

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

October 15, 1996

The minutes of the proceedings of the regular meeting of the City Council of the City of Coos Bay, Coos County, Oregon, beginning with a work session in the Council Chambers at 7:00 p.m. and proceeding to a regular session in the Council Chambers at 7:30 p.m.

Those Present

Those present were Mayor Joanne Verger, Councilors Joe Benetti, Gary Combs, Cindi Miller, Don Spangler and Judy Weeks. City staff present were City Manager Bill Grile, City Attorney Randall Tosh, Community Services Director Bruce Meithof, Police Chief Marc Adams, Fire Chief Cliff Vaniman, Library Director Carol Ventgen and Accounting Operations Supervisor Mary Beth Holst. Members of the media were also present.

WORK SESSION

Mayor Verger reviewed the items on the consent calendar. Councilor Spangler inquired about the cost of the lighting in Mingus Park and if the lighting project would be paid totally from bike path funds. Community Services Director Bruce Meithof reported the bike path money could only be used for bike path improvements. At this time \$23,000 is budgeted in the Bike Path Fund for lighting on the North Side of the path. Councilor Combs requested staff confirm that bike path funds can be used for this purpose. Mr. Meithoff responded staff had verified that when using bike path funds, the paths do not have to be open to bicycles and/or skateboards.

Mayor Verger asked for further explanation on the request for a refund of interest paid on an assessment. Mr. Grile explained the property had been sold with a lien at the time of closing, as well as the fact that the prior owner did not follow through with his part of the bargain. The City is not aware of deeds changing hands when just the liens change hands. Staff's position is that this was and is the responsibility of two private parties and not the responsibility of the City. Councilor Combs said he understood the situation but questioned why the lien was just recently discovered. Councilor Miller asked why the lien did not show up previously. Mr. Grile responded the buyer and seller were both aware of the lien at the time of closing and they had made an agreement that the seller would pay the lien. Finance Director Gail George said this is the first time she had seen this type of situation come from a lien on property, and noted that Mr. Melville had paid through 1985. Mayor Verger commented that when Mr. Melville quit paying on the lien it would have been nice to have Ms. Farrer notified, however, the City was not aware that she had purchased the property. Councilor Weeks expressed concern there may be many more transactions that have not been collected on, and Mr. Grile responded only the ones stated in the letter are outstanding. Mr. Grile commented the liens were so small that rather than foreclose, it was better to wait until the property was sold and then in order to clear the title, the debt is paid at closing. This particular debt was paid and Mr. Simmonson is requesting the interest be paid back. City Attorney Tosh reported it is an undisputed debt and the Council does not have the power to forgive the debt. He further explained since there is no dispute that there is a lien and interest due, the City should receive all of the money

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including the interest. The Council therefore does not have the authority to waive the interest. Councilor Miller requested clarification on who owes the debt and Mr. Tosh said it was the parties involved. Councilor Spangler commented it is a clear situation between the two private parties the City should not get in the middle of the agreement.

Mayor Verger reported the agenda item concerning a vision complaint on Juniper and Butler is located near the day care that her grandsons attend. Councilor Spangler asked if the hedge is illegal or violates any City ordinances. Mr. Meithoff answered the hedge is in the right-of-way and the City has complete jurisdiction over what to do with the hedge. Mr. Grile commented that his approach was to find a win/win for the neighborhood as well as the property owners. Councilor Weeks noted that the petitions were signed by individuals located in North Bend and Coquille when the issue concerns the City of Coos Bay. Mayor Verger commented there may be those who use the day care facility that live outside the area but have concerns about safety.

Mayor Verger mentioned the Council may take a position on any ballot measure and she felt Ballot Measure 47 was serious enough to be placed on the agenda for Council discussion.

COUNCIL MEETING

Flag Salute

Mayor Verger opened the meeting with Boy Scout Troop # 151 leading in the salute to the flag and the Boy Scout Oath. Mayor Verger thanked them for coming to the Council meeting since she could not attend their meeting.

Consent Calendar

Mayor Verger read the consent calendar which consisted of the following items:

- a) Approval of the minutes of the regular meeting of October 1, 1996
- b) Adoption of resolution 96-28 dedicating right-of-way use in Mingus Park
- c) Retired & Senior Volunteer Program proclamation

Councilor Weeks moved to approve the consent calendar as presented. Councilor Spangler seconded the motion which carried with the Mayor and all Councilors present voting aye. The Mayor read the RSVP Proclamation to the assembly.

Statement of Appreciation from Fire Chief Cliff Vaniman

Fire Chief Vaniman reported on accepting a position with the Santa Rosa, California Fire Department. He thanked the Council and city manager for their support and encouragement. He further complimented the fire personnel and volunteers on their professionalism and expected they will continue to perform at the current level of service. Mr. Vaniman expressed his appreciation to his wife, Pam, for standing with him for over 28 years and encouraging him in his career. Mayor Verger requested Pam come to the podium with Chief Vaniman and thanked them both for their

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contributions to the community and for the two sons that were a part of Coos Bay.

Appointment of Voting Delegate for League of Oregon Cities Conference

After a brief discussion, Councilor Benetti moved that Mayor Verger be appointed as the voting delegate at the League of Oregon Cities annual business meeting on November 17, 1996 and that Councilor Miller be the alternate. Councilor Combs seconded the motion which carried with the Mayor and all Councilors present voting aye. Mayor Verger shared with the Council that she was being nominated for a place on the Executive Board of the League of Oregon Cities and noted there has never been a Coos Bay representative on the Board.

Request for Reimbursement of Interest Paid on City Lien - Lyn Farrer

Mayor Verger asked City Manager Grile to give the background on the request before hearing from Mr. Simmonson and his daughter, Lyn Farrer. Mr. Grile explained there was a lien on property owned by Mr. Melville and when the Farrer's purchased the property, Mr. Melville agreed to make the payments on the assessment owed to the City of Coos Bay. The lien went to Mrs. Farrer when she became the owner of the property. Mr. Melville made payments until 1985 and simple interest continued to accrue on the debt. When the property was recently sold by Mrs. Farrer, she had the responsibility for paying off the lien in order to have a clear title on the property. There was no penalty on the lien as indicated in Mr. Simmonson's letter, only simple interest. The question was asked in the work session as to why this was only recently discovered and Mr. Grile said that this was the first time since Dana Lafferty retired in 1992 that these records have been looked into by Finance Director Gail George. Ms. George contacted twenty-eight (28) accounts and all but ten (10) have made arrangements to make payments. This is the only situation the Finance Director could recall in all of her years of dealing with assessments that someone had taken possession of a piece of property and rely on the prior owner to pay off a lien. The debt to the City has been paid and the request for a refund of the interest is due to the fact that Mrs. Farrer was not aware that Mr. Melville wasn't making payments and she had assumed that the lien had been paid in full. The City was not aware of the contract between Mr. Melville and Mrs. Farrer. Mayor Verger asked if the City had any other name other than Mr. Melville to bill and the answer was "no". Mr. Tosh commented the City had not been made a party of the agreement between the two parties, and the issue is to what extent is the Council's ability to compromise a claim. Mr. Tosh read from the general rule, noting if it is a situation where the money is owed the City and there is no question that the money is owed to the City, the Council does not have the power to enter into a compromise or settlement agreement waiving that right.

Lyn Farrer, Coos Bay, expressed that it was excessive and unfair that the bill was delinquent for eleven years before she was notified. Mrs. Farrer commented she would have paid the bill if she had known about it. Mr. Tosh pointed out the buyer had a duty to inform the City of the nature of the agreement, and the City was simply operating under normal procedures. Councilor Miller asked whether the City has an obligation to send billings more than once every eleven (11) years and Mr. Tosh responded that billings were sent out twice a year for all of those years without any answer from Mr. Melville. Councilor Benetti asked why or how Mrs. Farrer received the billing this last time. Accounting Supervisor Mary Beth Holst responded that they had used the assessor's records

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on all 28 accounts because property is often sold by private contract without going through a title company and the City would not be aware of changes in ownership. Councilors Benetti and Weeks inquired as to why records were not checked during 1985 through 1992. Mr. Grile responded it would not be worth the expense for the City to go after such a small amounts of money in foreclosure. He further commented that most purchasers would not agree to the terms that the Farrer's did when they bought the property. Mayor Verger agreed with Mr. Grile but was bothered by the fact that this process was allowed to go on so many years. Mrs. Holst responded that several years ago a the Council had asked that the City Recorder not go after delinquent liens but continue to bill twice a year and eventually people would sell and the City would get their money. She noted the interest rate was 7 to 8 percent simple interest, and there had been close to 400 liens outstanding eight or nine years ago and we are now down to 28. The finance department keeps a record of all changes that come back to them through the mail, the property ownership is researched and new billings mailed either to new owners or new addresses. Mayor Verger asked Mrs. Farrer if she had contacted Mr. Melville and did Mr. Melville know that she had to pay this interest because he failed to pay. Mrs. Farrer said that on advise from her lawyer she sent a letter to Mr. Melville asking him to pay and his response was that he hadn't done anything wrong and that she was responsible to make sure she had clear title. She reported she had not had any contact with Mr. Melville since she bought the house from him. Councilor Combs asked Mr. Tosh if the City cannot excuse or waive the assessment, could they excuse the interest and Mr. Tosh answered "no" because the interest was a part of the agreement. Mrs. Farrer said it was a delinquent account and that it is the job of the City Recorder to track delinquent accounts. Mr. Tosh noted that there was also an initial duty from the City's perspective that she inform the City of this agreement. Mayor Verger expressed concern about the City's policy and suggested the matter be researched as far back as the third year after Mr. Melville stopped paying. Mr. Tosh reiterated that this was a debt owed and the problem is that the City was never made privy to the original agreement between Mr. Melville and the Farrer's. Mrs. Farrer has a claim against Mr. Melville and she should check if he has other property in Coos County and certainly go after it. Mrs. Farrer said she didn't have a choice but to pay off the lien at her closing in August, so why didn't the City know they had purchased the property from Mr. Melville. Mr. Grile pointed out the agreement was between the buyer and seller, and it is not the City's place to interfere with the exchange of real property between citizens. Councilor Spangler moved that the City initiate some form of correspondence with Mr. Melville. Councilor Weeks seconded the motion which passed with the Mayor and all Councilors present voting aye.

Complaint About Vision Clearance Problem at Juniper and Butler

Mayor Verger reported for the record that she takes her grandsons to the day care facility next door to the property in question, but does not feel she is in any way biased by that fact. Mr. Grile explained the complaint about the vision clearance and noted that the shrubs have been there for many years. Mr. Grile referred to the police department's report and neighborhood petition which suggest installation of traffic control at the intersection of Butler Road and Juniper Avenue. Bob Everetts, 1475 Juniper, said he likes the hedge but would like either a stop sign to relieve the problem, and maybe speed limit posting or children at play signs. He feels the neighborhood is fortunate that there haven't been any deaths or injuries at the corner, and would like to see the problem solved without any problems with the neighbors or harm done to kids in the area. Keith

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Stewart, 1438 Juniper, commented that many people use this area for a shortcut to avoid downtown traffic and he was not sure a stop sign would do that much good. He suggested looking at a four-way stop. John Eck, 1476 Juniper, agreed that a four-way stop would be the best solution. Maureen Everetts, 1475 Juniper, suggested crosswalks be installed at the stop signs. Community Services Director Meithof said it would not be a problem to include the crosswalks. Councilor Miller moved to proceed with installing a four-way stop, crosswalk, children at play signs, and leave the hedge. Councilor Weeks seconded the motion which passed with the Mayor and all Councilors present voting aye.

Consideration of Council Position Statement Regarding Ballot Measure 47

Mayor Verger reviewed information regarding Ballot Measure 47 and the possible affects passage of the measure would have on the City. Mayor Verger further noted the Council may want to take a stand against the measure. Councilor Spangler commented that citizens are taking measures to correct what they feel our Legislature will not correct, and he feels the Council should not take a position pro or con. Councilor Benetti suggested the public be informed of the impact on City services but not take a stand on the measure itself. Mayor Verger noted the Mayor's Association will be taking a stand on the measure. Consensus of the Council was to go on as usual and not indicate opposition to Ballot Measure 47.

Public Comments

Steve Schneiderman, president of the Volunteer Fire Fighters Association, commented on the changes Chief Vaniman has implemented which greatly improved the training and equipment in the fire department. He noted the career and volunteer firefighters are professional and said he feels the City has some of the best protection in the State.

Sargent Webster, North Bend, reported that he is now a reverend and had become one in order to facilitate research on the Mission. Mr. Webster complimented the City Councilors and Mayor on the positive issues they have taken care of, and pointed out that the Council does listen to citizens who appear at council meetings.

City Attorney's Report

City Attorney Tosh said he will report to the Council on the reply brief on the art museum tax situation and labor issues at the next meeting.

City Manager's Report

City Manager Grile briefly discussed the Charleston Fire Protection District and noted the City of North Bend has indicated they will be not pursue an agreement with Charleston. Mr. Grile reported the City of Coos Bay currently has a mutual aid arrangement and automatic aid agreement with Charleston. Councilor Weeks suggested a special meeting be held to take input from the Charleston citizens. Mayor Verger commented that Charleston should hold their own meetings to determine what the people want and she believes the people of Charleston want their own city.

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Councilor Spangler suggested it would be highly inappropriate for Coos Bay to try to decide what is good for Charleston. There was further discussion on whether Coos Bay is willing and able to consider contracting fire protection with Charleston. Consensus of the Council was the citizens should have an opportunity to speak to the issue, and more information was necessary before the Council could make a decision. Councilor Spangler moved to have Mr. Grile open dialog with the Charleston Board and report back to the Council about setting a meeting. Mayor Verger seconded the motion which failed with Mayor Verger and Councilor Spangler voting aye and all other Councilors present voting no. Councilor Benetti moved to have staff arrange a public meeting for the purpose of receiving input from Charleston as well as Coos Bay citizens. Councilor Weeks seconded the motion which passed with the Mayor and all Councilors present voting aye. A town hall meeting was set for October 21, 1996 at 7 p.m. in the council chambers at city hall.

Councilor Spangler asked about the election law violations. Mr. Grile responded that the elections officer and city attorney would be taking action on this matter in accordance to chapter 260 of the ORS. He further explained violations often happen due to ignorance of the law or to oversight.

Mayor and Council Comments

Councilor Spangler expressed appreciation to Chief Vaniman for his work with the fire department and bringing the City into the 21st century. Mr. Spangler complimented Judge Bechtold on doing an excellent job of running the city council candidates forum.

Councilor Weeks commended Chief Vaniman on a job well done and pointed out the cable TV survey in the City News.

Councilor Combs commented that volunteers are a great asset and complimented Chief Vaniman for his work with the City. Councilor Combs expressed his enjoyment and appreciation in serving the citizens of Coos Bay.

Councilor Miller said the City would miss Chief Vaniman and hoped he and his wife would keep in touch.

Councilor Benetti also complimented Chief Vaniman. Councilor Benetti explained the process by which the urban renewal agency may condemn property in a blighted area, sighting the US Constitution and state and federal laws.

Mayor Verger thanked Chief Vaniman and his family for their service to the community and said she was sorry to see them leave the community. She reported participating in a three-day community policing training recently.

Adjournment

There being no further business to come before the Council, Mayor Verger adjourned the meeting to October 21, 1996 at 7:00 p.m. in the Council Chambers of City Hall.

ATTEST:

Joyce Jansen

Joanne Verger
Mayor of the City of Coos Bay
Coos County, Oregon

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Deputy Recorder of the City of Coos Bay
Coos County, Oregon