

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

July 20, 1999

The minutes of the proceedings of the regular meeting of the City Council of the City of Coos Bay, Coos County, Oregon, beginning at 7 p.m. with a work session in the Council Chambers and proceeding 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 Council President Cindi Miller and Councilors Joe Benetti, Jeff McKeown, Don Spangler, Kevin Stufflebean, and Judy Weeks. Mayor Verger was excused from the meeting due to being out of town. City staff present were Acting City Manager Joyce Jansen, Acting Deputy Recorder Melanie Johnston, City Attorney Randall Tosh, Community Services Director Bill Finney, Fire Chief Stan Gibson, Police Chief Chuck Knight, and Library Director Carol Ventgen.

WORK SESSION

Council President Miller called the work session to order. Community Services Director Bill Finney reported Ordinance No. 277 would amend the current moorage ordinance and would include the addition of a harbormaster and fee increases for moorage. Councilor Spangler inquired what the selection process would be for the Harbor Master position and Mr. Finney explained it would be the same as for city park host positions, with a reduced moorage fee as an incentive. City Attorney Randall Tosh stated that the intent tonight is to discuss the ordinance and give staff direction so the completed ordinance could be brought back at the next meeting. Councilor McKeown asked if the City would incur any additional costs and Mr. Finney replied no, and explained the benefits of having a Harbor Master. President Miller asked if the City would have control over which boats would be allowed to moor at the docks, and Councilor Stufflebean mentioned the unsightly appearance of some boats moored during the winter months. Mr. Finney explained the ordinance would address the problem and the Harbor Master would have control over the appearance of any vessel. Councilor McKeown stated for the record he has a conflict of interest regarding Item 2b, setting a public hearing before the Planning Commission to vacate a portion of Myrtle Avenue.

President Miller reviewed the agenda items and asked for Council comments. Councilor Spangler asked what the dimensions would be for the board to be used by truck owners for vehicles parked on City streets. Councilor Weeks said most truck drivers know exactly what size dimensions are needed for protecting City streets. Mr. Tosh reported on changes to Section 9 of Ordinance No. 275 and Acting City Recorder Johnston read the changes. Mr. Tosh reported there is a conflict of Judge Hinrichs serving both the City of Coos Bay and the City of Bandon. He noted an intergovernmental agreement would solve the problem.

Mr. Tosh voiced his concerns regarding Ordinance No. 276 regarding establishment of a regional fiber consortium, specifically with 3 (a) which provides for the consortium to assume ownership of the fiber optic cable. He said he has been in contact with Mr. Meacham who is the point person for Lane County regarding this matter. Councilor McKeown asked if the City owns the cable, will they be responsible for repairs, and Mr. Tosh said yes, but the Consortium would be responsible.

COUNCIL MEETING

Flag Salute

President Miller opened the meeting and led the assembly in the salute to the flag. President Miller spoke about the loss of Sheriff's Department Sargent Lisa Wampole and requested the City fly the flags at half mast for a week in her honor. President Miller commended staff for a job well done in regards to yesterday's bomb situation.

Consent Calendar

Council President Miller reviewed the consent calendar which consisted of the following items: approval of the minutes of the regular meeting of June 15, 1999, setting a public hearing before the Planning Commission to vacate a portion of Myrtle Avenue, approval of OLCC license renewal for Checkerberry's Flowers and Gifts, and setting a public hearing before the Planning Commission to vacate a portion of an alley between Date and Pine Avenues. Councilor Weeks moved to approve items a, c, and d of the consent calendar. Councilor Spangler seconded the motion which passed with all Councilors present voting aye. Councilor Weeks moved to approve item b of the consent calendar. Councilor Stufflebean seconded the motion which passed with all Councilors present voting aye, with the exception of Councilor McKeown who stated a conflict of interest and abstained from voting.

Department Head Report - Fire Chief Stan Gibson

Chief Gibson echoed President Miller's commendation of City staff and expressed appreciation to the many agencies involved who provided excellent assistance during the bomb situation. Chief Gibson also commended the news media for reporting accurately and in a timely manner. He also reported the emergency plan adopted by the City worked very well and employees performed their duties according to the plan. Chief Gibson reported the July 4th fishing derby was a success and thanked Fire Department staff for their participation in arranging the fireworks display. He also reported the tsunami warning signs have been installed.

**Approval of Street Vacation for a Portion of 10th Street
Between Hall and Ingersoll Avenues and Enactment of
Ordinance No. 274**

Community Services Director Bill Finney explained the street vacation had been before the Planning Commission and it is their recommendation the City Council approve the requested vacation. The proposed vacation is located at the Marshfield High School facility. Councilor Weeks moved to enact Ordinance No. 274. Councilor Stufflebean seconded the motion. Acting Deputy Recorder Melanie Johnson read the ordinance by title only and the ordinance was enacted by the following vote:

Aye:	Council President Miller, Councilors Benetti, McKeown, Miller, Spangler and Weeks
No:	None
Absent:	Mayor Verger

Approval of Project for Application for TEA-21

Transportation Enhancement Funding

Community Services Director Bill Finney stated at the June 15th meeting Council directed staff to research the TEA-21 grant and prepare to apply for funding for a specific project. Two projects have been identified for application; the Information Center building and the historical museum building. Councilor Weeks asked if the City would be submitting more than one application. Councilor Spangler commented a new building may not qualify for funding and suggested the city submit two applications. Councilor McKeown suggested the City choose one project for submission. Councilor Stufflebean stated TEA-21 funding is what a lot of cities around the state are receiving and cities rarely get more than one application. Councilor Spangler made the motion to submit two requests, one for the Visitor's Information Center and restroom or a separate structure which consists of the same architecture design as the museum, and a second project the council feels is worthy. Councilor Weeks seconded the motion. Councilor Stufflebean asked if the second project is open ended. Councilor Spangler amended his motion to submit two requests, one for the Visitor's Information Center and restroom or a separate structure which consists of the same architecture design as the museum, and the second project for development of a scenic overlook area at the former site of the Bay Club at the corner of Cape Arago Hwy and Newmark Avenue, which would include acquisition of the property. Councilor Weeks amended her second. After further discussion Councilor Benetti called for the question and the motion was defeated.

Councilor Benetti moved to approve the development of an application for TEA-21 for a Visitors Information Center and restroom as an integral part of the future museum building or as a separate structure consistent with the architectural design of the museum building. Councilor McKeown seconded the motion which passed with Councilors Benetti, McKeown, Miller, Spangler and Weeks voting aye, and Councilor Stufflebean voting no.

**Approval of Signing Regulating Truck and Trailer
Parking and Authorizing Development of an Ordinance
Addressing Truck and Trailer Parking on City Streets**

Community Services Director Bill Finney reported meetings had been held with Council members, staff, and local truck owners and operators regarding concerns about trucks parking on City streets. Mr. Finney commented Ordinance No. 124 addresses protection of the streets and consensus from the meetings is to require placement of boards under trailer landing gear. Councilor Weeks moved to amend Ordinance No. 124 to include a personal responsibility for damage to streets caused by trucks; violation of the ordinance would result in a fine not to exceed \$500.00 and include the cost of restitution for street repairs, and require the placement of boards under the landing gear of loaded dropped trailers. Councilor Stufflebean seconded the motion. President Miller stated she attended the meetings with the truckers and would like to see the Ordinance amended instead of creating a new one. Councilor Weeks amended her motion to state the above with the addition to have staff amend Ordinance No. 124 and bring back to the Council for approval. Councilor Stufflebean amended his second. The motion passed with all Councilors present voting aye.

Councilor Weeks made the motion to allow trucks to park on the east side of South 7th Street, the east side of South 5th Street and the west side of South 4th Street between Lockhart and Kruse. Councilor Benetti seconded the motion. Councilor McKeown asked Councilor Weeks if she wanted the Council to make a decision tonight or was she directing staff to add that to the Ordinance and bring back before the Council. Councilor Weeks said she would like a decision tonight. The motion was defeated. Councilor Weeks moved to direct staff to include in the amendment of Ordinance No. 124, to allow trucks to park on the east side of South 7th Street, the east side of South 5th Street and the west side of South 4th Street, between Lockhart and Kruse with maps showing the areas affected and bring it back to the Council for approval. Councilor Benetti

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seconded the motion which passed with all Councilors present voting aye.

Enactment of Ordinance No. 275 Establishing Procedures for Municipal Court

City Attorney Randall Tosh explained Ordinance No. 275 would allow a municipal court judge to enforce all City ordinances. He noted the North Bend Circuit Court is currently hearing the violations and if this ordinance is enacted it would allow for better enforcement of City ordinances. Robert King, Coos Bay, stated the ordinance does not take care of the problem that the City could still appoint the Finance Director as judge. He said the ordinance states the City can appoint anyone as municipal judge.

Councilor Stufflebean asked for clarification on the City Charter which states the City Council appoints the municipal judge. He commented it would not be prudent for the City Council to put a clause in the ordinance that limits who can be appointed as municipal judge when the City Charter, which is passed by the voters, does not state this limitation. Councilor Spangler explained the ways a concerned citizen can change the City Charter. Mr. Tosh explained the provision of Section 9 which would be available to any citizen if they felt they could not obtain a fair hearing from the current judge. Councilor Weeks moved to enact City Ordinance No. 275, establishing procedures for the City of Coos Bay Municipal Court. Councilor Spangler seconded the motion. Mr. Tosh reported there was a change to Section 9 - Disqualification and Acting City Recorder Johnston read Section 9 into the record. Councilor Weeks made the motion to amend Section 9, as read into the record. Councilor Benetti seconded the motion and the ordinance was enacted by the following vote:

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

Enactment of Ordinance No. 276 Providing for an Intergovernmental Agreement to Establish a Regional Fiber Consortium

Councilor Stufflebean moved to enact Ordinance No. 276 and authorize the city manager on behalf of the City of Coos Bay to enter into an Intergovernmental Agreement to establish a consortium of local governments for the ownership and operation of a fiber optic system consistent with the provisions of Ordinance No. 276. Councilor Spangler seconded the motion. Acting City Recorder Johnston read the Ordinance by title only and the ordinance was enacted by the following vote:

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

Public Comments

Sargent Webster, North Bend, thanked the City Council for taking action regarding the Coos Bay Rescue Mission. Mr. Webster presented the Council with photos of the Mission documenting ordinance violations. Councilor Spangler asked Mr. Webster if he had talked to the Community Services Department

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regarding the problem and was told no. Councilor Spangler made the motion that City staff look for ordinance violations anywhere in Empire and take photographs to show specific ordinance violations, and if found to be a violation, the offending party be cited. Councilor Weeks seconded the motion. Mr. Finney said staff would do so tomorrow if the Council directed them to. Councilor Benetti stated he didn't think staff should go looking for ordinance violations, it should be brought to their attention, and then taken care of, and a motion by the Council was not necessary. The motion was defeated with all Councilors present voting nay.

City Manager's Report

Acting City Manager Joyce Jansen commended City staff and the other agencies involved with the bomb situation for their professional handling of the situation. She reported that prior to the Council meeting Captain Bushmaker had done a walk-through City Hall building and grounds as a precautionary measure. Ms. Jansen congratulated the Coos Bay softball team for their victory over North Bend's team during North Bend's July Jubilee Days and noted Coos Bay won with a score of 28 to 27. Ms. Jansen reported on upcoming meetings and noted a request had been received for the Council to review the viewshed ordinance.

Mayor and Council Comments

Councilor McKeown reported the Livability Committee had met earlier and they are close to finishing the draft economic development strategies plan. He noted the City has many positive things going for it. Councilor McKeown commended staff on their handling of the bomb situation and thanked Police personnel for checking out the building and grounds.

Councilor Stufflebean commended staff on handling the bomb situation, and commented that while working at the New Carissa exhibit there was a great demand for downtown area restrooms. Councilor Stufflebean reported on a conference on youth violence held at the OSU campus and commented on the importance of community and family involvement with schools.

Councilor Benetti also commended staff on handling the bomb situation, and congratulated Bev Saukko on the success of having the tall ship Endeavor in port. He mentioned the Oregon Coast Music Festival is currently going on and recommended everyone attend.

Councilor Weeks reported at the Parks Commission meeting on July 12th the skateboard park was discussed, along with what other cities are doing for a park in their area. She said the Eastside Boat Ramp is now complete, the map boxes around Empire Lakes need replacing, the upper tennis courts at Mingus Park will be resurfaced, and help is needed to weed Choshi Gardens. Councilor Weeks reported the business park and future plans were discussed at the Airport Advisory Committee meeting. Councilor Weeks also commended staff on their professional handling of the bomb situation.

Councilor Spangler commended staff on the bomb situation and also commended Bev Saukko on her work with the Tourism Promotions Committee. Councilor Spangler suggested the Council not review the viewshed ordinance at this time as it was enacted just a short time ago and the Council agreed.

President Miller reminded everyone of the upcoming spaghetti feed fundraiser for Mike Smith. She reported the skateboarders are active again in raising money to match the \$6,000 the City has budgeted for the skateboard park. President Miller commended staff on the bomb situation, and reported she would be out of town for the August 3rd Council meeting.

Executive Session

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The City Council met in executive session pursuant to ORS 192.660 (1) (f) for the purpose of considering records that are exempt by law from public inspection.

The Council reconvened into regular session.

Adjournment

There being no further business to come before the Council, President Miller adjourned the meeting to August 3, 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