June 1992

CITY OF KEIZER CALENDAR OF EVENTS

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	1 7:30pm CITY COUNCIL (NEW)	2	3 8:00am MUNI-COURT (NEW) 7:00pm R3B (LIB)	4 12;00am SKATS BACK(NEW) 10:00am 2:00 LIBRARY HOURS 7:00pm PAC (LIB)	5	6 8:45am A.A. (LIB)
7 10:00am - 1:30 P. M. NEW LIFE FELLOWSHIP (LIB)	8 5:00pm MUNI-COURT(LIB) 7:00pm URBAN REN. ADV. (LIB)	9 6:00pm MC SOLID WASTE (NEW)	10 8:00am MUNI-COURT (NEW) 4:00pm KGAC (LIB) 7:30pm PLAN. COMM.(LIB)	11 10:00am 2:00 LIBRARY HOURS 5:00pm MUNI-COURT(LIB) 7:00pm PUB. HEARINGS (NEW)Z/ SUB92-2& CU91-9	12	13 8:45am A.A. (LIB)
14 10:00am - 1:30 P. M. NEW LIFE FELLOWSHIP (LIB)	15 7:00pm KEIZER RC (LIB) 7:30pm CITY COUNCIL	16	17 8:00am MUNI-COURT (NEW)	18 10:00am 2:00 LIBRARY HOURS 7:00pm PAC (LIB) 7:00pm PUB. HEARING (NEW)	19 7:30pm OB. CHEVY (LIB)	20 8:45am A.A. (LIB)
21 10:00am - 1:30 P. M. NEW LIFE FELLOWSHIP (LIB)	22 5:00pm MUNI-COURT(LIB)	23 5:00pm -9:00 VI CARLISLE (LIB)	24 8:00am MUNI-COURT (NEW) 5:00pm -9:00 VI CARLISLE	25 10:00am 2:00 LIBRARY HOURS 5:00pm MUNI-COURT(LIB)	26	27 8:45am A.A. (LIB)
28 10:00am - 1:30 P. M. NEW LIFE FELLOWSHIP (LIB)	29	30 7:30pm PARKS ADV. BD. (LIB)				

** SUBJECT TO CHANGE ** (NEW)=COUNCIL CHAMBERS/(LIB)=LIBRARY

5/28/1992

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

A G E N D A

KEIZER CITY COUNCIL

Monday, June 1, 1992
7:30 p.m.
Robert L. Simon Council Chambers
Keizer City Hall
Keizer, Oregon 97303

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC TESTIMONY

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

4. COMMITTEE REPORTS

5. PUBLIC HEARINGS

   a. Zoning Ordinance Amendment - Revision of the KZO To Allow Printing and Publishing In The Commercial Retail Zone.

   b. Variance 92-3/Ackerley Communications

   c. Supplemental 1991-92 Budget

6. DISCUSSION

   a. Zoning Ordinance Amendment - To Allow Printing and Publishing in the Commercial Retail Zone.

   b. Variance 92-3/Ackerley Communications

   c. Supplemental 1991-92 Budget

   d. Terrace Green/Nottingham Drive

   e. Resolution: Loan From Water Fund to General Fund

7. ORDINANCE - Parks Systems Development Charge

8. RESOLUTION - Insurance Agent of Record

9. <u>AWARD OF CONTRACT</u> - Hearings Officer

10. <u>CONSENT CALENDAR</u>

    a. <u>RESOLUTION</u> - Revenue Sharing

    b. March 11, 1992 Public Hearing Minutes

    c. March 30, 1992 Special Budget Meeting Minutes

    d. May 18, 1992 Regular Session Minutes

11. <u>OTHER BUSINESS</u>

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

12. <u>WRITTEN COMMUNICATIONS</u>

    To inform the Council of significant written communications and petitions.

    a. SKATS

13. <u>AGENDA INPUT</u>

    June 15, 1992

    -- Continued Public Hearing - Zone Change 92-1 Beck/Pizza Hut

    -- Periodic Review (continued)

14. <u>ADJOURN</u>

K:\agendas\council.316

City of Keizer

1982

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

COUNCIL MEETING: JUNE 1, 1992

AGENDA ITEM NO.: 3

TO: MAYOR AND CITY COUNCIL

FROM: MICHELLE WINEGAR MW
ADMINISTRATIVE SECRETARY

THROUGH: DONALD H. OTTERMAN DHO
CITY MANAGER

SUBJECT: PUBLIC TESTIMONY

For your information, there may be a person by the name of Stephanie Hollien here to give public testimony regarding the parking on the south side of Menlow Drive.

Evidently she owns a beauty salon there and feels that it is very dangerous for her customers because of lack of visibility. She would like to see the south side of Menlow Drive designated "no parking".

1982

City of Keizer — Community Development

Phone: 390-3700 • Fax # 390-8295
930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, Oregon 97307-1000

CITY COUNCIL MEETING: June 1, 1992

AGENDA ITEM NUMBER: 5a

TO: MAYOR AND CITY COUNCIL

THROUGH: DONALD H. OTTERMAN M.S.P.A, CITY MANAGER

FROM: JOHN N. MORGAN, AICP COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: REVISION OF THE ZONING ORDINANCE TO ALLOW "PRINTING AND PUBLISHING" IN A CR (COMMERCIAL RETAIL) ZONE

BACKGROUND:

At the Planning Commission's April 8, 1992 meeting, Les Zaitz president of Wheatland Publishing Company and publisher of the "Keizertimes", asked the Commission to initiate an amendment to the zoning ordinance. This amendment will designate "printing and publishing" as an allowed use in the Commercial Retail zone. Printing and publishing is defined in the Standard Industrial Classification Section 27.

Mr. Zaitz intends to locate the publishing offices of the "Keizertimes" in Baker Square, which is a Commercial Retail zoned retail complex on the south side of Chemawa Road west of River Road. In reviewing the zoning ordinance, Staff discovered that publishing offices are not allowed in the Commercial Retail zone but are allowed in a Commercial General zone. Most of the Commercial General zoned property in Keizer is along Cherry Avenue.

Staff advised Mr. Zaitz to ask for an amendment of the ordinance text rather than petition for a zone change on the property. Staff believes such a zone change would violate the character of the area, as there are many Commercial General uses that may not be compatible with a retail environment.

PROCEDURE:

Section 4.12 of the zoning ordinance sets the process for consideration of text amendments. It requires one public hearing, which is tonight before the Council. It also requires the Planning Commission to review the matter and make recommendations to the Council.

DISCUSSION:

There is no record of why the zoning ordinance was drafted with "printing and publishing" in the Commercial General but not the Commercial Retail zone. While it is true that a large newspaper could have a very large printing plant which could cause some impact on neighboring uses, the code already allows "commercial printing" in the Commercial Retail zone, which could have just as great an impact.

Staff finds no logic to indicate why a newspaper publishing and printing office is greater in its intensity and impact than any use allowed in the Commercial Retail zone. This is especially true in light of the allowance for commercial printing.

PLANNING COMMISSION RECOMMENDATION:

At its meeting of May 13, 1992, the Planning Commission unanimously voted to recommend to the Council approval of the proposed amendment.

FINDINGS OF FACT:

1. The Zoning Ordinance is based on very discrete descriptions of land uses, as described in the Standard Industrial Classifications.

2. There are instances where these discrete descriptions are so specific that they do not allow for establishments of land uses that may otherwise be acceptable.

3. "Printing and publishing" is an allowed use in the Commercial General zone but not the Commercial Retail zone.

4. Publishing is a use that is of an office nature. Other offices, which are similar in scope, scale, and impact, are allowed in the zone.

5. Commercial printing is allowed in the Commercial Retail zone, while printing associated with publishing is not. Both types of printing are similar in scope, scale, and impact.

6. A newspaper publishing office wishes to establish in a Commercial Retail zone and there is no reason to believe it will be different in scope, scale, and impact than other uses allowed in the zone.

7. The Statewide Planning Goals and Guidelines do not apply in this case, as the issue is local in nature and has no regional or statewide significance.

RECOMMENDATION:

It is recommended the Council pass an ordinance amending Chapter 28 of the Zoning Ordinance be amended to allow "printing and publishing" in the Commercial Retail zone as an allowed use.

RESOLUTION 92-1

INITIATING AMENDMENTS TO THE ZONING ORDINANCE
TO ALLOW "PRINTING AND PUBLISHING"
IN THE COMMERCIAL RETAIL ZONE

WHEREAS, the Zoning Ordinance is based on very discrete descriptions of land uses, as described in the Standard Industrial Classifications; and

WHEREAS, there are instances where these discrete descriptions are so specific that they do not allow for establishments of land uses that may otherwise be acceptable; and

WHEREAS, "printing and publishing" is an allowed use in the Commercial General zone but not the Commercial Retail zone; and

WHEREAS, a newspaper publishing office wishes to establish in a Commercial Retail zone; and

WHEREAS, the Planning Commission finds that there appears to be reason to consider amending the zoning ordinance to allow "printing and publishing" in the Commercial Retail zone, given the nature of the use in light of other office uses, and in light of "commercial printing" being allowed in the Commercial Retail zone.

NOW THEREFORE, the Planning Commission of the City of Keizer initiates an amendment of the Zoning Ordinance to allow "printing and publishing" as an allowed use in the Commercial Retail zone.

Approved this 13th day of May, 1992

Gerald G. Waters

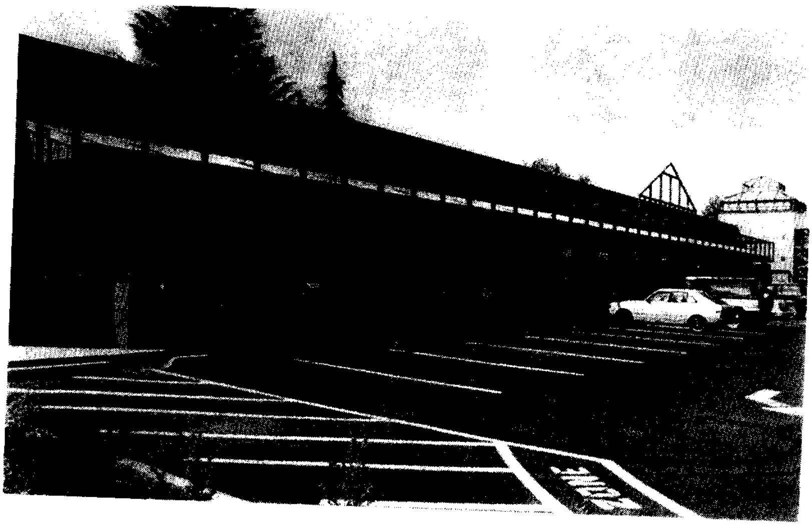
President, Keizer Planning Commission

ATTEST:

Community Development Director

KEIZERTIMES -- Office space

Current - 680 Chemawa Rd. N.E.



Proposed - 142 Chemawa Rd. N.

NOTICE OF PROPOSED ACTION

Must be sent to DLCD 45 days prior to the final hearing
See OAR 660-18-020

Jurisdiction CITY OF KEIZER

Date Mailed 4/14/92 **Local File Number** ______

Date Set for Final Hearing on Adoption 6 / 1 / 1992
Month Day Year

Time and Place for Hearing KEIZER CITY HALL 7:30 PM
930 CHEMAWA RD NE KEIZER OR

Type of Proposed Action (Check all that apply)

____ Comprehensive Plan Amendment   X Land Use Regulation Amendment   ____ New Land Use Regulation

Please Complete (A) for Text Amendments and (B) for Map Amendments

A. Summary and Purpose of Proposed Action (Write a brief description of the proposed action. Avoid highly technical terms and stating "see attached".):

ALLOW "PRINTING AND PUBLISHING" IN THE COMMERCIAL RETAIL ZONE

B. For Map Amendments Fill Out the Following (For each area to be changed, provide a separate sheet if necessary. Do not use tax lot number alone.):

Current Plan Designation: ______   Proposed Plan Designation: ______

Current Zone: ______   Proposed Zone: ______

Location: ______

Acreage Involved: ______

Does this Change Include an Exception? ____ Yes ____ No

For Residential Changes Please Specify the Change in Allowed Density in Units Per Net Acre:

Current Density: ______   Proposed Density: ______

PROPOSED REVISIONS TO THE
KEIZER ZONING ORDINANCE
CHAPTER 28

Amend the CR (Commercial Retail) Zone by adding a new number 60 under 28.01 - USES as follows:

(60) Printing and Publishing (27)

BAKER BROTHERS INVESTMENTS
P. O. BOX 20035, KEIZER, OREGON 97307

May 11, 1992

TO: Keizer Planning Commission

RE: Legislative Amendment - Keizer Zoning Change

Dear Ladies and Gentlemen:

As the owners of Baker Square, a retail-office complex in the "down town" of Keizer, we would like to endorse the proposed zoning change to allow newspaper publishing in a C. R. Zone.

We especially feel this will allow Keizer Times to remain in a "central" location, developing a stronger downtown identity for Keizer. It seems to us that they are completely compatible with other businesses in Baker Square, and with other potential development at that site.

We urge you to approve such change, and consider other such issues that will allow Keizer to move into the future to provide an environment and services that it's citizens can be proud of.

Thank you,

John E. Baker

John E. Baker

JEB/mc

TO: Keizer Planning Commission

FROM: Wheatland Publishing Corp.
dba Keizertimes
Leslie L. Zaitz, president and publisher

DATE: May13, 1992

RE: LEGISLATIVE AMENDMENT - Keizer Zoning Code

Wheatland Publishing Corp., the owner and operator of the Keizertimes newspaper, requests that the Keizer Planning Commission approve a legislative amendment to the Keizer Zoning Code to add the industrial classification No. 27 to the commercial-retail zone. Because of circumstances that I will outline below, we ask that the commission forward this amendment with approval to the Keizer City Council.

Background:

The Keizertimes has been serving the community of Keizer for nearly 12 years. For the past four years, the newspaper has been located at 680 Chemawa Rd. N. Prior to that, the newspaper operated out of another commercial office and houses at two different locations. The newspaper continues to grow as the community grows and our company is desperately in need of additional space to expand its operations.

To obtain that space, the Keizertimes is intending to move to Keizer's newest commercial office development, Baker Square, at 140 Chemawa Road N. — one block west of the newspaper's current location. The newspaper hopes to move into its expanded quarters by June 1, 1992.

Issue:

The city planning staff has determined that Baker Square is a commercial-retail zone. The staff has further determined that Keizer's zoning code does not permit newspaper publishing in the CR zone, but only in the commercial-general (CG) zone. The issue is whether the zoning code should be legislatively amended to add newspaper publishing to permitted uses in the city's CR zone.

Discussion:

Many of you have visited our newspaper office from time to time. Without the sign on the front, a stranger walking into that office would see little different from what they would see by visiting a local insurance agency, medical practice or attorney's office. All those uses are currently permitted in the CR zone. The Keizertimes is a computer-based operation that has no printing equipment of its own — although commercial printing IS allowed in the city's CR zone. The Keizertimes' operation is compatible with similar business operations in the core area of Keizer and with businesses already existing in Baker Square. Those businesses include a legal document services firm, a medical lab, and a dental office.

Keizer's zoning code requires the city to address five specific criteria in evaluating whether a legislative amendment is justified. Allow me to review each of those criteria in turn.

1. **Compliance with land-use goals.**

The general office use intended by the Keizertimes for the purposes of expanding its business accomplishes the state's economic development goals for land-use planning.

2. **Conformance with the Comprehensive Plan.**

In devising the Comprehensive Plan, the community made clear that business was to be encouraged to locate here *as well as expand.* Attached are excerpts from key portions of the Comprehensive Plan relating to economic development objectives in land-use planning for Keizer.

Under general goals, two objectives are especially applicable:

• "Broaden, improve and diversify the Keizer economy while maintaining or enhancing its environment."

• "Encourage public and private efforts to increase economic development in Keizer. To the extent possible, such development should use local capital, labor and management. (Emphasis added.)

More specifically, the Comprehensive Plan states as community policy that the city will permit "commercial offices to be mixed with compatible resident or commercial retail uses in the same structure."

The Keizertimes has grown considerably in its first 11 years and the need for additional space is further evidence of re-investment in the community. Without additional space, we cannot add to the local employment base as we plan.

D. **Public need**

This minor change in the zoning code is to the public benefit. In general, allowing newspaper publishing as a permitted use in a commercial-retail zone would enhance the very mix of office and retail envisioned in the Comprehensive Plan.

There is a more direct public benefit. First, by allowing the newspaper to grow and expand, the public receives the benefit of an expanded communication source that is an important billboard for the community. The public benefit also flows from a more direct economic impact, by recognizing and encouraging re-investment in the community and by an expanded work force.

E. **The change will not adversely affect the community.**

The change poses no risk to the welfare and safety of the community. The Keizertimes has operated in a similar environment for more than four years. Publishing is a clean, non-polluting business which can bring jobs and investment to the community.

F. **Adequate public facilities.**

The relocation of the Keizertimes to Baker Square imposes no new additional demands on the city infrastructure. Transportation and other public services already are in place in regards to Baker Square.

Finally, I would like to call your attention to the specific uses allowed in the CG and the CR zones. The action requested by the Keizertimes doesn't shift a permitted use from one particular zoning to a more restrictive zoning. Rather, the change proposed by the Keizertimes fits logically, both in view of the other activities already permitted and in light of the general stated purpose of the two zonings.

According to the city zoning code (see attached), "the purpose of the CG zone is to provide areas suitable for warehousing, whole commercial sales and services with related outdoor storage or retail sales." (Emphasis added). Newspaper publishing does not fit within those categories.

The CR zone makes a better fit: "The purpose of the CR zone is to provide areas suitable for professional and general commercial offices, retail sales within a building, eating and drinking places, commercial accommodations and commercial services." (Emphasis added)

Why newspapers are classified in CG becomes even more mysterious when you examine in more detail what uses are permitted in the CR. Three fields allied with newspapers are allowed in the CR zone — commercial printing, communications and news dealers and newsstands. Newspaper publishing is a logical companion use to those permitted uses — as experience shows. The newspaper has unwittingly operated for the past four years in a CR zone — with no adverse effect. The newspaper's impact land-use is significantly less than one of the major uses allowed — a grocery store. The major grocers attract thousands of cars, generate substantial heavy truck traffic and contribute significantly to the need for public services. It makes no sense that a newspaper office should be excluded from a CR zone but a grocery is allowed.

As noted in the opening, we are asking simply that the classification be added to CR so that it is in both CG and CR. There is precedent for such duplication because there already is substantial overlap between these two zonings. There are at least 33 types of businesses that currently are allowed in *both* CR and CG. And the CR zone is clearly the more permissive of the zonings — allowing 26 *more* classes of business than CG does.

Taken together, we believe a careful, reasonable reading of the intention of Keizer's zoning laws — from the Comprehensive Plan on down to the zoning code itself — provides inescapable conclusions:

- Broad community policy is to encourage economic development, especially non-polluting development that does not strain public services.
- The CR and the CG zones share more permitted uses than they retain exclusively.
- The purpose of the CR zone is encourage and control development of professional and commercial office space.
- The CR zone is more permissive than the CG zone.

The Keizertimes is an important part of the community. As an institution in the community, its growth and development should be points of pride for this city. Your favorable action on this request is respectfully requested.

11. There exists both general and specific support for mixed-use development northwest of the intersection of Olson and N. River Roads, provided any development thoroughly addresses the issue of potential flooding. Several property owners have begun preliminary feasibility studies.

4. GOALS AND POLICIES: ECONOMIC, COMMERCIAL AND INDUSTRIAL DEVELOPMENT

a. **General Goals**

1. Broaden, improve and diversify the Keizer economy while maintaining or enhancing its environment.

2. Supply an adequate amount of land to accommodate new and existing businesses.

3. Reserve enough remaining large parcels for special developments requiring large lots.

4. Ensure compatibility between commercial and industrial lands and lands adjacent to them.

5. Provide for limited mixing of office, commercial, and industrial land uses when such mixing does not reduce the suitability of the site for the primary land use designated in the plan.

6. Provide the necessary public facilities and services to allow economic development.

7. Encourage public and private efforts to increase economic development in Keizer. To the extent possible, such development should use local capital, labor, and management.

8. Reduce unemployment in the resident labor force.

9. Improve the level, stability and distribution of per capita income for residents.

b. **General Policies**

1. Work with regional and local planning agencies, the County Assessor, and the Oregon Department of Economic Development to prepare and update annually an inventory of vacant commercial and industrial land parcels in the City.

2. Monitor building permits, and subdivisions in the City to assure that opportunities for large developments are not foreclosed by subdivision or piecemeal development.

3. Encourage for commercial and industrial developments:

   (a) Innovative designs for public spaces such as open plazas, pedestrian malls, and tot lots by making sure zoning regulations are flexible.

   (b) The expansion of existing and the location of new light manufacturing activities, especially those which generate little pollution.

   (c) Industrial park development for appropriate business activities. Examples of activities are warehousing and distribution, and research and development.

4. Discourage in commercial and industrial developments:

   (a) Major customer traffic from outside the immediate neighborhoods from filtering through nearby residential streets.

   (b) Other land uses in districts that have been designated for industrial use, except when it can be demonstrated such uses will have minimal negative impacts on industrial uses now and in the future.

   (c) Placement of loud or obnoxious equipment adjacent to residential streets or areas.

   (d) Deliveries or loud outside activities adjacent to residential streets or areas.

5. Permit in commercial and industrial developments:

   (a) Commercial offices to be mixed with compatible residential or commercial retail uses in the same structure.

   (b) Transit services and shelters to be provided in lieu of some off-street parking.

6. Maintain a supply of industrial and commercial land with necessary public services, adequate size and suitable location.

7. Recognize the vital role of neighborhood commercial facilities in providing services and goods to a particular neighborhood.

8. Encourage the expansion or redevelopment of existing neighborhood commercial facilities when the density or socio-economic characteristic of households using the facilities change or when residential densities increase.

9. Concentrate major commercial and industrial development along major arterials. Allow neighborhood shopping and convenience stores in residential areas, providing such developments meet compatibilility standards described in the implementing ordinances. Such standards shall be clear and objective and not have either the intent or the result of precluding all such development.

10. Designate on a plan diagram commercial and industrial land sufficient to meet projected needs through 2005.

11. Establish and implement development ordinances that balance the needs for a safe, clean and attractive environment with the need to avoid unnecessary regulatory burdens and costs. The ordinances shall ensure that development design and operation is compatible with surrounding land use and shall contain clear and objective standards for determining the compatibility of different types of land uses.

d. Area-Specific Policies

1. Work with land owners and developers to promote the development of a major mixed-use development northwest of the intersection of N. River Road and Olson Road.

2. Encourage industrial and commercial development on vacant or largely vacant parcels near the Chemawa Interchange.

3. Prohibit commercial and industrial development adjacent to the Willamette River.

4. Work with the Keizer Merchants Association and other business groups to encourage cooperation among commercial enterprises along N. River Road and Cherry Avenue in establishing guidelines, goals and funding sources for public and private improvements.

D. PLAN DIAGRAM AND SPECIAL LAND USE POLICIES

1. FINDINGS

a. General

1. A land use plan has been prepared for the City of Keizer which reflects the goals and policies of the Comprehensive Plan. See Figure 2. The vacant buildable acres by land use type are:

(a) Single-family residential 861.5 acres

Major Group 27.—PRINTING, PUBLISHING, AND ALLIED INDUSTRIES

The Major Group as a Whole

This major group includes establishments engaged in printing by one or more common processes, such as letterpress; lithography (including offset), gravure, or screen; and those establishments which perform services for the printing trade, such as bookbinding and platemaking. This major group also includes establishments engaged in publishing newspapers, books, and periodicals, regardless of whether or not they do their own printing. News syndicates are classified in Services, Industry 7383. Establishments primarily engaged in textile printing and finishing fabrics are classified in Major Group 22, and those engaged in printing and stamping on fabric articles are classified in Industry 2396. Establishments manufacturing products that contain incidental printing, such as advertising or instructions, are classified according to the nature of the products—for example, as cartons, bags, plastics film, or paper.

Industry Group No. | Industry No.

271 NEWSPAPERS: PUBLISHING, OR PUBLISHING AND PRINTING

2711 Newspapers: Publishing, or Publishing and Printing

Establishments primarily engaged in publishing newspapers, or in publishing and printing newspapers. These establishments carry on the various operations necessary for issuing newspapers, including the gathering of news and the preparation of editorials and advertisements, but may or may not perform their own printing. Commercial printing is frequently carried on by establishments engaged in publishing and printing newspapers, but, even though the commercial printing may be of major importance, such establishments are included in this industry. Establishments not engaged in publishing newspapers, but which print newspapers for publishers, are classified in Industry Group 275. News syndicates are classified in Services, Industry 7383.

- Commercial printing and newspaper publishing combined
- Job printing and newspaper publishing combined
- Newspaper branch offices, editorial and advertising
- Newspapers: publishing and printing, or publishing only

272 PERIODICALS: PUBLISHING, OR PUBLISHING AND PRINTING

2721 Periodicals: Publishing, or Publishing and Printing

Establishments primarily engaged in publishing periodicals, or in publishing and printing periodicals. These establishments carry on the various operations necessary for issuing periodicals, but may or may not perform their own printing. Establishments not engaged in publishing periodicals, but which print periodicals for publishers, are classified in Industry Group 275.

- Comic books: publishing and printing, or publishing only
- Magazines: publishing and printing, or publishing only
- Periodicals: publishing and printing, or publishing only
- Statistical reports (periodicals), publishing and printing, or publishing only
- Television schedules: publishing and printing, or publishing only
- Trade journals, publishing and printing, or publishing only

28.00 PURPOSE. The purpose of the CR (Commercial Retail) zone is to provide areas suitable for professional and general commercial offices, retail sales within a building, eating and drinking places, commercial accommodations and commercial services. The Commercial Retail zone is appropriate in those areas designated Commercial in the Comprehensive Plan when the location has access to a collector or arterial street.

29.00 PURPOSE. The purpose of the CG (Commercial General) zone is to provide areas suitable for warehousing, wholesale commercial sales and services with related outdoor storage or retail sales. The Commercial General zone is appropriate in those areas designated Commercial in the Comprehensive Plan where the location has access to an arterial street or highway for transport of bulk materials where the noises, lights, odors and traffic hazards associated with permitted uses will not conflict with local streets.

1982

City of Keizer — Community Development

Phone: 390-3700 • Fax # 390-8295
930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, Oregon 97307-1000

CITY COUNCIL MEETING: June 1, 1992

AGENDA ITEM NUMBER: 5b

TO: MAYOR AND CITY COUNCIL

THROUGH: DONALD H. OTTERMAN M.S.P.A. DHO
CITY MANAGER

FROM: JOHN N. MORGAN, AICP
COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: VARIANCE CASE NO. 92-3; ACKERLEY COMMUNICATIONS

BACKGROUND:

1. The applicant is Ackerley Communications for property owned by Phil Luarca.

2. The subject property is located at the south side of Chemawa Road North, approximately 550 feet west of its intersection with River Road. The parcel is addressed as 170 Chemawa Road North; the County Assessor's map identifies the property as being located within Section 02BB; Township 6 South; Range 3 West; Tax Lot #'s 3400 and 3500.

3. The subject property is designated Commercial in the Keizer Comprehensive Plan and is zoned CR (COMMERCIAL RETAIL). The purpose of this Plan designation and zone is to provide land for commercial offices, retail sales and other commercial accommodations and activities. Signs are also permitted in the zone subject to compliance with the requirements in Chapter 15 of the Zoning Ordinance.

4. The 11,200 square foot parcel contains a retail business specializing in bicycles and go-karts (Luarca's World of Wheels/Karts and Parts). Property to the north, west and east is also zoned CR. Land uses include a bookstore and two shopping centers (Baker Square and Schoolhouse Square). Land to the northwest is zoned RM (MEDIUM DENSITY RESIDENTIAL) and contains an apartment complex. To the south is CO (COMMERCIAL OFFICE) zoned property which is currently developed with single-family dwellings. (See EXHIBIT "A".)

5. The applicant is requesting Variance approval to permit the placement of a sign which exceeds the sign area requirements and height limitation contained in Chapter 15. (See EXHIBIT "B".)

FINDINGS

1. On or about March 17, 1992, Ackerley Communications disassembled an existing sign on the subject property. The sign was (and is) free-standing and situated adjacent to Chemawa Road. Originally greater than 20 feet in height (specific information was not supplied by the applicant), the sign structure was rebuilt and the height increased. There was no increase in sign area. The company, however, did not obtain a sign permit, nor building permit, to perform the alterations. Prior to the completion of the work the City obtained a "Stop Work" order from the Marion County Building Inspection Division. This order was issued, but not until the reassembly of the sign was nearly completed. The "Stop Work" order prevented the reinstallation of the small sign advertising Luarca's business.

2. Section 15.20(1) of the Keizer Zoning Ordinance requires the issuance of a permit for the construction, alteration or relocation of a sign. By definition [Section 15.10(1)], alteration includes any change in the size, shape, position, location, construction or supporting structure of a sign. Based on this definition, the modification to the subject sign constitutes an alteration and therefore required a permit.

3. Section 15.30(2), however, prohibits the issuance of a permit for new, <u>altered</u> or relocated signs that do not comply with the sign code regulations, including those related to sign area. The calculation to determine the maximum allowable sign area is identified in Section 15.70(1). This limitation is defined by multiplying the building frontage by 1.5. Based on the submitted site plan, the building frontage is 50 feet, thereby permitting a maximum of 75 square feet of sign area on the subject property. It appears the existing business contains at least 50 to 60 square feet of sign area leaving, at best, 15 to 25 square feet for a free-standing sign.

4. The alteration of the free-standing sign was in violation of the sign regulations as the alterations did not result in a sign conforming to the sign area requirements of Section 15.70(1). As the altered sign could not comply with the sign regulations, the City was (or would be) unable to issue a sign permit.

5. The applicant was informed of the violation in a letter dated March 20, 1992. The City gave the applicant the option of either removing the sign or obtaining a sign permit which would establish a conforming sign. The sign owner had until April 4, 1992 to comply with either requirement. Citations for failure to obtain a sign permit and failure to conform with the sign limitations in Section 15.70(1) were issued on April 6, as the company did not comply with either request.

6. In a subsequent phone conversation, the company president was informed of the possibility for a sign variance that might allow maintenance of the sign in its present form. An application was submitted on April 20, 1992, specifically requesting a variance to the sign limitation standard contained in Section 15.70(1). In reviewing the request, staff also noted sign height was increased so that a variance to the sign height limitation of 20 feet [Section 15.70(1)(c)]. Because the alterations effectively create a new sign, staff is obligated to review the request as if this were the establishment of a new sign.

7. The decision criteria for a variance to the sign regulations are contained in Section 15.90 of the Keizer Zoning Ordinance. In general, they include: (a) granting of the variance would not decrease traffic safety nor adversely affect other identified items of public welfare; (b) there are unique circumstances or conditions such that the variance compensates for those circumstances in a matter that does not grant a special privilege; (c) the variance will not result in a special advertising advantage in relation to neighborhood businesses; (d) granting of the variance would not obstruct views of other buildings, signs, unique architectural features or landscaping; (e) the size, placement, texture, color and graphics of the proposed sign results in a more attractive sign than would otherwise be permitted under strict interpretation of the code; and, (f) the variance request is not the result of a self-imposed condition and hardship.

8. The applicant did not respond directly to each of the criteria. The applicant did note, however, that a building was recently constructed to the east of the property (apparently Baker Square) which obstructs the view of the sign from River Road. Accordingly, the sign needed to be raised to a height of 35 feet to maintain visibility. The applicant also requested the sign advertising the retail business (Luarca's) be allowed to be reinstalled.

9. The sign is located at least 50 feet from the centerline of Chemawa Road. This is a sufficient setback as to preclude interference with traffic. Staff is not aware of any detrimental impact of the sign on public welfare such as fire protection or the provision of other public services. The proposal complies with item 7(a).

10. The variance request is to allow a sign which exceeds the sign area and sign height limitations. Aesthetic issues regarding the placement, texture, color and graphics of the proposed sign are not applicable to the request. Compliance with item 7(e) is therefore not required.

11. Other than the increase in the adjacent building height, the applicant did not identify any unique circumstances or conditions which require the variance. The adjacent building was built in full compliance with the development standards for commercial structures in a CR zone, including those related to height limitations and setback requirements. The building does not present itself as an unique circumstance or pre-existing condition but a

structure in absolute conformity with Keizer land use development requirements and expectations.

12. Staff finds it difficult to conclude land use actions which are permitted and conform with Ordinance standards can form the basis for a special circumstance on adjacent property. Approval of this variance would effectively grant a special privilege by permitting a larger, and taller, sign that is not otherwise obtainable by other businesses within the City. The proposal does not comply with item 7(b).

13. Ordinance sign regulations do not regulate sign content. While unlikely, there is nothing to prohibit the current property owner (Luarca) from using the large free-standing sign for advertising his business. Further, the property owner obtains an additional privilege by being able to rent or lease sign advertising space; a privilege not available to other businesses. For these reasons the proposal does not comply with item 7(c).

14. Based on the applicant's statement, it appears the purpose of the alteration was to create a taller sign due to a building obstruction. Area development is generally ranges from 15 to 20 feet in height so that the sign is not expected to obstruct the view or architectural features on adjacent development. Staff, however, notes the height regulations of the Zoning Ordinance prefer taller commercial buildings (up to 50 feet) to taller signs (maximum 20 feet); this is further buttressed by Ordinance prohibitions against roof signs. The sign has the potential for obstructing building views in the future and is contrary to the intent of the Zone Code. The proposal does not comply with item 7(d).

15. The variance application is in response to a citation issued by the City for failing to obtain a sign permit and failing to conform with the Zoning Ordinance sign code provisions. Had no alteration of the sign occurred a variance would be unnecessary and sign could have remained, in its prior state, until the abatement period of May 7, 1997. Therefore, this variance request is the direct result of a self-imposed condition and hardship and fails to comply with the criteria in item 7(f).

CONCLUSION

The variance request is able to comply with some of the decision criteria contained in Section 15.90. However, approval of a variance requires compliance with <u>all</u> the relevant criteria. Staff specifically notes there does not appear to be any special circumstance or condition that justifies a variance. The establishment of the sign effectively grants a special privilege to the property owner and has the potential of providing additional sign area for the existing business. The sign can also obstruct the vision of buildings and is singularly the result of a hardship created by the applicant.

RECOMMENDATION

Based on the above findings, the Community Development Department recommends the City Council direct the City Attorney to draft an order denying the variance request for approval at the next Council meeting.

Prepared by Skip Wendolowski, City Planner

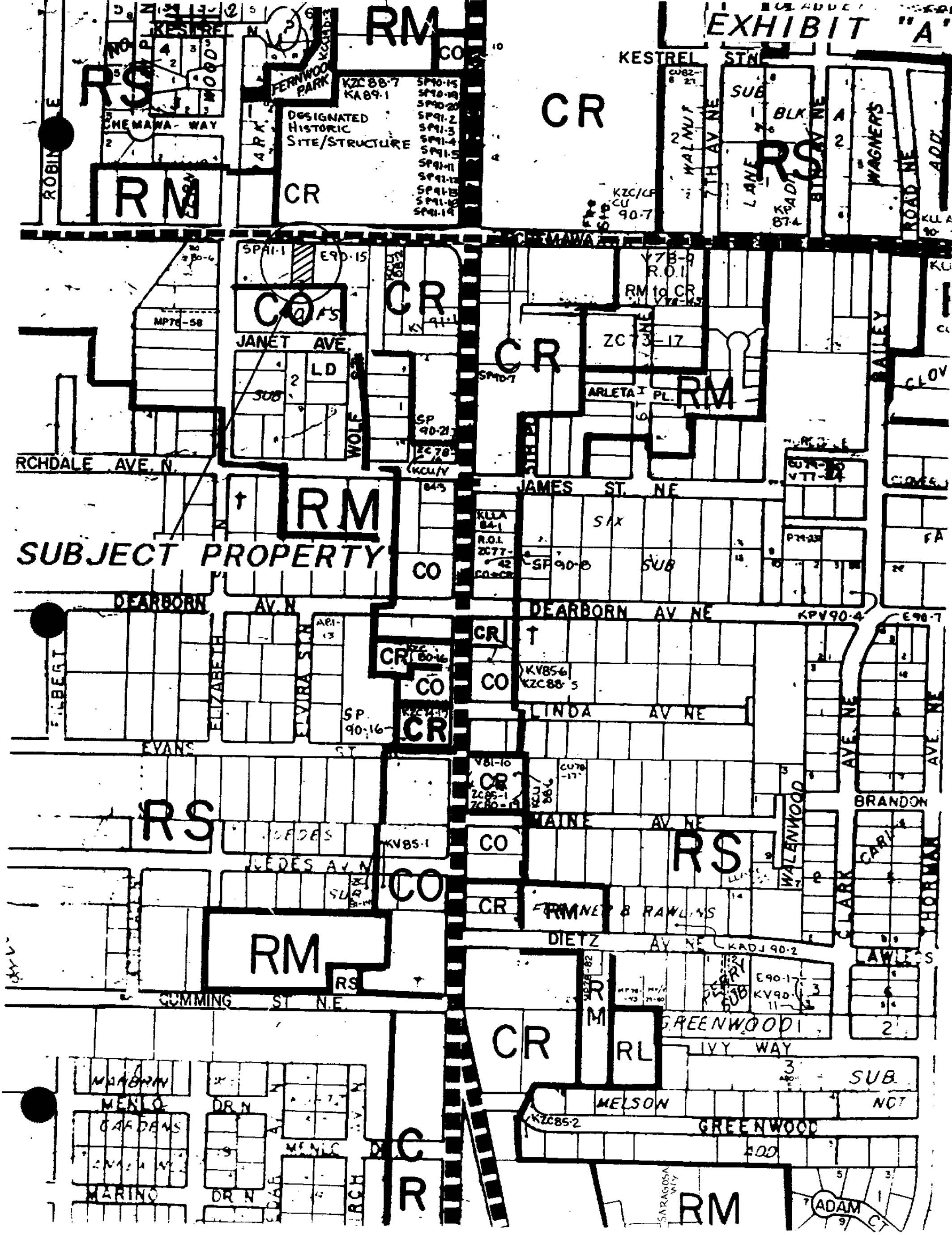
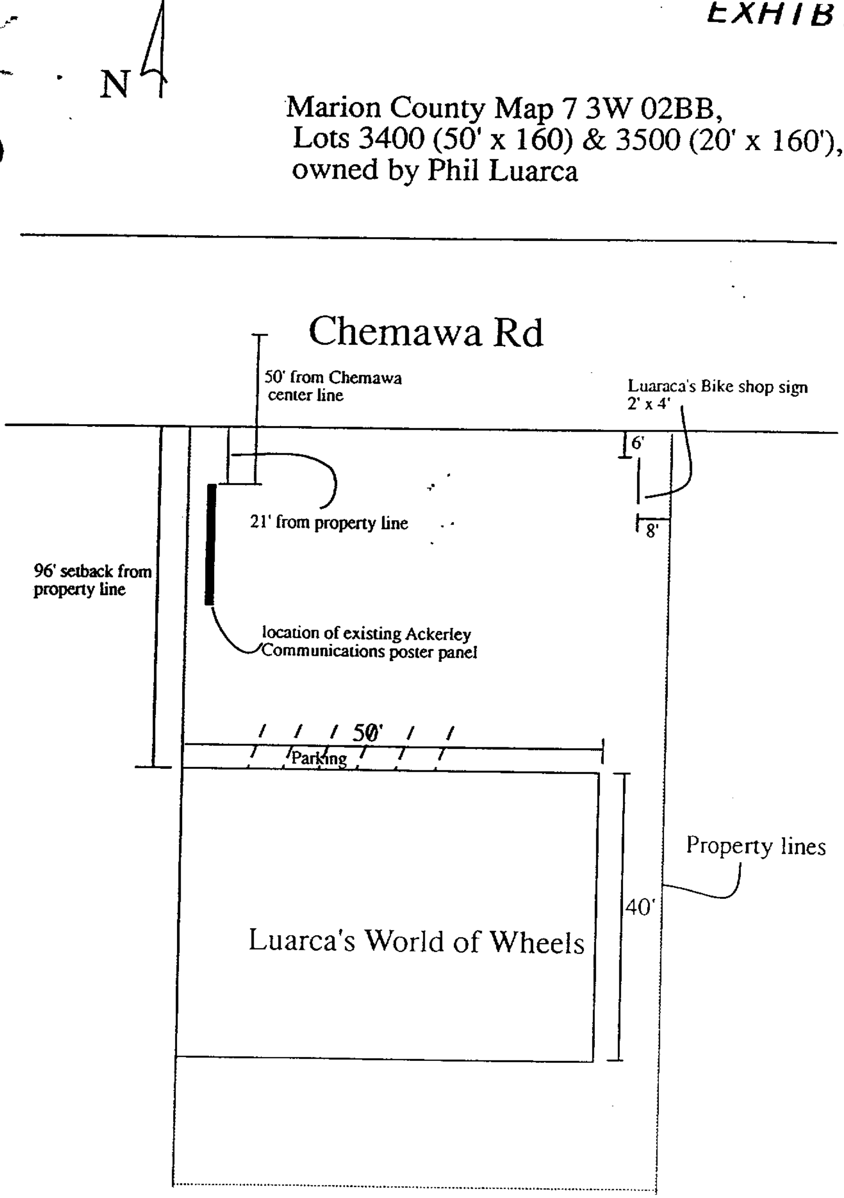


EXHIBIT "A"
SUBJECT PROPERTY
RS
RM
CR
CO
LD
RL
KESTREL ST NE
CHEMAWA WAY
CHEMAWA
FERNWOOD PARK
DESIGNATED HISTORIC SITE/STRUCTURE
KZC 88-7
KA 89-1
SP90-15
SP90-19
SP90-20
SP91-2
SP91-3
SP91-4
SP91-5
SP91-11
SP91-13
SP91-18
SP91-19
KZC/CP CU 90-7
WALNUT
7TH AV NE
LANE
BLK A
WAGNER'S ADD
ROAD NE
SP91-1
E90-15
MP76-58
JANET AVE.
Y78-9 R.O.I. RM to CR
ZC73-17
ARLETA PL.
SP90-7
SP 90-21
ARCHDALE AVE. N.
JAMES ST. NE
KLLA 84-1
SP90-8
SIX SUB
BAILEY
CLOV
DEARBORN AV N
DEARBORN AV NE
KPV90-4
E90-7
ELIZABETH
ELVIRA ST
SP 90-16
KV85-6
KZC88-5
LINDA AV NE
EVANS ST
KV85-1
MAINE AV NE
BRANDON
WALENWOOD
CLARK AVE NE
LEEDES AV N
FINNEY & RAWLINS
DIETZ AV NE
KADJ 90-2
E90-17
KV90-11
GREENWOOD
IVY WAY
CUMMING ST NE
MENLO GARDENS
MENLO DR N
MARINO DR N
MELSON
SUB
KZC85-2
GREENWOOD ADD
ADAM CT

Marion County Map 7 3W 02BB,
Lots 3400 (50' x 160) & 3500 (20' x 160'),
owned by Phil Luarca



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

COUNCIL MEETING: JUNE 1, 1992

AGENDA ITEM NO.: 5c

TO: MAYOR AND CITY COUNCIL

FROM: CITY MANAGER DMO

SUBJECT: WATER FUND AND GENERAL FUND SUPPLEMENTAL BUDGETS

ISSUE

Shall the City Council approve a Supplemental Budget for the General Fund and Water Fund, authorizing the transfer of funds from the Water Fund to the General Fund for the acquisition of property located at 4950 Bailey Road.

DISCUSSION

The City Council on March 30, 1992 approved the purchase of property at 4950 Bailey Road. The approval was based upon certain stipulations as set out in the motion by Councilor Miller. On April 20, 1992 I reported back to the City Council the status of the acquisition of the property.

Escrow is scheduled to close on June 17, 1992. The City Council must now establish the method to acquire the property. There have been two methods proposed to fund the acquisition of the property. The first method is using Urban Renewal funds to offset a portion of the acquisition cost. The Community Development Director has discussed this individually with the River Road Redevelopment Board and it was the informal consensus of the Board that tax increment funds could be spent in this fashion since the city hall site, and particularly the site proposed to be acquired, are in the Urban Renewal Project Area. There was one member of the Board that disagreed with the remainder of the board and did not feel that the funds should be expended for this purpose. Two other members of the board agreed with the expenditure of the funds, but either wanted the funds repaid, or wanted support from the council for future projects. A copy of a memorandum from the Community Development Director is attached. There is a total of $16,698 set aside in the Urban Renewal Budget this year for a capital project.

The second alternative that has been discussed is the transfer of funds, by written agreement, from the Water Fund to the General Fund, as a loan to cover all or a portion of the acquisition costs to be repaid the subsequent fiscal year. The loan of funds from the Water Fund to the General Fund would require a supplemental budget for both funds. A public hearing has been advertised for June 1, to consider such a supplemental budget. The loan of funds from one fund to the other is permitted by ORS 294.460. A copy of that section of the code is attached.

The following costs are the final costs for this acquisition. The escrow costs are estimates only at this time.

Acquisition of Property		$47,500
Whole Home Inspection		220
Asbestos Inspection		200
Appraisal		350
Escrow Costs (Estimate)		250
	TOTAL	$48,520

RECOMMENDATION

It is recommended that the City Council approve an amendment to this years budget by approving the proposed changes in the supplemental budget. The changes recommended assume that the City Council will use the funds from Urban Renewal Capital Projects to offset a portion of the acquisition costs. Those changes are:

Water Fund

1. Decrease the Unappropriated Ending Fund Balance by $32,302.
2. Increase the Transferred to Other Funds category by $32,302 to be transferred to the General Fund.

General Fund

1. Increase the Resources by $32,302 by increasing the Other Revenue Category to reflect a transfer from the Water Fund.
2. Increase the Capital Outlay in the Administration Department by $32,302 to reflect the Acquisition of 4950 Bailey Road.

If the Council determines that the funds from Urban Renewal should not be used, the amount of funds that should be transferred from Water Fund to General Fund should be changed to $49,000.

If the City Council determines that it is appropriate to use Urban Renewal Funds to offset a portion of the acquisition costs, the City Council should make the finding that the acquisition of this property is part of the Civic Center Project identified in the Urban Renewal Plan. Also the Agency is not taking ownership of the property and does not intend to at any time in the future.

City of Keizer — Community Development

Phone: 390-3700 • Fax # 390-8295

930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, Oregon 97307-1000

1982

CITY COUNCIL MEETING: June 1, 1992

AGENDA ITEM NUMBER: 6d

TO: MAYOR AND CITY COUNCIL

THROUGH: DONALD H. OTTERMAN M.S.P.A.
CITY MANAGER

FROM: JOHN N. MORGAN, AICP
COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: TERRACE GREEN RESERVE STRIP

DISCUSSION:

At its meeting on May 18, 1992, the Council took up the issue of a reserve strip along the north side of Nottingham Drive NE. This strip was supposed to be deeded to the County as a condition of approval of the Terrace Green Subdivision, but instead was deeded to the Terrace Green Association. Mr. Gerald Horner, owner of land abutting the north side of Nottingham, is requesting the Council join with him in whatever action is necessary to get Terrace Green Association to release the strip.

Council held the matter over until June 1 so that Terrace Green Association could be contacted and invited to come before Council to present the Association's view and position on the situation. Staff spoke with the Association secretary, which was followed up with a letter. A copy of the letter is attached.

The City Recorder also researched the history of this issue in more detail and found that there was significant city involvement in the issue approximately three years ago. She reports:

> In mid to late 1988, Mr. Horner requested that the City obtain title to the strip. Roy Payne has Joe Hobson work with Marion County Legal Counsel Mike Hansen on the matter. The City had set a public hearing on the issue for March 6, 1989 and notified all parties.
>
> On March 2, 1989, the City received a letter from Mr. Hansen stating as follows:
>
>> "The County is interested in pursuing this matter in order to obtain title to this reserve strip for ultimate transfer to the City of Keizer."

This assurance that the Council would pursue title to the property caused Roy Payne to announce that the pubic hearing would be canceled. A "Notice of Cancellation" was sent to all parties.

On March 6, 1989, Roy Payne informed the council that a public hearing would be premature on the City's part. The minutes from this meeting show Mr. Payne's comments as follows:

> "As this point, the county has decided to pursue this matter. After the Council has made its determination on the condition of approval, it may offer that strip over the City's jurisdiction. If that occurs, the City Council will then need to make a determination on the reserve strip."

From all appearances, the County was going to pursue title to the one foot reserve strip. These appear to be the last communications and/or action contained in our files on the subject matter.

RECOMMENDATION:

The Council should determine what, if any, involvement the City should take in acquiring this reserve strip.

file copy

City of Keizer — Community Development

Phone: 390-3700 • Fax # 390-8295
930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, Oregon 97307-1000

1982

May 21, 1992

Cheryl Jaskowski, Secretary
Terrace Green Association
PO Box 921
Salem, OR 97308

Dear Ms. Jaskowski:

Thank you for discussing the issue about the Nottingham Drive reserve strip with me today. This letter will recap our conversation.

Gerald Horner, the owner of the property on the north side of Nottingham, approached the County about four years ago asking the County to resolve the issue of his lack of access to the street. Apparently the request wound its way around until it was brought to our attention recently.

We took the issue to Council last Monday evening asking them to give staff direction on whether the City wanted to get involved by having our legal staff join with Mr. Horner in any necessary negotiations or action. A copy of the staff report is enclosed for your information.

The Council chose to postpone action until June 1 in order to give your Association an opportunity to come to that meeting and explain your understanding and position on the issue.

Therefore, on behalf of the Council, I invite you to come to the Council meeting at 7:30pm on Monday, June 1, 1992 to participate in this discussion.

At your request, a copy of this letter is being sent to your legal council, as well as the council for each of the involved parties. If you have any questions, please contact me at your convenience.

Yours truly,

John N. Morgan, AICP
Community Development Director

enclosure

cc: Keizer City Council
Don Otterman, City Manager
Shannon Johnson, City Attorney
Chris L. Lillegard, attorney for Mr. Horner
Norm Webb, attorney for Terrace Green Association

MEMORANDUM

TO: John N. Morgan, Community Development Director

FROM: E. Shannon Johnson, City Attorney

RE: Terrace Green Association

DATE: May 20, 1992

Enclosed please find a copy of a recent letter I received from Chris Lillegard, Gerald Horner's attorney. Please provide Mr. Lillegard with a copy of any correspondence you may have with the Terrace Green Association.

Should you have any contact with the Association President or other officers or members of the Association, please let me know. Thank you.

ESJ:clt

City of Keizer — Community Development
1982
Phone: 390-3700 • Fax # 390-8295
930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, Oregon 97307-1000

CITY COUNCIL MEETING: May 18, 1992

AGENDA ITEM NUMBER: 7a

TO: MAYOR AND CITY COUNCIL

THROUGH: DONALD H. OTTERMAN M.S.P.A. DHO
CITY MANAGER

FROM: JOHN N. MORGAN, AICP
COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: TERRACE GREEN RESERVE STRIP

DISCUSSION:

This matter came up after the agenda was finalized. There is some urgency in having it resolved, hence it is being brought to the Council as a supplemental agenda item.

BACKGROUND:

In 1968, the Marion County Planning Commission approved Terrace Green No. 2 subdivision. One of the conditions of approval was that a "reserve strip", which was designated Lot 41, would be conveyed to the County once Nottingham Drive NE was improved and the assessments were paid. However, it appears that the developer conveyed such reserve strip to the Terrace Green Association instead of the County.

In 1988, Gerald P. Homer contracted the City of Keizer and asked for assistance in gaining access from his lot to Nottingham Drive. Mr. Homer's property virtually abuts Nottingham Drive on the north, with the reserve strip separating his property from the right-of-way. He has 750 feet of frontage on Nottingham Drive.

During 1989 the City's Legal Council, after being unable to solve this problem by discussing it with the Terrace Green Association, met with the County legal staff. At that time, they indicated they would follow up on the problem and file suit against Terrace Green if necessary.

Since that time, the City's Legal Council has kept in touch with Marion County about the progress on this issue. However, there has been no action by the County until a letter from Bob Cannon, Marion County Legal Council, was received by Joe Hobson last month. A copy of the letter is attached.

In the letter, Mr. Cannon indicates they feel Keizer should move forward and make a policy decision regarding the reserve strip. He feels it is really a planning matter and needs to be decided by the City. Shortly thereafter, Lien and Hobson received a letter from Chris Lillegard, an attorney representing Mr. Horner. Mr. Lillegard asked to have this matter brought to the Council for resolution.

The question for the Council is whether Staff and the Legal Council should pursue this matter, or whether Mr. Horner should be left to resolve it himself without the assistance of the City. Shannon Johnson will be at the Council meeting to discuss the financial and time implications of being involved in this matter.

RECOMMENDATION:

It is recommended Council, by motion, decide if the City should be involved in resolving the Terrace Green/Nottingham reserve strip issue.

attachments:

Letter from Chris L. Lillegard to Lien and Hobson
Letter from Bob Cannon to Joe Hobson

TERRACE GREEN NO. 3
SECTION 26, T 6 S, R 3 W W. M.
MARION COUNTY, OREGON

RVEYOR'S CERTIFICATE

ALBERT B. SOLBERG, BEING FIRST DULY SWORN, DEPOSE AND SAY THAT
'E SURVEYED AND MARKED WITH PROPER MONUMENTS THE LAND SHOWN
ION AS TERRACE GREEN NO. 3 WHICH IS DESCRIBED AS FOLLOWS:
NING AT THE CENTER OF SECTION 26, TOWNSHIP 6 SOUTH, RANGE 3 WEST
E WILLAMETTE MERIDIAN, MARION COUNTY, OREGON, WHICH POINT IS THE
AL POINT OF THIS SUBDIVISION AND IS MARKED BY A 2" IRON PIPE; AND
NING THENCE S 00° 02' W, ALONG THE NORTH-SOUTH CENTERLINE OF
SECTION 26, A DISTANCE OF 655.98 FEET TO AN IRON PIPE IN THE
'ERLY RIGHT-OF-WAY LINE OF MARKET ROAD NO. 36; THENCE SOUTHWESTERLY
G SAID RIGHT-OF-WAY LINE, ON A 290.44 FOOT RADIUS CURVE LEFT, (THE
D OF WHICH BEARS S 20° 15' W 60.00 FEET), AN ARC DISTANCE OF 60.15 FEET
IRON PIPE; THENCE N 75° 41' W 13.11 FEET TO AN IRON PIPE; THENCE NORTH-
ERLY ON A 21.91 FOOT RADIUS CURVE RIGHT, (THE CHORD OF WHICH BEARS
'46' 30" W 26.90 FEET), AN ARC DISTANCE OF 28.95 FEET TO AN IRON PIPE;
CE S 81° 03' W 32.17 FEET TO AN IRON PIPE; THENCE SOUTHWESTERLY
479.04 FOOT RADIUS CURVE LEFT, (THE CHORD OF WHICH BEARS S 75° 37' W
.. FEET), AN ARC DISTANCE OF 210.97 FEET TO AN IRON PIPE; THENCE
'00 W 152.76 FEET TO AN IRON PIPE; THENCE SOUTH 24.49 FEET TO AN IRON
AT THE NORTHEAST CORNER OF LOT 2, BLOCK 6, FIR CONE TERRACE IN SAID
SHIP AND RANGE; THENCE S 83° 46' W 94.35 FEET TO AN IRON PIPE AT THE
HWEST CORNER SAID LOT 2; THENCE S 79° 34' W 94.35 FEET TO AN IRON PIPE
E NORTHWEST CORNER OF LOT 3 IN SAID BLOCK 6; THENCE S 67° 20' W 54.22
TO AN IRON PIPE; THENCE N 13° 20' W 294.04 FEET TO AN IRON PIPE IN THE
LINE OF TERRACE GREEN; THENCE N 76° 40' E, ALONG SAID SOUTH LINE,
O FEET TO AN IRON PIPE; THENCE N 00° 31' E 310.00 FEET TO AN IRON PIPE
E NORTHEAST CORNER OF TERRACE GREEN; THENCE N 85° 05' E 215.00 FEET
IRON PIPE AT THE SOUTHEAST CORNER OF TERRACE GREEN NO. 2; THENCE
02' E 152.32 FEET TO AN IRON PIPE; THENCE N 30° 17' W 129.01 FEET TO
ON PIPE; THENCE SOUTH 89° 43' WEST 14.00 FEET TO AN IRON PIPE; THENCE
'17' W 148.00 FEET TO AN IRON PIPE AT THE NORTHEAST CORNER OF TERRACE
N NO. 2; THENCE N 89° 43' E 224.95 FEET TO THE POINT OF BEGINNING AND
AINING 6.15 ACRES OF LAND.

ert B. Solberg
ISTERED LAND SURVEYOR NO. 447

REGISTERED
OREGON
LAND SURVEYOR
Albert B. Solberg
MAY 2, 1966
ALBERT B. SOLBERG
447

CRIBED AND SWORN TO BEFORE ME THIS
DAY OF May, 1969.

Clayton D. Zeeb
Y PUBLIC FOR OREGON
July 1970
MISSION EXPIRES

E OF OREGON
TY OF MARION S.S.

HAROLD DOMOGALLA, COUNTY ASSESSOR, AND PAT McCARTHY, HENRY C. MATTSON,
ARRY CARSON JR., COUNTY COMMISSIONERS, FOR MARION COUNTY, DO HEREBY
OVE THE WITHIN PLAT AND DEDICATION WHICH ARE IN DUE AND LEGAL FORM.

SSOR ______ COMMISSIONER ______

SSIONER ______ COMMISSIONER ______

IT:

COUNTY CLERK ______

ITHIN PLAT IS HEREBY APPROVED:

N COUNTY PLANNING COMMISSION ______

N COUNTY SURVEYOR ______

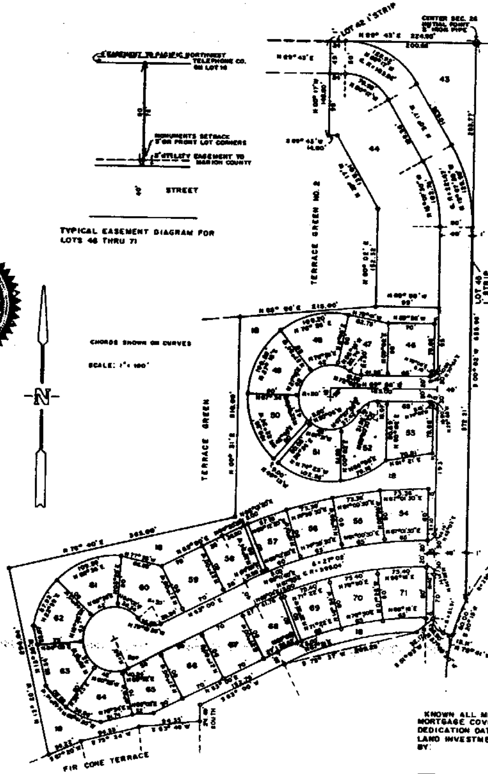
AXES AND ASSESSMENTS ON THE ABOVE DESCRIBED PROPERTY HAVE
PAID IN FULL TO THIS DATE ______.

N COUNTY SHERIFF AND TAX COLLECTOR ______

E OF OREGON
TY OF MARION S.S.

ORMAN WM. LANKE, COUNTY RECORDER, CERTIFY THAT THE WITHIN PLAT
ECEIVED AND DULY RECORDED BY ME IN THE MARION COUNTY RECORDS
E BOOK OF TOWN PLATS IN VOLUME ____, PAGE ____, ON THE
__ DAY OF ______ 1969, AT ______.

Y RECORDER ______



DEDICATION
KNOW ALL MEN BY THESE PRESENTS:

THAT O. H. DUNCAN CONSTRUCTION COMPANY, A CO-PARTNERSHIP, CONSISTING OF O. H. DUNCAN, AND CLAYTON D. ZEEB, AND CENTURY HOME COMPONENTS, INC., A OREGON CORPORATION, BEING THE OWNERS OF THE LAND DESCRIBED IN THE SURV CERTIFICATE HEREON MADE AND DESIRING TO DISPOSE OF THE SAME IN LOTS CAUSED THE SAME TO BE SURVEYED AND PLATTED. THE NAME TO BE KNOWN AS TERRACE GREEN NO. 3. WE HEREBY DEDICATE TO THE PUBLIC USE FOREVER STREETS AND EASEMENTS SHOWN HEREON. WE ALSO HEREBY CERTIFY THAT TAXES AND ASSESSMENTS LEVIED AGAINST SAID LAND HAVE BEEN PAID IN
IN WITNESS WHEREOF WE HAVE HEREONTO SET OUR HANDS AND SEALS
THIS ____ DAY OF ______, 1969.

O. H. DUNCAN CONSTRUCTION COMPANY
BY:

O. H. DUNCAN, PARTNER ______

CLAYTON D. ZEEB, PARTNER ______

CENTURY HOME COMPONENTS, INC., PARTNER
BY:

M.C. THOMAS, PRESIDENT ______

STEPHEN MAYER, VICE-PRESIDENT ______

STATE OF OREGON
COUNTY OF MARION S.S.

ON THIS ____ DAY OF ______, 1969, PERSONALLY CAME BEFORE ME, A N PUBLIC FOR OREGON, THE WITHIN NAMED PARTNERS OF O. H. DUNCAN CONSTRUCTI COMPANY, O. H. DUNCAN AND CLAYTON D. ZEEB, TO ME PERSONALLY KNOWN TO BE IDENTICAL PERSONS DESCRIBED IN AND WHO EXECUTED THE HEREON INSTRUM AND WHO PERSONALLY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN NAMED AND W OUT FEAR OR COMPULSION FROM ANYONE.
IN TESTIMONY WHEREOF I HAVE SET MY HAND AND SEAL THE DAY AND YEAR L ABOVE WRITTEN.

NOTARY PUBLIC FOR OREGON ______

MY COMMISSION EXPIRES ______

STATE OF OREGON
COUNTY OF MARION S.S.

ON THIS ____ DAY OF ______, 1969, PERSONALLY APPEARED M.C. THOM AND STEPHEN MAYER WHO, BEING DULY SWORN, EACH FOR HIMSELF AND NOT FOR OTHER, DID SAY THAT THE FORMER IS THE PRESIDENT AND THAT THE LATTER IS VICE-PRESIDENT OF CENTURY HOME COMPONENTS INC., A CORPORATION AND THE SEAL AFFIXED TO THE FOREGOING INSTRUMENT IS THE CORPORATE SEAL OF SAID CORPORATION AND THAT SAID INSTRUMENT WAS SIGNED AND SEALED I BEHALF OF SAID CORPORATION BY AUTHORITY OF ITS BOARD OF DIRECTORS, A EACH OF THEM ACKNOWLEDGED SAID INSTRUMENT TO BE ITS VOLUNTARY ACT AND DEED.
BEFORE ME:

NOTARY PUBLIC FOR OREGON ______

MY COMMISSION EXPIRES ______

KNOWN ALL MEN BY THESE PRESENTS THAT LAND INVESTMENT CO., A CO-PARTNERSHIP, OWNER AND HOLDER MORTGAGE COVERING THE HEREIN DESCRIBED PROPERTY DOES HEREBY JOIN IN AND CONSENT TO THE WITHI DEDICATION DATED AT SALEM, OREGON THIS ____ DAY OF ______, 1969.
LAND INVESTMENT CO.
BY:

RICHARD P. CORNISH, PARTNER ______ HAROLD C. THEDA, PARTNER ______ NORMAN H. SCHAUBLIN, PARTNER ______

STATE OF OREGON
COUNTY OF MARION S.S.

ON THIS ____ DAY OF ______, 1969, PERSONALLY CAME BEFORE ME, A NOTARY PUBLIC FOR OR THE WITHIN NAMED PARTNERS OF LAND INVESTMENT CO., RICHARD P. CORNISH, HAROLD C. THEDA, AND NORMAN H. SCHAUBLIN, TO ME PERSONALLY KNOWN TO BE THE IDENTICAL PERSONS DESCRIBED IN AND WH EXECUTED THE HEREON INSTRUMENT AND WHO PERSONALLY ACKNOWLEDGED TO ME THAT THEY EXECUTED T SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN NAMED AND WITHOUT FEAR OR COM SION FROM ANYONE. IN TESTIMONY WHEREOF I HAVE SET MY HAND AND SEAL THE DAY AND YEAR LAST ABOVE WRITTEN.

NOTARY PUBLIC FOR OREGON ______

MY COMMISSION EXPIRES ______

TERRACE GREEN NO. 2

SECTION 26, T 6 S, R 3 W W.M.
MARION COUNTY, OREGON

SURVEYOR'S CERTIFICATE

T B. SOLBERG, BEING FIRST DULY SWORN, DEPOSE AND SAY THAT
RVEYED AND MARKED WITH PROPER MONUMENTS THE LAND SHOWN
TERRACE GREEN NO. 2 WHICH IS DESCRIBED AS FOLLOWS:
AT THE INITIAL POINT OF THIS SUBDIVISION WHICH POINT IS
T SOUTH 89° 43' WEST FROM AN IRON PIPE WHICH MARKS THE
SECTION 26, TOWNSHIP 6 SOUTH, RANGE 3 WEST OF THE WILLAMETTE
MARION COUNTY, OREGON; AND RUNNING THENCE SOUTH 89° 43' WEST
T TO A POINT IN THE TANGENT CENTERLINE OF MARKET ROAD NO. 24;
UTH 00° 02' WEST, ALONG SAID CENTERLINE, 45.45 FEET TO A POINT;
UTH 13° 20' EAST, CONTINUING ALONG SAID CENTERLINE, 479.00 FEET
RTHWEST CORNER OF TERRACE GREEN AS RECORDED IN VOLUME 23,
MARION COUNTY BOOK OF TOWN PLATS; THENCE NORTH 76° 40' EAST,
NORTH LINE OF SAID TERRACE GREEN, 310.00 FEET TO AN IRON
CE SOUTH 13° 20' EAST 30.00 FEET TO AN IRON PIPE; THENCE
05' EAST, CONTINUING ALONG SAID NORTH LINE OF TERRACE GREEN,
DES, 755.00 FEET TO AN IRON PIPE; THENCE NORTH 00° 02' EAST
T TO AN IRON PIPE; THENCE NORTH 30° 17' WEST 129.01' FEET
N PIPE; THENCE SOUTH 89° 43' WEST 14.00 FEET TO AN IRON PIPE;
RTH 00° 17' WEST 145.00 FEET TO THE POINT OF BEGINNING AND
IS 11.31 ACRES OF LAND.

B. Solberg

D LAND SURVEYOR NO. 447

REGISTERED
OREGON
LAND SURVEYOR
Albert B. Solberg
MAY 8, 1966
ALBERT B. SOLBERG
447

D AND SWORN TO BEFORE ME
DAY OF July 1969.

Clayton O. Zeeb
LIC FOR OREGON
July 1972
SION EXPIRES

PLAT IS HEREBY APPROVED:

OUNTY PLANNING COMMISSION

UNTY SURVEYOR

S AND ASSESSMENTS ON THE ABOVE DESCRIBED
Y HAVE BEEN PAID IN FULL TO THIS

OUNTY SHERIFF AND TAX COLLECTOR

OF OREGON
Y OF MARION S.S.

LD BONOBALLA, COUNTY ASSESSOR, AND PAT McCARTHY,
MATTSON, AND HARRY CARSON JR., COUNTY
ONERS, FOR MARION COUNTY, DO HEREBY APPROVE
IN PLAT AND DEDICATION WHICH ARE IN DUE
AL FORM.

R COMMISSIONER

IONER COMMISSIONER

OUNTY CLERK

STATE OF OREGON
COUNTY OF MARION S.S.

ON THIS 22nd DAY OF July 1969, PERSONALLY CAME BEFORE ME, A NOTARY PUBLIC FOR OREGON, THE WITHIN NAMED PARTNERS OF O. H. DUNCAN CONSTRUCTION COMPANY, O. H. DUNCAN AND CLAYTON O. ZEEB, TO ME PERSONALLY KNOWN TO BE THE IDENTICAL PERSONS DESCRIBED IN AND WHO EXECUTED THE HEREON INSTRUMENT AND WHO PERSONALLY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN NAMED AND WITHOUT FEAR OR COMPULSION FROM ANYONE.
IN TESTIMONY WHEREOF I HAVE SET MY HAND AND SEAL THE DAY AND YEAR LAST ABOVE WRITTEN.

Grace R. Tomlin — 10-10-70
NOTARY PUBLIC FOR OREGON — MY COMMISSION EXPIRES

STATE OF OREGON
COUNTY OF MARION S.S.

ON THIS 19 DAY OF July 1969, PERSONALLY APPEARED M. C. THOMAS AND STEPHEN MAYER WHO, BEING DULY SWORN, EACH FOR HIMSELF AND NOT FOR THE OTHER, DID SAY THAT THE FORMER IS THE PRESIDENT AND THAT THE LATTER IS THE VICE-PRESIDENT OF CETURY HOME COMPONENTS INC., A CORPORATION, AND THE SEAL AFFIXED TO THE FOREGOING INSTRUMENT IS THE CORPORATE SEAL OF SAID CORPORATION AND THAT SAID INSTRUMENT WAS SIGNED AND SEALED IN BEHALF OF SAID CORPORATION BY AUTORITY OF ITS BOARD OF DIRECTORS; AND EACH OF THEM ACKNOWLEDGED SAID INSTRUMENT TO BE ITS VOLUNTARY ACT AND DEED.
BEFORE ME:

Kenneth W. Hartell — 9-7-71
NOTARY PUBLIC FOR OREGON — MY COMMISSION EXPIRES

DEDICATION

KNOW ALL MEN BY THESE PRESENTS-

THAT O. H. DUNCAN CONSTRUCTION COMPANY, A CO-PARTNERSHIP, CONSISTING OF O. H. DUNCAN, AND CLAYTON O. ZEEB, AND CENTURY HOME COMPONENTS INC., AN OREGON CORPORATION, BEING THE OWNERS OF THE LAND DESCRIBED IN THE SURVEYOR'S CERTIFICATE HEREON MADE AND DESIRING TO DISPOSE OF THE SAME IN LOTS HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED. THE NAME TO BE KNOWN AS TERRACE GREEN NO. 2. WE HEREBY DEDICATE TO THE PUBLIC USE FOREVER THE STREETS SHOWN HEREON. WE ALSO HEREBY CERTIFY THAT ALL TAXES AND ASSESSMENTS LEVIED AGAINST SAID LAND HAVE BEEN PAID IN FULL.
IN WITNESS WHEREOF WE HAVE HEREONTO SET OUR HANDS AND SEALS THIS 22nd DAY OF July 1969.

O. H. DUNCAN CONSTRUCTION COMPANY
BY:

O H Duncan
O. H. DUNCAN, PARTNER

Clayton O. Zeeb
CLAYTON O. ZEEB, PARTNER

CENTURY HOME COMPONENTS INC., PARTNER
BY: M. C. Thomas
M. C. THOMAS, PRESIDENT

Stephen Mayer
STEPHEN MAYER, VICE-PRESIDENT

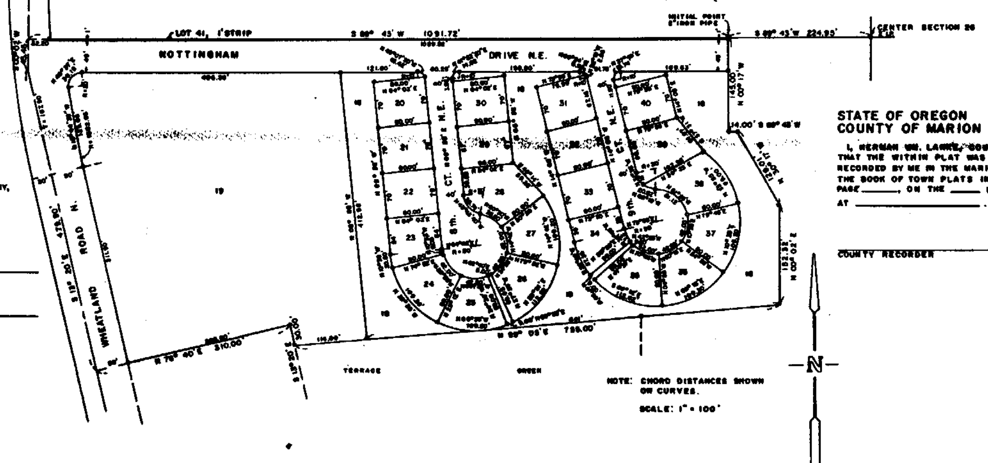
KNOW ALL MEN BY THESE PRESENTS THAT LAND INVESTMENT CO. A CO-PARTNERSHIP, OWNER AND HOLDER OF MORTGAGE COVERING THE HEREIN DESCRIBED PROPERTY DOES HEREBY JOIN IN AND CONSENT TO THE WITHIN DEDICATION DATE AT SALEM, OREGON THIS ____ DAY OF ________ 1969.

LAND INVESTMENT CO.
BY
Richard P. Cornish — Harold C. Theda — Norman H. Schaublin
RICHARD P. CORNISH, PARTNER — HAROLD C. THEDA, PARTNER — NORMAN H. SCHAUBLIN, PARTNER

STATE OF OREGON S.S.
COUNTY OF MARION

ON THIS 29 DAY OF July 1969, PERSONALLY CAME BEFORE ME, A NOTARY PUBLIC FOR OREGON, THE WITHIN NAMED PARTNERS OF LAND INVESTMENT CO., RICHARD P. CORNISH, HAROLD C. THEDA, AND NORMAN H. SCHAUBLIN, TO ME PERSONALLY KNOWN TO BE THE IDENTICAL PERSONS DESCRIBED IN AND WHO EXECUTED THE HERE ON INSTRUMENT AND WHO PERSONALLY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN NAMED AND WITHOUT FEAR OR COMPULSION FROM ANYONE. IN TESTIMONY WHEREOF I HAVE SET MY HAND AND SEAL THE DAY AND YEAR LAST ABOVE WRITTEN.

Lila M. Stump — Sept. 6, 1969
NOTARY PUBLIC FOR OREGON — MY COMMISSION EXPIRES



NOTE: CHORD DISTANCES SHOWN ON CURVES.
SCALE: 1" = 100'

STATE OF OREGON
COUNTY OF MARION S.S.

I, HERMAN WM. LANKE, COUNTY RECORDER, CERTIFY THAT THE WITHIN PLAT WAS RECEIVED AND DULY RECORDED BY ME IN THE MARION COUNTY RECORDS IN THE BOOK OF TOWN PLATS IN VOLUME ____, PAGE ____, ON THE ____ DAY OF ________ 196_
AT ________.

COUNTY RECORDER

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

1982

COUNCIL MEETING: JUNE 1, 1992

AGENDA ITEM NO.: 6e

TO: MAYOR AND CITY COUNCIL

FROM: CITY MANAGER OKO

SUBJECT: TRANSFER OF FUNDS

ISSUE

Shall the City Council approve a loan from the Water Fund to the General Fund for the purpose of acquiring 4950 Bailey Road.

DISCUSSION

Attached is a copy of a resolution that authorizes a loan from the Water Fund to the General Fund for the purpose of the acquisition of 4950 Bailey Road. This agenda item is directly related to the approval of a supplemental budget that appropriates the funds that will be loaned under the authorization of this resolution.

The amount to be loaned depends upon the decision that the Council will make as to whether the Urban Renewal funds will be used to offset a portion of the acquisition.

RECOMMENDATION

It is recommended that the City Council approve the attached resolution and fill in the amount to be loaned depending upon the decision that is made as to whether the Urban Renewal funds should be used.

for the transfer, the purpose for the authorized expenditures embodied in the appropriation and the amount of appropriation transferred.

(4) It shall be unlawful to transfer appropriations from any special revenue fund to the general fund or any other special revenue fund.

(5) The transfers referred to in this section apply to transfers which occur after the budget has been approved and which are made during the year for which the appropriations are made. Nothing in this section shall prohibit or regulate lawful transfers which have been budgeted in accordance with the local budget law. [1963 c.576 §27; 1975 c.569 §1; 1979 c.310 §6]

294.455 Appropriation of funds to repair or replace property. If property has been involuntarily converted or destroyed and is to be repaired or replaced with payments received (from insurance or otherwise) for the conversion or destruction, appropriations for the estimated expenditure of such money shall be made by resolution and ordinance in the same manner as provided in ORS 294.450 (1), or by supplemental budget as provided by ORS 294.480 (3) and (4). [1963 c.576 §27a; 1965 c.451 §10; 1991 c.573 §2]

294.460 Loans from one fund to another; commingling cash balances of funds. (1) It shall be lawful to loan money from any fund to any other fund of the municipal corporation whenever the loan is authorized by official resolution or ordinance of the governing body, except loans shall not be made from funds created for the purpose of retiring indebtedness unless otherwise provided by the charter of any city or county or in any statute relating to municipal corporations. The resolution or ordinance shall state the need for the loan and provide that the money so loaned shall be returned to the fund from which it was borrowed by the end of the ensuing year. The payment of any loans not repaid in the year in which the loan is made shall be budgeted as a requirement in the ensuing year.

(2) It shall be lawful to commingle cash balances of funds so long as all such fund moneys are segregated in the budget and accounting records. [1963 c.576 §§27b, 27c; 1979 c.310 §7]

294.465 Cash accounts for minor disbursements. (1) A municipal corporation may establish by ordinance or resolution one or more imprest cash accounts for the handling of minor disbursements. The ordinance or resolution creating the account shall set forth in detail the following:

(a) The transfer of money to the account;

(b) The object or purpose of the account;

(c) The methods for controlling of expenditures and encumbering of such moneys in the account; and

(d) The sources from which and the methods whereby the account will be replenished.

(2) No person shall expend or encumber or authorize expenditure or encumbrance of balances from such an account created in accordance with subsection (1) of this section in excess of the cash balance of that account, or for a purpose for which there is no appropriation or source of reimbursement authorized at that time.

(3) Each petty cash account and the amount thereof may be set out in a separate schedule of such accounts in the budget document. The total amount of all petty cash accounts shall be set forth in the same schedule. [1963 c.576 §29]

294.470 Working capital or intragovernmental service funds. (1) A municipal corporation may establish by ordinance or resolution one or more working capital funds or intragovernmental service funds. The ordinance or resolution creating the fund shall set forth in detail the following:

(a) The appropriation or appropriations to be charged in order to provide the initial money for financing the fund;

(b) The object or purpose of the fund;

(c) The methods for controlling of expenditures and encumbering of such funds; and

(d) The sources from which the fund shall be replenished.

(2) No person shall expend or encumber or authorize expenditure or encumbrance from funds created in accordance with subsection (1) of this section in excess of the balance of that fund, or for a purpose for which there is no appropriation or source of reimbursement authorized at that time.

(3) The anticipated expenditure for the ensuing year from a working capital fund or intragovernmental service fund created in accordance with subsection (1) of this section shall be budgeted as any other fund in accordance with ORS 294.305 to 294.520, 294.555 and 294.565, appropriations shall be made for each working capital fund or intragovernmental service fund in accordance with ORS 294.435 and expenditures from the working capital fund or intragovernmental service fund shall be regulated thereby.

(4) Notwithstanding the limitations in ORS 294.305 to 294.520, 294.555 and 294.565 applicable to increasing the appropriations of funds during the current fiscal year, the governing body may increase appropriations of working capital funds or intragovern-

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R92- _____

LOAN FROM WATER FUND TO GENERAL FUND

BE IT RESOLVED, by the City Council of the City of Keizer that there is a need for a loan of funds from the Water Fund to the General Fund in order to pay for the purchase of real property to be added to the other property owned by the City that comprises the City Hall complex. Since the General Fund has no funds for the purchase of said property, and since the Water Department would benefit from the acquisition of this property, it would be appropriate for the Water Fund to loan funds to the General Fund.

BE IT FURTHER RESOLVED by the City of Keizer that a loan from the Water Fund to the General Fund in the amount of $__________ is authorized. The budget officer is directed to transfer $__________ from the Water Fund unappropriated fund balance to transfer to Other Funds category and to transfer to General Fund line item.

BE IT FURTHER RESOLVED, by the City of Keizer that this loan shall bear interest at the rate of seven percent (7%) and shall be repaid to the Street Fund by the end of the ensuing fiscal year pursuant to ORS 294.460.

PASSED this ______ day of ______________________, 1992.

SIGNED this ______ day of ______________________, 1992.

____
Mayor

____
City Recorder

City of Keizer - Public Works Department

1982

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

CITY COUNCIL MEETING: June 1, 1992
AGENDA ITEM NUMBER: 7

TO: Mayor and City Council

THROUGH: Donald H. Otterman, City Manager

FROM: Wally Mull, Public Works Director

SUBJECT: Park System Development Charge

ISSUE

Shall The City of Keizer adopt an Ordinance establishing a Park System Development Charge and adopt Resolutions establishing both the Methodology and the amount of the charge?

BACKGROUND

The Parks Department has recently completed a Comprehensive Park System Development Plan and presented it at the May 18th City Council meeting. The Plan recommends adopting a Park System Development Charge to be used for the acquisition and development of parks. A major consideration in the Comprehensive Park System Development Plan is a random phone survey. The number one funding choice for the development of current park land and the acquisition of additional park land is a System Development Charge according to the survey.

ANALYSIS

Most area Cities collect a System Development Charge for parks just as we do for water and sewer. This seems to be the most desired way to maintain current service levels as a city grows.

I have listed the Park System Development Charges currently collected by several neighboring cities.

System Development Charge
Park Acquisition/Development

Hillsburo	250.00
Forest Grove	250.00
Sherwood	300.00
Eugene	324.73
Salem	400.00
Tigard	500.00
Wilsonville	556.00
Lake Oswego	1164.00
Tualatin	1400.00

Summary Comparing Methodology

NEEDS

		Salem	Keizer
Acres Per 1000 People:	Neighborhood Park	2.5	1.3
	Community Park	2.5	2.2

COSTS

Per Acre:	Acquisition	12,000.00	25,000.00
	Development	37,000.00	54,800.00

The methodology used by Otak in Keizer's Comprehensive Park System Development Plan Recommends a Park System Development Charge of $407.23. It also recommends that it be collected with building permits for new housing units.

FISCAL IMPACT

The Park System Development Charge would allow us to keep pace with the growth of our City's population and maintain our current basic park services without taxing the entire population of the city to do so.

RECOMMENDATION

That the City Council accept the recommendation of the Comprehensive Park System Development Plan and do the following:

1) Adopt an Ordinance Establishing a Park System Development Charge.
2) Adopt a Resolution Establishing the Methodology for a Park System Development Charge.
3) Adopt a Resolution Establishing the amount of the Park System Development Charge.

Staff recommends the Park System Development Charge be set at $400.00. This is proven to be an acceptable average throughout out our area and also matches that collected by The City of Salem.

* * Note I sent a copy of the Methodology to the Salem Home Builders Association on Tuesday May 26th as well as a cover letter explaining that this issue would be brought to The Keizer City Council on June 1st at the City Council Meeting.

Kevin Wickman

Kevin Wickman, Parks Director

Additional Documents:

. Memorandum from City Attorney
. Ordinance
. Resolution, Methodology
. Methodology
. Resolution, Charge
. Letter to Salem Home Builders Association

MEMORANDUM

TO: Mayor Orcutt and City Council

FROM: E. Shannon Johnson, City Attorney ESJ

RE: Parks System Development Charge

DATE: May 28, 1992

Attached please find the following:

1. An Ordinance Establishing a Parks System Development Charge.

2. A Resolution Establishing the Methodology for a Parks System Development Charge.

3. A Resolution Establishing the Amount of the Parks System Development Charge.

Should the Council wish to adopt the systems development charge, the ordinance and the resolutions should be adopted in the above order. This matter is set forth in three separate documents so that the Council may change the systems development charge by resolution only, thereby avoiding amending the ordinance. In the same manner, the methodology resolution is separate from the resolution which actually adopts the charge, so that the Council may adopt another systems development charge within the upper limit set by the methodology. The state statutes do not require the City to charge the full amount that the methodology supports, but the methodology does set the upper limit of what the Council can charge. Should factors involving the City's growth and the standards for the parks change, the Council could have another methodology created and adopt such methodology without amending the ordinance.

The Council can decide whether or not it wants to give the developer or property owner the option of spreading the charge over several years by making installment payments under the Bancroft Act. [See Section 8(b)]. Though state statute requires that this option be made available for systems development charges relating to sewer, street and water projects, there is no requirement that the installment option be given in parks systems development charges.

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

ESJ:clt

BILL NO. ____ A BILL FOR ORDINANCE NO. 92-________

AN ORDINANCE ESTABLISHING A PARKS SYSTEM DEVELOPMENT CHARGE

The City of Keizer ordains as follows:

<u>Section 1.</u> TITLE AND PURPOSE. This Ordinance shall be known and may be cited as the "Parks Systems Development Charge Ordinance of the City of Keizer." The purpose of this charge or fee is to create a source of funds to assist in paying for capital improvement and acquisition of land for parks.

<u>Section 2.</u> FINDINGS. The City Council of the City of Keizer hereby finds:

(a) 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 upon a city-wide priority rather than to hold the SDC revenue generated in one area of the community for improvements just in that area.

(b) The increase in administrative costs to account for receipt and expenditure of SDC revenues based upon geographic areas of the City of Keizer rather than on a city-wide basis would divert revenue from needed capital improvement projects. The benefit of minimizing administrative costs attributable to the systems development charge outweighs the benefit of allocating SDC revenues and expenditures based upon geographic areas.

(c) The systems development charge imposed by this Ordinance is not intended to be a tax on property or on a property owner as a direct consequence of ownership of the property within the meaning of Section 11b, Article XI of the Oregon Constitution

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

or the legislation implementing such Section. If the systems development charge imposed herein is viewed under the Section as a tax against property or against a property owner, it is an incurred charge within the meaning of that Section and the legislation implementing it because it allows the owner to control the quantity of service by determining the extent of development, and it allows the owner to determine when the service is to be initiated or increased by controlling when the development occurs.

Section 3. SCOPE. The systems development charge imposed by this Ordinance is separate from and in addition to any applicable tax, assessment, charge, fee in lieu of assessment, or fee otherwise provided by law or imposed as a condition of development. A systems development charge is to be considered in the nature of a charge for service rendered, or a charge for services to be rendered.

Section 4. DEFINITIONS. As used in this Ordinance, the following words and phrases shall mean:

(a) Building Permit. Any permit issued by the building department of the City of Keizer or Marion County.

(b) Capital Improvement. Facilities or assets used for parks and recreation, including, but not limited to, neighborhood parks, community parks, and other recreational facilities.

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

(c) Development. (1) The first establishment of a use involving the construction or the placing of a structure upon a parcel of land that was prior to that event not occupied by any

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

structure, or (2) any construction, alteration or change of occupancy which increases the usage of any capital improvement or which creates the need for additional capital improvements.

(d) Owner. The legal owner of record of land or, where there is a recorded land contract which is in force, the purchaser thereunder.

(e) Improvement Fee. A fee for costs associated with capital improvements.

(f) Qualified Public Improvement. An improvement that is:

(1) Required as a condition of residential development approval; and

(2) Identified in the Comprehensive Park System Development Plan; and

(3) Not located on or contiguous to property that is the subject of residential development approval.

(g) Reimbursement Fee. A fee for costs associated with capital improvements already constructed or under construction.

(h) System Development Charge or SDC. A reimbursement fee, a improvement fee, or a combination thereof, assessed or collected any of the times specified in Section 8 of this Ordinance. System development charge does not include any fees assessed or collected as part of a local improvement district or a charge in lieu of a local improvement district assessment, or the cost of complying with requirements or conditions imposed upon a land use decision.

///

///

///

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

Section 5. DEVELOPMENT CHARGE IMPOSED. Parks systems development charges as provided in this Ordinance are hereby imposed upon all development within the City of Keizer except where exempt under the provisions of Section 9. The person securing the building permit shall pay to the City of Keizer said parks systems development charge or charges established by resolution.

Section 6. DEDICATED FUNDS FROM SYSTEM DEVELOPMENT CHARGE. The revenues received from the systems development charges shall be dedicated, budgeted and expended as provided by state law.

Section 7. USE OF CHARGE, SPECIAL FUND. All of the moneys dedicated under Section 6 shall be used only for the cost of projected capital improvements as provided for in the Comprehensive Park System Development Plan, including the costs of developing system development charge, methodology and providing an annual accounting of such SDC expenditures, provided further, said revenues may be pledged and used toward payment of principal and interest on bonds issued, if any, for the purpose of financing the extra capacity facilities.

Section 8. TIME OF PAYMENT. (a) The amount of the charge imposed under this Ordinance shall be due and payable to the City of Keizer at the time the building permit or mobile home set-up permit or mobile home park permit is issued.

(b) In lieu of payment being made as required under subsection (a) of this Section, the owner of the land on which the improvement will be located may request a lien be placed on the property for the amount of the charge and agree to pay the amount due in semiannual installments as authorized by ORS 223.208. The procedure for

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

processing the request, the interest rate and other requirements for establishing the lien and payment of the obligation in semiannual installments shall be the same as are used for time payment of special assessments at the time the lien request is submitted.

Section 9. EXEMPTIONS. The charge or fee imposed under this Ordinance shall not apply to the following:

(a) Reconstruction or repair of a building or structure, or portion thereof, which was damaged or destroyed by earthquake, fire, flood, or other natural causes over which the owner had no control, but only if such reconstruction or repair is done pursuant to a building permit issued within one year after such damage or destruction and there is no increase in the number of dwelling units.

(b) Moving a building or structure from a lot within City to another lot within City provided there is no increase in the number of dwelling units.

(c) Replacement structures for any forced acquisition wherein a building or structure is acquired for city purposes through eminent domain provided that the owner obtains a building permit for the replacement structure within two years of the acquisition, and there is no increase in the number of dwelling units.

(d) The City of Keizer, Oregon.

(e) Nothing in this Ordinance shall be construed as imposing a charge upon any person when imposition of such charge upon that person would be in violation of the Constitution of the United States or the Constitution of the State of Oregon.

///

///

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

<u>Section 10</u>. SYSTEM DEVELOPMENT CHARGE CREDIT. (a) A credit against the SDC shall be allowed for the construction of a qualified public improvement.

(b) If a qualified public improvement is partially located on and partially located off property that is the subject of the residential development approval, the credit shall be only for the cost of that portion of the improvement not located on or wholly contiguous to the property. The credit shall be only against the SDC for the type of improvement being constructed and the credit shall not exceed such SDC even if the cost of the capital improvement exceeds the applicable SDC.

(c) Other types of credits may be granted by the City Manager or his designee, upon recommendation by the Parks Advisory Board. Such credits may include, but are not limited to, a credit for a developer's donation of park land and/or park improvements within their development. In no event shall the credit exceed the amount of the SDC.

<u>Section 11</u>. METHODOLOGY. (a) The methodology used to establish a reimbursement fee shall consider the cost of existing facilities, prior contributions by then existing users, the value of unused capacity, rate-making principles employed to finance publicly owned capital improvements, and other relevant factors identified in the resolution adopting the methodology. The methodology shall promote the objective that future systems users shall contribute an equitable share of the cost of existing facilities.

///

///

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

(b) The methodology used to establish the improvement fee shall consider the cost of projected capital improvements needed to increase the capacity of the systems to which the fee is related.

(c) The methodology authorized by this Section shall be established by resolution; and this methodology may be adopted and amended when making any revision to the system development charge.

Section 12. APPEALS. (a) A decision regarding exemptions or credits made by the City Manager or his designee under this Ordinance may be appealed to the Keizer City Council by filing a written request with the City Recorder within ten (10) days from the decision, describing with particularity the decision from which the person appeals. The Council shall within thirty (30) days after filing of the request, hear and consider the appeal. The Council may affirm, modify, extend, or overrule said decision in a manner that is consistent with the provisions of this Ordinance.

(b) In the manner provided in subsection (a), any citizen or other interested person may challenge an expenditure of system development charge revenues by filing such appeal with the Keizer City Council within two years of the expenditure. The decision of the Council shall be reviewed only as provided in ORS 34.010 to 34.100, and not otherwise.

(c) Notwithstanding the above subsections, no legal action intended to contest the methodology used for calculating the parks system development charge shall be filed after sixty (60) days following adoption or modification of the Parks System Development Charge Ordinance or Resolution, pursuant to ORS 223.304(5).

///

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

Section 13. This act being necessary for the immediate preservation of the public peace, health, and safety, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect upon its passage.

PASSED this _____ day of ____________________, 1992.

SIGNED this _____ day of ____________________, 1992.

____
Mayor

____
City Recorder

824H.005

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

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R92-_____

A RESOLUTION ESTABLISHING THE METHODOLOGY FOR A PARKS SYSTEM DEVELOPMENT CHARGE

WHEREAS, the City of Keizer has accepted the Comprehensive Parks System Development Plan dated May 7, 1992;

WHEREAS, such Plan sets forth a methodology for determining an equitable systems development charge; and

WHEREAS, pursuant to Ordinance 92-____, the methodology used to establish the parks system development charge may be established by resolution; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the attached methodology marked Exhibit 1 attached hereto and by this reference incorporated herein is hereby adopted as the methodology used to determine the parks system development charge.

BE IT FURTHER RESOLVED by the City Council of the City of Keizer that this resolution shall take effect on June 1, 1992.

PASSED this __________ day of _________________, 1992.

SIGNED this __________ day of _________________, 1992.

____
Mayor

____
City Recorder

824H.006

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

EXHIBIT 1

SYSTEMS DEVELOPMENT FEES

Systems Development fees are a method of funding parks projects that are necessary as a result of population growth. As Keizer grows to 30,000 population, these fees would be collected with building permits for new housing units to be applied to maintaining the current established level of service.

The fees would be utilized to make improvements to Keizer Little League, Clagget and Northridge Park because these "community use" parks will be impacted by population growth. The fees would also be utilized to fund acquisition and development of three new park facilities.

Summary: System Development Fee Calculation

Projected Population:	30,000	
Current Population:	23,000	
Estimated Increase:	7,600	
Estimated People/Household:		2.1 (divided by)
Proposed Households:		3333

▪ Improvements to existing parks	$519,305.00
▪ Acquisition and improvement of new park facilities	$838,020.00
Total	$1,357,325.00
Total Park Improvements	$1,357,325.00
Total Anticipated households	3333 (divided by)
System Development Fee	$407.23 (UNIT)

The System Development Fee could be set at $400.00 - $410.00. Donation of land and/or park improvements could be factored in lieu of paying the fee. However, prior approval by the Parks Department/Board should be required.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R92-_____

A RESOLUTION ESTABLISHING THE AMOUNT OF THE PARKS SYSTEM DEVELOPMENT CHARGE

WHEREAS, the City of Keizer has adopted a methodology for determining the parks system development charge; and

WHEREAS, pursuant to Ordinance 92-______, the amount of the parks system development charge may be established by resolution; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the parks system development charges authorized by Ordinance 92-_____ shall be as follows:

Residential dwelling unit, including, but not limited to, single-family dwellings, condominiums, developed mobile home park spaces, and mobile homes placed on lots not within a mobile home park or subdivision: $________ per dwelling unit. This fee is an improvement fee only.

BE IT FURTHER RESOLVED by the City Council of the City of Keizer that the charges established herein shall become effective June 1, 1992.

PASSED this __________ day of _________________, 1992.

SIGNED this __________ day of _________________, 1992.

____
Mayor

____
City Recorder

824H.007

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

City of Keizer — Public Works Department
1982
Phone: 390-3700 • 393-1608 • Fax # 390-8295
930 Chemawa Rd. N.E. • P.O. Box 21030 • Keizer, Oregon 97307-1030

May 26, 1992

Salem Home Builders Association
549 Union NE.
Salem, Or. 97303

Mr. Eric Moyer,

On Monday June 1, 1992 our City Council will be considering the adoption of a Park System Development Fee. This fee will be collected based on dwelling units as is The City of Salem's and many others. The recommended fee is $400.00 for all dwelling units, this fee is based on our recently completed Comprehensive Park System Development Plan. I have included the page from the Plan that shows the method used by OTAK, Inc. in establishing that figure.

Please distribute as you see fit to area Developers/Builders. If you have any questions please call either John Morgan or myself.

Sincerely,

Kevin Wickman
Parks Director

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

1982

COUNCIL MEETING: JUNE 1, 1992

AGENDA ITEM NO.: 8

DATE: MAY 28, 1992

TO: MAYOR AND CITY COUNCIL

FROM: CITY MANAGER

SUBJECT: APPOINTMENT OF INSURANCE AGENT OF RECORD

ISSUE:
Shall the City Council appoint an new Insurance Agent of Record?

DISCUSSION:
In 1989, by Resolution R89-413, the City Council appointed Fred S. James of Oregon as its Insurance Agent of record for a period ending June 30, 1992. Oregon Administrative Rules, Section 125-310-140 discusses the two alternatives for awarding contracts for insurance when the annual or aggregate premium exceeds $5,000. The City Council did, in 1989, choose to appoint an Insurance Agent of Record, rather than obtain independent proposals for insurance coverage.

The City Councils appointment of Agent of Record expires June 30, 1992. Staff did comply with the notice requirements of the Oregon Administrative Rules by advertising in the local newspaper and in at least one insurance trade publication the City's intent to appoint an Insurance Agent of Record. Three proposals were received by the City.

An interview panel made up of the City Recorder, Councilor McGee and myself interviewed the three insurance companies that submitted proposals. It is the consensus of the interview panel that the proposal submitted by Huggins Insurance Co., most completely meets the needs of the City. Strength's of their proposal considered by the panel include experience, qualifications, proximity of their office to the City, total risk management package including a continuing education program, and experience with public sector entities.

I have checked with the three individuals shown as references in their proposal. Duane Cole, City Manager of Newberg feels that their City is getting very good service from Huggins Insurance and does not plan on changing in the future. They have not had Huggins Insurance set up routine risk management programs so he could not comment on their ability to follow through in the area of training.

Alan Hershey, representing the Council of Governments had nothing but praise for Huggins Insurance. Charles Huggins has been the Agent of Record for the COG for over 10 years. While the COG has not had any specific training program established, Alan informed me that Charles Huggins has established an effective training program for a consortium of Willamette Valley Cities and the training program is very effective. I was not able to reach the third reference in the proposal prior to this report being typed. If there is anything negative learned from the third reference, I will notify the Council.

RECOMMENDATION
It is recommended that the City Council approve the attached Resolution appointing Huggins Insurance Company as Insurance Agent of Record for a period three years.

Investment Contracts

125-310-090 Public contracting agencies may, without competitive bidding, contract for the purpose of the investment of public funds or the borrowing of funds by a public agency when such investment or borrowing is contracted pursuant to duly enacted statute, ordinance, charter, or constitution.

Personal Service Contracts

125-310-092 (1) The following are personal service contracts:

(a) Contracts for services performed as an independent contractor in a professional capacity, including but not limited to the services of an accountant; attorney; architectural or land use planning consultant; physician or dentist; registered professional engineer; appraiser or surveyor; passenger aircraft pilot; aerial photographer; timber cruiser; data processing consultant or broadcaster.

(b) Contracts for services as an artist in the performing or fine arts, including but not limited to persons identified as photographer, filmmaker, painter, weaver, or sculptor.

(c) Contracts for services of a specialized, creative and research-oriented, noncommercial nature.

(d) Contracts for services as a consultant.

(e) Contracts for educational and human custodial care services.

(2) The following are not personal service contracts:

(a) Contracts, even though in a professional capacity, if predominately for a product, e.g., a contract with a landscape architect to design a garden is for personal services, but a contract to design a garden and supply all the shrubs and trees is predominately for a tangible product.

(b) A service contract to supply labor which is of a type that can generally be done by any competent worker, e.g., janitorial, security guard, crop spraying, laundry and landscape maintenance service contracts.

(c) Contracts for trade-related activities considered to be labor and material contracts.

(d) Contracts for services of a trade-related activity, even though a specific license is required to engage in the activity. Examples are repair and/or maintenance of all types of equipment or structures.

Single Seller of Product Required

125-310-120 Subject to the requirements of rule 125-340-030, public contracting agencies may purchase without competitive bidding if there is only one seller of a product of the quality required, or if the efficient utilization of existing equipment or supplies requires specification of a compatible product for which there is only one seller.

Food Service Contracts

125-310-135 (1) For purposes of this rule food service means a contract in which the contractor agrees to perform for a public contracting agency all of the following functions: the purchase, preparation, and service of meals and related services.

(2) Contracts for food services may be let without formal competitive bidding subject to the following conditions:

(a) Prior to the selection of a contractor, the public contracting agency has made reasonable efforts to inform known companies providing food services of the subject matter of the contract and solicit proposals including public advertisements in at least one newspaper of general circulation in the area where the contract is to be performed.

(b) The contractor is selected on the basis of the most competitive offer considering cost, quality of the product and the service to be rendered.

Employe Benefit Insurance

125-310-139 Public contracting agencies may purchase employe benefit insurance without competitive bidding.

Insurance Contracts

125-310-140 Contracts for insurance where either the annual or aggregate premium exceeds $5,000 must be let by formal competitive bidding or by one of the following procedures:

(a) Agent of Record: The public contracting agency may appoint a licensed insurance agent ("agent of record") to perform insurance services in connection with more than one insurance contract. Among the services to be provided is the securing of competitive proposals from insurance carriers for all coverages for which the agent of record is given responsibility:

(A) Prior to the selection of an agent of record, the public contracting agency shall make reasonable efforts to inform known insurance agents in the competitive market area that it is considering such selection. These efforts shall include a public advertisement in at least one newspaper of general circulation in the area where the contract is to be performed. The advertisement shall generally describe the nature of the insurance that the public contracting agency will require. If the amount of the annual premium for insurance, other than employe benefits insurance is likely to exceed $10,000 per year, such notice shall also include a public advertisement in at least one insurance trade publication of general circulation in the state.

(B) Any appointment period shall not exceed three years. Agents may serve more than one appointment period. Agents must qualify for appointment prior to each period as if each appointment period were the first.

(C) In selecting an agent of record, the public contracting agency shall select the agent(s) most likely to perform the most cost-effective services.

(b) Specific Proposals For Insurance Contracts: The public contracting agency may solicit proposals from licensed insurance agents for the purpose of acquiring specific insurance contracts subject to the following conditions:

(A) The public contracting agency shall make reasonable efforts to inform known insurance agents in the competitive market area of the subject matter of the contract, and to solicit proposals for providing the services required in connection with the contract. Such efforts shall include public advertisements in at least one newspaper of general circulation in the area where the public contracting agency is located. If the amount of annual premium for insurance, other than employe benefits insurance is likely to exceed $10,000 per year, such notice shall also include a public advertisement in at least one insurance trade publication of general circulation in the state.

(B) The public contracting agency shall select an agent on the basis of the most competitive offer considering coverage, premium cost, and service to be provided.

Affirmative Action Contracts

125-310-145 Public contracts may be let without competitive bidding if the letting of the contract is pursuant to a specific affirmative action plan. Affirmative action is a program designed to insure equal opportunity in employment and business for persons otherwise disadvantaged by reason of race, color, religion, sex, national origin, age, or physical or mental handicap, including, but not limited to, personnel practices of contractors, "set-aside" programs and minority business enterprises.

Contract Amendments (Including Change Orders and Extra Work)

125-310-150 Any contract amendment for additional work including change orders, extra work, field orders, or other change in the original specifications which increases the original contract

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R92- _____

APPOINTMENT OF INSURANCE AGENT OF RECORD

WHEREAS, the Keizer City Council has, in the past, discussed the alternative methods of obtaining insurance for the City of Keizer and decided to establish an Agent of Record; and

WHEREAS, the City of Keizer has solicited proposals from interested agents in accordance with Oregon Administrative Rules; and

WHEREAS, The proposals submitted were reviewed and applicants interviewed by a subcommittee made up of staff and City Council; and

WHEREAS, the Keizer City Council has considered which agent is most likely to perform the most cost effective services; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the City of Keizer appoints Huggins Insurance Agency as its Insurance Agent of Record commencing July 1, 1992 and ending June 30, 1995.

PASSED this ______ day of ______________________, 1992.

SIGNED this ______ day of ______________________, 1992.

____
Mayor

____
City Recorder

Sedgwick James

Sedgwick James of Oregon, Inc.
PO Box 31, 1605 Liberty Street S.E., Salem, Oregon 97302-0031
Telephone (503) 364-9779. Facsimile (503) 248-6582

RECEIVED
May 11, 1992

Mr. Donald H. Otterman
City of Keizer
P.O. Box 21000
Keizer, OR 97307-1000

Re: RFP Insurance Agent of Record

Dear Don:

In response to your recent solicitation, I am pleased to present our proposal to continue our service to the city as your insurance agent of record.

As you are aware, Sedgwick James is particularly well-qualified to provide risk management and insurance services to public entities of all kinds. In addition to serving as agent of record for the State of Oregon, our firm deals with numerous cities, counties, school districts and special districts throughout the state.

The opportunity to carry onward the excellent working relationship that has been established between the city and Sedgwick James would be welcomed with great appreciation.

Very truly yours,

Joe Phillippay, CIC
Vice President

JP:ss

PROPOSAL FORM FOR AGENT OF RECORD

DATE: 5/11/92

NAME OF FIRM: Sedgwick James of Oregon, Inc.

TELEPHONE#: 503/364-9779

NAME OF PERSON PREPARING PROPOSAL: Joe Phillippay

If you have a prepared brochure on your firm, we would like to see it. In addition, we ask that you complete and return this form using the space provided to give the information requested.

****

1. How may years has your firm been in business?

   ___ In business less than 5 years
   ___ In business 5 to 10 years
   ___ In business 10 to 15 years
   ___ In business 15 to 20 years
   _x_ Other

   Fred S. James Co., predecessor to Sedgwick James Co., was established in 1856.

2. Indicate your firm's approximate annual premium volume:

PROPERTY/CASUALTY		WORKERS' COMPENSATION	
	Under $500,000		Under $500,000
	$500,000 to $1,000,000		$500,000 to $1,000,000
	$1,000,000 to $2,500,000		$1,000,000 to $2,5000,000
x	Over $2,500,000	x	Over $2,500,000

3. How many Account Managers in your firm? Salem 5; Portland 50

PROPERTY/CASUALTY		WORKER'S COMPENSATION	
	1		1
	2		2
	3		3
	4		4
x	5 or more	x	5 or more

4. Would our account be serviced from your office at the above address? (_x_ yes ___ no) If from a branch office, please provide address:

5. Name person(s) who would be directly responsible for our account and state their insurance experience, particularly public entity insurance service.

NAME

Joe Phillippay, CIC. Continuously in insurance business since 1964 as underwriter and agent/broker. Worked with public entities for 15 years.

- ____ No public entity insurance experience
- ____ 2 years public entity insurance experience
- ____ 4 years public entity insurance experience
- ____ 8 years public entity insurance experience
- _x_ 10 or more years public entity insurance experience
- ____ Other

6. How often in the year would your account manager call on us for insurance program review and updating?

- ____ Once
- ____ Twice
- ____ Monthly
- ____ Quarterly
- _x_ Other

As often as necessary or disired to identify and manage existing and new exposures to loss.

7. Describe claims handling assistance your agency will provide us.

PROPERTY/CASUALTY		WORKERS' COMPENSATION	
____	Agency has no separate claims department.	____	
____	Has claims person for reference on procedure.	x	
____	Has claims person taking reports, making procedure references.	____	
____	Has claims department doing above - maintains current claims files.	x	Claims management department in Portland for self-insured clients
x	Doing all above plus running claims diary and making periodic follow-up report to clients.	____	
____	Other	____	

8. Describe loss prevention service available from or through your firm.

_____ Neither agency nor insurance companies have loss prevention program.

_____ Agency has no part in program but available from insurance companies.

__x__ Account manager will coordinate insurance company loss prevention resources.

_____ Account manager will serve as safety manager - making inspections - setting up programs - working with Department Heads and Committees.

__x__ Other

If requested, periodic inspections, assistance with safety programs and other services will be provided by a Sedgwick James risk control specialist

9. Describe the assistance your firm will provide us in developing detailed and summary claims data.

_____ No reports on claims provided except copies of insurance company loss recaps by policy.

_____ Gives annual report by policy coverage on own form.

_____ Gives annual report by type-cause-paid-reserve amount by policy coverage on own form.

_____ Gives annual report on own form by: cause, type, size, department, paid, reserve, subrogation recovery.

__x__ Gives above type report more often than annual and will tailor-make reports to our needs, if desired.

10. Describe the assistance your firm can provide in estimating values of our real and personal property.

_____ Agency will give references for appraisal resources.

_____ Will provide insurance company appraisals on real property.

_____ Will provide insurance company appraisal on real property and will assist on personal property appraisals.

_____ Will contract our real property appraisals and assist on personal property valuation.

__x__ Has appraiser on staff for real and personal property.

_____ Other

11. Describe method you will use to assist our administration in estimating future insurance premium costs.

_____ Will give rough estimate of total premium.

_____ Will give rough estimate by coverage.

_____ Will get tentative premium quotes from present carriers.

__x__ Will re-market all coverage in competitive field.

_____ Other

12. List three public entities that you now are serving as Agent of Record and show name and telephone number of person to contact for reference.

A. Salem-Keizer School District No. 24J (Dora Spradling 399-3070)
B. Cascade Union High School Dist. No. 5 (Al Wells 743-2137)
C. Salem Area Transit - Newly acquired (Tom Wolfgram 588-2885)
Our Portland office has dozens of public entity clients, including the State of Oregon.

13. Do you require a minimum "Best" rating for all companies through which you might obtain insurance? If yes, please indicate minimum rating. If no, please describe how you assess an insurance carrier's financial stability.

Best's, Moody and Standard & Poor ratings are used. More importantly, Sedgwick James maintains a corporate security committee that independently evaluates all carriers and intermediaries with whom we do business.

14. Would your firm be willing to negotiate a flat fee for services Agreement? Under this arrangement any commissions received by the Agent of Record for the placing of the insurance will be offset against the compensation owed to the Agent of Record to the extent legally possible.

_____ No
__x__ Yes
_____ Other

15. Describe the methods you will use to secure competitive premium quotes for our insurance coverage.

_____ Will submit to insurance companies we represent that have written similar accounts and select lowest premium.

_____ Will submit to all companies our office is licensed with and select lowest premium.

15. CONTINUED....

_____ Will submit to all companies our office is licensed with and request sample policies on liability coverage, selecting lowest price for desired coverage.

_____ Will submit to companies in-office and selected other companies (including direct writers), requesting sample policies on nonstandard form property insurance and liability insurance, selecting lowest premium for desired coverage.

__x__ Will confer with us before purchase of new or renewal coverage giving us an outline of each as to special terms and conditions with an expected minimum and maximum range for each. Will then do all of above agreeing to first advise us if any coverage, as described, can't be purchased within the expected premium range.

_____ Other

Because of high volume of business Sedgwick James conducts for public entities in the insurance market place we are able to negotiate favorable policies at competitive prices.

16. Describe what service you provide to assist us in minimizing our workers' compensation premium.

_____ Recommend most favorable premium payment plan.

_____ Recommend most favorable premium payment plan, check premium reporting procedure periodically for errors.

_____ Recommend most favorable premium payment plan, check premium reporting procedure periodically for errors, review claims recap periodically and certify experience credit calculation. Get monthly claims status and verify accuracy of time loss cases shown.

__x__ All of the above plus make recommendations on methods to reduce time loss.

_____ Other

17. Does your firm carry Errors and Omissions Insurance? If so, please indicate company and amount.

Company Yarmouth Insurance LTD.
Amount $5,000,000

18. What would your total compensation requirements be for such an appointment with the district?

Either customary commission basis (in accordance with rates filed with the Department of Insurance & Finance or a mutually agreed upon fee that is in compliance with Oregon law).

Sedgwick James provides insurance broking, risk management, employee benefits and related consulting services for clients locally, nationally and internationally. Sedgwick James works on behalf of clients with major insurers in the United States and around the world. The company's risk services specialists offer a complete risk management approach to the needs of clients. Forty-eight hundred employees in 71 cities throughout the United States deliver community-based attention combined with true national availability.

Sedgwick James in the United States is part of the Sedgwick Group, one of the world's largest international insurance broking, risk management and consulting services firms with 13,000 employees in over 250 offices in 60 countries. The Sedgwick Group provides enhanced resources and comprehensive access to international insurance markets.

Our goal is to excel wherever we operate through the skill of our people, a commitment to quality service, and support for the communities of which we are a part.

Sedgwick James, a Partner for the 'Nineties

Every decade brings new challenges. Constant changes in the economy, law and society raise unfamiliar and complex insurance and risk management issues. Businesses and others need the right insurance and risk management partner to work with them through the challenges of the 'nineties, a partner who is....

- experienced and reliable;
- in touch and responsive to changing conditions;
- fully equipped with technical capabilities, industry specialties, national and international locations, and other risk services resources;
- able to provide cost-effective solutions;
- committed to delivering quality.

Sedgwick James is that kind of partner.

Experienced and reliable

As one of the oldest and largest insurance broking, risk management and employee benefits consulting firms in the United States, Sedgwick James offers staying power, depth and experience.

The Sedgwick James tradition of continuous service began in 1858 with the founding of Fred. S. James & Company. As one of the oldest and largest insurance broking, risk management and employee benefits consulting firms in the United States, Sedgwick James offers staying power, depth and experience.

Each era has its own critical insurance and risk management concerns. Workers' compensation, environmental exposures, healthcare costs, professional liability, financial risks, and the stability and strength of insurance carriers are some of the major issues today. Others will emerge tomorrow. As they do, Sedgwick James will continue to develop solutions.

Involvement with a wide variety of business situations means we see new challenges and new opportunities as they emerge. There is no "typical" Sedgwick James client. Sedgwick James works with family businesses and stock exchange companies, individual entrepreneurs and *Fortune* 500 firms, public and nonprofit groups, associations and professional partnerships.

Many clients have their own highly qualified internal risk management staff. Sedgwick James supports and augments the professional risk management teams of these clients with program review services, specialist skills and broking facilities.

Involvement with a wide variety of business situations means Sedgwick James sees new challenges and new opportunities as they emerge.

Others, from main street businesses to very sizeable firms, operate without a full-time internal risk manager. These companies constitute the core of the American economy. We call them "Business America". Sedgwick James provides Business America with informed professional service whether the best approach is straightforward insurance or a complex risk management program.

Sedgwick James offices operate as part of their communities, building resources suited to the needs of local and regional clients. Community involvement keeps us in touch with Business America. Sedgwick James draws on this experience to move quickly with effective responses to the concerns of clients.

The successful companies of the 'nineties are specialists, matching the right product or service with the right buyer or client. Such firms expect the same measured attention from their service providers. Sedgwick James maintains a full array of specialty resources which are delivered with economy and precision as needed and approved by our clients. These include :

Sedgwick James maintains a full array of specialty resources which are delivered with economy and precision as needed and approved by our clients.

Risk Services

Today's risk services strategy targets two primary areas: reducing the incidence and severity of loss, and managing and containing the cost of loss. Sedgwick James offers highly qualified risk services assistance both locally and through dedicated national units:

Risk Control Services works to reduce losses at the source through customized loss control and safety programs, engineering studies, training and education.

Financial & Actuarial Consulting supports clients with sophisticated risk financing strategies and actuarial studies.

Claims Management Services provides consistently superior claims adjustment and management programs across the country.

Claims Consulting Services offers in-depth claims audits, assistance with large and difficult claims, and design of claims management programs.

Information Systems Division (INFORM) provides comprehensive computer-based risk management information systems and consulting.

Sedgwick James Management Company and *Sedgwick James (Bermuda)* deliver captive management services for U.S. and off-shore captives and risk retention groups.

Industry Specialties

Sedgwick James meets the needs of clients through national industry divisions and groups, linking the service relationship of the local Sedgwick James office with the skills of industry specialists. Individual offices have developed additional specialties.

Dedicated national units work with healthcare institutions, the retail and wholesale trade, the aviation and aerospace industries, utilities, public entities, mining companies, general contractors, and very large public and private construction projects.

Our financial products group specializes across industry lines in political risk, credit, errors and omissions, and directors and officers liability insurance; surety and crime coverages; and other financial products and guarantees.

Sedgwick James meets the needs of clients through national industry divisions and groups, linking the service relationship of the local Sedgwick James office with the skills of industry specialists.

Sedgwick James also has concentrations of expertise for other industries such as oil and gas, real estate, chemicals and pharmaceuticals, high technology, leisure, marine, ports and harbors, transportation and distribution, associations, agriculture and food processing, forest products, and manufacturing.

A network of offices

The Sedgwick James national and international network provides coordinated assistance attuned to local conditions, customs and laws. Sedgwick James is ready to help with offices across the U.S. and in Western and Eastern Europe, the Asia/Pacific region, Canada, Latin America, the Near East and Africa. Common management and standards of quality assure consistent service throughout the network.

Other resources

The *National Marketing Division* maintains close relationships with insurance companies. These enable us to translate expertise, volume placements, and awareness of the objectives of insurers into advantage for our clients.

Sedgwick James International assists in the identification of needs and delivery of services for U.S. clients doing business abroad and for overseas companies with U.S. operations.

Sedgwick James Group Service provides broking, administrative and direct mail mass marketing services for associations, affinity groups and other clients.

Sedgwick James Consulting Group

Sedgwick James Consulting Group provides clients a partner in the changing field of employee benefits. The Consulting Group works with each client to establish their unique employee benefit objectives. Formal management plans are developed to achieve these objectives. Implementation may involve specialists in healthcare, life insurance, retirement planning, actuarial services, law or benefit communications. Accountability for client results differentiates Sedgwick James Consulting Group in managing employee benefit plans.

Providing cost-effective solutions

Sedgwick James understands that direct outlays are only a part of the cost of risk. Program design and delivery, loss prevention measures, proper management of claims and other factors can have a major impact.

Sedgwick James provides insurance and risk management solutions which are designed to be cost effective in the long run as well as the short run.

We assist clients in controlling policy premiums, fees and other direct expenses through careful placement of insurance in qualified and stable domestic and international markets; through alternative funding mechanisms; and through cash flow and tax strategies.

Tailored risk management programs reflect the priorities of clients in areas ranging from deductibles and policy limits to risk handling practices. Engineering studies, safety programs and other aggressive risk control measures can reduce the likelihood of loss.

Sedgwick James can also assist in expediting the settlement of claims, tracking and managing losses, and administering self-funded programs. As a leader in professional loss management and claims resolution, Sedgwick James recognizes that the satisfactory settlement of losses is potentially the most effective of all cost containment measures.

Sedgwick James provides insurance and risk management solutions which are designed to be cost effective in the long run as well as the short run. We bring resources, experience and skill to a partnership which minimizes the total cost of risk for clients.

Delivering quality

Sedgwick James understands the call for quality. We also understand that quality never happens by accident. Assuring quality involves people, standards and a system of delivery.

We make quality a priority because satisfying clients is *the* priority.

Quality begins with our people. Through selective recruitment, training and education, and challenging work experiences, Sedgwick James attracts and develops professionals who know their first responsibility is to take outstanding care of clients.

Quality is defined through our Professional Account Management Standards (PAM). Sedgwick James has developed PAM to ensure that our offices wherever located deliver a consistently high level of service to clients. PAM addresses the components of quality insurance and risk management service from the setting of strategy and objectives to program design and implementation, loss control, claims management, and continuous monitoring together with periodic review.

Quality is delivered through a system called Full Circle Service. Full Circle Service is the disciplined step-by-step approach followed in applying Professional Account Management Standards. Full Circle Service is quality in action.

Sedgwick James supports PAM and Full Circle Service with manuals, training and internal reviews. We make quality a priority because satisfying clients is *the* priority.

A partnership that makes a difference

The right partner can make a difference.

Sedgwick James: the right partner for the 'nineties.

Huggins INSURANCE

May 13, 1992

Donald H. Otterman
City Manager
City of Keizer
P. O. Box 21000
Keizer, Oregon 97307-1000

Re: Agent of Record Proposal

Dear Don:

We appreciate having the opportunity to present our Agent of Record Proposal to the City of Keizer.

It has been a pleasure making this presentation. Thank you for your consideration. We are looking forward to hearing from you.

Sincerely,

HUGGINS INSURANCE AGENCY

Mary

Mary Manes
Account Manager

1786 State St. P.O. Box 270 • Salem, Oregon 97308 • (503) 585-2211 FAX (503) 399-4658

CITY OF KEIZER

AGENT OF RECORD

PROPOSAL

PREPARED BY:

MARY MANES

HUGGINS INSURANCE AGENCY

PROPOSAL FORM FOR AGENT OF RECORD

DATE: MAY 13, 1992

NAME OF FIRM: HUGGINS INSURANCE AGENCY, INC.

TELEPHONE#: (503) 585-2211

NAME OF PERSON PREPARING PROPOSAL: MARY MANES AND CHARLES B. HUGGINS

If you have a prepared brochure on your firm, we would like to see it. In addition, we ask that you complete and return this form using the space provided to give the information requested.
****

1. How may years has your firm been in business?

___ In business less than 5 years
___ In business 5 to 10 years
___ In business 10 to 15 years
___ In business 15 to 20 years
_X_ Other

SINCE 1919 (1939 IN SALEM)

2. Indicate your firm's approximate annual premium volume:

PROPERTY/CASUALTY

___ Under $500,000
___ $500,000 to $1,000,000
___ $1,000,000 to $2,500,000
_X_ Over $2,500,000

WORKERS' COMPENSATION

___ Under $500,000
_X_ $500,000 to $1,000,000
___ $1,000,000 to $2,5000,000
___ Over $2,500,000

3. How many Account Managers in your firm?

PROPERTY/CASUALTY

___ 1
___ 2
___ 3
___ 4
_X_ 5 or more

WORKER'S COMPENSATION

___ 1
___ 2
___ 3
___ 4
_X_ 5 or more

4. Would our account be serviced from your office at the above address? (_X_ yes ___ no) If from a branch office, please provide address:

5. Name person(s) who would be directly responsible for our account and state their insurance experience, particularly public entity insurance service.

NAME

SEE ATTACHED

_____ No public entity insurance experience
_____ 2 years public entity insurance experience
_____ 4 years public entity insurance experience
_____ 8 years public entity insurance experience
__X__ 10 or more years public entity insurance experience
_____ Other

6. How often in the year would your account manager call on us for insurance program review and updating?

_____ Once
_____ Twice
_____ Monthly
__X__ Quarterly
__X__ Other

MORE FREQUENTLY IF DESIRED BY RISK MANAGER

7. Describe claims handling assistance your agency will provide us.

PROPERTY/CASUALTY		WORKERS' COMPENSATION
_____	Agency has no separate claims department.	_____
_____	Has claims person for reference on procedure.	_____
_____	Has claims person taking reports, making procedure references.	_____
_____	Has claims department doing above - maintains current claims files.	_____
_____	Doing all above plus running claims diary and making periodic follow-up report to clients.	_____
__X__	Other	_____

SEE ATTACHED

5. ACCOUNT MANAGEMENT

ACCOUNT MANAGER: MARY L. MANES

MARY ATTENDED THE UNIVERSITY OF OREGON AND MERRITT DAVIS SCHOOL OF COMMERCE. SHE WORKED IN THE BANKING INDUSTRY FOR 13 YEARS. SHE BEGAN HER INSURANCE CAREER AS AN INSURANCE SECRETARY IN 1980. SHE CAME TO OUR AGENCY IN JUNE OF 1981. IN 1982 SHE STARTED WORKING WITH PUBLIC ENTITIES AND BECAME CLAIMS MANAGER FOR THE AGENCY. IN 1984, SHE CONTINUED HER POSITION AS CLAIMS MANAGER AND ALSO ACCOUNT ASSISTANT ON ALL BUT ONE OF OUR PUBLIC ENTITY ACCOUNTS. IN OCTOBER OF 1990, SHE BECAME AN ACCOUNT MANAGER. SHE IS A LICENSED AGENT, CONSULTANT AND PRODUCER FOR THE AGENCY - LICENSED IN PROPERTY, CASUALTY, LIFE & HEALTH.

SHE IS PRESENTLY ACCOUNT MANAGER FOR ONE CITY AND SIX SCHOOL DISTRICTS AND IS WELL VERSED IN PUBLIC ENTITY COVERAGE, EXPOSURES AND OREGON STATUTES RELATING TO PUBLIC ENTITIES. SHE IS THE AGENT FOR "ROTARY INTERNATIONAL" ON 66 ROTARY DISTRICTS (THIS INCLUDES ALL CLUBS IN EACH DISTRICT) AND SAVED ROTARY OVER $140,000 IN INSURANCE PREMIUMS THIS YEAR. SHE HAS PUT TOGETHER AN INSURANCE PROGRAM FOR THE RENEWAL OF ROTARY INTERNATIONAL WHICH IS BEING OFFERED TO AN ADDITIONAL 70 ROTARY DISTRICTS THROUGHOUT THE UNITED STATES AND COULD POTENTIALLY SAVE ROTARY OVER $350,000 IN INSURANCE PREMIUMS IN THE COMING YEAR. SHE LIVES IN EAST SALEM AND IS A MEMBER OF THE EAST SALEM ROTARY CLUB.

ACCOUNT MANAGER I: CHARLES B. HUGGINS (CHUCK)

INSURANCE CONSULTANT AND RISK MANAGEMENT SPECIALIST WHO HAS BEEN INVOLVED WITH PROVIDING RISK MANAGEMENT SERVICES TO PUBLIC ENTITIES SINCE 1966.

HE WAS RAISED IN SALEM - ATTENDED PUBLIC SCHOOLS IN SALEM AND GRADUATED WITH A B.S. IN BUSINESS ADMINISTRATION FROM THE UNIVERSITY OF OREGON. HE ATTENDED THE GOVERNMENTAL RISK MANAGEMENT SEMINAR AT THE UNIVERSITY OF ARIZONA.

HE WAS DEEPLY INVOLVED IN A TWO YEAR PROGRAM THAT ESTABLISHED THE CITY OF SALEM'S SELF INSURED PROGRAM. CHUCK IS PRESENTLY THE AGENT OF RECORD FOR THE CITY OF SALEM AS WELL AS 16 OTHER PUBLIC AGENCIES IN THE TRI-COUNTY AREA.

CHUCK IS WILLING TO RESPOND BOTH DIRECTLY WITH THE CITY AND IN COORDINATION WITH THE ACCOUNT MANAGER. CHUCK IS OWNER AND MANAGER OF HUGGINS INSURANCE AGENCY. OUR FIRM IS A FAMILY OWNED BUSINESS THAT TAKES GREAT PRIDE IN PROVIDING QUALITY INSURANCE SERVICES TO AREA RESIDENTS AND BUSINESS FIRMS BOTH PUBLIC AND PRIVATE. HE IS PAST PRESIDENT FOR THE INDEPENDENT INSURANCE AGENTS OF OREGON AND HE CURRENTLY SERVES AS THE LEGISLATIVE CHAIRPERSON FOR THE INDEPENDENT INSURANCE AGENTS OF OREGON. THIS DOES GIVE US THE ABILITY TO KEEP OUR CLIENTS INFORMED WITH REGARD TO THE IMPACT OF LEGISLATION.

ACCOUNT ASSISTANT: SHIRLENE SHERMAN

SHIRLENE IS THE ACCOUNT ASSISTANT FOR THE CITY OF SALEM AND 17 OTHER PUBLIC ENTITIES. SHE HANDLES THE DAILY ACTIVITIES ON THESE ACCOUNTS. SHE IS ALSO RESPONSIBLE FOR ALL CHURCH ACCOUNTS AND A NUMBER OF THE LARGE COMMERCIAL ACCOUNTS.

BEFORE COMING TO HUGGINS INSURANCE AGENCY, SHE AND HER HUSBAND OWNED THEIR OWN INSURANCE AGENCY IN ANCHORAGE, ALASKA. HER DUTIES INCLUDED OFFICE MANAGER, ALL ACCOUNTING FUNCTIONS AND ALL DAILY ACTIVITIES ON THE LARGE COMMERCIAL ACCOUNTS.

SHE ALSO WORKED AT THE INSURANCE COMPANY OF NORTH AMERICA IN ANCHORAGE AS AN UNDERWRITING ASSISTANT AND LATER AS AN UNDERWRITER. AS AN UNDERWRITING ASSISTANT, SHE HANDLED THE SCHOOL BUS PROGRAM FOR ANCHORAGE AND FAIRBANKS, ALASKA. HER DUTIES AS UNDERWRITER INCLUDED REVIEWING AND DETERMINING RISK SELECTION FOR FIFTEEN AGENCIES.

SHIRLENE IS A LICENSED AGENT FOR PROPERTY AND CASUALTY. SHE ATTENDS SEVERAL PUBLIC ENTITY INSURANCE SEMINARS A YEAR, ALONG WITH OTHER INSURANCE CLASSES.

7. CLAIMS

WE HAVE ESTABLISHED A COMPUTER PROGRAM OF LOSS REPORTS THAT WE UTILIZE WITH OUR LARGER PUBLIC ACCOUNTS. THIS REPORT IS UPDATED NOT LESS THAN MONTHLY AND REVIEWED WITH THE ENTITY INVOLVED; WHICH HELPS NOT ONLY IN PROPER HANDLING OF THE CLAIM - BUT ALSO IN SPOTTING 'TRENDS' IN TYPE AND FREQUENCY OF CLAIMS. WE WOULD REVIEW THE CITY'S INTERNAL PROCEDURE ON CLAIMS HANDLING TO ASSURE PROPER CLAIMS REPORTING TO OUR OFFICE.

PROPERTY AND CASUALTY LOSSES, SUCH AS A LOSS TO EQUIPMENT, CAN BE EXPEDITED WITH BENEFIT TO THE CITY, IF THERE IS A SPECIFIC PROCEDURE THAT WILL RESULT IN A CONSTRUCTIVE REPORT TO THE INSURANCE COMPANY. IT IS THIS TYPE OF DETAIL SERVICE THAT WE ARE PREPARED TO PROVIDE.

WE CURRENTLY HAVE A WORKING RELATIONSHIP WITH LOCAL INDEPENDENT ADJUSTORS AND WOULD ESTABLISH A PLAN BETWEEN THE COMPANY AND THE ADJUSTOR TO HANDLE EMERGENCY SITUATIONS.

8. Describe loss prevention service available from or through your firm.

- ______ Neither agency nor insurance companies have loss prevention program.
- ______ Agency has no part in program but available from insurance companies.
- ______ Account manager will coordinate insurance company loss prevention resources.
- __X__ Account manager will serve as safety manager - making inspections - setting up programs - working with Department Heads and Committees.
- ______ Other

9. Describe the assistance your firm will provide us in developing detailed and summary claims data.

- ______ No reports on claims provided except copies of insurance company loss recaps by policy.
- ______ Gives annual report by policy coverage on own form.
- ______ Gives annual report by type-cause-paid-reserve amount by policy coverage on own form.
- ______ Gives annual report on own form by: cause, type, size, department, paid, reserve, subrogation recovery.
- __X__ Gives above type report more often than annual and will tailor-make reports to our needs, if desired.

10. Describe the assistance your firm can provide in estimating values of our real and personal property.

- ______ Agency will give references for appraisal resources.
- ______ Will provide insurance company appraisals on real property.
- __X__ Will provide insurance company appraisal on real property and will assist on personal property appraisals.
- ______ Will contract our real property appraisals and assist on personal property valuation.
- ______ Has appraiser on staff for real and personal property.
- __X__ Other

SEE ATTACHED

10. PROPERTY EVALUATION & REVIEW

BUILDINGS

WE EXAMINE EACH OF YOUR BUILDINGS AND LOCATIONS. OUR FILES WILL CONTAIN A DIAGRAM OF EACH BUILDING WHICH SHOW THE SIZE OF THE BUILDING, CONSTRUCTION TYPE, USAGE, AGE, AND A PICTURE. WE USE MARSHALL SWIFT AND OTHER RESOURCES TO DETERMINE IF THE BUILDING IS INSURED TO REPLACEMENT VALUE. WE ARE HAPPY TO GIVE YOU A COPY OF THIS AS WELL.

CONTENTS

WE ENCOURAGE YOU TO DO A PROPERTY INVENTORY TO MAKE SURE THAT YOU HAVE ADEQUATE COVERAGE AT EACH LOCATION.

INLAND MARINE

IF YOU HAVE SPECIAL EQUIPMENT FOR YOUR GROUNDS MAINTENANCE, COMPUTER SERVICES OR PROPERTY THAT IS TRANSPORTED, WE ASSIST YOU IN COMPILING A LIST OF THIS EQUIPMENT AND THEN DISCUSS THE VARIOUS TYPES OF SPECIAL COVERAGE YOU MAY DESIRE (ALONG WITH OUR RECOMMENDATIONS).

11. Describe method you will use to assist our administration in estimating future insurance premium costs.

______ Will give rough estimate of total premium.

______ Will give rough estimate by coverage.

______ Will get tentative premium quotes from present carriers.

______ Will re-market all coverage in competitive field.

__X__ Other

WE ARE PREPARED TO COMPLY WITH ANY OF THE ABOVE. AS OUR FIRM HAS BEEN HEAVILY IN THE PUBLIC ENTITY MARKET PLACE FOR A LONG TIME AND SINCE SINCE WE HAVE PUBLIC ENTITY RENEWALS THROUGHOUT THE YEAR, WE ARE IN CONSTANT CONTACT WITH COMPANIES AND CURRENT PREMIUM TRENDS.

12. List three public entities that you now are serving as Agent of Record and show name and telephone number of person to contact for reference.

A. CITY OF SALEM - SHAREE EMMONS ACTING RISK MANAGER - (503) 588-6162
B. MID WILLAMETTE VALLEY COUNCIL OF GOVERNMENTS - ALAN HERSHEY - (503) 588-5330
C. CITY OF NEWBERG - DUANE COLE CITY MANAGER - (503) 538-9421

13. Do you require a minimum "Best" rating for all companies through which you might obtain insurance? If yes, please indicate minimum rating. If no, please describe how you assess an insurance carrier's financial stability.

WE REQUIRE A "BEST" RATING OF 'A' FOR ALL COMPANIES WHICH ARE USED AND ARE NOT A PART OF THE CITY/COUNTY INSURANCE SERVICES (CIS). CIS IS SELF INSURED AND THERE ARE NO "BEST" RATINGS ON SELF INSURED PROGRAMS.

14. Would your firm be willing to negotiate a flat fee for services Agreement? Under this arrangement any commissions received by the Agent of Record for the placing of the insurance will be offset against the compensation owed to the Agent of Record to the extent legally possible.

______ No
__X__ Yes
______ Other

15. Describe the methods you will use to secure competitive premium quotes for our insurance coverage.

______ Will submit to insurance companies we represent that have written similar accounts and select lowest premium.

______ Will submit to all companies our office is licensed with and select lowest premium.

15. CONTINUED....

______ Will submit to all companies our office is licensed with and request sample policies on liability coverage, selecting lowest price for desired coverage.

______ Will submit to companies in-office and selected other companies (including direct writers), requesting sample policies on nonstandard form property insurance and liability insurance, selecting lowest premium for desired coverage.

______ Will confer with us before purchase of new or renewal coverage giving us an outline of each as to special terms and conditions with an expected minimum and maximum range for each. Will then do all of above agreeing to first advise us if any coverage, as described, can't be purchased within the expected premium range.

__X__ Other

SEE ATTACHED

16. Describe what service you provide to assist us in minimizing our workers' compensation premium.

______ Recommend most favorable premium payment plan.

______ Recommend most favorable premium payment plan, check premium reporting procedure periodically for errors.

______ Recommend most favorable premium payment plan, check premium reporting procedure periodically for errors, review claims recap periodically and certify experience credit calculation. Get monthly claims status and verify accuracy of time loss cases shown.

__X__ All of the above plus make recommendations on methods to reduce time loss.

______ Other

17. Does your firm carry Errors and Omissions Insurance? If so, please indicate company and amount.

Company SAFECO INSURANCE COMPANY
Amount $3,000,000

18. What would your total compensation requirements be for such an appointment with the district?

SEE ATTACHED

15. INSURANCE MARKETING

WE ARE PREPARED TO COMPLY WITH ALL OF THE ABOVE. WE WOULD IDENTIFY AND EVALUATE EXPOSURES AND DEVELOP SPECIFICATIONS FOR COVERAGES, DEDUCTIBLES, ETC. A MARKETING MANUAL WOULD THEN BE PREPARED SHOWING IN AN ORGANIZED MANNER ALL OF THE INFORMATION WHICH AN UNDERWRITER WOULD REQUIRE TO DELIVER A FAVORABLE QUOTATION. THE MARKETPLACE WOULD BE CONTRACTED FOR COMPANIES WILLING TO MEET THE DEVELOPED CRITERIA. WE WOULD THEN MEET WITH THE UNDERWRITERS - PRESENTING AND DISCUSSING DETAILS OF THE MARKETING MANUAL. WE REQUEST THAT POLICY FORMS BE INCLUDED WITH THE QUOTATIONS TO ASSURE COMPLIANCE WITH SPECIFICATIONS. WE ANALYZE THE QUOTES AND DO A COMPARISON PRESENTATION TO THE CITY.

18. COMPENSATION REQUIREMENTS

AS STATED IN QUESTION #14, WE WOULD BE WILLING, TO THE EXTENT LEGALLY ALLOWED, TO EITHER BILL THE CITY FOR OUR HOURLY SERVICES, AT THE RATES LISTED BELOW, OR TO NEGOTIATE A FLAT ANNUAL FEE. A FLAT ANNUAL FEE WOULD VARY DEPENDING UPON THE EXTENT OF RISK MANAGEMENT SERVICES THE CITY WOULD LIKE TO HAVE PROVIDED. ONCE THIS LEVEL OF SERVICE IS ESTABLISHED, AN ANNUAL FEE COULD BE SET.

INSURANCE AGENT-OF-RECORD

FEE PROPOSAL

PROPOSED SERVICE	PROPOSED HOURLY FEE
ACCOUNT MANAGER	$60.00
ACCOUNT MANAGER I	$60.00
ACCOUNT ASSISTANT	$32.50

PRESENT PUBLIC ENTITY CLIENTELE

HUGGINS INSURANCE AGENCY HAS BEEN PROVIDING SERVICES TO PUBLIC ENTITIES FOR OVER 20 YEARS. PRESENTLY WE ARE THE AGENT OF RECORD FOR THE FOLLOWING:

CITIES:
- CITY OF SALEM
- CITY OF NEWBERG AND THE NEWBERG RFPD
- CITY OF MT. ANGEL
- CITY OF DONALD
- CITY OF GERVAIS
- CITY OF TURNER

EDUCATIONAL:
- MARION COUNTY SCHOOL DISTRICT #14J
- MARION COUNTY SCHOOL DISTRICT #60
- MARION COUNTY SCHOOL DISTRICT #61
- MARION COUNTY SCHOOL DISTRICT #82
- MARION COUNTY SCHOOL DISTRICT #10
- MARION COUNTY SCHOOL DISTRICT #42
- MARION COUNTY SCHOOL DISTRICT #540
- MARION EDUCATION SERVICES DISTRICT
- YAMHILL EDUCATION SERVICES DISTRICT

SPECIAL DISTRICTS:
- EAST SALEM SUBURBAN WATER DISTRICT
- MARION COUNTY SOIL & WATER CONSERVATION DISTRICT
- BEAVER CREEK WATER DISTRICT

MISCELLANEOUS PUBLIC ENTITIES:
- MID WILLAMETTE VALLEY COUNCIL OF GOVERNMENTS
- MARION COUNTY/CITY OF SALEM JOINT COMPUTER FACILITY
- MID WILLAMETTE VALLEY SENIOR SERVICES AGENCY
- MID WILLAMETTE VALLEY CABLE REGULATORY COMMISSION
- POLK COUNTY
- MID WILLAMETTE RISK MANAGEMENT GROUP

Public Entities/ Non-Profit Organizations

Planning

Public entities, associations, and other non-profit organizations face challenging situations answering to boards, councils, constituents and cautious financial participants. So they must plan well and spend their funds wisely.

Over Seventy Years Experience

Huggins Insurance Agency understands the special considerations faced by member associations, non-profit organizations, and public entities, such as local and state governments. We have served their insurance needs for more than seventy years.

Solutions

Whatever your situation, we can help you develop an insurance program which provides the most appropriate types and levels of protection, including —

- — Property and liability insurance
- — Automobile, equipment, and fleet vehicle insurance
- — Group health and employee benefits programs
- — Surety bonds, employee honesty bonds
- — Workers compensation insurance.

Of particular interest to our public entity clients, we offer in-depth experience in developing various **self-insured and group** programs for interested organizations. Huggins can tailor a cost-effective, comprehensive program which meets your present requirements, yet has the flexibility to grow with your needs, or we can develop a more limited policy to meet any specific short-term or long-term need to augment your existing coverage.

Trusted Service

As a full-service independent insurance agency, Huggins draws upon resources throughout the industry to provide the right competitively-priced product or service to meet your professional — and personal — insurance needs.
For solid expertise and superior service in risk management and all insurance-related planning, you can turn with confidence to the professional staff at Huggins Insurance Agency.

Huggins INSURANCE

Public Entity

The Agency
Three Generations of Success

Huggins Insurance Agency, established in 1919, is a unique independent insurance agency. A firm with broad capabilities to specialize in developing comprehensive insurance programs for our clients throughout the Northwest.

Solutions
As an independent agency, we offer multiple lines of insurance coverage through the leading carriers in the industry. We can tailor an insurance package or program with precisely the right types of coverage for your particular situation.

If you have not defined your exposures, we can survey your needs to provide the ideal cost-effective solutions to them.

Decisions are based on what is best for you
Our staff professionals are trained in complex insurance issues, and they are committed to understanding your specific requirements, whether they are minimal or comprehensive. Huggins offers broad experience in property and casualty, life, risk management, and employee benefit programs.

Service oriented team
Huggins Insurance Agency provides a complete range of services from concept to delivery for clients who appreciate a job done well and within budget. We like to think that our service-oriented team values, including prompt claims assistance, are behind our three generations of success.

We serve corporations and businesses of every type, member associations and non-profit organizations, public entities, and individual clients.

PROPOSAL FORM FOR AGENT OF RECORD

DATE: May 13, 1992

NAME OF FIRM: Wilson-Heirgood Associates

TELEPHONE#: 342-4441 1-800-852-6140
FAX 686-2224

NAME OF PERSON PREPARING PROPOSAL: Jeff Griffin /Jan Larsen/Dona Holmes

If you have a prepared brochure on your firm, we would like to see it. In addition, we ask that you complete and return this form using the space provided to give the information requested.
****

1. How may years has your firm been in business?

___ In business less than 5 years
___ In business 5 to 10 years
___ In business 10 to 15 years
___ In business 15 to 20 years
_X_ Other
Our firm was established in 1950

2. Indicate your firm's approximate annual premium volume:

PROPERTY/CASUALTY

___ Under $500,000
___ $500,000 to $1,000,000
___ $1,000,000 to $2,500,000
_X_ Over $2,500,000

WORKERS' COMPENSATION

___ Under $500,000
___ $500,000 to $1,000,000
___ $1,000,000 to $2,5000,000
_X_ Over $2,500,000

3. How many Account Managers in your firm?

PROPERTY/CASUALTY

___ 1
___ 2
___ 3
___ 4
_X_ 5 or more

WORKER'S COMPENSATION

___ 1
___ 2
_X_ 3
___ 4
___ 5 or more

Would our account be serviced from your office at the above address? (_X_ yes ___ no) If from a branch office, please provide address:

5. Name person(s) who would be directly responsible for our account and state their insurance experience, particularly public entity insurance service.

NAME

Jeff Griffin / Jan Larsen / Dona Holmes

___ No public entity insurance experience
___ 2 years public entity insurance experience
___ 4 years public entity insurance experience
___ 8 years public entity insurance experience
X 10 or more years public entity insurance experience
___ Other

Jan has worked with public entity for 15 years
Jeff & Dona over 12

6. How often in the year would your account manager call on us for insurance program review and updating?

___ Once
___ Twice
___ Monthly
___ Quarterly
X Other

Based on public entities needs or requests:
Minimum of 3 annual reviews with City Manager or staff.
Minimum of 2 annual city council meetings ~~(with city council approval)~~
(additional meetings as needed)

7. Describe claims handling assistance your agency will provide us.

PROPERTY/CASUALTY		WORKERS' COMPENSATION
	Agency has no separate claims department.	
	Has claims person for reference on procedure.	
	Has claims person taking reports, making procedure references.	
	Has claims department doing above - maintains current claims files	
x	Doing all above plus running claims diary and making periodic follow-up report to clients.	x
x	Other	

We also keep in regular contact with the insurance carrier to review the progress of each claim. Our working knowledge with public entities has been of great assistance in prior claims.

8. Describe loss prevention service available from or through your firm.

____ Neither agency nor insurance companies have loss prevention program.

____ Agency has no part in program but available from insurance companies.

____ Account manager will coordinate insurance company loss prevention resources.

____ Account manager will serve as safety manager - making inspections - setting up programs - working with Department Heads and Committees.

____ Other

We will coordinate agency and insurance company loss prevention resources, serve as Safety Manager, making inspections, setting up programs, working with Department Heads and Committees. Our office receives a general association overview listing both, severity and frequency claim problems with Public Entities.

9. Describe the assistance your firm will provide us in developing detailed and summary claims data.

____ No reports on claims provided except copies of insurance company loss recaps by policy.

____ Gives annual report by policy coverage on own form.

____ Gives annual report by type-cause-paid-reserve amount by policy coverage on own form.

____ Gives annual report on own form by: cause, type, size, department, paid, reserve, subrogation recovery.

X Gives above type report more often than annual and will tailor-make reports to our needs, if desired.

We will also provide general info involving some key lossess suffered other public entities.

10. Describe the assistance your firm can provide in estimating values of our real and personal property.

____ Agency will give references for appraisal resources.

____ Will provide insurance company appraisals on real property.

X Will provide insurance company appraisal on real property and will assist on personal property appraisals.

____ Will contract our real property appraisals and assist on personal property valuation.

____ Has appraiser on staff for real and personal property.

____ Other

11. Describe method you will use to assist our administration in estimating future insurance premium costs.

_____ Will give rough estimate of total premium.

_____ Will give rough estimate by coverage.

_____ Will get tentative premium quotes from present carriers.

_____ Will re-market all coverage in competitive field.

_____ Other

We will remarket all coverages in the competitive field. As we work with several public entity associations, we will receive projections from their offices of loss ratio and projected renewal premium for your budget committee.

12. List three public entities that you now are serving as Agent of Record and show name and telephone number of person to contact for reference.

A. Oaklodge RFPD; Chief Mills, # 659-5444
B. Charleston RFPD; Chief Groff # 888-3286
C. Midstate Electric 536-2126 Diana Lee

13. Do you require a minimum "Best" rating for all companies through which you might obtain insurance? If yes, please indicate minimum rating. If no, please describe how you assess an insurance carrier's financial stability.

A.M. Best Rating Guide is one of several analysis we evaluate when selecting insurance companies for clients. We prefer to place coverage with a company holding "Best" highest rating A+ XV. We do disclose all quotes to you for review with an 11 point analysis designed to assure your district is aware of all options. This analysis points out the major advantages and disadvantages to each company to help assure that your choice is well formed

14. Would your firm be willing to negotiate a flat fee for services Agreement? Under this arrangement any commissions received by the Agent of Record for the placing of the insurance will be offset against the compensation owed to the Agent of Record to the extent legally possible.

_____ No
__X__ Yes Our only requirement is that we conform to Oregon Insurance
_____ Other codes and other regulatory requirements.

15. Describe the methods you will use to secure competitive premium quotes for our insurance coverage.

_____ Will submit to insurance companies we represent that have written similar accounts and select lowest premium.

_____ Will submit to all companies our office is licensed with and select lowest premium.

15. CONTINUED....

_____ Will submit to all companies our office is licensed with and request sample policies on liability coverage, selecting lowest price for desired coverage.

_____ Will submit to companies in-office and selected other companies (including direct writers), requesting sample policies on nonstandard form property insurance and liability insurance, selecting lowest premium for desired coverage.

__X__ Will confer with us before purchase of new or renewal coverage giving us an outline of each as to special terms and conditions with an expected minimum and maximum range for each. Will then do all of above agreeing to first advise us if any coverage, as described, can't be purchased within the expected premium range.

_____ Other ____

16. Describe what service you provide to assist us in minimizing our workers' compensation premium.

_____ Recommend most favorable premium payment plan.

_____ Recommend most favorable premium payment plan, check premium reporting procedure periodically for errors.

_____ Recommend most favorable premium payment plan, check premium reporting procedure periodically for errors, review claims recap periodically and certify experience credit calculation. Get monthly claims status and verify accuracy of time loss cases shown.

__X__ All of the above plus make recommendations on methods to reduce time loss.

_____ Other ____

17. Does your firm carry Errors and Omissions Insurance? If so, please indicate company and amount.

Company Utica Mutual Insurance Co.
Amount $2,000,000 occurrence $4,000

8. What would your total compensation requirements be for such an appointment with the district?
No more than the standard commission allowable from the insurance company.

:\CITY.BK1\AGENT.INS

Pat Knox

Workers' Compensation Specialist-
Pat managed the self-insured
Workers' Compensation program
for a 2,000 employee manufacturing
firm. He was the senior consultant
for a Workers' Compensation
carrier in the State of Oregon. He
also had an internship with
the State of Oregon, Accident
Prevention Division (APD).
He holds a B.A. for Business
and Economics from Pacific Univ.
A 2 year Masters Program in
Industrial Hygiene & Safety,
Univ. of Washington, Special
Accident investigation, Univ.
of S. California, and the
Association of Risk Management
designation from the Insurance
Institute of America.

10. <u>Workers' Compensation Services</u>

We can provide key services for control of Workers' Compensation expenses. these services are designed to enable you to establish effective, self managed programs vital to cost containment. They include:

- Return to Work, (RTW) Program
- OSHA Compliance surveys
  - *Development of self inspection checklists
- New hire selection procedures
- Hazard Communication compliance (OAR 437-155)
- Video Cassette Recording
  - *New hire orientation
  - *Job Safety Analysis
  - *Light duty job description
- Management Supervisor Training
  - *Accident causation/prevention
  - *Accident investigation
  - *Employee motivation/behavior mod.
- Claims Management
  - *What causes a problem claim.
  - *How to manage a claim.
- Drug screening proceedures
- Workers Comp. policy evaluation
- Establishment of* an effective, self-management safety program.
- Sprain/Strain Prevention
- Quarterly Newsletter - <u>Compensation Issues</u>
- Fax # <u>(503)-686-2224</u>

INTRODUCTION

Wilson-Heirgood Associates is a professional insurance agency dedicated to providing excellent insurance products to our clients at an economical cost. Wilson-Heirgood Associates was established in 1950 and is a growing and well respected company which specializes in Property, Casualty, Bond, Group Health and Group Life Coverages.

Our purpose is to provide our clients with expert advise in each area of insurance, offer the best insurance products available in the marketplace and prompt, accurate, and courteous service at all times.

When placing insurance with one of the many insurance companies we represent, we take five factors into consideration:

1. The insurance company's A.M. Best Rating indicating their stability and financial strength.
2. Compare the quality of the various products.
3. List special services provided by the insurance company.
4. Analyze the cost through a risk vs. premium outline for each quote.
5. Project a long term insurance program.

When we present our insurance quotation to you, each of these factors will be reviewed with you.

In our effort to secure more than just the best price for your insurance program, Wilson-Heirgood Associates is pleased to provide the following services to you.

1. Scheduled Contacts:

We will schedule contacts to review your insurance management program on a regular basis. Often an annual review is adequate, however, these updates may be arranged as often as you feel your insurance management program warrants them. Of course, should you require any service during interim periods, we are available whenever you need us.

2. Claim Assistance:

We run a claim log that will help out specific frequency problems. To enhance our claims service our business phone line is on a 24 hour a day answering service that will forward emergency calls for your immediate assistance. You will also be provided with a claims kit for each location and each of your vehicles. This claims kit contains much of the general information needed to assist you at the scene of an accident. Along with the firm's emergency phone number, personal phone numbers of Toni Meloy, Jeff Griffin and your producer will be provided. It is critical that both loss prevention and proper claims handling be an active part of your risk management. Our goal is to help you maintain loss/premium ratios that will allow us to obtain the best possible annual premium rates. We will also assist you and/or your attorney as best we can on claims you bring against other parties.

3. Risk Identification:

We will help you initiate a risk evaluation program that will include inspections of each of the locations, claims evaluation, and general trade tracking. By watching your industry, claims, and evaluating each location we will be able to produce recommendations designed to reduce your premium and exposure. This ongoing program is a combination of risk management and loss prevention that will save you real cash dollars through fewer losses and better insurance rates.

4. Premium Budgeting and Projections:

Much of the premium that you are paying now can be financed on a regular monthly payment program through the companies at low or no interest. These programs will allow for better cash flow at the insurance company's expense. In addition to premium finance programs, your corporation should be preparing for the upcoming changes in the insurance industry. We have listed several examples under our recommendations and considerations section.

5. Marketing Renewals:

Ninety days prior to each renewal, we will review the policy and prepare a short typed synopsis listing how we would like to pursue your renewal. If approved we will prepare the necessary documentation and forward it to the various companies for their quotes. Each of the companies will be given a deadline 10 days prior to the renewal to allow for proper review prior to placing coverage. Once each of the proposals are received (complete with policy forms) we will prepare a short synopsis listing the advantages and disadvantages of each policy, company, and agency. Our marketing analysis is a complete, in depth study of each of the available products. This report will have an attached preface summarizing our report and recommendations in a condensed version of roughly two to three paragraphs. Recently, we coordinated a marketing effort with one of our risk management clients. this resulted in saving the client in excess of 20% of their total annual property and casualty premium, just under $18,000.

6. Premium vs. Risk Evaluation:

At present, you have no way of determing the amount of cost per line of insurance. Once the policy is secured we need to forward to the insurance company a list of requests of specific information on their rating structures. We need to evaluate the difference in cost from $100 to $250 to $500 and [illegible]0 deductibles. The amount of cost difference from $[illegible] to $250 requ[illegible]ly is too slight for the corporatio[illegible] actual[illegible]fit from the increased $150 deduc[illegible]. oft[illegible] best ratio of premium credit is appl[illegible]t a $[illegible]ductible. Once we have received the [illegible]erent [illegible] per deductible we will be able to compare them to the losses over the past four years and pin point the proper deductible.

This line by line analysis will reveal where the majority of the premium dollars go and where the corporation may want to pursue meaningful changes. For example, glass coverage may not prove to be cost effective for the amount of exposure. We may be able to include or substantially increase money and securities coverage for a very slight increase of premium. Many carriers load the $2000 of coverage and provide a reduced premium charge as the limit of coverage increases. Our attempt is to supply you with enought information in a short summary for you to evaluate each of your coverages. It may be in your best interest to retain the risk yourself, reduce the risk, or transfer the risk to an insurance carrier. Once your risks have been evaluated, your decisions need to be monitored, and those results need to be evaluated on an annual basis.

7. Loss Prevention:

In evaluating your risk, past claims history, and various trade journals, we will be able to demonstrate to the insurance market place that both frequency and severity claims exposures can be reduced. This allows you to enjoy a more stable long term commitment from your insurance providers. One of our more successful loss control programs reduced a clients annual workers compensation loss modification 30%.

8. Additional Service Personnel:

It is our policy to provide a backup service person who is continually updated on the status of your insurance program.

9. Full Insurance Services:

We will act in the capacity as your insurance employee, organizing your present insurance portfolio, tracking endorsements, claims and generally managing all of your insurance functions.

It is our intent to provide you with knowledgeable insight into the insurance industry. Through our various trade associations, magazines and agency activities, we will be able to pursue important information for you.

If you would like additional information concerning our agency or agency references, please do not hesitate to call. The persons who will be directly responsible for your account and their experience in the insurance industry are as follows:

Jeff Griffin	I became involved in risk management in 1979. At this time with a number of associations throughout the Northwest. In addition to a Bachelor of Science degree from the University of Oregon I hold certificates of continuing education from Fireman's Fund, Kemper, United Pacific and Safeco.
Janese Larsen	Janese has been involved in the insurance industry for 16 years, and involved with special accounts in Oregon and California in the past. At present Jan is a licensed agent and holds a Certified Professional Insurance Woman (CPIW) along with Accredited Advisor in Insurance (AAI) designations.
Toni Meloy	Toni has been involved in the insurance industry since 1969. In addition to being licensed as an agent, Toni completed the INS 21, 22, & 23 educational series.

INSURANCE IS NOT THE ONLY ANSWER...

At Wilson-Heirgood Associates, our attitude toward the treatment of the loss exposures your business face differs from that of the average insurance agency. We take the "Risk Management" approach. That is, we consider insurance as only one of several methods of treating risk exposures. Others include Risk Avoidance, and Self-Insurance.

We are happy to discuss the way these risk handling techniques mightbe applicable to your insurance program.

Our intent is to thoroughly analyze your exposure while reducing the amount of time you spend evaluating your coverages. Our office has the markets and the expertise to work effectively in your behalf. We are most anxious to be of service.

Sincerely,

Jeff Griffin

Office: 342-4441
Home: 746-4794

City of Keizer — Community Development

1982

Phone: 390-3700 • Fax # 390-8295
930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, Oregon 97307-1000

CITY COUNCIL MEETING: June 1, 1992

AGENDA ITEM NUMBER: 9

TO: MAYOR AND CITY COUNCIL

THROUGH: DONALD H. OTTERMAN M.S.P.A.
CITY MANAGER

FROM: JOHN N. MORGAN, AICP
COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: AWARD OF CONTRACT FOR HEARINGS OFFICER

DISCUSSION:

This item was before the Council at its May 18, 1992 meeting. The Council held it over to this meeting in order to have more time to consider the recommendation.

A copy of the May 18th staff report is attached. The specific proposals for the position are available at City Hall for review.

Attachment

1982

City of Keizer — Community Development

Phone: 390-3700 • Fax # 390-8295
930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, Oregon 97307-1000

CITY COUNCIL MEETING: May 18, 1992

AGENDA ITEM NUMBER: 6a

TO: MAYOR AND CITY COUNCIL

THROUGH: DONALD H. OTTERMAN M.S.P.A. DHO
CITY MANAGER

FROM: JOHN N. MORGAN, AICP
COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: AWARD OF CONTRACT FOR PROVISION OF HEARINGS OFFICER SERVICES

DISCUSSION:

The City has contracted with Sandra Smith Gangle to act as the Hearings Officer for land use cases for the last four years. This contract was terminated on May 1 in order to allow the City the opportunity to explore new options and organization for its relationship with its Hearings Officer.

A request for proposals (RFP) was sent to all law firms in the community specializing in land use, plus to all legal divisions in the various units of government found in the Salem/Keizer Urban Area. A copy of this RFP is attached. It lists the expectations of the Hearings Officer, the minimum qualifications, and the process for making a selection.

Four proposals were received. A panel made up of Dennis Koho, City Councilor; Skip Wendolowski, City Planner; and John Morgan, Community Development Director; reviewed the written proposals and interviewed each of the applicants.

The committee used four general criteria in evaluating the proposals. First was the knowledge of the Oregon land use system and law. Second was direct experience in this type of work. Third was the expertise and experience in writing decisions that are well constructed in terms of meeting the standards for administrative law. Fourth was the fee proposal.

All candidates had a general knowledge of the land use system and law, but Ms. McCoy and Mr. Hansen best expressed it in as a body of objective standards by which to judge applications.

All candidates have served as a hearings officer.

The written material of each candidate was reviewed. The committee found that the best work, in terms of clear construction, solid findings of fact, defensible conclusions of law, and good recommendations came from Ms. McCoy followed by Mr. Hansen.

The fee proposals were as follows:

Mike Hansen	$35/hour*
Janet McCoy	$50/hour
Sandra Smith Gangle	$60/hour
Carolyn Baker	$90/hour

* Mr. Hansen proposed a flat fee of $350/month with $35/hour charged for more than 12 hearings or 14 cases in a year.

These fees do not include expenses.

The committee recommends to Council that the Hearings Officer contract be awarded to Janet McCoy and a contract for back-up Hearings Officer be awarded to Mike Hansen.

The committee is recommending a back-up Hearings Officer so that the regularly scheduled hearings will be handled if the Hearings Officer is not able to attend or has a conflict of interest.

RECOMMENDATION:

It is recommended Council direct staff to negotiate and prepare a contract with Janet McCoy for Hearings Officer and Mike Hansen for back-up Hearings Officer and authorize the Mayor to sign the contracts for the City.

Council Meeting: June 1, 1992

Agenda Item No.: 10a

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R92-____

DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES

The City Council of the City of Keizer resolves as follows:

Pursuant to ORS 221.770, the City Council of the City of Keizer hereby elects to receive state revenues for fiscal year 1992-93.

PASSED this _____ day of ____________________, 1992.

SIGNED this _____ day of ____________________, 1992.

____
Mayor

____
City Recorder

I certify that a public hearing before the Budget Committee was held on _____________ ________________, and a public hearing before the City Council was held on _______ ________________, 1992, giving citizens opportunity to comment on use of State Revenue Sharing.

____
City Recorder

M I N U T E S

KEIZER CITY COUNCIL PUBLIC HEARING
Wednesday, March 11, 1992
Robert l. Simon Council Chambers
Keizer City Hall

CALL TO ORDER Mayor Orcutt called the public hearing to order at 7:00 p.m. Roll call was taken as follows:

Present
Andrew J. Orcutt, Mayor
Mike Hart, Councilor
Dennis Koho, Councilor
Al Miller, Councilor
Jerry McGee, Councilor
Bob Newton, Councilor

Absent
Joe Van Meter, Councilor

Staff
Donald H. Otterman, Budget Officer
Paul Frykberg, City Accountant
Linda Sanders, Recording Secretary

PUBLIC TESTIMONY There was no public testimony to come before the Council.

PUBLIC HEARING

The Public Hearing was opened by Mayor Orcutt. Mr. Otterman presented the revised budget complete with Compensation Committee changes. The Council then addressed a memo with recommendations from the Compensation Committee. The recommendations in the memo are as follows:

1. Holiday schedules for non-represented employees would include a total of 11 holidays.
2. The accrual rate of vacation should be changed to bring represented and non-represented employees more in line.
3. Mileage reimbursement would increase to $.27 to equal IRS regulations.
4. Standby (24 hour a day) pay for the Water Department would be increased to $100 per week.
5. Annually, 960 hours of sick leave would be able to be carried over.
6. The City would pay total medicare for employees hired after October 1989.
7. The accountant would be reclassified to more closely align his present job responsibilities.
8. The personnel clerk would be reclassified as

a personnel analyst.

9. The issue of possible compaction in the Police Department in the area of sergeants was studied. The recommendation is that the salaries be adjusted to the median of the LGPI study and for inflation. The total monetary change would be $13,800.
10. The car allowance for the Community Development Director would be eliminated and replaced by actual mileage plus $50 per month salary adjustment.

Discussion followed on the specifics of some of the recommendations.

Councilor Miller questioned the difference between step 1 for Sergeants and step 5 for Patrol Officers. Mr. Otterman answered $65. Councilor McGee questioned whether the increase of vacation days and personal leave would eliminate administrative leave time. Mr. Otterman explained that administrative leave time is to offset over time for management. The actions recommended by the Compensation Committee makes the management and non-management personnel comparable. All the resulting changes will be spelled out completely in the compensation resolution for the next fiscal year.

Councilor McGee challenged the Compensation Committee to reward those who do not use sick leave. Councilor Newton also encouraged the study of sick leave, wellness training and insurance in the upcoming year. Councilor McGee suggested the addition of a monetary incentive program relating to safety.

Councilor McGee questioned the title to be given the accountant in the reclassification. Mr. Otterman stated it would not be a department head level but would be higher than the present position.

Councilor McGee spoke against the reclassification of the Personnel Clerk. Councilor Miller requested information about training the present employee had received. Mr. Otterman responded that she had worked for the City of Salem for 4 years as a Personnel Clerk. She is now doing more than in her previous job. Her responsibilities include producing hiring procedures, creating procedures for handling complaints, orienting new employees, working with medical insurance concerns, distributing applications, developing packages of rated applicants, sitting in on interviews, coordinating the needed exams, and putting together a handbook for the City. Prior to her employment, every department did their own thing. Councilor Newton stated the Committee spent quite a bit of time on this issue. He felt the department heads have additional duties and the present Personnel Clerk is talented and should continue her job.

Councilor Hart moved the report from the Compensation Committee be accepted. Councilor Newton seconded the motion.

Councilor McGee moved to amend the motion to remove the item involving the Personnel Clerk from the report. Councilor Miller seconded the motion.

Councilor Hart noted the motion was to accept the report not to approve it.

The amendment and the second to the amendment were withdrawn.

The motion passed unanimously as follows:

AYES: Hart, Miller, McGee, Orcutt, Newton, Koho, (6)
NAYS: None
ABSTENTIONS: None
ABSENT: Van Meter (1)

Mr. Otterman suggested approval of the Budget in the upcoming Council Meeting on Monday, March 16.

ADJOURNMENT The meeting was adjourned at 8:00 p.m.

Linda Sanders, Recording Secretary

M I N U T E S

KEIZER CITY COUNCIL SPECIAL BUDGET MEETING
Monday, March 30, 1992
Robert L. Simon Council Chambers
Keizer City Hall

CALL TO ORDER: Mayor Orcutt called the Special Budget Meeting to order at 7:00 p.m. Roll call was taken as follows:

Present
Andrew J. Orcutt, Mayor
Mike Hart, Councilor
Dennis Koho, Councilor
Al Miller, Councilor
Jerry McGee, Councilor
Bob Newton, Councilor
Joe Van Meter, Councilor (arrived 8:15 p.m.)

Staff
Donald H. Otterman, Budget Officer
John Morgan, Community Development Director
Linda Sanders, Recording Secretary

PUBLIC TESTIMONY

Mayor Orcutt called for Public Testimony. Speaking were:

Jan Moch, 733 Maine Avenue, Keizer, OR 97303. Ms. Moch spoke regarding the upcoming addition of Taco Bell to the area of River Road between the streets of Maine and Linda. She was concerned because of the effects of the additional traffic on these two streets and the issue of safety for children in the area. Councilor Koho noted he had met with the owner of Taco Bell who was interested in making the relationship between the business and the residents more livable. Mr. Morgan stated a meeting will be held on Tuesday night, April 7, to discuss the issue with residents and the businesses.

Mary Lou Copeland, 703 Maine Avenue NE, Keizer, OR 97303. Ms. Copeland was very concerned that the traffic engineer did not consider the fact that Maine and Linda were both dead end streets in his study of the effects of traffic with the upcoming Taco Bell. She noted how terrifying it is to come out of those streets at the present time and that danger will increase with the additional traffic from Taco Bell. Mr. Morgan noted the traffic engineer had considered all the factors he was requested to consider, i.e. circulation. Ms. Copeland questioned who was responsible for the final decision on the Taco Bell traffic pattern. Mr. Morgan responded that a public hearing for Pizza Hut was held last week and a pass through between the two businesses was agreed upon but it would be available only for deliveries. Ms. Copeland pointed out that the representative from Taco Bell stated that Keizer is committed to a strip development on River Road. This seems to be in direct conflict with the work of the River Road Redevelopment Board.

Public Testimony was ended.

DISCUSSION
BUDGET 1992-93

Mr. Otterman opened the discussion by suggesting the Council consider the memorandum by Councilor McGee and also discuss the level of the beginning fund balance. Mr. Otterman was concerned the beginning fund balance may be shown a little high and would force the City to scramble if a needed expenditure came up in this year's budget. Councilor Hart voiced a concern about moving expenditures from the General Fund into Revenue Sharing.

In discussing the memo, Councilor McGee stated the beginning fund balance be identical with the ending balance of the prior year.

Councilor McGee moved the unappropriated ending fund balance projected for June 1992 become the beginning balance for July 1, 1992. Councilor Newton seconded the motion.

Mr. Otterman pointed out the budget has traditionally been adopted in June when the projected figures are closer to the actual amounts. The present figures are based on only 9 months of actual amounts and changes could happen in the next three months. He did not want to ask voters for a certain amount of money and then when the final budget is done, have the need be greater. Councilor Koho concurred, stating he hoped to come out of the present meeting with an actual amount to tell the voters. It is difficult to commit to the penny this far out. Councilor McGee stated he believed the balance should be figured in the same manner as in past years. Councilor Hart felt the Council needed a leeway. Mayor Orcutt cautioned the Council about trying to be too exact and technical at this point in the year.

The motion failed due to a tie vote with voting as follows:

AYES: McGee, Miller, Newton (3)
NAYS: Orcutt, Hart, Koho (3)
ABSTENTIONS: None
ABSENT: Van Meter (1)

Councilor Hart moved the beginning fund balance for the 1992-93 Budget be set at $270,000. Councilor Miller seconded the motion.

Councilor Miller felt the amount was too high due to the thoroughness of the supplemental budget. Mayor Orcutt spoke again about his concern of too much exactness at this point. Councilor McGee felt the work on the supplementary budget should support the present amount of $306,000.

The motion failed with theses votes:

AYES: Hart, Orcutt (2)
NAYS: McGee, Miller, Newton, Koho (4)
ABSTENTIONS: None
ABSENT: Van Meter (1)

A motion was made by Councilor Miller that the beginning fund balance for the 1992-93 Budget be set at $290,000. Councilor Koho seconded the motion.

The voting was as follows with the motion failing due to a tie vote:

AYES: Miller, Koho, Newton (3)
NAYS: Hart, Orcutt, McGee (3)
ABSTENTIONS: None
ABSENT: Van Meter (1)

The motion was made by Councilor McGee the beginning fund balance for the 1992-93 Budget be set at $300,000. The motion was seconded by Councilor Newton.

The motion failed with a tie vote and voting as follows:

AYES: McGee, Newton, Koho (3)
NAYS: Orcutt, Hart, Miller (3)
ABSTENTIONS: None
ABSENT: Van Meter (1)

Councilor Koho moved the beginning fund balance for the 1992-93 Budget be set at $285,000. The motion was seconded by Councilor Hart.

The motion failed with votes following:

AYES: Hart, Koho (2)
NAYS: McGee, Miller, Orcutt, Newton (4)
ABSTENTIONS: None
ABSENT: Van Meter (1)

A motion was made by Councilor Miller and seconded by Councilor McGee that the beginning fund balance for the 1992-93 Budget be set at $295,000.

The motion passed with the votes as following:

AYES: Koho, McGee, Miller, Newton (4)
NAYS: Orcutt, Hart (2)
ABSTENTIONS: None
ABSENT: Van Meter (1)

The three Resource items listed in the memorandum submitted by Councilor McGee were passed in a prior meeting.

Councilor McGee moved the line item for Office Materials be reduced by $600.00. Councilor Newton seconded the motion.

The motion failed with a tie vote and the following votes:

AYES: McGee, Miller, Newton (3)
NAYS: Koho, Orcutt, Hart (3)
ABSTENTIONS: None
ABSENT: Van Meter (1)

The motion was made by Councilor McGee that the line item for Stationary be reduced by $100. Councilor Newton seconded the motion.

The motion passed with the following votes:

AYES: Hart, McGee, Orcutt, Newton, Miller (5)
NAYS: Koho (1)
ABSTENTIONS: None
ABSENT: Van Meter (1)

A motion was made by Councilor McGee that the line item for Utilities be reduced by $189. The motion was seconded by Councilor Newton.

The motion failed on a tie vote with the following votes:

AYES: Miller, McGee, Newton (3)
NAYS: Orcutt, Hart, Koho (3)
ABSTENTIONS: None
ABSENT: Van Meter (1)

Councilor Koho moved that four line items be considered together with the following results - Unemployment would be reduced by $1000, Vehicle Allowance would be reduced by $1200, Prisoner Medical Expense would be reduced by $2500 to 0 and Weapons would be reduced by $1000. The motion was seconded by Councilor McGee.

Councilor Miller initiated discussion on the Prisoner Medical Expense. Councilor McGee stated the medical expenses were covered in the Unitary tax. Mr. Otterman stated there is a possibility the same money has been budgeted twice but Attorney John Lien has found the question is still up in the air. If someone who is arrested for a local ordinance is injured, it is uncertain whether the assessments on the citations would pay for the medical expenses. Mr. John Lien, Counsel to the City, stated there are actually two assessments with the unitary assessment being different from medical assessments. There has been litigation in the past to assign cost over the years. The real question relates to local citations. Councilor McGee related he called around and Salem is not putting anything in their budget. A case in Umatilla is still out.

Councilor Koho restated his motion to read three line items be considered together and the following changes would result - Unemployment reduced by $1000, Vehicle Allowance reduced by $1200 and Weapons reduced by $1000. The motion was then seconded by Councilor McGee.

The motion passed unanimously with the following votes:

AYES: Miller, Orcutt, Hart, McGee, Koho, Newton (6)
NAYS: None
ABSTENTIONS: None
ABSENT: Van Meter (1)

Councilor Koho moved the remainder of the package as submitted by Councilor McGee be considered as one package and not be approved. Councilor Hart seconded the motion.

Councilor Hart questioned the change of Professional Collections to a $1 line item. Mr. Otterman explained the City is considering the retention of a professional collections company to collect traffic citations the City has not been able to collect. The company would receive a percentage of the collections but the budget would need to continue to have a line item to show how the company would be paid. Councilor Newton was concerned that the Council might vote down the total package thus making discussion of each item out of order. Councilor Koho stated he simply disagreed with the items.

Councilor Koho withdrew his motion. Councilor Hart withdrew his second.

Councilor McGee moved the Election Expenses line item be reduced by $1000. Councilor Newton seconded the motion.

The motion failed with a tie vote and voting was as follows:

AYES: McGee, Miller, Newton (3)
NAYS: Hart, Koho, Orcutt (3)
ABSTENTIONS: None
ABSENT: None

Councilor McGee moved that $6,703 be removed from the total of all Legal Services line items in the General Fund. Councilor Newton seconded the motion.

Councilor Hart questioned the prorating which makes the legal line items lower than in the past year's budget. Councilor McGee noted the $40,000 line item will be $35,712 and then on page 9 of the budget, the Court line item would be changed to $4,328 from $5,000 and in planning, the amount would drop from $15,000 to $13,256. Mr. Lien noted that his memo had asked for $75,000 to be set aside for legal fees. Councilor Koho stated negotiations would begin in this fiscal year and would be expensive. Councilor McGee noted he had made a mathematical error.

Councilor McGee withdrew his motion. Councilor Newton withdrew his second.

Councilor McGee moved that Dues and Subscriptions for the Court be reduced by $365 to the present year's level. Councilor Newton seconded the motion.

The motion failed with the following votes:

AYES: McGee, Newton (2)
NAYS: Miller, Koho, Orcutt, Hart (4)
ABSTENTIONS: None
ABSENT: Van Meter (1)

Councilor McGee moved the line item for Due/Conferences in the Courts Materials and

Service be reduced by $750. The motion was seconded by Councilor Newton.

Councilor McGee stated the Judge has two conferences in Oregon he would like to attend and this is about the same amount budgeted for other staff. Mr. Otterman noted the line item also includes a Conference for the two Municipal Court Clerks at about $250.

The motion failed with a tie vote and the following votes:

AYES: McGee, Newton, Miller (3)
NAYS: Orcutt, Hart, Koho (3)
ABSTENTIONS: None
ABSENT: Van Meter (1)

Councilor McGee moved the line item for Collections be reduced to $1. Councilor Newton seconded the motion.

Discussion continued on the possible employment of a Collections Agency to deal with uncollectible traffic citations. Councilor Koho wasn't certain that a change to $1 would be an appropriate action due to the principle of anticipating revenue without there being revenue. Mayor Orcutt noted the expense has to come out of some account since money coming in will be showing up in a revenue account. Councilor McGee wanted to zero out the account and establish budget history. Councilor Newton understood the agency would deduct their fee directly from the collections.

The motion failed with voting as follows:

AYES: None
NAYS: Koho, Hart, McGee, Orcutt, Miller, Newton (1)
ABSTENTIONS: Van Meter (1)
ABSENT: None

A motion was made by Councilor McGee that the Parks Department have one employee at .5 instead of .8. Councilor Newton seconded the motion.

Councilor McGee noted the change from .2 in the present budget to .5 would show good growth and good momentum. The additional amount of the salary of the person would be picked up by the water department.

The motion passed with the following votes:

AYES: McGee, Miller, Newton, Orcutt (4)

NAYS: Koho, Van Meter, Hart (3)
ABSTENTIONS: None
ABSENT: None

Councilor McGee moved that $15,000 of funds from the Parks Improvements line item in Parks Capital Outlay be moved to Revenue Sharing. Councilor Newton seconded the motion.

Councilor McGee noted the Parks Department would still be receiving the same amount of money with the only difference being the account it came from. Mayor Orcutt stated the change could only happen if the Record Retrieval System line item was removed from Revenue Sharing and he was opposed to that. Councilor Hart was concerned with the effect on the following year's budget. If Revenue Sharing is not available in the following year, then any request for the Parks Department would be shown as a large increase instead of having a history of allocation. Councilor McGee stated that since this was for a one time purchase, it didn't make any difference. Councilor Newton also supported the change, especially since there is no present history of money allocated in the Capital Outlay line item. Councilor Koho pointed out passing the motion would require a cut of something in Revenue Sharing. Councilor McGee spoke for eliminating the Record Retrieval System. Councilor Hart pointed out that Parks Improvement has been in Revenue Sharing every year and if there is no money in Revenue Sharing in the future, a request in the field of $25,000 will end up in the General Fund.

The motion failed with the following votes:

AYES: Miller, Newton, McGee (3)
NAYS: Van Meter, Hart, Koho, Orcutt (4)
ABSTENTIONS: None
ABSENT: None

Councilor McGee moved the position of Police Lieutenant be returned to an Administrative Sergeant position. The motion was seconded by Councilor Newton.

The motion failed with the following votes:

AYES: McGee, Newton (2)
NAYS: Miller, Hart, Orcutt, Van Meter, Koho (5)
ABSTENTIONS: None
ABSENT: None

A motion was made by Councilor McGee that the

School Resource Officer be replaced by a Community Service Officer. The motion died for lack of a second.

The motion to reduce overtime in the Police Department by $10,000 was made by Councilor McGee. Councilor Newton seconded the motion.

Councilor Miller spoke against the motion. The salaries have been substantially increased resulting in an increase in overtime. Councilor McGee also mentioned that as of July 1, there will be a full force resulting in even more overtime.

The motion failed with the following voting:

AYES: McGee (1)
NAYS: Miller, Orcutt, Hart, Van Meter, Koho, Newton (6)
ABSTENTIONS: None
ABSENT: None

Councilor McGee moved the Office Supplies line item in the Police Department budget be reduced by $500. Councilor Newton seconded the motion.

The motion failed with votes following:

AYES: McGee, Newton (2)
NAYS: Van Meter, Orcutt, Hart, Miller, Koho (5)
ABSTENTIONS: None
ABSENT: None

Councilor McGee moved Operating Material/Supplies line item in the Police Department budget be reduced by $500. Councilor Newton seconded the motion.

The motion failed with votes following:

AYES: McGee, Newton (2)
NAYS: Van Meter, Orcutt, Hart, Miller, Koho (5)
ABSTENTIONS: None
ABSENT: None

A motion was made by Councilor Miller that the remaining three items in the Police Department budget in the memo not be reduced. The motion was seconded by Councilor Van Meter.

The motion passed with the following votes:

AYES: Miller, Koho, Orcutt, Hart, Van Meter, Newton (6)
NAYS: McGee (1)
ABSTENTIONS: None

ABSENT: None

Discussion began on the Prisoner Medical Expense. There is still uncertainty whether the item would be a duplicate. John Lien, Counsel to the City, was uncertain whether the City would still be responsible, but there is a chance that local arrests might have expenses.

Councilor Koho moved that prisoner medical expenses remain at $2500. Councilor Van Meter seconded the motion.

The motion passed as follows:

AYES: Orcutt, Miller, Van Meter, Koho, McGee, Hart (6)
NAYS: Newton (1)
ABSTENTIONS: None
ABSENT: None

Councilor McGee moved the Miscellaneous account in the Police Department be reduced by $500. The motion died for lack of a second.

Councilor McGee moved the K-9 Supplies account in the Police Department be reduced by $750. The motion died for lack of a second.

A motion was made by Councilor McGee that the Uniform Replacement account in the Police Department be reduced by $200. The motion died for lack of a second.

Chief Stull noted the Council has previously supported buying weapons for reserve officers.

Councilor McGee moved for reconsideration of the line item of Weapons in the Police Department. Councilor Miller seconded the motion.

Councilor Koho spoke against the motion.

The motion failed with the votes as follows:

AYES: Miller (1)
NAYS: McGee, Hart, Koho, Van Meter, Orcutt, Newton (6)
ABSTENTIONS: None
ABSENT: None

Councilor McGee thought there were more computers requested than new staff approved in the budget. Chief Stull stated the four computers were set up for stations and were not related to the staff hired. They are planned for the evidence room, investigations, records section replacement and the Chief's Office.

Councilor McGee moved the Records Management System be removed from the Revenue Sharing funds. The motion was seconded by Councilor Newton.

Mayor Orcutt spoke against the motion reminding the council it was a good idea to help the staff become as efficient as possible. Councilor Miller agreed but stated this system is a part of a fast moving area, the expense of the item will go down and it will soon be outdated. Councilor Hart noted sometimes the need outweighs the possible cost reduction and the need is already present.

The motion failed with the following votes:

AYES: Miller, Newton, McGee (3)
NAYS: Hart, Van Meter, Orcutt, Koho (4)
ABSTENTIONS: None
ABSENT: None

Mayor Orcutt moved the Parks Personnel be reconsidered to a .8 employee. The motion failed for lack of a second.

Councilor Koho hoped that a resolution would be passed in a meeting prior to the May 1st vote stating the exact amount of money that will be spent in the year to come. Councilor McGee supported the general concept. The tax base will be in the neighborhood of $200,000 more than the City would be spending.

RECESS The meeting was recessed at 8:45 p.m.

RECONVENE

The City Council Special Budget meeting was reconvened by Councilor Newton.

A motion was made by Councilor Miller that the Council approve purchase of the property at Lot 14 Clover Leaf Farm Addition (4950 Bailey Road) with the following changes: on line 14 of the Buyer's approval of a fully satisfactory whole home inspection at buyer's expense by 4/15/92 , property value to equal or exceed a value determined by an independent appraisal paid for by buyer and the proviso of asbestos being included in the whole home owner inspection with the purchase price being $47,500. Councilor Koho seconded the motion.

Councilor McGee questioned whether the offer would be off if the appraisal results in a lower value being attached to the property. Mr. Otterman stated the Council could then reconsider a new motion with the appraised value. Councilor Koho noted the Mayor has excused himself from the Council discussions and also questioned how the Mayor might further be insulated although his firm is selling the property. Mr. Otterman noted the Mayor has not discussed anything related to purchase price or contingencies of the offer. He is neither the listing nor the selling agent so he would not benefit. Councilor McGee noted the agent should be doing all the errand running.

The motion carried with the voting as follows:

AYES: Miller, Newton, Van Meter, Hart, Koho, McGee (6)
NAYS: None
ABSTENTIONS: None
ABSENT: Orcutt (1)

ADJOURNMENT The meeting was adjourned.

Linda Sanders, Recording Secretary

APPROVED:

MAYOR

MINUTES

KEIZER CITY COUNCIL
Monday, May 18, 1992
Robert L. Simon Council Chambers
Keizer City Hall

CALL TO ORDER

Mayor Orcutt called the regular session to order at 7:35 p.m. Roll call was taken as follows:

Present
Andrew J. Orcutt, Mayor
Dennis Koho, Councilor
Jerry McGee, Councilor
Al Miller, Councilor
Bob Newton, Councilor
Joe Van Meter, Councilor

Absent
Mike Hart, Councilor

Staff
Donald H. Otterman, City Manager
John Morgan, Community Development Director
Wally Mull, Public Works Director
Kevin Wickman, Parks Director
Shannon Johnson, City Attorney
Susan Darby, City Recorder

PUBLIC TESTIMONY

A gentleman, representing homeowners on Linda Avenue, stated that he was prepared to testify with respect to the scheduled public hearing tonight on the Pizza Hut zone change. However, since the public hearing will be continued to June 15, he will reserve his comments for that time.

Jerry Horner, 7050 Wheatland Road, stated that he would like to address the Council regarding the one foot reserve strip along Nottingham Drive. Mayor Orcutt indicated that this will be discussed under Other Business this evening.

COMMITTEE REPORTS

Mr. Wickman addressed the Keizer Parks System Development Plan. He stated that the Parks Committee and staff have been working on this project since last fall. The final product includes park classifications,standards and analyses, inventory of facilities,results of public opinion phone survey, proposed park improvements, and existing and proposed facilities costs. The document also includes current and proposed maintenance costs, potential funding sources, maps, and aerial photographs. The reasons for adopting a parks system plan include developing the direction and goals for the future, having the plan in place which is required when applying for government grants, and to assess systems development fees to help keep the parks at their current levels as the city grows. He introduced Don Hanson, project manager representing OTAK.

Mr. Hanson indicated that he would focus on an overview of the existing parks and discussion of improvements, a discussion of proposed new parks, budget costs and funding alternatives, especially systems development fees. Mr. Hanson presented slides of the parks.

Mr. Hanson noted that Sunset Park is surrounded by single family homes and is in its natural state with soft surface trails. Improvements might include some minor brush cleaning, paving the trail into the park, and placing picnic tables. Responding to a question from Mayor Orcutt, Mr. Hanson noted that while Sunset River is within the Willamette River Greenway, public recreational uses are allowed in the Greenway. The proposed viewpoint would need to be elevated above the floodway.

Palma Ceia Park is a very restricted park with poor access. It would be difficult to make any improvements because they would intrude on the privacy of the neighbors. He suggested this may be considered as surplus property that might be sold to generate funds for the overall project. Responding to a question from Councilor Newton, Mr. Hanson indicated that Palma Ceia Park is where the Willamette River dike begins.

River Edge Park is being transferred from the City of Salem to the City of Keizer. It is unimproved, and is densely trees with an open meadow towards the road. The proposal is to develop this parcel as a neighborhood park, including playground/sport court, multi-use lawn area, picnic areas, etc., to support the surrounding residential uses.

Willamette Manor Park is improved with a trail system, tennis court and playground. Proposals for this parcel is to renovate and upgrade the existing facilities but not to introduce any new improvements. The play area and sport court could be modified and upgraded. He suggested the installation of an irrigation system to keep the lawn areas green throughout the summer.

Fernwood Park is located behind a shopping center and the building is currently being renovated. There is an existing paved area behind the shopping center, and the field beyond the building forms a buffer from residential and more intensive uses. Improvements would be anchored to the building and its potential use. Maintenance costs have been factored into the current parks budget. If the building is developed and intensely used, he suggested that additional parking and landscaping space be provided to meet code requirements.

City Hall property functions as a park. He proposed that the multi-use playground be improved and perhaps a trail around the perimeter of the entire site. Potential building and parking sites were also identified. Councilor Koho asked if the proposal includes any land acquisition. Mr. Hanson indicated that he is generalized and cleaned up the property lines surrounding the existing parcel, noting that some residential uses may ultimately come into city ownership.

The Mike Whittam Park is now unimproved and lies at the southern edge of the Keizer Little League field. This park has substantial trees and drainage and is adjacent to a church and its parking lot. He proposed to develop the park into a neighborhood park to stand on its own as well as to support the Little League facility. Picnic and playground improvements would be made, and the parking lot expanded extending from the church. He also suggested a trail system linking the west neighborhood with the Little League facility, as well as doing some thinning and clearing. This would be necessary in order to construct a trail system through the park.

Improvements to the Keizer Little League Park focused on parking needs. He suggested only portions of the parking areas be paved which handle the more intense level of traffic, i.e., the aprons and loops closest to the park. Also, portions of the parking lot should be paved to provide better access for disabled individuals. In addition, Mr. Hanson suggested paving some areas within the park to allow the disabled to gain closer access to the games.

The Meadows Park has a mature stand and fir and cedar trees. It is relatively new, and has been rough graded and seeded along with some drainage improvements. The main concern is potential blow down of the trees now that the wind pattern has been opened up. He suggested reducing and thinning the trees and to establish the park as a neighborhood facility with pedestrian access. There is no access proposed from the main road along the back side. He also suggested introducing some neighborhood park elements such as a playground or sports court.

Wilark Park is a beautiful neighborhood park with a stream meandering through it. There is a tennis court and an existing foot bridge. Recommended improvements include renovation, paving portions of the parking lot, paving a trail system, a new foot bridge and changes to the drainage channel. This latter improvement would relieve the flooding problem.

Claggett Park functions as a community park. Proposals include paving both parking areas, paving a loop trail system, ultimately locating a restroom, and providing lighting, mainly along the trail along the creek. This would allow someone to stroll through the park in the evening without the lights bothering the nearby residential uses.

Improvements to Northview Park would include renovation of the existing improvements, paving a trail system, providing a barrier free access ramp to the park, and renovations to the play equipment and irrigation system.

It is proposed that Northridge Park be left mainly in its natural state as an urban wetland preserve area. Any improvement might include a viewing platform.

Mr. Hanson proposed that three new parks be added to the system. One would be about four acres in size near Staats Lake adjacent to Keizer School, which would be developed with two softball fields and a picnic area. A second park would be about 1-1/2 acres in size located somewhere on the south end of town where it is park deficient. The third would be a park on the north end near Clearlake School. He suggested a five acre park in conjunction with the new school planned in that area.

Mr. Hanson indicated that this new parks would add 10.5 acres to the city's existing 76 acres. The school system park inventory shows 55 acres in Keizer. Combining the two would give the city over 140 acres.

With respect to the cost of improvements, Mr. Hanson calculated about $1.2 million. The new parks would cost $838,000 including acquisition and improvement, for a grand total cost of $2.12 million.

Mr. Hanson then addressed funding alternatives, including a system development fee. This fee would maintain the parks at their adopted level and new growth would pay for the new parks development. Calculating the amount of growth, Mr. Hanson indicated that the systems development fee would be about $400 per unit. This, he explained, is very comparable to other communities in the area.

Mr. Hanson expressed appreciation in working with the Parks Committee.

Responding to a question from Councilor Newton, Mr. Hanson stated that the proposed new parks would cover those area of the community that are deficient in parkland, as illustrated in the comprehensive plan document.

Councilor Newton also asked about the irrigation costs which are close to the entire maintenance costs. Mr. Hanson indicated that he would recheck the figures.

Councilor Newton complimented Mr. Hanson and the Parks Committee on the comprehensive plan. Councilor McGee agreed, adding that he would prefer that the Council not adopt the $400 systems development fee at this time. He said that he could not accept the report if it is dependent on this formula by which the systems development fee was calculated.

Councilor Koho noted that it will require a Council ordinance to adopt the systems development fee, rather than a form of resolution. Councilor Koho indicated that General Fund money will still be needed for the acquisition and improvements if the systems development fees cover maintenance. Mr. Mull explained that the systems development fees would cover only the cost of new parks or expansion of existing parks; not maintenance costs.

Terry Witham, Chairman of the Parks Committee, expressed the unanimous support of the comprehensive plan by the Parks Committee. He stressed that the plan is a guidebook for the future, and is not intended to be implemented immediately. He believed the document is fairly conservative but still comprehensive and will suit the future park needs of this community.

Mayor Orcutt agreed with the concept of the plan being a guidebook.

Mr. Morgan stated that staff is recommending that the Council hold a public hearing on the plan on July 6. The document will go to the Planning Commission for review at its June meeting and will be referred to other jurisdictions, LCDC and State Parks Division. Mr. Morgan explained that under ordinance, the city now charges a $100 single family condominium charge. He proposed that any application coming in be subject to the whatever charge the city eventually determines, adding that several hundred dwelling units are expected to come in within the next six to eight weeks.

Councilor Koho did not favor this approach since developers would not know what their upfront costs would be. Councilor Miller agreed. He asked about the status of the systems development charge for multi-family uses. Mr. Morgan explained that this is the discussion tonight. The recommendation is for a $400 systems development fee per unit, apartment, single family house, mobile home, etc. Councilor Miller said that he is not sure he would agree with that. If there is a concern about new housing, they could adopt something in the interim but not necessarily raising it to $400 per unit.

Mayor Orcutt suggested holding the debate over until legal counsel has had the opportunity to draft a proposed ordinance for the June 1 Council meeting. Mr. Morgan said that this could be done, and copies mailed to the homebuilders to obtain their input.

<u>Councilor Koho moved to accept the parks system comprehensive plan as presented. Councilor Van Meter seconded the motion. The motion passed unanimously as follows:</u>

AYES: Orcutt, Koho, McGee, Miller, Newton, Van Meter (6)
NAYS: None (0)
ABSENT: Hart (1)

Councilor Koho moved to direct staff to prepare an ordinance for June 1 to adopt a systems development charge of $400 per unit and to leave the types of density separate in the ordinance. Councilor Miller seconded the motion.

Councilor McGee moved to amend out the dollar amount. Councilor Miller seconded the motion. The amendment passed by the following vote:

AYES: Orcutt, Mcgee, Miller, Newton (4)
NAYS: Koho, Van Meter (2)
ABSENT: Hart (1)

Councilor McGee said that putting the dollar amount of the systems development fee in the ordinance may shade the concept that may work to a negative or positive reaction. Mayor Orcutt said that having it in the staff report will let developers know up front what the City is proposing.

In response to a question from Councilor Van Meter, Mr. Morgan stated that the City of Salem charges a $400 per dwelling unit parks system development fee. Councilor Van Meter indicated that he would oppose the motion because he believed it is fair to let the developers know what amount the city may be proposing, and because much work went into the document which recommends that fee amount.

The motion, as amended, passed by the following vote:

AYES: Orcutt, McGee, Miller, Newton (4)
NAYS: Koho, Van Meter (2)
ABSENT: Hart (1)

Mayor Orcutt said that the staff report calls for a $400 systems development fee for parks.

Councilor Van Meter, as liaison to the Parks Committee, introduced the members of the committee who were in attendance at tonight's meeting. They included Terry Witham, Gary Bulen, Ed Bartlett, Rosalie Herber-Moore, Jim Taylor and Shannon Blake-Thiess. Don Crownover was present but had to leave earlier.

KEIZER TOMORROW PRESENTATION

Keizer Tomorrow Committee Chairman Bob French stated that the committee began its work in October of 1990 and met continuously throughout 1991.

Special commendation goes to John Morgan who spent countless hours working on this project. Mr. French said that, without exception, the committee wants the City Council to know how well Mr. Morgan served not only the committee, but also the entire community on this project.

Mr. French stressed that implementation of the recommendations in the Keizer Tomorrow report will take many years. He noted that a couple of things need special attention.

Mr. French indicated that there may be some minority reports coming at a later time. He asked that these reports be held off for the present time.

Mr. French stated that the committee fell into a trap early on during the process. One vision and value statement addressed the great interest in and support of the Keizer public education system. The statement indicates that Keizer schools will be the highest at all grade levels. However, reviewing the voting records for Keizer over the past ten years makes a pretty dismal picture of Keizer's support of public education. Some years ago, the entire community rejected the kindergarten proposal by a margin of about 10% greater than the rest of the Salem/Keizer community. The second time around, Keizer rejected it again. Two years ago, Keizer rejected a bond issue for temporary buildings, rejected a $96 million bond issue substantially below the 50% mark. If it were not for the four precincts around Gubser and Whiteaker schools in the last ten years, Keizer would have passed very few school levies. While many people have a greater burden than they can stand, Keizer, overall, is not that poor. If the city doesn't want to make that statement and stand on it, that's fine. If the city does wish to make that statement, then priorities need to be reassessed.

The second area of concern involves housing. This, Mr. French noted, was a volatile issue on the committee. The statement indicates that the city values the vibrancy, quality and diversity of the neighborhoods. However, there are some areas in this city where the aspects are not valued. As Keizer's representative for the last few months on the Salem Housing Authority, he has become even more aware of the urgent need to provide some low income housing. In order to purchase an average home in the Salem/Keizer area, it is necessary to earn $19,000 per year, or better than $10 an hour. There are many employees in Keizer where they do not earn $10 an hour. He questioned whether the community will become only single middle and upper class, or will the city have the diversity it says it wants. Mr. French noted that while these two things may not need immediate action, they do need the Council's immediate thought; they cannot wait 10 or 20 years.

Mr. French addressed the values set forth in the Keizer Tomorrow report and the recommendations of the committee.

Councilor McGee said that the word "decent" is shown in the report in four or five places where he believed the word should be removed as it refers to housing. Mr. French indicated that it was the committee'sintent to remove the reference to "decent" housing.

The Council members expressed their appreciation for the work that has been done by the committee and by Mr. French as chairman.

Councilor Newton asked about the statement, on page 3, that there has been great pressure placed on the city to provide a wider range of services. Mr. French stated that this stems from the substantial number of requests made to City staff, primarily from new residents moving into Keizer after coming from full services cities.

Councilor Newton noted the flexibility in some target areas. He suggested that the library service not be limited to only those strategies outlined in the report, but that should the residents decide they do not want a library, then the City would have this also as an option. Mr. French indicated that this was to place pressure on the City, however, the community would be the final decider.

Councilor Koho moved to accept the report and refer it to the public for review and comment. Councilor Miller seconded the motion.

Mr. French stated that the committee tried as much as possible to leave the recommendations open to interpretation. He expressed the intent that all of the vision areas are open to the City Council's judgment.

The motion passed unanimously as follows:

AYES: Orcutt, Koho, McGee, Miller, Newton, Van Meter (6)
NAYS: None (0)
ABSENT: Hart (1)

PUBLIC HEARING ON APPEAL OF ZONE CHANGE 92-1

Mayor Orcutt announced that the applicant has requested that the public hearing be held open until June 15 because they are unable to attend tonight due to conflicts. Mayor Orcutt opened the public hearing and announced that staff would hold their comments until June 15. The sign up sheet for testimony will be entered into the record and the comments will be held over to June 15.

Mr. Beck, applicant, stated that he has appeared to show the Council their interest in the project. Mr. Beck noted that he was surprised by the planning action after Pizza Hut had received assurances regarding the process.

Mayor Orcutt recessed the public hearing to June 15, 1992. He indicated that another notice of public hearing would be published.

CONSENT CALENDAR

The Consent Calendar included:

- Hearings Officer Award of Contract
- Resolution certifying that the City provides four or more municipal services
- Resolution regarding local agency agreement Federal-Aid Urban Project Construction and Construction Engineering of Lockhaven Drive between Joan Drive and Windsor Island Road (Phase II)
- May 4, 1992 Regular Session Minutes

Councilor Newton asked that the Hearings Officer contract be removed from the Consent Calendar.

Councilor Koho moved for approval of the remainder of the Consent Calendar. Councilor Van Meter seconded the motion. The motion passed unanimously as follows:

AYES: Orcutt, Koho, McGee, Miller, Newton, Van Meter (6)
NAYS: None (0)
ABSENT: Hart (1)

Hearings Officer Award of Contract

Councilor Newton asked that the Hearings Officer award of contract be postponed until the next meeting. He indicated that he was unaware that the current Hearings Officer's services had been terminated. Councilor Koho indicated that Ms. Gangle submitted a proposal, however, she was one of the most expensive proposals. Councilor Newton expressed his concern that the City Council, as a body, was unaware that Ms. Gangle's services were going to be terminated. He indicated he would prefer to explore the qualifications beyond what appears in the staff report. Councilor Koho recalled that this had been discussed at least two times, as well as the fact that an RFP would be issued about a month ago.

Mr. Otterman stated that there has been nothing in the City Council weekly update regarding this issue. It was discussed at a Council meeting as part of the discussion on some appeals that had come before the Council. Mr. Otterman said that he did receive notification from Ms. Gangle that she would be increasing her hourly rate from $50 to $60.

Councilor Miller said that the memo states that the contract was terminated on May 1. He didn't recall this being brought before the City Council. He questioned who authorized termination of the contract. Mr. Morgan responded that the Hearings Officer contract is not one that was originally issued by the City Council. It was the joint decision of Mr. Otterman, Mr. Morgan, Mayor

Orcutt. Councilor Miller said that he has heard some concerns expressed by Councilor Koho in the past, but this is his first knowledge that the contract was terminated.

Mr. Otterman explained that Ms. Gangle violated the terms of the contract by increasing her hourly rate. Mr. Morgan interjected that Ms. Gangle did bill the City at the higher rate. Councilor Miller said that he would appreciate being informed of the matter at the time rather than one to two months after the fact. Mayor Orcutt stated that this has been discussed at City Council meetings in the past. When Ms. Gangle communicated the increase in her hourly rate, it was in the City's best interest to cancel that contract.

Councilor Newton asked that the Council have additional time to explore the background of this action further. He noted that Ms. Gangle's notice to increase her fees was a significant written communication.

Councilor Newton moved to defer a decision on the Hearings Officer Award of Contract until the next regular City Council meeting. Councilor McGee seconded the motion.

Councilor Koho indicated that a contractor cannot change the terms of their contract with the City.

Mr. Morgan indicated that there are two pending planning cases staff had hoped to schedule for Wednesday of next week.

Councilor Koho indicated that he would defer to those Council members who need additional time. Mayor Orcutt indicated that he is prepared to make a decision tonight, considering the cases which are ready to move forward.

Responding to a question from Councilor Van Meter, Mr. Morgan stated that Ms. Gangle's contract set out a $50 hourly fee, and a 30 day cancellation clause. He said that Ms. Gangle sent a bill and a notice indicating that she would be charging $60 per hour. Staff gave her 30 days, to May 1, to cancel the contract and the City paid that bill at $50 per hour.

Councilor Miller said that he has the distinct feeling that Mayor Orcutt and Councilor Koho have been fully informed as this matter has been going on. He asked for a copy of the existing contract and any written communications back and froth between the parties. He said there are three members of the Council who have never seen any of that.

Councilor Koho said that he has not communicated with the Mayor regarding this matter nor has he seen any items that the Mayor might have seen. Councilor Koho stated that he presumed that he was asked to sit in on the interviews because he expressed concerns about the quality of work the City was receiving.

Councilor Van Meter indicated that he does not wish to see the items requested by Councilor Miller, and that he doesn't feel the need to micro-manage the City. This is up to the City Manager and Mr. Morgan and the Mayor to assign.

The motion failed in a tie vote as follows:

AYES: McGee, Miller, Newton (3)
NAYS: Orcutt, Koho, Van Meter (3)
ABSENT: Hart (1)

Mayor Orcutt indicated that this will be set over to the next meeting when the full Council is present.

Terrace Green Reserve Strip

Mr. Johnson briefly reviewed the situation involving the Terrace Green reserve strip. He stated that this strip was required by the county in its planning process around the edge of property to control driveway access. Because many of these have caused problems, driveway permits are now issued instead.

Mr. Johnson explained that when Terrace Green Subdivision was approved, a condition of approval was for the reserve strip to be conveyed to the county upon completion of Nottingham Drive. However, rather than doing so, the developer deeded Lot 41 - the reserve strip - to the homeowners association rather than to the county. At one time, Marion County legal counsel appeared to be interested in pursuing the matter, however, Mr. Bob Cannon now indicates that this is more of a planning decision than a legal matter.

Mr. Johnson indicated that Mr. Horner's position on the matter is that he cannot gain access to his property from Nottingham Drive because of the one foot strip. Mr. Johnson has talked with Mr. Horner's attorney and they are not asking at this time for the City to take any legal against the homeowners' association but to sent a letter to Terrace Green to see if they will deed it to the city to resolve the problem.\

Gerald Horner, 7050 Wheatland Road North, indicated that he did request assistance from former City Manager Roy Payne regarding this matter. He indicated that while the county has worked slowly with Terrace Green, nothing has been accomplished. Mr. Horner noted that he does have a driveway permit although he has not yet exercised it. Mr. Horner stated that he would like to develop his property and bring into the city more taxable lots, but this reserve strip prevents him from doing so. He solicited the City's assistance in getting this matter resolved quickly.

Mr. Horner also expressed concern about a tall cedar tree row that is planted on the right of way which encumbers his use of his property. He stated that the trees overhang his property and the roots are invasive. He indicated that he would like the trees removed.

Mr. Horner, responding to a question, stated that there are two homeowners affected, the other being Oakwood Mobile Home park which has 200 to 300 feet of frontage on Nottingham Drive. Mr. Horner said that he accesses his property off of Wheatland Road at the present time.

Councilor Newton noted that some Council members were not on the City Council when this matter was originally discussed. He suggested that Terrace Green Homeowners' Association be notified that the Council will be bringing this matter up again, and that the history on this situation be researched.

Mayor Orcutt suggested this matter be set for the June 1 City Council meeting.

Responding to a question from Councilor Newton, Mr. Johnson stated that Marion County apparently forgot about its land use condition of approval for the reserve strip. Therefore, the driveway permit was issued to Mr. Horner in error because the City cannot give access over private property.

Mr. Cannon now believes that this is a policy decision for the City to make. Mr. Johnson noted that regardless of how old the original planning decision may be, conveying the reserve strip to the county is still a condition of approval.

Councilor McGee asked a member of the audience who is a resident in Terrace Green to comment on this matter. Charles Lawson stated that Terrace Green has taken the position in the past that it would take whatever legal action necessary to fight conveyance of that reserve strip to the county. There is a new president now and a new board, and he did not know what their thinking might be in this regard.

Mayor Orcutt indicated that this would be held over to June 1 for discussion.

OTHER BUSINESS

Councilor Miller asked for copies of communications regarding the hearings officer proposals. Mr. Morgan indicated that the material consists of about 50 pages and that it would be available for the Council members. Councilor Miller said that he would come into City Hall to review the material. Councilor Koho commented that he left his interview notes at City Hall when the interviews were completed.

Councilor Miller asked for a status report on the property by Sandy Drive. Mr. Morgan said that he understands they are in a position of coming back to the City and striking a deal where they would lower the price of the land for sale to the City in exchange for a lesser or no contribution to the street improvement and traffic signal. Those points are yet to be negotiated. There is a potential buyer that Mr. Rhoten is representing.

AGENDA INPUT

The June 1 agenda will include a public hearing on the Ackerley Communications sign. Mr. Otterman said that the agenda will also include an award of insurance agent of record. He had requested that any Council members may wish to sit in on the interview panel, but has had no volunteers to date. Three insurance agent of record proposals have been received, from Sedgwick James, Huggins and Wilson-Heirgood of Eugene. Councilor McGee said that if no one else wishes to sit on the panel, he will do so.

Councilor McGee asked if a policy has been developed regarding the confiscation of vehicles. He believes this needs to be addressed.

Councilor McGee urged the Council to consider cutting down the 10% amount for uncollectibles in the 1992-93 tax levy. Mr. Otterman has agreed to drop that amount to 7%. Councilor McGee said that this can be shaved down more.

WRITTEN COMMUNICATIONS

There were no written communications to come before the Council.

ADJOURNMENT

The meeting adjourned at 9:20 p.m.

____
Susan Darby, City Recorder

APPROVED:

____
MAYOR

______________________________ ______________________________

______________________________ ______________________________

______________________________ ___(COUNCILOR HART ABSENT)______

Council Meeting: June 1, 1992
Agenda Item No:: 12a

SKATS

SALEM - KEIZER AREA TRANSPORTATION STUDY

106 HIGH STREET SE, SALEM, OREGON 97301 PHONE (503) 588-6177 FAX (503) 588-6094

RECEIVED
'92 MAY 15 AM 8 47

MEMORANDUM

TO: Salem City Council
Salem Planning Commission
Keizer City Council
Keizer Planning Commission
Marion County Board of Commissioners
Marion County Planning Commission
Polk County Board of Commissioners
Polk County Planning Commission
Salem Transit Board

DATE: April 30, 1992

FROM: Jim Craven, Chairman *Jim Craven*
Policy Committee

SUBJECT: **Transportation Planning and Related Land Use Ordinances**

Transportation planning in the Salem/Keizer area is taking on a new look and your representatives on the Policy Committee want to take this opportunity to tell you about what is on the horizon.

Throughout the country there is increasing recognition that there is too much reliance on the single occupancy automobile. Air quality concerns and financial constraints are calling into question traditional road building solutions for needed mobility. Recent State and Federal transportation legislation and planning regulations* reflect these sentiments.

The Salem/Keizer area is classified as not meeting federal air quality standards for ozone and carbon monoxide. The area around Lancaster Mall at Christmas time is our current hot spot. While we hope to be declared as being in conformance with the standards this year, we will be required to demonstrate how the area will maintain its clean air for the next 20 years. This impacts the selection of transportation projects for construction.

The new rules require that transportation plans be based on achieving several goals and that benchmarks be set and evaluated every five years. These goals focus on reduced reliance on the single occupant automobile as <u>measured</u> by: increased automobile occupancy; increased useage of transit, bicycles, and walking; a reduction in the vehicle miles traveled per person; and a reduction in the number of non-residential parking spaces per person. This will require collection of a lot more information than is currently done.

Changes to land use ordinances will be one method of attempting to meet these goals. While some ordinances will be developed over the next five years in conjunction with the update of the transportation plan, some ordinances need to be in place by May 1993. In order to aid all of the participating SKATS jurisdictions develop and adopt the necessary land use ordinances in a timely fashion, SKATS will be working with each of the jurisdictions over the next several months to develop proposed ordinance standards and help with the public review process. In some cases, mandated changes in zoning and land use policies will be significant.

The first set of land use ordinances focus on two areas:

1. Bicycle and Pedestrian-Oriented Standards
2. Transit Oriented Standards.

Most of the local jurisdictions already have some of the needed components of these standards.

The 1996 Land Use Regulations are less well defined at this time but include access control measures, coordinated review of land use decisions affecting transportation facilities, transit-oriented standards, transportation demand management standards, implementation of a regional parking plan, and additional transit-oriented standards, bicycle and pedestrian-oriented standards.

The result of these efforts will be reflected in the way meeting transportation needs will be planned for in the future. Methods other than adding capacity to a roadway to meet a need will be favored.

SKATS is only the coordinating body for transportation planning in the area. We are all partners in providing for the needs and improving the livability of the area. We will be providing periodic information memos to you as we continue in this process. If you desire, your staff or your elected representative to the Policy Committee can arrange for a more detailed presentation of information on this subject.

*Recent requirements include: The Clean Air Act Amendments of 1990, The Intermodal Surface Transportation Efficiency Act, and LCDC's Transportation Planning Rule.

Attachment: Transportation Planning Rule Highlights

SUMMARY
MAJOR REQUIREMENTS OF THE TRANSPORTATION PLANNING RULE

1.0 GENERAL REQUIREMENTS

1.1 Transportation System Plans (TSPs) - 660-12-015

The Transportation Planning Rule requires three types of transportation system plans: state, regional, and local. SKATS is required to prepare a regional transportation system plan (TSPs). The cities and counties shall also prepare, adopt, and amend local TSPs. Cities and counties shall adopt regional and local TSPs as part of their comprehensive plans. Transportation financing programs required by OAR 660-12-040 may be adopted as a supporting document to the comprehensive plan.

The transit district shall participate in the development of TSPs for those transportation facilities and services they provide.

1.2 Time Frame

The Rule establishes a specific timeline for the completion of the TSPs and implementation measures. The regional TSP must be completed in 1995, while local TSPs must be completed in 1996; however, local jurisdictions must implement a number of land use regulations by 1993.

2.0 INVENTORY OF EXISTING TRANSPORTATION FACILITIES

The Rule requires an inventory and general assessment of the following existing and committed transportation facilities and services: roads, transit, bicycle and pedestrian, and air, rail, and pipeline. The inventory should include a description of each transportation system by function, type, capacity, and condition. A capacity and condition analysis for the air, rail, and pipeline inventory is not required.

3.0 TRANSPORTATION NEEDS ANALYSIS

3.1 Introduction

The TSP shall identify transportation needs relevant to the planning area and the scale of the transportation network being planned. The needs assessment includes local, regional, and state needs, needs of the transportation disadvantaged, and

- The transportation system shall minimize adverse economic, social, environmental and energy consequences.

- The transportation system shall minimize conflicts and facilitate connections between modes of transportation.

- The transportation system shall avoid principal reliance on any one mode of transportation and shall reduce principal reliance on the automobile. In the MPO this shall be accomplished by selecting transportation alternatives which meet the requirements in section 4.4.

4.4 Vehicle Miles Travelled (VMT) Objectives - 660-12-035 (4)

Regional and local TSPs shall be designed to achieve the following objectives for reducing automobile VMT per capita for the MPO area:

- No increase within 10 years of adoption of a plan;

- A 10% reduction within 20 years of adoption of a plan; and,

- Through subsequent planning efforts, a 20% reduction within 30 years of adoption of a plan.

4.5 Other VMT-Oriented Objectives - 660-12-035 (5)

Regional TSPs shall specify measurable objectives for each of the following and demonstrate how the combination selected will accomplish the objectives in section 4.4:

- An increase in the modal share of non-automobile trips (i.e. transit, bicycle, pedestrian); for example, a doubling of the modal share of non-automobile trips;

- An increase in average automobile occupancy (i.e. persons per vehicle); for example, an increase to an average of 1.5 persons per vehicle; and,

- Where appropriate, a decrease in the number or length of automobile vehicle trips per capita due to demand management programs, rearranging of land uses or other means.

5.0 TRANSPORTATION PLAN IMPLEMENTATION

5.1 Introduction

The Rule has established a process for TSP implementation and project development. Each local government is required to amend its land use regulations to implement the TSP. Several bicycle and pedestrian-oriented and transit-oriented standards must be implemented by 1993; other implementation measures must be in place by 1996. The land use regulations required in 1993 are in the boxed and shaded section.

The Rule also provides for coordinated project development among affected local governments. In addition, a transportation financing program is to be developed to help implement the local and regional TSPs.

5.2 1993 Land Use Requirements - Sections 660-12-045 (3),(4),(a)-(e) and (5)(d)

A. Bicycle and Pedestrian-Oriented Standards

Local governments shall adopt land use or subdivision regulations which require the following bicycle and pedestrian-oriented standards:

- Bicycle parking facilities as part of new multi-family residential developments of four units or more, new retail, office and institutional developments, and all transit transfer stations and park and ride lots.

- Facilities providing safe and convenient pedestrian and bicycle access within and from new subdivisions, planned developments, shopping centers and industrial parks to nearby residential areas, transit stops, and neighborhood activity centers, such as schools, parks and shopping. This shall include:

  (1) Sidewalks along arterials and collectors in urban areas;

  (2) Bikeways along arterials and major collectors;

1993 Land Use Regulations Cont.

- New industrial and commercial developments to provide preferential parking for carpools and vanpools.

- An opportunity for existing development to redevelop a portion of existing parking areas for transit-oriented uses, including bus stops and pullouts, bus shelters, park and ride stations, transit oriented developments, and similar facilities, where appropriate.

- Road systems for new development which can be adequately served by transit, including provision of pedestrian access to existing and identified future transit routes. This shall include, where appropriate, separate bicycle and pedestrian ways to minimize travel distances.

- All major industrial, institutional, retail and office developments to provide either a transit stop on site or connection to a transit stop along a transit trunk route when the transit operator requires such an improvement.

5.3 1996 Land Use Regulations - 660-12-045 (1),(2),(4)(f)-(g),(5)(a)-(c), and (6)

A. Measures to Protect Transportation Facilities

Local government shall adopt land use or subdivision ordinance regulations, consistent with applicable federal and state requirements, to protect transportation facilities, corridors and sites for their identified functions. Such regulations shall include:

- Access control measures (e.g. driveway and public road spacing, median control and signal spacing standards, which are consistent with the functional classification of roads).

- Standards to protect future operation of roads, transitways and major transit corridors;

(4) Is consistent with demand management programs, transit-oriented development requirements and planned transit service.

E. Bicycle and Pedestrian-Oriented Standards - Section 660-12-045 (6)

- In developing a bicycle and pedestrian circulation plan as required by 660-12-020(2)(d), local governments shall identify improvements to facilitate bicycle and pedestrian trips to meet local travel needs in developed areas. Appropriate improvements should provide for more direct, convenient and safer bicycle or pedestrian travel within and between residential areas and neighborhood activity centers (i.e. schools, shopping, transit stops). Specific measures include, for example, constructing walkways between cul-de-sacs and adjacent roads, providing walkways between buildings, and providing direct access between adjacent uses.

F. Policy Amendments - 660-12-020 (2)(h)

Comprehensive plan policies shall be amended to be consistent with the TSP.

5.4 Transportation Project Development - 660-12-050 (2)-(5)

The Rule establishes a process for coordinated project development.

5.5 Transportation Financing Program - 660-12-040

The TSPs shall contain a transportation financing program. The financing program shall include the following:

(1) A list of planned transportation facilities and major improvements;

(2) A general estimate of the timing for planned transportation facilities and major improvements; and

(3) Determination of rough cost estimates for the transportation facilities and major improvements identified in the TSP.

In addition to including rough cost estimates for each transportation facility and major improvement, the transportation financing plan shall include a discussion of the facility provider's existing funding mechanisms and the ability of these and possible new mechanisms to fund the development of each transportation facility and major improvement.