

CITY COUNCIL AGENDA PACKET

MONDAY MAY 21, 2001

- 6:15 P.M. EXECUTIVE
SESSION
- 7:00 P.M. CITY COUNCIL
REGULAR SESSION

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

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

A G E N D A
KEIZER CITY COUNCIL
EXECUTIVE SESSION

Monday, May 21, 2001

6:15 p.m.

Keizer City Hall

Keizer, Oregon 97303

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **DISCUSSION**
 - a. Pursuant to ORS 192.660(1)(h) (*Litigation*)
4. **ADJOURN**

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

The Oregon Public Meeting Law authorizes governing bodies to meet in executive session in certain limited situations. An executive session is defined as any meeting or part of a meeting of a governing body which is closed to certain persons for deliberations on certain matters as defined by ORS 192.660. These sessions are closed to the public and under certain circumstances the media also. The governing body is not allowed to take any final action or make any final decisions during the executive sessions. Any final action or decision must be made after returning or at the next regularly scheduled meeting.

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

A G E N D A
KEIZER CITY COUNCIL
REGULAR SESSION

Monday, May 21, 2001

7:00 p.m.

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

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC TESTIMONY

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

4. COMMITTEE REPORTS

**a. Presentation of Award for 2001-2002 Budget Cover Winner-
Greg Westervelt, Clearlake Elementary School**

b. Volunteer of the Quarter Award – Family of John Copeland

c. Council Liaison Reports

- **Parks Advisory Board – Mayor Christopher**
- **Planning Commission – Council President Moir**
- **Keizer Urban Renewal Board – Councilor Walsh**
- **Library Services Task Force – Councilor Walsh**
- **Community Policing Committee – Councilor Kelly**
- **Bikeways Committee – Councilor Smith**

5. OTHER BUSINESS

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

a. New Business

- **City Manager Evaluation Process**

b. Old Business

- **Claggett Creek Park Easement for Watershed Council**

6. PUBLIC HEARINGS

a. RESOLUTION – Forming Beier Estates Street Lighting District

7. ADMINISTRATIVE ACTION

- a. RESOLUTION -- Initiating Changes to the Chemawa Activity Center Plan
- b. ORDINANCE -- False Alarms
- c. RESOLUTION -- No Parking 35th Avenue adjacent to Keizer Stadium
- d. ORDINANCE -- Amending Park Regulations Ordinance 90-188 for Adoption of Regulations for Carlson Skate Park

8. CONSENT CALENDAR

- a. Approval of May 7, 2001 Regular Session Minutes

9. WRITTEN COMMUNICATIONS

To inform the Council of significant written communications.

10. AGENDA INPUT

June 4, 2001

6:00 p.m. Urban Renewal Agency Meeting

- 2001-2002 Keizer Urban Renewal Budget Public Hearing

7:00 p.m. City Council Regular Session

- 2001-2002 City of Keizer Budget Public Hearing
- Telephone Franchise Fee Increase Public Hearing
- Transient Occupancy Room Fee Increase Public Hearing
- Vehicle Impound Administrative Fee Increase Public Hearing
- Municipal Court Administrative Fee Public Hearing

June 11, 2001

5:30 p.m. City Council Work Session

- City Boards and Commission Appointment Process

June 18, 2001

6:00 p.m. Urban Renewal Agency Meeting

- Adoption of 2001-2002 Urban Renewal Agency Budget

7:00 p.m. City Council Regular Session

- Adoption of 2001-2002 City of Keizer Budget
- Supplemental Budget Resolutions for FY 2000-2001
- Adoption of Long Range Financial Plan for City of Keizer

11. ADJOURN



May 21, 2001

AGENDA ITEM 4a

**Presentation of Award for 2001-2001 Budget Cover Winner
Greg Westervelt-Clearlake Elementary School**

COUNCIL MEETING: May 17, 2001

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCILORS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

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



SUBJECT: ARTWORK CONTEST WINNER

This year, the City of Keizer held its first annual Artwork Contest. The contest challenged grade school students to draw a picture of what Keizer Community Pride means to them. The city received approximately 150 entries from students throughout the Keizer area. Eight finalists were selected:

- Veronica Soto Gonzalez – Kennedy Elementary
- Sandra Evans – Kennedy Elementary
- Julia Huffman – Gubser Elementary
- Elizabeth Salisbury – Gubser Elementary
- Greg Westervelt – Clearlake Elementary
- Julia Yuzko – Keizer Elementary
- Katya Goloviznina – Keizer Elementary
- Zach Houston – Keizer Elementary

By popular vote, we are please to announce that Greg Westervelt is this year's grand-prize winner. His art will become the front cover of the City's Fiscal Year 2001-2002 Budget along with an acknowledgement of his contribution inside the document.

The mayor presented our winning artist with a City Certificate and \$100 US Savings Bond at a school assembly last Friday, May 18, 2001. The Mayor will now read the Artwork Contest Proclamation.



May 21, 2001

AGENDA ITEM 4b

Volunteer of the Quarter Award-Family of John Copeland

CITY COUNCIL MEETING: May 21, 2001

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

THROUGH: CHRIS EPPLEY
CITY MANAGER

FROM: TRACY L. DAVIS, CMC
CITY RECORDER



SUBJECT: VOLUNTEER OF THE QUARTER AWARD

ISSUE:

The Volunteer Coordinating Committee recently selected John Copeland as the Volunteer of the Quarter for the first quarter 2001. Mr. Copeland was involved in many youth activities in the area, coaching baseball and football. He served as chair of the Community Policing Committee, a member of the Board of Directors for the Kiwanis Club, and Chairman of the Staats Lake Homeowners Association. In addition, Mr. Copeland served on the organization board for the American Cancer Society Relay for Life Walk.

Mr. Copeland passed away last year from complications due to cancer. The award will be presented to his wife Shirley, and other members of his family.



May 21, 2001

AGENDA ITEM 5b

**Old Business-Claggett Creek Park Easement for Watershed
Council**

CITY COUNCIL MEETING: May 21, 2001

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY 

SUBJECT: *CLAGGETT CREEK PARK WETLANDS PROJECT*

I have been in contact with Gary Miller from the Claggett Creek Watershed Council, as well as officials at the Oregon Division of State Lands with regard to the above referenced wetlands project. At this time, the wetlands biologist has not finished the work necessary to apply to the State for a permit. In addition, the survey has not been completed so that the deed restrictions cannot be finalized and recorded. I have enclosed a draft of the Declaration of Covenants and Restrictions which would be used when the remaining information is available.

RECOMMENDATION:

For information purposes only.

If you have any questions in this regard, please contact me. Thank you.

ESJ/tmh
enclosures

DECLARATION OF COVENANTS AND RESTRICTIONS
FOR THE
CLAGGETT CREEK PARK WETLANDS PROJECT

DRAFT

THIS DECLARATION is made this _____ day of _____, 2001, by the CITY OF KEIZER, an Oregon municipal corporation, ("Declarant"). This Declaration of Covenants is required as a permit condition which is part of the mitigation of impacts to wetlands regulated under Oregon's Removal-Fill Law, ORS 196.800 et seq. ORS 182.060 provides that "Any instrument creating a[n]...easement... may be indexed and recorded in the records of deeds of real property in the county where such real property is located." Further, ORS 182.060 provides that "When requested by a state board of commission, the county clerk shall file or record, or both, in the office of the clerk any instrument affecting real property and immediately shall return to the board or commission a receipt for the instrument, aptly describing it and showing the legal charge for the filing or recording of the instrument." Therefore, the Division of State Lands, operating under the State Land Board, requires the recording of this instrument as described above.

RECITALS:

1. WHEREAS, Declarant is the owner of the real property described in Exhibit "A" attached hereto and by this reference incorporated herein as the "Property", and desires to create or enhance thereon wetlands to be maintained in accordance with the Permit Number approved by the Oregon Division of State Lands ("Division"), attached as Exhibit B.

2. WHEREAS, Declarant desires to provide for the preservation and enhancement of the wetland values of the Property and for the maintenance and management of the Property and improvements thereon, and to this end desires to subject the Property to the covenants, restrictions, easements and other encumbrances hereinafter set forth, each and all of which is and are for the benefit of the Property.

AFTER RECORDING,
RETURN TO:

DRAFT

NOW, THEREFORE, the Declarant declares the Property shall be held, transferred, sold, conveyed and occupied subject to the covenants, restrictions, easements and other encumbrances hereinafter set forth in this Declaration.

ARTICLE I - DEFINITIONS:

1.1 "Declaration" shall mean the covenants, restrictions, and all other provisions set forth in the Declaration of Covenants and Restrictions.

1.2 "Declarant" shall mean and refer to the City of Keizer, an Oregon municipal corporation, its successors or assigns.

1.3 "Removal fill permit" shall mean the final document approved by the Division that formally establishes the wetland mitigation and stipulates the terms and conditions of its construction, operation and long-term management.

1.4 "Property" shall mean and refer to all real property subject to this Declaration, as more particularly set forth in Exhibit "A".

ARTICLE 2 - PROPERTY SUBJECT TO THIS DECLARATION:

The real property which is and shall be held, transferred, sold, conveyed and occupied subject to this Declaration is located in Marion County, Oregon and is more particularly described in Exhibit "A".

ARTICLE 3 - GENERAL PLAN OF DEVELOPMENT:

Declarant currently manages the site for the purpose of wetland mitigation. Current management is in accordance with Permit Number _____.

ARTICLE 4 - USE RESTRICTIONS AND MANAGEMENT RESPONSIBILITIES:

The Property shall be used and managed for wetland mitigation purposes in accordance with Permit Number _____. Declarant and all users of the Property are subject to any and all easements, covenants and restrictions of record affecting the Property and the following:

///

///

DRAFT

- A) There shall be no removal, destruction, cutting, trimming, mowing, alteration or spraying with biocides of any vegetation on the restricted property, nor any disturbance of change in the natural habitat of the property, except to remove non-native species by hand.
- B) There shall be no agricultural, commercial, or industrial activity undertaken or allowed in the property; nor shall any right of passage across or upon the property be allowed or granted if that right of passage is used in conjunction with agricultural, commercial or industrial activity.
- C) No domestic animals shall be allowed on the property.
- D) There shall be no filling, excavating, dredging, mining or drilling; no removal of topsoil, sand, gravel, rock minerals or other materials, nor any dumping of ashes, trash, garbage, or of any other material, and no changing of the topography of the land of the Property in any manner without written approval from the state and federal wetland regulatory agencies.
- E) There shall be no construction or placing of buildings, mobile homes, advertising signs, billboards, or other advertising material, or other structures on the Property.
- F) Crossings of the restricted property for utility line installation shall be allowed only if complete restoration of grades and vegetation is done.

ARTICLE 5 - RESOLUTION OF DOCUMENT CONFLICTS:

In the event of any conflict between this Declaration and Permit Number _____, the permit shall control.

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IN WITNESS WHEREOF, the undersigned being Declarant herein, has executed this instrument this _____ day of _____, 2001.

City of Keizer, an
Oregon municipal corporation

By: _____
City Manager

STATE OF OREGON)
) ss.
County of Marion)

This instrument was acknowledged before me on _____ by
Christopher C. Eppley, City Manager of the City of Keizer.

NOTARY PUBLIC FOR OREGON
My Commission Expires: _____

5371COK.001



May 21, 2001

AGENDA ITEM 6a

RESOLUTION-Forming Beier Estates Street Lighting District
ORDINANCE-Spreading Assessments to Beier Estates Street
Lighting District

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**FROM: CHRIS EPPLEY
CITY MANAGER**

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



SUBJECT: PUBLIC HEARING - To consider remonstrances or objections to formation of the Beier Estates Street Lighting Local Improvement District and objections to an Ordinance spreading assessments to Beier Estates Street Lighting Local Improvement District

ISSUE

1. Shall the City Council form Beier Estates Street Lighting Local Improvement District after conducting a public hearing to receive objections or remonstrances to its formation?
2. Shall the City Council adopt an ordinance spreading assessments in Beier Estates Street Lighting Local Improvement District after conducting a public hearing to receive written objections to the ordinance spreading those assessments to the district.

BACKGROUND

In March 1994, the Keizer City Council adopted Ordinance 94-278 relating to formation of street lighting local improvement districts within the City of Keizer.

On March 8, 2001, the developer of Beier Estates filed a petition to form a street lighting local improvement district. In response to this petition, the City Council adopted Resolution R2001-1255 on March 19, 2001 to initiate formation of a street lighting local improvement district and directing the City Engineer to make a survey and file a written report with the City Recorder. On April 16, 2001 the City Council approved the City Engineer's report and set a public hearing to consider remonstrances to the project and objections to proposed assessments. On May 15, 2001 notice of the public hearing and intention to form the district and assess for the lighting improvements, as required under Ordinance 94-278, were provided by mail to the property owners.

ANALYSIS

Included within the agenda packet is the proposed resolution forming Beier Estates Street Lighting Local Improvement District and setting forth the time and manner of installing the street lights within that district. If the Council decides to form the street lighting district, the next step is to proceed with an ordinance spreading assessments.

Included within the agenda packet is the proposed ordinance to spread assessments to the properties benefited by the lighting district. The ordinance provides for first annual assessments and the procedure for determining second and future annual assessments. Following the City Council's adoption of the Ordinance spreading assessments, the City authorizes the appropriate utility company to install the poles and lights. Depending on the type of poles requested by the City, it takes the utility company from two to six months to have the lights on site and operational.

FISCAL IMPACT

The City initially pays the street lighting expense to the utility company as it is billed throughout the year. The operating cost of the lights is then billed to the property owners on an annual basis, thereby recovering the City's costs for bills paid throughout the year. In addition, the bills include the cost of the City Engineer's Report in the first year, and an administrative charge in the first and subsequent years to recover the City's cost for administering the lighting districts. All funds are budgeted through the Utility Fund.

RECOMMENDATION

1. Open the public hearing to first consider oral objections and written remonstrances to formation of Beier Estates Street Lighting Local Improvement District.
2. If valid remonstrances of the owners of two-thirds of the land to be specially assessed for the lighting district are presented to the Council at the public hearing, close the hearing and suspend formation of the district for six months.
3. Consider other objections to the formation of the district. The Council may suspend formation of the district without remonstrance of owners of two-thirds (2/3) of the land if the Council deems that action appropriate.
4. If valid remonstrances of the owners of two-thirds of the land to be specially assessed for the lighting district are not presented to the Council at the public hearing, or other valid objections to formation are not presented, then consider objections to the scope, design or equipment proposed for the district.
5. After consideration of objections of the plans for the district, and if it appears that the Council will form the district, Council should next consider written objections to the proposed assessments which were filed with the City.
6. Close the public hearing.
7. Consider adoption of the resolution officially forming the lighting district.
8. If council forms the district, consider adoption of the proposed assessment ordinance. Council may adopt, correct, modify or revise the assessment against each lot in the district according to special and peculiar benefits accruing to the lot.

2
3 **A BILL FOR**4
5 **AN ORDINANCE SPREADING ASSESSMENTS TO**
6 **BEIER ESTATES STREET LIGHTING LOCAL**
7 **IMPROVEMENT DISTRICT**
89
10 Section 1. FINDINGS. The City Council of the City of Keizer makes the following
11 findings:

- 12 a. The City Council did heretofore declare its intention to install street lights to
-
- 13 serve an area known as Beier Estates Street Lighting Local Improvement
-
- 14 District which is described as follows:

15 Beier Estates - identified on the assessors map
16 6 3W 26DA tax lots 101, 200, 302 – lots 1-18
17 in the City of Keizer, County of Marion, State of
18 Oregon;
1920 which includes the installation of seven (7) - 100-watt high pressure sodium
21 luminaries mounted on four-foot long mast arms and attached to 30-foot
22 gray fiberglass poles, located within the subject local improvement district, all
23 in accordance with the City Engineer's Report for Beier Estates Street Lighting
24 Local Improvement District.

- 25 b. The total initial cost of Beier Estates Street Lighting Local Improvement
-
- 26 District is \$1302.48.
-
- 27 c. The per space/lot assessment formula was used for this district.
-
- 28 d. The improvements in the district have been or will be constructed as provided
-
- 29 in the Engineer's Report.
-
- 30 e. Notice was duly mailed to the benefited property owners on May 15
- th
- , 2001.

1 f. A meeting of the City Council was held at the time and place fixed by public
2 notice for the purpose of considering any such written objections to the
3 proposed assessments.

4 g. No written objections to the proposed assessments were filed.

5 h. The Council has considered the matter and determined that construction of
6 said improvements was and is of material benefit to the City, and all the
7 property to be assessed therefore will be specially benefited by the
8 improvements in the amounts shown on the assessment roll.

9 NOW, THEREFORE, the City Council of the City of Keizer ordains as follows:

10 Section 2. ASSESSMENTS.

11 a. First Annual Assessment. It is hereby determined that the share of the cost
12 of the improvements for Beier Estates Street Lighting Local Improvement
13 District for each parcel and property benefited thereby for the first annual
14 assessment is the amount set opposite the description of each piece or parcel
15 of land as described in Beier Estates Street Lighting District Assessment Roll
16 as set forth in Exhibit "A" attached, and that each piece or parcel of land
17 benefited by the improvements, to the full extent of the amount so set
18 opposite such piece or parcel and that the respective amounts represent the
19 proportionate benefits of said improvements to said respective parcels of
20 property, and the Council does hereby declare that each of the parcels of
21 property described in Beier Estates Street Lighting District Roll as set forth in
22 Exhibit "A" attached is hereby assessed the first annual assessment amount
23 set opposite each respective description.

- i. Summary of first annual assessment costs for formation of the lighting district to serve the area known as "Beier Estates Street Lighting Local Improvement District":

7- Poles and 100 Watt Luminaries	\$942.48
Engineering Costs	\$252.00
Administrative Fee	<u>\$108.00</u>
Total Assessments	\$1302.48

- ii. The Recorder of the City of Keizer is hereby directed to send a notice of first annual assessment to each owner of assessed property by mail within ten (10) days after this Ordinance levying the first annual installments is passed. The notice shall include information that an application to make installment payments may be filed with the City if the assessment is collected directly from the property owner and not pursuant to ORS 223.866.

- b. Second and Subsequent Annual Assessments. After a municipal lighting district has been formed in accordance with City of Keizer Ordinance 94-278, the second and subsequent annual assessments shall be spread by Resolution which may include changes in the mode of collecting the assessment. The method of assessment and notification for subsequent annual assessments shall be determined in accordance with City of Keizer Ordinance 94-278.

- c. Mode of Collecting Assessments. Assessments for Beier Estates Street Lighting Local Improvement District shall be collected pursuant to ORS 223.866.

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d. Lien on Property. The assessment shall be entered as a lien against the benefited property in the City Lien Docket.

PASSED this _____ day of _____, 2001.

SIGNED this _____ day of _____, 2001.

Mayor

City Recorder



May 21, 2001

AGENDA ITEM 7a

**RESOLUTION-Initiating Changes to the Chemawa Activity
Center Plan**

CITY COUNCIL MEETING: May 21, 2001

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY 

SUBJECT: *CHEMAWA ACTIVITY CENTER - INITIATION OF LEGISLATIVE AMENDMENT PROCESS*

The City Council heard a presentation last week from the consultant staff and members of Northwest National LLC in support of initiating appropriate legislative amendments regarding the Chemawa Activity Center Plan. Certain members of the developer/consultant team will be available at tonight's meeting if there are any questions.

I have prepared and attached a Resolution initiating the legislative amendment process.

RECOMMENDATION:

Adopt the attached Resolution.

If you have any questions in this regard, please contact me. Thank you.

ESJ/tmh
enclosure

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 Resolution R2001-_____

3 INITIATING LEGISLATIVE AMENDMENTS TO THE
4 KEIZER COMPREHENSIVE PLAN, KEIZER
5 DEVELOPMENT CODE REGARDING THE CHEMAWA
6 ACTIVITY CENTER (1997) - **FULL REVIEW 2001**

7 WHEREAS, the Chemawa Activity Center Design Plan was adopted in 1997 to
8 guide development in the Activity Center Area designated in the Keizer Comprehensive
9 Plan;

10 WHEREAS, the City of Keizer and the Urban Renewal Agency of Keizer has
11 entered into a non-exclusive predevelopment agreement with Northwest National LLC
12 with regard to development in and around the Chemawa Activity Center;

13 WHEREAS, among the terms of such Agreement is the obligation on behalf of
14 the City to consider amendments to the Chemawa Activity Center Plan including
15 consideration of an expansion of the commercially zoned area within such Activity
16 Center;

17 WHEREAS, the Keizer Development Code allows the City Council to initiate
18 legislative amendments to the Keizer Comprehensive Plan and Keizer Development
19 Code;

20 NOW, THEREFORE,

1 BE IT RESOLVED that the City Council of the City of Keizer hereby initiates
2 a legislative review and amendment process for the Chemawa Activity Center Design
3 Plan (1997), and appropriate or necessary amendments to the Keizer Comprehensive
4 Plan and the Keizer Development Code;

5 BE IT FURTHER RESOLVED that the following amendments shall be
6 considered:

7 1) Revision of the amount of commercially-zoned acreage and other zones
8 for Activity Centers to reflect current commercial and industrial inventories.

9 2) Addition of a new land use review process to review master plan adoption
10 with staff recommendation and direct City Council hearing.

11 3) Review and adoption of a possible new zoning chapter "Special Planning
12 District" or such similar district to implement the Chemawa Activity Center Plan.

13 4) Adoption of new concept/design plan to amend or replace the 1997
14 Chemawa Activity Center Plan.

15 5) Various Comprehensive Plan text amendments and map redesignations and
16 rezones for areas in the Chemawa Activity Center.

17 Review, revision and possible amendments or adoptions of new Comprehensive Plan and
18 Development Code provisions are not limited to the above referenced items.

19 ///

20 ///

21 ///

1 BE IT FURTHER RESOLVED that the Keizer Planning Commission is requested
2 to schedule the matter for public hearing.

3 PASSED this _____ day of _____, 2001.

4 SIGNED this _____ day of _____, 2001.

5 _____
6 Mayor

7 _____
8 City Recorder



May 21, 2001

AGENDA ITEM 7b

ORDINANCE- False Alarms

COUNCIL MEETING: _____
AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCILOR MEMBERS

THROUGH: CHRIS C. EPPLEY
CITY MANAGER

FROM: H. M. ADAMS
CHIEF OF POLICE

SUBJECT: FALSE ALARM ORDINANCE

BACKGROUND: The City of Keizer Police Department on average is responding to between 700 and 800 false alarm calls annually. The average time spent on each alarm is 20 minutes. The average number of officers responding to an alarm is two. This means that annually Keizer Police Officers are spending between 500 and 600 hours annually responding to false alarms. In other words our officers spend around 60 workdays a year responding to false alarms.

ISSUE: The False Alarm Reduction Association reports that 15% -20% of users cause 80% of the problem. Roughly 76% of false alarms are related to user error. Commercial users have three times higher rates of false alarms. This is a huge problem, but it is fixable. Nationally joint law enforcement and alarm industry efforts have to reduce false alarms has worked. The studies show that a False Alarm Enforcement Ordinance is necessary.

A False Alarm Enforcement Ordinance allows for permit fees and fines to help recover the cost of the police responding to false alarms. Using escalating meaningful fines are necessary to gain citizen compliance.

Our recommended ordinance allows for all current alarm holders to register their alarms without a fee. Future new alarm systems will be required to register and pay a fee. Chronic abusers will be fined on an escalating fine schedule.

The Police Department is partnering with the Finance Department to monitor false alarms, send out notices and collect fines.

Many cities have seen over a 50% reduction in false alarms after implementation of a False Alarm Ordinance.

RECOMMENDATION: Pass ordinance regulating alarms.

DRAFT

1 BILL NO. ____

A BILL

ORDINANCE NO.

2

2001-_____

3

FOR

4

AN ORDINANCE

5

REGULATING ALARM SYSTEMS, REQUIRING PERMITS, AND

6

PROVIDING PENALTIES FOR FALSE ALARMS, FEES, AND

7

PENALTIES FOR ORDINANCE VIOLATIONS

8

The City of Keizer ordains as follows:

9

Section 1. DEFINITIONS. For purposes of this Ordinance, the following words

10 and phrases mean:

11 (1) "Administrator" means the Keizer Chief of Police or the person designated
12 by the Keizer Police Chief to exercise any power or duty conferred under this
13 Ordinance.

14 (2) "Alarm monitor." Any person, firm or corporation engaged in the business
15 of receiving from alarm users and transmitting to the Willamette Valley Communication
16 Center or the Keizer Police Department.

17 (3) "Alarm system." means a device or system of interconnected devices,
18 including hardware and related appurtenances, designed to give warning of activities
19 indicative of fire, criminal conduct or unauthorized entry upon the protected premises.

20 (4) "Annunciator" means that part of an alarm system, other than an automatic
21 dialer, which communicates the fact that the system has been triggered.

1 (5) “Audible annunciator” means an annunciator which gives an alarm by
2 means of a bell, siren, buzzer, or other sound producing device mounted at some location
3 other than wholly within a building; or which is intended to be clearly audible at a
4 distance of 50 feet or more outside of any building in which it is mounted when
5 activated.

6 (6) “Automatic dialer” means a device which is programmed to select a
7 telephone number and deliver a verbal warning message or signal over standard
8 telephone lines to a called party who is using telephone voice communication
9 equipment.

10 (7) “Center” means the “911” emergency communications center serving the
11 City of Keizer.

12 (8) “Designated trunk line” means a telephone trunk line designated by the
13 administrator as available for selection by an automatic dialer.

14 (9) “Emergency trunk line” means a telephone trunk line having a number
15 listed and published in the Salem/Keizer Telephone Directory as being the emergency
16 phone for police, fire or ambulance service.

17 (10) “False Alarm” means any activation of an alarm system not resulting from
18 fire, criminal activity or unauthorized entry, upon or following which communication
19 is made to the center that an alarm has been triggered. If the alarm, when communicated
20 to the center, is clearly identified to the center as resulting from authorized entry,

1 authorized system test, or other non-emergency cause, it shall not be considered as a
2 false alarm. If police or fire units, as applicable, respond to an alarm and check the
3 protected premises according to standard operating procedure, and are unable to discover
4 any evidence of fire, unauthorized entry or criminal activity, the alarm will be deemed
5 false absent a preponderance of credible evidence to the contrary.

6 (11) "Monitored fire alarm system" is an alarm system which incorporates a
7 remote annunciator or an automatic dialer, and is designed to give warning of fire only.

8 (12) "Principal" means the person, firm, or corporation whose premises are
9 protected by an alarm system. For rented or leased dwelling units and other protected
10 premises having more than one tenant protected by a single alarm system, the term
11 "principal" means the building owner.

12 (13) "Protected premises" means all buildings, real property, and portions
13 thereof protected by an alarm system or systems at a particular street address.

14 (14) "Remote annunciator" means an annunciator located at a terminal on the
15 premises of the Keizer Police Department, Salem Police Department, an alarm
16 monitoring service, or other location not a part of the protected premises.

17 (15) "Residential fire alarm system" is a monitored fire alarm system serving
18 a single dwelling unit.

19 (16) "Security alarm system" is an alarm system designed to give warning of
20 criminal activity or unauthorized entry only.

1 (17) “Sensor” means that part of an alarm system which is designed to detect
2 the happening of some event or designed to detect the happening of some event or
3 existence of some condition indicative of fire, criminal activity or unauthorized entry.

4 (18) “Silent alarm system” means a security alarm system having an automatic
5 dialer, a remote annunciator, or both, and having no audible annunciator.

6 (19) “Universal alarm system” means an alarm system which incorporates both
7 a monitored fire alarm function and a security alarm function.

8 Section 2. EXEMPT ALARM SYSTEMS. An alarm system which incorporates
9 neither an audible annunciator, a remote annunciator, nor an automatic dialer is exempt
10 from the requirements of this Ordinance. Alarm systems owned, maintained and
11 monitored by any government law enforcement agency in furtherance of law
12 enforcement duties are also exempt.

13 Section 3. INTENTIONAL ALARMS. It shall be unlawful for any person to
14 intentionally trigger an alarm system which incorporates an automatic dialer or a remote
15 annunciator except for testing in compliance with the conditions prescribed in this
16 Ordinance, or to signal an actual emergency involving criminal conduct amounting to
17 a felony, fire, or other condition threatening human life or major property loss and
18 requiring police or fire emergency response.

19 ///

20 ///

1 Section 4. EFFECT OF PERMIT ON EMERGENCY RESPONSE. The City of
2 Keizer shall not, by virtue of the issuance of an alarm system permit, be obligated to
3 respond or accord any priority in response to an alarm from a licensed system.

4 Section 5. REQUIREMENTS FOR AUDIBLE ANNUNCIATORS.

5 (1) Each security alarm system incorporating an audible annunciator shall be so
6 designed that each audible annunciator will automatically silence within fifteen minutes
7 after being activated and will not sound again unless a new act or circumstance triggers
8 a sensor.

9 (2) Except as provided in subsection (3) of this Section, no test of a security alarm
10 system resulting in the activation of an audible annunciator shall be conducted between
11 the hours of 8:00 p. m. of any day and 7:00 a. m. of the following day. Nor shall any
12 such system be tested at any time without first notifying the administrator.

13 (3) Audible annunciators may be activated in conjunction with system testing
14 without notice provided that such activation is for no more than ten seconds duration
15 each during any four-hour period. Alarm activation in compliance with this subsection
16 shall not be deemed a false alarm.

17 Section 6. REQUIREMENTS FOR AUTOMATIC DIALERS.

18 (1) No person shall program an automatic dialer to select any telephone line the
19 user of which has not previously given consent to such programming.

1 (2) No person shall conduct maintenance or testing on an alarm system which
2 incorporates and automatic dialer without first notifying the users of any telephone lines
3 the dialer is programmed to select.

4 Section 7. ALARM SYSTEM REQUIREMENTS - GENERAL.

5 (1) No alarm system shall be installed, used, or maintained in violation of any of
6 the requirements of Keizer City Ordinances, or of any applicable statute, law, or
7 administrative regulation of the United States of America, the State of Oregon, or any
8 administrative rule-making body thereof.

9 (2) The holder of an alarm system permit shall be responsible for training and
10 retraining all employees, family members, and other persons who may make regular use
11 of the protected premises and who may, in normal course of their activities be in a
12 position to accidentally trigger a sensor. Such training shall include procedures and
13 practices to avoid accidental alarms and steps to follow in the event the system is
14 accidentally triggered.

15 (3) The holder of an alarm system permit shall at all times, be responsible for the
16 proper maintenance and repair of the system and for the repair or replacement of any
17 component method of installation, design feature or like condition which may give rise
18 to a false alarm.

19 ///

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1 Section 8. PERMITS REQUIRED.

2 (1) As of the effective date of this Ordinance, all alarm users within the City of
3 Keizer must apply for and receive alarm system permits. No fee shall be charged to such
4 users who make application within ninety (90) days of the effective date. Thereafter,
5 permits for any alarm systems with the City of Keizer, including any activated after the
6 effective date of this Ordinance, shall pay a fee of \$20.00 for issuance. Permits shall
7 remain in effect unless revoked or suspended under this Ordinance or until the alarm
8 system is dismantled or abandoned by the user. Permits are not transferable; subsequent
9 users on the same premises must obtain a new permit. The City shall not, by the issuance
10 of a permit, be obligated to respond or accord any priority to an alarm from such system.
11 It shall be unlawful for any person to use or maintain any security alarm system,
12 monitored fire alarm system or universal alarm system without first obtaining a permit
13 therefor as provided in this Ordinance.

14 (2) No permit shall be required for an exempt alarm system as defined in the
15 provisions of this Ordinance.

16 Section 9. PERMIT APPLICATION. Each application for an alarm system
17 permit shall be made on a form prescribed by the City and shall contain the following
18 information:

19 (a) The name, address, and telephone number of the principal of the protected
20 premises.

1 (b) The type of premises (home, office, variety store, etc) and any business name
2 by which the premises is known.

3 (c) The address of the protected premises including if it is in a residential,
4 commercial or industrial complex (office building, apartment house, shopping center,
5 etc) any name by which the complex is commonly known.

6 (d) The names, addresses, and telephone numbers including home phone
7 numbers, of the principal and at least two natural persons who reside within ten miles
8 of the corporate limits of Keizer and who have immediate access to keys to the protected
9 premises, and who have agreed to come to the protected premises upon request of police
10 or fire agencies when the principal cannot be contacted.

11 (e) The type of annunciators and automatic dialers which the alarm system
12 incorporates, the location of all remote annunciators, and the names and phone numbers
13 of all persons or businesses which are or may be preselected for automatic dialer contact.

14 (f) The application shall be accompanied by the fee prescribed in this Ordinance.

15 (g) The information provided by the applicant pursuant to subsections (d) and (e)
16 of this Section and all updates thereof, shall be given and accepted in confidence and
17 kept from public disclosure to the extent permitted by law. However, the City of Keizer
18 shall not be liable for any types of claims, actions of suits if the City in good faith
19 attempts to prevent disclosure of such information.

1 Section 10. INSPECTION OF ALARM SYSTEMS. Prior to issuing an alarm
2 system permit and at any time thereafter during the term thereof, the Chief of Police of
3 the City of Keizer or an officer designated by the Chief may inspect any alarm system
4 for which a permit is required. Such inspection shall be for the purpose of ascertaining
5 that information furnished by the applicant or permittee is correct and that the system
6 is maintained in conformance with the provision of this Ordinance.

7 Section 11. CURRENT INFORMATION REQUIRED. Within ten (10) days
8 following any change of circumstances which renders obsolete any of the information
9 submitted pursuant to this Ordinance the permittee shall file with the administrator a
10 written statement setting forth the currently accurate information. No additional fee
11 shall be required unless the change has terminated the permit as provided.

12 Section 12. SUSPENSION OF PERMITS.

13 (1) The administrator may suspend any permit issued pursuant to this Ordinance
14 upon any of the following grounds:

15 (a) Any false or incomplete statement made on the permit application.

16 (b) Any violation of Sections 3, 5, 6, or 7 of this Ordinance.

17 (c) Failure to pay a false alarm fee within thirty (30) days of demand.

18 (d) Maintenance, installation, or use of the alarm system in violation of any
19 applicable law, ordinance or regulation, including the requirements of this Ordinance.

20 (e) Failure to provide current information as required.

1 (f) The occurrence of a false alarm which, added together with all other false
2 alarms, resulting from that system totals more than ten false alarms during a calendar
3 year.

4 (2) A suspension resulting from subsections (1)(a) through (1)(e) of this Section
5 shall remain in effect until the applicant demonstrates to the satisfaction of the
6 administrator that the ground for suspension no longer exists. A suspension under
7 subsection (1)(f) shall be in effect for a period of no longer than 180 days and may be
8 withdrawn by the administrator upon a satisfactory showing that the circumstances
9 which caused or contributed to the majority of the false alarms resulting in the
10 suspension no longer exist.

11 Section 13. FALSE ALARM FEES. As a condition of any alarm system permit
12 issued under the provisions of this Ordinance, the permittee shall pay to the City of
13 Keizer upon and within ten (10) days of invoice fees for false alarms generated within
14 a calendar year by the permittee's alarm system as follows:

15 3rd false alarm \$50.00

16 4th false alarm \$100.00

17 5th false alarm \$150.00

18 6th false alarm \$200.00

19 7th and subsequent false alarm \$250.00

20 ///

1 Section 14. EXCUSABLE FALSE ALARMS. An alarm which is a false alarm
2 as defined in this Ordinance may be excused at the discretion of the responding agency
3 or the investigator upon being satisfied that:

4 (a) The alarm system has been responsibly and regularly inspected by
5 experienced and well-trained technicians familiar with its design and operation and the
6 environment in which it is installed.

7 (b) All repairs, replacements and preventive maintenance recommended by the
8 service personnel who inspected the system have been performed.

9 (c) The cause of the particular false alarm has either been positively identified and
10 corrected or has been determined not to be misuse or neglect in the use or maintenance
11 of the system and cannot be more precisely identified despite thorough inspection,
12 testing and analysis by technicians as described in subsection (a) of this Section.

13 (d) Technicians as described in subsection (a) of this Section have provided a
14 written opinion that the system is unlikely to produce another false alarm from the same
15 cause.

16 (e) The false alarm was not the result of user error or neglect. "User" includes
17 owners, employees, residents, family members and guests of the protected premises.

18 (f) No more than two false alarms shall be excused during a calendar year unless
19 the permittee provides satisfactory evidence that each component of the alarm system
20 whose malfunction or failure is capable of producing the false alarm have been replaced

1 by competent technicians and the system has been found free of apparent fault after
2 inspection as provided in subsection (a) of this Section.

3 Section 15. APPEALS.

4 (1) Any person whose alarm system permit has been suspended under the
5 provision of this Ordinance may appeal that action by giving written notice to Chief of
6 Police. Such notice shall be given with thirty (30) days after receipt of the notice of
7 suspension. The filing of a Notice of Appeal shall stay the action appealed until
8 disposition of the appeal by the Chief.

9 (2) Any person who has been assessed a false alarm fee may appeal such charge
10 by giving written notice to the Chief of Police. Such notice shall be given within ten
11 (10) days of invoice assessing such charge. If the invoice is based on the third false
12 alarm during a calendar year, the permittee may challenge the determination only as to
13 the alarm or alarms for which a fee is assessed. Upon receipt of the appeal notice, the
14 City Recorder shall forward the notice to the Chief of Police, if the challenged alarms
15 resulted from a security alarm system, or the Keizer Fire Marshall, if the challenged
16 alarms resulted from a monitored fire alarm system. The Chief or Fire Marshall shall
17 appoint one or more officers to investigate the circumstances of the alarms upon which
18 the appeal is based. The investigators shall notify the appellant of a time certain, not less
19 than two weeks nor more than four weeks following the date which the appeal was filed,
20 at or before which the appellant shall file with the investigator whatever factual

1 information may be relevant in support of the appeal. If the investigator determines the
2 charge to have been made in error, the invoice shall be canceled, and the appellant and
3 the City Recorder shall be notified of such determination; otherwise the investigator
4 shall make a full report of his findings and file the same, together with any information
5 filed by the appellant, with the City Recorder. The investigators' determination shall be
6 filed with the City Recorder within sixty (60) days of the date on which the appeal was
7 filed. A determination by the investigator that the invoice should be canceled shall be
8 a final disposition of the appeal.

9 (3) An appeal under subsection (1) of this Section shall be set by the City
10 Recorder for public hearing before the City Council within thirty (30) days of the date
11 of filing. At the hearing the appellant and the Chief shall be given an opportunity to
12 present whatever facts or arguments they deem relevant to the suspension of the permit.

13 (4) An appeal which is not disposed of by the investigator under subsection (2)
14 of this Section shall be set down by the City Recorder for public hearing before the City
15 Council within thirty (30) days of the date on which the investigator's report was filed.
16 At the hearing the appellant and the Chief shall be given the opportunity to present
17 whatever arguments they deem relevant to the investigator's determination. The hearing
18 shall be limited to the record filed by the investigator under subsection (2) of this Section
19 unless the City Council, by majority vote, decides to review the matter de novo.

20 Section 16. VIOLATION. Violation of this Ordinance is a civil infraction.



May 21, 2001

AGENDA ITEM 7C

RESOLUTION- No Parking 35th Avenue adjacent to Keizer Stadium

CITY COUNCIL MEETING: _____

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

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



SUBJECT: NO PARKING ZONE ADJACENT TO KEIZER STADIUM

DATE: MAY 17, 2001

BACKGROUND:

The Salem Keizer Volcanoes has brought to the attention of City staff, vehicles parking along 35th Ave and Tepper Lane may create a hazard. The City Manager and myself have investigated the concerns and have determined a No Parking zone may be appropriate for three reasons. First, the 90-degree turn at 35th and Tepper creates vision clearance issues if vehicles are parked on both sides of the road. Second, the only place for vehicles to park is on the shoulder of the road narrowing lanes for vehicular movement and blocking bicycle portions of the roadway. Third, pedestrians leaving or arriving from parked vehicles along 35th and Tepper to events at the Stadium do not have a safe area to walk. Sidewalks don't exist along 35th or Tepper at this time. Tepper Lane west of the Stadium entrance, currently is an established No Parking zone on both sides of the roadway.

Attachment 1 indicates the location of the proposed No Parking zone.

FISCAL IMPACT:

Estimated cost to establish the No Parking on both sides of 35th and Tepper lane is between 800.00 and a 1000.00 dollars. The current street fund budget has funds available.

RECOMMENDATION:

City Council adopt the attach Resolution establishing a No Parking zone as indicated by Attachment 1 of the Staff Report and direct staff to install the No Parking signs.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2001- _____

DESIGNATING A PORTIONS OF TEPPER LANE AND 35TH AVENUE

AS "NO PARKING" ZONES

WHEREAS, the City Council of the City of Keizer has authority pursuant to ORS 810.010(3) and 810.160 and Keizer Ordinance 86-059 to establish "No Parking" zones where the Council deems it appropriate to preserve the public health, safety and welfare; and

WHEREAS, Keizer Public Works Department is requested "No Parking" zone for the parking of vehicles on both sides of Tepper Lane and 35th Avenue east of Radiant Drive and continuous to the Radiant Drive Bridge;

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Keizer that:

1. A "No Parking" zone is hereby established on both sides of Tepper Lane and 35th Avenue east of Radiant Drive and continuous to the Radiant Drive Bridge; Exhibit "A" which is attached hereto and by this reference made a part hereof.

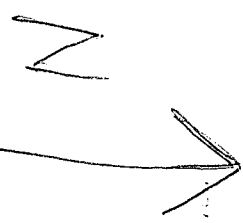
BE IT FURTHER RESOLVED, that said City Manager is hereby directed and ordered to have said "No Parking" signs installed as indicated at the above described location.

PASSED this _____ day of _____, 2001.

SIGNED this _____ day of _____, 2001.

Mayor

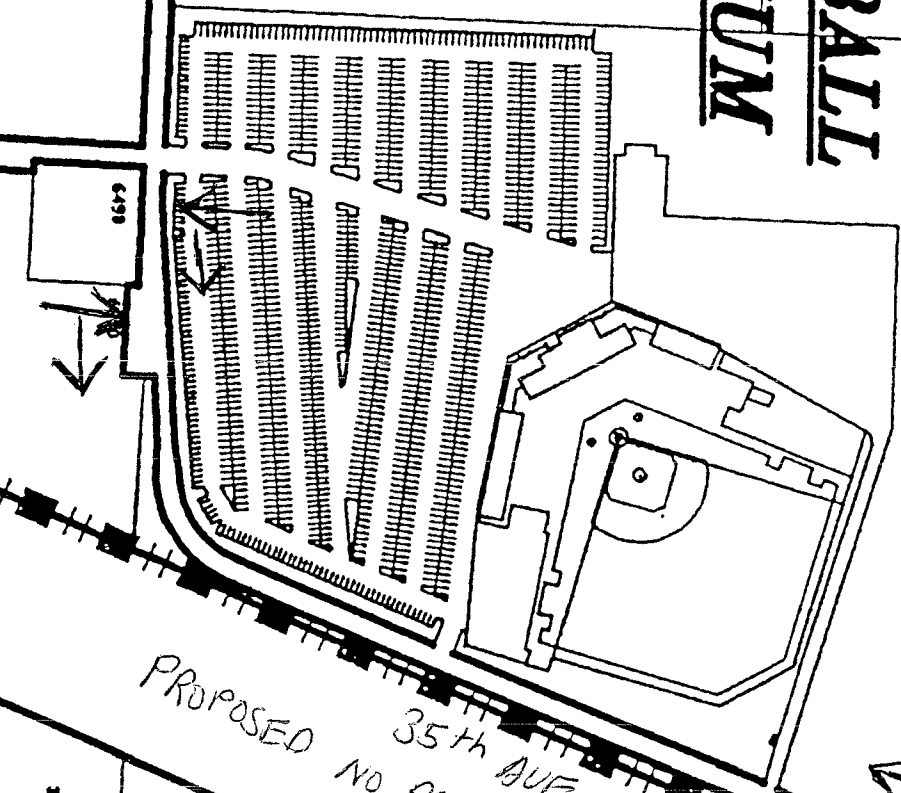
City Recorder



KEIZER
BASEBALL
STADIUM

R LN NE

TEPPER LANE



PROPOSED 35th AVE
NO PARKING ZONE

Lobish
DITCH

ATTACHMENT 1



May 21, 2001

AGENDA ITEM 7d

ORDINANCE-Amending Park Regulations Ordinance 90-188
for Adoption of Regulations for Carlson Skate Park

CITY COUNCIL MEETING: _____

AGENDA ITEM NUMBER: _____

TO: MAYOR & CITY COUNCIL

**FROM: CHRISTOPHER C. EPPLEY
CITY MANAGER**

SUBJECT: CARLSON SKATE PARK

BACKGROUND

Council has requested that staff work with the Bikeways Committee to develop wording for a park rule at the Carlson Skate Park that would make the use of helmets mandatory for persons using the park. After reviewing language presented by the Bikeways Committee and by the City/County Insurance Services, the City's insurance carrier, the following language is being recommended by staff:

The use of **HELMETS** is **MANDATORY** for all persons using Carlson Skate Park. Knee and elbow pads, and wrist guards are **STRONGLY** recommended. Persons not wearing **HELMETS** while using Carlson Skate Park will be asked to leave and will forfeit their privilege to use the park. Repeat violators may be charged with trespassing.

Staff proposes that the rule will be enforced by periodic daily visits to the Park by Parks Employees, Facility Maintenance Employees, Police Employees, and volunteers whenever feasible. If approved, the Public Works Department will build a new sign, which will display the rule at Carlson Skate Park and will be placed in a conspicuous location.

RECOMMENDATION

Staff recommends that the City Council approve the ordinance amending the park rules for Carlson Skate Park by incorporating the recommended language for a new park rule making helmets mandatory for all persons using the park.

1 **BILL NO. _____**

A BILL

ORDINANCE NO.
2001- _____

FOR

AN ORDINANCE

**AMENDING KEIZER PARKS REGULATIONS
(AMENDING ORDINANCE NO. 93-266)**

The City of Keizer ordains as follows:

Section 1. Section 1 of Ordinance No. 93-266 is hereby amended as

follows:

Adding Section 1(b). CARLSON SKATE PARK. **The use of HELMETS IS MANDATORY** for all persons using Carlson Skate Park. Knee and elbow pads and wrist guards are **STRONGLY** recommended. Persons not wearing HELMETS while using Carlson Skate Park will be asked to leave and will forfeit their privilege to use the park. Repeat violators may be charged with trespassing.

Section 2. Effective Date: This Ordinance shall take effect thirty (30) days after its passage.

PASSED this _____ day of _____, 2001.

SIGNED this _____ day of _____, 2001.

MAYOR

CITY RECORDER



May 21, 2001

AGENDA ITEM 8a

Approval of May 7, 2001 Regular Session Minutes

MINUTES
KEIZER CITY COUNCIL
Monday, May 7, 2001
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

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

Present:

Lore Christopher, Mayor
Ray Kelly, Councilor
Charles E. Lee, Councilor
Jerry McGee, Councilor
Jacque Moir, Council President
Judy K. Smith, Councilor
Richard Walsh, Councilor

Staff:

Chris Eppley, City Manager
Rob Kissler, Public Works Director
Maria Meier, Senior Planner
Marc Adams, Chief of Police
Dianne Hunt, Human Resources Director
Shannon Johnson, City Attorney
Tracy L. Davis, City Recorder

PUBLIC TESTIMONY

Bill Quinn, 4918 Shoreline Loop, Keizer- commended the Council, staff and Budget Committee for the preparation of the budget.

Mr. Quinn addressed issues that he would like to see reviewed in the budget, which included the development of a new city hall and police department. He urged the Council to adopt a Regional Library aspect rather than a library specific to Keizer. Mr. Quinn felt it was important to increase the amount of past due fines that were being collected and to expand justified traffic stops, which could increase revenues. He urged the Council to readdress the false alarm ordinance, to initiate an Adopt a Parks Program within the city and to review a zip code specific to Keizer. Mr. Quinn also suggested that the contract with the stadium be renegotiated to allow the city to recoup direct costs incurred to the city.

Mayor Christopher thanked Mr. Quinn for his testimony. She addressed some of his concerns noting that the Keizer Urban Renewal Board was reviewing the issue of

COMMITTEE REPORTS

city hall and that the Library Task Force was currently reviewing five options regarding a library which they hoped would be brought before the voters in November 2002. Mayor Christopher indicated that staff was reviewing the option of accepting credit cards to pay traffic fines and that the False Alarm Ordinance would be reviewed by the Council in June. She also reported that the "footprint" for Keizer's zip code had changed allowing bulk mailings to be stamped Keizer, Oregon 97307. She also noted that due to the 37- year lease with the stadium renegotiating was not an option.

a. Gubser Neighborhood Association Annual Report
Bob Newton, 6064 12th Avenue NE, Keizer- formally submitted the report and requested the Council's continued recognition of the Gubser Neighborhood Association. He briefly outlined some of the issues that were addressed over the previous year and he commended the previous association members and the members currently holding office.

Council President Moir moved to extend recognition to the Gubser Neighborhood Association for another year.
Councilor Smith seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Kelly, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

b. Council Liaison Reports

Bikeways Committee-Councilor Smith reported that the Bike Rally was held at the Capital Building in support of the bike bill. She reported that on May 21st a Safety Fair would be held at the Keizer Fire Department.

Traffic Safety Commission-Councilor Smith reported that the Commission requested that she bring forth the issue of Trail and Manzanita. The Commission had addressed the vision clearance issue pertaining to the brick structures, the two-way stop at this intersection and the configuration of the lanes for traffic heading east on Manzanita.

Councilor Smith outlined the *Automatic Insurance Program*, which allows officers to determine whether and individual has valid car insurance.

Councilor Smith reported that the Vision Clearance issue would be re-addressed by staff and the Traffic Safety Commission.

Salem Keizer Area Transportation System-Councilor Smith reported the attendance of Salem-Futures regarding 50 year projections pertaining to transportation, environment and economy. Councilor Walsh indicated he would be attending the Salem Futures meetings as a liaison for Keizer.

MWACT (Mid-Willamette Area Commission on Transportation)-Councilor Smith reported that a draft of the Oregon Rail Plan was presented. The ultimate goal was to bring the rail from Grants Pass up to Portland to provide public transportation.

Claggett Creek Watershed Council-President Moir reported that the Wetland Mitigation at Claggett Creek Park was proceeding. A ribbon cutting ceremony was being planned in July.

Emergency Management-Councilor Moir reported that an EVAK exercise took place recently with a good turn out. She expressed condolences over the recent death of Carolyn Green a volunteer with EVAK.

Responding to questions City Attorney Shannon Johnson shared that a draft easement regarding the mitigation should be complete within the next week.

Youth Compact-Mayor Christopher supplied handouts pertaining to youth recreational activities. She also addressed the opportunity for the city to apply for mini-grants through Marion County Children and Families and the AIM Program. She outlined the types of grants available indicating that they were \$500.00 mini-grants. Mayor Christopher congratulated Sam Goesch for his presentation regarding the 30-year anniversary of Keizer Little League.

Keizer Urban Renewal Board-Councilor Walsh reported that Charlie Kupper would be addressing how urban renewal monies can be spent. He noted that the Board came to the consensus of Alder Street, as it's number one

priority for completion in the 21st Century Plan.

He outlined the Board's discussion regarding the jug handle and Radiant Drive.

Councilor Walsh summarized the Futures Meeting indicating that Keizer had not been a consideration in these discussions. He felt it was important for Keizer to be an active participant in this program for the future of Keizer.

Willamette River Crossing Study-Councilor Smith noted she would be attending this meeting to discuss the proposal of the new bridge in the Pine Street Area.

OTHER BUSINESS

a. New Business

Councilor Walsh addressed a complaint that he had received regarding a speed limit sign being covered by tree limbs along Dearborn Avenue.

Councilor Kelly addressed the pending issues logs and suggested that a software update would allow for better tracking of the issues on the log.

The Council discussed this and their individual use of the pending issue log.

Councilor Kelly made the motion that staff investigates the use of a project management system for the pending issues log. Councilor McGee seconded the motion.

Councilor's Lee and Walsh indicated that they felt this type of program was more than what was needed for the amount of issues examined.

The motion failed as follows:

AYES: Kelly and McGee (2)

NAYS: Christopher, Lee, Moir, Smith and Walsh (5)

ABSTENTIONS: None (0)

ABSENT: None (0)

Mayor Christopher noted that the discussion of restructuring committees would take place during the next work session. She suggested that Council do Volunteer Coordinating Committee appointments and these appointments would remain during the term of that Council. The Volunteer Coordinating Committee would suggest the remaining committee appointments,

alternates would also be discussed.

Mayor Christopher asked the Council to consider the Council meetings being taped by IKE Media. She noted the cost was \$500 per meeting and could be covered by the PEG funds.

Councilor Walsh noted that there were computer programs available where mounted cameras would be placed in the Council Chambers and voice activation moved the cameras to pick up images. He noted that this would be more cost effective and requested that this be reviewed.

It was the consensus of the Council to wait until the other options were reviewed with ATT.

b. Old Business

Councilor Lee noted that the issue regarding the repair of the gateway sign had still not been resolved. He requested that it be placed on the pending issues log for the Council to review.

Public Works Director Rob Kissler noted he had been in touch with various departments with the City of Salem pertaining to the repairs of the gateway sign. No agreement had been met at this time but he would continue to address this issue.

City Manager Eppley noted the memo regarding the liability issue at the Skate Park.

Chief Adams summarized the McKay High School drill commending the officers and organizations, which put the drill together.

Public Works Director Rob Kissler reported that the Keizer Little League bathrooms were near completion and the issue of funding was in the process of being resolved. He also reported that the covered structure for Chalmers Jones Park would be delivered and construction would begin within the next couple of weeks. Mr. Kissler shared that Keizer would be receiving the grant funding from ODOT for improvements to Alder Drive.

PUBLIC HEARINGS (taken out of order after Committee Report a.)

a. Keizer Iris Festival Days Noise Variance

City Manager Eppley read the substance of Noise Ordinance 93-269 and the variance process per this ordinance as it would pertain to the Keizer Iris Festival.

Written comment was received.

It was recommended that the hearing be opened to allow any testimony to be presented, the hearing closed, whereupon the Council should determine if the variance request should be granted for the 2001 Iris Festival Days Event.

Mayor Christopher opened the public hearing.

Testimony:

Don Dunham, 6490 Radiant Drive, Keizer- expressed concern regarding the placement of the beer garden (entertainment tent), which is directly across the street from his home. He indicated that the tent generates a great deal of noise and asked that the tent be moved to the far end of the parking lot to assist with the noise that generates to his home.

Responding to questions Mr. Dunham indicated he had spoken with John Preston and some members Chamber of Commerce who indicated they would not move the tent from it's designated location.

Councilor Smith suggested that the tent be placed in the farthest northeast corner of the parking lot. Public Works Director Rob Kissler noted that the tent would fit in this location, but he was not aware of the structure of the tent.

Council discussed the possible reasons that the tent was placed in this area.

Councilor Lee felt it could be due to security reasons, the levelness of this area of the parking lot and the visibility of the carnival rides from I-5. He expressed concern that the Council would be making a decision on limited information, he cautioned the Council in placing conditions on the variance with the information provided. He expressed disappointment that no one was available from the Chamber to answer questions.

Councilor Moir suggested that the Council relay the concerns to the Chamber to have them review this for next year's event.

Mr. Dunham indicated he had complained to the police department last year regarding the noise and received no relief. He urged the Council to switch the position of the

tent and the vendors to reduce the amount of noise generated towards his home.

Councilor McGee proposed that staff contact one of the board members of the Chamber to request that a member of the Chamber come by to answer questions before making any change to the variance.

Council discussed the possibility of continuing the hearing and to hold an emergency meeting to allow the Chamber to attend and provide the information requested. Notice requirements were discussed.

City Manager Eppley left the meeting in an attempt to contact members of the Chamber.

Mayor Christopher recessed the public hearing and moved forward with the remainder of the meeting.

Mayor Christopher reopened the public hearing after the Council Committee Reports.

John Preston, Keizer Chamber President, 3500 River Road, Keizer- reported that they had professionals to set up plot plans which would drive traffic through the entire event. He indicated that the Chamber had offered to send Mr. Dunham and his wife to the coast during the event, which was declined. Mr. Preston addressed the issues of the placement of the tent, noting if it were moved that the tent would have to be staked into the asphalt, which the stadium owners refused to allow them to do. Also due to safety issues it was recommended that the tent be staked into the ground at least on one side as is currently being done.

Responding to questions Mr. Johnson indicated that the stadium had full control over the stadium and the parking lot and was responsible for dealing with repairs.

Mr. Doneth shared how permanent stakes being placed in the volcanoes parking would be a win-win situation for the stadium and events that take place in the future.

Councilor Moir suggested that the City Manager and City Attorney review the lease to see if the placement of permanent stakes would be an option for next year.

Mayor Christopher requested that Mr. Doneth relay the message to the Chamber that the Council would like to be

informed six months from now regarding the layout of next years event to ensure that this problem did not arise again.

Mayor Christopher closed the public hearing.

The Council discussed the noise variance and Mr. Johnson informed them that this particular variance did not have decibel levels included. Councilor McGee and Mayor Christopher felt it was important to include a decibel limit in the variance for monitoring purposes.

City Manager Eppley indicated that they were asking for a variance of the actual decibel limits.

Councilor Walsh suggested that the variance be approved and reviewed for future events.

Council President Moir moved a motion to approve the Variance from Keizer Noise Ordinance 93-269 for the Keizer Iris Festival Days. Councilor Lee seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Kelly, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

ADMINISTRATIVE ACTION

a. Implementation of the Willow Lake Settlement Agreement

ORDINANCE-Adoption of Amended DIAA, AI Zone and OIO Zone

RESOLUTION-Authorizing City Manager to Sign New Dual Interest Agreement

City Attorney Shannon Johnson noted that his staff report indicated the status with the other jurisdictions. He recommended adoption of the ordinance and resolution.

Council President Moir moved a Bill for an Ordinance in the Matter of the Adoption of Amended Dual Interest Area Agreement, Amendment of the Agricultural (AI) Zone and the Adoption of a New Odor/Noise Impact Overlay (OIO) Zone and Declaring an Emergency (Amending Ordinance No 87-077 and Ordinance No 98-389) Councilor McGee seconded the Motion.

The motion passed unanimously as follows:

AYES: Christopher, Kelly, Lee, McGee, Moir, Smith and

Walsh (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

Council President Moir moved a Motion Authorizing the City Manager to Sign the Dual Interest Area Agreement (2001). Councilor McGee seconded the Motion.

The motion passed unanimously as follows:

AYES: Christopher, Kelly, Lee, McGee, Moir, Smith and Walsh (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

CONSENT CALENDAR

a. Approval of April 16, 2001 Regular Session Minutes

Council President Moir moved for Approval of the Consent Calendar. Councilor McGee seconded the Motion.

The motion passed unanimously as follows:

AYES: Christopher, Kelly, Lee, McGee, Moir, Smith and Walsh (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

WRITTEN COMMUNICATIONS

Mayor Christopher noted a letter from Oregon Association of Chief's of Police notifying the City that Chief Marc Adams was elected 1st Vice President of this association for 2001-2002.

City Manager Eppley shared that he would be passing on e-mails regarding the new garbage rates and recycling program. Concerns were submitted regarding the costs involved and the additional recycling cans.

AGENDA INPUT

May 14, 2001
5:30 p.m. City Council Work Session
Chemawa Activity Center Development Concept Plan

May 21, 2001
6:15 p.m. Executive Session
Parkersville Dam
7:00 p.m. City Council Regular Session

June 4, 2001
7:00 p.m. City Council Regular Session
2001-2002 City of Keizer Budget Public Hearing

Mayor Christopher noted the agenda items.

ADJOURNMENT

Mayor Christopher adjourned the meeting at 9:17 p.m.

Cindy Perry
Recording Secretary

APPROVED:
MAYOR:

Lore Christopher

COUNCIL MEMBERS:

Councilor #1 - Judy K. Smith

Councilor #4 - Jacque Moir

Councilor #2 - Ray Kelly

Councilor #5 - Richard Walsh

Councilor #3 - Charles E. Lee

Councilor #6 - Jerry McGee

Minutes approved:

5/21/01
submitted
by
Robert Yankus

Salem-Keizer School District Boundary Change

We, the citizens of the Southeast Keizer and Claggett Creek neighborhoods, urge the elected officials of Keizer to communicate to Salem-Keizer School District 24-J that we, a select socio-economic and ethnic population, wish to keep our Keizer community involvement intact, that we object being separated from our hometown to be bused across the river to the new West Salem High School. We are a community with a strong identity and wish to remain that way by being included in the McNary High School boundary area.

Below are some vital contacts. Any further assistance beyond what we have communicated would be appreciated.

Chair of the Salem-Keizer School Board—Bonnie Heitsch

heitsch_bonnie@salkeiz.k12.or.us

Superintendent—Kay Baker

baker_kay@salkeiz.k12.or.us



DATE: May 21, 2001 TIME: 7:00 p.m. AGENDA ITEM # 6a

BEFORE THE: KEIZER CITY COUNCIL **PLACE: ROBERT L. SIMON COUNCIL CHAMBERS**

(PLEASE PRINT)

[illegible]