MINUTES
KEIZER CITY COUNCIL
Monday, October 6, 1997
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Koho called the regular meeting to order at 7:08 p.m. Roll Call was taken as follows:

Present:
Dennis Koho, Mayor
Carl Beach, Councilor
Jim Keller, Councilor
Jerry McGee Councilor
Garry Whalen, Councilor (left at 9:38 p.m.)
Dawn Meier, Councilor

Absent
Al Miller, Councilor

Staff:
Wally Mull, City Manager
John Morgan, Community Development Director
Shannon Johnson, City Attorney
Diane Suek, Administrative Assistant-Personnel Officer
Susan Gahlsdorf, Finance Officer
Pat Bowe, Police Lieutenant/Acting Police Chief
Tracy Davis, City Recorder

PUBLIC TESTIMONY

Presenting testimony to the Council was:

Bob Ohrn, 7950 Timothy Lane NE, Keizer, Vice Chair of the Clear Lake Neighborhood Association, reported that he and Chair Jim Warner were now aware of the need to submit an annual report to the City Council. At last week's KNAG meeting he agreed to help bring the neighborhood association into compliance with the City ordinance. Mr. Ohrn requested that Council allow the neighborhood association another month to hold a meeting, elect new officers, and prepare their annual report for submittal to the Council.

The Council agreed by consensus to allow the Clear Lake Neighborhood association an additional month to submit their annual report.

FMAGIC

There was no other public testimony to come before the Council.

COMMITTEE REPORTS

Marion County Gas Tax - Bob Hansen, Marion County Public Works Director, made a presentation to the Council on five upcoming measures placed on the November ballot by Marion County.

With regard to the proposed transportation package, Mr. Hansen noted that Marion County is acting in unison with several other counties who are submitting similar transportation-related proposals to the voters in their counties. He talked about the projected annual cost to the average citizen, and the financial benefits to Keizer and the other cities within the county, as well as to Marion County.

Mr. Hansen briefly commented on the other measures including a proposed tax on aggregate, and a proposed transient occupancy tax for the unincorporated areas of Marion County.

Mr. Hansen responded to questions from the Council as to justification for the proposed taxes. The Council debated with Mr. Hansen the need for additional funding for roads in Keizer.

Mayor Koho thanked Mr. Hansen for his presentation.

Planning Commission - Councilor Keller had been unable to attend the Planning Commission meeting. He deferred to Community Development Director Morgan to give the report.

Mr. Morgan reported that a special meeting of the Planning Commission last Wednesday night was devoted to further review of the proposed Development Code. The Commission addressed issues raised in the public hearing process. The Commission's will make recommendations on the disputed issues when the draft Code is submitted to the City Council.

Traffic Safety Commission - Mayor Koho read the goals developed by the Traffic Safety Commission at their last meeting. He deferred to Traffic Safety Commission Chair Mike Kirby who wished to report to the Council.

Mr. Kirby was pleased to report that the Commission again had full membership, and had elected a Vice Chair. He related concerns and solicited information from staff about projects the Commission has worked on including the Ridge Drive speed humps, and the Commission's vision clearance proposal.

Mr. Mull provided information on how and when the Ridge Drive Speed humps will be reconfigured to match more closely what was originally proposed by the Traffic Safety Commission. Mr. Kirby talked about the Commission's current efforts to come up with criteria for the installation of traffic calming devices.

With regard to the vision clearance proposal, Mr. Kirby stressed the Commission's primary interest in seeing regulations in place to deal with existing hazards, not just new development. The Commission was also concerned that its full proposal was not being advanced to the Council. City Attorney Johnson commented on the advisability of addressing vision clearance triangle requirements as part of the Development Code. Portions of the proposal dealing with tree trimming could be addressed separately.

Community Policing Committee - Councilor Meier noted that minutes of all three district Community Policing meetings, and minutes of the main Community Policing meeting were provided to the Council. She briefly reported on a presentation made at the last main meeting by the Marion County District Attorney, and a resolution that will be submitted to the City Council on October 20. A proposed prostitution ordinance will be discussed at the next main meeting.

River Road Redevelopment Board - Councilor Beach anticipated that at its next meeting the Urban Renewal Agency would consider a resolution renaming R3B the Keizer Urban Renewal Board (KURB).

Councilor Beach reported on project updates given by staff at the September R3B meeting including street lighting at the new Walgreen's store, Lockhaven/River Road landscaping, the Chemawa Activity Center development, the Iris Lane project, and the UNOCAL property at the SW corner of River and Chemawa.

Councilor Beach also mentioned the Board's interest in seeing something done about the fencing around the site

formerly occupied by the Fortune Cookie restaurant. City Attorney Johnson responded to questions from Mayor Koho about actions the City might take to get the fencing removed.

Councilor Beach brought up one final issue--the banner program proposal worked on by Board Member Goesch and the Chamber of Commerce. Because many issues dealing with storage, maintenance, and changeover were still unresolved, the banner program was tabled by R3B.

Councilor Meier expressed disappointment with the landscaping improvements done by Walgreen's at the NW corner of River and Chemawa.

OTHER BUSINESS

Councilor McGee expressed appreciation to staff for the additional informational material now being put in Council boxes. He specifically mentioned a rainfall report and a report on current litigation.

Councilor Meier, also on the subject of written correspondence sent on to Council separate from agenda material, questioned whether a process was in place to identify what correspondence is part of the record. She specifically mentioned receiving from the Fire District a letter concerning the hotel/motel tax. Mayor Koho pointed out the difference between the two terms "as part of the record" and "in the record." He noted that only correspondence received relative to an open public hearing would be a part of an official record. He pointed out that Council receives numerous communications in many different forms including written, verbal, and now, electronic. He believed it would be unreasonable to include everything in the record (the minutes).

Mayor Koho noted that he intended to bring up the Fire District's letter at the appropriate time tonight. Councilor Keller commented that he was under the assumption that the letter was directed to Mr. Morgan on staff, who would compile information on the issue and bring a full report to Council. Mr. Morgan acknowledged that he received a copy of the letter.

After further discussion, Mr. Mull indicated that he would continue to forward the informational material to all members of the Council. In the event he receives a request for a particular correspondence to be included in the record,

he will be sure that it makes it to a Council meeting to be read into the record. Mayor Koho believed Mr. Mull's suggestion, coupled with staff's review of incoming material, would bring to the record correspondence meriting public review.

City Manager Mull commented on staffing changes now in process. He introduced Keizer's new Finance Director Susan Gahlsdorf, and noted the appointment of Rob Kissler as Acting Public Works Director for the six month's Mr. Mull will serve as City Manager. Additionally, two new Public Works employees are on board, and a part-time Municipal Court Clerk , a Utility Billing Clerk, and a Code Enforcement Officer have been hired.

Police Lieutenant Bowe gave an update on recent arrests connected with a 7-11 Store shooting, a sexual assault on a 17-year old, and a stabbing at the Town and Country Bowl.

Personnel Officer Diane Suek outlined the process for hiring a new police chief. Of the thirty-nine applicants, six will participate in the final interview process. An announcement is anticipated around the first of December, with the new chief coming on board in January, 1998.

Councilor Whalen asked the status of the property sale at Trail and Manzanita. Mr. Morgan advised that when given the City's final offer, Mr. VanCleave, the property owner, withdrew his offer.

Councilor Whalen asked if any public feedback was received regarding the change in traffic flow eastbound on Lockhaven at River Road. Mr. Mull had received none.

PUBLIC HEARINGS

ORDINANCE - Amendment to Zoning Ordinance to Add Conditional Use for Child Foster Homes for up to Ten Children

Mayor Koho opened the public hearing.

Community Development Director Morgan brought to recollection a presentation to the Council about six weeks ago made by Jim Seymour of Catholic Community Services. Mr. Seymour had come to make the Council aware of a potential project in the community that would involve a child foster home for eight children. Because the proposed home didn't meet current zoning standards, Mr. Seymour had asked Council to work towards some resolution of the zoning impasse.

Mr. Morgan recalled Council's direction to the Planning

Commission to consider the proposal and consider initiating an amendment to the Zoning Ordinance. Subsequently, the Planning Commission, by motion, recommended an amendment to the Development Code which would add as a conditional use in the Single Family Zone a child foster home for five to ten children, appropriately accredited by the Council on Accreditation for Child and Family Programs.

Mr. Morgan described the conditional use process which would allow for notification to surrounding properties plus the neighborhood association, and opportunity for public comment on any application. He advanced staff's recommendation that, if approved, the change also be extended to the Urban Transition Zone, opening the market to some of the larger homes on larger lots which are found within the UT zoned areas.

Staff recommended that Council conduct and close the public hearing, and then consider adoption an ordinance amending the Zoning Ordinance to allow child foster homes (six to ten children) as a conditionally permitted use in the RS Zone and UT Zone.

Presenting testimony to the Council were:

Jim Seymour, Catholic Community Services, 124 Glynbrook, Keizer, introduced Karen Keller, Chairperson for Keizer United, and Lt. Mark Caillier with the Salem Police Department and a resident of Keizer. He noted that they would be testifying along with him as proponents of the proposed ordinance change. He named the issues that each speaker would address. Mr. Seymour circulated amongst the Council a brochure on the home, and a copy of their budget.

Community Development Director Morgan, for clarification, pointed out that hearing is on a code amendment, not on a specific proposal. Mr. Seymour's proposal would be an example of something that could happen--the amendment, if adopted, would be applicable throughout the City.

Mr. Seymour provided background relative to the reasons for the proposal, and why Catholic Community Services proposed to operate the home. He talked about the great need in the State for stable foster care, and specifically, the need in Keizer. The proposed facility would be just for Keizer's children. He believed that other communities would follow suit.

Mr. Seymour shared information on the budget, emphasizing that theirs was not a money-making situation. He spoke about Larry Tokarski, a donor who has pledged that the funds will be available. With Mr. Tokarski's backing, and the desire to provide a stable home situation for Keizer's kids in need, Catholic Community Services was proposing to move forward with the project. The reason for proposing that eight children be allowed in a single home was to ensure that a facility could serve two families at a time without splitting-up siblings.

Karen Keller, 700 Dietz Avenue NE, Keizer, a Keizer United board member, explained that Keizer United is Keizer's Community Progress Team. Their volunteer group, in existence for two years now, is committed to strengthening families and building community. Ms. Keller noted that she and her husband have lived in Keizer for 19 years and are raising two children in the community. She talked about the value of providing a stable environment for children, and called upon the Council to support the proposed ordinance change that would allow plans for the proposed worthwhile project to proceed. Ms. Keller asked that everyone in the audience who supported the project stand. Many did so.

Lt. Mark Caillier, 1388 Marigold Street NE, Keizer, gave his perspective as a police officer working with youth. He talked about the great need, and the limited number of foster homes now available. He believed the proposed ordinance would allow for accredited and certified foster care to provide a stable home for kids in need. Also, that the review process would allow for community input on any specific proposal. He urged that Council take all this into consideration in their deliberations.

Mayor Koho allowed for questions from the Council.

Mr. Seymour responded to questions about population statistics relative to the number of Keizer kids that might be served. He was confident that the estimated 20 to 25 Keizer cases was accurate. He also acknowledged that the proposed facility was anticipated as long-term care for children whose parents were not likely to reclaim them. When asked about fire-safety provisions, Mr. Seymour noted that accreditation standards require that the home be certified by the fire marshal. Mr. Morgan added information about fire safety compliance for new construction, and

Councilor McGee commented on County occupancy requirements for existing properties.

Mr. Seymour responded to questions about how the proposed foster home would be different from those now in existence. He explained how the foster care parents might change over time, but the children would remain in the home, be allowed to stay with their siblings, and thus continue in their school and community activities. He noted that the community home parents would be a married couple caring for up to eight children at any given time, resulting in a maximum of ten people living in the home. Additionally a 40-hour a week staff member will provide assistance and support to the parents. Mr. Seymour talked about how the home would be maintained and cared for to make it fit in with other homes in the neighborhood. He answered questions about accreditation square footage per person requirements.

Councilor Meier had serious concerns about the proposed ordinance provision for up to ten kids in the home. She noted that six bedrooms would be required for the twelve occupants. Mr. Morgan explained that the Planning Commission, after considering the proposed eight maximum and the possibility for other applications, initiated the amendment with ten children as the maximum number allowed.

Notwithstanding the Planning Commission's recommendation, there was talk by other members of the Council about amending the ordinance to allow eight children. Councilor McGee recalled the State Legislature fighting hard for the five cap. He felt a more appropriate approach would be to have two homes, each with a five-child maximum. Mr. Seymour pointed out that Salem, as well as some other cities, allows more than five with a conditional use permit. Mayor Koho noted that Keizer now allows the homes, but not in the proposed zone designations.

At Councilor Meier's request, Mr. Morgan explained the conditional use appeal process. He acknowledged that although the notification area covers all properties within 250 feet of the land use, a greater number could be specified. However, he commented on the Planning Commission's strengthening of noticing requirements, and discouraged Council from making a change. Councilor Meier indicated that she would like to see it 500 feet.

Mr. Seymour responded to questions about homes now operated by Catholic Community Services. He stressed that they are seen as a responsible, good neighbor. He responded to questions about their national accreditation.

Mayor Koho noted that many others had signed the public hearing sign-up sheet. He suspected that many had signed just to show support, however, he now allowed opportunity for anyone else wishing to testify.

Richard Schmidt, 512 Wayne Drive N, Keizer, stated his credentials as a 12-year resident of Keizer, a former member of the Marion County Planning Commission, and board member from time-to-time over the last 30 years of both the Catholic Community Services Foundation and the Service Organization. Mr. Schmidt emphasized that the proposed facility would be a family home, not a group home as he suspected many believe. He spoke in support of the ten-child maximum, and stressed the need for such facilities in Keizer.

Norman Ford, 4293 47th Avenue NE, Salem, a member of the Friendship and Support Organization, agreed that the ideal figure is five children per home. He, however, pointed out how the system currently operates in contradiction to the ideal, often putting more than five kids in a five-bed certified foster home because of the lack of available care facilities. He saw the key to addressing the problem as having resources to match the need. He urged that Council look at the issue and do the conditional use until a balance is met.

Linary Kingdon, 212 Triple Tree Circle N, Keizer, expressed support for the proposed ordinance as a good solution to a problem she had experienced first hand. She related her feelings coming from a family of six children who were split up with four going to one family, and two to another. She pointed out that many families do well with eight to ten children, and that the proposed ordinance was a good solution to splitting up siblings.

On a related subject, Ms. Kingdon urged everyone to attend a meeting organized by Marion County and Keizer United, on October 16 at 6:00 p.m., to address issues related to troubled youth in Keizer.

Jerry Watson, 1237 Manzanita Way NE, Keizer, urged the Council to carefully weigh all the implications of the

proposed zone change. He agreed that a need existed in the community, and he did not doubt the good intentions of Catholic Community Services nor the reasonableness of the accreditation standards. He, however, offered three reasons why the proposal might not be a good idea--the first being that it changes the reasonable expectations of the general public. He brought up the political debate that occurred at the State level when the maximum number per home was set at five, and talked about a family's expectation when moving into a single-family residential neighborhood. He also felt the conditional use process left little opportunity for effective opposition from neighboring property owners.

Secondly, Mr. Watson believed the proposal would deal unequally with segments of the public--that it would never apply equally across the community. Although theoretically applicable to all, in his opinion, the proposed conditional use would almost certainly be confined to areas of the community without restrictive covenants that would prohibit them. Thus, homes would likely be located in older and often less affluent neighborhoods.

Mayor Koho disagreed, noting that a group home is located in his neighborhood.

Third, Mr. Watson believed that the conditional use might not be capable of effectively limiting the users to the type of foster care facility proposed by Catholic Community Services. He noted that once a conditional use is added to the Zoning Ordinance, neither staff, nor the City Council is free to refuse the conditional use so long as it can be appropriately conditioned. Mr. Watson listed criteria for a conditional use determination. He believed that one of the criteria allowed opportunity for controversy. Mr. Watson posed several questions about possible legal challenges that might result from denial of a conditional use application.

Mr. Watson encouraged the Council to ask planning and legal staff the following questions: (a) Under the definition of Child Foster Care Homes, could homes serving a different kind of clientele than contemplated by Catholic Community Services (and probably the Council) be allowed; (b) Can legal counsel give assurances that "similar" conditional uses, i.e., other kinds of group homes, might not have to be granted, on the basis that there is no reasonable distinction between them; (c) Can legal counsel give assurances that the children to be served by any proposed

child foster home would be children from the Keizer Community; and (d) Would group homes of this size be allowed in single family residential areas of Salem under the Salem zoning ordinance, or in other Oregon communities.

Mr. Watson indicated his reluctance to oppose such a good cause, but stressed the importance of considering the impact upon other people in the community. He noted that zones other than the Single-Family Residential and Urban Transition are available to fill the group-home need, and suggested that Council consider very carefully altering Keizer's code from the statute-required five.

There was no further testimony to come before the Council. Mayor Koho closed the public hearing.

Mayor Koho moved a bill for an Ordinance Amending the Keizer Zoning Ordinance at Chapter 23 and Chapter 36 to Allow Child Foster Homes (Six to Ten Children) as a Conditionally Permitted Use in the RS Zone and UT Zone, Amending Ordinance No. 87-0878 **and changing all references to ten children to eight**. Council President Keller seconded the Motion.

Councilor McGee stated that he would like to have seen the issue referred to KNAG. He indicated that he had heard no compelling reason for a single home to accommodate up to ten children rather than two homes that would each serve five. He applauded the efforts of Catholic Community Services, but encouraged them to proceed with the accepted standard.

Councilor Beach preferred the amendment to allow a maximum of eight rather than the ten in the proposal, however, he believed former Mr. Watson had raised some valid questions that needed to be addressed.

Councilor Keller appreciated all the information provided by Catholic Community Services, and indicated support for the program and the concept of keeping siblings together. He, however, agreed with having staff bring back answers to the questions brought up by Mr. Watson.

Councilor Meier acknowledged the merits of the foster care program and keeping siblings together. However, she would not be supporting the proposed change to the Single Family Residential Zone. She believed that the opportunity for group homes now existed in other zones in Keizer.

Councilor Whalen indicated that he came to the meeting prepared to support the proposal with some modifications. He still supported the concept, but, after hearing all the testimony, he believed some significant issues needed to be addressed. He suggested that rather than voting on the motion at this time, it be withdrawn to allow staff and legal council opportunity to research and answer some of the questions raised.

Noting Council's division on the issue, Mayor Koho commented on the options available to the Council: passing on first reading; tabling for two weeks; and defeating the motion. He indicated his strong support for the proposal and his willingness to work with the group to make it happen.

The Council agreed by unanimous consent to hold the motion over until the November 2, 1997 meeting.

The Council requested that staff report back on issues raised during the public testimony portion of the hearing.

Bonneville Street Vacation

Mayor Koho opened the public hearing.

Community Development Director Morgan noted that the City Council initiated the proposed vacation of Bonneville Street to eliminate some ancient right-of-way between Claggett Creek and Verda Lane, immediately northwest of Salem Parkway.

After confirming with Mr. Morgan that due to a noticing issue, the Council could not act on the proposed vacation before October 20, Mayor Koho directed that the staff report be submitted at that time.

There was no testimony to come before the Council.

Mayor Koho continued the public hearing until Monday, October 20, 1997 at 7:00 p.m.

(Councilor Whalen left the meeting at 9:38 p.m.)

ADMINISTRATIVE ACTION

Community Development Director Morgan brought to recollection the recently adopted zoning amendments for the siting of cellular towers. He noted that the proposed

Resolution Authorizing City Manager to Enter Agreement for Telecommunication Facility

tower installation on City Hall property next to the Police Department is in keeping with the emphasis to locate towers in areas other than on River Road and deep within residential neighborhoods.

Mr. Morgan outlined the terms of the lease agreement with Western Wireless Company and responded to questions about zoning provisions for wireless communication facilities, and revenue the City will derive from the lease.

Mayor Koho moved a Resolution Authorizing the City Manager to Sign Site Lease Agreement with Western PCS I Corporation for Lease of City Property for Wireless Communication Facility. Councilor Beach seconded the Motion.

The Motion passed with the following vote:

AYES: Beach, Keller, Koho, McGee, and Meier (5)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Miller and Whalen (2)

CONSENT CALENDAR

a. RESOLUTION - Authorizing City Manager to Enter Agreement for Vehicle Maintenance

b. RESOLUTION - Check Signers

c. Approval of May 29, 1997 City Council Special Session Minutes

d. Approval of June 23, 1997 City Council Special Session Minutes

e. Approval of July 14, 1997 City Council Special Session Minutes

f. Approval of August 11, 1997 City Council Special Session Minutes

g. Approval of September 3, 1997 City Council Special Session Minutes

Mayor Koho pointed out that Item "a" should specify that the agreement be signed by the Mayor rather than the City Manager.

Council President Keller pulled item "a" from the Consent Calendar.

Mayor Koho moved for approval of the remaining items on the Consent Calendar. Councilor Meier seconded the Motion.

The Motion passed with the following vote:

AYES: Beach, Keller, Koho, McGee, and Meier (5)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Miller and Whalen (2)

With regard to Item A, Councilor Keller asked if the City went through a bidding process with local vendors. He indicated his preference to keep the business in Keizer. City Manager Mull indicated that the bid process was not used. He explained how work has been done in the past. getting quotes from local business for major work, and doing oil changes, etc. in-house. He pointed out the advantages of using the County and the anticipated cost-savings.

Councilor Meier moved a Resolution Authorizing the Mayor to Sign an Intergovernmental Agreement with Marion County for Vehicle Fleet Maintenance. Councilor McGee seconded the motion.

The Motion passed with the following vote:

AYES: Beach, Keller, Koho, McGee, and Meier (5)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Miller and Whalen (2)

WRITTEN COMMUNICATIONS

Mayor Koho noted the receipt of a letter from the Keizer Fire District in regards to the Hotel/Motel Tax issue.

AGENDA INPUT

OCTOBER 13, 1997
5:30 P.M. City Council Work Session

OCTOBER 20, 1997
7:00 P.M. City Council Meeting
- **Hotel/Motel Tax**

- **Baseball Revenue/Expense Report**
- **Community Policing Resolution**
- **CDBG Housing Program Refinance Policy**

NOVEMBER 3, 1997
7:00 P.M. City Council Meeting

Mayor Koho announced that the October 13, 1997 work session would be canceled.

ADJOURNMENT

The meeting was adjourned at 9:48 p.m.

Tracy L. Davis
City Recorder

APPROVED:
MAYOR:

Dennis Koho

COUNCIL MEMBERS:

Councilor #1 - Garry Whalen

Councilor #4 - Carl Beach

Councilor #2 - Dawn Meier

(absent)
Councilor #5 - Al Miller

Councilor #3 - Jim Keller

Councilor #6 - Jerry McGee

Minutes approved:
June 15, 1998