

CITY COUNCIL AGENDA PACKET

MONDAY,
June 7, 2004

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

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

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

A G E N D A

KEIZER CITY COUNCIL

REGULAR SESSION

Monday June 7, 2004

7:00 p.m.

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

1. CALL TO ORDER

2. ROLL CALL

3. FLAG SALUTE

4. PUBLIC TESTIMONY

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

5. PUBLIC HEARINGS

a. ORDINANCE - Water Rate/COSA (cont from May 3, 2004)

6. COMMITTEE REPORTS

a. Volunteer of Quarter Award (Gary Miller and McNary Science Class)

b. Appointment to Keizer Planning Commission (Jack Lowery)

c. RIVERR Task Force – Approval of Grant Request

7. OTHER BUSINESS

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

➤ New Business

➤ Old Business

8. ADMINISTRATIVE ACTION

- a. **ORDINANCE** – Water SDC Ordinance (removal of exemption)
- b. **ORDINANCE** – Approach for City Roads and Right of Way

9. CONSENT CALENDAR

- a. **RESOLUTION** – Authorization of Disposition of Surplus Property
- b. **RESOLUTION** – Extension of Contract with Grove, Mueller, and Swank
- c. **RESOLUTION** – Amendment to City Manager Employment Contract
- d. Approval of Minutes of May 3, 2004 Regular Session

10. WRITTEN COMMUNICATIONS

To inform the Council of significant written communications.

11. AGENDA INPUT

June 14, 2004

12:00 p.m. City Council Work Session

June 21, 2004

5:30 p.m. City Council Work Session

➤ Civic Center Task Force Recommendation

7:00 p.m. City Council Regular Session

➤ Hearing and Adoption of 2004-05 City of Keizer Budget

July 6, 2004 (Tuesday)

7:00 p.m. City Council Regular Session

12. ADJOURN

Upon request, auxiliary aids and/or special services will be provided. To request services; please contact us at 503-390-3700 or through Oregon Relay 1-800-735-2900 at least two working days (48 hours) in advance.



June 7, 2004

AGENDA ITEM 5a

**ORDINANCE - Water Rate/COSA
(Continued from May 3, 2004)**

COUNCIL MEETING:

June 7, 2004

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

**FROM: SUSAN GAHLSDORF, FINANCE DIRECTOR
and
ROB KISSLER, PUBLIC WORKS DIRECTOR**



SUBJECT: WATER RATE INCREASE

BACKGROUND AND ISSUES:

At the May 3, 2004 City Council meeting, staff introduced the need to increase water rates (see Attachment #1). A Public Hearing was opened to receive comment on the proposed increase. The Hearing was held over to provide for additional comment and allow staff to complete the update of the Water Rate Model.

The Water Rate Model update is now complete. The model indicates that both fixed and consumption rates for all customer class are based on the cost of service, which is the method the Council adopted in 2002. The model shows that a 4% system-wide increase is needed to pay for infrastructure as outlined in the City's Capital Improvement Program.

FISCAL IMPACT:

A 4% system-wide increase will bring in an additional \$82,000 in revenue in fiscal year 2004-2005. Attachment #2 shows proposed water rates, before and after the 5% franchise fee is applied. Attachment #3 shows the impact of this rate increase on various customer classes.

RECOMMENDATION:

Staff recommends Council continue the public hearing on the proposed water rate increase, close the public hearing, deliberate on this issue and approve the attached Ordinance, setting new water rates and repealing Ordinance 2002-473.

If you have any questions please contact Susan Gahlsdorf or Rob Kissler at 503.390.3700.

1 BILL NO. ____

A BILL

ORDINANCE NO.

2

2004-_____

3

FOR

4

AN ORDINANCE

5

SETTING WATER RATES (2004); **REPEALING**

6

ORDINANCE 2002-473

7

The City of Keizer ordains as follows:

8

Section 1. WATER RATES. Water rates for the Keizer Water Department are

9

imposed as set forth on Exhibit "A" and by this reference incorporated herein.

10

Section 2. REPEAL OF ORDINANCE 2002-473 Ordinance No. 2002-473 is

11

hereby repealed.

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Section 3. EFFECTIVE DATE. This Ordinance shall take effect beginning with

13

the July 15, 2004 and all successive billings.

14

PASSED this _____ day of _____, 2004.

15

SIGNED this _____ day of _____, 2004.

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Mayor

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City Recorder

EXHIBIT "A"

Meter Charge - \$/Meter/Bi-Monthly

<u>Meter Size</u>		<u>Rate</u>
5/8 - 3/4"	\$	7.81
1"	\$	15.83
1-1/2"	\$	30.62
2"	\$	48.38
3"	\$	89.85
4"	\$	149.07
6"	\$	297.10
8"	\$	593.22

Volume Rate - \$/ccf

<u>Customer Class</u>		<u>Rate</u>
Single Family Residential	\$	1.00
Multiple Family	\$	0.60
Commercial	\$	0.79

Private Fire Protection - \$/Hydrant-Bi-Monthly

<u>Hydrant Size</u>		<u>Rate</u>
4"	\$	31.22
6"	\$	86.73
8"	\$	182.12
10"	\$	312.21

Miscellaneous Fees:

Service Fee	\$	15.00
Shut off Processing Fee	\$	30.00
After Hours Fee	\$	75.00
Tampering Fee	\$	30.00
Removal of Meter Following Third Tampering Incident		Cost Plus 15%

The Service Fee will be charged for all new accounts, account transfers, landlord/rentals and vacation accounts. The Service Fee will not be charged for customers voluntarily terminating service or moving out.

The Shut off Processing Fee will be charged for all accounts remaining unpaid as of the day of shut off, whether or not such meter is physically shut off.

The After Hours Fee will be charged to customers requesting water to be turned on after regular business hours. This fee does not apply to emergency calls.

The Tampering Fee will be charged to all customers whose water has been shut off if they turn the water back on themselves or otherwise tamper with the water meter or City water equipment.

BILL NO. 452

A BILL

ORDINANCE NO.

2002- 473

FOR

AN ORDINANCE

**SETTING WATER RATES (2002); REPEALING
ORDINANCE 2000-437**

The City of Keizer ordains as follows:

Section 1. WATER RATES. Water rates for the Keizer Water Department are imposed as set forth on Exhibit "A" and by this reference incorporated herein.

Section 2. REPEAL OF ORDINANCE 2000-437 Ordinance No. 2000-437 is hereby repealed.

Section 3. EFFECTIVE DATE. This Ordinance shall take effect beginning with the February 2003 and all successive billings.

PASSED this 18th day of November, 2002.

SIGNED this 18th day of November, 2002.


Mayor

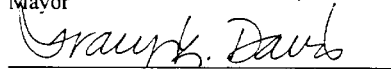

City Recorder

EXHIBIT "A"

Meter Charge - \$/Meter/Bi-Monthly

<u>Meter Size</u>	<u>Rate</u>
5/8 - 3/4"	\$ 7.51
1"	\$ 15.22
1-1/2"	\$ 29.44
2"	\$ 46.52
3"	\$ 86.39
4"	\$ 143.34
6"	\$ 285.67
8"	\$ 570.40

Volume Rate - \$/ccf

<u>Customer Class</u>	<u>Rate</u>
Single Family Residential	\$.96
Multiple Family	\$.58
Commercial	\$.76

Private Fire Protection - \$/Hydrant-Bi-Month

<u>Hydrant Size</u>	<u>Rate</u>
4"	\$ 30.02
6"	\$ 83.39
8"	\$ 175.12
10"	\$ 300.20

Miscellaneous Fees:

Service Fee	\$ 15.00
Shut off Processing Fee	\$ 30.00
After Hours Fee	\$ 75.00
Tampering Fee	\$ 30.00 (for each offense)
Removal of Meter Following Third Tampering Incident	Cost Plus 15%
Returned Check Fee	\$ 15.00
Fee for Three NSF Checks Within One Year	\$ 50.00

The Service Fee will be charged for all new accounts, account transfers, landlord/rentals and vacation accounts. The Service Fee will not be charged for customers voluntarily terminating service or moving out.

The Shut off Processing Fee will be charged for all accounts remaining unpaid as of the day of shut off, whether or not such meter is physically shut off.

The After Hours Fee will be charged to customers requesting water to be turned on after regular business hours. These fee does not apply to emergency calls.

The Tampering Fee will be charged to all customers whose water has been shut off if they turn the water back on themselves or otherwise tamper with the water meter or City water equipment.

CITY COUNCIL MEETING: _____

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

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

SUBJECT: WATER COST OF SERVICE (RATES)

DATE: APRIL 29, 2004

BACKGROUND:

With the adoption of the Water Utility Cost of Service and Rate Study in November of 2002 and the adoption of the 2001 Master Water Plan update, Staff is preparing the 2004/2005 Water Fund Budget, which indicates the additional need of supply, storage and transmission infrastructure. In order for the City Water Fund to complete this task, 3.7 million dollars is needed. The Water Task Force and City Council considered three options on funding types, all cash, all debt financing or a combination. Option three a combination of cash and debt financing is the preferred option as approved in the Water Utility Cost of Service.

Accelerated growth in the City has place the Water fund in a position needing addition infrastructure for peaking and maintaining adequate fire suppression capability. Upon completion of the proposed Capital Improvement Projects, the City's Water System can deliver service to final build out of the existing Urban Growth Boundary as outlined in the Water Master Plan.

The Water Cost of Service Study adopted by Council indicates three customer classes, residential, multi family and commercial. Section five (Rate Design) show examples of rate structures. The Water Task Force recommend and Council adopted option two of section 5 as being the most equitable to recover water system costs by customer class.

FISCAL IMPACT:

Staff anticipates that system wide rate increases of 3 to 4% are needed to build infrastructure using revenue bonds.

ATTACHMENTS:

Attachment A is section 5 of the **Water Cost of Service Study**.

Attachment B is the proposed **Capital Improvement Program with estimated costs**.

Attachment C is Options for Funding the **Capital Improvement Program with Task Force recommendation**.

RECOMMENDATION:

Staff recommends Council open the Public Hearing, receive testimony and leave the Public Hearing open to June 7, 2004. If you have questions please contact Susan Gahlsdorf.

5. RATE DESIGN

The principal consideration in establishing water rates is to obtain rates for customers that generate sufficient revenues for the utility and are reasonably commensurate with the cost of providing water service. Other considerations in designing rates should include ease of implementation, impact on customer bills, and incentives for conservation.

Theoretically, the only method of assessing entirely equitable rates for service would be the determination of each customer's bill based upon his/her particular service requirements. Since this is impractical, rates are normally designed to meet average conditions for groups of customers having similar service requirements. Practicality also dictates the use of a rate schedule which is simple to apply, reasonably recovers costs from all classes, and is subject to as few misinterpretations as possible.

Proposed rates have been developed under two separate alternative rate structures for the City's review and selection. For each alternative, the advantages and disadvantages are presented as well as the schedule of proposed rates, rate adequacy and example typical bills.

A. Proposed Rates Under Existing Rate Structure

Under the existing rate structure (option 1), all customers pay a fixed bi-monthly charge by meter size, plus a uniform commodity (volume) charge per hundred cubic feet of usage. The fixed charge component includes a facility charge component, fire protection component, and service charge component.

The proposed rates presented in this Section maintain the same basic structure as the existing structure, in that it consists of a fixed charge by meter size, plus a uniform volume charge. However, the fixed charge component is based on cost of service and recovers only the fire protection component and customer related-costs, such as billing and collection, metering reading and other meters & services-related costs. This change results in a lower fixed charge and a higher volume charge.

The advantage of a higher fixed charge is that it provides revenue stability for the utility by recovering a greater percentage of the total revenue requirements from the fixed cost component. The main disadvantage is that it may be recovering a greater portion of costs from individual customers than cost of service would indicate. In addition, it does not promote water conservation or provide much ability for customers to control their water bill through reduced water usage.

A uniform volume rate is a single rate per unit of consumption charged to all metered units of consumption regardless of customer class. The advantage of a uniform rate for all classes is that it is easily developed and readily understood by customers. A uniform rate is equitable when all customer classes have similar usage and demand characteristics. It becomes

less equitable where there is a large diversity in customer class demand and usage, since the cost differences for this diversity are not reflected in the rates.

Table W-16 presents a comparison of existing rates, cost of service rates, and the proposed rates under the modified existing rate structure (option 1).

Table W-16 Schedule of Proposed Rates Under Existing Rate Structure

	Existing	Cost of Service	Proposed
Meter Charge - \$/Meter/Bi-Monthly	\$	\$	\$
<u>Meter Size</u>			
5/8-3/4"	16.86	7.51	7.51
1"	31.71	15.22	15.22
1-1/4"	41.61	22.33	22.33
1-1/2"	56.42	29.44	29.44
2"	85.99	46.52	46.52
3"	165.04	86.39	86.39
4"	253.97	143.34	143.34
6"	500.95	285.67	285.67
8"	797.30	570.40	570.40
Volume Rate - \$/ccf			
<u>Customer Class</u>			
Single Family Residential	0.39	0.96	0.90
Multiple Family	0.39	0.58	0.90
Commercial	0.39	0.77	0.90
Private Fire Protection - \$/Hydrant/Bi-Month			
<u>Hydrant Size</u>			
4"	20.00	30.02	30.02
6"	30.00	83.39	83.39
8"	40.00	175.12	175.12
10"	70.00	300.20	300.20

1. Rate Adequacy

Comparison of water sales revenue under option 1 proposed rates with allocated cost of service for test year 2003 is shown in Table W-17. As shown in the table, the proposed rates accomplish the objective of achieving total system wide cost recovery, with greater than cost of service recovered from multiple family and commercial customers, and less than cost of service recovered from residential customers.

**Table W-17 Comparison of Revenue Under Proposed Rates and Cost of Service
Option 1
Test Year 2003**

<u>Customer Class</u>	<u>Adjusted Cost of Service (a)</u>	<u>Revenue Under Proposed Rates</u>	<u>Percent Over (Under) Recovery</u>
	\$	\$	
Single Family Residential	1,706,800	1,620,900	94.97%
Multiple Family	197,200	276,100	140.01%
Commercial	116,400	131,600	113.06%
Private Fire Protection	12,300	12,300	100.00%
Total	2,032,700	2,040,900	100.40%

(a) Adjusted to reflect the redistribution of public fire protection cost of service to other customer classes.

2. Typical Bills

Table W-18 through Table W-20 presents a comparison of typical monthly water bills for the different customer classes, assuming various levels of water usage, under existing and option 1 proposed rates.

Typical bills presented in the tables are examples only and reflect the stated monthly water usage shown in the table. Most likely, a customer's usage will vary from month to month. As such, the actual water bill would also vary from month to month.

It should also be noted that the water rates and typical bills do not include the five percent (5.0%) General Fund franchise fee imposed on water utility revenues.

Table W-18 Comparison of Typical Monthly Residential Bills
Option 1
Test Year 2003

Meter Size inches	Monthly Usage (Ccf)	Existing Monthly Bill \$	Proposed Rates (a)	
			Estimated Monthly Bill \$	% incr(decr) from Existing %
5/8-3/4	0	8.43	3.75	-55.5%
5/8-3/4	5	10.38	8.25	-20.5%
5/8-3/4	9	11.94	11.85	-0.7%
5/8-3/4	13	13.50	15.45	14.5%
5/8-3/4	20	16.23	21.75	34.0%
5/8-3/4	25	18.18	26.25	44.4%
1	0	15.86	7.61	-52.0%
1	8	18.98	14.81	-22.0%
1	13	20.93	19.31	-7.7%
1	20	23.66	25.61	8.3%
1	30	27.56	34.61	25.6%
1	40	31.46	43.61	38.6%

(a) \$0.90 / ccf

B. Proposed Rates Under Alternative Rate Structure

Under the alternative rate structure (Option 2), all customers pay the same fixed bi-monthly charge by meter size as shown under the modified existing structure presented in Section A above, plus a uniform commodity (volume) charge that varies by customer class designation (rather than the same charge applicable to all classes).

Establishing a volume charge by customer class improves the accuracy of recovering cost of service from each customer class since the rates can better reflect cost differences among the various classes. These differences may be due to such factors as peak-to-average demand ratios; use of the supply, treatment, distribution and transmission system; and time of use. In theory, separate rate schedules by class send a better price signal to the customers in the class as to the cost of each unit of water consumed and, therefore, may be more equitable.

The major difficulty in establishing a rate schedule by class is the identification of various classes and the assignment of each classes' water demand characteristics. Since all customers within a class are assumed to have similar extra capacity demands, the rates do not reflect each individual customer's different demand characteristics. As a result, customers classified differently, but with exactly the same water use, may have very different total water bills.

In general, customer acceptance and understandability are not a problem with separate rate structures by class unless there are simultaneous overall system-wide rate adjustments that result in substantial increases in customers' bills. In such cases, customers can easily confuse the effects of the system-wide rate increase with separation of rates by class, and blame that separation for the increase in water bills. A potential solution may be to phase into the commodity charge by class over time.

Table W-21 presents a comparison of existing rates, cost of service rates, and the proposed rates under the alternative structure (Option 2).

1. Rate Adequacy

Comparison of water sales revenue under option 2 proposed rates with allocated cost of service for test year 2003 is shown in Table W-22. As shown in the table, the proposed rates accomplish the objective of achieving total cost recovery and cost of service rates for all customer classes.

Table W-21 Schedule of Proposed Rates Under Option 2 Rate Structure
Test Year 2003

	Existing	Cost of Service	Proposed
Meter Charge - \$/Meter/Bi-Monthly	\$	\$	\$
<u>Meter Size</u>			
5/8-3/4"	16.86	7.51	7.51
1"	31.71	15.22	15.22
1-1/4"	41.61	22.33	22.33
1-1/2"	56.42	29.44	29.44
2"	85.99	46.52	46.52
3"	165.04	86.39	86.39
4"	253.97	143.34	143.34
6"	500.95	285.67	285.67
8"	797.30	570.40	570.40
 Volume Rate - \$/ccf			
<u>Customer Class</u>			
Single Family Residential	0.39	0.96	0.96
Multiple Family	0.39	0.58	0.58
Commercial	0.39	0.77	0.77
 Private Fire Protection - \$/Hydrant/Bi-Month			
<u>Hydrant Size</u>			
4"	20.00	30.02	30.02
6"	30.00	83.39	83.39
8"	40.00	175.12	175.12
10"	70.00	300.20	300.20

**Table W-22 Comparison of Revenue Under Proposed Rates and Cost of Service
Option 2
Test Year 2003**

<u>Customer Class</u>	<u>Adjusted Cost of Service (a)</u>	<u>Revenue Under Proposed Rates</u>	<u>Percent Over (Under) Recovery</u>
	\$	\$	
Single Family Residential	1,706,800	1,706,800	100.00%
Multiple Family	197,200	197,200	100.00%
Commercial	116,400	116,400	100.00%
Private Fire Protection	12,300	12,300	100.00%
Total	2,032,700	2,032,700	100.00%

(a) Adjusted to reflect the redistribution of public fire protection cost of service to other customer classes.

2. Typical Bills

Table W-23 through Table W-25 presents a comparison of typical monthly water bills by customer classes, assuming various levels of water usage under existing and option 2 proposed rates.

Typical bills presented in the tables are examples only and reflect the stated monthly water usage shown in the table. Most likely, a customer's usage will vary from month to month. As such, the actual water bill would also vary from month to month.

It should also be noted that the water rates and typical bills do not include the five percent (5.0%) General Fund franchise fee imposed on water utility revenues.

Table W-23 Comparison of Typical Monthly Residential Bills
Option 2
Test Year 2003

Meter Size	Monthly Usage	Existing Monthly Bill	Proposed Rates (a)	
			Estimated Monthly Bill	% incr(decr) from Existing
inches	(Ccf)	\$	\$	%
5/8-3/4	0	8.43	3.75	-55.5%
5/8-3/4	5	10.38	8.57	-17.5%
5/8-3/4	9	11.94	12.42	4.0%
5/8-3/4	13	13.50	16.27	20.5%
5/8-3/4	20	16.23	23.01	41.8%
5/8-3/4	25	18.18	27.83	53.1%
1	0	15.86	7.61	-52.0%
1	8	18.98	15.31	-19.3%
1	13	20.93	20.13	-3.8%
1	20	23.66	26.87	13.6%
1	30	27.56	36.50	32.5%
1	40	31.46	46.13	46.7%

(a) \$0.96 / ccf

ENTERPRISE FUND

Water Facility Replacement Reserve

Actual 2001-02	Actual 2002-03	Adopted 2003-04	Processed 2003-04	Manager Recommended	Committee Approved	Adopted 2004-05
1	\$ 323,766	\$ 110,820	\$ 335,585	\$ 368,193		
2				Beginning Fund Balance		
3						
4						
5	6,298	4,128	3,332			
6	69,729	91,909	38,448			
7			4,272			
8						
9		1,421				
10		200,000	250,000			
11	\$ 395,793	\$ 408,278	\$ 631,937	\$ 707,528		
12						
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14						
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16	\$ 135,508	\$ 40,085	\$ 328,300			
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18	153,465		70,000			
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25	\$ 288,973	\$ 40,085	\$ 498,300	\$ 153,389		
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32	110,820	368,193	133,337	554,139		
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34	\$ 395,793	\$ 408,278	\$ 631,937	\$ 707,528		
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Notes:
Interest income is based on FY03 earnings at 120.00% projected out to 6/30/03

Effective Date July 1	Option 1 Cash Finance	Option 2 Debt Finance	Option 3 Combination
2002	50.0%	3.0%	18.0%
2003	2.5%	3.0%	4.5%
2004	1.5%	3.0%	4.0%
2005	0.0%	7.0%	4.0%
2006	0.0%	7.0%	5.0%
2007	0.0%	7.0%	5.0%
2008	0.0%	7.0%	3.5%
2009	0.0%	5.0%	1.5%
2010	0.0%	1.5%	1.0%

- (4) The Water Task Force selected Option 3 as the preferred option for incorporation into the subsequent cost of service analysis and rate design.
- (5) The cost of service analysis, conducted for test year 2003, indicates that under the current rate schedule multiple family and commercial customers have been paying slightly greater than cost of service, while residential and private fire protection classes have been paying less than cost of service.
- (6) Rates were designed for test year 2003, incorporating Option 3 revenue adjustments, under two (2) alternative rate structures for the City's review and selection. Options evaluated include:
- Option 1 – Fixed monthly charge by meter size, plus uniform volume charge*
Option 2 – Fixed monthly charge by meter size, plus volume charge varying by customer class.
- (7) Table E-1 presents the proposed schedule of water rates under each alternative rate structure. The Water Task Force selected Option 2.

CITY OF KEIZER
COMPARISON OF EXISTING WATER RATES TO PROPOSED WATER RATES

Meter Charge - \$/Meter/Bi-MonthlyMeter Size

Existing Rates			Proposed Rates		
Rate	Franchise Fee 5%	Total	Rate	Franchise Fee 5%	Total
\$ 7.51	\$ 0.38	\$ 7.89	\$ 7.81	\$ 0.39	\$ 8.20
15.22	0.76	15.98	15.83	0.79	16.62
29.44	1.47	30.91	30.62	1.53	32.15
46.52	2.33	48.85	48.38	2.42	50.80
86.39	4.32	90.71	89.85	4.49	94.34
143.34	7.17	150.51	149.07	7.45	156.52
285.67	14.28	299.95	297.10	14.86	311.96
570.40	28.52	598.92	593.22	29.66	622.88

Volume Rate - \$/ccfCustomer Class

Single Family Residential
Multiple Family
Commercial

\$ 0.96	\$ 0.05	\$ 1.01	\$ 1.00	\$ 0.05	\$ 1.05
0.58	0.03	0.61	0.60	0.03	0.63
0.76	0.04	0.80	0.79	0.04	0.83

Private Fire Protection - \$/Hydrant-Bi-MonthlyHydrant Size

4"
6"
8"
10"

\$ 30.02	\$ 1.50	\$ 31.52	\$ 31.22	\$ 1.56	\$ 32.78
83.39	4.17	87.56	86.73	4.34	91.07
175.12	8.76	183.88	182.12	9.11	191.23
300.20	15.01	315.21	312.21	15.61	327.82

ATTACHMENT #3

CITY OF KEIZER ANALYSIS OF RATE INCREASE ON TYPICAL BILLS FY 04-05

SINGLE FAMILY RESIDENTIAL

3/4" meter		Existing Rate Structure			Proposed Rate Structure		
		Base Rate	Cons in cf	TOTAL	Base Rate	Cons in cf	TOTAL
		@ 7.89	@ 1.01		@ 8.20	@ 1.05	
Consumption in Cubic Ft.							
4/17/04	8	7.89	8.08	\$ 15.97	8.20	8.40	\$ 16.60
2/17/04	10	7.89	10.10	\$ 17.99	8.20	10.50	\$ 18.70
12/16/03	10	7.89	10.10	\$ 17.99	8.20	10.50	\$ 18.70
10/16/03	45	7.89	45.45	\$ 53.34	8.20	47.25	\$ 55.45
8/13/03	42	7.89	42.42	\$ 50.31	8.20	44.10	\$ 52.30
6/18/03	17	7.89	17.17	\$ 25.06	8.20	17.85	\$ 26.05
4/18/03	9	7.89	9.09	\$ 16.98	8.20	9.45	\$ 17.65
2/19/03	9	7.89	9.09	\$ 16.98	8.20	9.45	\$ 17.65
12/16/02	8	7.89	8.08	\$ 15.97	8.20	8.40	\$ 16.60
10/15/02	23	7.89	23.23	\$ 31.12	8.20	24.15	\$ 32.35
8/14/02	36	7.89	36.36	\$ 44.25	8.20	37.80	\$ 46.00
6/12/02	14	7.89	14.14	\$ 22.03	8.20	14.70	\$ 22.90

	\$ 327.99	\$ 340.95
2-Year Average	\$ 27.33	\$ 28.41

**CITY OF KEIZER
ANALYSIS OF RATE INCREASE ON TYPICAL BILLS
FY 04-05**

MULTIPLE FAMILY

2" meter		Existing Rate Structure			Proposed Rate Structure		
		Base Rate @ 48.85	Cons in cf @ .60	TOTAL	Base Rate @ 50.80	Cons in cf @ .60	TOTAL
Consumption in Cubic Ft.							
4/17/04	795	48.85	477.00	\$ 525.85	50.80	477.00	\$ 527.80
2/17/04	866	48.85	519.60	\$ 588.45	50.80	519.60	\$ 570.40
12/16/03	899	48.85	539.40	\$ 588.25	50.80	539.40	\$ 590.20
10/16/03	1,439	48.85	863.40	\$ 912.25	50.80	863.40	\$ 914.20
8/13/03	1,655	48.85	993.00	\$ 1,041.85	50.80	993.00	\$ 1,043.80
6/18/03	1,032	48.85	619.20	\$ 668.05	50.80	619.20	\$ 670.00
4/18/03	784	48.85	470.40	\$ 519.25	50.80	470.40	\$ 521.20
2/19/03	840	48.85	504.00	\$ 552.85	50.80	504.00	\$ 554.80
12/16/02	874	48.85	524.40	\$ 573.25	50.80	524.40	\$ 575.20
10/15/02	1,253	48.85	751.80	\$ 800.65	50.80	751.80	\$ 802.60
8/14/02	1,726	48.85	1,035.60	\$ 1,084.45	50.80	1,035.60	\$ 1,086.40
6/12/02	904	48.85	542.40	\$ 591.25	50.80	542.40	\$ 593.20

	\$ 8,426.40	\$ 8,449.80
2-Year Average	\$ 702.20	\$ 704.15

**CITY OF KEIZER
ANALYSIS OF RATE INCREASE ON TYPICAL BILLS
FY 04-05**

COMMERCIAL

1 1/2" meter		Existing Rate Structure			Proposed Rate Structure		
Consumption in Cubic Ft.		Base Rate @ 30.91	Cons in cf @ .79	TOTAL	Base Rate @ 32.15	Cons in cf @ .79	TOTAL
4/17/04	1	30.91	0.79	\$ 31.70	32.15	0.79	\$ 32.94
2/17/04	1	30.91	0.79	\$ 31.70	32.15	0.79	\$ 32.94
12/16/03	46	30.91	36.34	\$ 67.25	32.15	36.34	\$ 68.49
10/16/03	126	30.91	99.54	\$ 130.45	32.15	99.54	\$ 131.69
8/13/03	119	30.91	94.01	\$ 124.92	32.15	94.01	\$ 126.16
6/18/03	67	30.91	52.93	\$ 83.84	32.15	52.93	\$ 85.08
4/18/03	8	30.91	6.32	\$ 37.23	32.15	6.32	\$ 38.47
2/19/03	0	30.91	0.00	\$ 30.91	32.15	0.00	\$ 32.15
12/16/02	39	30.91	30.81	\$ 61.72	32.15	30.81	\$ 62.96
10/15/02	118	30.91	93.22	\$ 124.13	32.15	93.22	\$ 125.37
8/14/02	99	30.91	78.21	\$ 109.12	32.15	78.21	\$ 110.36
6/12/02	0	30.91	0.00	\$ 30.91	32.15	0.00	\$ 32.15

\$ 863.88

\$ 878.76

2-Year Average \$ 71.99

\$ 73.23

May 25, 2004

City Of Keizer Oregon
930 Chemawa Road NE
Keizer, Oregon 97303

cc ✓
cm ✓
PW ✓
Fin ✓

Subject: Comments Regarding Proposed Increase in Keizer Water Rates

I appreciate the ability to submit my comments regarding the proposal for the city of Keizer to increase its water rates 4%. I am a current residential water customer of Keizer. My service address is 674 Fall Creek Drive N. My household consists of two adults and two children. I do not agree with the proposal to increase Keizer water rates and I urge the City Council to reject this proposal.

Prior to the changes in February 2003, all Keizer water customers were paying the same rate for the consumption of water. I believe the rate at that time was \$.39 /ccf of water. There was also a fixed monthly fee based on the size of the individual's water meter. New rates took effect in February 2003. These rates varied by class of customer. Residential customers pay \$.96 /ccf of water. Multiple family homes pay \$.58 /ccf of water and commercial customers pay \$.76 /ccf of water. The new rates also include revised fixed monthly fees based on the size of the individual's water meter.

The changes made in February 2003, have resulted in a dramatic increase in my cost for Keizer water. A review of my last nine water bills show increases ranging from 6% per bill to 55% per bill when I compare the new rate structure to the old rate structure. The larger increases occur in the summer when water usage increases.

I do not agree with the rationale Keizer used to justify the current customer class rates. Keizer has approximately 9,100 water customers. Of those 9,100 customers I'm certain some use more water than others and some put more demands on the supply system than others. But with one fixed rate for all customers, you can be certain that the customers who use more pay more. Today, as a residential customer, I am paying a water rate that is 65% more than the multiple family rate. I can use the same amount of water as a customer in another rate class, yet I pay more for my water. As a residential customer, I see my water bills skyrocket in the summer. The reason for the increased cost is because I am a responsible home owner trying to keep my yard presentable. I don't mind paying more because I am using more water, but I object to paying a rate that is 65% more than families living in apartment complexes. The consumption rate for residential customers actually penalizes the home owner.

May 25, 2004

Comments Regarding Proposed Increase in Keizer Water Rates
Page Two

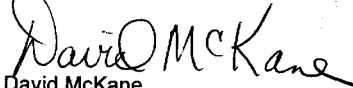
Water is a metered commodity and should be billed with a uniform volume rate. People who use more pay more. People who use less pay less. I believe any other expenses relating to cost of service can be recovered by fixed monthly charges based on meter size and by System Development Charges.

I understand that part of the reason for the higher rate for the residential class customer is because we put higher demands on the water system at certain times of the day. Yet under the existing rate structure I can adjust my usage times and receive no benefit in my water rate. There is little incentive for me to adjust my water usage.

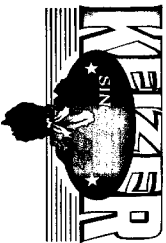
I have taken the time to review the water rates of Salem, OR and Portland, OR. Neither have such a large difference between the residential water rate and other class rates. In fact, Salem has a residential rate that is the same for some multiple family rates.

If Keizer desired to increase revenues for its Water Department it should have distributed the costs more evenly over the different classes of customers. My residential water consumption rate increased 246% with the change to the current class rates. I do not believe an additional rate increase is warranted at this time and I urge the City Council to reject this proposal.

Respectfully,

A handwritten signature in dark ink, appearing to read "David McKane". The signature is fluid and cursive, with the first name "David" and last name "McKane" clearly distinguishable.

David McKane
674 Fall Creek Drive N
Keizer OR 97303



June 7, 2004

AGENDA ITEM 6a

Volunteer of The Quarter Award

(Gary Miller and McNary Science Class)

CITY COUNCIL MEETING: June 7, 2004

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

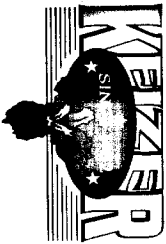
**FROM: TRACY L. DAVIS, CMC 
CITY RECORDER**

SUBJECT: VOLUNTEER OF THE QUARTER AWARD

ISSUE:

The Volunteer Coordinating Committee has selected Gary Miller and the McNary High School Science Class as the Volunteer of the Quarter for the fourth quarter 2003. Mr. Miller and the Science Class were nominated for their volunteer contributions to the community on the Claggett Creek Watershed project.

Mr. Miller and members of the Science Class will be present at the meeting to accept the volunteer award. Our thanks and congratulations to Mr. Miller and the students for their contributions to our community.



June 7, 2004

AGENDA ITEM 6b

**Appointment to Keizer Planning Commission
(Jack Lowery)**

CITY COUNCIL MEETING: June 7, 2004

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

FROM: TRACY L. DAVIS, CMC 
CITY RECORDER

SUBJECT: KEIZER PLANNING COMMISSION APPOINTMENT

ISSUE:

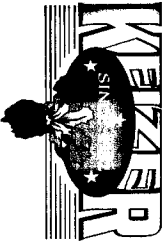
In February, Frank Moore submitted his resignation from his position on the Keizer Planning Commission. Mr. Moore was serving a three-year term scheduled to expire in September 2006.

At the April 8th meeting of the Volunteer Coordinating Committee, two volunteer applications were reviewed. Both candidates appeared before the Committee to give brief oral presentations on their backgrounds and qualifications for the position. Upon conclusion of the presentations and discussion, the Committee voted to recommend the appointment of Jack Lowery to fill this vacancy. The motion also recommended that William Riesland be considered as an alternate. The alternate recommendation was in response to the occupation requirements of the Planning Commission Ordinance. This Ordinance was amended by the City Council on May 17, 2004 to allow for two individuals to be engaged in the area of real estate. Mr. Lowery is qualified to fill the vacancy.

Mr. Lowery has been invited to attend the City Council meeting to receive a proclamation for this appointment.

RECOMMENDATION:

It is recommended the City Council accept the recommendations of the Volunteer Coordinating Committee and appoint Jack Lowery to fill the unexpired term on the Keizer Planning Commission.



June 7, 2004

AGENDA ITEM 6c

RIVERR - Approval of Grant Request

COUNCIL MEETING: June 7, 2004

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

THROUGH: CHRIS EPPLEY
CITY MANAGER

FROM: NATE BROWN *NWB*
COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: COUNCIL AUTHORIZATION TO DEVELOP CONCEPT AND APPLY FOR
TRANSPORTATION ENHANCEMENT GRANT

BACKGROUND:

The Salem Keizer Area Transportation Study (SKATS) Metropolitan Planning Organization (MPO) Technical Advisory Committee (TAC) has been invited to submit for consideration four projects from our area to the state Transportation Enhancement Advisory Committee (TEAC) who will select projects from around the state that will be awarded grant money.

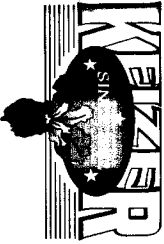
Keizer has discussed preliminary concepts with the TAC about pursuing a concept to develop a multi-use path access to the State Parks lands that are directly west of Keizer. This is the park area that the RIVERR task force is working to develop. The concept has been endorsed by that task force, with members from State Parks, Bureau of Land Management's Heritage Rivers, Marion County, Keizer Parks, and local citizens/business interests. While these groups or bodies have not taken formal action on this concept, it does have unanimous conceptual support from this wide range of agencies and would truly be a project with multi-jurisdictional support as well as support from the members of the SKATS TAC.

While the concept is general, the application would consist of general costs of design, right of way acquisition, and construction of a multi-use path for pedestrian and bicycle use that would connect the park area with the rest of Keizer's transportation system.

This concept clearly meets the qualifying criteria established by the TEAC for grant proposals

RECOMMENDATION:

Authorize staff to prepare a concept and general cost estimate for a multi-use path from the City to the park area west of the city limits for consideration for inclusion in the Transportation Enhancement Grant process and authorize the preparation and submission of a grant application if the concept is selected by Salem Keizer Area Transportation Study.



June 7, 2004

AGENDA ITEM 8a

**ORDINANCE - Water SDC Ordinance
(Removal of Exemption)**

CITY COUNCIL MEETING: June 7, 2004

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

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

**SUBJECT: *WATER SYSTEM DEVELOPMENT CHARGE ORDINANCE
AMENDMENT (EXEMPTIONS)***

It was recently discovered that the water system development charge (SDC) ordinance needs to be amended to correct some confusion regarding the exemptions.

The subsection in question reads:

A. Structures and uses established and existing on or before June 30, 1991, are exempt from a system development charge imposed by this ordinance to the extent of the structure or use then existing and to the extent of the parcel of land as it is constituted on that date. Structures and uses affected by this subsection shall pay the water or sewer charges pursuant to the terms of the applicable city ordinance upon the receipt of a permit to connect to the water or sewer system.

The first sentence does not appear in the sanitary sewer SDC ordinance. The second sentence above appears in the sewer SDC ordinance verbatim and refers to the remainder of the Exemptions subsection. Staff reports that it was intended that existing development already connected to the water system would not pay additional system development charges. However, existing structures on private wells which switched to city water should have to pay the system development charge because of the increased demand on the system caused by the new connection. The first sentence indicates that existing structures would not pay the SDC. The attached ordinance amends the ordinance by deleting the first sentence.

Water SDC Ordinance Amendment

Page 2

A copy of the entire water SDC ordinance is attached for your review.

RECOMMENDATION:

Adopt the attached Ordinance amending the water system development charge ordinance.

Please contact me if you have any questions. Thank you.

ESJ/tmh
attachments

1 BILL NO. ____

A BILL

ORDINANCE NO.

2

2004-_____

3

FOR

4

AN ORDINANCE

5

AMENDING THE WATER SUPPLY, TREATMENT

6

AND DISTRIBUTION SYSTEM DEVELOPMENT

7

CHARGE; AMENDING ORDINANCE NO. 91-207.1;

8

DECLARING AN EMERGENCY

9

The City of Keizer ordains as follows:

10

Section 1. AMENDMENT OF ORDINANCE NO. 91-207.1, Ordinance No.

11

91-207.1 (An Ordinance Establishing a Systems Development Charge for the Keizer

12

Water Supply, Treatment and Distribution System) is amended at Section 12(A) as

13

follows:

14

Section 12. EXEMPTIONS.

15

~~A. Structures and uses established and existing on or before June 30,~~

16

~~1991, are exempt from a system development charge imposed by this~~

17

~~ordinance to the extent of the structure or use then existing and to the~~

18

~~extent of the parcel of land as it is constituted on that date. Structures and~~

19

~~uses affected by this subsection shall pay the water or sewer charges~~

20

~~pursuant to the terms of the applicable city ordinance upon the receipt of~~

21

~~a permit to connect to the water or sewer system.~~

22 ///

23 ///

24 ///

1 Section 2. EFFECTIVE DATE. This Ordinance being necessary for the
2 immediate preservation of the public health, safety and welfare, an emergency is
3 declared to exist and this Ordinance shall take effect immediately upon its passage.

4 PASSED this _____ day of _____, 2004.

5 SIGNED this _____ day of _____, 2004.

6

7

Mayor

8

9

City Recorder

BILL NO.

A BILL FOR

ORDINANCE NO.

199.1

91- 207.1

AN ORDINANCE ESTABLISHING
A SYSTEMS DEVELOPMENT
CHARGE FOR THE KEIZER
WATER SUPPLY, TREATMENT
AND DISTRIBUTION SYSTEM;
REPEALING ORDINANCE NO.
88-134 and 89-141

The City of Keizer ordains as follows:

Section 1. TITLE AND PURPOSE. This Ordinance shall be known as and may be cited as the "Water Supply, Treatment and Distribution System Development Charge of the City of Keizer." The purpose of the system development charge is to impose a portion of the cost of capital improvements for water supply, treatment and distribution upon those developments that create the need for or increase the demands on capital improvements.

Given the mobility of the population and the geographic size of the city, most capital improvement projects benefit new development regardless of where in the city it occurs. The entire community's health may be affected if adequately sized water supply, treatment and distribution systems are not provided in all locations of the city. It is more cost efficient to use SDC revenue from new development in the entire community to finance the growth related portion of capital improvements based on a city-wide priority rather than to hold the SDC revenue generated in one area of the community for improvements just in that area. The increase in administrative cost to account for receipt and expenditure of SDC revenues based upon geographic areas of the city rather than upon a city-wide basis would divert revenue from

1 needed capital improvement projects. The benefit of minimizing
2 administrative costs attributable to this system development
3 charge outweighs the benefit of allocating SDC revenues and
4 expenditures based upon geographic areas.

5 Section 2. SCOPE. The system development charge imposed by
6 this ordinance is separate from and in addition to any applicable
7 tax, assessment, charge, or fee otherwise provided by law or
8 imposed as a condition of development. The system development
9 charge established herein is intended to be a charge upon the act
10 of development by whomever seeks the development permit. It is a
11 fee for service because it contemplates a development's receipt of
12 essential municipal services based upon the nature of that
13 development. The timing and extent of any development are within
14 the control and discretion of the developer.

15 The SDC imposed by this ordinance is not intended to be a tax
16 on property or on a property owner as a direct consequence of
17 ownership of property within the meaning of Sec. 11b, Art. XI of
18 the Oregon Constitution or the legislation implementing that
19 section.

20 Even if the SDC herein imposed is viewed under Sec. 11b,
21 Art. XI of the Oregon Constitution as a tax against property or
22 against a property owner as a direct consequence of ownership of
23 that property, it is an incurred charge within the meaning of that
24 Section and the statutes implementing it because:

25 ///

26 ///

1 1. It allows the owner to control the quantity of the
2 service by determining the extent of development to occur
3 upon the property.

4 2. It allows the owner to determine when the service is to
5 be initiated or increased by controlling when the development
6 occurs.

7 3. State law and the ordinances of this city require the
8 owner to provide certain basic utility and infrastructure
9 services to the property when it is developed for human
10 occupancy. The provision of these basic services are a
11 routine obligation of the owner of the affected property and
12 essential to the health and safety of the community.

13 Among the basic services which the City is required to
14 provide its residents are the capital improvements as defined in
15 this ordinance.

16 The SDC imposed by this ordinance is based upon the costs of
17 providing existing or planned for capital improvements and does
18 not impose charges on persons not receiving a service and imposing
19 a burden upon the City's existing capital improvements.

20 Section 3. DEFINITIONS. For purposes of this ordinance, the
21 following mean:

22 Capital improvements. Facilities or assets used for:

23 A. Water supply, treatment and distribution;

24 Capital improvement does not include costs of the operation
25 or routine maintenance of capital improvements.

26 ///

Development.

1) The first establishment of a use of any parcel of land involving the construction or the placing of a structure upon a parcel that was prior to that event not occupied by any structure, or 2) any construction alteration or change of occupancy requiring a change in water meter size, or 3) conducting a building or mining operation, or 4) making a physical change in the use or appearance of a structure or land, or 5) dividing land into two or more parcels (including partitions and subdivisions), or 6) creating or terminating a right of access.

Improvement fee.

A fee for costs associated with capital improvements to be constructed after the date the fee is adopted pursuant to Section 4 of this ordinance.

Land area.

The area of a parcel of land as measured by projection of the parcel boundaries upon a horizontal plane with the exception of a portion of the parcel within a recorded right-of-way or easement subject to a servitude for a public street or scenic or preservation purpose.

Meter Equivalency Index.

A water meter size for residential or nonresidential use which is determined to place a demand on the City's water system approximately equal to a 3/4 inch meter for a single-family dwelling.

Owner.

The owner or owners of record title or the purchaser or purchasers under a recorded sales agreement, and other persons having an interest of record in the described real property.

Parcel of land.

A lot, parcel, block or other tract of land that is occupied or may be occupied by a structure or structures

1 or other use, and that includes the yards and other open spaces
2 required under the zoning, subdivision, or other development
3 ordinances.

4 Qualified public improvements. A capital improvement that
5 is:

6 A. Required as a condition of residential development
7 approval;

8 B. Identified in the plan adopted pursuant to section 8 of
9 this ordinance; and

10 C. Not located on or contiguous to a parcel of land that is
11 the subject of the residential development approval.
12 "Contiguous" as used in this ordinance does not include
13 a public way which abuts the subject parcel of land.

4 Reimbursement fee. A fee for costs associated with capital
15 improvements constructed or under construction on the date the fee
16 is adopted pursuant to section 4 of this ordinance.

17 System development charge. A reimbursement fee, an
18 improvement fee or a combination thereof assessed or collected at
19 the time of increased usage of a capital improvement, at the time
20 of issuance of a development permit or building permit, or at the
21 time of connection to the capital improvement. "System
22 development charge" includes that portion of a water system
23 connection charge that is greater than the amount necessary to
24 reimburse the city for its average cost of inspecting and
25 installing connections with water facilities. "System
26 development charge" does not include fees assessed or collected as

1 part of a local improvement district or a charge in lieu of a
2 local improvement district assessment, or the cost of complying
3 with requirements or conditions imposed by a land use decision.

4 Section 4. SYSTEM DEVELOPMENT CHARGE ESTABLISHED.

5 A. System development charges shall be established and may
6 be revised by resolution of the council.

7 B. Unless otherwise exempted by the provisions of this
8 ordinance or other local or state law, effective July 1, 1991, a
9 system development charge is hereby imposed upon all development
10 within the city occurring on or after the effective date of this
11 ordinance and is imposed upon any structure inside or outside the
12 boundary of the city that connects to or otherwise uses the water
13 supply, treatment and distribution system of the city.

14 Section 5. METHODOLOGY.

15 A. The methodology used to establish the "reimbursement
16 fee" shall consider the cost of then-existing facilities, prior
17 contributions by then-existing users, the value of unused
18 capacity, rate-making principals employed to finance publicly
19 owned capital improvements, and other relevant factors identified
20 by the council. The methodology shall promote the objective that
21 future system users shall contribute no more than an equitable
22 share of the cost of then-existing facilities.

23 B. The methodology used to establish the "improvement fee"
24 shall consider the cost of projected capital improvements needed
25 to increase the capacity of the system to which the fee is
26 related.

C. The methodology used to establish the improvement fee or the reimbursement fee, or both, shall be contained in a resolution adopted by the council.

Section 6. AUTHORIZED EXPENDITURES.

A. Reimbursement fees shall be applied only to capital improvements associated with the system for which the fees are assessed, including expenditures relating to repayment of indebtedness.

B. 1) Improvement fees shall be spent only on capacity increasing capital improvements, including expenditures relating to repayment of debt for the improvements. An increase in system capacity occurs if a capital improvement increases the level of performance or service provided by existing facilities or provides new facilities. The portion of the improvements funded by improvement fees must be related to demands created by current or projected development.

2) A capital improvement being funded wholly or in part from revenues derived from the improvement fee shall be included in the plan adopted by the city pursuant to section 8 of this ordinance.

C. Notwithstanding subsections A and B of this section, system development charge revenues may be expended on the direct costs of complying with the provisions of this ordinance and ORS 223.297 to 223.314, including the costs of developing system

6 ///

1 development charge methodologies and providing an annual
2 accounting of system development charge expenditures.

3 Section 7. EXPENDITURE RESTRICTIONS.

4 A. System development charges shall not be expended for
5 costs associated with the construction of administrative office
6 facilities that are more than an incidental part of other capital
7 improvements.

8 B. System development charges shall not be expended for
9 costs of the operation or routine maintenance of capital
10 improvements.

11 Section 8. IMPROVEMENT PLAN. The council shall adopt a plan
12 that:

13 A. Lists the capital improvements that may be funded with
14 improvement fee revenues;

15 B. Lists the estimated cost and time of construction of each
16 improvement; and

17 C. Describes the process for modifying the plan.

18 Section 9. COLLECTION OF CHARGE.

19 A. The system development charge is payable upon issuance
20 of;

- 21 1) A building permit, a development permit;
22 2) A development permit for development not requiring
23 the issuance of a building permit;
24 3) A permit to connect to the water system; or
25 4) A permit to connect to the sewer system.

26 ///

1 B. If development is commenced or connection is made to the
2 water or sewer system without an appropriate permit, the system
3 development charge is immediately payable upon the earliest date
4 that a permit was required.

5 C. The Public Works Manager or the Public Works Manager's
6 designee shall collect the applicable system development charge
7 from the permittee when a permit that allows building or
8 development of a parcel is issued or when a connection to the
9 water or sewer system of the city is made.

10 D. The Public Works Manager or the Public Works Manager's
11 designee shall not issue such permit or allow such connection
12 until the charge has been paid in full, until provision for
13 installment payments has been made pursuant to section 11 of this
14 ordinance, or unless an exemption is granted pursuant to section
15 12 of this ordinance.

16 Section 10. DELINQUENT CHARGES; HEARING.

17 A. When, for any reason, the system development charge has
18 not been paid, the City Manager shall report to the council the
19 amount of the uncollected charge, the description of the real
20 property to which the charge is attributable, the date upon which
21 the charge was due, and the name of the permittee and property
22 owner.

23 B. The City Council shall, by motion, schedule a public
24 hearing on the matter and direct that notice of the hearing be
25 given to each permittee and property owner with a copy of the City
26 Manager's report concerning the unpaid charge. Notice of hearing

1 shall be given either personally or by certified mail, return
2 receipt requested, or by both personal and mailed notice, and by
3 posting notice on the parcel of land at least 10 days before the
4 date set for the hearing.

5 C. At the hearing, the council may accept, reject, or modify
6 the determination of the City Manager as set forth in the report.
7 If the council finds that a system development charge is unpaid
8 and uncollected, it shall, by motion, direct the City Recorder to
9 docket the unpaid and uncollected system development charge in the
10 lien docket. Upon completion of the docketing, the city shall
11 have a lien against the described land for the full amount of the
12 unpaid charge, together with interest at the legal rate of 10
13 percent and with the city's actual cost of serving notice of the
14 hearing on the owners. The lien shall be enforceable in the
15 manner provided in ORS Chapter 223.

16 Section 11. INSTALLMENT PAYMENT.

17 A. When a system development charge of \$25 or more is due
18 and collectable, the owner of the parcel of land subject to the
19 development charge may apply for payment in 20 semi-annual
20 installments, to include interest on the unpaid balance and an
21 administrative fee of \$ 0 for each payment on an unpaid
22 balance of \$ 0 or less, in accordance with ORS 223.208.

23 B. The Public Works Manager shall provide application forms
24 for installment payments, which shall include a waiver of all
25 rights to contest the validity of the lien, except for the
26 correction of computational errors.

1 C. An applicant for installment payments shall have the
2 burden of demonstrating the applicant's authority to assent to the
3 imposition of a lien on the parcel and that the interest of the
4 applicant is adequate to secure payment of the lien.

5 D. The Public Works Manager shall report to the City Manager
6 the amount of the system development charge, the dates on which
7 the payments are due, the name of the owner, and the description
8 of the parcel.

9 E. The City Recorder shall docket the lien in the lien
10 docket. From that time the city shall have a lien upon the
11 described parcel for the amount of the system development charge,
12 together with interest on the unpaid balance at the rate
13 established by the council. The lien shall be enforceable in the
14 manner provided in ORS Chapter 223.

15 Section 12. EXEMPTIONS.

16 A. Structures and uses established and existing on or
17 before June 30, 1991, are exempt from a system development charge
18 imposed by this ordinance to the extent of the structure or use
19 then existing and to the extent of the parcel of land as it is
20 constituted on that date. Structures and uses affected by this
21 subsection shall pay the water or sewer charges pursuant to the
22 terms of the applicable city ordinance upon the receipt of a
23 permit to connect to the water or sewer system.

24 ///

25 ///

26 ///

1 B. Additions to single-family dwellings that do not
2 constitute the addition of a dwelling unit, as defined by the
3 State Uniform Building Code, are exempt from all portions of the
4 system development charge.

5 C. An alteration, addition, replacement or change in use
6 that does not increase the parcel's or structure's use of the
7 public improvement facility is exempt from all portions of the
8 system development charge.

9 D. A project ^{PAID AT} ~~financed by city resources~~ ^{expense} is exempt from all
10 portions of the system development charge.

11 E. Reconstruction or repair of a building or structure, or
12 portion thereof, which was damaged or destroyed by earthquake,
13 fire, flood, or other natural causes over which the permittee had
14 no control is exempt from all portions of the system development
15 charge, but only if:

16 1) Such reconstruction or repair is done pursuant to a
17 building permit issued within one year after such damage or
18 destruction; and

19 2) There is no change in water meter size.

20 F. Moving a building or structure from a lot which had city
21 sewer and water service to another lot where city water and sewer
22 service is available and provided there is no change in water
23 meter size is exempt from all portions of the system development
24 charge.

25 G. Replacement structures for any forced acquisition
26 wherein a building or structure is acquired for city purposes

1 through eminent domain are exempt from all portions of the system
2 development charge, provided that:

3 1) The permittee obtains a building permit for the
4 replacement structure within two years of the acquisition,
5 and

6 2) There is no change in water meter size.

7 Section 13. CREDITS.

8 A. A system development charge shall be imposed when a
9 change of use of a parcel or structure occurs, but credit shall be
10 given for the computed system development charge to the extent
11 that prior structures existed and services were established on or
12 after July 1, 1991. The credit so computed shall not exceed the
13 calculated system development charge. No refund shall be made on
14 account of such credit.

15 B. A credit shall be given for the cost of a qualified
16 public improvement associated with a residential development. If
17 a qualified public improvement is located partially on and
18 partially off the parcel that is the subject of the residential
19 development approval, the credit shall be given only for the cost
20 of the portion of the improvement not located on or wholly
21 contiguous to the property. The credit provided for by this
22 subsection shall be only for the improvement fee charged for the
23 type of improvement being constructed and shall not exceed the
24 improvement fee even if the cost of the capital improvement
25 exceeds the applicable improvement fee.

26 ///

1 C. Credit shall not be transferable from one development to
2 another except in compliance with standards adopted by the City
3 Council.

4 D. Credit shall not be transferable from one type of capital
5 improvement to another.

6 Section 14. SEGREGATION AND USE OF REVENUE.

7 A. All funds derived from a particular type of system
8 development charge are to be segregated by accounting practices
9 from all other funds of the city. That portion of the system
10 development charge calculated and collected on account of a
11 specific facility system shall be used for no purpose other than
12 those set forth in section 6 of this ordinance.

13 B. The City Manager shall provide the City Council with an
14 annual accounting, based on the city's fiscal year, for system
15 development charges showing the total amount of system development
16 charge revenues collected for each type of facility and the
17 projects funded from each account.

18 Section 15. APPEAL PROCEDURE.

19 A. A person aggrieved by a decision required or permitted to
20 be made by the City Manager or the City Manager's designee under
21 this ordinance or a person challenging the propriety of an
22 expenditure of system development charge revenues may appeal the
23 decision or the expenditure to the City Council by filing a
24 written request with the City Recorder describing with
25 particularity the decision of the City Manager or the City

26 ///

1 Manager's designee or the expenditure from which the person
2 appeals.

3 B. An appeal of an expenditure must be filed within two
4 years of the date of the alleged improper expenditure. Appeals of
5 any other decision must be filed within 10 days of the date of the
6 decision.

7 C. The council shall determine whether the City Manager's
8 decision or the expenditure is in accordance with this ordinance
9 and the provisions of ORS 223.297 to 223.314 and may affirm,
10 modify, or overrule the decisions. If the council determines that
11 there has been an improper expenditure of system development
12 charge revenues, the council shall direct that a sum equal to the
13 misspent amount shall be deposited within one year to the credit
14 of the account or fund from which it was spent.

15 D. A legal action challenging the methodology adopted by the
16 council pursuant to section 5 shall not be filed later than 60
17 days after the adoption.

18 Section 16. PROHIBITED CONNECTION. No person may connect to
19 the water or sewer system of the city unless the appropriate
20 system development charge has been paid or the lien or installment
21 payment method has been applied for and approved.

22 Section 17. PENALTY. Violation of section 16 of this
23 ordinance is an infraction.

24 Section 18. CONSTRUCTION. The rules of statutory
25 construction contained in ORS Chapter 174 are adopted and by this
26 reference made a part of this ordinance.

1 Section 19. SEVERABILITY. The invalidity of a section or
2 subsection of this ordinance shall not affect the validity of the
3 remaining sections or subsections.

4 Section 20. REPEAL. Ordinance No. 88-134 enacted December
5 5, 1988, is repealed. The prospective application of Ordinance
6 89-141, enacted January 30, 1989, is terminated effective July 1,
7 1991, however, the ordinance shall remain fully effective through
8 June 30, 1991, and thereafter regarding action taken under it
9 prior to July 1, 1991.

10 Section 21. EFFECTIVE DATE. This ordinance being necessary
11 for the immediate preservation of the public health, safety and
12 welfare, an emergency is declared to exist and this ordinance
13 shall take effect July 1, 1991.

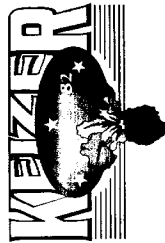
14 PASSED this 7 day of JUNE, 1991.

15 SIGNED this _____ day of _____, 1991.

16 _____
17 Mayor

18 _____
19 City Recorder

20 2706COK.003



AGENDA ITEM 8b

**ORDINANCE - Approach for City Roads and Right
of Way**

June 7, 2004

COUNCIL MEETING:

June 7, 2004

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

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



SUBJECT: Amendment to Ordinance No. 2000-428 regarding permits for Approach to City Roads and Public Right of Way

BACKGROUND AND ISSUES:

The attached ordinance pertains to permits issued for approach to city roads and public right of way (aka Driveway permits). Section 14 – Fees, establishes the fee at \$50.00, stipulates the fee be adjusted by the CPI-W in 12 months, and stipulates revenue received pursuant to this Ordinance be deposited in the City of Keizer General Fund. This Ordinance went into effect on October 2, 2000.

Staff has identified the following issues with the existing ordinance:

- Fee changes for these permits go into effect on October 2 of each year. All other fees are adjusted on July 1 of each year so that all changes coincide with the annual budget process.
- Indexing each year creates cumbersome fee rates. For example, the FY 2001 rate was \$51.58 and increased to \$52.84 in FY 2002.
- All revenue generated from Ordinance 2000-428 is deposited in the General Fund. However, Public Works staff does most of the work associated with this permit process. The amount of time spent by the Community Development staff (a General Fund program) is minimal (5%-10%).

FISCAL IMPACT:

The revenue for Driveway Permits in FY04-05 is budgeted at \$6,900. Currently this revenue is allocated to the General Fund. Staff recommends the revenue be allocated to the Street Fund to match the effort expended in processing these permits. As the attached indexing methodology shows, there is no material fiscal impact over the long run to adjusting the fees in \$5.00 increments.

RECOMMENDATION:

Staff recommends the Council approve the attached amendments to Ordinance 2000-428.

If you have any questions please contact Susan Gahlsdorf or Rob Kissler at 503.390.3700.

1 BILL NO. ____

A BILL

ORDINANCE NO.

2

2004-____

3

FOR

4

AN ORDINANCE

5

AMENDING THE ORDINANCE FOR APPROVAL AND

6

ESTABLISHING PERMITS REGARDING APPROACH

7

TO CITY ROADS AND PUBLIC RIGHT-OF-WAYS

8

(DRIVEWAY PERMITS) AMENDING ORDINANCE

9

NO. 2000-428

10 The City of Keizer ordains as follows:

11 Section 1. AMENDMENT OF ORDINANCE NO. 2000-428. Ordinance No.

12 2000-428 (An Ordinance in the Matter of Approval and Establishing Permits Regarding

13 Approach to City Roads and Public Right-of-Way) is hereby amended at Section 14 as

14 follows:

15 Section 14. FEES.

16 (1) An administrative and inspection fee shall be required for each
17 approach road access permit issued. The City Council hereby establishes
18 this fee at \$50.00 55.00 permit. The fee will be reviewed in 12 months
19 annually and the appropriate fee will be established and indexed to the
20 CPI-W: to the Consumer Price Index-Wages pursuant to Exhibit A
21 attached and by this reference incorporated herein.

22 (2) Any revenue received pursuant to this Ordinance shall be deposited
23 in the City of Keizer Generat Street Fund.

24 (3) The Director may waive the fee if applicant is a federal, state,
25 county, or other public body.

1 (4) No fee will be charged for work being done by or under a contract
2 with the City of Keizer.

3 Section 2. EFFECTIVE DATE. This Ordinance shall be effective thirty (30)
4 days after its passage.

5 PASSED this _____ day of _____, 2004.

6 SIGNED this _____ day of _____, 2004.

7 _____
8 Mayor

9 _____
10 City Recorder

CITY OF KEIZER
Driveway Permits

Indexing Methodology:

Increase fee in \$5.00 increments.

When index increases the fee \$2.50 or more than the preceding fee, increase fee to the next increment.

For example: When the index brings a \$50.00 fee up to \$52.50, increase fee to \$55.00. When the index brings the fee to \$57.50 increase the fee to \$60.00.

This methodology will keep the revenue within 1% of the annual indexing.

			\$5.00 Increments		Annual Index		
	CPI-W	# of Permits	Fee	Fixed	Fee	CPI-W	Variance
Actual Data:							
FY00-01	na	88	50 \$	4,400.00	\$ 50.00	\$ 4,400.00	\$ 0.00
FY01-02	3.15%	154	50 \$	7,700.00	\$ 51.58	\$ 7,942.55	\$ -242.55
FY02-03	2.45%	97	55 \$	5,335.00	\$ 52.84	\$ 5,125.34	\$ 209.66
FY03-04	0.85%	140	55 \$	7,700.00	\$ 53.29	\$ 7,460.28	\$ 239.72
Estimated Data: (EXAMPLE ONLY)							
Average Number of Permits		120					
FY04-05	1.60%	120	55 \$	6,800.00	\$ 54.14	\$ 6,496.84	\$ 103.16
FY05-06	3.00%	120	55 \$	6,600.00	\$ 55.76	\$ 6,691.74	\$ -91.74
FY06-07	3.00%	120	55 \$	6,600.00	\$ 57.44	\$ 6,892.50	\$ -292.50
FY07-08	3.00%	120	60 \$	7,200.00	\$ 59.16	\$ 7,099.27	\$ 100.73
FY08-09	3.00%	120	60 \$	7,200.00	\$ 60.94	\$ 7,312.25	\$ -112.25
FY09-10	3.00%	120	65 \$	7,800.00	\$ 62.76	\$ 7,531.62	\$ 268.38
Ten year total			\$ 67,135.00		\$ 66,952.39		\$ 182.61
							variance is 1% of total revenue

3 **A BILL**4 **FOR**5 **AN ORDINANCE**6 **IN THE MATTER OF APPROVAL AND ESTABLISHING PERMITS REGARDING**
7 **APPROACH TO CITY ROADS AND PUBLIC RIGHT OF WAY**8
9
10
11 The City of Keizer ordains as follows:12
13 Section 1 – PURPOSE. The purpose of this Ordinance is to protect the public
14 health, safety and welfare in the City of Keizer by elimination of the hazards of unrestricted and
15 unregulated entry onto City Roads and Public Rights-of-Way from adjacent properties such as,
16 but not limited to, subdivisions, planned unit developments, partitionings, properties including
17 residential, commercial, and industrial properties.18
19 Section 2 – AUTHORITY. The Keizer City Council, pursuant to state law, may issue
20 written permission for the construction of any approach road, or any appurtenance thereto, or a
21 substantial alteration of any such approach road or appurtenance or the change in use of such
22 approach road adjacent to any City Road or Public Road Right-of-way.23
24 Section 3 – DELEGATION OF AUTHORITY. The Keizer City Council finds that the
25 Director of Public Works is equipped by reason of knowledge and information to administer the
26 issuance of written approval, in the form of a permit as prescribed by the Director, for the
27 construction, reconstruction, alteration or change in use of any approach road. The City
28 Council hereby delegates to the Director of Public Works the authority to implement the
29 provisions of this Ordinance.30
31 Section 4 – DEFINITIONS. As used herein, unless the context requires otherwise, the
32 following terms are defined as follows:

- (1) "Applicant" means: Any person, firm or corporation, public or private, being the owner in fee of the property abutting the roadway or the lessee or other holder of a lawful interest in the property abutting the roadway with the written permission to construct an approach road adjacent to a City Road or Public Road right of way. A person who is the holder of a lawful easement or other similar holder of a property interest may also be an applicant under the terms of this Ordinance.
- (2) "Approach road" means: Any public or private roadway or driveway connection between the outside edge of the shoulder or curb line and the right-of-way line of a Public or City Road, intended to provide vehicular access to, from, or across said Public City Road and the adjacent or adjoining property.
- (3) "Change in use" means: Any activity, which substantially increases the traffic volume, speed character of the types of vehicles using the approach road.
- (4) "City Road" means: Any public road under the jurisdiction of the City of Keizer that has been designated as a City Road pursuant to state law.
- (5) "Department" means: The City of Keizer Public Works Department.
- (6) "Director" means: The City of Keizer Director of Public Works or designee.
- (7) "Engineer" means: A registered professional civil or traffic engineer, licensed by the State of Oregon.
- (8) "Permit" means: A written approval by the Director of Public Works in the manner prescribed by the Director. The permit shall include all special provisions deemed necessary by the Director.
- (9) "Public Road" or "Public Road Right-of-Way" means any public road or local access road, as defined by state law, under the jurisdiction of the City of Keizer.
- (10) "Residential use" means: Any building or facility used as a single-family dwelling or any structure in conjunction with the residential use of the property.
- (11) "Subdivision" means: An area or tract of land from which four or more lots have been created.
- (12) "Utility" or "Utilities" means: Any water, gas, sanitary or storm sewer, electrical telephone, drainage way, wire, or television communication service.

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1 Section 5 – PERMIT.

- 2 (1) An application for a permit may be made by an agent (i.e., contractor, sub divider,
3 builder, employee, etc.) of the applicant. This action will not relieve the property
4 owner, lessee, easement holder or other holder of a legal or lawful interest in the
5 property for which a permit has been made of any privileges or obligations made
6 under the permit or terms of this ordinance.
- 7 (2) A permit shall be obtained from the City by any person, firm, or corporation prior to
8 building or constructing on the right-of-way of A Public or City Road, any approach
9 road or appurtenances thereto, or substantially altering any approach road or
10 appurtenance, or changing the use of an existing approach road, public right-of-way
11 or City Road.
- 12 (3) Failure to obtain a permit may result in the removal or repair of the installation of the
13 approach road.
- 14 (4) Application for a permit will be made in the manner and the form approved by the
15 Director.
- 16 (5) Plans prepared by an engineer shall be submitted to the Director, unless waived by
17 the Director, for the proposed approach roads, from whatever source, and approval of
18 said plans shall be considered as part of the permit process under this Ordinance.
- 19 (6) The applicant shall place a marker, such as a stake or lath, at the right-of-way line
20 where the centerline of the proposed approach road will intersect with a Public or
21 City Road.
- 22 (7) No permit will be valid until signed by the Director. No work can begin on the
23 approach road, City Road or Public Road right-of-way until the applicant has
24 obtained a valid permit.
- 25 (8) The applicant shall be responsible for relocating any utility within the right-of-way.
26 Construction of the approach road shall not begin until the relocation of the utility
27 has been completed to the satisfaction of the Director and the affected utility.
- 28 (9) The applicant shall be solely responsible for providing correct and complete
29 information as required by the Director. If the Director determines that any fact
30 provided by the applicant which is/was material to the assessment of the approach
31 road's impact upon traffic safety, convenience or the property rights of any person, is

1 false, incorrect or omitted, the Director may deny or revoke the permit and may
2 require the applicant to remove the approach road or to modify the approach road to a
3 condition acceptable to the Director. All expenses incurred will be the responsibility
4 of the applicant.

- 5 (10) The Director may require the applicant to provide, at the applicant's expense, such
6 additional safeguards and design features as the Director deems reasonably required
7 for the protection of the Public or City Road and the traveling public.
8

9 **Section 6. IMPROVEMENTS AND ENGINEERING REQUIREMENTS**

- 10 (1) If it is determined by the Director that additional traffic controls (e.g. acceleration or
11 deceleration lanes, widening of the roadway to provide left turn refuges, traffic
12 warning lights, traffic signals or other similar control devices) or right-of-way
13 therefore are necessary on the approach road, or Public or City Road to protect the
14 traveling public, the applicant shall dedicate the required right-of-way and construct
15 the required improvements at the applicant's own expense, except as may otherwise
16 be provided by the City, including the entire cost of design, construction and
17 installation.

- 18 (2) In making a determination whether additional traffic controls are reasonably
19 necessary, the Director may require the applicant to submit a traffic study prepared
20 by a traffic engineer to assess:

21 (a) The extent and nature of the change in use of the approach road, Public or
22 City Road (if applicable); and

23 (b) In light of current and projected conditions, traffic speeds, sight distances,
24 and road conditions on both the Public and City Road and the approach road,
25 whether additional traffic controls are necessary and which controls or
26 combinations thereof would be necessary to adequately ensure the safety and
27 convenience of the traveling public.

28 //

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1 Section 7 – LOCATION

- 2 (1) Approach roads shall be located where they do not create a hazard or undue interference
3 with the free movement of normal roadway or pedestrian traffic. Approach roads located
4 on sharp curves, steep grades, areas of restricted sight distance or locations which
5 interfere with the placement and proper functioning of traffic control signals, signs,
6 lighting or other devices will not be permitted.
- 7 (2) No facilities shall be constructed at locations where rights of access to or from the
8 abutting property have been previously restricted.
- 9 (3) One approach road will be allowed to a single lot **except** where the Director determines
10 that additional approach roads are necessary to accommodate and serve such traffic as
11 may be reasonably anticipated.

12
13 Section 8 – DESIGN -

- 14 (1) Approach roads shall be designed to allow movement to and from the roadway by
15 vehicles which can reasonably be expected to utilize the approach road without undue
16 conflict with other traffic.
- 17 (2) Residential and commercial access roads will be constructed in accordance with
18 adopted City design standards. Business or commercial activity which the Director
19 reasonably expects to generate traffic of the volume and character requiring additional
20 traffic controls (e.g., channelization and signalization) must be designed on an
21 individual basis. When an individual design is required by the Director, the applicant
22 shall submit a traffic study which shall include plans and specifications for the
23 required traffic improvements. The Traffic Engineer may include recommendations
24 that are based upon phased construction for the applicant's property or the proposed
25 users of the approach road.
- 26 (3) The applicant may be required to construct curbing along its frontage, and to pave the
27 area between the existing roadway pavement and the curbing. The applicant may be
28 required to install drainage facilities as part of the road approach permit. The
29 applicants may be required to construct curbing, sidewalks, guard rails, ditches or
30 plantings to limit access to the abutting property as part of the approach road permit.

- 1 (4) Permits for approach roads serving business, commercial, residential, or paved areas
2 may include provisions for connecting the paved area to the roadway drainage system.
3 If the Director finds the roadway drainage system is not adequate to handle the
4 accelerated runoff, applicant shall make provisions required by the City to prevent
5 surface runoff from the paved areas into the roadway drainage system. All costs for
6 providing drainage from the property shall be borne by applicant.
7

8 Section 9 – CONSTRUCTION.

- 9 (1) Applicant or his contractor shall advise the Director's office at least 48 hours in advance
10 of commencing construction of a facility approved by permit.
11 (2) The facility shall be constructed in conformance with City standards and the terms of the
12 permit, including the special provisions of the permit and exhibits attached thereto.
13 (3) Applicant shall notify the Director when construction of the facility has been completed.
14 The Director shall inspect the completed facility. If any deficiencies are noted, applicant
15 shall promptly correct them as required by the Director.
16 (4) The planting or placing of adornments not prohibited by law on the right-of-way by
17 applicant shall be limited to low growing shrubs, grass, or flowers that do not attain
18 sufficient height to obstruct clear vision in any direction in accordance with Section
19 2.312.09 of the Keizer Development Code. No curbs, posts, signs or other structures
20 shall be placed on the roadway right-of-way unless applicant has obtained a permit to do
21 so from the Director.
22

23 Section 10 - MAINTENANCE

- 24 (1) Maintenance of an approach road shall be the responsibility of applicant unless the
25 approach road is a public right-of-way and the roadway has been formally
26 accepted into the City road system. All driveway approach roads shall be maintained by
27 applicant from the outside edge of the Public or City road shoulder or curb line to the
28 right-of-way line.
29 (2) In all cases where traffic signals have been required, all maintenance will be performed
30 by the City.
31

1 Section 11 – EFFECTIVE PERIOD

- 2 (1) Unless otherwise provided in the special provisions, once the driveway or approach
3 road is constructed, the permit shall be in effect for an indefinite period of time from
4 the date issued, unless sooner revoked by mutual consent, or by the Director for
5 failure of applicant to abide by the terms and conditions of the permit, or by
6 operation of law.
- 7 (2) Failure of applicant to comply with any of the terms and conditions of the permit or
8 to maintain the approach road and facilities shall be sufficient cause for cancellation
9 of the permit and may result in removal of the approach road and facilities by the
10 City at applicant's expense.
- 11 (3) The permit, including all of the privileges and obligations of applicant therein, shall
12 be binding upon the successors and assigns of applicant.
- 13 (4) If applicant fails to complete installation of the approach road and facilities covered
14 by the permit within the period specified in the permit, the permit shall be deemed
15 null and void and all privileges there under forfeited, unless a written extension of
16 time is obtained from the Director.
- 17 (5) The construction, maintenance, operation and use of the approach road and facilities
18 are subject to the paramount control of the City Council over the Public and City
19 roadway system, and no right or privilege granted by the permit shall be deemed or
20 construed to be beyond the power or authority of the City Council to control the
21 roadway system.

22
23 Section 12 – RESPONSIBILITY OF COST

- 24 (1) The entire expense of right-of-way, design, construction, and installation of the
25 approach road and facilities shall be borne by applicant. This shall also include the
26 cost of all materials, labor, signs, signals, structures, equipment, traffic
27 channelization and other permit requirements.
- 28 (2) Costs of any items, or portion thereof, described under Subsection (1) above may
29 become the responsibility of the City, provided they are a part of the terms and
30 conditions of the permit or other written agreement.

- (3) Any widening or other improvement of the approach road or facilities at the applicant's request shall be done only under authority of a new permit and at the expense of applicant.
- (4) The cost of maintenance of the approach road from the outside edge of the Public or County road shoulder or curb line to the right-of-way line shall be the responsibility of applicant, unless the approach road becomes a City maintained road through formal acceptance into the City system by the Keizer City Council.
- (5) If the roadway surface or facilities are damaged by applicant, applicant shall be held liable for all costs to replace or restore the roadway or facilities to a condition satisfactory to the Director of Public Works.
- (6) Work Performed under the permit shall be in accordance with the current "Manual on Uniform Traffic Control Devices for Streets and Highways" as amended or supplemented by the City or the Oregon Transportation Commission, and be at applicant's expense.

Section 13 – LIABILITY. Applicant shall be responsible and liable for all damage or injury to any person or property resulting from the construction, maintenance, repair, operation or use of the facility for which applicant has been granted a permit and for which applicant may be legally liable, and applicant shall indemnify and hold harmless City of Keizer, the Director, Department, and all officers, employees or agents of the Department against any and all damages, claims, demands, actions, causes of action, costs and expenses of whatsoever nature which they or any of them may sustain by reasons of the acts, conduct or operation of applicant, his agents or employees in connection with the construction, maintenance, repair, operation or use of said approach road and facilities.

Section 14 – FEES.

- (1) An administrative and inspection fee shall be required for each approach road access permit issued. The City Council hereby establishes this fee at \$50.00 per permit. The fee will be reviewed in 12 months and the appropriate fee will be established and indexed to the CPI-W.

- (2) Any revenue received pursuant to this Ordinance shall be deposited in the City of Keizer General Fund.
- (3) The Director may waive the fee if applicant is a federal, state, county, or other public body.
- (4) No fee will be charged for work being done by or under a contract with the City of Keizer.

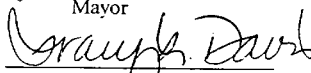
Section 15 - REPEAL - This Ordinance shall supersede and repeal any other ordinance, or part thereof, which is in conflict herewith.

Section 16 - SEVERABILITY CLAUSE. Should any article, section, subsection, paragraph, sentence, clause or phrase of this ordinance be declared invalid, such declaration shall not affect the validity of any other article, section, subsection, paragraph, sentence, clause, or phrase; and if this ordinance or portion thereof should be held to be invalid on one ground but valid on another, it shall be construed that the valid ground is the one upon which said ordinance or such portion thereof was enacted.

Section 17 - EMERGENCY CLAUSE. 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 2nd day of October, 2000.

SIGNED this 2nd day of October, 2000.


Mayor

City Recorder

2
3 **A BILL**4 **FOR**5 **AN ORDINANCE**6 **IN THE MATTER OF APPROVAL AND ESTABLISHING PERMITS REGARDING**
7 **APPROACH TO CITY ROADS AND PUBLIC RIGHT OF WAY**
89
10
11 The City of Keizer ordains as follows:12 Section 1 – PURPOSE. The purpose of this Ordinance is to protect the public
13
14 health, safety and welfare in the City of Keizer by elimination of the hazards of unrestricted and
15 unregulated entry onto City Roads and Public Rights-of-Way from adjacent properties such as,
16 but not limited to, subdivisions, planned unit developments, partitionings, properties including
17 residential, commercial, and industrial properties.18
19 Section 2 – AUTHORITY. The Keizer City Council, pursuant to state law, may issue
20 written permission for the construction of any approach road, or any appurtenance thereto, or a
21 substantial alteration of any such approach road or appurtenance or the change in use of such
22 approach road adjacent to any City Road or Public Road Right-of-way.23
24 Section 3 – DELEGATION OF AUTHORITY. The Keizer City Council finds that the
25 Director of Public Works is equipped by reason of knowledge and information to administer the
26 issuance of written approval, in the form of a permit as prescribed by the Director, for the
27 construction, reconstruction, alteration or change in use of any approach road. The City
28 Council hereby delegates to the Director of Public Works the authority to implement the
29 provisions of this Ordinance.30
31 Section 4 – DEFINITIONS. As used herein, unless the context requires otherwise, the
32 following terms are defined as follows:

- 1 (1) "Applicant" means: Any person, firm or corporation, public or private, being the
2 owner in fee of the property abutting the roadway or the lessee or other holder of a
3 lawful interest in the property abutting the roadway with the written permission to
4 construct an approach road adjacent to a City Road or Public Road right of way. A
5 person who is the holder of a lawful easement or other similar holder of a property
6 interest may also be an applicant under the terms of this Ordinance.
- 7 (2) "Approach road" means: Any public or private roadway or driveway connection
8 between the outside edge of the shoulder or curb line and the right-of-way line of a
9 Public or City Road, intended to provide vehicular access to, from, or across said
10 Public City Road and the adjacent or adjoining property.
- 11 (3) "Change in use" means: Any activity, which substantially increases the traffic volume,
12 speed character of the types of vehicles using the approach road.
- 13 (4) "City Road" means: Any public road under the jurisdiction of the City of Keizer that
14 has been designated as a City Road pursuant to state law.
- 15 (5) "Department" means: The City of Keizer Public Works Department.
- 16 (6) "Director" means: The City of Keizer Director of Public Works or designee.
- 17 (7) "Engineer" means: A registered professional civil or traffic engineer, licensed by the
18 State of Oregon.
- 19 (8) "Permit" means: A written approval by the Director of Public Works in the manner
20 prescribed by the Director. The permit shall include all special provisions deemed
21 necessary by the Director.
- 22 (9) "Public Road" or "Public Road Right-of-Way" means any public road or local access
23 road, as defined by state law, under the jurisdiction of the City of Keizer.
- 24 (10) "Residential use" means: Any building or facility used as a single-family dwelling or
25 any structure in conjunction with the residential use of the property.
- 26 (11) "Subdivision" means: An area or tract of land from which four or more lots have been
27 created.
- 28 (12) "Utility" or "Utilities" means: Any water, gas, sanitary or storm sewer, electrical
29 telephone, drainage way, wire, or television communication service.

30 /////

31 /////

Section 5 – PERMIT.

- (1) An application for a permit may be made by an agent (i.e., contractor, sub divider, builder, employee, etc.) of the applicant. This action will not relieve the property owner, lessee, easement holder or other holder of a legal or lawful interest in the property for which a permit has been made of any privileges or obligations made under the permit or terms of this ordinance.
- (2) A permit shall be obtained from the City by any person, firm, or corporation prior to building or constructing on the right-of-way of A Public or City Road, any approach road or appurtenances thereto, or substantially altering any approach road or appurtenance, or changing the use of an existing approach road, public right-of-way or City Road.
- (3) Failure to obtain a permit may result in the removal or repair of the installation of the approach road.
- (4) Application for a permit will be made in the manner and the form approved by the Director.
- (5) Plans prepared by an engineer shall be submitted to the Director, unless waived by the Director, for the proposed approach roads, from whatever source, and approval of said plans shall be considered as part of the permit process under this Ordinance.
- (6) The applicant shall place a marker, such as a stake or lath, at the right-of-way line where the centerline of the proposed approach road will intersect with a Public or City Road.
- (7) No permit will be valid until signed by the Director. No work can begin on the approach road, City Road or Public Road right-of-way until the applicant has obtained a valid permit.
- (8) The applicant shall be responsible for relocating any utility within the right-of-way. Construction of the approach road shall not begin until the relocation of the utility has been completed to the satisfaction of the Director and the affected utility.
- (9) The applicant shall be solely responsible for providing correct and complete information as required by the Director. If the Director determines that any fact provided by the applicant which is/was material to the assessment of the approach road's impact upon traffic safety, convenience or the property rights of any person, is

false, incorrect or omitted, the Director may deny or revoke the permit and may require the applicant to remove the approach road or to modify the approach road to a condition acceptable to the Director. All expenses incurred will be the responsibility of the applicant.

- (10) The Director may require the applicant to provide, at the applicant's expense, such additional safeguards and design features as the Director deems reasonably required for the protection of the Public or City Road and the traveling public.

Section 6. IMPROVEMENTS AND ENGINEERING REQUIREMENTS

- (1) If it is determined by the Director that additional traffic controls (e.g. acceleration or deceleration lanes, widening of the roadway to provide left turn refuges, traffic warning lights, traffic signals or other similar control devices) or right-of-way therefore are necessary on the approach road, or Public or City Road to protect the traveling public, the applicant shall dedicate the required right-of-way and construct the required improvements at the applicant's own expense, except as may otherwise be provided by the City, including the entire cost of design, construction and installation.

- (2) In making a determination whether additional traffic controls are reasonably necessary, the Director may require the applicant to submit a traffic study prepared by a traffic engineer to assess:

- (a) The extent and nature of the change in use of the approach road, Public or City Road (if applicable); and
- (b) In light of current and projected conditions, traffic speeds, sight distances, and road conditions on both the Public and City Road and the approach road, whether additional traffic controls are necessary and which controls or combinations thereof would be necessary to adequately ensure the safety and convenience of the traveling public.

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1 Section 7 – LOCATION

- 2 (1) Approach roads shall be located where they do not create a hazard or undue interference
3 with the free movement of normal roadway or pedestrian traffic. Approach roads located
4 on sharp curves, steep grades, areas of restricted sight distance or locations which
5 interfere with the placement and proper functioning of traffic control signals, signs,
6 lighting or other devices will not be permitted.
- 7 (2) No facilities shall be constructed at locations where rights of access to or from the
8 abutting property have been previously restricted.
- 9 (3) One approach road will be allowed to a single lot except where the Director determines
10 that additional approach roads are necessary to accommodate and serve such traffic as
11 may be reasonably anticipated.

12
13 Section 8 – DESIGN -

- 14 (1) Approach roads shall be designed to allow movement to and from the roadway by
15 vehicles which can reasonably be expected to utilize the approach road without undue
16 conflict with other traffic.
- 17 (2) Residential and commercial access roads will be constructed in accordance with
18 adopted City design standards. Business or commercial activity which the Director
19 reasonably expects to generate traffic of the volume and character requiring additional
20 traffic controls (e.g., channelization and signalization) must be designed on an
21 individual basis. When an individual design is required by the Director, the applicant
22 shall submit a traffic study which shall include plans and specifications for the
23 required traffic improvements. The Traffic Engineer may include recommendations
24 that are based upon phased construction for the applicant's property or the proposed
25 users of the approach road.
- 26 (3) The applicant may be required to construct curbing along its frontage, and to pave the
27 area between the existing roadway pavement and the curbing. The applicant may be
28 required to install drainage facilities as part of the road approach permit. The
29 applicants may be required to construct curbing, sidewalks, guard rails, ditches or
30 plantings to limit access to the abutting property as part of the approach road permit.

- 1 (4) Permits for approach roads serving business, commercial, residential, or paved areas
2 may include provisions for connecting the paved area to the roadway drainage system.
3 If the Director finds the roadway drainage system is not adequate to handle the
4 accelerated runoff, applicant shall make provisions required by the City to prevent
5 surface runoff from the paved areas into the roadway drainage system. All costs for
6 providing drainage from the property shall be borne by applicant.
7

8 Section 9 – CONSTRUCTION.

- 9 (1) Applicant or his contractor shall advise the Director's office at least 48 hours in advance
10 of commencing construction of a facility approved by permit.
11 (2) The facility shall be constructed in conformance with City standards and the terms of the
12 permit, including the special provisions of the permit and exhibits attached thereto.
13 (3) Applicant shall notify the Director when construction of the facility has been completed.
14 The Director shall inspect the completed facility. If any deficiencies are noted, applicant
15 shall promptly correct them as required by the Director.
16 (4) The planting or placing of adornments not prohibited by law on the right-of-way by
17 applicant shall be limited to low growing shrubs, grass, or flowers that do not attain
18 sufficient height to obstruct clear vision in any direction in accordance with Section
19 2.312.09 of the Keizer Development Code. No curbs, posts, signs or other structures
20 shall be placed on the roadway right-of-way unless applicant has obtained a permit to do
21 so from the Director.
22

23 Section 10 - MAINTENANCE

- 24 (1) Maintenance of an approach road shall be the responsibility of applicant unless the
25 approach road is a public right-of-way and the roadway has been formally
26 accepted into the City road system. All driveway approach roads shall be maintained by
27 applicant from the outside edge of the Public or City road shoulder or curb line to the
28 right-of-way line.
29 (2) In all cases where traffic signals have been required, all maintenance will be performed
30 by the City.
31

1 Section 11 – EFFECTIVE PERIOD

- 2 (1) Unless otherwise provided in the special provisions, once the driveway or approach
3 road is constructed, the permit shall be in effect for an indefinite period of time from
4 the date issued, unless sooner revoked by mutual consent, or by the Director for
5 failure of applicant to abide by the terms and conditions of the permit, or by
6 operation of law.
- 7 (2) Failure of applicant to comply with any of the terms and conditions of the permit or
8 to maintain the approach road and facilities shall be sufficient cause for cancellation
9 of the permit and may result in removal of the approach road and facilities by the
10 City at applicant's expense.
- 11 (3) The permit, including all of the privileges and obligations of applicant therein, shall
12 be binding upon the successors and assigns of applicant.
- 13 (4) If applicant fails to complete installation of the approach road and facilities covered
14 by the permit within the period specified in the permit, the permit shall be deemed
15 null and void and all privileges there under forfeited, unless a written extension of
16 time is obtained from the Director.
- 17 (5) The construction, maintenance, operation and use of the approach road and facilities
18 are subject to the paramount control of the City Council over the Public and City
19 roadway system, and no right or privilege granted by the permit shall be deemed or
20 construed to be beyond the power or authority of the City Council to control the
21 roadway system.

22
23 Section 12 – RESPONSIBILITY OF COST

- 24 (1) The entire expense of right-of-way, design, construction, and installation of the
25 approach road and facilities shall be borne by applicant. This shall also include the
26 cost of all materials, labor, signs, signals, structures, equipment, traffic
27 channelization and other permit requirements.
- 28 (2) Costs of any items, or portion thereof, described under Subsection (1) above may
29 become the responsibility of the City, provided they are a part of the terms and
30 conditions of the permit or other written agreement.

- (3) Any widening or other improvement of the approach road or facilities at the applicant's request shall be done only under authority of a new permit and at the expense of applicant.
- (4) The cost of maintenance of the approach road from the outside edge of the Public or County road shoulder or curb line to the right-of-way line shall be the responsibility of applicant, unless the approach road becomes a City maintained road through formal acceptance into the City system by the Keizer City Council.
- (5) If the roadway surface or facilities are damaged by applicant, applicant shall be held liable for all costs to replace or restore the roadway or facilities to a condition satisfactory to the Director of Public Works.
- (6) Work Performed under the permit shall be in accordance with the current "Manual on Uniform Traffic Control Devices for Streets and Highways" as amended or supplemented by the City or the Oregon Transportation Commission, and be at applicant's expense.

Section 13 – LIABILITY. Applicant shall be responsible and liable for all damage or injury to any person or property resulting from the construction, maintenance, repair, operation or use of the facility for which applicant has been granted a permit and for which applicant may be legally liable, and applicant shall indemnify and hold harmless City of Keizer, the Director, Department, and all officers, employees or agents of the Department against any and all damages, claims, demands, actions, causes of action, costs and expenses of whatsoever nature which they or any of them may sustain by reasons of the acts, conduct or operation of applicant, his agents or employees in connection with the construction, maintenance, repair, operation or use of said approach road and facilities.

Section 14 – FEES.

- (1) An administrative and inspection fee shall be required for each approach road access permit issued. The City Council hereby establishes this fee at \$50.00 per permit. The fee will be reviewed in 12 months and the appropriate fee will be established and indexed to the CPI-W.

- 1 (2) Any revenue received pursuant to this Ordinance shall be deposited in the City of
2 Keizer General Fund.
3 (3) The Director may waive the fee if applicant is a federal, state, county, or other
4 public body.
5 (4) No fee will be charged for work being done by or under a contract with the City of
6 Keizer.
7

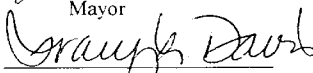
8 Section 15 - REPEAL - This Ordinance shall supersede and repeal any other ordinance, or
9 part thereof, which is in conflict herewith.
10

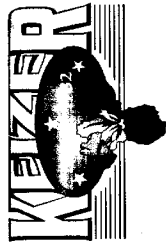
11 Section 16 - SEVERABILITY CLAUSE. Should any article, section, subsection,
12 paragraph, sentence, clause or phrase of this ordinance be declared invalid, such declaration shall
13 not affect the validity of any other article, section, subsection, paragraph, sentence, clause, or
14 phrase; and if this ordinance or portion thereof should be held to be invalid on one ground but
15 valid on another, it shall be construed that the valid ground is the one upon which said ordinance
16 or such portion thereof was enacted.
17

18 Section 17 - EMERGENCY CLAUSE. This ordinance being necessary for the
19 immediate preservation of the public health, safety, and welfare, an emergency is declared to
20 exist and this Ordinance shall take effect immediately upon its passage.
21

22 PASSED this 2nd day of October, 2000.

23 SIGNED this 2nd day of October, 2000.

24
25 
26 Mayor
27 
28 City Recorder
29
30
31
32



AGENDA ITEM 9a

Authorization of Disposition of Surplus Property

June 7, 2004

CITY COUNCIL MEETING: June 07, 2004

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS
THRU: CHRIS EPPLEY, CITY MANAGER
FROM:  DIANNE HUNT, HUMAN RESOURCES DIRECTOR
SUBJECT: Authorization of Disposition of Surplus Property

ISSUE:

The City of Keizer Human Resources Department has identified computer inventory that has a nominal value, no longer is usable, and needs to be surplus.

Keizer City Ordinance 2000-427 allows for surplus personal property of nominal value to be sold, donated, used as a trade-in, or disposed of, upon recommendation by the Keizer City Manager and approval of the City Council.

The surplus property identified is more than five years old, parts have been removed and used in other computer equipment, in many cases the hard drive has been removed and program applications erased, and the City no longer has room to store the property.

Usually the City conveys surplus property to State Surplus, however, due to their excessive computer inventory, they declined our computers. Staff researched donating the surplus property to non-profit organizations, however, the cost to refurbish outdated, and unusable computers is too expensive, especially after removing the hard drive and memory chip. In addition, many of these computers are no longer supported by the vendors.

RECOMMENDATION:

It is recommended that Council adopt the attached resolution authorizing the items listed in the resolution as surplus items.

If you have any questions please contact Dianne Hunt, 503.390.3700 – hunt@keizer.org

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 Resolution R04-_____

3 AUTHORIZING THE DISPOSITION OF SURPLUS PROPERTY

4
5 WHEREAS, Ordinance 2000-427 allows for identified surplus property to be
6 disposed of; and

7 WHEREAS, the Human Resources Department has identified the computer
8 inventory listed on Exhibit "A" having nominal value and of no further use for public
9 purposes;

10 WHEREAS, the Human Resources Department proposes to dispose of the
11 surplus property by recycling;

12 WHEREAS, the Human Resources Director and City Manager approve of
13 recycling the surplus property;

14 NOW, THEREFORE,

15 BE IT RESOLVED that the City Council of the City of Keizer declares the
16 property listed in Exhibit "A" as surplus property.

17 BE IT FURTHER RESOLVED that the City Council hereby authorize the
18 computer property to be recycled;

19 BE IT FURTHER RESOLVED that City Manager and the Human Resources
20 Director are authorized to take any and all necessary acts to effectuate the
21 disposition of the surplus property.
22

PASSED this ____ day of _____, 2004.

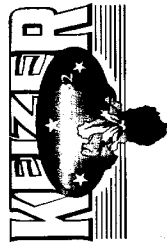
SIGNED this ____ day of _____, 2004.

Mayor

City Recorder

EXHIBIT "A"**City of Keizer Surplus Computer Inventory
As of June 1, 2004**

Item	Inventory No.
Computer Tower	01262
Computer Tower	01402
Computer Tower	01426
Computer Tower	01693
Computer Tower	01266
Computer Tower	01265
Monitor	02922
Monitor	01284
Keyboard	02704
Keyboard	01425
Keyboard	02924
Keyboard	03063
HP Printer	00867
HP Printer	01696
HP Printer	01184



June 7, 2004

AGENDA ITEM 9b

**RESOLUTION - Extension of Contract with Grove,
Mueller, and Swank**

COUNCIL MEETING:

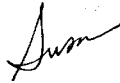
June 7, 2004

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

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



SUBJECT: AUDIT SERVICES CONTRACT EXTENSION

BACKGROUND AND ISSUES:

ORS 297.425 requires municipal corporations to be audited at least once each calendar or fiscal year. The City's contract with Grove, Mueller, and Swank P.C. expired with the conclusion of the fiscal year 2003 audit. Typically, when a contract of this nature expires the City prepares a Request for Proposal and solicits bids for services. However, the auditors need to begin interim audit work now in preparation of the Fiscal Year 2004 audit. Given this time constraint, it will be difficult to introduce another audit firm to the City's operations.

Staff reviewed the attached contract drafted by Grove, Mueller, and Swank P.C. and found a number of changes from the previous contract. Therefore, I have included a copy of both the proposed contract and the preceding contract for your review. Primarily, the changes address the new auditing standards, which require the audit firm to communicate directly with the governing board, or committee of the governing board, their responsibility under Statement on auditing Standards No. 99, *Consideration of Fraud in a Financial Statement Audit*.

The City's Public Contracting Rules and Regulations provide that council approval is required for all personal services contracts in amounts exceeding \$15,000. Although this contract does not exceed \$15,000 staff believes this approval helps ensure the auditor's independence. Once approved, the Council may authorize and direct the City Manager to sign this contract.

FISCAL IMPACT:

Chuck Swank, Partner, has offered audit services for the June 30, 2004 audit for \$15,000. This approximates the amount budgeted in the fiscal year 2004-2005 Committee Approved Budget. The fiscal year 2003-2004 audit cost \$16,000. The \$1,000 reduction recognizes the one-time audit cost incurred last year for implementation of GASB #34 (Governmental Accounting Standards Board).

RECOMMENDATION:

Staff recommends council adopt the attached resolution authorizing the City Manager to enter into an agreement with Grove, Mueller, and Swank P.C. for audit services for fiscal year 2004 for the fees outlined above.

Furthermore, staff recommends initiation of a request for proposal process to begin February 2005 for the selection of an audit firm. This will allow for the completion of the fiscal year 2004 audit in January 2005, should Grove, Mueller, & Swank, P.C. wish to submit a proposal. Staff recommends the Audit Committee be involved in the selection of the audit firm.

If you have any questions please contact Susan Gahlsdorf at 503.390.3700.

1
2 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

3 Resolution R2004-_____

4 **AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENT WITH GROVE,**
5 **MUELLER, AND SWANK P.C. FOR AUDIT SERVICES FOR THE CITY OF KEIZER**
6

7
8 WHEREAS, Grove, Mueller, and Swank P.C. has provided audit services to
9 the City of Keizer since 1994;

10 WHEREAS, the City wishes to renew the service agreement with Grove,
11 Mueller, and Swank to perform audit services for the fiscal year ending June 30,
12 2004 audit;

13 NOW THEREFORE,

14 BE IT RESOLVED by the City Council of the City of Keizer that the City
15 Manager is hereby authorized to execute an agreement, which by this reference
16 made a part hereof and attached as exhibit "A", with Grove, Mueller, and Swank
17 P.C. for audit services for the City of Keizer.
18

19 PASSED this _____ day of _____, 2004.

20 SIGNED this _____ day of _____, 2004.

21
22
23
24
25 _____
26 Mayor

27
28 _____
29 City Recorder



EXHIBIT A

GROVE, MUELLER & SWANK, P.C.

CERTIFIED PUBLIC ACCOUNTANTS AND CONSULTANTS

May 21, 2004

City Council
City of Keizer
Keizer, Oregon

Attention: Susan Gahlsdorf

This letter and attached contract explain our understanding of the arrangements for the services we are to perform for the City of Keizer for the year ending June 30, 2004. We ask that you either confirm or amend this understanding.

We will perform an audit of City of Keizer's governmental activities, business-type activities, each major fund, and aggregate remaining fund information as of and for the year ending June 30, 2004 which collectively comprise the basic financial statements. We understand that these financial statements will be prepared in accordance with accounting principles generally accepted in the United States of America. The objective of an audit of financial statements is to express an opinion on those statements.

Our report on internal control will include any reportable conditions and material weaknesses in the system of which we become aware as a result of obtaining an understanding of internal control and performing tests of internal control consistent with requirements of the standards and circular identified above. Our report(s) on compliance will address material errors, fraud; violations of compliance requirements, and other responsibilities imposed by state and Federal statutes and regulations and assumed by contracts; and any state or Federal grant, entitlement of loan program questioned costs of which we become aware, consistent with requirements of the standards and circulars identified above.

An audit also includes obtaining an understanding of internal control sufficient to plan the audit and to determine the nature, timing and extent of audit procedures to be performed. An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. However, we will communicate to management and the audit committee any significant deficiencies or material weaknesses that become known to us during the course of the audit.

If circumstances arise relating to the conditions of your records, the availability of sufficient, competent evidential matter, or indications of a significant risk of material misstatement of the financial statements because of error, fraudulent financial reporting, misappropriation of assets, or noncompliance which in our professional judgment prevent us from completing the audit or forming an opinion, we retain the unilateral right to take any course of action permitted by professional standards, including declining to express an opinion or issue a report, or withdrawal from the engagement.

www.gmcsca.com

Mailing Address • P.O. Box 2122 • Salem, Oregon 97308-2122

Salem • 475 Cottage Street NE, Suite 200 • Salem, Oregon 97301-3814 • (503) 581-7788 • FAX (503) 581-0152
Albany • P.O. Box 663 • 519 S. Lyon Street • Albany, Oregon 97321-0570 • (541) 967-2315 • FAX (541) 926-5926

MEMBERS OF THE MCGladRELY NETWORK • WORLDWIDE SERVICES THROUGH RSM INTERNATIONAL

As you know, management is responsible for 1) the preparation of City of Keizer's financial statements, 2) establishing and maintaining effective internal control over financial reporting and safeguarding assets and internal control over compliance, and for informing us of all significant deficiencies in the design or operation of such controls of which it has knowledge, 3) properly recording transactions in the records, 4) identifying and ensuring that City of Keizer complies with the laws and regulations applicable to its activities, and for informing us about all known material violations of such laws or regulations, 5) the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the entity involving management, employees who have significant roles in internal control and others where the fraud could have a material effect on the financial statements, 6) informing us of its knowledge of any allegations of fraud or suspected fraud affecting the entity received in communications from employees, regulators, or others, 7) making all financial records and related information available to us, and 8) for adjusting the financial statements to correct material misstatements. At the conclusion of our audit, we will request certain written representations from management about the financial statements and matters related thereto. We will also require that you affirm to us that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

The City is responsible for informing us of its views about the risks of fraud within the entity, and its knowledge of any fraud or suspected fraud affecting the entity. We will also determine that certain matters related to the conduct of the audit are communicated to the City Council including 1) fraud involving senior management and fraud (whether caused by senior management or other employees) that causes a material misstatement of the financial statements, 2) illegal acts that come to our attention (unless they are clearly inconsequential), 3) disagreements with management and other serious difficulties encountered in performing the audit, and 4) various matters related to the entity's accounting policies and financial statements.

City of Keizer hereby indemnifies Grove, Mueller & Swank, P.C. and its shareholders and employees and holds them harmless from all claims, liabilities, losses, and costs arising in circumstances where there has been a knowing misrepresentation by a member of City of Keizer's management, regardless of whether such person was acting in City of Keizer's interest. This indemnification will survive termination of this letter.

You have informed us that you intend to prepare a comprehensive annual financial report (CAFR) and submit it for evaluation by the Government Finance Officers Association's Certificate of Achievement for Excellence in Financial Reporting.

The working papers for this engagement are the property of Grove, Mueller & Swank, P.C. However, you acknowledge and grant your assent that representatives of other government audit staffs shall have access to the audit working papers upon their request; and that we shall maintain the working papers for a period of at least three years after the date of the report, or for a longer period if we are requested to do so by the oversight agency. Access to requested workpapers will be provided under the supervision of Grove, Mueller & Swank, P.C. audit personnel and at a location designated by our Firm.

During the course of our engagement, we may accumulate records containing data which should be reflected in your books and records. You will determine that all such data, if necessary, will be so reflected. Accordingly, you will not expect us to maintain copies of such records in our possession.

The assistance to be supplied by City personnel, including the preparation of schedules and analyses of accounts, has been discussed and coordinated with Susan Gahlsdorf. The timely and accurate completion of this work is an essential condition to our completion of the audit and issuance of our audit report.

Our fees are based on the time required by the individuals assigned to the engagement, plus direct expenses. Interim billings will be submitted as work progresses and as expenses are incurred. Billings are due upon submission. Our fee for the services described in this letter will not exceed \$15,000 unless the scope of the engagement is changed, the assistance which the City has agreed to furnish is not provided, or unexpected conditions are encountered, in which case we will discuss the situation with you before proceeding. All other provisions of this letter will survive any fee adjustment.

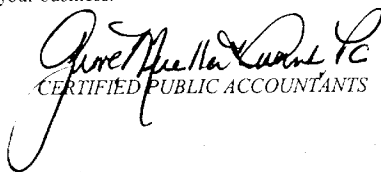
Our professional standards require that we perform certain additional procedures, on current and previous years' engagements, whenever a partner or professional employee leaves the firm and is subsequently employed by or associated with a client. Accordingly, City of Keizer agrees it will compensate Grove, Mueller & Swank, P.C. for any additional costs incurred as a result of the employment of a shareholder or professional employee of Grove, Mueller & Swank, P.C.

In the event we are requested or authorized by City of Keizer or are required by government regulation, subpoena, or other legal process to produce our documents or our personnel as witnesses with respect to our engagements for City of Keizer, City of Keizer will, so long as we are not a party to the proceeding in which the information is sought, reimburse us for our professional time and expenses, as well as the fees and expenses of our counsel, incurred in responding to such requests.

Professional standards and our Firm policies require that we perform certain additional procedures whenever our reports are included, or we are named as accountants, auditors, or "experts" in a document used in a public offering of debt securities. Our report on the financial statements is not to be included in an official statement or other document involved with the sale of debt instruments without our prior consent. Additionally, if you intend to publish or otherwise reproduce the financial statements and/or make reference to us or our audit, you agree to provide us with printer's proofs or master for our review and consent before reproduction and/or release occurs. You also agree to provide us with a copy of the final reproduced material for our consent before it is distributed or released. Our fees for any additional services that may be required under our quality assurance system as a result of the above will be established with you at the time such services are determined to be necessary.

It is agreed by City of Keizer and Grove, Mueller & Swank, P.C. or any successors in interest that no claim arising out of services rendered pursuant to this agreement by or on behalf of City of Keizer shall be asserted more than two years after the date of the last audit report issued by Grove, Mueller & Swank, P.C..

If this letter and attached contract define the arrangements as you understand them, please sign and date the enclosed copy, and return it to us. We appreciate your business.


CERTIFIED PUBLIC ACCOUNTANTS

Confirmed on behalf of the addressee:

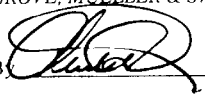
THIS CONTRACT, made this 21st day of May 2004, in accordance with the requirements of Oregon Revised Statutes 297.405 through 297.555 between Grove, Mueller & Swank, P.C., Certified Public Accountants of Oregon and City of Keizer, Oregon (hereinafter the City) provides as follows:

1. It hereby is agreed that Grove, Mueller & Swank, P.C. shall conduct an audit of the accounts and fiscal affairs of the City, for the fiscal year beginning July 1, 2003 and ending June 30, 2004, in accordance with the Minimum Standards for Audits of Oregon Municipal Corporations as prescribed by law. The audit shall be undertaken in order to express an opinion upon the financial statements of the City, and to determine if the City has complied substantially with appropriate legal provisions.
2. Grove, Mueller & Swank, P.C. agrees that the services they have contracted to perform under this contract shall be rendered by them or under their personal supervision and that the work will be faithfully performed with care and diligence.
3. It is understood and agreed that, should unusual conditions arise or be encountered during the course of the audit whereby the services of Grove, Mueller & Swank, P.C. are necessary beyond the extent of the work contemplated by both parties, written notification of such unusual conditions shall be delivered to the City concerning such additional services, and that a signed copy of each such notification and instruction shall be delivered immediately to the Secretary of State by the Party issuing the same. Charges for such additional services shall be mutually agreed upon.
4. The audit shall be started as soon after this contract is executed as is agreeable to the Parties hereto and shall be completed and a written report thereon delivered within a reasonable time, but not later than December 31, after the close of the audit period covered by this contract. A copy of such report shall be delivered to the City and its form and content shall be in accordance with, and not less than that required by the Minimum Standards for Audits of Oregon Municipal Corporations.
5. It is understood and agreed that the City is responsible for such financial statements as may be necessary to fully disclose and fairly present the results of operations for the period under audit and the financial condition at the end of that period.
6. In consideration of the faithful performance of the conditions, covenants, and undertakings, the City hereby agrees to pay Grove, Mueller & Swank, P.C. \$15,000. The City hereby affirms that proper provision for the payment of such fee has been or will be duly made and that funds for the payment thereof are or will be made legally available.
7. This contract constitutes the complete and exclusive agreement between Grove, Mueller & Swank, P.C. and City of Keizer, Oregon, superseding all proposals oral or written and all other communications, with respect to the terms of the engagement between the parties.

City of Keizer, Oregon

By _____

GROVE, MUELLER & SWANK, P.C.

By  _____

Charles A. Swank, Shareholder



GROVE, MUELLER & SWANK, P.C.

CERTIFIED PUBLIC ACCOUNTANTS AND CONSULTANTS

May 15, 2002

for comparison

City Council
City of Keizer
Keizer, Oregon

This letter and attached contract explains our understanding of the arrangements for the services we are to perform for the City of Keizer for the years ending June 30, 2002 and 2003. We ask that you either confirm or amend that understanding.

We will perform an audit of City of Keizer's general purpose financial statements as of and for the year ending June 30, 2002. We understand that these financial statements will be prepared in accordance with accounting principles generally accepted in the United States of America.

We will conduct our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable rather than absolute, assurance about whether the financial statements are free of material misstatement whether caused by error, fraudulent financial reporting or misappropriation of assets. Accordingly, a material misstatement, whether caused by error, fraudulent financial reporting or misappropriation of assets, may remain undetected. An audit includes examining, on a test basis evidence supporting the amounts and disclosures in the financial statements. As a result, an audit is not designed to detect errors or fraud that are immaterial to the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit will provide a reasonable basis for our report.

If circumstances arise relating to the conditions of your records, the availability of sufficient, competent evidential matter, or indications of a significant risk of material misstatement of the financial statements because of error, fraudulent financial reporting, misappropriation of assets or noncompliance which in our professional judgment prevent us from completing the audit, we retain the unilateral right to take any course of action permitted by professional standards, including withdrawal from the engagement.

As you know, management is responsible for (1) the preparation of City of Keizer's financial statements, (2) establishing and maintaining effective internal control over financial reporting and safeguarding assets, (3) properly recording transactions in the records, (4) identifying and ensuring that City of Keizer complies with the laws and regulations applicable to its activities, (5) making all financial records and related information available to us, and (6) for adjusting the financial statements to correct material misstatements. At the conclusion of our audit, we will request certain written representations from management about the financial statements and matters related thereto. We will also require that you affirm to us that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial both individually and in the aggregate to the financial statement taken as a whole.

City of Keizer hereby indemnifies Grove, Mueller & Swank, P.C. and its partners, principals and employees and holds them harmless from all claims, liabilities, losses and costs arising in circumstances where there has been a knowing misrepresentation by a member of City of Keizer's management, regardless of whether such person was acting in City of Keizer's interest. This indemnification will survive termination of this letter.

E-Mail Address • cpas@gmscpa.com

Mailing Address • P.O. Box 2122 • Salem, Oregon 97308-2122

Salem • 475 Cottage Street NE, Suite 200 • Salem, Oregon 97301-3814 • (503) 581-7788 • FAX (503) 581-0152
Albany • P.O. Box 663 • 519 S. Lyon Street • Albany, Oregon 97321-0570 • (541) 967-2315 • FAX (541) 926-5926

The working papers for this engagement are the property of Grove, Mueller & Swank, P.C. However, you acknowledge and grant your assent that representatives of the cognizant or oversight agency or their designee, other government audit staffs and the U.S. General Accounting Office shall have access to the audit working papers upon their request; and that we shall maintain the working papers for a period of at least three years after the date of the report, or for a longer period if we are requested to do so by the cognizant or oversight agency. Access to requested workpapers will be provided under the supervision of Grove, Mueller & Swank, P.C. audit personnel and at a location designated by our Firm.

During the course of our engagement, we may accumulate records containing data which should be reflected in your books and records. You will determine that all such data, if necessary, will be so reflected. Accordingly, you will not expect us to maintain copies of such records in our possession.

In the event we are requested or authorized by City of Keizer or are required by government regulation, subpoena, or other legal process to produce our documents or our personnel as witnesses with respect to our engagements for City of Keizer, City of Keizer will, so long as we are not a party to the proceeding in which the information is sought, reimburse us for our professional time and expenses, as well as the fees and expenses of our counsel, incurred in responding to such requests.

Our report on the financial statements is not to be included in an official statement or other document involved with the sale of debt instruments without our prior consent. Additionally, if you intend to publish or otherwise reproduce the financial statements and/or make reference to us or our audit, you agree to provide us with printer's proofs or master for our review and consent before reproduction and/or release occurs. You also agree to provide us with a copy of the final reproduced material for our consent before it is distributed or released. Our fees for any additional services that may be required under our quality assurance system as a result of the above will be established with you at the time such services are determined to be necessary.

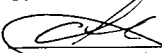
It is agreed by City of Keizer and Grove, Mueller & Swank, P.C. or any successors in interest that no claim by or on behalf of City of Keizer shall be asserted more than two years after the date of the last audit report issued by Grove, Mueller & Swank, P.C.

This letter constitutes the complete and exclusive statement of agreement between Grove, Mueller & Swank, P.C. and City of Keizer, superseding all proposals oral or written and all other communication, with respect to the terms of the engagement between the parties.

If this letter defines the arrangements as you understand them, please sign and date the enclosed copy and return it to us. We appreciate your business.


CERTIFIED PUBLIC ACCOUNTANTS

Confirmed on behalf of the addressee:



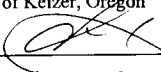
Chris Eppley, City Manager
June 19, 2002

THIS CONTRACT, made this 15th day of May, 2002, in accordance with the requirements of Oregon Revised Statutes 297.405 through 297.555 between Grove, Mueller & Swank, P.C., Certified Public Accountants of Oregon and City of Keizer, Oregon (hereinafter the City) provides as follows:

1. It hereby is agreed that Grove, Mueller & Swank, P.C. shall conduct an audit of the accounts and fiscal affairs of the City, for the fiscal years beginning July 1, 2001 and 2002 and ending June 30, 2002 and 2003, in accordance with the Minimum Standards for Audits of Oregon Municipal Corporations as prescribed by law. The audit shall be undertaken in order to express an opinion upon the financial statements of the City, and to determine if the City has complied substantially with appropriate legal provisions.
2. Grove, Mueller & Swank, P.C. agrees that the services they have contracted to perform under this contract shall be rendered by them or under their personal supervision and that the work will be faithfully performed with care and diligence.
3. It is understood and agreed that, should unusual conditions arise or be encountered during the course of the audit whereby the services of Grove, Mueller & Swank, P.C. are necessary beyond the extent of the work contemplated by both parties, written notification of such unusual conditions shall be delivered to the City concerning such additional services, and that a signed copy of each such notification and instruction shall be delivered immediately to the Secretary of State by the Party issuing the same. Charges for such additional services shall be mutually agreed upon.
4. The audit shall be started as soon after this contract is executed as is agreeable to the Parties hereto and shall be completed and a written report thereon delivered within a reasonable time, but not later than December 31, after the close of the audit period covered by this contract. A copy of such report shall be delivered to the City and its form and content shall be in accordance with, and not less than that required by the Minimum Standards for Audits of Oregon Municipal Corporations.
5. It is understood and agreed that the City is responsible for such financial statements as may be necessary to fully disclose and fairly present the results of operations for the period under audit and the financial condition at the end of that period.
6. It is understood and agreed that either Party may cancel this contract by giving notice in writing to the other Party at least ninety (90) days prior to July 1 of any year. This contract may also be executed to additional years by mutual consent of the parties.
7. In consideration of the faithful performance of the conditions, covenants, and undertakings, the City hereby agrees to pay Grove, Mueller & Swank, P.C. \$14,500 for the year ending June 30, 2002 and \$16,000 for the year ending June 30, 2003.. The City hereby affirms that proper provision for the payment of such fee has been or will be duly made and that funds for the payment thereof are or will be made legally available.
8. This contract constitutes the complete and exclusive agreement between Grove, Mueller & Swank, P.C. and City of Keizer, Oregon, superseding all proposals oral or written and all other communications, with respect to the terms of the engagement between the parties.

City of Keizer, Oregon

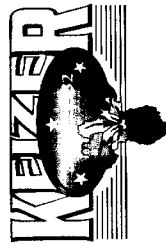
By


Chris Eppley, City Manager

GROVE, MUELLER & SWANK, P.C.

By


Charles A. Swank, Shareholder



June 7, 2004

AGENDA ITEM 9c

**RESOLUTION - Amendment to City Manager
Employment Contract**

CITY COUNCIL MEETING: June 7, 2004

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: *AMENDMENT OF CITY MANAGER'S EMPLOYMENT CONTRACT*

The Mayor asked me to prepare a contract amendment for the City Manager. Such contract amendment was to include a \$350.00 per month car allowance. The employment contract amendment and resolution authorizing the Mayor and Council President to sign such amendment is attached. The amendment deletes the current section regarding mileage reimbursement and replaces it with the car allowance.

RECOMMENDATION:

Review the resolution and employment contract amendment and take appropriate action.

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

ESJ/tmh
attachments

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 Resolution R2004-_____

3 AUTHORIZING THE MAYOR AND COUNCIL
4 PRESIDENT TO ENTER INTO THE CITY MANAGER
5 CONTRACT AMENDMENT

6 WHEREAS, Christopher C. Eppley and the City of Keizer entered into that
7 certain Employment Contract dated April 17, 2000;

8 WHEREAS, the City Council and Christopher C. Eppley have concluded it is
9 appropriate to amend such Employment Contract to provide for a car allowance;

10 NOW, THEREFORE,

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

15 PASSED this _____ day of _____, 2004.

16 SIGNED this _____ day of _____, 2004.

17 _____
18 Mayor

19 _____
20 City Recorder

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

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

WITNESSETH:

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

WHEREAS, the parties have agreed to provide the City Manager a vehicle allowance and wish to memorialize such allowance in this instrument.

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

SECTION 1. AUTOMOBILE.

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

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

///

///

///

SECTION 2. CONTRACT TO REMAIN IN FORCE.

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

Dated: _____

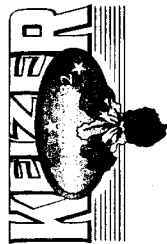
Dated: _____

THE CITY OF KEIZER,
an Oregon municipal corporation

By: _____
Lore Christopher, Mayor

Christopher C. Eppley

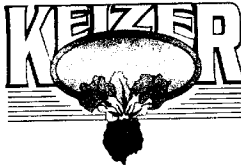
By: _____
Council President



AGENDA ITEM 9d

Approval of Minutes of May 3, 2004 Regular Session

June 7, 2004



**MINUTES
KEIZER CITY COUNCIL**

Monday, May 3, 2004

Keizer City Hall

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

CALL TO ORDER Mayor Christopher called the regular meeting to order at 7:05 pm.
Roll Call was taken as follows:

Present:

Lore Christopher, Mayor
Jacque Moir, Council President
Judy K. Smith, Councilor
Richard Walsh, Councilor
Chuck Lee, Councilor
Michel Gaynor, Councilor
Jim Taylor, Councilor
Crisel Perez, Youth Councilor

Staff:

Chris Eppley, City Manager
Shannon Johnson, City Attorney
Nate Brown, Community Development Director
Chief Marc Adams, Police Department
Susan Gahlsdorf, Finance Director
Tracy Davis, City Recorder

FLAG SALUTE

Councilor Lee introduced a distinguished past member of the Keizer City Council, Jerry McGee who led the pledge of allegiance.

**PUBLIC
TESTIMONY**

James W. King, 665 Fallcreek Drive, Keizer, requested that Council review the process or procedure for issuing residential party permit. He explained that for the past two years a permit has been issued allowing a party at 3644 Fall Creek Court. This year the party occurred on April 10 but the permit was approved on March 22. He explained that conditions of the permit require the applicant to contact neighbors within 400 feet of the house for permission prior to applying. He noted that he lives in a nice residential neighborhood and this party, both years, has begun at 11 pm and had approximately 75 people attending, with excessive drinking and inappropriate activities going on in neighboring yards.

Mr. King continued that he felt the permitting process should be changed so that (1) there would be some sort of proof of neighbor consent such as a signature signoff, and (2) a check for prior problems at the residence (such as police calls) should be done prior to the issuance of the permit. Mr. King concluded that alternatively, renting a facility for large parties would be more appropriate than having it in a residential area and starting it at 11 pm.

Robert Loar, 645 Fall Creek Drive, Keizer, explained that he objected to the time that this party started as well as the duration of it, because it was held on Easter weekend when most residents were going to be attending early church services. He echoed Mr. King's comments and suggestions and added that he did not think it was appropriate to have noise variance permits for neighborhoods.

David McKane, 674 Fall Creek Drive, suggested improvements to the permitting process such as establishing a criteria for allowance of a variance, establishing a time frame on the permit, enforcing notification to neighbors along with providing opportunity for input from neighbors prior to granting of the permit, and investigation of prior problems with the police department or neighborhood and the applicant.

City Manager Chris Eppley explained that noise measurement is done with a device that measures decibels. The police department measures the noise and if it is over a certain decibel level, they enforce the ordinance and revoke the permit. After additional discussion, Mr. Eppley agreed that the process is vague and the application form needed work to address these concerns. Mayor Christopher requested that Mr. Eppley review the form and ordinance considering the suggestions offered and bring it back in July for review.

There was no further public testimony.

PUBLIC HEARING
a. La Hacienda
Real II Liquor
License Application

City Manager Chris Eppley reported that an application was submitted for a Full On-Premises Sales Liquor License for La Hacienda Real II located at 5024 River Road North, Keizer, Oregon. A public hearing was scheduled, notice published, necessary notification given, a background check was done on the applicants and location, and Keizer Planning Department has no comment on the application. Staff recommends that following a public hearing Council approve the application.

Mayor Christopher opened the public hearing.

Michael Mills, 715 Commercial Street NE, Salem, attorney for the applicant noted that he was primarily there to answer questions Council might have.

Mayor Christopher closed the public hearing.

Councilor Moir moved to approve the application for a full on-premises liquor license for La Hacienda Real II under the guidelines as established by ORS 471.178 and the Ordinances of the City of Keizer and that this recommendation be forwarded to the Oregon Liquor Control Commission. Councilor Walsh seconded.

The motion passed unanimously as follows:

AYES: Christopher, Moir, Smith, Walsh, Taylor, Lee and Gaynor (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**b. Water Cost of
Service
Analysis/Rates**

City Manager Chris Eppley reported that staff is preparing the 2004/2005 Water Fund Budget which indicates the need of additional supply, storage and transmission infrastructure. \$3.7 million is needed to complete this task. He explained rate structures, various options for funding and fiscal impact. Staff recommends Council open a Public Hearing, receive testimony and leave the Public Hearing open to June 7, 2004.

Mayor Christopher noted that written comments from Donna Halsz and Sara Peterson had been received and would be part of the permanent record as written testimony.

Mayor Christopher opened the public hearing.

Jerry McGee, 1030 Ridgepoint Street NE, Keizer, reported that he worked on both Water Rate Task Forces and that he was impressed with how well the City had followed the original plan. He encouraged the City to continue following the new plan and to review the study carefully. Mr. McGee cautioned staff to continue with the good maintenance and avoid cutting budget in that area because in the long run it would cost the city.

City Manager added that typically cities have a 20% loss of water due to leakage, but that Keizer's loss rate is 3-5% which is remarkable and speaks to the good maintenance of the system.

Mayor Christopher continued the public hearing until June 7, 2004.

c. **ORDINANCE –**
Amendments to the
Keizer Sign
Regulations

City Attorney, Shannon Johnson explained that the sign regulation amendment was for festival signs and election signs. He noted that currently any festivals have to apply for a variance to the sign code to place the signage around the tent. The proposal is to modify the Development Code in the Temporary Uses section adding the provision that, in addition to the temporary use itself, a temporary sign allowance could be given by the council. This would eliminate the need to go through the formal land use process for a sign variance each year.

Another section of the amendment addresses the issue of election signs. Currently the issue of election signs is not addressed in the code. The proposed amendment would create a new section for election signs and would provide for placement of an unlimited amount of signs 45 days prior to an election and 7 days after.

Community Development Director, Nate Brown, explained that typically candidates in a local election will receive a packet of information which will educate them regarding city sign requirements and regulations.

Councilor Walsh questioned the deletion of paper signs stating that single-day events, such as fund raising car washes, are often done on paper and should be allowed. He also suggested limiting the signage to just one sign per candidate. Nate responded that care needed to be taken to not limit freedom of speech.

Referring to the Election Sign definition, Mr. Johnson, noted that the words "during the time period of 45 days prior and seven days following any governmental election" should be deleted. Discussion continued regarding limiting signs vs. freedom of speech and enforcement.

Mayor Christopher opened the public hearing.

Jerry McGee, 1039 Redgepoint, Keizer, noted that he did not like election signs, he appreciates and understands the first amendment but opposed liberalizing of the current sign code for political signs.

With no further testimony, Mayor Christopher closed the public hearing.

Councilor Moir moved for a bill for an Ordinance Amending Keizer Sign Regulation (Section 2.308) with regard to Election Signs and Amending Permitted Temporary Uses (Section 2.203); Amending Ordinance No. 98-289 (Keizer Development Code) as Amended;

and Declaring an Emergency. Councilor Gaynor seconded.

Councilor Walsh offered a friendly amendment on Temporary Signs to not strike out the word "paper" but include a sentence which would say "paper signs would be permitted only on single day events."

Councilors Moir and Walsh accepted the friendly amendment.

Councilor Walsh offered a friendly amendment on Subsection J, Page 7, adding to "may be unlimited in number" the words "but no more than one sign per candidate per lot."

Councilor Moir did not accept the friendly amendment.

Councilor Walsh moved to amend the motion to restrict the number of signs per lot.

The motion died due to lack of a second.

Councilor Smith offered a friendly amendment that the words "with property owner's permission" be added to the amendment.

Councilor Moir accepted the friendly amendment.

Mayor Christopher offered a friendly amendment to change the allowable time frame to 30 days prior to an election rather than 45 days.

Mr. Brown noted that in speaking with potential candidates there was concern over all that is required during a political campaign; it is difficult to get the signs out, and shortening the time could put a burden on the candidates.

Councilor Gaynor did not accept the friendly amendment.

Mayor Christopher moved a motion that the period prior to any governmental election be limited to 30 days rather than 45. Councilor Smith seconded.

The motion failed as follows:

AYES: Christopher and Smith (2)

NAYS: Moir, Taylor, Lee, Walsh and Gaynor (5)

ABSTENTIONS: None (0)

ABSENT: None (0)

In order to clarify the Amendment before voting, City Attorney,

Shannon Johnson. outlined the accepted friendly amendments to be (1) the addition of the words "with the property owner's permission" which would be added to the opening paragraph of 2.308.05 so that it applies generally, (2) the phrase "during the time period of 45 days prior and seven days following any governmental election" be removed from the definition of Election Signs, and (3) the inclusion of the words "paper signs would be permitted only on single day events" in the temporary sign section.

The motion passed unanimously as follows:

AYES: Christopher, Moir, Smith, Walsh, Taylor, Lee and Gaynor (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

d. Transportation System Plan Update

Community Development Director, Nate Brown, noted that the changes made in the TSP are:

- 1) Removal from the TSP of the specific list of capital improvements (including the bicycle facilities capital improvement list) because the list is not a land use decision as specified by state law. Removing the list from the TSP will allow amendment of the list without using the land use process.
- 2) Updating information and terminology.

Mr. Brown pointed out on page 30 the last bullet on the page, the street "Tepper" should be replaced with "Verda".

Councilor Moir suggested adding a bullet on page 30 (after the first bullet addressing the northerly east-west connector in the Clear Lake area,) using similar verbiage as the first bullet but substituting "north-south connector(s)" for "east-west connector".

Councilor Smith pointed out typographical errors in the TSP and on the maps. On page 75 she noted that the red section referring to Tepper Lane should be moved into the first paragraph on page 76. She noted some omissions on the maps as well.

Councilor Walsh questioned if, even though the Capital Improvement List is removed from the TSP, it is by reference incorporated into the document. City Attorney Johnson responded that it was referred to on page 85 and therefore incorporated into the TSP. It was, however, noted that for clarification the wording in that sentence should be "separate from and incorporated by reference into the TSP".

Mr. Walsh continued questioning bullets on the maps and possible additional bullets including one showing improvements on Chemawa

Road west of Verda Lane.

Mayor Christopher opened the public hearing.

With no one wishing to speak on the issue, Mayor Christopher closed the public hearing.

Councilor Moir moved to direct staff to prepare an Ordinance which Implements the Changes (including those made at this meeting) and for Adoption of the TSP at the next meeting. Councilor Lee seconded.

The motion passed unanimously as follows:

AYES: Christopher, Moir, Smith, Walsh, Taylor, Lee and Gaynor (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**e. RESOLUTION –
Forming Fultz
Estates Phase II
Street Lighting
District**

City Manager Chris Eppley reviewed the history of Fultz Estates Phase II and the initiation of the Street Lighting District. He noted that appropriate notices have been provided and approvals attained. Staff recommends that Council hold a public hearing and consider adoption of the resolution officially forming the street lighting district.

Mayor Christopher opened the public hearing.

With no one wishing to speak on the issue, Mayor Christopher closed the public hearing.

**ORDINANCE –
Spreading
Assessments to
Fultz Estates Street
Lighting District**

Councilor Moir moved to adopt Resolution R2004 Forming Fultz Estates Phase II Street Lighting Local Improvement District. Councilor Gaynor seconded.

The motion passed unanimously as follows:

AYES: Christopher, Moir, Smith, Walsh, Taylor, Lee and Gaynor (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Councilor Moir moved to adopt a Bill for an Ordinance Spreading Assessments to Fultz Estates Phase II Street Lighting Local Improvement District. Councilor Gaynor seconded.

The motion passed unanimously as follows:

AYES: Christopher, Moir, Smith, Walsh, Taylor, Lee and Gaynor (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**f. RESOLUTION –
Forming Trebber
Estates Street
Lighting District**

City Manager Chris Eppley reviewed the history of Trebber Estates (formerly known as Martin Addition) and the initiation of the Street Lighting District. He noted that appropriate notices have been provided and approvals attained. He added that a letter objecting to the formation of the Street Lighting District had been received and was available for review in the packet. Staff recommends that Council hold a public hearing and consider adoption of the resolution officially forming the street lighting district.

**ORDINANCE –
Spreading
Assessments to
Trebber Estates
Street Lighting
District**

Mayor Christopher opened the public hearing.

After reviewing the referenced letter, Councilor Smith moved a motion to send the proposed Street Lighting District back to the City Engineer for further analysis. Councilor Walsh seconded.

The motion passed unanimously as follows:

AYES: Christopher, Moir, Smith, Walsh, Taylor, Lee and Gaynor (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

The public hearing was not closed, but continued pending receipt of the City Engineer's analysis.

**COMMITTEE
REPORTS**

Peer Court ~ Councilor Smith noted that a \$5,000 matching grant has been received from Keizer United which means that matching donations of \$5,000 will be necessary in order to get the grant. The projection is that it will take \$23,000 to get the program up and running. Other grants are being investigated. It is hoped that the program can be implemented by the beginning of the school year. She commended Tammy Gosh from Marion County, Cindy Astley, from Salem-Keizer Together, Judy Peterson from McNary High School, Lauren Caulkin from Catholic Community Services and especially Captain Jeff Kuhns for their dedication to this cause.

Mayor Christopher noted that the National Convention of the National Youth Court Center will be held in Portland this year and Councilor Smith has indicated an interest in attending. Mayor Christopher asked for consensus from Council members allowing her to attend and added that the cost is \$100 plus room and meals. Consensus was to have her apply for the September conference.

RIVERR Task Force ~ Councilor Walsh reported that the By-laws and Work Plan have been finalized. Grants are being investigated.

SKATS ~ Councilor Walsh noted that they have prioritized three projects which are (1) the I-5 Area – south end of Salem, (2) Highway 51 and 22 intersection, and (3) Wallace Road and Glen Creek intersection. Votes will be cast on Thursday.

Emergency Planning Exercise ~ Mayor Christopher noted that the exercise was very impressive. This was the first time Fire, Police and volunteers (CERT and EVAK) have all come together in one combined exercise and it was truly reassuring to see how well everything worked. She reviewed the scenario of the exercise and commended Captain Teague, Dave Bauer and Bob Emmerich for outstanding work.

Whittaker Soccer Fields ~ Councilor Gaynor reported that a great deal of work has been done on the soccer fields. There have been over 170 connections buried in the ground ready for the sprinkler heads. He appealed for volunteer assistance (25 to 30 people) to dig out the holes for the sprinkler heads and after receiving instruction from a professional irrigation crew, install the sprinkler heads. This is planned for Saturday at 8 am at Whittaker Park. He commended Jim Parent and Clint Holland for their work on the project and added that this is only the first step for Whittaker; there is more planned for this park.

Points of Interest Committee ~ Councilor Taylor reported that the committee will be meeting on Wednesday at 6:30 pm at Keizer Heritage Center.

OTHER BUSINESS ~

- New Business
- Old Business

Councilor Walsh reported that he attended the Scout Camparee on the weekend of the Emergency Exercise and thanked Marion County for allowing the scouts to use Sponges Landing. He mentioned improvements the scouts made in the park during their stay there.

Chief Adams thanked all the volunteers who helped with the Emergency Exercise and commended Captain Teague for his part. He added that the pilot of the "Black Hawk" is a Keizer resident, Lt. Col. Dan Holkinson. He reported that the latest recruit police officer started at the Police Academy and will probably be at the next meeting to be sworn in.

Nate Brown reported that the community open house for the **River Road Renaissance** has been set for Wednesday, May 26, from 7 pm to 9 pm. Work is being done on a "Determination of Completeness" for

the **Keizer Station Plan**. Additionally meetings are being held weekly with the tribes on their plans for Area D. A letter to the governor has been composed with the help of Mark Brown on the **RIVERR Task Force** thanking the governor for his dedication to the river. Mr. Brown concluded that it was hoped that Mayor Christopher and Councilor Walsh would sign the letter.

City Attorney Shannon Johnson reported that in the Lake Labish District litigation there is a mediation scheduled for next Tuesday at the court house. It is not for the entire council, but one or two should attend. He added that an executive session will be held on Monday, May 10 at 5:30 on that issue. Mayor Christopher and Councilor Moir will attend the mediation.

ADMINISTRATIVE ACTION

a. ORDINANCE – Amendment of the Electric Utility License Fee

City Attorney, Shannon Johnson reported that because gas and electric utility license fee ordinances have a sunset date of May 15, 2004, new ordinances need to be put in place. However, he noted that because some right-of-way issues need to be addressed, he drafted an amendment to the ordinance extending it for one year.

Councilor Moir moved to adopt a bill for an Ordinance Relating to the Amendment of the Electric Utility License Fee Ordinance: Declaring an Emergency (Amending Ordinance No. 94-286). Councilor Smith seconded.

ORDINANCE – Amendment of the Gas Utility License Fee

The motion passed unanimously as follows:

AYES: Christopher, Moir, Smith, Walsh, Taylor, Lee and Gaynor (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Councilor Moir moved to adopt a bill for an Ordinance Relating to the Amendment of the Gas Utility License Fee Ordinance: Declaring an Emergency (Amending Ordinance No. 94-286). Councilor Smith seconded.

The motion passed unanimously as follows:

AYES: Christopher, Moir, Smith, Walsh, Taylor, Lee and Gaynor (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

b. ORDINANCE – Amendment to the Ordinance Creating the Planning

City Attorney Shannon Johnson explained that Planning Commission recommends the Council change the occupation restriction making it identical to State law so that two voting members can be engaged in real estate and two in the same type of occupation, business or trade.

Commission

Following discussion Councilor Walsh moved for a Bill for an Ordinance Creating a Planning Commission; **Amending Ordinance No. 83-006**; with the Amendment of the second to the last sentence that "No more than ONE (not two) voting member shall be engaged in the same kind of occupation, business, trade or profession." And declaring an emergency. Councilor Gaynor seconded.

The motion passed as follows:

AYES: Christopher, Moir, Walsh, Taylor, Lee and Gaynor (6)

NAYS: Smith (1)

ABSTENTIONS: None (0)

ABSENT: None (0)

CONSENT CALENDAR

- a. **RESOLUTION** – Adopting the Housing and Community Development Action Plan – One Year Use of Funds – Salem and Keizer 2004/2005
- b. **RESOLUTION** – Approving Engineer's Report for Windsor Woods Phase II Street Lighting District
- c. **RESOLUTION** – Approving Engineer's Report for Everwood Meadows Street Lighting District
- d. Approval of April 5, 2004 Regular Session Minutes
- e. Approval of April 12, 2004 Work Session Minutes
- f. Approval of April 19, 2004 Regular Session Minutes

Councilor Smith pulled item a, Councilor Lee pulled items e and f.

Councilor Moir moved for approval of items b, c and d on the consent calendar. Councilor Gaynor seconded.

The motion passed unanimously as follows:

AYES: Christopher, Moir, Lee, Walsh, Taylor, Lee and Gaynor (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Regarding Item A, Councilor Smith questioned amount of funding going to Keizer and the projects being done in the Housing and Community Development Action Plan and requested a written report.

Councilor Moir moved to Adopt Resolution R2004 Adopting the Housing and Community Development Action Plan One Year Use of Funds – Salem and Keizer 2004/2005. Councilor Gaynor seconded.

The motion passed as follows:

AYES: Christopher, Moir, Walsh, Taylor, Lee and Gaynor (6)

NAYS: Smith (1)

ABSTENTIONS: None (0)

ABSENT: None (0)

Councilor Moir moved for approval of April 12, 2004 Work Session Minutes. Councilor Smith seconded.

The motion passed as follows:

AYES: Moir, Walsh, Taylor, Smith and Gaynor (5)

NAYS: None (0)

ABSTENTIONS: Christopher and Lee (2)

ABSENT: None (0)

Councilor Moir moved for approval of April 19, 2004 Regular Session Minutes. Councilor Smith seconded.

The motion passed as follows:

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

NAYS: None (0)

ABSTENTIONS: Lee (1)

ABSENT: None (0)

WRITTEN COMMUNICATIONS

Mayor Christopher reminded Council members that it was time for the annual Performance Evaluation of the City Manager which would be in the form of a written communication. She added that she would be working with City Manager Chris Eppley to tweak the form and present to Council early this month with the final document being accomplished by June 30.

AGENDA INPUT

May 17, 2004

6:00 p.m. Urban Renewal Agency Work Session

➤ NW National LLC – Keizer Station Project

7:00 p.m. City Council Regular Session

May 24, 2004

12:00 p.m. City Council Work Session

➤ Civic Center Task Force Recommendation

ADJOURNMENT

Mayor Christopher adjourned the meeting at 10:25 p.m.

APPROVED:

MAYOR:

Debbie Lockhart, Recording Secretary

Lore Christopher

COUNCIL MEMBERS

Councilor #1 – Judy K. Smith

Councilor #4 – Jacque Moir

Councilor #2 – Michel Gaynor

Councilor #5 – Richard Walsh

Councilor #3 – Charles E. Lee

Councilor #6 – James Taylor

Minutes approved:



**PUBLIC HEARING
SIGN UP SHEET**

PUBLIC HEARING RE: WATER RATES/COST OF SERVICE

DATE:	June 7, 2004	TIME:	7:00 p.m.	AGENDA ITEM #	5a
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BEFORE THE: KEIZER CITY COUNCIL PLACE: ROBERT L. SIMON COUNCIL CHAMBERS
(PLEASE PRINT)

[illegible]

Keizer



United

FYI
Judy Smith

Building Communities, Strengthening Families

To Whom It May Concern:

Please join Keizer United in a challenge grant to establish a Peer Court for the City of Keizer. Keizer United will match dollar for dollar up to \$5000 in total, any contribution made by a concerned citizen, business, or other organization.

The City of Keizer does not currently have a Peer Court Program. The previous Peer Court Program was disbanded in 2003 in favor of directing grant money to the GAP (Guaranteed Attendance Program). The GAP program served very few Keizer youth throughout the year. Reestablishing a new Peer Court Program has been a primary goal for the City Council. The plan is to secure funding to hire a part-time coordinator to facilitate the court sessions and recruit and support volunteers. We believe Peer Court will have the ability to reach several Keizer youth who have been charged with committing minor crimes or violations as first time offenders.

Keizer United has been a recognized Community Progress Team (CPT) comprised of community parents, grandparents, youth, business people, educators, church leaders, police officials, and other concerned citizens. Since 1996 our focus is on building community ties, making Keizer safer for its citizens (especially children) and strengthening families. The Marion County Children and Families Commission provides annual stipends to CPT's throughout the county. Keizer United is also a 501C3 Corporation and is able to give a tax receipt to anyone who contributes. We have a speaker's bureau available to come and speak with your organization as well if you would like more information. Please contact us at the number provided below.

Please contribute and partner with Keizer United in this very worthwhile effort. We look forward to many positive benefits because of the efforts of Peer Court and building community. We will also publicize contributors to this effort.

Sincerely,

Loren T. Calkins

Loren T. Calkins

Chairperson, Keizer United

Jeff K. Kuhns

Captain Jeff Kuhns

Keizer Police Department and Keizer United

City of Keizer

Annual Citizen Survey & Report for 2004

DRAFT

Please take a few moments to let us know what you think about these issues.

Results from 2003

Last year you told us:

- The most important issue facing Keizer in the next 5-years is **Growth**.
- Residents wish to see **single family housing** developed 3 to 1 over other types of residential development with **condos or apartments over businesses** coming in second.
- 62% of you do not wish to see the Urban Growth Boundary expanded to allow continued future growth.
- When asked how to reduce traffic congestion in Keizer, the number one answer was to **develop an additional North-South route** through town.
- When asked to rank streets or intersections by "drivability" (a feeling that a street or intersection is safe), the **intersection of River Road and Wheatland Road** ranked worst while **I-5 Interchange 260** ranked most drivable.
- 67% of those responding said you they **would not use public transit** regardless of how convenient or safe it was.
- When asked about what you would like to see developed at the **Keizer Station**, the majority of those responding want to see large and small format retail built with light industrial/manufacturing coming in at least desirable.
- The highest ranked categories residents would like the City to focus more tax dollars on is **resolving traffic congestion and enhancing public safety/Police services**.

The Keizer City Council, City Staff and Keizer Futures Citizen Advisory Committee wish to thank you for your input. The City Council relies heavily on the information you provide to set goals and make policy decisions. So that we can stay connected with your views, we will continue to ask you for your opinions on key issues annually.

2004 Survey

1. What type of business would you most like to see along River Road? Please select one.

Large chain
retail

☐

Smaller
independent retail

☐

Grocery stores and
markets

☐

Restaurants and
Entertainment

☐

Professional offices and
service providers

☐

2. Do you agree or disagree with the following statement? The Urban Growth Boundary (UGB) should be modified to allow future growth in Keizer if growth in Salem is limited by a similar amount (swap UGB area)

Strongly Disagree

☐

Strongly Agree

☐☐☐☐

3. What are the most important growth related issues? Please rank in order of importance from 1 to 5, where 1 is most important and 5 is least important. Please do not use the same number more than once.

Growth

Traffic

Keizer Station

Crime/Prevention

Livability

13. Priorities for City Services: The following section lists specific services provided by the City. Please rate how important it is that the City provides each of these services, then rate how satisfied you are with how well the City is providing that service. On each scale, 1 is the best rating and 5 is the worst. If you have no opinion, select N. Please circle an answer for both importance and satisfaction for each specific statement.

The **importance** that this service be provided by the City of Keizer

Your **satisfaction** with the service as provided by the City of Keizer

High ← → Low

High ← → Low

Community Development

Managing development to maintain a sense of community	1	2	3	4	5	N	1	2	3	4	5	N
administering zoning that allows for availability of needed goods and services	1	2	3	4	5	N	1	2	3	4	5	N
Enforcing zoning and other code requirements	1	2	3	4	5	N	1	2	3	4	5	N
Revitalizing the River Road corridor	1	2	3	4	5	N	1	2	3	4	5	N
Promoting an adequate supply and price range of housing	1	2	3	4	5	N	1	2	3	4	5	N
Preserving appropriate green and open space	1	2	3	4	5	N	1	2	3	4	5	N

Streets & Water

Maintaining existing city streets and sidewalks	1	2	3	4	5	N	1	2	3	4	5	N
Improving city streets and intersections	1	2	3	4	5	N	1	2	3	4	5	N
Keeping the streets free of dirt and trash	1	2	3	4	5	N	1	2	3	4	5	N
Improving traffic circulation	1	2	3	4	5	N	1	2	3	4	5	N
Keeping the major streets free of snow and ice	1	2	3	4	5	N	1	2	3	4	5	N
Making improvements for pedestrians and bicyclists	1	2	3	4	5	N	1	2	3	4	5	N
Delivering clean drinking water	1	2	3	4	5	N	1	2	3	4	5	N
Keeping the public informed of any important issues regarding the drinking water system	1	2	3	4	5	N	1	2	3	4	5	N
Protecting the drinking water system from harmful contaminants	1	2	3	4	5	N	1	2	3	4	5	N
Ensuring proper pressure exists so that you have proper flow at your home	1	2	3	4	5	N	1	2	3	4	5	N

Police Services

Responding to citizen calls for service	1	2	3	4	5	N	1	2	3	4	5	N
Enforcing traffic laws	1	2	3	4	5	N	1	2	3	4	5	N
Teaching drug and gang resistance to students	1	2	3	4	5	N	1	2	3	4	5	N
Conducting frequent neighborhood patrols	1	2	3	4	5	N	1	2	3	4	5	N
Investigating and solving crimes	1	2	3	4	5	N	1	2	3	4	5	N
Enforcing laws relating to use of narcotics	1	2	3	4	5	N	1	2	3	4	5	N
Enforcing laws regarding juvenile delinquency	1	2	3	4	5	N	1	2	3	4	5	N
Preventing vandalism to property	1	2	3	4	5	N	1	2	3	4	5	N
Enforcing alcohol related laws (MIP, DUI)	1	2	3	4	5	N	1	2	3	4	5	N

General Administrative Services

Providing accurate and consistent utility billing	1	2	3	4	5	N	1	2	3	4	5	N
Making it easy to get information about services	1	2	3	4	5	N	1	2	3	4	5	N
Providing budgetary and other data to citizens in an easy to read and understandable format	1	2	3	4	5	N	1	2	3	4	5	N
Responding to other citizen requests for service	1	2	3	4	5	N	1	2	3	4	5	N
Working closely with the business community to promote Keizer and develop a strong economy	1	2	3	4	5	N	1	2	3	4	5	N

Davis, Tracy

From: Darlene [darlenealice@hotmail.com]
Sent: Saturday, June 05, 2004 12:17 PM
To: City Councilors
Cc: Darlene and Rod
Subject: Water rate increase

As a new home owner in Keizer I must agree with everything that Mr. David A. Fifer, of Keizer had to say regarding the water rate increase. Please see what he had to say in a letter to the editor of the Statesman Journal:

"New Keizer water-rate increase is in the works

June 1, 2004

Keizer water rates changed in February 2003. Did you notice a difference in your water bill last summer?

Before the changes, all Keizer water customers were paying the same consumption rate. The rate was 39 cents for 100 cubic feet of water. After the change in rates, homeowners pay 96 cents. A 146 percent increase!

It gets better. If you don't own a home, you pay less. That's right. Apartments and commercial customers pay less. The water rate for homeowners is 65 percent higher than for multi-family housing.

Seems to me water is a metered commodity and everyone should pay the same rate. If you use more, you pay more. Now Keizer wants to increase water rates another 4 percent. When will it stop?

If you own a home in Keizer, it's time to contact the City Council and make your comments known. Deadline for comments on the rate change is June 7."

—David A. Fifer, Keizer

Judith and Lynn DeSpain
896 Appleblossom Ave. N.E.
Keizer, OR 97303
503-463-6340

June 03, 2004

Dear Honorable Mayor And Council Members For The City Of Keizer;

The attached letter is signed by Keizer residents on Appleblossom N.E., Potts Dr. N.E. and Weeks Ave.

We are in opposition to the new ordinance which we believe discriminates property owners by charging them approximately 60% more for each and every gallon of water used. The result of this is to subsidize the landlord's profit and cause an unfair burden to property owners.

Some of the residents on our blocks are elderly and on set incomes. These people keep beautiful yards which they love to do. One of the undersigned had a \$200. water bill for July "03". Needless to say, he stopped watering. We assure you that more residents will stop watering their yards and perhaps their flowers and gardens. Some residents have gardens to help supplement their incomes.

Not only will this impose a hardship upon property owners, but take away the beauty of properties for others to look at and change the looks of the Keizer community.

The consequence of the distribution of water rates should NOT penalize one citizen while rewarding another.

Thank You for your consideration and listening to our voices.

Judith and Lynn DeSpain

6-03-04

Page 1

We oppose subsidizing the
multi-dwelling places in Keizer
for use of water. We live
at 857 Appleblossom Ave. N.E.,
Keizer, OR 97303.

Ruth Elizabeth Britton
Ernest N. Britton

Diana Lunenburg
825 Apple Blossom Ave NE
Keizer OR 97303

Thangarai Watson
826 Apple Blossom AVE NE
Keizer, OR 97303

Troy & Pete Walker
850 Weeks Dr
Keizer OR 97303

(over) 22 →

NANCY & RAY ROM
894 Weeks Dr NE
Keizer 97303

Page 2

ALBERT J SABIN
3498 Potts Dr. NE
KEIZER OR.

Burton Cleland
3458 Potts Dr NE
Keizer, Oregon 97303

Billy & Nancy Wilson
895 Weeks Dr N.E
Keizer, OR 97303

ROSA MARIA MACIAS
850 HILTON AVE
KEIZER OR 97303

Richard Zettelberger
3496 Potts Dr NE
Keizer, OR. 97303

Continued on Page 3

Judith D. Spain
John D. Spain

Page 3

896 Appleblossom ave - NE Keizer

Robert F. Andersen

877 APPLEBLOSSOM N.E., KEIZER

Kaethe A. Andersen
877 Appleblossom N.E.
Keizer, OR 97303

CHARLES & LETHA PRICHARD
797 APPLE BLOSSOM AVE N.E.
KEIZER, OR 97303

Tom & Ce WALKER
796 APPLE BLOSSOM NE
KEIZER, OR 97303

BILLIE JEAN MCKNIGHT
876 Apple Blossom AVE. N.E.
KEIZER, OR. 97303

June 4, 2004

Keizer City Council
Keizer City Hall
Keizer, OR

Subject: Water Rates

IN reference to the possible changes in the structure of water rates, if it is necessary to increase the price consumers pay, then the cost will increase. ("until taught by pain, man knows not what good water is worth!")

However, until the water rate changes in February, 2003, all Keizer water customers were paying the same consumption rates. The rate(s) structure now is inequitable, unreasonable and discriminatory.

All water users should pay the same price for their metered consumption. Apartments and commercial users should not have more economical costs than homeowners. The discrepancy is discriminative, preferential and prejudicial.

Those who are allowed to pay less may just

waste more. ("Easy come, easy go.")

The objectives of the water rates should be to cover costs, provide for needs and emergencies, and to promote conservation and the prevention of waste.

As a Keizer homeowner, I object to discriminatory and prejudicial water rates.

Robert A. Mitchell Roberta Mitchell
Keizer, OR
503/393-4945

Utility Billing Account History List

User: cochenour
Printed: 06/03/2004 - 2:23 PM

6/3/04
Mrs Myron
Votes No-to
the Water Rate
increase.

Account Number: 002345 000
Customer Name: WEBSTER, MYRON
Customer Address: 3856 WOODWARD CT NE
KEIZER, OR 97303-4055
Home Phone: (503) 393-3942 Ext
Business Phone: (503) - Ext
Route Number: 36
Sequence Number: 00000510
Serial Number: BADG 6844

Reference Number: 36089500
Owner Name: WEBSTER, MYRON
Service Address: 3856 WOODWARD CT NE

Account Status: Active
Connect Date: 12/23/1985

Total Balance Due: 0.00

Date	Type	Amount	Description	Water	Sewer	Admin	Service	Penalty	Read Dt	Reads	Cons
05/18/2004	Pay	66.41		18.98	42.70	4.73			04/12/2004	387	11
05/04/2004	Bill	66.41		18.98	42.70	4.73			02/11/2004	376	10
03/19/2004	Pay	65.40		17.97	42.70	4.73			12/11/2003	366	10
02/27/2004	Bill	65.40		17.97	42.70	4.73			10/13/2003	356	26
01/21/2004	Pay	65.40		17.97	42.70	4.73			08/12/2003	330	35
12/26/2003	Bill	65.40		17.97	42.70	4.73			06/13/2003	295	18
11/18/2003	Pay	81.53		34.10	42.70	4.73			04/15/2003	277	10
10/24/2003	Bill	81.53		34.10	42.70	4.73			02/18/2003	267	14
09/22/2003	Pay	90.60		43.17	42.70	4.73			12/18/2002	253	10
08/26/2003	Bill	90.60		43.17	42.70	4.73			10/17/2002	243	21
07/21/2003	Pay	68.10		26.03	38.04	4.03			08/19/2002	222	34
06/24/2003	Bill	68.10		26.03	38.04	4.03			06/19/2002	188	25
05/21/2003	Pay	60.04		17.97	38.04	4.03			04/18/2002	163	16
04/29/2003	Bill	60.04		17.97	38.04	4.03			02/19/2002	147	17
03/18/2003	Pay	64.07		22.00	38.04	4.03			12/19/2001	130	17
02/27/2003	Bill	64.07		22.00	38.04	4.03			10/17/2001	113	25
01/21/2003	Pay	63.87		21.80	38.04	4.03			08/17/2001	88	34
12/30/2002	Bill	63.87		21.80	38.04	4.03			06/13/2001	54	16
11/21/2002	Pay	80.07		26.30	49.74	4.03			04/19/2001	38	15
10/28/2002	Bill	80.07		26.30	49.74	4.03			02/08/2001	23	10

Account Number: 002345 000
 Customer Name: WEBSTER, MYRON
 Customer Address: 3856 WOODWARD CT NE
 Home Phone: (503) 393-3942 Ext.
 Business Phone: (503) - Ext.
 Route Number: 36
 Sequence Number: 00000510
 Serial Number: BADG 6844

Reference Number: 36089500
 Owner Name: WEBSTER, MYRON
 Service Address: 3856 WOODWARD CT NE

Account Status: Active
 Connect Date: 12/23/1985

Total Balance Due: 0.00

Date	Type	Amount	Description	Water	Sewer	Admin	Service	Penalty	Read Dt	Reads	Cons
09/23/2002	Pay	85.39		31.62	49.74	4.03			12/20/2000	13	14
08/30/2002	Bill	85.39		31.62	49.74	4.03			10/13/2000	9,999	26
07/22/2002	Pay	78.32		27.94	46.43	3.95			08/14/2000	9,973	46
06/26/2002	Bill	78.32		27.94	46.43	3.95			06/08/2000	9,927	22
05/21/2002	Pay	74.63		24.25	46.43	3.95			04/17/2000	9,905	20
04/26/2002	Bill	74.63		24.25	46.43	3.95			02/14/2000	9,885	19
03/20/2002	Pay	75.04		24.66	46.43	3.95			12/13/1999	9,866	18
02/27/2002	Bill	75.04		24.66	46.43	3.95			10/18/1999	9,848	48
01/24/2002	Pay	75.04		24.66	46.43	3.95			08/23/1999	9,800	50
12/27/2001	Bill	74.00		27.94	42.11	3.95			06/22/1999	9,750	32
11/20/2001	Pay	74.00		27.94	42.11	3.95			04/26/1999	9,718	17
10/26/2001	Bill	78.21		31.62	44.16	2.43			02/17/1999	9,701	18
09/14/2001	Pay	78.21		31.62	44.16	2.43			12/21/1998	9,683	15
08/27/2001	Bill	78.21		31.62	44.16	2.43			10/27/1998	9,668	41
07/19/2001	Pay	70.84		24.25	44.16	2.43			08/24/1998	9,627	54
06/28/2001	Bill	70.84		24.25	44.16	2.43			06/24/1998	9,573	19
05/21/2001	Pay	70.38		23.79	44.16	2.43			04/12/1998	9,554	0
04/26/2001	Bill	70.38		23.79	44.16	2.43			12/01/1997	9,554	0
03/19/2001	Pay	68.44		21.85	44.16	2.43			10/01/1997	0	17
02/26/2001	Bill	68.44		21.85	44.16	2.43			08/01/1997	0	33
01/22/2001	Pay	70.08		23.49	44.16	2.43			06/01/1997	0	43
12/28/2000	Bill	70.08		23.49	44.16	2.43			04/01/1997	0	24
11/22/2000	Pay	78.81		28.41	47.97	2.43			02/01/1997	0	15
10/26/2000	Bill	78.81		28.41	47.97	2.43			N/A	0	0
09/19/2000	Pay	87.01		36.61	47.97	2.43			N/A	0	0
08/28/2000	Bill	87.01		36.61	47.97	2.43			N/A	0	0
07/19/2000	Pay	77.17		26.77	47.97	2.43			N/A	0	0
06/26/2000	Bill	77.17		26.77	47.97	2.43			N/A	0	0
05/17/2000	Pay	76.35		25.95	47.97	2.43			N/A	0	0
04/26/2000	Bill	76.35		25.95	47.97	2.43			N/A	0	0
03/22/2000	Pay	75.94		25.54	47.97	2.43			N/A	0	0

Account Number: 002345 000
 Customer Name: WEBSTER, MYRON
 Customer Address: 3856 WOODWARD CT NE
 KEIZER, OR 97303-4055
 Home Phone: (503) 393-3942 Ext.
 Business Phone: (503) - Ext.
 Route Number: 36
 Sequence Number: 00000510
 Serial Number: BADG 6844

Reference Number: 36089500
 Owner Name: WEBSTER, MYRON
 Service Address: 3856 WOODWARD CT NE

Account Status: Active
 Connect Date: 12/23/1985

Total Balance Due: 0.00

Date	Type	Amount	Description	Water	Sewer	Admin	Service	Penalty	Read Dt	Reads	Cons
02/25/2000	Bil	75.94		25.54	47.97	2.43			N/A	0	0
01/19/2000	Pay	73.23		25.13	45.67	2.43			N/A	0	0
12/28/1999	Bil	73.23		25.13	45.67	2.43			N/A	0	0
11/24/1999	Pay	82.81		37.43	42.95	2.43			N/A	0	0
10/29/1999	Bil	82.81		37.43	42.95	2.43			N/A	0	0
09/21/1999	Pay	83.63		38.25	42.95	2.43			N/A	0	0
08/26/1999	Bil	83.63		38.25	42.95	2.43			N/A	0	0
07/19/1999	Pay	76.40		30.87	42.95	2.58			N/A	0	0
06/25/1999	Bil	76.40		30.87	42.95	2.58			N/A	0	0
05/21/1999	Pay	70.25		24.72	42.95	2.58			N/A	0	0
04/30/1999	Bil	70.25		24.72	42.95	2.58			N/A	0	0
03/19/1999	Pay	70.66		25.13	42.95	2.58			N/A	0	0
03/03/1999	Bil	70.66		25.13	42.95	2.58			N/A	0	0
01/20/1999	Pay	66.66		23.90	40.33	2.43			N/A	0	0
12/24/1998	Bil	66.66		23.90	40.33	2.43			N/A	0	0
11/18/1998	Pay	79.12		34.56	42.03	2.53			N/A	0	0
10/31/1998	Bil	79.12		34.56	42.03	2.53			N/A	0	0
09/24/1998	Pay	84.45		39.88	42.03	2.54			N/A	0	0
08/24/1998	Bil	84.45		39.89	42.03	2.53			N/A	0	0
08/27/1998	Adj	-0.01		-0.01					N/A	0	0
06/24/1998	Bil	70.10		25.54	42.03	2.53			N/A	0	0
07/10/1998	Pay	70.09		25.54	42.03	2.52			N/A	0	0
05/13/1998	Pay	70.09		25.54	42.03	2.52			N/A	0	0
04/12/1998	Bil	70.09		25.54	42.03	2.52			N/A	0	0
03/26/1998	Pay	68.45		23.90	42.03	2.52			N/A	0	0
02/08/1998	Bil	68.45		23.90	42.03	2.52			N/A	0	0
01/22/1998	Pay	66.55		24.72	39.46	2.37			N/A	0	0
12/14/1997	Bil	66.55		24.72	39.46	2.37			N/A	0	0
11/28/1997	Pay	73.11		31.28	39.46	2.37			N/A	0	0
10/19/1997	Bil	73.11		31.28	39.46	2.37			N/A	0	0
09/23/1997	Pay	77.21		35.38	39.46	2.37			N/A	0	0



4
5/19/04
FAXED

City of Keizer

Keizer City Hall, P.O. Box 21000, Keizer, OR 97307-1000

Fax Cover Sheet

DATE: May 19, 2004

TO: Keizertimes - Scotta

FAX: (503) 390-8023

FROM: Tracy L. Davis, CMC
City Recorder

PHONE: (503) 390-3700-Ext. 108
FAX: (503) 393-9437

RE: Public Notice - Proposed Water Rate Change Public Hearing

Number of pages including cover sheet: 2

Message:

Please publish the attached notice in the May 28 and June 4, 2004 editions of the Keizertimes. I will put the original in your box here at City Hall.

If unable to publish in this edition or if you have any questions, please give me a call.

Thanks!

AFFIDAVIT OF PUBLICATION
STATE OF OREGON, COUNTY OF MARION, SS:

I, Scotta Callister, being first duly sworn, depose and say that I am Publisher of the Keizertimes, a newspaper of general circulation as defined by Section 58, Oregon Laws, as amended by Chapter 445 General Laws of Oregon, 1929, printed and published in Keizer, in aforesaid county and state; that the Notice of Hearing - Proposed Water Rate Changes, a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for Two (2) successive and consecutive week(s) in the following issue(s): May 28 and June 4, 2004.

Subscribed and Sworn to before me this

4th day of June, 2004

Scotta Callister

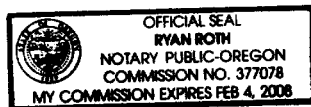
Scotta Callister

[Signature]

Notary Public for Oregon, Marion County

Feb 4, 2008

My Commission Expires



RECEIVED
JUN 16 2004
CL
970

**NOTICE OF PUBLIC HEARING
PROPOSED WATER RATE
CHANGES**

NOTICE is hereby given that the City Council of the City of Keizer will hold a public hearing ~~to receive comment and discuss~~ proposed changes to the City of Keizer water rates.

The hearing will be held on Monday, June 7, 2004 at 7:00 p.m. at the Robert L. Simon Council Chambers, Keizer City Hall, 930 Chemawa Road NE, Keizer, Oregon.

Anyone wishing to make comment on this matter may provide testimony at the hearing or submit written response to the City Recorder no later than 5:00 p.m. on Monday, June 7, 2004. Responses may be mailed to Tracy L. Davis, City Recorder, P.O. Box 21000, Keizer, Oregon 97307.

The location of the hearing is accessible to the disabled. Please contact the City Recorder at (503)390-3700, extension 108 at least 48 hours prior to the hearing if you will need any special accommodations to attend or participate in the hearing.

If you have any questions, please contact Susan Gahlsdorf, Finance Director at (503) 390-8280.

Dated this 19th day of May, 2004.

Tracy L. Davis
City Recorder

5/28/04



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Dated this 19th day of May, 2004.

Tracy L. Davis
City Recorder

Publish May 28 and June 4, 2004 editions of Keizertimes