

CITY OF KEIZER MISSION STATEMENT

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

A G E N D A

KEIZER CITY COUNCIL

Monday, June 5, 2000

7:00 p.m.

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

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC TESTIMONY

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

4. COMMITTEE REPORTS

- a. Introduction of City Manager Chris Eppley

5. OTHER BUSINESS

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

a. New Business

- Dedication of Right of Way by Salem-Keizer School District – Barnick Road
- Request for Initiation of Text Amendment for Gasoline Service Stations Near Chemawa/River Road

b. Old Business

6. PUBLIC HEARINGS

- a. City of Keizer Transportation System Plan

7. ADMINISTRATIVE ACTION

8. CONSENT CALENDAR

- a. RESOLUTION – Designating Checking Account Signers
- b. Approval of May 15, 2000 Regular Session Minutes

9. WRITTEN COMMUNICATIONS

To inform the Council of significant written communications.

10. AGENDA INPUT

June 19, 2000

6:30 p.m. Keizer Urban Renewal Agency Meeting

- Urban Renewal Agency 2000-2001 Budget Public Hearing
- Adoption of Urban Renewal Agency 2000-2001 Budget

7:00 p.m. Keizer City Council Meeting

- City of Keizer 2000-2001 Budget Public Hearing
- Adoption of City of Keizer 2000-2001 Budget
- Urban Transition (UT) Zone Public Hearing
- Ordinance Adopting Transportation System Plan

July 3, 2000

CITY COUNCIL MEETING CANCELLED

July 17, 2000

7:00 p.m. Keizer City Council Meeting

11. ADJOURN



June 5, 2000

AGENDA ITEM 5a

**DEDICATION OF RIGHT OF WAY BY SALEM-KEIZER SCHOOL
DISTRICT – BARNICK ROAD**



CITY OF KEIZER

MEMORANDUM

DATE: May 30, 2000

TO: City Council

THROUGH: City Manager 

FROM: Rob Kissler
Public Works Director

SUBJECT: Dedication of Right of Way

BACKGROUND:

With the completion of the Vineyards Sub-Division an opportunity has been made available to improve pedestrian safety, vehicle safety and access to Clearlake School. The School Board through staff has indicated their willingness to dedicate the necessary property to the City for right of way purposes. The School District Board has scheduled formal action on the dedication June 13, 2000. The City Public Works Department has funds available in the 00/01 Street Fund budget to complete this project during summer of 2000.

When the City's Bair Park and the second phase of the Vineyards Sub-Division is completed, three additional Sub-Divisions North of the Clearlake School will have better access. This additional access should relieve some of the congestion on Parkmeadow and Meadowglen streets during opening or closing of school.



June 5, 2000

AGENDA ITEM 5a

**REQUEST FOR INITIATION OF TEXT AMENDMENT FOR
GASOLINE STATIONS NEAR RIVER/CHEMAWA**

MEMO TO: Mayor Newton and City Councilors

FROM: Maria Meier, Senior Planner

THROUGH: Wally Mull, City Manager

RE: Gasoline Service Stations near Chemawa Road and River Road;
Applicant's Request to Initiate Text Amendment.

DATE: June 1, 2000

On May 5, 2000 the City received a written request for the City Council to consider initiating a text amendment to the Keizer Development Code with regards to the prohibited locations of gasoline service stations. Specifically, the applicant requests that City Council consider the text amendment to allow the establishment of a gasoline service station at 4990 River Road N, Keizer (located just south of Sheri's Restaurant on River Road).

BACKGROUND

In August 1995, the *City of Keizer River and Chemawa Center Specific Plan* (SRI/Shapiro, Inc.) was completed, which is a detailed master plan for land use, streets, and improvements approximately 4-acre site located at the intersection of North River Road and Chemawa Road. The Specific Plan is intended to guide new development and redevelopment over the next 20 years until the site is built-out. This plan encouraged mixed use development with an emphasis on pedestrian connectivity.

In September 1995, the City completed the *River & Chemawa Design Study* (Leland Consulting Group), which was an economic development opportunity assessment. This study provided a market demand overview for potential land uses in the City of Keizer, proposed a development program describing a mix of uses and activities, and recommended an implementation strategy to meet the City's goals.

The two studies were utilized in the creation of the new Keizer Development Code 1998. Since the adoption of the new Keizer Development Code, the specific area that was

extensively studied prohibits certain uses from being established in this area, including but not limited to: gasoline service stations, drive-through windows or car service associated with eating and drinking places, vehicle sales and secondary repair, automotive repair shops, etc. To reduce conflicts and encourage compatibility between transportation modes, transit facilities are advocated and intensive vehicle uses are prohibited.

According to Section 2.110.04(C), gasoline service stations are prohibited from any property fronting on River Road or Chemawa Road in the following area:

“...the west side of River Road between 5119 River Road on the north and Janet Avenue extended on the south; ***the east side of River Road between Claggett Street on the north and James Avenue on the south***; and either side of Chemawa Road between Elizabeth Street on the west and Bailey Road on the east.”

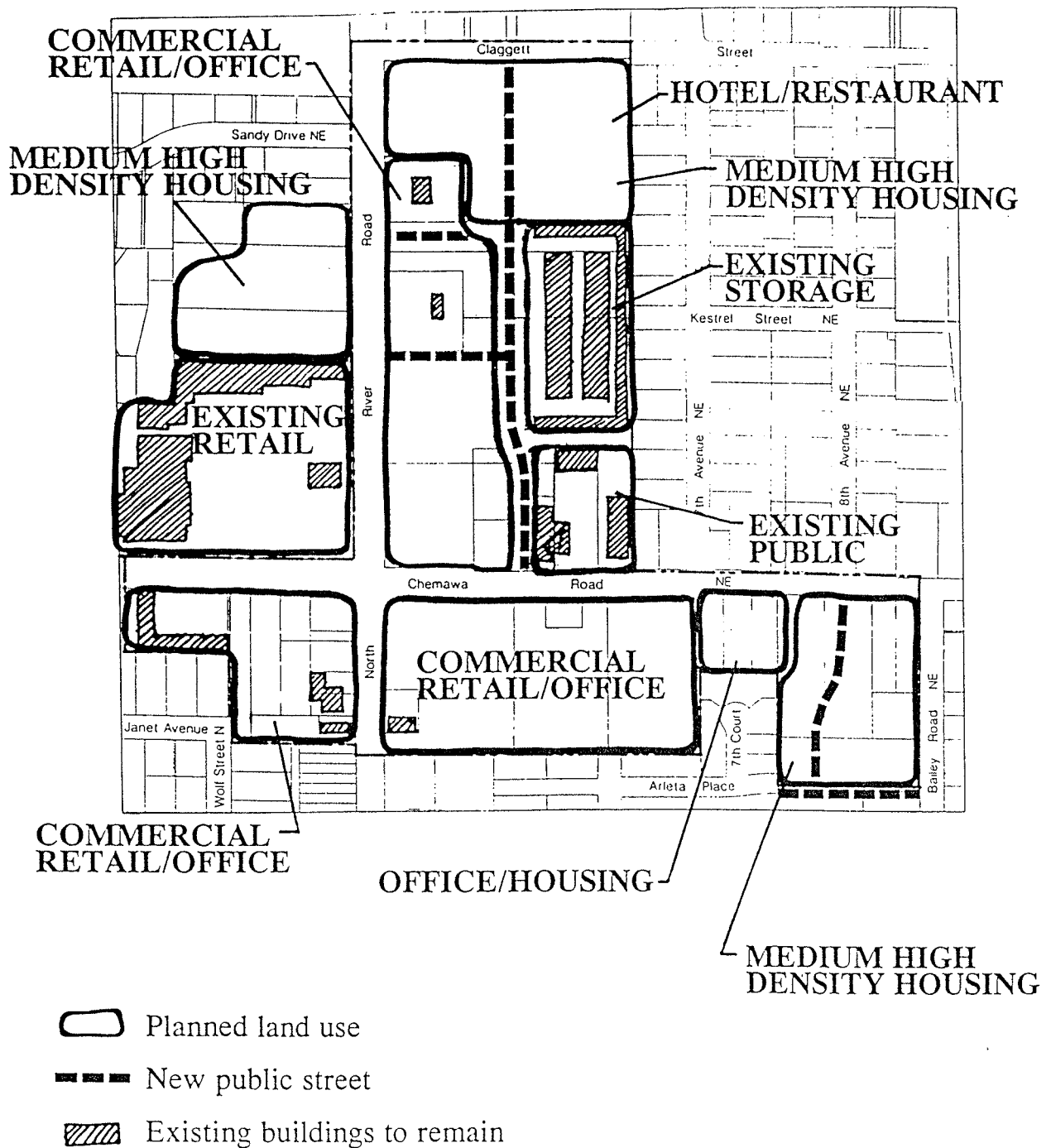
RECOMMENDATION

Staff concurs that the standards in Section 2.110.05(C) are appropriate for the Chemawa Road/River Road interchange. Staff recommends no change to the Keizer Development Code. Attached is a copy of the Applicant's written request and supplemental drawings of the site in question.

ATTACHEMNTS

- Figure 7; City of Keizer River and Chemawa Center Specific Plan (SRI/Shapiro, Inc.)
- Applicant's written request and supplemental drawings of the site in question

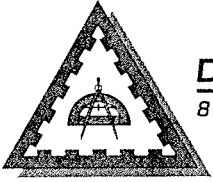
River and Chemawa Center Specific Plan LAND USE PLAN



7951004 8/31/95

FIGURE

7



DESIGN DEVELOPMENT GROUP

8100 Balboa Blvd. • Van Nuys, California 91406 • (818) 782-6484 • (818) 782-8445 (Fax)

May 3, 2000

City Council
City of Keizer
PO Box 21000
Keizer, OR 97307

Reference: Proposed Gasoline Station @ 4990 River Road N., Keizer, OR

Honorable Council Members,

Design Development Group on behalf of Safeway Stores, Inc., Clackamas, Oregon hereby requests that your City Council hear our request to consider a text amendment in order to locate a gasoline station at the above noted location, in a Commercial Mixed Zone.

According to the Keizer City Development Code and the Chemawa River Road Plan, gasoline sales facilities are now a prohibited use in the Commercial Mixed (CM) Zone. Therefore, we are asking that the City Council place our request on the agenda for consideration of a text amendment to the present code and plan.

The proposed station will consist of two (2) 20,000-gallon underground storage tanks, a kiosk and control room and five- (5) dispenser islands. The project will add additional landscaping to enhance the area and control traffic circulation. We are pleased to present the site plans showing station location, islands, access, and truck turn analysis and traffic flow.

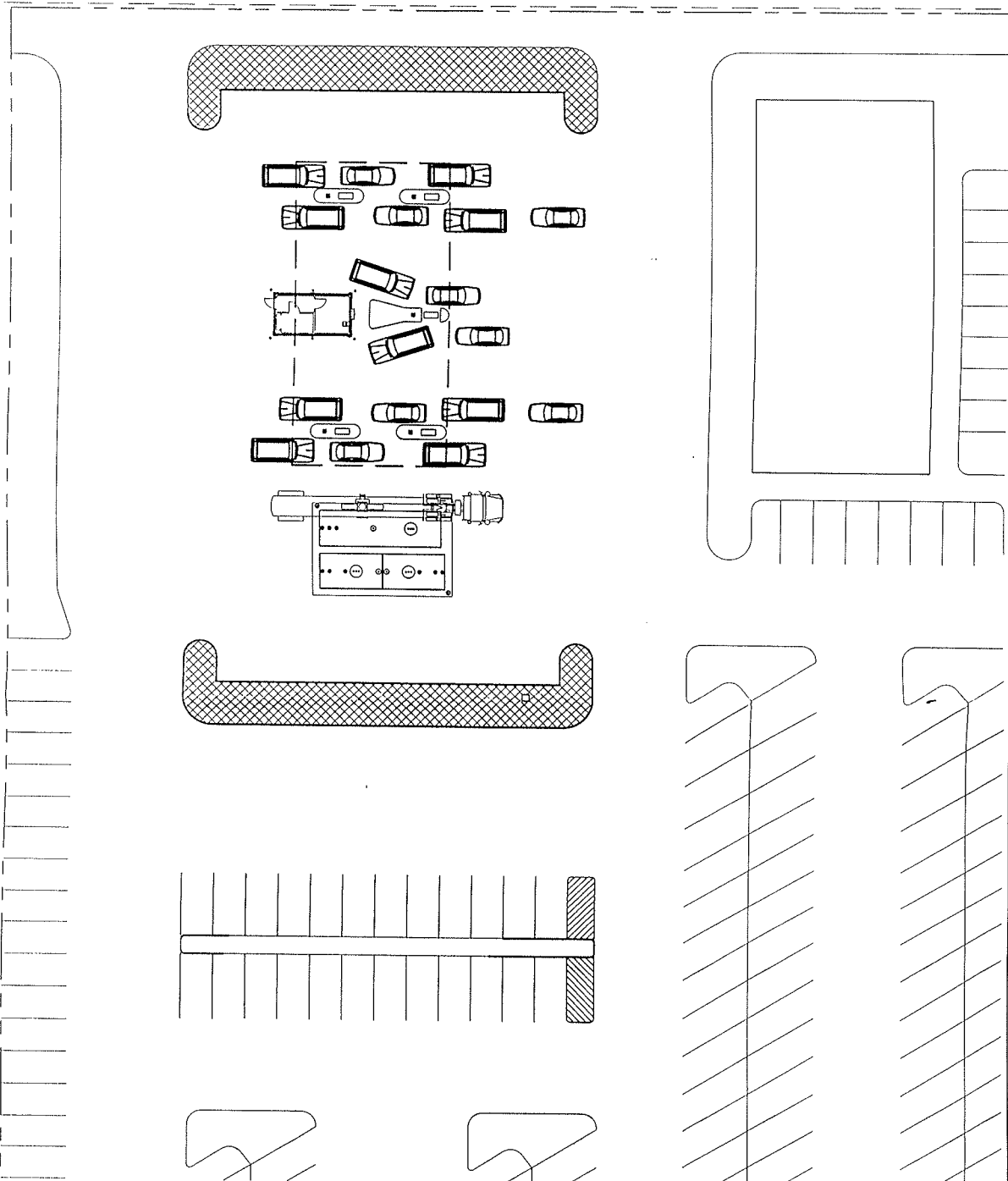
Thank you for your consideration and cooperation. Any questions may be directed to my attention at (818) 267-2433.

Sincerely,
Design Development Group

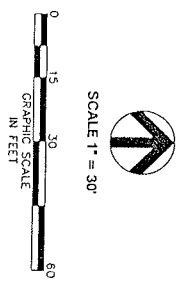
Diane L. Amos
Project Manager
E-mail: diane_l@aece.com

Cc: Bill Jackson, Safeway Stores, Inc.
Cynthia Sabatini, DDG

D-00-425

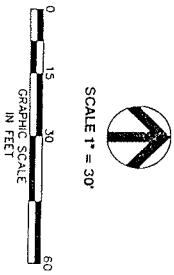
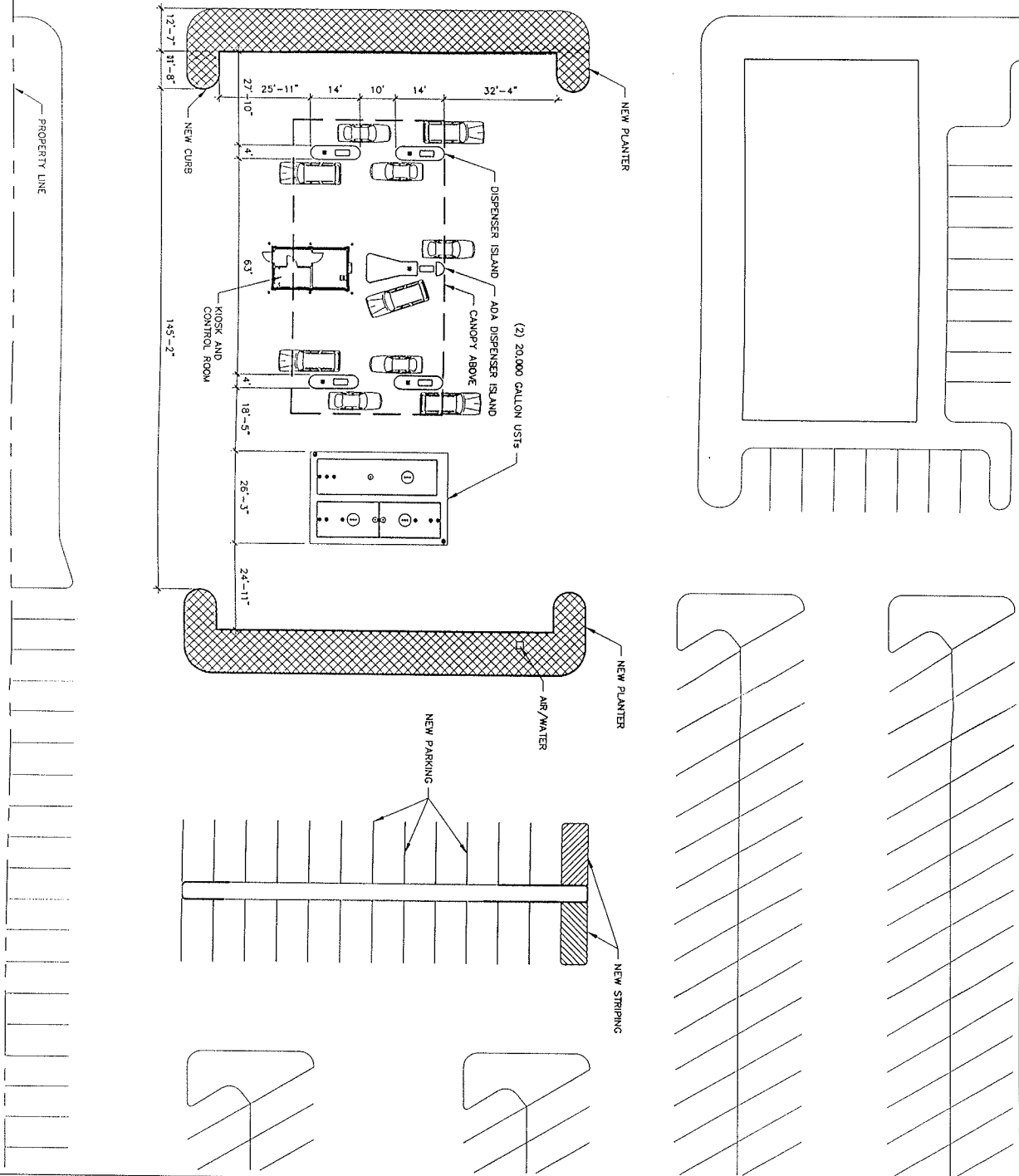


CAR STACKING STATISTICS	
CARS AT DISPENSERS	10
CARS STACKING	8
TOTAL CARS AT STATION	18



CAR STACKING PLAN - SCHEME 1a

1516	DD3	SHEET ID	2000, SAFEWAY GASOLINE 4990 RIVER RD. N. KEIZER, OR 97303	ISSUE DATE: 5/3/00	PROJECT NO: 0A	DRAWN BY: TP	CHECKED BY: CS	PLOTTED DATE: 5/3/00
				DATE: 5/3/00 DRAWN BY: TONY, P 5055-00-S1 SEE BELOW	REC. DATE: 5/3/00 DATE: 5/3/00 DRAWN BY: TONY, P 5055-00-S1 SEE BELOW	SAFEWAY STORES INC. 16300 S.E. EVELYN STREET CLACKAMAS, OREGON 97015		



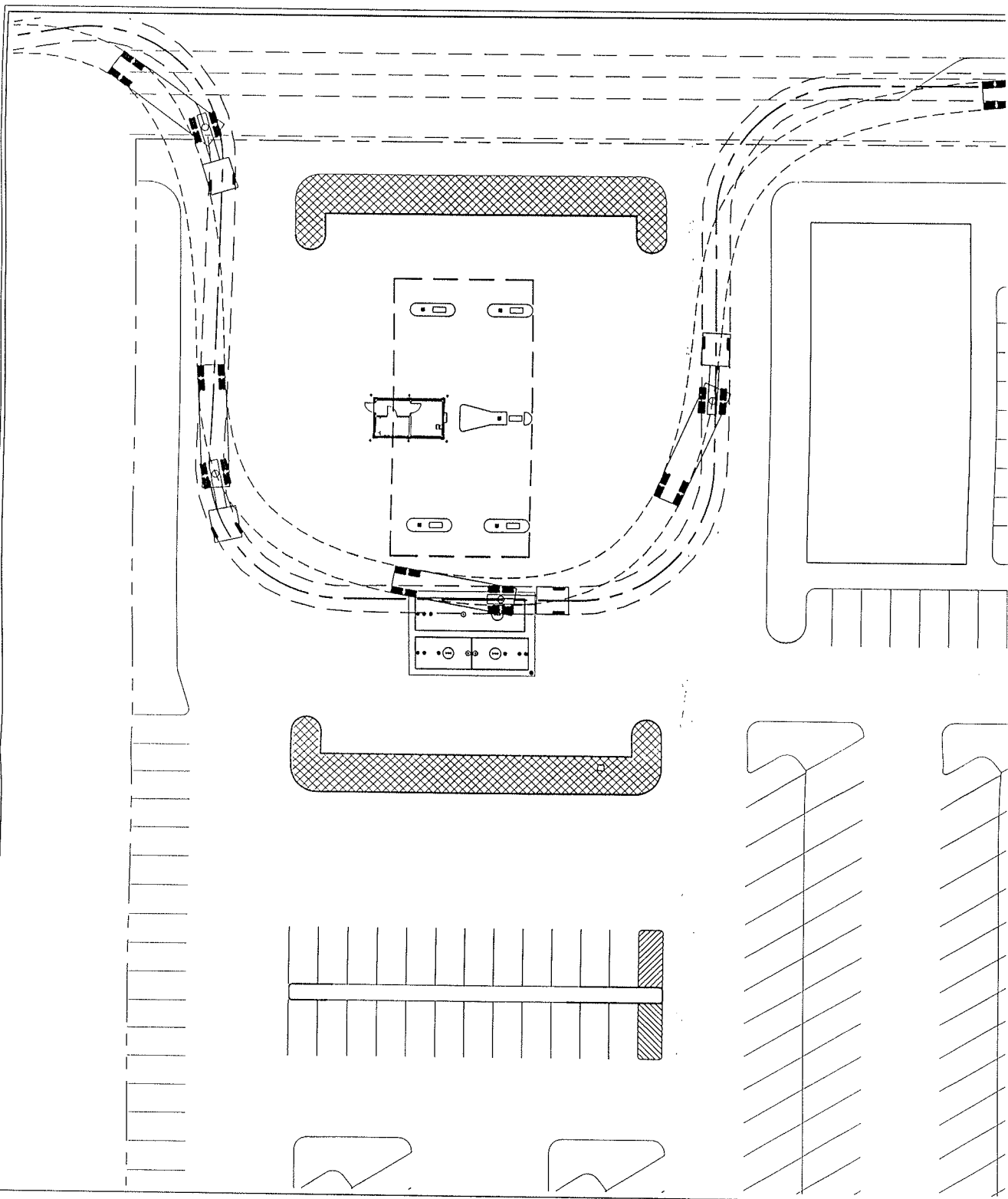
ENLARGED SITE PLAN - SCHEME 1a

2000, SAFEWAY GASOLINE
 4990 RIVER RD. N.
 KEIZER, OR 97303

DATE: 5/3/00
 DRAWN BY: TONY P.
 CHECKED BY: J.P.
 PROJECT NO: 0055-DD-S1a
 SCALE: SEE BELOW

SAFEWAY STORES INC.
 16300 S.E. EVELYN STREET
 CLACKAMAS, OREGON 97015





TRUCK PATH LEGEND

- TRACTOR FRONT
- - - AXLE CENTERLINE
- - - TRACTOR FRONT
- - - AXLE WIDTH PATH
- - - TRAILER BACK
- - - AXLE WIDTH PATH



SCALE 1" = 30'



FUEL DELIVERY TRUCK TURN ANALYSIS - SCHEME 1a

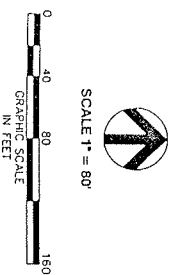
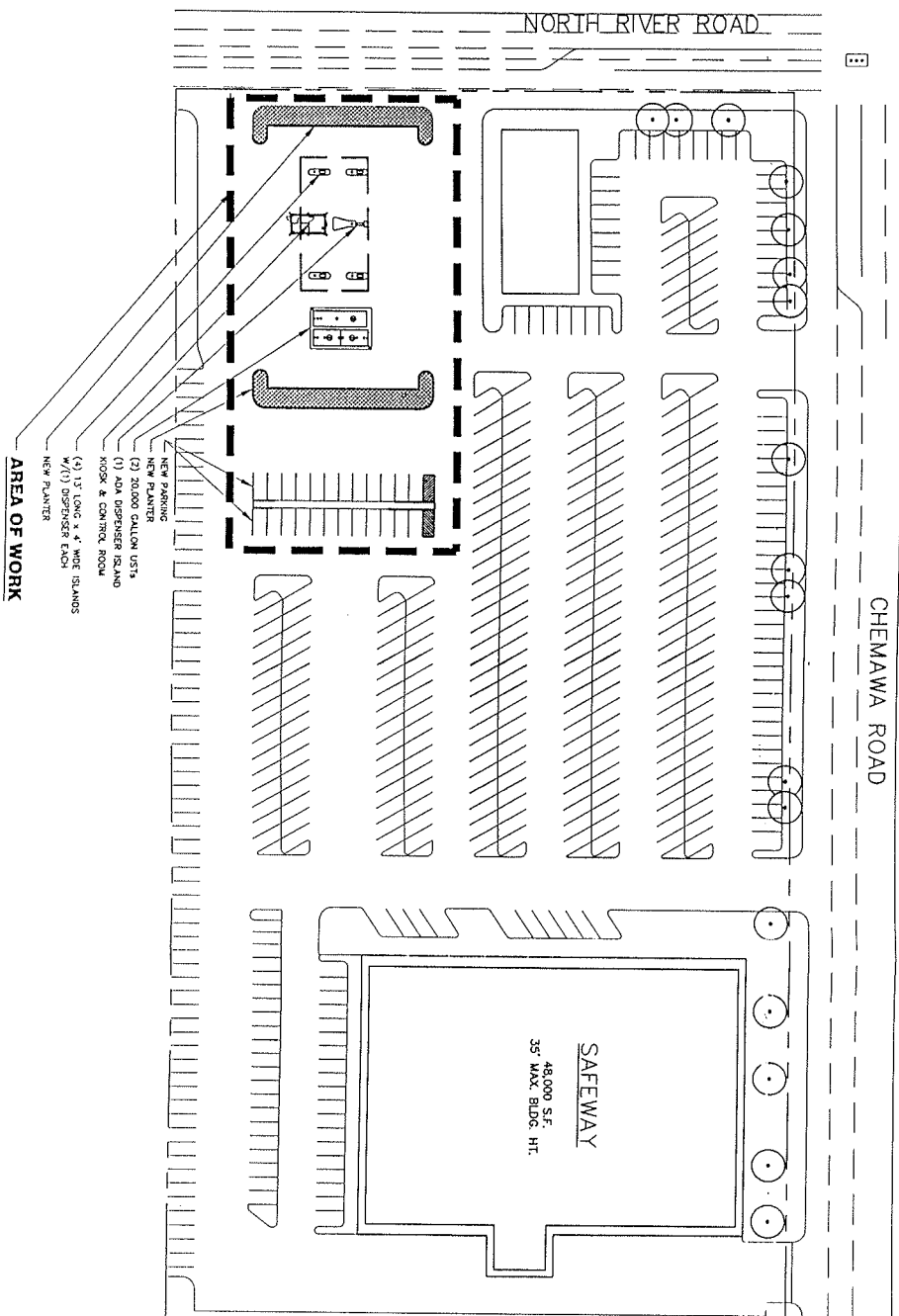
2000, SAFEWAY GASOLINE
 4990 RIVER RD. N.
 KEIZER, OR 97303

SAFeway STORES INC.
 16300 S.E. EVELYN STREET
 CLACKAMAS, OREGON 97015

DATE: 5/3/00
 DRAWN BY: TONY J.
 CHECKED BY: CS
 SCALE: SEE BELOW



SHEET NO.
DD1T
 STORE NO.
1516



SHEET INDEX

NO.	ID.	DESCRIPTION
1	DD1	TITLE SHEET
2	DD2	FUEL DELIVERY ANALYSIS
3	DD3	ENLARGED SITE PLAN
4	DD4	CAR STACKING PLAN
5	DD5	CONCEPT CANOPY AND KIOSK ELEVATIONS

PARKING STATISTICS	
REQUIRED PARKING	228
EXISTING PARKING	436
PROPOSED PARKING ADD	+1
PROPOSED TOTAL PARKING	437

TITLE SHEET - SCHEME 1a

2000, SAFeway GASOLINE
4990 RIVER RD. N.
KEIZER, OR 97303

ISSUE DATE: 5/3/00
PROJECT NO.: DA
DRAWN BY: JP
CHECKED BY: GS
PLOTTED DATE: 5/3/00
SCALE: SEE BELOW
C&G SALES NAME: 6055-00-S10

SAFeway STORES INC.
16300 S.E. EVELYN STREET
CLACKAMAS, OREGON 97015





June 5, 2000

AGENDA ITEM 6a

CITY OF KEIZER TRANSPORTATION SYSTEM PLAN

MEMO TO: Mayor Newton and City Councilors
FROM: Maria C. Meier, Senior Planner
THROUGH: Wally Mull, City Manager
RE: Keizer Transportation Systems Plan
DATE: June 1, 2000

On May 18, 2000 the City Council received a copy of the proposed Keizer Transportation Systems Plan with suggested amendments. In addition to the original proposed amendments, staff recommends clarifying supplementary information on page 9, as identified on page three of this memorandum.

BACKGROUND

The City of Keizer Transportation System Plan (TSP) is a long range (20-year) plan that provides the city with the goals and policies to guide development of all its transportation modes including pedestrian, bicycle, and motor vehicles. The TSP establishes an interconnected network of arterial and collector streets that improve the operation of the transportation systems. It also outlines a Capital Improvement Program (CIP) that shows the construction work necessary to meet the goals of the TSP.

In 1996, the City of Keizer began reviewing standards within the development code regarding streets, modeling for Alder Street and integrating a bicycle element into the standards for streets. The adoption of the 1998 Keizer Development Code addressed issues identified by the state Transportation Planning Rule, such as bicycle and vehicular parking requirements. Thereon, the City of Keizer was required by the Metropolitan Planning Organization (MPO) to produce its own transportation system plan to be consistent with the regional plan.

The Work Program for the Keizer TSP began in June 1998. The following tasks outline the framework of the project:

- ◆ Public Involvement
- ◆ Complete Review of Transportation Plans, Goals, and Policies Plans
- ◆ Determining Street, Pedestrian, and Public Transportation Needs
- ◆ Develop and Evaluate Street, Pedestrian and Public Transportation Options
- ◆ Selection of Options
- ◆ Transportation Financing
- ◆ Produce a Draft Transportation System Plan
- ◆ Coordination and Management
- ◆ Plan Adoption

ISSUE

The Planning Commission has formally recommended the City Council adopt the attached Keizer Transportation System Plan. The yellow insert pages indicate the pages with amendments to the original document, as recommended by the Planning Commission.

Subsequent to the Planning Commission's recommendation, the following suggestions have been identified to be worthy informational additions to the document (recommended changes in **bold print**):

Page 1, Executive Summary:

The Transportation Systems Plan (TSP) is a long range (20-year) plan that provided the city with the goals and policies to guide development of all its transportation modes (pedestrian, bicycle, motor vehicles, **public transit**, etc.).

New Paragraph 3. The MPO in the Keizer area is the Salem-Keizer Area Transportation Study (SKATS). It is governed by the SKATS Policy Committee, which is made up of elected representatives from the cities of Keizer and Salem, Marion and Polk Counties, the Salem Area Mass Transit District (SAMTD), and the Salem/Keizer School District. The Mid-Willamette Valley Council of Governments (MWVCOG) facilitates efforts of SKATS. SKATS provide a forum for developing the Regional Transportation Systems Plan and programming federal and state funded transportation investments to implement the Plan. The Policy Committee is advised by several sub-committees comprised of private citizens, elected officials, state agencies and private transportation providers to ensure representation of various viewpoints in the decision-making process.

New paragraph 4. Keizer is also a member of the Mid-Willamette Area Commission on Transportation (MWACT). MWACT is an official advisory body to the Oregon Transportation Commission (OTC) on transportation issues within Marion, Polk, and Yamhill County areas of Oregon. MWACT balances the needs identified by local jurisdictions with the desired vision of the entire valley, advising on programs which best meets these needs based on available revenues and in observance of the statewide transportation policies.

New Paragraph 5. Elected officials from Keizer continue to actively participate in the deliberations of both SKATS and MWACT. Both organizations deal with and are the policy-makers on transportation issues that affect Keizer but which, in many cases, extend beyond Keizer's city limits. Some of the issues include another cross bridge across the Willamette River, a "beltline" concept for Keizer-Salem, commuter rail between Keizer/Salem and the Portland metropolitan area, a transit "center" in Keizer and additional access points to Interstate Highway 5 (Perkins or Quinby Roads).

Page 4, Chapter 1:

Air/Water/Pipe/Rail. Although these are not major transportation modes for Keizer, this element contains policies that promote efficient and safe freight and commodities **and potentially commuter (passenger)** movement to, from, and within the city.

Page 9:

Incorporated in 1982, Keizer is governed by a ~~mayor~~ council-manager form of government. The Mayor is the presiding officer of the Council and is elected for two years. ~~The City Council consists of seven councilors, each representing a specific geographic area, or ward, of the city.~~ **The Mayor and six councilors are elected at large within the city.** Councilors are elected for four-year terms.

Page 10:

Population. The 1998 population estimate for the city of Keizer was approximately 29, 235 people **[Preliminary 1999 Population Estimate: 30,260]** (Table 1).

Page 26:

(Second sentence under heading "Lockhaven Drive") Lockhaven Drive is currently three lanes from River Road to 14th ~~Street~~ **McLeod Lane**, two lanes from 14th ~~Street~~ **McLeod Lane** to Chemawa Road and ~~four~~ **five** lanes from Chemawa Road to I-5.

Page 30.

Currently, there are two **functioning** park-and-ride lots in Keizer. One **unofficial** lot is located on the south side of Chemawa Road at Radiant Drive.

Page 41.

(Last sentence of “Bike Lanes”) (west of N. River Road N.).

Page 66.

*(Last sentence of paragraph numbered 1.) SAMTD wishes to increase intervals by September 1999 and is working on making this occur sooner. **This no longer applies in May 2000.***

Page 72.

End the paragraph under the heading “Passenger Service” with the sentence “terminal was remodeled in the summer of 1999.” Add the following new paragraph:

“The Burlington-Northern line through Keizer is used infrequently and for freight only. It has the potential to become a more active freight line, to be abandoned, or to become a commuter connection to the Portland metropolitan area. Rail crossings in Keizer are located at Lockhaven and Ridge Drives and on Tepper Lane. The rail crossing at Lockhaven has a gated signal, while Tepper Lane has no signals or gates and warning is from a railroad crossing sign. Washington County is establishing commuter rail from Beaverton to Wilsonville, Oregon, to be operational in 2003/2004. There is potential for a possible extension of service to the Keizer-Salem area. See the “Washington County Interurban Rail final Report dated May 1997, “State of the Commute in Oregon in 1990 and Possible Scenarios for 2015” dated February 1994, and other related and subsequent reports.”

Pages 84 through 90, Definitions and Acronyms:

- Add to the definition of ISTEAC: **This acronym was changed in 1998 to TEA-21, the Transportation Efficiency Act for the 21st Century.**
- Add: **Mid-Willamette Valley Commission on Transportation (MWACT)**
- Add: **Mid-Willamette Valley Council of Governments (MWVCOG)**
- Change: **“Preventative” to “Preventive”**
- Add: **Transportation Efficiency Act for the 21st Century (TEA-21)**
- Add: **Special Transportation Advisory Committee (STAC)**

Page 91, Appendix B, Public Transportation Service Providers Inventory:

- Add: **Keizer Fire District** & information

In addition, a list of references shall be attached on which this plan was based.

Goal 5: Provide for a street system that is compatible with other modes of transportation and minimizes vehicular travel time.

Objective 1: *Integrate the street system with other transportation modes.*

Policy 1: Consider installation of the appropriate bikeway, pedestrian, and public transportation amenities and facilities during design of either new streets or major improvements.

Policy 2: The street system shall provide connectivity and continuity of travel between city entrance and exit points and major destinations and activity centers. The purpose is to minimize out-of-direction travel and circuitous routing.

F. Street Design Standards

Table 6 depicts the revised street design standards. The standards were developed in accordance with the TPR's requirement for minimum standards consistent with operational needs.

Table 6
Street Standards

Functional Classifications ϕ	Number of Lanes	Parking	Bike Lanes κ	Improvement Width (ft.) λ	Sidewalks μ	R/W $\mu\nu$ Width (ft.)
Major Arterial	5	No	Yes	50-72	Yes	84
Minor Arterial	3	No	Yes	36-50	Yes	72
Collector	2	No	Yes	36-50	Yes	68
Local III	2	Yes	No	34	Yes	48
Local II	2	Yes	No	32	Yes	46
Local I	2	Yes	No	30	Yes	44

City of Keizer, 1999

ϕ All local street categories have a ten-foot public utility easement on both sides and a five-foot slope and utility easement on collectors and arterials.

κ Standard bike lane widths are six feet; although, five feet may be approved on a case by case basis.

λ Street improvement and right-of-way widths may be increased on a case by case basis as required by the city in accordance with Public Works Design Standards.

μ All streets will have five-foot wide sidewalks on both sides. Meandering sidewalks may be considered/required on arterials and collectors.

ν Additional right-of-way may be required at intersections for additional turning lanes. Right-of-way at intersections to have a minimum 20-foot radius.

Local streets are categorized into three levels based on thresholds of either average daily traffic or number of dwelling units or square footage of the area to be served. Details of the categorization can be found in the Public Works Design Standards.

scope was the analysis of the effects of extending Alder Drive east from its current terminus just east of Pleasant View Drive to Verda Lane. One or more schools are being considered for construction along an extended Alder Street. As part of this extension, sidewalks and bike lanes would need to be installed. Bus pull outs and pedestrian shelters should also be considered near the schools. These details should be discussed in further design plans.

A recent change to the City of Salem Transportation System Plan calls for a multi-use pedestrian pathway along Claggett Creek in the Northgate Industrial District. The details of the pathway are not yet decided, yet the City of Keizer is interested in the concept and will work with Salem to pursue the idea. Should mutually agreeable pathway and funding mechanisms result from this coordination, the result is intended to become part of this document.

Safety and Maintenance

Safety is a primary concern for pedestrians who travel throughout their neighborhoods. In addition to providing sidewalks for pedestrians, the sidewalks need to be appropriately illuminated and adequately maintained. Bill No. 058 Ordinance No. 86-074 titled An Ordinance Regulating the Reconstruction, Alteration and Repair of Sidewalks, states that property owners are required to maintain and repair the public sidewalks that abutted their property. The property owner is also required to keep the sidewalk clear of debris, snow, and ice, as well as free of obstacles.

Street Lighting

Currently, all new public streets require the installation of street lighting. Several options currently exist for property owners to have new street lighting installed. Individual owners can pay to have a light in front of their property or, more frequently, a group of property owners can form a street lighting district. In order to reach the goal of a completed street lighting system, every property owner lacking lights would need to belong to a street lighting district. The city, through franchise arrangements with PGE and Salem Electric, will provide street lighting for arterial and collector streets. City staff would need to develop an implementation schedule to organize new street lighting districts. HEP Funds may also be used to improve safety issues in regards to illumination.

Appendix G - Document Listing

	<u>Publication Date</u>
State of Oregon	
Directory of Public Transportation Services	January 1996
Highway Compatibility Guidelines	June 1987
Oregon High Speed Rail Business Plan	August 1994
Oregon Administrative Rules, Chapter 660, Division 12	1999
Oregon Shines II	January 1997
Oregon Bicycle and Pedestrian Plan	June 1995
1999 Oregon Highway Plan	March 1999
Oregon Inter-city Passenger Times-tables	Spring, 2000
Oregon Public Transportation Plan	April 1997
Oregon Rail Freight Plan	August 1994
Oregon Transportation Plan	September 1992
State Agency Coordination Program	December 1990
2001 Statewide Transportation Improvement Program (STIP)	December 1997
Transportation System Planning Guidelines	August 1995
Willamette Valley Transportation Strategy- Phase I report:	May 1995
Commuting in the Willamette Valley	May 1998
City of Keizer	
Comprehensive Plan	1987
Development Code	May 1998
North River Road Alternative Modal Opportunity Study	1995
River and Chemawa Design Study	1995
Interstate 5/Chemawa Road	1995
Chemawa Activity Center Plan	April 1997
Alder Street Study	1996
An Ordinance Regulating the Reconstruction, Alteration and Repair of Sidewalks (No. 86-074	1986

City of Salem

Salem Transportation System Plan
(Amended October 1999)

August 1998

Vanpool Guide (Pamphlet)

Undated

Miscellaneous

1994 Origin & Destination Surveys

SKATS

May 1995

Portland State Population Projections

1998

Regional Transportation Systems Plan,
1996 Update

Salem-Keizer Area
Transportation Study
(SKATS)

1996

Regional Public Transportation System
Element

SKATS

January 1996

Salem Passenger Rail Station Study

SKATS

June 1995

Salem/Keizer/Polk County/Marion County
Bicycle Maps

1996

Planning for the Transportation Disadvantaged
in Marion and Polk Counties

SAMTD

March 1998

Moving Towards Action

SAMTD

August 1998

Options for Passenger Rail in the Pacific
Northwest Rail Corridor
(Executive Summary)

ODOT/WSDOT

1995

**KEIZER PLANNING COMMISSION PUBLIC HEARING
MINUTES**

Wednesday, March 8, 2000

7:00 p.m.

Keizer City Hall - Council Chambers

1. CALL TO ORDER

Chair Wolf called the meeting to order at 7:05 p.m.

2. ROLL CALL

The following members were present: Bill Wolf, Dick Inman, Stan Compton and Michael Smith

Absent: Bruce Anderson, Jere Clancy and June Abbott

Also present were: Council Liaison-Jim Keller, City Attorney-Shannon Johnson, Senior Planner-Maria Meier and Recording Secretary-Cindy Perry

3. APPROVAL OF MINUTES/February 9, 2000

The minutes of February 9, 2000 were approved with amendments.

4. PLANNING UPDATE

Ms. Meier shared that building permits had been issued for the Vineyards and noted some of the other areas where building was taking place. She noted that Ms. Termaura had completed her statement of work for the In-Fill Grant.

5. PUBLIC HEARING

5.1 Transportation System Plan

Prior to the opening of the public hearing Chair Wolf suggested that the Commission open the hearing, take testimony and hold the record open for two weeks to allow any additional written testimony to be placed on the record. It was the consensus of the commission to do this.

Chair Wolf opened the public hearing.

Ms. Meier read information from the staff report and offered Preston Van Meter, City Engineer and Wayne Rickert with COG to answer any questions regarding the Transportation System Plan.

Public Testimony

Wayne Rickert, Mid-Willamette Valley of Council of Governments- spoke as a proponent of the TSP requesting that the document be forwarded on to Council for its adoption. Mr. Rickert cautioned that the TSP was a living document that should be reviewed every five years and should serve the city well as it is currently written.

Responding to questions Mr. Rickert noted that the TSP and its elements meet the minimum requirements as set forth under the Transportation planning rule. He went on to share that this document was a important tool for the city to be eligible for federal funds and reminded them that the document should be revisited at least every five years.

Karen Trucke, 6330 14th Avenue NE, Keizer- stressed that her number one priority listed in the plan was for the improvement of Chemawa Road. She shared verbal information from land use presentations by Councilor Gordan Price, from Vancouver, B.C. and George Crandell, Urban Designer. She noted some of the issues covered in those presentations, which were to design the city for pedestrians and not cars and a total city design.

Ms. Trucke expressed her concerns with the traffic problems along Lockhaven Road and her wishes for the emphasis of the development of the city center. She felt that Chemawa Road should be the main avenue gateway into the center of Keizer and shared the use of two east/west routes (Lockhaven and Chemawa) would allow for the decrease of traffic on Lockhaven bringing people into the city center. She went on to explain how she felt traffic could move in and out of the Chemawa Activity Center without the use of a jug handle by changing the emphasis making Chemawa the main road.

Mr. Wolf thanked Ms. Trucke for her presentation and urged the commission to review the tape with Mr. Crandall's presentation to the Council on June 17, 1996.

Ms. Trucke answered questions to verify her presentation.

Chair Wolf thanked Ms. Trucke for attending.

Preston Van Meter, City Engineer, 1723 River Rock Drive- Mr. Van Meter addressed page 25 of the TSP to table six "Street Standards". He made some suggested changes to the table. The suggested table with corrections is listed below with Mr. Van Meter's suggested changes.

<i>Functional Classifications</i>	<i>Number of Lanes</i>	<i>Parking</i>	<i>Bike Lanes</i>	<i>Improvement Width (ft)</i>	<i>Sidewalks</i>	<i>R/Wuv Width (ft)</i>
Major Arterial	3-5	No	Yes	50-72 feet	Yes	84
Minor Arterial	3	No	Yes	36-50	Yes	72
Collector	2	No	Yes	36-50	Yes	68
Local III	2	Yes	No	34	Yes	48
Local II	2	Yes	No	32	Yes	46
Local I	2	Yes	No	30	Yes	44

Mr. Van Meter explained that the purpose of the jug handles discussed was not to adjust traffic patterns but to eliminate left-hand turns, which cross travel lanes.

A discussion took place among the Planning Commission, Mr. Van Meter and Public Works Director, Rob Kissler. Questions were asked regarding the widths of various streets in Keizer and how the TSP would effect them and surrounding traffic.

Chair Wolf noted that the record would remain open for the next two weeks for the commission to receive written comments for the record. With no additional public testimony Chair Wolf closed the public hearing.

5.2 Text Amendment to the Flood Plain Overlay Zone

Ms. Meier shared the staff report noting some of the changes that had been made to the Flood- Plain Overlay Zone.

Chair Wolf opened the public hearing.

No public testimony was brought before the commission.

There was a brief question and answer period. Ms Meier noted that FEMA requested adoption of the Overlay Zone by Council no later than June, 2000.

Chair Wolf closed the public hearing.

Mr. Smith moved for recommendation of the Flood- Plain Overlay Zone as amended.
Mr. Compton seconded the motion.

Ms. Meier provided a explanation regarding Page 12 of the Flood Plain Overlay Zone pertaining to manufactured homes in existing home parks and the specifications which FEMA was suggesting if replacing a single-wide home with a double wide and the reasons for this.

The vote passed as follows:

AYES: Compton, Inman, Smith and Wolf

NAYES: None

ABSENT: Abbott, Anderson and Clancey

ABSECTIONS: None

5. MAP REVIEW & DISCUSSION-*Chemawa Activity Center*

Councilor Keller provided a history of the Chemawa Activity Center, the suggestions and findings of the recent task force along with the Council's direction to the Planning Commission. A map of the Chemawa Activity Center was also reviewed.

The Commission expressed interest in receiving copies of information provided during the task force meetings to help direct them in their recommendations to Council. Chair Wolf directed staff to obtain this information to provide to the commission.

Members of the commission suggested that the public hearing only cover the eight items, which the Council had directed the Planning Commission to review.

Chair Wolf noted he would be happy to refer to the eight items, but did not feel they could restrict public testimony to only those eight items.

6. ANNOUNCEMENTS AND AGENDA INPUT

April 12th~Deliberations on the Transportation System Plan. Ms. Meier noted that any written testimony would be provided to the Planning Commission along with the agenda. Also on April 12th the commission would also be reviewing the purpose of the UT Zone in the City of Keizer.

Regarding the Chemawa Activity Center it was the consensus of the commission to hold an additional meeting on April 26th if needed.

8. ADJOURN

Chair Wolf adjourned the meeting at 9:23 p.m.

➤ *Next meeting Wednesday, March 29th, 2000 @ 7:00 p.m.
Public Hearing regarding the Chemawa Activity Center*



June 5, 2000

AGENDA ITEM 8a

**RESOLUTION – DESIGNATION OF CHECKING ACCOUNT
SIGNERS**

CITY COUNCIL MEETING: June 5, 2000

AGENDA ITEM NUMBER: _____

TO: MAYOR NEWTON AND CITY COUNCIL MEMBERS

THROUGH: CHRIS EPPLEY 
CITY MANAGER

FROM: SUSAN GAHLSDORF
FINANCE DIRECTOR

SUBJECT: DESIGNATING CHECKING ACCOUNT SIGNERS

BACKGROUND:

In October, 1999 a Resolution was adopted designating checking account signers for the City of Keizer. Due to the resignation of Wally Mull, City Manager, the list of names needs to be revised.

RECOMMENDATION:

It is recommended the City Council adopt the attached Resolution designating checking account signers for the City of Keizer.



June 5, 2000

AGENDA ITEM 8b

APPROVAL OF MAY 15, 2000 REGULAR SESSION MINUTES

MINUTES
KEIZER CITY COUNCIL
Monday, May 15, 2000
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

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

Present:

Bob Newton, Mayor
Lore Christopher, Council President
Craig Campbell, Councilor
Jim Keller, Councilor
Jerry McGee, Councilor
Jacque Moir, Councilor
J. L. Wilson, Councilor

Staff:

Wally Mull, City Manager
Rob Kissler, Public Works Director
Maria Meier, Senior Planner
Marc Adams, Chief of Police
Tracy L. Davis, City Recorder
Shannon Johnson, City Attorney

PUBLIC TESTIMONY

Jacqueline Zimmer, P.O. Box 12189, Salem- spoke regarding backyard burning and the problems it can cause to public health. She noted implemented programs in Salem that eliminate backyard burning and urged Keizer to implement a similar program.

Councilor McGee supplied an update noting that a task force had been working for several months pertaining to curbside pick up in the hopes that this would help to eliminate some of the backyard burning. He indicated that their report was not complete and a preliminary date to initiate the curbside program would be within the next year after public hearings and input from the Council.

Peter Hackett, NW Regional Council of Carpenters- as a carpenter and resident of Corvallis representing 20,000 carpenters in the area he wished to address language in the "Procedure for Determining the Lowest and Most Responsible Bidder". He reviewed the items in this document and stressed the necessity of contractors having health care and a pension plan year around and

felt the issue of raising standards for carpenters was a community concern.

Mr. Hackett read from ORS 279.039 proposing that it was a community responsibility to see that construction workers are covered by pension and health plans.

Responding to questions, Mr. Hackett noted the employer would have the option to choose the type of benefits made available to their employees thus enhancing current guidelines.

Responding to questions, City Manager Mull indicated the City was following a majority of the items on the Procedure for Determining the Lowest and Most Responsible Bidder. He was unsure how the City could do any more than it was already doing.

Mayor Newton offered to review Mr. Hackett's suggestions and requested that Mr. Hackett supply actions that other cities have taken regarding this.

Mayor Newton noted an Executive Session would be taking place following the Council Meeting.

Marcia Bednarczyk, 7775 O'Neil Road, Keizer- President of the Clear Lake Neighborhood Association requested that the Council listen to the tapes of the Planning Commission meeting that took place on April 12, 2000 and testimony that was provided from citizens regarding the UT zone.

Clark Williams, 1050 Rafael Street North, Keizer- spoke as a resident along the River Wall and supplied an outline of the issues which the neighbors were concerned about. He reviewed the list of concerns with the Council.

Mayor Newton noted the Council would not be coming back into session after the Executive Session to make a decision this evening. He stressed that the City would like to resolve the issue as much as the homeowners do.

Tim Kelsh, 1370 Rafael, Keizer- property owner along the River Wall. He agreed with Mr. Williams's comments and felt there were a number of discrepancies pertaining to the finished height of the wall which were provided by the Corp of Engineers. He requested that a second

survey be done regarding the height of the wall.

William George, 990 Rafael Street, Keizer- a property owner along the River Wall. He noted that the citizens along the proposed River Wall had supplied the city with what they wanted for property easements along the wall and expressed his wish for open negotiations with the City.

Dennis Esser, 1030 Rafael, Keizer- requested another survey for his property and felt that this consideration should be given to other property owners before the Council moves ahead.

No additional testimony was brought before the Council.

COMMITTEE REPORTS

No Committee Reports were brought before the Council.

OTHER BUSINESS

Councilor Moir moved for suspension of the rules for the purpose of adopting a resolution to acquire property. Councilor Campbell seconded the motion.

The motion passed unanimously as follows:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

City Attorney, Shannon Johnson shared with the audience that the City was interested in purchasing property at the corner of Bailey and Chemawa Roads. The owner of the property has agreed to sell the property for the price of \$52,500 and requested that the property close quickly.

Responding to questions, Mr. Johnson noted that the property had not been appraised but in speaking with an appraiser the fair market value for lots this size were \$50,000-\$60,000.

Councilor Moir moved a Resolution Authorizing the City Manager to Enter into an Agreement to Purchase

Property Located at the Corner of Chemawa Road and Bailey Road, Keizer, Oregon. Richard B. Hatten doing business as New Idea Products Incorporated. Councilor Campbell seconded the motion.

Responding to questions, Mr. Mull indicated the source of the funds to purchase the land would come from the urban renewal budget.

The motion passed unanimously as follows:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Mayor Newton shared he received an advisory letter from OVAD (Oregon Volunteers Active in Disasters). He forwarded the letter onto Councilor Moir, as liaison to Emergency Management, to have this information submitted to the Committee.

a. New Business

Chief Adams reminded everyone that the week of May 15-19th was National Police Memorial Week to honor fallen officers.

Chief Adams noted that due to the Iris Parade on Saturday, May 20th River Road would be closed at 10:00 a.m. Buses would be available, free of cost, to transport people to the festivities at the Volcanoes Stadium from various locations along River Road.

Senior Planner, Maria Meier noted that the Planning Commission recommended that the Transportation System Plan be brought before the Council for public hearings. She indicated she would make necessary adjustments and provide the document to the Council soon.

b. Old Business

No old business was brought before the Council.

PUBLIC HEARINGS

No Public Hearings were brought before the Council.

ADMINISTRATIVE ACTION

a. ORDINANCE- Flood Plain Overlay Zone/Text Amendment (Case No. 00-05)

City Manager Mull reported that on April 17, 2000 the Council held a public hearing, closed the hearing and directed staff to prepare an ordinance adopting the changes to the Flood Plain Overlay Zone.

Staff recommended that Council adopt the ordinance.

Councilor Keller moved a Bill for an Ordinance Amending the Keizer Development Code Regarding Section 2.122 (Flood Plain Overlay Zone); Amending Ordinance 98-389; Declaring an Emergency. Council Campbell seconded the motion.

The motion passed unanimously as follows:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

CONSENT CALENDAR

- a. Change of Ownership Liquor License Application ~ Cooper's Deli and Pub
- b. RESOLUTION- Initiating Sparrow Addition Street Lighting District
- c. Initiate Text Amendment to Development Code ~ Temporary Permitted Uses
- d. Approval of May 1, 2000 Regular Session Minutes

Councilor Keller requested that item "c" is pulled from the Consent Calendar.

Councilor Keller moved for approval of items "a", "b" and "d" of the Consent Calendar. Councilor Moir seconded the motion.

The motion passed unanimously as follows:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Councilor Keller stated his reason for requesting that item

"c" is removed from the Consent Calendar. He indicated his wish was to expand where non-profit organizations could set up temporary sales, such as the McNary Band Booster and expressed his dissatisfaction with the language and recommendations of staff pertaining to the issue.

City Attorney, Shannon Johnson indicated it was his understanding since McNary Band Boosters had located an adequate site to set up their stand this year that it was not an urgent issue. He noted discussions he had with the City Planner and City Manager regarding making appropriate changes to the code and the amount of staff time it would take to do this.

Councilor Keller felt this issue was addressed through the Temporary Business Permit and requested that the Council move forward with the issue.

Senior Planner, Maria Meier noted how changes in procedures and the permitting process between the Fire Department and the City for setting up fireworks stands had changed making the process more efficient. Ms. Meier indicated that portions of the code had been reviewed, but noted the need to phase the changes in to limit the number of hearings and mailings that would be required under Measure 56.

Responding to Councilor Keller's questions, Ms. Meier indicated the first mailing for the first amendment could take place in August or September and that it would take a full year for the whole process to be completed.

Councilor Keller moved for approval of item "c" on the Consent Calendar based upon the discussion and the agreement that the Planning Department would move the item up on the list. Councilor Campbell seconded the motion.

The motion passed unanimously as follows:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

WRITTEN COMMUNICATIONS

Mayor Newton noted invitations from ODOT to attend the rededication of the Salem Railroad Station on 12th Street. Ceremonies were to take place on 2:00 p.m. Friday, May 19, 2000. The other invitation was an open house at the Marion County Resource Recovery Facility on Friday, June 2, 2000 11:00 a.m. to 2:00 p.m.

Councilor Keller reviewed the letter from the Department of Veteran Affairs and suggested that staff contact the American Legion to develop activities commemorating the 50th anniversary of the Korean War.

AGENDA INPUT

May 23, 2000

- 7:00 p.m. Keizer Budget Committee Meeting
- Keizer Urban Renewal Budget-Public Input, Discussion and Deliberation

June 5, 2000

- 7:00 p.m. Keizer City Council Meeting
- Transportation System Plan Public Hearing
 - City of Keizer 2000-2001 Budget Public Hearing

June 12, 2000

5:30 p.m. Keizer City Council Work Session

June 19, 2000

- 7:00 p.m. Keizer City Council Meeting
- Adoption of City of Keizer 2000-2001 Budget

Mayor Newton noted the agenda items.

ADJOURNMENT

Mayor Newton adjourned the meeting at 8:06 p.m.

APPROVED:
MAYOR:

Bob Newton

Tracy L. Davis
City Recorder

COUNCIL MEMBERS:

Councilor #1 - J. L. Wilson

Councilor #4 - Jacque Moir

Councilor #2 - Lore Christopher

Councilor #5 - Craig Campbell

Councilor #3 - Jim Keller

Councilor #6 - Jerry McGee

Minutes approved:

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 RESOLUTION NO. R2000-_____

3 DESIGNATING CHECKING ACCOUNT SIGNERS
4 (Repeals R99-1145)
5

6 BE IT RESOLVED by the City Council of the City of Keizer that
7 Resolution R99-1145 is hereby repealed in its entirety and that:

8 1. The following individuals are authorized to sign checks on the
9 City's Checking account:

- 10 a. Tracy L. Davis, City Recorder
11 b. Elsa Palacios – Utility Billing Clerk
12 c. Dianne Hunt, Human Resources Officer
13 d. Chris Eppley, City Manager
14 e. Robert Newton, Mayor
15 f. Jacque Moir, City Councilor

16 2. One signature is required for amounts under \$500.00; two
17 signatures are required for amounts \$500.00 and over.
18

19 DATED this _____ day of _____, 2000.

20 DATED this _____ day of _____, 2000.
21
22

23 _____
24 Mayor
25

26 _____
27 City Recorder

MEMO

To: Tracy Davis, City of Keizer, via fax only at 393-9437
From: Clark B. Williams
Subject: Riverwall Project (20 pages total, including this page)
Date: June 2, 2000

Thanks for your message this morning. I am enclosing copies of the following documents which I ask for you to include in the "packet" for the City Council.

- Letter from John Lien dated May 18, 2000. Similar letters were sent to the other property owners.
- "Levee and Riverwall Flood Protection Easement in Gross." This is the form of easement included in John's letter which he is asking me to sign. Again, similar easement agreements were provided to the other property owners.
- My letter to John of May 22, 2000 suggesting changes to the easement language to resolve my concerns. John called me on May 24 and informed me that neither he nor the Corps of Engineers could agree to make the changes which I am suggested.
- My letter of May 26, 2000 to John Lien, and to Chuck Mason and Ron Musser at the Corps of Engineers, explaining as plainly as I could why the language changes are necessary. I also explained my position on the compensation issue. I explained that I am ready to sign once these issues are resolved.

Please explain to the Council that I have not had a reply to my letter of May 26, now a week old. I will not be able to attend the Council meeting Monday June 5, due to a prior commitment to a client to attend a meeting in Eugene that evening. In particular, please ask the Council could give careful attention to my letters of May 22 and May 26 regarding the language issues. These issues do not involve dollars, yet they constitute the largest remaining hurdle for many of my neighbors.

Thank you, Tracy. Please call me with any questions.



LIEN & JOHNSON
Attorneys At Law
4855 River Rd. N.
Keizer, Oregon 97303

John A. Lien
E. Shannon Johnson
Tammie Harms - Legal Assistant

Telephone 503-390-1635
Fax 503-390-6557
Keizrlaw@Teleport.com

May 18, 2000

Clark B. Williams and
Julie L. Williams
1050 Rafael Ave. N.
Keizer, OR 97303

Re: *Purchase of Riverwall Easement*

Dear Property Owner:

At the request of many property owners, the Keizer City Council has reviewed the easement acquisition procedures and appraisals for the Willamette Riverwall project. The Council also reviewed the issues raised by concerned property owners and the information provided to the City by the owners. At the conclusion of that in depth review, the Council asked me to respond on its behalf to the issues that were raised. Please note that for legal purposes, this letter is in offer of compromise to resolve the dispute about easement values and is not admissible in court as evidence of the City of Keizer or its agent's opinion of the easement value.

EASEMENT LANGUAGE:

Several property owners expressed concern that the proposed easement language was arguably not limited to the specific project the City of Keizer and the Corps of Engineers intended to build on the easement. After consultation with the Corps of Engineers who will actually build the project, the City of Keizer has made further revisions to the proposed easement document itself. Although City of Keizer and the Corps of Engineers believes the original easement language limited the project to the one proposed, some words have been removed and some language added in the revised easement that may more clearly identify the riverwall proposed for this project. The added language specifies that the easement pertains to this particular riverwall project. Two exhibits have been added describing the height of the wall and the width of the wall, particularly at or near the top of the wall since actual construction methods may include a wider base in the ground. The City of Keizer believes that with these revisions, the easement is sufficiently clear for either side to enforce it in the future if need be.

Property Owner
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May 18, 2000

Easements are unique legal creatures describing the relationship of different parties who in essence "share" a parcel of ground. Property owners have raised questions about not only the City's use, but their use of the easement area after the riverwall is built. Paragraphs 1, 2 and 3 of the easement describe the City of Keizer's rights. Simply put, the City of Keizer has the right to put up the riverwall described in the detailed project report referred to in Paragraph A, the right to maintain and operate it, and the right of access across your property to the easement after giving proper notice to you. The City also has the obligation to restore the easement after any work on the riverwall.

The property owner limitations are set forth in Paragraph 4 and 5 of the easement. Again, simply put, the property owner cannot damage the wall or take other action in the easement area that damages the wall or reduces its effectiveness as flood protection. Paragraph 1 of the easement specifically reserves all other rights to the property owner.

The City of Keizer believes that many property owner activities will not interfere with the wall and the City of Keizer's easement rights. However, the City cannot predict all the activity that may go on in the easement area or the proposals that property owners may make. It would be cumbersome at best and probably futile to try to compile such a list to include in the easement. It is much more effective and practical for a property owner to contact the City of Keizer and describe and explain the proposed activity. The City of Keizer can then make a determination and advise the property owner whether or not the City approves of the project. At this time, the City of Keizer is considering whether or not to formalize this permit procedure in a proposed ordinance that addresses regulation of the entire riverbank as well as the riverwall easement. In the meantime, both sides will have their common law rights and remedies for easement enforcement.

TREES - CONSTRUCTION DAMAGE:

The proposed easement area contains several trees which the City of Keizer has agreed to purchase. There are trees on the edge of the easements that if effected by the easement have also been purchased by the City. Concern has been expressed about some large old trees that are outside the easement area that property owners are afraid may be damaged by construction of the riverwall. This problem has been considered by the Corps of Engineers and plans have been made for installing a shorter wall in areas where tree roots may be affected. An arborist has reviewed the property and potentially problem trees and

Property Owner

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May 18, 2000

the project design. It is my understanding that the arborist feels the Corps of Engineers' construction plan will not harm the tree root systems since the old dike fill has buried many of the old tree root systems and the short wall plan will protect the trees with shallower roots. In addition, the contractor for the project will be instructed to exercise special care not to interfere with tree root systems during excavation.

The City of Keizer and the Corps of Engineers will keep a close eye on these potentially problem trees during construction and the property owner or the property owner's agent is welcome to inspect the riverwall trench near these special trees before the wall is poured. In addition, the Corps of Engineers will have an arborist available if questions of tree root damage arise. In an extreme case, the City of Keizer may exercise its discretion to consider purchasing a problematic tree outside of the easement.

TREES - LIABILITY:

One property owner has asked the City to expressly accept liability resulting from falling trees. The City of Keizer cannot agree to accept responsibility for all falling trees. As you know, trees fall for many reasons. It is not fiscally responsible or appropriate for the City to accept responsibility for all falling trees.

DRAINAGE:

Some property owners have expressed concern about the effect of the riverwall on their property's drainage. The City of Keizer has reviewed this issue with the design engineers. It appears the best remedy is to address each property on a case-by-case basis to determine an appropriate solution if there is a problem. Property owners who feel they have a potential drainage problem need to notify me of what their concerns are. I will pass that information on to the design engineers. The engineers and construction managers will then work with the property owner and contractor to effect the best solution available.

LIABILITY:

Concern has been expressed about the liability for injuries associated with the riverwall. The City of Keizer will respond to those incidents through its insurance company or self insurance if that is appropriate. However, not all injuries associated with the riverwall

Property Owner

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May 18, 2000

are going to be the City of Keizer's fault. There may be incidents where a person is injured while making inappropriate use of the wall or incidents where a person, through the person's own actions such as intoxication, is injured around the wall. As with the request to insure the property owner against all falling trees, the City of Keizer cannot be the insurer for all accidents associated with the riverwall. The City of Keizer can only be responsible where the City is at fault. Property owners should consult with their homeowner's insurance agent regarding the liability coverage each person has for such incidents.

HEIGHT OF THE WALL:

Several questions have been raised about the height of the wall and where the top of the wall is located on the property. During the design and preconstruction phase, the City of Keizer had a surveyor survey and stake the easement and identify the top of the wall on each property. Some property owners questioned the accuracy of these stakes. Some property owners questioned the accuracy of the stated height of the wall in the Corps of Engineers' project report. At the City's request, the Corps of Engineers reviewed the figures for the planned height of the wall. They did discover that some minor mathematical errors had been made in the meters to feet conversion process. However, in most cases the recalculation resulted in no change to the top of the wall or the final design height was actually lower than specified in the report. In the few instances where the top of the wall was raised, the amount raised was one-half inch or less.

The City of Keizer also reviewed the benchmarks used by the Corps of Engineers and the surveyor to ensure they were accurate and determined they were. On May 15, 2000, the City of Keizer hired the surveyor to resurvey the Williams property at 1050 Rafael to verify the top of the wall on that parcel. The resurvey confirmed the wall height as it was previously staked. The City of Keizer is now satisfied after its review that the top of the wall in the table attached to your revised easement is accurate and that the stakes placed on your property by the surveyor were accurate when they were placed there. The City of Keizer is confident that the appraiser had the accurate information when he did the appraisals and concluded that the wall did not significantly impact the remainder of the property. The City feels that a further resurvey would not be a cost-effective use of the funds for this project. During the actual construction, the contractor will confirm the design heights while the wall is building built.

Property Owner
Page 5
May 18, 2000

COMPENSATION:

As you know the City of Keizer's appraiser established the value of the upper bench of your property at \$148,500.00. The appraiser hired by a group of property owners agrees that the market data supports the City of Keizer appraiser's \$148,500.00 value. Both appraisers agree that the price of your riverfront property is site oriented and not dependent on the size of the lot. Since the price is site oriented, it is only logically through mathematical certainty that different size lots will have different square foot values. Larger lots will have smaller square foot values and smaller lots will have larger square foot values. The City's appraiser used the properties' square foot value to determine the value of the land taken for the easement.

The appraiser retained by the property owner group arbitrarily recommends using the highest square foot value of \$16.23 for all properties. The counteroffer proposal by the property owner group spokesmen asked for \$13.23 per square foot for all properties. No data or rational is presented to support the appraiser's opinion or the property owner spokesmen's demand. To use either the \$16.23 or \$13.23 value per square foot results in lot values far exceeding \$148,500.00 for most of the properties. The City's appraiser, Guy Roberts, uses a telling example to illustrate that point. The Williams' property at 1050 Rafael is the largest lot among the riverwall properties. At \$16.23 per square foot, the Williams lot would be valued at \$289,868.00. The fallacy of those square foot values is obvious.

The square foot analysis applied by Mr. Roberts also treats all property owners equally. I have attached Mr. Roberts table that demonstrates the fairness of his approach. The table clearly shows that the easement values he determined reflects the percentage of the property encumbered by the easement. The Sokoloff property at 1010 Rafael has the highest portion of property encumbered by the easement (10.56%) and the Sokoloffs are offered the most compensation for the easement. Conversely, the Erickson property at 1380 Rafael has the smallest portion of their lot encumbered at 2.61% and they are offered the least compensation for the easement. The result of this analysis is that the ratio of the easement value to the percent of the property encumbered is the same for each property (see the last column of Mr. Roberts' table).

The only rational and supportable methodology for determining the value of the land in the easement area is through the square foot analysis employed by the City's appraiser,

Property Owner
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May 18, 2000

Guy Roberts. The City of Keizer is confident that Mr. Roberts' analysis will be approved by the Court in any condemnation proceeding.

COMPROMISE OFFER:

The City of Keizer recognizes the property owner's concerns about the intrusion and affect of having a riverwall in your backyard. The City of Keizer's appraiser, calculated that the easement diminished the value of the 10-foot strip by 25 percent. He arrived at the figure as follows: Since the width of the wall is 1-foot and the easement is ten feet in width, in his opinion this permanent structure is tantamount to a taking of that 1-foot strip so he assigned 10 percent of the fee value for that portion of the easement area. Next, he determined that it would take approximately one growing season (one year) to reestablish the landscape and structures so he assigned 10 percent of the value of the land for this activity (which he compared to the value of a non-agricultural land lease). Finally, to recognize the permanent nature of the easement and the future disruption caused by the riverwall, he assigned another five percent. For those reasons, he determined that the easement caused a 25 percent diminishing in value for that land.

The spokesmen for the property owner group demanded that the diminishing factor be raised to 50 percent. I presume that amount was offered based upon the property owner appraiser, Mr. Herrmann's, opinion. Mr. Herrmann's letter admits that the proposed levee and floodwall easements are unique, but he then compares them to utility and road easements which he feels are valued at 50 percent. The City's appraiser sharply disagrees with Mr. Herman's analysis. As Mr. Roberts points out, "imposing a 50 percent of fee value acquisition to these easements would be tantamount to the City of Keizer acquiring and moreover **perpetually owning** outright a 5-foot wide strip of land across these rear yard areas. In my opinion, the proposed easement in no way resembles that level of ownership or acquisition on the part of the City."

However, in an attempt to compromise and for the purpose of settlement only, and not as an admission by the City of Keizer or its agents regarding easement value, the City of Keizer is willing to split the difference with you as to the impact of the wall on the value of your land. The City's appraiser said the impact was 25 percent and the property owner group appraiser said it was 50 percent. The City of Keizer is willing to compensate you at a 37 ½ percent rate. Because of the mathematics of the calculation, that adjustment results

Property Owner
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in a 50 percent increase in the City's offer. The City is willing to pay you \$3,758.00 for the diminished land value caused by the easement which is \$1,253.00 more than the City's original appraisal value of \$2,505.00.

Therefore, the City of Keizer as a compromise and without admission as to value offers to purchase the easement described in the revised easement enclosed for the total price of \$7,260.00. The City of Keizer feels that this additional compensation covers all the other concerns raised by the property owner such as access and view issues. Furthermore, this additional compensation covers the temporary construction easements needed for the project. Those property owners where temporary access is needed have the "right of entry for construction" document included with this letter and the diagram showing what access is needed.

The City of Keizer makes this compromise offer considering the benefit of this project to the many city residents who receive the additional flood protection resulting from this project, including yourselves. This compromise offer also allows the riverwall to be completed at a cost near the projected budget amount. But the City is also mindful of the cost effectiveness of the project and that the money for this project comes from tax revenue collected from all citizens of the City of Keizer as well as the nation because of the federal funds contributed. Further escalation in the cost of the project will require the City to reconsider the timing of this project as well as alternatives to it.

This compromise offer is open until 5:00 p.m. on May 30, 2000 unless you receive written notice from the City of Keizer terminating this offer before that time. This date allows the City of Keizer time to decide how and when to proceed with flood protection for the City. The City will also make the determination about proceeding with condemnation action at that time.

Please contact me at 503-390-1635 to arrange to sign your easement option agreement and the revised easement. I can meet you at my office between 9:00 a.m. and 5:30 p.m., Monday through Friday or after hours if that is more convenient. I can also meet you at your home or business if that better suits your schedule. The City of Keizer expects to accept your offer to sell the easement and provide payment to you within seven days of receiving your signed documents.

Property Owner

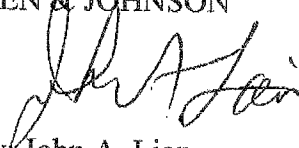
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May 18, 2000

If you have any questions about this procedure, please do not hesitate to ask me. I look forward to working with you to complete this transaction.

Yours truly,

LIEN & JOHNSON

A handwritten signature in black ink, appearing to read "John A. Lien", is written over the printed name.

By: John A. Lien

JAL/tmh

enclosures

c: City Manager

LEVEE AND RIVERWALL FLOOD PROTECTION
EASEMENT IN GROSS

PARTIES:

CITY OF KEIZER, an Oregon
municipal corporation (hereinafter "Keizer")

CLARK B. WILLIAMS and (hereinafter "Grantor")
JULIE L. WILLIAMS, as
tenants by the entirety

RECITALS:

A. Keizer wishes to construct, maintain, repair, operate, patrol and replace a riverwall or levee (hereinafter "riverwall") for flood protection purposes in accordance with the Keizer Levee Improvement Project as generally described in the Keizer Dike Section 205 Detailed Project Report dated April 1999 and Exhibits "B" and "C" attached hereto and by this reference incorporated herein. Keizer wishes to obtain an easement over, across and through Grantor's property for a portion of such riverwall.

B. Grantor wishes to grant such easement for the consideration acknowledged herein and have such easement recorded in the official records of Marion County.

Now, therefore, based on the consideration acknowledged herein, the Grantor grants such an easement as follows:

GRANT OF EASEMENT:

1. Grantor, in consideration of \$7,260.00 hereby grants a perpetual and assignable right and easement in the property described in Exhibit "A" attached hereto and by this reference incorporated herein to Keizer to construct, maintain, repair, operate, patrol and replace a riverwall, including all appurtenances thereto; reserving, however, to the Grantors, their heirs and assigns, all such rights and privileges in the land as it may be used without interfering with or abridging the rights and easement hereby acquired; subject, however to the existing easements for public roads and highways, public utilities, railroads and pipelines.

2. After initial construction of the riverwall, Keizer shall have the right of access through Grantor's property to access such easement after giving Grantor no less than twenty-four (24) hours written notice of intent to do so, except in the case of an emergency.

3. Keizer, upon each and every occasion that the riverwall is maintained, repaired, operated, patrolled and replaced, shall restore the premises of the Grantor, and any improvements disturbed by Keizer, to as good condition as they were prior to any such work, including the restoration of any topsoil and lawn.

4. Grantor shall not cause, allow, or suffer any damage to the riverwall, including without limitation, excavation, alteration or modification that would lower the riverwall or cause directly or indirectly degradation, damage or loss of use, either total or partial to such riverwall, or lessen the efficacy of such riverwall in protection against flood waters.

5. Grantor shall not cause, allow, or suffer any trees or other vegetation to be placed or planted which may directly or indirectly cause degradation, damage or loss of use, either total or partial to the riverwall, or lessen the efficacy of such riverwall in protection against flood waters.

6. The requirements and restrictions set forth in this Easement are cumulative and in addition to any valid federal, state, or local laws applicable hereto.

7. Acceptance by Keizer of this easement creates neither rights in Grantor, nor additional responsibilities or obligations on the part of Keizer.

8. As used herein the singular shall include the plural, and the plural the singular. The masculine and neuter shall each include the masculine, feminine and neuter, as the context requires.

Clark B. Williams

Julie L. Williams

STATE OF OREGON)
) ss.
County of Marion)

Dated this _____ day of _____, 2000.

Personally appeared the above named Clark B. Williams and Julie L. Williams and acknowledged the foregoing to be their voluntary act and deed.

NOTARY PUBLIC FOR OREGON
My Commission Expires: _____

Exhibit "A"
January 4, 2000

City of Keizer

Owner: Clark A. Williams and Julie L. Williams

Tax Map No. 073W-03CA, Tax Lot 01300, 01400, 01500

Beginning at a point on the easterly line of Lot 26, Block 10, PALMA CIEA VILLA as said subdivision is platted and recorded in Volume 19, Page 44, Book of Town Plats for Marion County, Oregon, which bears South 27°54'50" West 121.44 feet from the Northeast corner of said Lot 26;

thence South 27°54'50" West along said easterly line, a distance of 10.05 feet;

thence North 56°36'11" West 6.98 feet;

thence North 60°56'36" West 52.11 feet;

thence North 67°37'41" West 61.15 feet to a point on the easterly line of Lot 11, Block 23, PALMA CIEA VILLA NUMBER FIVE;

thence North 24°12'36" East along said easterly line, a distance of 10.01 feet;

thence South 67°37'41" East 61.41 feet;

thence South 60°56'36" East 53.08 feet;

thence South 56°36'11" East 6.40 feet to the point of beginning.

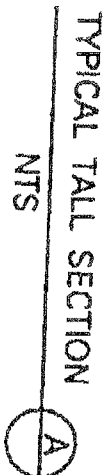
Contains 1206 square feet of land, more or less.

5 May 2000

TABLE 1		
KEIZER RIVER WALL		
TOP OF WALL ELEVATIONS		
Reach by Address	TOP Elev at D/S Property Line Meters	TOP Elev at D/S Property Line Feet
Initial Elev.	42.171	138.356
CITY PARK	42.122	138.195
960	42.112	138.162
970	42.104	138.137
980	42.096	138.111
990	42.085	138.074
1010	42.075	138.040
1030	42.067	138.015
1040	42.059	137.990
1050	42.050	137.959
1080	42.042	137.934
1120	42.035	137.911
1140	42.029	137.890
1160	42.023	137.870
1180	42.016	137.848
1210	42.009	137.826
1230	42.004	137.807
1260	41.996	137.782
1290	41.989	137.758
1310	41.981	137.733
1330	41.973	137.708
1340	41.966	137.683
1350	41.958	137.658
1360	41.950	137.633
1370	41.943	137.609
1380	41.941	137.600

Note: All Elev. are at the down stream
Property Line.

Exhibit B page 1 of 1



EXISTING OR NEW
PIPE OR EQUIPMENT

CLARK B. WILLIAMS

1050 Rafael Street N
Keizer, Oregon 97303
(503) 390-2129

May 22, 2000

VIA FACSIMILE TRANSMISSION (390-6557)
and FIRST CLASS MAIL

John A. Lien
Lien & Johnson
4655 River Road N
Keizer, OR 97303

COPY

Dear John:

Keizer Flood Wall Project

I received your letter of May 18 on Friday, May 19, 2000. I put a call into you Friday at 4:30, but have not received a reply yet.

I am enclosing some proposed modifications to the language of the easement. Please review this and get me your reply by tomorrow or, at the latest, Wednesday morning. We are having a meeting with the neighbors Wednesday or Thursday, and it would be helpful to have your input by then.

Please call me if you have any questions or want to discuss this further. I would be happy to explain why I think that this language would be helpful.

Very truly yours,



Clark B. Williams

cc: Chuck Mason (Via fax) ✓
Ron D. Musser (Via fax) ✓

CBW:at:\CA\OFFICE\WP\WIN\CLIENT\WI1005.001\LIEN.LTR

Add to the beginning of paragraph 2:

The elevation of the top of the riverwall shall not be higher than as listed on Exhibit B for the street address of the property (the street address for this property is 1050). The width of the riverwall shall not be wider than as depicted on Exhibit C.

Add to end of paragraph 4:

Subject to the foregoing and to paragraph 5 below, Grantee shall be allowed to landscape within the easement area, to place fill up against and over the riverwall, to paint and to attach facing or siding on the exposed portions of the riverwall, to build steps and ramps up and over the riverwall, and to build decks and similar structures on and over the riverwall.

Add to end of paragraph 7:

, provided, however, that the foregoing shall not limit the liability or responsibility which the law might otherwise impose on Keizer with regard to Keizer's construction, maintenance, repair, operation, patrol and replacement of the riverwall or any appurtenance thereto.

CLARK B. WILLIAMS

1050 Rafael Street N
Salem, Oregon 97308
(503) 390-2129

May 26, 2000

COPY

VIA FACSIMILE TRANSMISSION (503-808-4736)
and FIRST CLASS MAIL

Chuck Mason

Project Manager, Programs and Project Management

US Army Corps of Engineers

PO Box 2946

Portland, OR 97208-2946

VIA FACSIMILE TRANSMISSION (503-808-4675)
and FIRST CLASS MAIL

Ron D. Musser

Chief, Appraisal Branch

Real Estate Division

US Army Corps of Engineers

PO Box 2946 (CENWP-RE-AP)

Portland, OR 97208-2946

VIA FACSIMILE TRANSMISSION (390-6557)
and FIRST CLASS MAIL

John A. Lien

Lien and Johnson

4855 River Road N

Keizer, OR 97303

Gentlemen:

Keizer Flood Wall Project

This follows up my letter to John Lien of May 22, 2000, suggesting three additions to the language of the easement for my property. Copies of this letter were also faxed to Chuck and Ron. I understand that the attorneys for the Corps of Engineers have rejected this additional language as, according to John, not adding anything new or as confusing.

I would like to explain why these additions are necessary, as follows:

Chuck Mason
Ron D. Musser
John A. Lien
May 26, 2000
Page 2

- *Height and Width Restriction.* The revised easement included in John's letter of May 18 refers to new Exhibits B and C describing the height and width of the wall. However, the easement language only incorporates those references in the Recitals section. Further, the Recitals merely says that Keizer "wishes" to construct a wall to those specifications. These limitations are *not* incorporated into the section entitled Grant of Easement. That section gives Keizer the right to construct, and to replace in the future, a riverwall, period. There is no restriction to height or width.

Any lawyer worth his salt knows that Recitals are not binding as to the operative terms of a legal contract. Only the terms under the Grant of Easement section are enforceable. I have confirmed this with two other experienced Salem lawyers. Therefore, the easement *still* is not limited to height and width, legally. That is why I am suggesting this additional language. It is plain and simple.

If this additional language is not added, then the easement must be read as a 100% taking, with additional damage to the remainder of my property including loss of view. The language gives the City the right to build a wall ten feet wide and eight feet high. The City is obligated to compensate for the rights taken, whether or not they are used.

Also, if the additional language is not included, then I must call into question the validity of Mr. Roberts' appraisal. In his response to Steve Herrmann's comments addressed to John Lien on April 21, at page 6, Mr. Roberts says: "My comments are **project specific** and based on the current plans and specifications provided to date. My estimates **DO NOT** assume that the wall can be altered as to width and height (*emphasis in original*)."

If the appraisal is invalid, then the City has not followed Oregon condemnation law and cannot now bring a condemnation action. Instead, the City would have to start all over again with a new appraisal of the easement as currently written.

- *Decks and Berming, Etc.* I have been assured that I would have the right to berm over the wall, to build decks on the wall, etc., as long as I don't compromise the structural integrity of the wall. John's letter of May 18 says that it is impossible to catalogue every conceivable use of the easement area. However, that doesn't mean we can't cover this point to some degree. I would be satisfied with the one additional sentence which I have proposed. I don't

Chuck Mason
Ron D. Musser
John A. Lien
May 26, 2000
Page 3

see the harm in it. In particular, I would note that the Mr. Roberts' appraisal, in justifying the 25% figure, says: "ownership reportedly can bury or berm the wall, landscape over it or overlay items such as decks" and that as a result, "ownership retains the majority of use and enjoyment of the easement area." The appraisal is based on me retaining these rights. If I have these rights, then the easement should speak to it. If by refusing this language you are telling me that I don't have these rights, then the appraisal is invalid.

By the way, in the language which I suggested in my May 22 letter, "Grantee" should be changed to "Grantor."

- *Liability.* In John's letter of May 18, he states that as for accidents resulting from the presence of the riverwall, "Keizer will respond to those incidents through its insurance company or self insurance if that is appropriate." He further adds: "The City of Keizer can only be responsible where the City is at fault." I appreciate and concur with those comments. I am only asking that the City accept responsibility where the law would impose it. However, paragraph 7 of the easement says otherwise. It says: "Acceptance by Keizer of this easement creates neither rights in Grantor, nor additional responsibilities or obligations on the part of Keizer." This is a blanket exoneration. I would prefer to strike this paragraph entirely. However, I would also accept the additional language which I proposed, so as to clarify that this paragraph is not intended to exonerate the City from the legal obligations and liabilities which the law would otherwise impose.

I believe that these are fair and reasonable requests. Moreover, although I am not legally representing any of my neighbors, most of my neighbors tell me that they share the same concerns and that they will not sign the easement until similar changes have been made to their easement documents. At this point, this is the biggest hurdle to the project.

If this can be fixed, then we are down to individual issues. I suspect that some homeowners will sign based on the additional compensation offered in John's letter. Other homeowners still have issues regarding compensation, and there are still some individual concerns which remain regarding trees, loss of view, construction easements and similar items.

As for me, I will sign if the language is corrected as discussed above and if I am compensated at the figure which I last offered, which was \$7,977.69 for the easement plus

Chuck Mason
Ron D. Musser
John A. Lien
May 26, 2000
Page 4

\$3,216 for the landscaping items, or \$11,193.69 total. Despite what Mr. Lien says, I believe that my lot *is* worth more than \$200,000 (not just \$148,500) and that this particular portion of my property is the most valuable portion because of its proximity to the river. I am also basing my willingness to sign on these terms based on the assurance from the Corps of Engineers that the wall will be shallowed on my property to stay away from the tree roots. I would like to confirm this in the final construction plans.

I am laying my cards are face up on the table. I would appreciate your *written* reply.

Very truly yours,



Clark B. Williams