wrote to Mr. Orville Roth that concerned the Summer Benefit Bash scheduled for July 10th. Police Chief Stull forwarded me a copy of the letter. I want to apologize for disturbing your evening with this event last year. It was not the past chairperson's or the Courthouse Athletic Club's desire to inflict discomfort on you or others in your neighborhood.

This year's Summer Benefit Bash committee discussed detailed suggestions for improving this event that included making sure that the schedule of music would not go past 11:00 PM. We will try to hold to this schedule in a timely matter. We also considered moving the stage and speaker area another direction. Electrical hook-ups prevent us from doing this. Speaker placement will be lower to the ground to help prevent sound waves from traveling great distances.

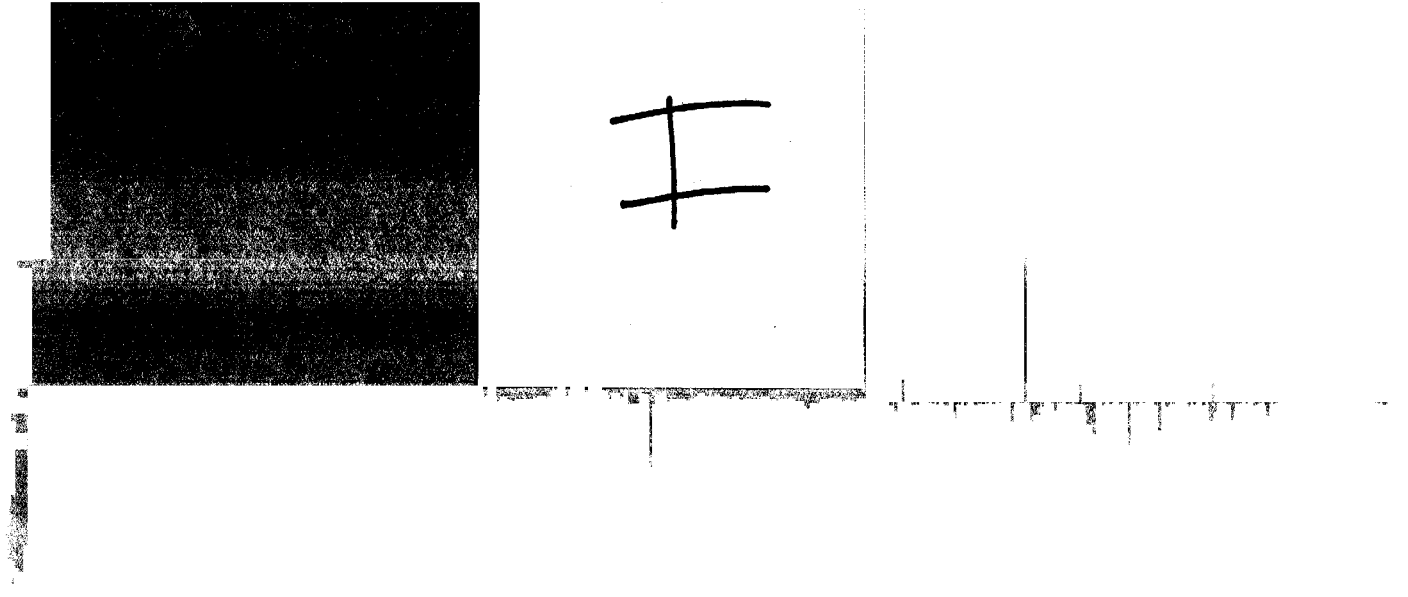
Please consider coming to the Summer Benefit Bash to help with our effort to raise money for two excellent charities, The Oregon Chapter for the Prevention of Child Abuse and Special Olympics. That is the reason for and my primary interest in helping with coordinating this event.

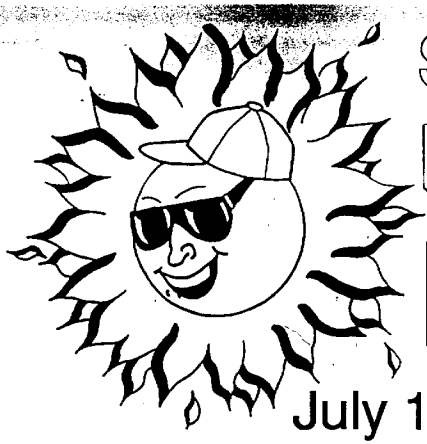
Sincerely,

Christine García
Keizer Club Manager

cc: Orville Roth, Roth's President and Owner
[redacted]
Mayor Koho, City of Keizer

PO Box 3125 • Salem, Oregon 97302 • 364-1731 • FAX 371-0773





SUMMER BENEFIT BASH

July 10th, 1993

Courthouse Athletic Club
6425 Wheatland Rd N, Keizer

SCHEDULE OF EVENTS

Tom Grant	3:00 – 5:00 PM
Roth's BBQ Chicken Wagon Dinner	4:00 – 8:00 PM
Classic Rock Bands	6:00 – 11:00 PM

OTHER ACTIVITIES
Sand–Volleyball, Horseshoes, Swimming, Badminton,
Raffle Drawings for Prizes (Mountain Bike, Blazer Jacket, etc.)

TICKETS

Price Includes Dinner, Activities & Entertainment

$8.00 Adults, $5.00 Children 6–12 yrs., 5 yrs. & Under Free

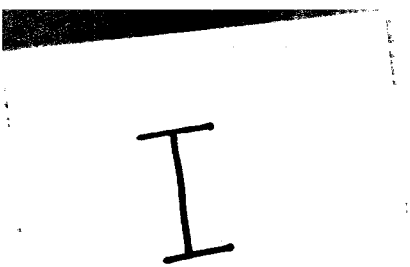
TICKETS AVAILABLE AT:

Roth's
Friendly Foodliner
5013 River Rd N
390–2039

COURTHOUSE
ATHLETIC CLUB
6425 Wheatland Rd N
391–5220

R. BAUER INSURANCE Inc.
2745 Liberty St NE
588–0095

PROCEEDS BENEFIT OREGON CHAPTER FOR PREVENTION OF CHILD ABUSE & SPECIAL OLYMPICS



KEIZER POLICE DEPARTMENT
Memorandum

July 7, 1993

TO: A/Sgt Brian Hunter

FROM: Bruce Jenness
Administrative Sergeant

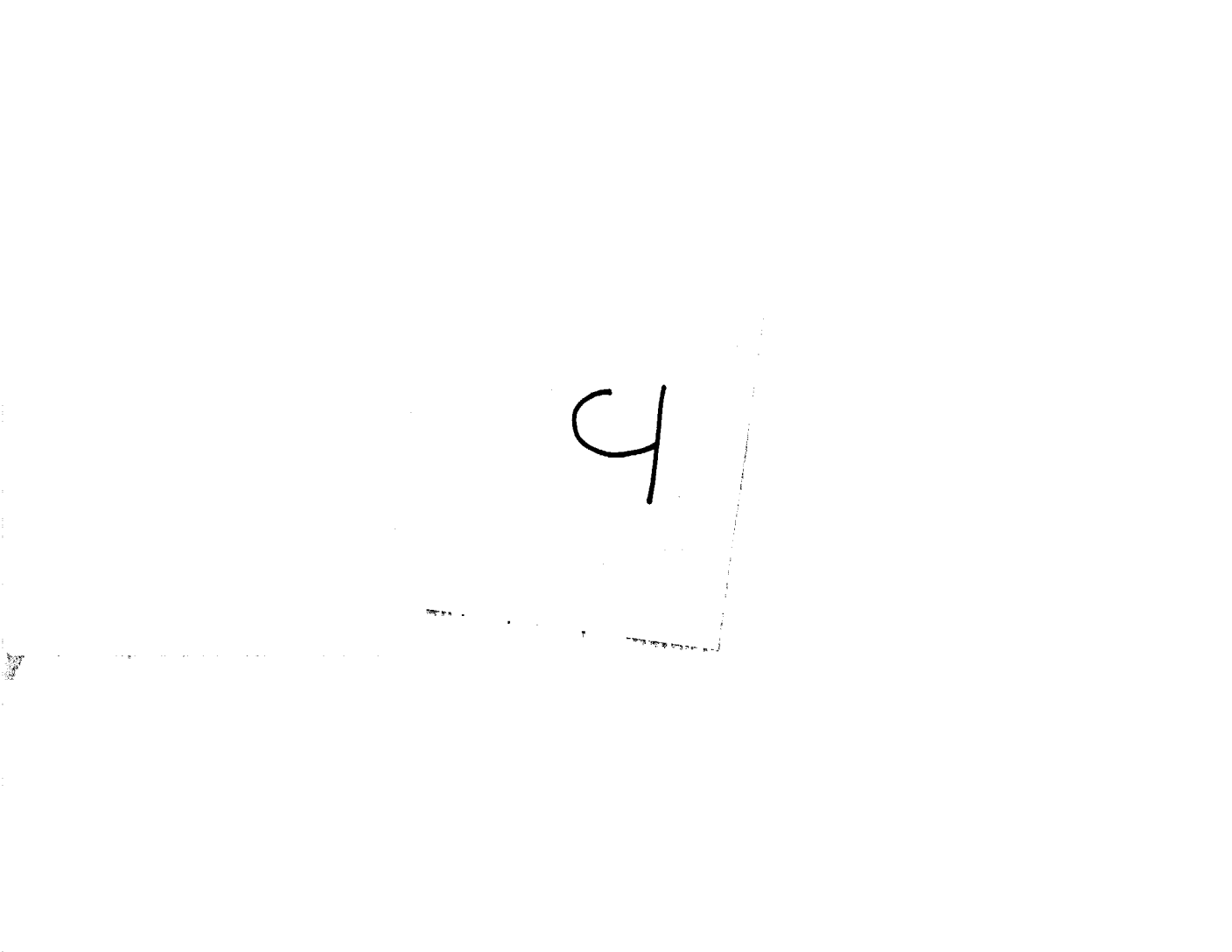
SUBJECT: **Courthouse Athletic Fund Raising Event**

The Courthouse Athletic Club and Roth's IGA will be sponsoring a fund raising event on Saturday, July 10th. This event will include a live band which is scheduled to play until 2300 hours. We are anticipating that we will receive noise complaints which may force us to act on the authority of the city noise ordinance.

In the event that complaints are received, it is imperative that we document and act on each complaint. Our first course of action should be to contact the person in charge at the Courthouse and request that the volume be turned down. I would suggest that you make contact as early as possible to establish who that person is and what options may be available if complaints are made.

If you have any questions or concerns, do not hesitate to page me. Also, make sure dispatch and your officers are fully appraised of the situation and what our intended actions are.

cc: Chief Stull



6491 Sandwedge Court NE
Keizer, OR 97303
July 11, 1993

RECEIVED
JUL 13 1993
KEIZER P.D.

Mr. Orville Roth
Roth's Corporate Headquarters
4895 Indian School Road NE
Salem, OR 97305

Dear Mr. Roth:

Thank you for your response to my letter of June 24th regarding the Summer Benefit Bash. I am happy to report the music volume was considerably reduced from last year and the event appeared to conclude about 10:30 p.m. instead of the advertised 11:00 p.m. I would like to point out that an informal survey of my neighborhood suggested that 10:00 p.m. would be a more appropriate closure than 11:00. Perhaps the music could start earlier and end earlier.

One problem involved a loud volume of noise about 11:00 a.m. as the speakers and amps were being adjusted. I was personally concerned as my wife is a nurse and works nights so this was disturbing her sleep. However, the Courthouse personnel were very courteous and someone took care of complying with my request to turn the volume down. I also appreciated that Tom Bauer drove over to our cul-de-sac about 7 p.m. to check on the volume and invited us to call him if the noise became a problem. It would seem that the event was better supervised this year.

I doubt I will ever agree that the Courthouse field is the proper place to erect huge loudspeakers which disturb the peace of a residential neighborhood but I am pleased that proper supervision allowed you to raise funds while avoiding resentment. Thank you for your personal attention to this matter.

Sincerely,

Richard S. Heath

Richard S. Heath

cc: Mayor Dennis Koho
Chief Charles Stull
R. Bauer Insurance
Christine Garcia, Courthouse Athletic Club

1982

City of Keizer

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

CITY COUNCIL MEETING: July 19, 1993

AGENDA ITEM NUMBER: 8a

TO: MAYOR AND CITY COUNCIL

FROM: DOTTY TRYK
CITY MANAGER

SUBJECT: RESOLUTION IN THE MATTER OF MODIFYING THE ACCESS POINTS TO MCNARY HIGH SCHOOL

ISSUE:

On July 6, 1993 the City Council passed a motion for adoption of staff recommendations 1, 2 and 3 as outlined in the report from Public Works Director, Wally G. Mull. Attached is a resolution which outlines these recommendations.

RECOMMENDATION:

Staff recommends that the Council adopt the Resolution modifying the access points to McNary High School.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R93-_____

IN THE MATTER OF MODIFYING THE ACCESS POINTS TO MCNARY HIGH SCHOOL

WHEREAS, one of the 1993 goals for the City of Keizer is to resolve issues involving congestion, safety, and liveability around McNary High School by closing, limiting or altering one or more access points;

WHEREAS, vehicular and pedestrian traffic on Sandy Drive and MacArthur Street/Newberg Drive presents problems of congestion and nuisance to surrounding residents;

WHEREAS, closure of those access points noted above and construction of a street or driveway from McNary High School north to Lockhaven Drive would create less congestion in residential areas and provide additional access to a major arterial; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that City staff is directed to pursue with the school district an access plan in which the school district would close access to MacArthur Street and Sandy Drive and join with the City to construct an additional access road from McNary High School north to Lockhaven.

BE IT FURTHER RESOLVED by the City Council of the City of Keizer that the proposal to construct an extension of Claggett Street from River Road west to McNary High School will not be pursued at this time.

///

LIEN, HOBSON & JOHNSON
Attorneys at Law
4855 River Rd. N.
Keizer, Oregon 97303
(503) 390-1635

BE IT FURTHER RESOLVED by the City Council of the City of Keizer that staff shall report to the City Council as soon as possible regarding the status of discussions with the school district and to receive further direction from City Council on this matter.

PASSED this _____ day of _____, 1993.

SIGNED this _____ day of _____, 1993.

_____
Mayor

_____
City Recorder

824.113

LIEN, HOBSON & JOHNSON
Attorneys at Law
4855 River Rd. N.
Keizer, Oregon 97303
(503) 390-1635

MINUTES

KEIZER CITY COUNCIL
Tuesday, July 6 1993
Robert L. Simon Council Chambers
Keizer City Hall

CALL TO ORDER

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

Present
Dennis Koho, Mayor
Jim Keller, Councilor
Jerry McGee, Councilor
Chet Patterson, Councilor
Jerry Watson, Councilor
Marlene Wellin, Councilor

Excused Absence
Al Miller, Councilor

Staff
Dotty Tryk, City Manager
John Morgan, Community Development Director
Wally Mull, Director of Public Works
Charles Stull, Chief of Police
Shannon Johnson, City Attorney
Tracy L. Davis, City Recorder

PUBLIC TESTIMONY

Kathy Clark, 715 Ventura Street N., Keizer addressed the Council regarding backyard burning within her neighborhood. She hoped the Council would address this issue of pollutants being produced by residents burning debris and garbage. Ms. Clark stated by allowing backyard burning, it reduces the liveability of the City.

Mayor Koho advised Ms. Clark this issue has been previously discussed by the Council and would be willing to bring this issue back to Council.

John Morgan, Community Development Director, stated the Chamber Governmental Affairs Committee is presently working on this issue and the issue will be brought to the City Council in approximately fall of this year. Councilor Patterson will relay Ms. Clark's concerns to the Chamber Governmental Affairs Committee.

There was no other testimony to come before the Council.

COMMITTEE REPORTS

Volunteer of the Month

Chief of Police Charles Stull introduced Kelly Van Blockland, Keizer Reserve Officer, as the recipient of the Volunteer of the Month Award for July. Mayor Koho presented a clock to Mr. Van Blockland in recognition of this award.

Swearing In of Police Officers

Chief Stull introduced Robert C. Trump as the newest officer for the Keizer Police Department. City Attorney, Shannon Johnson issued the oath of office to Officer Trump.

Chief Stull also introduced four new Reserve Officers for the City of Keizer. City Attorney, Shannon Johnson issued the oath of office to Dan Fisher, Joe Johnson, Loretta Kuehn and Jon Jolley.

PUBLIC HEARINGS

Cherrylawn Court Street Lighting District

City Manager Tryk informed the Council a petition had been filed by the residents of Cherrylawn Court to form a local improvement district for street lighting.

Mayor Koho opened the public hearing.

Mayor Koho advised the Council two written remonstrances to the district had been received and would be made part of the record.

No one was present to speak at the Public Hearing.

Mayor Koho closed the public hearing.

Appletree Street Estates Street Lighting District

City Manager Tryk advised the Council a petition had been received from the developer of the Appletree Estates Subdivision to form a local improvement district for street lighting.

Mayor Koho opened the Public Hearing.

Mayor Koho advised the Council he had received a remonstrance petition containing 15 signatures of property owners in the area.

Speaking before the City Council were:

Oliver L. Jones, 5353 Newton Court N, Keizer advised the Council when he purchased the house a year ago he was not advised of the possibility of street lights being installed. His main opposition is not the costs of the lights but the idea of light pollution.

Louis Newman, 5355 Melrose Court, Keizer stated the installation of lights is essential to the area although he is also concerned with the light pollution.

Mayor Koho closed the Public Hearing.

Rivercrest Street Lighting District

City Manager Tryk advised the Council a petition had been filed for formation of a local improvement district for street lighting by the developer of the Rivercrest subdivision.

Mayor Koho opened the Public Hearing.

No one was present to speak at the Public Hearing.

Mayor Koho closed the public hearing.

Chemawa Activity Center

John Morgan, Community Development Director asked the Council to consider holding over the Public Hearing until August 2, 1993 to consider adoption of an Ordinance at this time. Mr. Morgan also stated the City of Salem will review this matter at their July 26, 1993 City Council meeting and he would also like to have the opportunity to discuss a recent letter received from the Oregon Department of Transportation.

The Keizer Comprehensive Plan identified two areas of land for additional study. One of these areas is the Chemawa Activity Center which involves land around the Chemawa Interchange. In 1988 the City Council considered a plan for the Chemawa Activity Center but failed to adopt it. The Planning Commission recently has prepared a draft plan for the Chemawa Activity Center and unanimously recommended it's approval by the City Council. Mr. Morgan stated the draft plan is only an interim plan to set the stage for future direction. Reasons for an interim plan are to fulfill the City's obligation of adopting a plan by July 1993 as outlined in the Periodic Review Order and to show good faith to the property owners in the activity center area the City is moving forward on this project.

Since the Planning Commission lacked the knowledge of what was best for the area they did not draft a specific plan. However, they did complete a visionary document for the area. The interim plan identifies public facilities that are needed for the area and also looks at land to the north to set general direction for this land for commercial development. Another aspect of the interim plan is it does not change zoning or comprehensive plan designations.

The Plan calls for the use of the UT (Urban Transitional) zone as the holding zone until a final plan is adopted and when appropriate zone changes will take place. This would allow flexibility to the land owners in the interim.

Mr. Morgan asked the Council to adopt a strategy on where the City goes from here; both a financial strategy and a marketing strategy. Mr. Morgan offered proposed amendments to add a new paragraph to list the intent not to build a regional scale shopping center.

Mayor Koho opened the Public Hearing.

Speaking at the Public Hearing were:

Kenneth Applen, 5695 Ridge Drive NE, Keizer voiced his concerns with the economic intent and traffic impact with this possible development. He also asked the Council address the impact to the residential area when this project is developed.

John Young S., 6225 Radiant Drive, Keizer voiced his opposition for being within the Keizer city limits.

Josephine Ditchen, 7332 74th Avenue NE, Salem. Ms. Ditchen owns property on Radiant Drive and feels that all land along the freeway (area A) should be zoned commercial rather than light industrial . She hopes the Council will consider this when the plan is refined.

Pat Chapman, 2235 Chemawa Road NE, Keizer, voiced her opposition to the development of this area. She feels the money could be better spent in other areas; senior citizens or schools. Ms. Chapman stated Keizer is a safe place to raise children and by bringing in more development this would greatly reduce this.

Richard Bladorn, 2285 Chemawa Road NE, Keizer, stated his concern for the moratorium placed on his property since 1988. He would like to make improvements to his house but has been unable to do so during the last five years. He feels Keizer is a bedroom community and does not see the need to bring industrial factories to the community. He also is concerned about the monetary return he will receive in the future for

improvements he has made. Mr. Bladorn thinks it is time to get somewhere with this project and this particular document does not get us there.

Bob Herberger, area nursery owner voiced his frustrations for the moratorium placed over his property. He urged the City to proceed with adoption of a plan in order to accelerate the release of the "black cloud" over his property.

Debby Keller, 2110 Chemawa Road NE, Keizer stated she is concerned for the development of Chemawa Road.

Jack Carter, 6085 Radiant Drive, Keizer stated he does not want to be partners with the City of Keizer in this development.

Doyle Gukelsen, 2188 Aldine Drive, Keizer, wanted to insure the City has an organized plan in place for future development of the land at the interchange. He would like the community to remain calm and quiet and if we have plan for the area, we should be able to maintain this value.

Terry Dixon, 5696 Ridge Drive, Keizer, voiced her concerns for widening Chemawa Road when traffic is already speeding on this road. She asked the Council to remember the residents of the area when deciding upon a plan. Ms. Dixon feels progress is good but when you offend the homeowners with these developments, what kind of City will we have.

Dale Nissen, 2200 Chemawa Road NE, Keizer stated he does not understand the plan but is concerned Ridge Drive will run directly through his five acres. He urged the Council to make a decision in order for the landowners to know what the future will bring. Mr. Nissen also voiced his concern for the financing aspect of the plan.

Dennis Wise, 5405 Ridge Drive NE, Keizer stated change is difficult especially when the future is uncertain. He suggested the plan should reflect changes to include possibly a rail-line to downtown Salem or additional possibilities for youths in the community. He is interested in providing input to the City during this process.

Mayor Koho received a letter from residents of St. Croix Way concerned with the unanswered questions surrounding this issue.

There was no other testimony to be presented during the public hearing.

Mayor Koho recessed the public hearing until August 2, 1993.

DELIBERATIONS

ORDINANCE - Cherrylawn Court Street Lighting District

Councilor Watson inquired of the process used in assessing the amounts to each of the residents in the lighting district. He also noted the two written remonstrances received were not the minimum two-thirds needed to suspend the initiation of the lighting district.

Councilor Keller moved for an Ordinance spreading assessments to the Cherrylawn Court Street Lighting District. Councilor Patterson seconded the Motion.

The Motion passed on the first reading with the following votes:

AYES: Keller, Koho, McGee, Patterson, Watson and Wellin (6)
NAYS: None (0)
ABSTENTIONS: None
ABSENT: Miller (1)

ORDINANCE - Appletree Estates Street Lighting District

Councilor Watson inquired of the operating costs associated with the street Lighting Districts. Public Works Director Wally Mull stated the costs are for the amount of electricity used during the year. City Manager Tryk advised the Council of the planning requirements to form a lighting district prior to the issuance of building permits. Mayor Koho noted the petition received containing the signatures did not signify the required minimum of two-third remonstrances to suspend formation of the lighting district.

Councilor Keller moved for an Ordinance spreading assessments to the Appletree Estates Street Lighting District. Councilor Wellin seconded the Motion.

The Motion passed on the first reading with the following votes:

AYES: Keller, Koho, McGee, Patterson, Watson and Wellin (6)
NAYS: None (0)
ABSTENTIONS: None
ABSENT: Miller (1)

ORDINANCE - Rivercrest Street Lighting District

Councilor Keller moved for an Ordinance spreading assessments to the Rivercrest Street Lighting District. Councilor McGee seconded the Motion.

The Motion passed on the first reading with the following votes:

AYES: Keller, Koho, McGee, Patterson, Watson and Wellin (6)
NAYS: None (0)
ABSTENTIONS: None
ABSENT: Miller (1)

Chemawa Activity Center

Councilor Keller asked about the marketing study contained in the plan. John Morgan stated the estimate to create this study is

$25,000. Sources for funding could be obtained through lottery money, economical development or a development grant.

Councilor Watson stated without a clear idea of where to go, it will be difficult to develop the plan in detail. Mr. Morgan advised the Council adoption of the interim plan would lift the restrictions to the neighbors for remodeling project and gives them assurity we are working on the plan.

Councilor McGee stated Keizer does not have a need to develop a job bank for the residents of Keizer. He stated the land might be best developed in residential lots rather than light industry.

Mayor Koho stated we need to look at developing only section "a" and possibly section "b" in order to keep Keizer as a residential community.

Councilor Watson commended the Planning Commission on the work they have done developing this draft plan.

DISCUSSION

McNary High School Traffic Report

Wally Mull, Public Works Director reviewed the staff report outlining the history and problems associated with the area around McNary High School. The traffic study originally completed in 1989 was updated by City Traffic Engineer, Dick Woelk. Mr. Mull outlined the four recommendations and the costs associated with these recommendations contained in the traffic report. He reported staff has conducted meetings involving the School District, St. Edwards Catholic Church and local residents. Mr. Mull made the following staff recommendations:

1. Create a new access point from the school parking lot to Lockhaven Drive N along the west property line of the school to accommodate vehicle, bus and pedestrian traffic.

2. Close MacArthur street to vehicular traffic at the west property line of the school.

3. Close Sandy Drive N to vehicular and pedestrian

traffic.

4. In the next twelve months, pursue the new easterly access to River Road N that would be connected to the Claggett Street intersection.

Addressing the Council on this issue was:

Paul Whittenberg, 5210 River Road N., Keizer, owner of the Keizer Retirement Center. Mr. Whittenberg voiced his support for a light on River Road near Claggett Street to allow the residents of the center to attend St. Edward's Church but objected to the potential increase of traffic this would create on Claggett street.

Don Coons, 795 Claggett Street N., Keizer spoke in opposition to the extension of Claggett Street on the north side of River Road. His objections to the extension of Claggett include the limited sidewalks and the possible increase in traffic on Claggett street. Mr. Coons sympathizes with the residents of Newberg and Sandy but the impact should not shift to the Claggett street neighborhood. He feels McNary High School does not need three access points.

There were other residents of Claggett Street attending the meeting who concurred with Mr. Coons.

Fr. Mike Hemming, St. Edward's Catholic Church, 225 Sandy Drive N., Keizer stated that he is not opposed to the recommendations if it is the solution to the problem. He is concerned with the impact this will have on the church with the reduction of parking spaces and the possible effects on the annual Keizerfest. In response to a question from Mayor Koho, Fr. Hemming stated the Church owns approximately 13 acres of land on the west side.

Deliah Wilson, Property Manager for Arch Diocese of Portland, legal property owner of the property at St. Edward's Church, addressed the Council. She does not support or oppose the

recommendations but is greatly concerned about the impact on the Church. Ms. Wilson voiced her concern for the reduction in the parking spaces and also the assumption the land would be donated to the City. In response to a question from Councilor Watson, Ms. Wilson stated the Church does not have any immediate plans to relinquish the 13 acres of property located behind the Church.

Mayor Koho stated it was not the intent of the City to have the Church donate the land without consideration.

Councilor Patterson voiced his concern for pushing the traffic of Sandy Drive onto River Road and Claggett Street to create an additional access to McNary High School.

Councilor McGee reminded the Council the intent was to solve the school traffic problem through non-community areas. The extension of Claggett street will not solve the basic problem. Councilor Keller stated the extension of Claggett street is not appropriate now or in the future.

City Traffic Engineer, Dick Woelk reviewed the traffic study report with the Council. Mr. Woelk stated the traffic leaving the school is 40 percent higher than the national average for high school traffic. By eliminating the third access point, there will be significant traffic problems by the year 2000. The Council held a lengthy discussion on the aspects and recommendations contained in the traffic study report.

Mayor Koho moved to adopt staff recommendations 1, 2 and 3. Councilor Keller seconded the Motion.

Mayor Koho clarified his motion to have staff bring back a report or necessary steps to complete these recommendations.

Councilor Keller asked staff to consider school methods for dealing with traffic and pedestrians. This could help the City work in closer partnership with the school to resolve these issues.

John Lewald, 5322 Newberg Drive N, Keizer stated if the school enforced the closed campus policy, this would eliminate some of the problems. He is also concerned with the traffic problems on Newberg Drive.

Dawn Meier, 1212 Manbrin Drive, Keizer addressed the Council as a representative of the school district. She stated the current budget did not list money for this project. Councilor Keller asked if the funds from the recent bond sale have been dedicated. Ms. Meier stated that each school has been given general renovation money for projects but was unsure if money was allocated for this particular project.

Mayor Koho confirmed the Motion moves us forward and allows the City Attorney to draft the necessary documents.

The Motion passed with the following votes:

AYES: Keller, Koho, McGee, Patterson, Watson and Wellin (6)
NAYS: None (0)
ABSTENTIONS: None
ABSENT: Miller (1)

CONSENT CALENDAR

The Consent Calendar consisted of the following:

a. RESOLUTION - Authorizing Renewal of Hearings Officer Contract

b. RESOLUTION - Authorize Urban Renewal Bond Sale

c. RESOLUTION - Approving Job Specification for Police Lieutenant

d. RESOLUTION - Cost of Living Allowance

e. RESOLUTION - 1993-94 Street Resurfacing Bids

f. Council Goals Report

g. RESOLUTION - Receive State Revenue Sharing

h. RESOLUTION - Certifying City Provides Four or More Services

i. RESOLUTION - Workers' Compensation Coverage for Volunteers

j. RESOLUTION - Ratifying Agreements for Insurance Coverage

k. Approval of June 14, 1993 Special Work Session Minutes

l. Approval of June 21, 1993 Regular Session Minutes

Councilor Watson asked to remove items "a" and "c" from the consent calendar.

Councilor Watson moved for approval of the remaining items listed on the consent calendar. Councilor Patterson seconded the Motion.

The Motion passed with the following votes:

AYES: Keller, Koho, McGee, Patterson, Watson and Wellin (6)
NAYS: None (0)
ABSTENTIONS: None
ABSENT: Miller (1)

Item a - Councilor Watson advised the Council he has had prior and present dealings with the Hearings Officer, Mike Hansen and asked to abstain from voting on this matter for possible conflict of interest.

Councilor Keller moved for adoption of a Resolution authorizing Renewal of the Hearings Officer Contract for the City of Keizer. Councilor Patterson seconded the Motion.

The Motion passed with the following votes:

AYES: Keller, Koho, McGee, Patterson and Watson (5)
NAYS: None (0)
ABSTENTIONS: Watson (1)
ABSENT: Miller (1)

Item c - Councilor Watson stated this approval of a job specification for a lieutenant position will not add staff but reclassify an employee from one position to another. Therefore this would not conflict with the letter sent in May to all citizens from the City Council.

Councilor Watson moved for adoption of a Resolution amending the classification plan establishing a job description for police lieutenant. Mayor Koho seconded the Motion.

The Motion passed with the following votes:

AYES: Keller, Koho, McGee, Patterson, Watson and Wellin (6)
NAYS: None (0)
ABSTENTIONS: None
ABSENT: Miller (1)

WRITTEN COMUNICATION

There was no written communication to come before the Council.

AGENDA INPUT

Councilor Patterson the subcommittee selected to review the Mission Statement will present a report at the July 19, 1993 City Council Meeting.

Mayor Koho reminded the Council of the worksession scheduled for Monday, July 12, 1993 at 7:00 p.m.

ADJOURNMENT The meeting was adjourned at 10:58 p.m.

TRACY L. DAVIS
City Recorder

APPROVED:

MAYOR:

(Al Miller absent)