



MARION COUNTY BOARD OF COMMISSIONERS

Management Update Minutes

Monday, October 22, 2018, 9:00 a.m.

Courthouse Square, 555 Court St. NE, Salem
5th Floor, Suite 5232, Silverton Conference Room

ATTENDANCE:

Commissioner Kevin Cameron, Commissioner Janet Carlson, Commissioner Sam Brentano, John Lattimer, Jane Vetto, Jeff White, Scott Norris, Joe Fennimore, Laura Pekarek, Jeremy Landers, Andrew Schmidt, Lisa Trauernicht, Barb Young, and Joanna Ritchie as Recorder.

John Lattimer called the meeting to order at 9:00 a.m.

INFORMATIONAL:

Discuss Adopting an Ordinance Regulating the Keeping of Chickens in Acreage Residential Zones

- Joe Fennimore

Summary of presentation:

- Commissioner Carlson has received several emails from a constituent regarding problems with the neighbor's chickens;
- The constituent does not live within the Urban Growth Boundary (UGB);
- Commissioner Carlson asked planning to research if other jurisdictions had regulations concerning chickens outside of the UGB;
- Mr. Fennimore sent out a question on Listserv and received several responses;
- Only two jurisdictions require chickens to be penned;
- This is not the only complaint received by code enforcement;
- The Department of Agriculture does not consider chickens as livestock;
- Livestock is defined as all herded animals to include pigs, cows, horses, goats, and sheep;
- Chickens are considered fowl under the statute;
- There are problems with other types of fowl;
- Ms. Pekarek is trying to work with the property owners to mediate the situation;
- Currently there are three cases all within the Acreage Residential (AR) zone:
 - One has been resolved since the property owners have penned their chickens; and
 - One there has been no contact with the property owners.
- The code does not grant code enforcement authority to issue citations or require owners to pen their fowl; and
- Options to consider:

- Zone Code amendments restricting uses which will require a Measure 56 notice; or
- Amend the current Backyard Chicken Ordinance and add language stating in residential zones outside the Urban Growth Boundary they shall be contained on the property.

Board discussion:

- The commissioners wanted to know if there was anything in the county ordinance that talked about keeping pets contained on the property;
- Ms. Pekarek stated there is nothing in the county ordinance or the Oregon Revised Statute (ORS) regarding chickens on other people's property in the Acreage Residential (AR) zone;
- The commissioners wanted to know if there would be any liability towards a property owner for discharging a pellet gun at fowl on their property;
- Sergeant Landers stated he does not believe there would be any criminal liability, but it may be litigated civilly;
- The commissioners inquired if Mr. Fennimore wanted the board to adopt a regulation or ordinance requiring owners to pen their chickens or to leave the issue alone and have code enforcement work with the neighbors individually;
- Ms. Pekarek said they have had more complaints this year than in the past;
- It would be helpful to have language regarding the residential zone that mirrors what is already in the code requiring owners to pen their chickens;
- Do not have to get into specifics regarding setbacks or things of that nature;
- Language requiring owner's to keep the chickens on their own property penned in;
- Easiest to amend the language in the existing ordinance;
- It would give code enforcement the ability to enforce the code; and
- The board directed Mr. Fennimore to amend the ordinance for AR zones to contain them behind fences and bring it back to the board for adoption.

Review Request to Purchase Tax Foreclosed Properties Located behind 1620 Stone Hedge Drive, Keizer and 1090 & 1098 NW Alder Street, Mill City

- Jeff White

Summary of presentation:

- Mr. White received a phone call from an individual regarding purchase of the two tax foreclosed properties;
- After explaining the county's process to the individual an offer letter was received by Mr. White;
- County policy requires a private sale shall be utilized for property unsold after public auction by sealed bid, therefore the county cannot accept the individual's offer at this time because they did not follow the process;
- A notice will be submitted to the paper in the next couple of weeks; and
- The individual can resubmit a bid at that time.

Discuss Selling Tax Foreclosed Property Located at 480 Hansen Avenue, Salem back to the Prior Owner of Record

- Jeff White

Summary of presentation:

- This issue has been before the board on previous occasions;
- Last time presented in August for a writ of assistance;
- Minimal contact from the occupant for the last year and a half;
- Prior to the issuance of the writ the occupant contacted the Sheriff's Office;
- The occupant has also been in regular contact with other various entities to try to resolve the housing situation;
- The occupant submitted a letter requesting to purchase the property;
- There are various code violations on the property that the county is being fined for at \$2,600 monthly;
- The occupant has contacted the City of Salem to resolve those issues;
- The options for the board to consider include:
 - Selling the property back to the prior owner of record; and
 - Resolving the violations on the property.
- The occupant has indicated that there are funds available to cover all costs plus taxes owed in the future; and
- The county cannot accept prepayments for taxes.

Board discussion:

- The commissioners wanted to know the amount of the unpaid taxes on the property;
- Mr. White responded that the unpaid taxes are between \$19,000 and \$20,000 and there are \$8,000 to \$9,000 of fees for code violations, for a total of approximately \$28,000;
- The commissioners stated from reviewing the letter, the property owner did not seem to understand the code violations;
- Mr. White responded the occupant has spoken with City of Salem regarding the violations;
- The commissioners inquired if the cost of cleaning up the property would be included in the sale price;
- Mr. White replied the county could absorb the costs or include them in the sale price;
- There will be another penalty at the end of the week if the violations are not taken care of;
- Concern regarding future trash and garbage on the property;
- Currently occupant does not have service;
- If the occupant purchases the property the violation will be between the city and the property owner;
- The commissioners wanted to know if 30 days was adequate to get the property up to code; and
- The board directed Mr. White to proceed with the cleanup, and include those costs and the code enforcement violations in the purchase price of the property to the extent affordable.

Review Revised Policy 809 and Procedure 809-A, Sale of Excess Tax Foreclosed and Surplus Real Property

- Jeff White

Summary of presentation:

- Presenting the final version for approval;
- Changes are highlighted in yellow:
 - Added language that primary goal for excess property is to return it to the county tax roll or into public use;
 - Removed selling to other municipalities, previously item six on list, and made it into its own paragraph; and
 - Added all requests need to be in writing.
- If changes are satisfactory the item is on the agenda for board session on Wednesday for adoption.

Board discussion:

- Mr. Lattimer inquired about the minimum sale price language;
- Mr. White replied the board has discretion in setting the sale price;
- The commissioners wanted to know if there was anything that can be done to help prior owners in purchasing the property back;
- Mr. White stated that this has not always been successful, however in the last year there have been a great amount of payoffs:
 - Three in the last year have paid off in full;
 - Only two property owners are delinquent on payments;
 - Sales are on a contract;
 - Property owners are unable to obtain a traditional loan;
 - Interest rate is three percent above prime; around six to seven percent;
 - Other issues if don't sell back to previous owners such as:
 - Removing occupants; and
 - Dealing with property.
- The commissioners inquired if the property has to be sold over time;
- Mr. Norris responded it does not, the board can require payment in full within 30 days;
- Some counties do not take contract payments;
- The board asked Mr. White to keep them updated on the process and if it is not working they may have to revisit the issue;
- The county owns the home until it is paid off in full;
- The county is the vendor on the land sale contract;
- Mr. Lattimer wanted to know about liability issues;
- Mr. Norris stated the county has an interest in the property as a seller and the buyer on the contract is required to maintain insurance and would be the first liable;
- The commissioners wanted to know how the funds were collected;
- Currently use a collection company;
- Explore option of using escrow company;
- Update on Property Collector position; and
- The board directed Mr. White to place the item on the consent agenda for board session on Wednesday, October 24, 2018.

Communications Update

- None

COMMISSIONERS' COMMITTEE ASSIGNMENTS AND UPDATE:

Sam Brentano:

- Hosted the Association of Oregon and California Counties Board of Directors meeting:
 - Thanked Kristy Witherell and Sherry Lintner for help in organizing;
 - Change in makeup of board; and
 - There will be one member from each county on the board.
- Attended the Council of Governments Board meeting:
 - More active in lobbying efforts with the legislature.

Janet Carlson:

- Attended the Age Friendly Initiative meeting:
 - Ms. Daily is wrapping up a report regarding what makes the city livable for seniors and people of all ages; and
 - Issue of lighting came up.
- Attended Willamette Valley Community Health Board meeting:
 - Working on budget; and
 - Major impact on mental health funding.
- KMUZ prerecording with Commander Jeff Wood;
- MCRI Reentry Breakfast will be held on Thursday, October 26:
 - Program begins at 7:30 a.m.;
 - There are 417 people registered so far;
 - Goal was to have 400; and
 - Staff has been working hard on event.

Kevin Cameron:

- Follow up with Angie Onyewuchi regarding Work Session on Travel Salem:
 - Board needs to see some formal letter of support from the City of Salem before moving forward.
- Attended the Jobs Council Executive meeting;
- Attended the Federal Lakes Recreation Committee for Detroit Lake;
 - Presentation from Oregon Department of Fish and Wildlife on seals.
- Attended the Oregon State Fair Council Board Meeting:
 - Set legislative agenda and priorities.
- Attended the Association of Oregon and California Counties meeting;
- Will be attending the Salem Chamber Past Presidents luncheon; and
- Will be attending the Willamette Workforce Partnership Training.

OTHER:

Meeting adjourned at 9:52 a.m.

COMPLETED BY: **Joanna Ritchie**

Reviewed by: Cindy Johnson