MINUTES

KEIZER CITY COUNCIL
Monday, August 15, 1994
Robert L. Simon Council Chambers
Keizer City Hall
Keizer, Oregon

CALL TO ORDER

Mayor Dennis Koho called the regular meeting to Order at 7:00 p.m. Roll call was taken as follows:

Present:
Dennis Koho, Mayor
Jim Keller, Councilor
Jerry McGee, Councilor
Al Miller, Councilor
Chet Patterson, Councilor

Absent:
Jerry Watson, Councilor
Marlene Wellin, Councilor

Staff:
Dotty Tryk, City Manager
John Morgan, Community Development Director
Charles R. Stull, Chief of Police
Wally Mull, Public Works Director
Kim Krause, Finance Officer
Shannon Johnson, City Attorney
Tracy L. Davis, City Recorder

PUBLIC TESTIMONY

There was no public testimony to come before the Council.

ADMINISTRATIVE ACTION
ORDINANCE - Disposal of Unclaimed and Surplus Property Amendments
RESOLUTION - Declaring Structures Surplus Property (4965 Rickman Rd &4930 Bailey Rd)

Shannon Johnson, City Attorney reported an Ordinance adopted in 1988 (88-117) sets forth the procedure for disposition of unclaimed and surplus property and provides that property of nominal value may be destroyed or transferred with or without consideration to a government agency. However, this Ordinance does not provide any means to donate or transfer property of nominal value to a nonprofit organizations. Mr. Johnson noted the amendment to the Ordinance was drafted in response to a request by the Oregon Housing and Associated Services (OHAS) to donate two City owned structures which are in a state of disrepair and are no more than nominal value.

FMAGIC

Councilor Keller moved a bill for an Ordinance Providing for Disposal of Unclaimed and Surplus Property to Nonprofit Organizations; Amending Ordinance No. 88-117; and Declaring an Emergency. Councilor Patterson seconded the Motion.

In response to a question from Councilor McGee, City Manager Tryk stated the emergency clause in the Ordinance will allow the OHAS to move the structures during fair weather.

Councilor McGee inquired if churches would be considered nonprofit organizations under this Ordinance? Mr. Johnson noted most churches should have received this status from the Internal Revenue Service and by including this language in the Ordinance it will exclude informal organizations from being considered.

The Motion passed as follows:

AYES: Keller, Koho, McGee, Miller and Patterson (5)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Watson and Wellin (2)

In response to a question from Councilor Keller, Public Works Director Mull indicated the house on Bailey has been used for storage since the City purchased the property. The house on Rickman Road was previously rented but due to the needed plumbing, heating, roofing and electrical repairs, the City elected to move the tenants to another home. Mr. Mull indicated this house is on the tax rolls for $13,000 for the property and $16,000 for the structure. He estimated repairs to be approximately $12,000 to $15,000 in order to bring the house up to code. These factors contributed to designating the home as nominal value.

Mr. Mull indicated materials presently stored in the house on Bailey Road will be moved to the water department shop, street sweeper shop or other areas at City Hall.

Councilor McGee voiced his concern with designating this home as nominal value or no value at all. He suggested separating the two homes and putting the house on Rickman Road up for auction as he believes there is value in this house.

Councilor Patterson stated the cost of moving the house is greater than any economic value the City could attain from the house. It also helps alleviate the City from the landlord responsibility and cleans up two lots at no cost to the City. He also credited OHAS for providing a home to a family in need.

Councilor Keller asked for assurance the houses could not be returned to the City if OHAS finds them undesirable.

In response to a question from Councilor McGee, City Manager Tryk estimated costs of advertising the house for bid would be approximately $150.00 and minimum bids would start at $2500.00 to assure the property is left in good condition when the structure is removed.

Mayor Koho moved a Resolution Declaring Structures Located at 4930 Bailey Road and 4965 Rickman Road., Keizer, Oregon as Surplus Property and Authorizing Transfer. Councilor Patterson seconded the Motion.

Mayor Koho noted by removing these structures from City property will eliminate the exposure to possible liability claims.

Councilor McGee reiterated his concern that the homes were of no value to the City.

The Motion passed as follows:

AYES: Keller, Koho, Miller and Patterson (4)
NAYS: McGee (1)
ABSTENTIONS: None (0)
ABSENT: Watson and Wellin (2)

RESOLUTION - Hotel/Motel Tax Concept

Dotty Tryk, City Manager reported as a result of the discussion at a previous Council worksession, a Resolution was drafted to establish the Council's desire to institute a transient room tax in the future.

Councilor Patterson moved a Resolution Establishing Council Intent to Impose a Transient Room Tax. Councilor Keller seconded the Motion.

In response to a question from Councilor Miller, Mayor Koho noted by passing this Resolution it will notify any future motel/hotel developers the City intends to have a room tax.

Councilor McGee voiced his concern that the language in the Resolution which states visitors place a demand on public services is hostile.

Councilor Keller moved to amend the Resolution to delete line 15 (Whereas, visitors to the community place a demand on public services;) Councilor Miller seconded the Motion.

The Motion passed as follows:

AYES: Keller, Koho, McGee, Miller and Patterson (5)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Watson and Wellin (2)

Councilor McGee voiced his concern this is a business tax in which the City would benefit and the hotel/motel owner would receive a kick-back. The tourist is the victim.

Mayor Koho noted it would be inappropriate to institute a transient room tax at this time since there are not any rooms presently for rent within the City. However, this Resolution gives notice to any potential hotel/motel developer that the City is interested in approaching this issue.

The Motion as amended passed as follows:

AYES: Keller, Koho, Miller and Patterson (4)
NAYS: McGee (1)
ABSTENTIONS: None (0)
ABSENT: Watson and Wellin (2)

RESOLUTION - Establishment of Lien Check Fee

Dotty Tryk, City Manager reported this issue was discussed at a previous worksession. A Resolution has been drafted which establishes a fee of $5.00 to recover the actual costs for staff conducting lien checks.

Councilor Keller moved for a Resolution Establishing Fees for Property Lien Searches. Councilor Miller seconded the Motion.

The Motion passed as follows:

AYES: Keller, Koho, McGee, Miller and Patterson (5)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Watson and Wellin (2)

RESOLUTION - Publication Fees

Dotty Tryk, City Manager stated this Resolution brings together current fees which are in existence, formalization of fees currently charged but not contained in a Resolution and new fees associated with the GIS mapping systems.

Councilor Patterson moved for a Resolution Establishing Fees for the Cost of Making City Records Available. Councilor Keller seconded the Motion.

Councilor McGee raised his concern with the fee waiver portion of the Resolution. He suggested including language which states fees may be waived when used for official city business.

Councilor Keller supported changing wording to allow the City Manager the discretion to waive the fees. Councilor Patterson stated this will burden the City Manager to waive fees on each individual matter.

Councilor Miller suggested by changing the wording from shall to may waive fees, will give the City Manager the discretion to stop any abuse of this waiver. He also suggested the City Manager establish a policy to the employees so she is not continually burdened.

Councilor McGee moved to amend the Resolution to change the wording on page 2, line 3 to read ***may*** instead of ***shall*** and strike ***or*** in line 5. Councilor Keller seconded the Motion.

The Motion to amend passed as follows:

AYES: Keller, Koho, McGee and Miller (4)
NAYS: Patterson (1)
ABSTENTIONS: None (0)
ABSENT: Watson and Wellin (2)

The Motion as amended passed as follows:

AYES: Keller, Koho, McGee and Miller (4)
NAYS: Patterson (1)
ABSTENTIONS: None (0)
ABSENT: Watson and Wellin (2)

CONSENT CALENDAR

The Consent Calendar consisted of the following:

a. RESOLUTION - Abandon Sieberg Street Local Improvement District

b. RESOLUTION - Initiate Northside Estates Street Lighting LID

c. RESOLUTION - Hidden Creek Phase II Street Lighting LID (Engineer Report)

d. RESOLUTION - Larsen Park Street Lighting LID (Engineer Report)

e. RESOLUTION - Park Meadow Drive Street Lighting LID (Engineer Report)

f. RESOLUTION - Springridge Estates Street Lighting LID (Engineer Report)

g. RESOLUTION - Creation of Bicycle Advisory Committee

h. RESOLUTION - Creation of Traffic Safety Commission

I. Approval of July 18, 1994 Regular Session Minutes

j. Approval of August 1, 1994 Regular Session Minutes

Councilor Keller removed items "g" and "h" from the consent calendar.

Councilor Keller moved for approval of the remaining items on the consent calendar. Mayor Koho seconded the Motion.

The Motion passed as follows:

AYES: Keller, Koho, McGee, Miller and Patterson (5)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Watson and Wellin (2)

Items "g" and "h"

Councilor Keller cited his concern with the creation of these two committees, it will require additional staff time. He suggested combining these two committees into one.

Mayor Koho noted the members of the biking community would not agree these committees should be combined.

Councilor Keller moved to have staff rewrite the Resolution to combine these two committees. Councilor McGee seconded the Motion.

Councilor McGee supports the creation of a Traffic Safety Commission to focus on traffic issues. He stated it is possible that a bike sub-committee be appointed from within this committee. Councilor Miller also supported combining these two committees in order to limit the amount of staff time.

Wally Mull, Public Works Director stated there is currently a water department staff member who belongs to the regional bike committee who would be interested in staffing this committee. City Manager Tryk also advised a member of the Police Department has expressed interest in serving on the Traffic Safety Commission.

Councilor Patterson noted traffic and bike issues are significant by themselves and they whether the committees are combined or separated, each will generate the same amount of work.

Councilor McGee stated that if non-management staff individuals are interested in serving on these committees it would decrease the demand on the management staff.

Councilor Miller suggested including wording to reflect this intention in the Resolution. Councilor McGee noted the City Manager should have the right to name the individual staff member to each committee.

Councilor Keller withdrew his motion based upon the new information he has heard. Councilor McGee withdrew his second.

Councilor Keller moved for approval of items "g" and "h" on the consent calendar. Mayor Koho seconded the Motion.

The Motion passed as follows:

AYES: Keller, Koho, McGee, Miller and Patterson (5)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Watson and Wellin (2)

OTHER BUSINESS

Mayor Koho confirmed Councilors Miller and McGee will participate in the water rate committee.

In response to a question from Councilor McGee, City Manager Tryk stated a citation has not been issued to the Fortune Cookie Restaurant and the property should be cleaned up in the next two weeks.

Wally Mull, Public Works Director informed the Council the UNOCAL property should be cleaned up and the fence removed by the end of August.

Councilor McGee asked for an update on the status of street sweeping. City Manager Tryk stated this matter should be before the Council for discussion in the upcoming months.

City Manager Tryk announced there will be a meeting on Tuesday, August 16, 1994 at the Dayspring Church to make a presentation on the proposed improvements to Lockhaven Drive.

There was no other business to come before the Council.

WRITTEN COMMUNICATION City Manager Tryk submitted a memorandum to the Council regarding the acceptance of grant funds from the Department of Land Conservation and Development for the purpose of rewriting the zoning ordinances.

There was no other written communication to come before the Council.

AGENDA INPUT Mayor Koho noted the agenda input items listed.

ADJOURNMENT The Meeting was adjourned at 7:55 p.m.

Tracy L. Davis
City Recorder

APPROVED:

MAYOR:

COUNCIL MEMBERS:

(absent)
Councilor Jerry Watson

(absent)
Councilor Marlene Wellin

Councilor Chet Patterson

Councilor Al Miller

Councilor Jim Keller

Councilor Jerry McGee

Minutes approved:

9-6-94 clr