

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

July 7, 1998

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 at 7 p.m. and proceeding to a regular session at 7:30 p.m. in the Council Chambers, 500 Central Avenue, Coos Bay Oregon.

Those Present

Those present were Mayor Joanne Verger, Councilors Jeff McKeown, Don Spangler, Kevin Stufflebean, and Judy Weeks. Councilor Miller was out of town and unable to attend the meeting. Councilor Joe Benetti was absent due to surgery. City staff present were City Manager Bill Grile, Deputy Recorder Joyce Jansen, Acting City Attorney Nathan McClintock, Community Services Director Bill Finney, Fire Chief Stan Gibson, and Police Chief Chuck Knight.

WORK SESSION

Interview for Tourism Promotions Committee

The Mayor and Councilors interviewed Gary Combs for consideration of appointment to the Tourism Promotions Committee. John Vaagen also applied but was out of town and not available for an interview.

Other Discussion

Mayor Verger reviewed the consent calendar items and commented the order from the county commissioners for the 4-H and extension service required approval by the City Council. City Manager Grile commented the Council is required to approve the order but not required to approve the formation of the district. Mayor Verger said this will place the matter on the ballot and let the voters decide. Councilor Weeks noted a correction to page 70 of the minutes. Councilor McKeown requested the garbage franchise matter be removed from the consent calendar.

Mayor Verger briefly reviewed how the smoking advisory vote came to be and noted the voter turn out was low and the measure passed by a small margin of 148 votes. Mayor Verger reported the Council has three options; they can decide not to proceed with enacting an ordinance, place an ordinance on the ballot, or prepare their own ordinance to enact. Mayor Verger commented on calls she received from several businesses concerned about losing business if the smoking ordinance were enacted and the suggestion that the smoking issue be county wide or statewide rather than just the City of Coos Bay.

Councilor McKeown commented that although he dislikes smoking, the City is not the appropriate place to start and suggested it be at the state level. Councilor Weeks commented the proposed ordinance requirement for ventilation systems is very costly and she had been contacted by a number of restaurants concerned about losing customers. She further commented the low voter turnout is not a mandate to proceed with the ordinance. Councilor Spangler commented the City went to the voters with an advisory vote and the voters have indicated support for the ordinance, and although he personally does not support the ordinance as presented, he supports enactment of a City ordinance addressing the issue of smoking in public and work places. Councilor Stufflebean expressed support of an ordinance to protect the rights of all citizens and favored a signage ordinance giving individuals the right to chose.

City Manager Bill Grile reported there was a problem with the ordinance annexing Old Wireless Lane and requested the item be removed from the agenda and brought back at a later date.

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COUNCIL MEETING

Flag Salute

Mayor Verger opened the meeting and led the assembly in the salute to the flag.

Consent Calendar

Mayor Verger read the consent calendar which consisted of approval of the minutes of June 16th and 25th, approval of the contract with the volunteer firefighters, approval of the OMI contract amendment, adoption of Resolution 98-15 establishing a user fee schedule for the Scout Cabin, initiation and setting a public hearing for the comprehensive plan amendment for adopting the industrial lands inventory, and approval of an OLCC license for Gooney's Sports Bar. A correction to the minutes and removal of the negotiations for garbage franchise from the consent calendar were noted. Councilor Weeks moved to approve the consent calendar as amended. Councilor Stufflebean seconded the motion which carried with the Mayor and all Councilors present voting aye.

Department Head Report — Fire Chief Stan Gibson

Chief Gibson reported it was a big step approving the contract for the volunteer firefighters and noted the contract would protect a valuable resource of the City. Chief Gibson commented the department's participation with the 4th of July celebration activities went very well and over 250 hours of volunteer time were donated. He reported the department has made 650 runs in the first half of the year and 70 percent were emergency medical service calls which is within the national average. Chief Gibson reported the siren from the Eastside station was being relocated to the Empire station to be used as the tsunami warning signal. He noted information and citizen drills will be performed. Chief Gibson reported several trees around the Empire station had been removed due to damage to the sidewalks, and new trees will be planted when the sidewalks have been repaired.

Appointment to the Tourism Promotions Committee

Mayor Verger announced Gary Combs was reappointed to the Tourism Promotions Committee for a two-year term by a unanimous vote of the Council. Mr. Combs thanked the Council for the reappointment and commented that tourism is a very important industry to our area.

Introduction of Bev Saukko as the New Director of the Tourism Promotions Committee

Mayor Verger reported Kay Heikkila has accepted a position with Southwestern Oregon Community College and introduced Bev Saukko as the new director of the Tourism Promotions Committee. Ms. Saukko briefly reviewed her background and experience in hotel management and conventions, and expressed her pleasure to be working with the promotions committee. Ms. Saukko reported the MHS Endeavor will be coming to Coos Bay in July 1999 and will be providing educational tours for the community. The Endeavor is a replica of Captain Cook's ship

Authorization to Proceed with Negotiations for the Garbage Franchise

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Councilor McKeown commented ten years is a long time for a contract and inquired if the rates were competitive and fair to the citizens. Mr. Grile reported the negotiations would not be connected with a rate increase but to give the garbage companies security and peace of mind for the future so they can make business decisions accordingly. Mr. Grile further explained rate increases would have to come before the Council for approval and noted the last increase was a pass through of increases at the County facility. Mr. Golbek of Les' Sanitary explained the industry is changing to bigger totes and bigger trucks, and a ten year renewal of the franchise would allow for cost of the new equipment to be paid off. Mr. Grile commented the City received very few complaints about the garbage service and both companies provide quality service. Councilor Weeks moved to direct the city manager to proceed with negotiations with the garbage companies. Councilor Stufflebean seconded the motion which passed with Mayor Verger and all Councilors present voting aye.

Introduction of Bill Griffin as the Regional Manager of Falcon Cable Systems

City Manager Bill Grile introduced Bill Griffin as the new regional manager of Falcon Cable Systems. Mr. Griffin commented he has been in the cable television business for 19 years and there have been a lot of changes in the past several years. Mr. Griffin said in the past there have been strained relationships in the community with the cable company and he plans to be more involved in the community and provide more personal service. Councilor Stufflebean commented Mr. Griffin has offered to help the public access TV board with programming and office space.

Request to Place the Poolhouse Measure on the November Ballot — Presentation by Caddy McKeown

Caddy McKeown reported the summer swim program has begun and is doing well. She thanked the City for helping patch the shower facility for the summer. Mrs. McKeown reported the pool project is on track with the bid coming in under the estimate and the removal of the pool is expected to be in mid-August. Mrs. McKeown explained that even though the number of yes votes were more than the no votes the measure failed in the May election because less than 50 percent of the registered voters turned out. She asked the Council to consider placing the item on the November ballot and commented the 50 percent majority rule would not be in effect at this election. Mrs. McKeown briefly explained the breakdown of the cost of the pool house as including a six percent demolition cost, \$350,000 for the building, an eight percent architectural fee, cost of permits and fees, and a ten percent contingency to cover things not anticipated. She added that furnishings, wiring for phones and such are not included. Mayor Verger inquired if consideration had been given to reducing the amount. Mrs. McKeown explained the cost is somewhat due to the facility being a public building and must hold up to the rigors of public use, and doing less would probably be regretted in the future.

Councilor Stufflebean reported receiving a number of calls on the cost of the building and noted that public buildings are more expensive to build because commercial grade materials are required. Councilor Spangler complimented the pool house committee for their hard work and expressed concern that three districts in Empire and Eastside voted against the ballot measure. Mrs. McKeown commented the pool is open to everyone and all the children in the school district receive swimming lessons.

Councilor Spangler moved to place the ballot measure on the November general election ballot. Councilor Weeks seconded the motion which passed with the Mayor and all Councilors present voting aye.

Approval of Coos County Board of Commissioner's Draft

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Order for the Formation of the Coos County 4-H and Extension Service District and Adoption of Resolution 98-16

City Manager Bill Grile suggested the Council approve the draft order from the Coos County Commissioners. Councilor Spangler inquired how extension services are financed in other counties. Mr. Art Poole, County Extension Office, reported there are 36 counties in the state and 14 are funded by service districts. Councilor Stufflebean moved to adopt Resolution 98-16 approving the Coos County Commissioner's draft order forming a Coos County 4-H and extension service district. Councilor Weeks seconded the motion which passed with the Mayor and all Councilors present voting aye.

Discussion of the Smoking Ordinance Advisory Vote

Mayor Verger reported the Americans for Nonsmoker's Rights had requested the City Council enact an ordinance prohibiting smoking in public places and work places earlier this year. After discussion and public input, the Council placed the matter on the May ballot as an advisory vote. Mayor Verger explained an advisory vote is not binding, and noted voter turnout was low and passed by 148 votes. Mayor Verger reported the options before the Council are to not enact the ordinance, have the group get signatures to place it on the November ballot, or the City can prepare an ordinance for the ballot. She reviewed some of the comments made to the Mayor's office and the concern expressed that Coos Bay businesses would lose business to another town, and among the suggestions was the measure be county wide or state wide and not just Coos Bay. Mayor Verger invited public comments and asked the speakers to limit their comments to three to five minutes and not review testimony already given.

Carl Siminow, Coos Bay, said the voters have voted in favor of the ordinance and he requested the Council enact the ordinance. He further stated there would not be a cost associated with enforcing the ordinance and the Council has a moral duty to enact the ordinance. He said other cities are waiting to see what Coos Bay will do before they take action on enacting an ordinance. Mr. Siminow commented the ordinance would protect employees and others from second hand smoke, and restaurants would make more money. Councilor Spangler commented if the group wanted the ordinance on the ballot, they could put it on the November election. Mr. Siminow said the County Elections office said it would have to be a special election and would cost the City around \$10,000. Councilor Spangler commented the Council would chose the election for the measure.

Jim Byce, North Bend, reported looking into the election requirements and the ordinance would have to go on the next general election or the Council could request a special election. Mr. Byce commented that with the low voter turnout and low margin, the vote is hardly a mandate from the people. He reported customers currently go to establishments that suit their needs and studies have shown that second hand smoke does not cause cancer. Mr. Byce said enforcement would be an additional cost and many businesses would lose income if this ordinance were enacted. Tee Allen, Coos Bay, said the ordinance is an attack against smokers and agreed with Mr. Byce that second hand smoke does not cause cancer. He further stated the non-smoker's group inflates the statistics and requested the Council not support the ordinance. Dana Gobb, from outside the city limits, supported enactment of the ordinance and reported only 29 percent of Oregon's population smokes. Claudia Davis, Coos Bay, explained their group came before the Council with the ordinance and the Council decided on an advisory vote, now because of low voter turnout, the Council will not enact the ordinance. Ms. Davis requested the Council place the ordinance on the ballot and let the voters decide. Councilor Spangler asked why they had not also included North Bend in this process and Ms. Davis said they had taken it to North Bend, and North Bend is waiting to see what Coos Bay will do. Councilor Weeks asked if other cities in the County had been contacted. Ms. Davis indicated they were waiting to see if Coos Bay would enact the ordinance.

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Mayor Verger commented North Bend businesses would benefit if Coos Bay enacted the ordinance and they didn't. She noted if the ordinance were county wide it would not target just one community. Jon Eck, Coos Bay, stated he was not in favor of the ordinance and it was not the government's place to regulate how a business should run their establishment. Linda Short, Coquille, said she appreciated the advisory vote but did not support the ordinance because it would infringe on people's right to choose. Michael Jarvis, Coos Bay, commented government doesn't need to make the choice for people and did not support requiring additional signage. Mayor Verger commented cigarettes are legal and people have the right to smoke if they are of age, and she is appreciative of smoke free areas; however, she doesn't feel she has the right to tell businesses they cannot have smokers in their establishments. She commented that Corvallis has people smoking even though they have a nonsmoking ordinance. Mayor Verger asked Councilors for their opinions on the matter.

Councilor McKeown commented smokers do infringe on his rights if they are smoking next to him, but he does not feel government should regulate smoking and the issue is not appropriate at the city level. He further commented the group should take the matter to the state level and go out and get signatures to support this. Councilor Spangler said the Council went for an advisory vote and he feels obligated to render an ordinance that accommodates both sides of the issue. Councilor Spangler supported requiring businesses to post whether it is a smoking or non smoking establishment. Councilor McKeown said he would agree if there had been a strong mandate. Councilor Spangler said the low turnout of voters does not invalidate the results. Councilor Stufflebean commented the question was whether citizens wanted a more restrictive ordinance than state law. Councilor Weeks commented restaurants are already posted and signage was not the issue. She further commented there would be a cost associated with implementing the ordinance and due to the low voter turnout, she did not support the ordinance. Councilor McKeown commented that as elected officials it is the Council's duty to make decisions that are the best for the City as a whole. Mayor Verger suggested the group look at a county wide or state wide vote.

Councilor McKeown moved that no action be taken on the smoking ordinance at this time. Councilor Weeks seconded the motion. The motion passed with Mayor Verger and Councilors McKeown and Weeks voting aye; and Councilors Spangler and Stufflebean voting no.

Public Comments

Julia Spangler, Coos Bay, commented that some large garbage containers are neglected and asked if the City had an ordinance requiring proper upkeep of the containers and surrounding area. Bill Grile reported staff is working on the container downtown and the city does have requirements for this type of thing.

City Manager's Report

Mr. Grile thanked everyone involved in the 4th of July celebration and reported the Coos Bay-North Bend Rotary Club has taken on building a stage in Mingus Park as a project for next year. Mr. Grile reported Kevin Cupples has accepted the Planning Director position with the City of Seaside and it is with pride and loss that the City bids farewell to Kevin. A farewell reception will be held at 3 p.m. on Friday of next week.

Mr. Grile invited everyone to a reception welcoming Finance Director Janell Howard and Community Services Director Bill Finney on July 24th at city hall. He reviewed the calendar which included a citywide staff meeting on the 9th, library ground breaking on the 8th, the July Jubilee softball game in North Bend on the 17th, and an urban renewal meeting on the 8th. Mr. Grile reported on the formation of a Community Solutions Committee and asked the Council if they would like a briefing from this team. He introduced Tarah Walberg who is doing intern work in the city manager's office.

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Mayor and Council Comments

Councilor Spangler reported on the OCZMA and transportation meeting recently held in Newport, and commented the meeting was well attended and he was appointed to serve on the executive committee. Councilor Spangler noted a number of items were discussed including the needs of the coast highway, funding for highway maintenance, and the North Bend airport issue. He reported OCZMA will be looking into a funding package for highways with the funds possibly coming from additional gas tax.

Councilor Kevin Stufflebean commented the 4th of July celebration had gone well and welcomed Bill Finney to the City. Councilor Stufflebean thanked Caddy McKeown for her work on the poolhouse measure and expressed his support of the project. He noted the public access TV board goal setting session determined they are in need of more funding for equipment and a facility, and they would welcome ideas.

Councilor Weeks reported the Parks Commission was pleased with the adoption of user fees to help maintain the Scout Cabin, and the new host at the Empire boat ramp. She commented the Parks Commission had discussed the adopt a block program for the City. City Manager Grile reported during the past year the City had sent out letters with very little response. Councilor Weeks noted the dedication of the Eastside boat ramp is scheduled for the 21st and she was glad to see the funding come in for the final phase of the facility. Councilor Weeks welcomed Mr. Finney and said she was sorry to see Kevin Cupples. She passed around a picture of the stage in Brookings as a possible concept for the stage in Mingus Park. Councilor Weeks suggested the Joint TV Committee meet with the new cable TV manager.

Councilor McKeown commented it was exciting to see the library project underway, and clarified that the funds the City gives to the Mingus Pool Management Team is for managing the pool. He noted economic development is a priority for him and he will be asking Council for specific tangible ideas.

Mayor Verger congratulated Councilor Spangler on his appointment to the executive committee of OCZMA. She welcomed Mr. Finney to the City, and expressed concern about keeping public access TV on the air. Mayor Verger commented the Coos Bay Week program would be a good way to get information out to the community. She commended the Community Enhancement Committee for getting the Beaver Hill waste facility to open on Sundays. Mayor Verger reported the July 4th celebration went well and suggested the City think in terms of a bigger better 4th. She commented the first step would be a permanent stage in the park and forming a Friends of the 4th Committee. Mayor Verger reminded everyone of the Eastside boat ramp dedication on the 21st and the Oregon Coast Music Festival beginning on Saturday.

Adjournment

There being no further business to come before the Council, Mayor Verger adjourned the meeting to July 21, 1998 at 7 p.m. in the Council Chambers of City Hall.

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

ATTEST:

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