

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

December 15, 1998

The minutes of the proceedings of the City Council of the City of Coos Bay, Coos County, Oregon, beginning at 6 p.m. with Council interviews in the Manager's Conference Room, proceeding to a work session at 7 p.m. and to a regular session at 7:30 p.m. in the Council Chambers at City Hall, 500 Central Avenue, Coos Bay, Oregon.

Those Present

Those present were Mayor Joanne Verger, Councilors Jeff McKeown, Cindi Miller, Don Spangler, Kevin Stufflebean, and Judy Weeks. Councilor Joe Benetti was absent due to business reasons. City staff present were City Manager Bill Grile, Deputy Recorder Joyce Jansen, City Attorney Randall Tosh, Community Services Director Bill Finney, Fire Chief Stan Gibson, Police Chief Chuck Knight, and Library Director Carol Ventgen.

COUNCIL INTERVIEWS

The Mayor and City Council interviewed Donald Chitwood, Linda Doman, and Jon Eck for consideration of appointment to the Budget Committee, and Lloyd Thurman for consideration of appointment to the Design Review Board and Planning Commission.

WORK SESSION

Mayor Verger briefly reviewed the consent calendar and noted appointments would be made to several committees, and a resolution to be adopted recognizing the Friends of Mingus Park. City Manager Bill Grile reported the Planning Commission has completed the public hearing process regarding amending the City's Comprehensive Plan to incorporate the Bay Area Comprehensive Economic Analysis be made a part of the Plan. The analysis determines future land needs for industrial, commercial and water dependent/water related zoned land to meet the projected economic development opportunities for the Bay Area. Mr. Grile reported the International Port of Coos Bay is requesting approval to amend the Comprehensive Plan and Land Development Ordinance to allow changes to zone designations on the Port's Eastside property. There was further discussion of the zone designations and their purpose and Mr. Grile reviewed the appeals process. Mayor Verger commented this item was not to be a public hearing, but would need a decision from the Council on whether to adopt the Planning Commission's findings.

COUNCIL MEETING

Flag Salute

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

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Consent Calendar

Mayor Verger reviewed the consent calendar which consisted of approval of OLCC licenses for Gooney's Sports Bar and Wanda's, authorization to purchase the book security and self-check systems for the library, and approval of contract for architectural services for the Boys and Girls Club grant. Councilor Weeks moved to approve the consent calendar as presented. Councilor Stufflebean seconded the motion which passed with the Mayor and all Councilors present voting aye.

Marshfield High School Representative Report

Jade Boardman reported November Girl of the Month is Kim Carpani and Boy of the Month is Travis Burger, the student council will host at Shore Acres on the 18th, and they are planning a Senior Citizen Prom after the first of the year.

Department Head Report — Fire Chief Stan Gibson

Chief Gibson reported the department has purchased special machines for washing fire gear for contamination materials which will save the department money. Staff has worked on plans for remodeling the Empire station for more comfort in the living and public areas of the building. Chief Gibson commented fire department staff cooked for the SWOYA banquet, worked at Shore Acres helping put up lights, and will host at Shore Acres on the 29th. He reported the emergency preparedness plan is almost ready for adoption. The fire department will be picking up Christmas trees to donate to ODF&W for stream enhancement.

Adoption of Resolution 98-31 Recognizing the Friends of Mingus Park

Toni McSwain reported the Friends of Mingus Park, which at this time is a committee of one, has a desire to help the City maintain and improve the park. Mayor Verger moved to adopt Resolution 98-31, as attached hereto and made a part of thereby, recognizing the Friends of Mingus Park. Councilor Miller seconded the motion which passed with the Mayor and all Councilors present voting aye.

Committee Appointments

The Mayor and Council held interviews of applicants for consideration of appointment to the Budget Committee, Parking Committee, Parks Commission and Planning Commission on December 8th and 15th. Appointments were made appointments by ballot.

Budget Committee. John Bozzo and Jon Eck were appointed to the Budget Committee. Mr. Bozzo received votes from Mayor Verger and Councilors McKeown, Miller, Spangler and Stufflebean; and Mr. Eck received votes from Councilors McKeown, Stufflebean and Weeks. Donald Chitwood received votes from Mayor Verger and Councilor Weeks; Flora Lee Lockhart received a vote from Councilors Spangler; and Tom Williscroft received a vote from Cindi Miller.

Parking Committee. Ralph Larson, Flora Lee Lockhart and Trish Midyette were appointed to the Parking Committee. Mr. Larson received votes from Mayor Verger and Councilors McKeown, Miller, Spangler and Stufflebean; Mrs. Lockhart received votes from Mayor Verger and Councilors McKeown, Miller, Spangler, Stufflebean and Weeks; and Mrs. Midyette received votes from Mayor Verger and Councilors McKeown, Miller, Spangler, Stufflebean and Weeks.

Mayor Verger suggested Councilors McKeown, Miller and Weeks be appointed as the Council

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representatives to the committee. Councilor Stufflebean moved to appoint Councilors McKeown, Miller and Weeks to the Parking Committee. Councilor Spangler seconded the motion which passed with the Mayor and all Councilors present voting aye. Councilor Stufflebean requested staff review the resolution establishing the Parking Committee to include a citizen at large position on the committee.

Parks Commission. Floyd Vandervelden, Nancy Jarvis, Bill Otton and Chris Coles were re-appointed to the Parks Commission by a unanimous vote of the Mayor and Councilors.

Planning Commission. Bruce Harlan was re-appointed to the Planning Commission by a unanimous vote of the Mayor and Councilors. Verena Matthews was also re-appointed and received votes from Mayor Verger and Councilors McKeown, Miller, Stufflebean and Weeks. Jon Barton received a vote from Councilor Spangler.

Council Appointment to the Airport Advisory Committee

Mayor Verger reported the International Port of Coos Bay has requested the City Council make an appointment to the Airport Advisory Committee and the Mayor requested the Council ratify appointment of Councilor Stufflebean. Councilor Miller moved to appoint Councilor Stufflebean as the City's representative on the Airport Advisory Committee. Councilor Weeks seconded the motion which passed with the Mayor and all Councilors present voting aye.

Bay Area Comprehensive Economic Analysis – Enactment of Ordinance No. 267 and Approval of the Inter-governmental Agreement

City Manager Bill Grile reported the economic analysis will look at the supply of the types of lands mentioned for the whole bay area and the information will be used to support the Port's request for changes in the zoning of the Eastside property. Mr. Grile explained the state has indicated the economic analysis is necessary for the rezone. Mayor Verger commented the analysis would be needed for the periodic review process as well, and noted the state paid for the study and the city has spent a lot of staff time on the matter. The intergovernmental agreement requires signatures the City of North Bend, Coos County and the Port, as well as the City of Coos Bay. Councilor Weeks moved to enact Ordinance No. 267. Councilor Miller seconded the motion and Deputy Recorder Joyce Jansen read the ordinance in full and the Council was polled with the following results:

Voting Aye:	Mayor Verger and Councilors McKeown, Miller, Spangler, Stufflebean and Weeks
Voting No:	None
Absent:	Councilor Benetti

Councilor Weeks moved to approve the intergovernmental agreement. Councilor Miller seconded the motion which passed with the Mayor and all Councilors present voting aye.

Eastside Comprehensive Plan and Amendment to the Land Development Ordinance — Enactment of Ordinance No. 269 and Adoption of Resolution 98-33

Mr. Grile reported approval will allow the zone changes as requested by the Port to accommodate their planned development of the Eastside property. A site plan and architecture review will need to be approved by the Planning Commission and will offer time for public input. Mr. Grile commented on a letter from ODOT regarding their recommendation that traffic impact be considered, and noted the Planning

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Commission finding addressed this issue and analysis indicated traffic would be approximately the same.

Councilor McKeown commented the Bay Area is in economic crisis and there is not a need for additional housing, and disagreed with removing the property in question from industrial to residential when there is a lack of industrial property. Mayor Verger noted the land has been zoned industrial for a long time and nothing has been done with it during that time. The Port feels the property is not developable as industrial property. Councilor Spangler agreed the property does not lend itself to industrial use. Mr. Grile reported the findings show the access is not ideal for industrial use and residents have spoken very clearly about not wanting industrial development. Councilor Weeks commented if the property has not been developed as industrial after all this time a rezone should be considered. Councilors McKeown and Stufflebean maintained the property remain zoned for industrial use. Mayor Verger favored the rezone and noted the residents have not expressed strong objections to the rezone. There was further discussion on whether a traffic study was required and Mr. Grile said at this point ODOT cannot required the study.

Councilor Weeks moved to enact Ordinance No. 269, Councilor Spangler seconded the motion which failed with Councilors Miller, McKeown, and Stufflebean voting no and Mayor Verger and Councilors Spangler and Weeks voting yes; Councilor Benetti was absent. Mr. Grile explained the Council needs to make a decision on the Port's request or the Port could appeal to LUBA. Mr. Tosh explained the ordinance has to do with amending the land development ordinance regarding riparian vegetation along the shoreline based on Policy 23 of the Coos Bay Estuary Plan. Mr. Grile reported there are six components and suggested each be considered separately. There was further discussion of the ordinance and Mayor Verger suggested the Council vote on the ordinance and then the resolution. Councilor Stufflebean commented the resolution should be done first.

Councilor McKeown moved to not adopt Resolution 98-33. Councilor Stufflebean seconded the motion. Councilor Stufflebean commented the item could be considered at a later meeting and Councilor Weeks noted the process had been in the works for 18 months. Councilor Spangler reported if the Council denied the request, the Port would have to start the whole process again. Mr. Grile suggested the matter be continued. City Attorney Tosh explained the Planning Commission has already held the public hearings, reviewed all the evidence, and made findings; if the Council wants more time they should continue the matter. The Council was polled and the motion failed with Councilors McKeown, Miller, and Stufflebean voting yes and Mayor Verger and Councilors Spangler and Weeks voting no.

Mayor Verger commented the matter could be continued and staff could make a presentation to the Council which would be very helpful as this is a complex issue. Mayor Verger moved to set a time certain for the reconsideration of this matter on January 7, 1999 at 7 p.m. Councilor Miller seconded the motion which passed with the Mayor and all Councilors present voting aye. Mayor Verger moved to reconsider Ordinance No. 269 at a later time. Councilor Spangler seconded the motion which passed with the Mayor and all Councilors present voting aye.

Enactment of Ordinance No. 268 Establishing the Procedure for Recording and Collection of City Liens

City Manager Bill Grile reported the city attorney prepared the ordinance to establish the procedure for handling liens. Councilor Stufflebean moved to enact Ordinance No. 268 establishing the procedure for recording and collection of City liens. Councilor McKeown seconded the motion and Deputy Recorder Joyce Jansen read the ordinance by title only and the Council was polled with the following results:

Voting yes:	Mayor Verger and Councilors McKeown, Miller, Spangler, Stufflebean, and Weeks
Voting no:	None
Absent:	Councilor Benetti

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Old Wireless Lane Local Improvement District Formation – Adoption of Resolution 98-32

Community Services Director Bill Finney reported the annexation would provide property owners with the opportunity to connect to the City's wastewater disposal system. Mr. Finney reported the property owners have invested \$9000 in engineering fees and asked Council to waive the \$1000 bond requirement. Establishing the local improvement district will allow the owners to move forward with the project, and no City funds would be expended for the project. Councilor Stufflebean moved adopt Resolution 98-32. Councilor Weeks seconded the motion which passed with the Mayor and all Councilors present voting aye.

Public Comments

Sargent Webster, North Bend, inquired who legally owns the property that the rezone was being requested for. Mayor Verger said it is owned by the Port of Coos Bay. Mr. Grile commented the Council cannot take testimony on this matter under state law.

Allan Rumbaugh, Manager of the Port of Coos Bay, commented the Port would welcome a public hearing regarding the rezone request. He noted that four Planning Commission meetings and public hearing had been held in the past 18 months on this matter.

Al Benkendorf, consultant for the Port, commented on working for the Port for the past eight years and the Eastside project is economic development and fulfills the Port's economic development goal. He noted Nucor would not be locating on Port property on the North Spit and the Port's plan is to accommodate the spinoff industry from Nucor.

City Manager's Report

City Manager Bill Grile reported work is progressing on the 4th and Elrod intersection and the redesign of the City's Web page is progressing well.

Mayor and Council Comments

Councilor Weeks reported the Mingus Stage Committee will hold their first meeting on January 12th, the Parks Committee will be meeting with the Skate Board Association to talk about expanding the park, and another employee recognition luncheon is planned for February.

Councilor Spangler requested that when a complex item comes before the Council, staff provide more information and pull the public hearings information.

Councilor Miller thanked the Empire Community Association for their tree lighting ceremony and inquired when lights would be installed on the welcome to the city signs. Mr. Finney reported staff is in the process of getting a cost estimate on the project.

Councilor McKeown wished everyone Merry Christmas and happy holidays.

Councilor Stufflebean complimented the Empire Association on their tree lighting event and thanked Sunset School and everyone who participated in the program.

Mayor Verger thanked Councilor Miller for attending the Empire tree lighting ceremony, commented on receiving many good comments on the library expansion project, and wished everyone a Merry Christmas and Happy New Year.

Executive Session

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The City Council met in executive session pursuant to ORS 192.660 (1) (d) for the purpose of consulting with legal council regarding labor negotiations and (h) for the purpose of consulting with legal counsel regarding pending litigation.

The Council reconvened into regular session.

Authorization for the City Attorney to Proceed with Foreclosure of LID Assessment Liens

Councilor Stufflebean moved to authorize the city attorney to proceed with foreclosure of local improvement liens and send demand letters after the first of the year. Councilor Miller seconded the motion which passed with the Mayor and all Councilors present voting aye.

Adjournment

There being no further business to come before the Council, Mayor Verger adjourned the meeting to January 5, 1999 at 7 p.m. in the Council Chambers of City Hall.

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

ATTEST:

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