M I N U T E S

KEIZER CITY COUNCIL
Monday, August 20, 1990
Robert L. Simon Council Chambers
Keizer City Hall

CALL TO ORDER Mayor Orcutt called the regular session to order at 7:32 p.m.

ROLL CALL Roll call was taken as follows:

Present: Andrew J. Orcutt, Mayor
Phil Bay, Councilor
Bob Newton, Councilor
Bob Pritchard, Councilor
Joe Van Meter, Councilor

Absent: Yvonne Fischer, Councilor
Mike Hart, Councilor

Staff: Don Otterman, City Manager
Chuck Stull, Police Chief
Shannon Johnson, City Attorney
John Lien, City Attorney
Susan Darby, City Recorder

PUBLIC TESTIMONY

Donahue Court Curb Cut

Elizabeth Miles, 4093 Donahue Court N.E., Keizer, expressed concern with a neighbor who will be making a curb cut and, in doing so, will reduce the amount of on-street parking available to surrounding neighbors. Mr. Otterman explained that as long as this individual obtains a curb cut permit, the distance between nearby driveways is adequate, and the property is adjacent to the public street, the City cannot prevent him from making the cut. He stated that this individual has as much right to use the public street as the neighbors. Ms. Miles stated that this person has prevented other neighbors from parking along this stretch by using threats. Mr. Otterman indicated that this needs additional staff research. He asked Ms. Miles to contact him the following day to further discuss this issue.

COMMITTEE REPORTS There were no committee reports to come before the Council.

ORDINANCE - ADOPTING THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS

Mr. Otterman explained that an ordinance on the abatement of dangerous buildings has been necessitated by several dilapidated and run down buildings in Keizer. He presented slides of several of these buildings which are located on Chemawa Road, Plymouth Drive, Candlewood Drive, and Cherry Avenue. He said there have been two houses on Keizer Road which were unsightly for some time. The owner finally agreed to allow the Fire Department to burn the houses, but rubble still remains on the lots.

Mr. Otterman stated that the proposed ordinance is patterned after a model ordinance recommended by the International Association of Building Officials. Many jurisdictions have adopted this code for such enforcement. The ordinance would allow the City to require that dangerous buildings be demolished, repaired or properly secured so they are not attractive nuisances and/or public hazards. As proposed, the ordinance establishes the Planning Commission as the appeals board. The City Council is involved from the standpoint of placing liens against properties in order to reimburse the City for its expenses in securing or demolishing the buildings.

Mr. Otterman noted that the dangerous buildings, in addition to being attractive nuisances, also create eyesores, lessen the value of adjacent properties, and, in some situations, present fire hazards to adjoining properties.

Responding to a question from Councilor Bay, Mr. Otterman stated that he has had numerous conversations with the owner of the Chemawa Road property. The owner refuses to do anything with the house.

Councilor Pritchard noted that if a property is being assessed with land and improvements, and the City requires demolition of the improvements, the City will be lowering the assessed value and thereby reducing the tax money coming into the City. Mr. Otterman indicated this would be true in a situation where demolition is necessary. However, these types of buildings have very little, if any, value. In other situations, the structures can be repaired, e.g., the property on Cherry Avenue.

When viewing the house on Plymouth Drive, Mr. Otterman was informed that two men were going through the house last week because they had nothing better to occupy their time. Neighbors of this house say there are people coming and going from the house at all hours of the day and night. The manager of the neighboring apartment complex has also expressed concern about the fire hazard created by the dry weeds.

Responding to a question from Councilor Pritchard, Mr. Otterman indicated that the City may wish to consider provisions concerning structures that are uninhabitable because they were used as drug lab operations.

Mr. Otterman stressed that the City has no enforcement capability without such an ordinance.

In response to a question from Councilor Newton, Mr. Otterman explained that the Planning Commission will have the opportunity to review the ordinance during the next 60 days or so while the City begins the notification process on these structures. Mr. Otterman stated that complaints have been received on the Plymouth Drive house from the neighboring apartment manager, from one of the front units, from a neighbor on the other side, and from the property owner across the street.

Councilor Newton asked about the cost to provide enforcement. Mr. Otterman responded that the Marion County Building and Safety Division will provide enforcement of the ordinance at no additional cost at this time because of the small number of cases.

Councilor Van Meter commented that he has had several calls regarding dilapidated structures.

Councilor Van Meter moved for passage of an bill for an ordinance adopting the Uniform Code for the Abatement of Dangerous Buildings. Councilor Bay seconded the motion.

Mr. Johnson made the following changes to the proposed ordinance:

Page 4, Chapter 3, replace the term "City Managers" with "Building Officials".

Page 8, #4, change the wording, "...building vacated an posted..." to "...building vacated and posted..."

Page 16, Section 701(a), change the wording, "...obey and such order." to "...obey any such order."

Mr. Johnson noted the need for the blank on page 15 to be completed by the Council regarding the time frame for the hearings examiner to submit a written report.

Responding to a question from Councilor Bay, Mr. Otterman explained that the ordinance is intended to be enforced against vacant or unsafe structures. In the case of the house on Plymouth Drive, the building would also be considered unsanitary because it lacks plumbing and people have been living in the home. Mr. Otterman recommended the Council adopt a 30 day period within which the hearings examiner must submit a written report.

Councilor Van Meter favored including a provision that the City Council be involved in the hearing process.

Councilor Newton moved to amend the motion to correct the typographical errors, to provide a 30 day period under Section 605(b), and to provide that the City Council be the final City authority. Councilor Van Meter seconded the amendment. The motion was put to a vote and carried unanimously as follows:

AYES: Orcutt, Bay, Newton, Pritchard, Van Meter (5)
NAYS: None (0)
ABSENT: Fischer, Hart (2)

The main motion, as amended, was put to a vote and carried unanimously on first reading as follows:

AYES: Orcutt, Bay, Newton, Pritchard, Van Meter (5)
NAYS: None (0)
ABSENT: Fischer, Hart (2)

STONEHEDGE ESTATES STREET LIGHTING LOCAL IMPROVEMENT DISTRICT

Mr. Otterman explained that this item is coming before the Council to amend an earlier ordinance spreading assessment to the Stonehedge Estates No. 6 Street Lighting Local Improvement District. He explained that the City Council approved the installation of six lights within the district, however, the electric company installed the capability for seven lights. This, he indicated, was done because there was one area which should have had a street light.

Councilor Bay moved for passage of an ordinance amending Ordinance No. 90-165 to spread assessments to the Stonehedge Estates No. 6 Street Lighting District. The motion was seconded, put to a vote and carried unanimously on first reading as follows:

AYES: Orcutt, Bay, Newton, Pritchard, Van Meter (5)
NAYS: None (0)
ABSENT: Fischer, Hart (2)

CONSENT CALENDAR

The Consent Calendar included:

- Resolution recognizing the outstanding accomplishment of the Keizer Girls Majors All-Star Team
- Liquor License for a change of location for Loyal Order of Moose, 3860 River Road North
- Police vehicle lease
- Mobile data terminal lease/purchase
- August 6, 1990 Regular Session Minutes
- August 13, 1990 Special Session Minutes

Councilor Newton asked that the police vehicle lease be removed from the Consent Calendar.

Councilor Bay moved for approval of the remainder of the Consent Calendar. Councilor Pritchard seconded the motion. The motion was put to a vote and carried unanimously as follows:

AYES: Orcutt, Bay, Newton, Pritchard, Van Meter (5)
NAYS: None (0)
ABSENT: Fischer, Hart (2)

Responding to a question from Councilor Newton, Chief Stull explained that the four leased vehicles would be used by the investigations staff. There is currently a confiscated vehicle used by the four individuals which has 90,000+ miles and should be retired. Included in the budget for this year are two patrol vehicles, however, Chief Stull believed it may be possible to squeeze three vehicles out of these funds. There are three patrol vehicles currently in use with 75,000 miles on them. These three vehicles should be retired.

Chief Stull stated that with the leased cars, the department will have six patrol vehicles, one canine car and two relief vehicles. School resource officers use patrol vehicles during the school year. At the end of the leased period, the City would have the option of returning the vehicles to the company or purchasing the residual value.

Councilor Newton commented on the absence of a detectives budget. Mr. Otterman explained that the detectives unit is comprised of one sergeant and three regular police officers and they are, therefore, paid under those budgeted categories.

Commenting on the minutes from the last meeting, Councilor Newton indicated that he was unable to find the Senior Waterworks Operators positions in the budget.

Councilor Newton moved for approval of the police vehicle lease. Councilor Bay seconded the motion. The motion was put to a vote and carried unanimously as follows:

AYES: Orcutt, Bay, Newton, Pritchard, Van Meter (5)
NAYS: None (0)
ABSENT: Fischer, Hart (2)

OTHER BUSINESS

Certifying Lighting Districts for 1990/91

Councilor Van Meter moved for adoption of a resolution certifying lighting district accounts. Councilor Pritchard seconded the motion. The motion was put to a vote and carried unanimously as follows:

AYES: Orcutt, Bay, Newton, Pritchard, Van Meter (5)
NAYS: None (0)
ABSENT: Fischer, Hart (2)

ADJOURNMENT There being no further business to come before the Council, the meeting adjourned at 8:26 p.m.

Respectfully submitted,

Susan Darby, City Recorder

APPROVED:

MAYOR

(Councilor Hart absent) (Councilor Fischer absent)