

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

September 7, 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 6:30 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 Mayor Joanne Verger, Councilors Joe Benetti, Jeff McKeown, Cindi Miller, Don Spangler, and Kevin Stufflebean. Councilor Judy Weeks was absent due to illness. 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, Library Director Carol Ventgen, and Finance Director Janell Howard. Planning Commissioners Steve Clay, Jeff Marineau, Chris Coles, and Verena Matthews were present.

WORK SESSION

Periodic Review – Task 8: Riparian Vegetation and Task 10: Natural Hazards

Laura Barron, Planning Administrator, reported an amendment to the Land Development Ordinance will come to the City Council on October 19th on riparian vegetation. The purpose of the work session is to review the proposed amendment. Ms. Barron explained the City is required by the State to review its Comprehensive Plan and implementing ordinances for updates and compliance under current law. The City is currently in Periodic Review and on August 10, 1999, the Planning Commission completed the public hearing process and recommended approval to the Council of the draft riparian vegetation standards (Task 8) and the natural hazards policy (Task 10).

Ms. Barron reported work task 8 requires an inventory of urban stream corridors be completed and provisions developed to protect stream side vegetation. Maps were provided by ODF&W and an inventory done, not taking into account the estuary which is part of the estuary plan, and not including the Empire Lakes and watershed as they already have a riparian plan. The inventory includes Mingus Lake, Blossom Creek, Pony Creek, and Chickses Creek. Ms. Barron noted the City does not have to comply with Statewide Planning Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces, because it was adopted after the City had already begun its Periodic Review. The City will, however, be required to comply in the future. Ms. Barron reviewed the various setback requirements, noting 50 feet is required, however a variance can be done but cannot be less than 25 feet. Public comments were taken by the Planning Commission and one of the issues reviewed was the use of lawns in place of riparian vegetation. It was determined that existing lawns may be maintained, but future uses would require the use of native species.

City Manager Bill Grile commended Ms. Barron and the Planning Commission on applying a lot of common sense in the proposal. Mayor Verger commented the City does not have many areas that will be affected by the amendment. Ms. Barron reported staff has done an analysis and there are approximately 26 undeveloped parcels or lots that would be affected. Councilor Spangler inquired if there is already development that does not meet the minimum 25 foot distance. Ms. Barron commented they would not be

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required to change and noted many of the undeveloped areas will not be developed because the grade is very steep.

Council Agenda Review

Mayor Verger reviewed the council agenda and noted that in order to make the appointment to the Boys and Girls Club Board the Council will need to waive the Council rule requiring a two week written notice. Councilor Stufflebean commented it had been suggested staff look into enlarging the Schetter Street local improvement district to include Marple, Jackson, Empire Boulevard and Harris. Councilor Benetti concurred, and noted the Millers would still be required to proceed with getting the required signatures for the LID. City Manager Bill Grile suggested staff review the area beginning with North Empire Boulevard and bring a recommendation back to the Council.

Mr. Grile reported the wastewater rate increase had been discussed at the budget committee meetings, and a ten percent increase had been recommended and included in the budget. Capital expenditures were based on two sources of funds; wastewater reserves and the ten percent increase. Without the increase, \$144,000 had to be trimmed from the budget. Staff has reviewed the budget and has prepared a cut list for Council's review. Mr. Grile noted the City is in its fourth year with OMI without an increase in operational costs, and the rate increase would have been strictly for maintaining the system.

COUNCIL MEETING

Flag Salute

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

Consent Calendar

Mayor Verger reviewed the consent calendar which consisted of the approval of the minutes of July 14, 1999 and July 20, 1999. Councilor Miller moved to approve the consent calendar as presented. Councilor Stufflebean seconded the motion which passed with the Mayor and all Councilors present voting aye.

Presentation of the Coos Bay-North Bend Softball Trophy by Mayor Lee Golder

Mayor Golder presented the Coos Bay-North Bend Softball trophy to the City Council, noting the final score was 28 to 27 in Coos Bay's favor. Mayor Golder commented preparations for next year's event are already underway and invited everyone to attend.

Department Head Report by Library Director Carol Ventgen

Library Director Carol Ventgen reported everyone is thrilled to be open to the public in the newly completed facility. She commented the Friends of the Library newsletter will be outlining the library's programs, and Senior Film Day will begin next week and Story Time begin next Wednesday.

Report by Pastor Ivan Sharp Regarding a Care Center to be Located in the Old Ken Keyes Building on Commercial Avenue

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Pastor Ivan Sharp, Coos Bay, reported the Eastside Community Church has purchased the old McCauley hospital building with the intention of renovating it for use as a care and recovery center. Stable and Free is a national program which started in 1985 and has been successful in helping many people improve their lives. Rob Hildebrand commented the program has an 80 percent success rate. He explained the facility is a non-mission type program and works with the case worker and local agencies. There would be no soup kitchen or thrift store. Mr. Hildebrand explained people enrolling in the program are interviewed prior to acceptance and they must have a commitment to change before being accepted. It is a very structured program with constant supervision and provides housing and support for people who have already been through an alcohol and drug rehabilitation program.

Council Appointment to the Boys and Girls Board of Governors

Mayor Verger requested the Council rule requiring written notice of nomination be suspended to allow the Council to make the appointment to the Boys and Girls Board at this meeting. Councilor Miller moved to suspend Council Rule 57 (5). Councilor Spangler seconded the motion which passed with the Mayor and all Councilors present voting aye. Councilor McKeown reported he currently serves on the Board and there is a requirement that the City provide a \$10,000 contribution to have a representative on the Board. He noted the City has fulfilled that requirement. Mayor Verger nominated Councilor Stufflebean for appointment. Councilor Miller seconded the motion which passed with the Mayor and all Councilors present voting aye.

Enactment of Ordinance No. 277 Establishing Regulations for Use of City Owned Moorage Facilities and Adoption of Resolution 99-27 Setting Fees and Establishing Regulations for Moorage at the Boardwalk Dock Facility

Gary Goodsin, Coos Bay, expressed concern that the ordinance would not allow space to be reserved at the dock and Mr. Grile reported the ordinance does provide for short term and long term moorage options. Mayor Verger moved to enact Ordinance No. 277 and Councilor Miller seconded the motion. Deputy Recorder Joyce Jansen read the ordinance by title only and the ordinance was enacted by the following vote:

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

Councilor Stufflebean moved to adopt Resolution 99-27 setting fees and establishing regulations for moorage at the boardwalk dock facility. Councilor Miller seconded the motion which passed with the Mayor and all Councilors present voting aye.

Enactment of Ordinance No. 279 Regulating the Sale or Resale of Certain Used Merchandise and Licensing Secondhand Stores and Gem and Precious Metal Dealers, and Repealing Ordinance No. 101 as Amended

Mr. Grile reported his wife is the director of South Coast Hospice and would be affected by the ordinance. He explained the ordinance would impose more regulations on thrift stores than are currently

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required and the ordinance would be in agreement with the business license ordinance. Councilor Benetti moved to enact Ordinance No. 279 and Councilor Miller seconded the motion. Deputy Recorder Joyce Jansen read the ordinance by title only and the ordinance was enacted by the following vote:

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

Recommendation on the Proposed Schetter Street Local Improvement District

Mr. Grile reported no action is required by the City Council and staff will be looking into expanding the proposed area for the local improvement district. The information will be presented to the neighborhood to see if there is interest in forming an LID.

Report on the Funding Status for Wastewater Construction Projects

Mr. Grile reported staff has prepared a modified wastewater capital improvements plan for this year cutting \$144,000. The cut is due to the anticipated ten percent increase not being enacted which was included in the budget. Councilor Stufflebean commented on receiving complaints from citizens who thought the increase was for OMI. Mr. Grile noted the City is in its fourth year with OMI without a cost increase. Gary Young, OMI Project Operations Director, reported their philosophy is to start at one end of the system and work to the other. It is an asset to the City to invest in the system and maintain quality of service. The entire system has been cleaned and there are a number of places needing replacement. Mr. Grile reported the City is serious about maintaining the system and a capital improvement plan has been in place for some time. He noted this will be the last year the system can be maintained at the current rate, and staff is aggressively seeking grants to continue with improvements. Mr. Grile commented even with the cuts, the City will be doing significantly more than in previous years and other cities of our size.

Councilor Stufflebean commented it has been five years since the last rate increase and expressed concern about the length of time between increases. He suggested the Council consider a one or two percent increase a year to cover the cost of inflation and to keep from getting further behind. Councilor McKeown commented the carryover included funding from projects not awarded or completed in the past year, and questioned a show of no carryover for 2000/2001. Mr. Grile reported part of the carryover was not committed to projects, and the zero carryover is in anticipation of spending everything committed to projects.

Councilor Spangler supported continued line maintenance and noted the sewer rates do provide some money for capital improvements; and the city just needs to continue at a slower rate. Mr. Grile reported \$456,480 is budgeted for projects this year and \$500,000 for winter emergencies. Mayor Verger asked if a motion was necessary and Mr. Grile responded consensus would do. Council consensus to agree with staff's recommendation to remove FY99/00 sewer replacement projects for Blossom Gulch, Michigan Avenue, and Walnut Avenue.

Public Comments

Mayor Verger explained many issues and concerns are brought to the Council under public comments. She reported the podium is open to the public, however, it is not to be used for character defamation or personal gain. As mayor she is charged with keeping the decorum of the council chambers. Councilor Spangler commented citizen's questions should be directed to the Mayor and not department heads.

Robert King, Coos Bay, reported some of the programs on the government access channel have very poor audio. Mr. King requested the city attorney respond to his letter of May 24th. He expressed concern

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regarding Council approval for Bay Broadcasting to use a city parking lot for a carnival when Mayor Verger and Councilor Miller have a business relationship with Bay Broadcasting. Mayor Verger commented that complaints about the Council should go to the Government Standards Commission.

Julia Spangler, Empire Community Association, reported citizens are concerned the signs indicating John Topits Park do not have the name Empire Lakes on them and requested this be added. The Association recommends the City look into renting the Ed Lund building.

Frances Cooley, Coos Bay, submitted a petition from homeowners in the Radar Hill area requesting Council action against the proposed Confederated Tribes' development. A homeowners association has been formed and they are concerned about property being removed from the tax rolls, and a low-cost housing development would decrease the value of their properties. Diane Crawford, Coos Bay, commented homes in this area are valued at \$225,000 to \$350,000 and feels the Tribes' project is not the best use for the land. The property has not yet been placed in trust and is located next to the Elks Lodge.

City Manager's Report

Mr. Grile reported dedication of F Street will be held tomorrow; staff met with the Downtown Association and invited the Association to schedule a town hall meeting on their recommendations for downtown parking; the city will hold a Y2K town hall on October 18th; and the Police Department will begin recruitment to replace Captain Jack Bushmaker who is retiring.

Mayor and Council Comments

Councilor Spangler reported he had attended a meeting with the Confederated Tribes regarding the proposed development and although the City was notified by letter of the project, he suggested improvement was needed in notifying the public.

Councilor Miller welcomed Chief Gibson back from Indiana and thanked staff for their efforts in compiling the recommendation for wastewater line projects and maintenance.

Councilor Benetti inquired when the Mingus tennis court project would be finished. Mr. Finney reported staff is waiting for figures for the work on the upper tennis courts and would be rebidding the project for the lower courts. Mayor Verger commented the lower court could have been left in place for use during the summer months. She noted Council was under the impression staff was ready to go on the project when they approved removal of the fence and nets. Mr. Finney said staff did not know the cost for paving would be so high. Councilors Miller and McKeown commented their votes were contingent upon resurfacing being more than paving and possibly would have voted differently. Councilor Benetti commented the east side of Bayshore should be posted for free parking and currently only one section is posted free. Staff will review.

Councilor Stufflebean clarified his earlier comment that bonding was a requirement in the Empire Urban Renewal Plan; instead, it is actually an option.

Councilor McKeown reported the pool house is coming along very well; he welcomed Councilor Stufflebean to the Boys and Girls Club Board; and suggested the Confederated Tribes be invited to attend a council meeting. Councilor Spangler suggested the Council take a position on the Tribes' proposed development. Councilor Benetti commented the Council can object, but basically, it will move forward. Mr. Grile noted his experience in these matters is that the ability to influence Indian land acquisition is limited.

Mayor Verger reported it is the responsibility of the Council to adopt criteria for evaluating the city manager and a draft evaluation form has been distributed for their review. Adoption of the criteria has been scheduled for the September 21st council meeting and the evaluation will be held in executive session on October 12, 1999. Mayor Verger reported the Focus program will begin on September 21st at Marshfield High School.

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Mayor Verger expressed concern about continuance of government access if both cities are franchised. City Attorney Tosh reported it is not a joint franchise and Coos Bay has independent authority. Mayor Verger commended Stephanie Kilmer on her job with government access. Councilor Spangler commented North Bend does support the government channel and suggested developing an agreement with them, and allow a non-profit to run public access. Mr. Tosh commented one of the problems is that currently the same equipment would be used for both and could be resolved if an agreement could be made with Falcon to put in the tapes for public access. Mr. Tosh explained that an intergovernmental agreement could be formed for government access between the government entities. Mayor Verger noted it has been a year since the talks first began. Councilor Spangler commented North Bend is very unclear on this matter.

Mayor Verger reported the Governor's New Carissa Committee will be meeting in Salem on the 29th and 30th for a final report to the Governor.

Executive Session

The City Council met in executive session pursuant to ORS 192.660 (1) (d) and (e) for the purpose of consulting with legal council regarding labor negotiations and real property transactions.

The Council reconvened into regular session.

Appointment of Sub-Committee/Coos Historical Society

Mayor Verger nominated Councilors Benetti and McKeown to serve on the Coos Historical Society sub-committee. Councilor Miller seconded the motion which passed with the Mayor and all Councilors present voting aye. City Attorney Tosh will contact the Historical Society to set up a meeting.

Adjournment

There being no further business to come before the Council, Mayor Verger adjourned the meeting to September 21, 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

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