

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

September 21, 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 Mayor Joanne Verger, Councilors Joe Benetti, Jeff McKeown, Don Spangler, Kevin Stufflebean, and Judy Weeks. Councilor Cindi Miller was out of town on City business. City staff present were City Manager Bill Grile, Acting Deputy Recorder Melanie Johnston, City Attorney Randall Tosh, Community Services Director Bill Finney, Fire Chief Stan Gibson, and Police Chief Chuck Knight.

WORK SESSION

Mayor Verger called the meeting to order and complimented Operations Management Inc., staff for their TV sewer line demonstration. Mayor Verger made a correction to the minutes of August 3, 1999 on page 102 to read "Councilor Weeks opposed raising the rates." Councilor Weeks said she would still like Chief Knight to be on the Fiber South Consortium Board and City Manager Bill Grile explained it should be an elected official. Chief Knight added he will still be on the user board as a non-voting member.

Mr. Grile reviewed the Oregon Department of Transportation (ODOT) Jurisdictional Exchange and commented the City would receive \$4.8 million dollars if the exchange is approved by the Council. Mr. Grile reported ODOT has a five year commitment for the Coos River Highway and if there is a major landslide within that time period, ODOT would make the repairs. Staff will be looking into purchasing a mini-street paver that could pave streets such as North Empire Blvd. Councilor Benetti asked why the widening of Newmark Avenue from Walmart to the "Y" went from a \$2,000,000 project to \$900,000, and if ODOT would be willing to deduct \$900,000 from the amount they want to give the City and complete the project. Mr. Grile responded that the \$900,000 project would be for three lanes instead of four, sidewalks on one side, and they could ask ODOT if they would be willing to do the project for the specified \$900,000. Councilor Stufflebean commented the only advantage he sees is it would solve the problem with the ingress/egress situation on Newmark Avenue. Mr. Grile briefly reviewed the Northwest Natural Gas Ordinance and noted the City would generate approximately \$2,000 annually in revenue.

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 approval of the minutes of August 3, 1999 and August 17, 1999 meetings. Councilor Weeks moved to approve the consent calendar with a

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correction to the August 3rd minutes. Mayor Verger correction to the August 3rd minutes. Councilor Stufflebean seconded the motion which passed with the Mayor and all Councilors present voting aye.

Operations Management International Annual Report

Gary Young expressed appreciation for the opportunity to report to the City how well OMI staff have done in the past year. Mr. Young distributed OMI's annual report to the Council and briefly explained their operations and maintenance plan for the wastewater system. Mr. Young presented Mayor Verger with a check in the amount of \$21,285.57.

Report from Marshfield High School Representative Meliah Masiba

Meliah Masiba announced Laurie Brands has been selected as Athlete of the Week and reported due to homecoming being three weeks early, they will not have class floats for the Homecoming Game on October 1st. Ms. Masiba reported there is a nine-way tie for Homecoming Queen and another vote will be taken to narrow it down to four. Ms. Masiba asked if the Council had anything they would like her to bring back to the Student Council. Councilor Spangler expressed disappointment in the students who built the Marshfield float for the Fun Festival parade and left trash for other people to pick up. Ms. Masiba said she would inform the Student Council. Mayor Verger commented she would again be crowning the Homecoming Queen.

Department Head Report by Police Chief Chuck Knight

Police Chief Chuck Knight reported the department is currently doing officer recruitment in anticipation of upcoming retirements and is also recruiting within and outside the department for the Captain's position. Chief Knight commended the volunteers who provide many hours of support for the department, reported on a recent FBI training session, and reviewed the City's Y2K contingency plan.

Presentation of the City's New Web Site by Jack Brown

The presentation was postponed to a future meeting.

Public Hearing – Old Wireless Lane Grant and Authorization to Apply for an Oregon Economic Development Dept. Grant

Community Services Director Bill Finney reported the property owners on Old Wireless Lane would like the City's assistance in applying for a \$20,000 grant to help with the \$36,000 they need to connect to the City's sewer system. Mayor Verger opened the public hearing; there being no comments to be heard, the hearing was closed. Consensus of the Council to authorize staff to proceed with the application.

Appointment of an Alternate Representative on the Enterprise Zone Board

Mayor Verger reported Councilor McKeown currently serves as the City's representative on the Enterprise Zone Board and asked the Council to ratify appointing Councilor Benetti as the City's alternate. Councilor Weeks moved to appoint Councilor Joe Benetti as the alternate. Councilor Spangler seconded the

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motion which passed with the Mayor and all Councilors present voting aye.

Appointment of a Representative to the Fiber South Consortium Board

Mayor Verger moved to appoint Councilor Don Spangler as the Council representative to the Fiber South Consortium Board. Councilor Stufflebean seconded the motion which passed with the Mayor and all Councilors present voting aye. Mayor Verger moved to appoint Chief Knight as the alternate to the Board. Councilor Weeks seconded the motion which passed with the Mayor and all Councilors present voting aye.

Enactment of Ordinance No. 280 Vacating a Portion of an Alley Located South of Fir Avenue Between North 8th and North 9th

Councilor Weeks moved to enact Ordinance No. 280 vacating a portion of an alley located south of Fir Avenue between North 8th and North 9th. Councilor Spangler seconded the motion and Acting Deputy Recorder Melanie Johnston read the ordinance by title only. The ordinance was enacted by the following vote:

Voting Aye: Mayor Verger and Councilors Benetti, McKeown, Spangler, Stufflebean, and Weeks

Voting No: None

Absent: Councilor Miller

Enactment of Ordinance No. 281 Vacating a Portion of an Alley Located North of Myrtle Avenue Between North 6th and North 7th

Councilor McKeown declared a conflict of interest on this matter. Councilor Weeks moved to enact Ordinance No. 281 vacating a portion of an alley located north of Myrtle Avenue between North 6th and North 7th. Councilor Stufflebean seconded the motion and Acting Deputy Recorder Melanie Johnston read the ordinance by title only. The ordinance was enacted by the following vote:

Voting Aye: Mayor Verger and Councilors Benetti, Spangler, Stufflebean, and Weeks

Voting No: None

Abstaining: Councilor McKeown

Absent: Councilor Miller

Approval of the Oregon Department of Transportation Jurisdictional Exchange

Mr. Finney reviewed the proposed jurisdiction exchange with the Oregon Department of Transportation (ODOT) and the process that has been before the City Council since March. Mr. Finney noted the Budget Committee had approved the exchange before forwarding it to the City Council. The transfer of ownership to the City would include a portion of Newmark Avenue, South Empire Boulevard, Coos River Highway, and all of Ocean Boulevard. The City would be responsible for the maintenance and upkeep of each street. Mr. Finney reported ODOT would still be responsible for any slides on Coos River Highway for the next five years, and the payments from ODOT would be made annually over a three-year period in the amount of \$1.6 million each year starting in January 2000.

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Councilor McKeown commented he had spoken with a representative from Bracelin and Yeager and was informed the dollars were a small fraction of what the City would incur by accepting responsibility for the streets. He also asked if the City would still be able to apply for grant dollars and ODOT Representative Paul Mather said the City would still be able to apply and possibly receive federal grant funds. Mayor Verger asked if the City received \$900,000 less would ODOT be willing to do the work on Newmark. Mr. Mather said it would be a low priority project as Highways 38 and 42 have priority. Councilor McKeown said if the State isn't prepared to do any work on the streets, why are they willing to give money to the City. Mr. Mather explained it's not that they won't do the work, it's just there's more pressing problems with the highways and 99 percent of the public is not aware that Ocean Boulevard, Newmark Avenue, and South Empire Boulevard are State highways.

Councilor Stufflebean asked Chief Knight if the streets were transferred to the City does it mean the State Police would not patrol them. Chief Knight said it would be a policy decision of the State Police. Councilor Weeks asked if the funds would be a dedicated fund or added into the general fund. Mr. Grile responded they would be dedicated funds and he would also have City Attorney Tosh research the possibility of an amendment to the City Charter.

Mayor Verger moved to approve staff recommendation No.1 approving the concept of the jurisdictional exchange with ODOT with the addition of staff getting more up-front money from ODOT, and deleting "utilization as outlined". Councilor Spangler seconded the motion which passed with the following vote:

Yes: Mayor Verger and Councilors Benetti, Spangler, and Weeks.
No: Councilors Stufflebean and McKeown.
Absent: Councilor Cindi Miller

Mayor Verger moved to approve staff recommendation No. 2 authorizing the execution of an Intergovernmental Agreement between the City and ODOT to accomplish the jurisdictional exchange. Councilor Spangler seconded the motion which passed with the following vote:

Yes: Mayor Verger and Councilors Benetti, Spangler, and Weeks.
No: Councilors Stufflebean and McKeown.
Absent: Councilor Cindi Miller.

Mayor Verger moved to approve staff recommendation No. 3 to invest the funds received from ODOT with the objective of maximized yield over a five-year investment period. Councilor Weeks seconded the motion.

Councilor Stufflebean stated staff can now proceed with the exchange and the Council should wait to have the full details on staff recommendations 3 through 5 before continuing. Councilor Benetti also agreed and noted this would give the Council time to discuss the other items. Mayor Verger withdrew her motion, and Councilor Weeks withdrew her second.

Adoption of Criteria for Evaluating the City Manager

Mayor Verger reported the City Manager's evaluation would be given in executive session on October 12, 1999, and reviewed the Criteria and Standards for the Evaluation of the City Manager. Mayor Verger asked for public comments or additions to the criteria and there was no response. Councilor Weeks moved to adopt the Criteria and Standards for the Evaluation of the City Manager. Councilor Stufflebean

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

Public Comments

Frances Cooley, Coos Bay, asked if anything had become of the petition she presented at the last meeting regarding the Tribal land located near Radar Road. Mayor Verger said the money was received the next day and the deal was finalized. She said nothing has been done as far as she knows about putting the land in trust or taking it off the tax rolls. Ms. Cooley said the petitioners do not want the land to be put in trust and they feel if anything is constructed on the property they would not have to build to current building code standards. Councilor Stufflebean commented that if the City has exceptions to the Tribe's development, he recommends the Mayor write a letter stating the City's objection to putting the land into trust and removing it from the tax rolls. Mayor Verger suggest a representative from the Tribe be invited to make a presentation to the Council about their plans. Ms. Cooley stressed the importance of talking to them right away before any decisions are made.

City Attorney's Report

City Attorney Randall Tosh reminded the Council of the upcoming hearing regarding the Fire Department's ULP on October 21, 1999, and the DEQ appeal at the end of the month. Mr. Tosh mentioned the GTE franchise agreement ended with the City in May, he feels the Council should look at amending the Utility Tax Ordinance instead of entering into a new agreement.

City Manager's Report

City Manager Bill Grile reported an Administrative Directive concerning E-mail and Internet Use for City employees has been established. Downtown parking was briefly discussed and Councilor Weeks commented the Parking Committee's recommendation was not to change anything for six months. Mayor Verger commented the six months will be up in October. Mr. Grile reported the City-wide brush pick up is underway and citizens need to call their local garbage handler or Community Services for information.

Mayor and Council Comments

Councilor Benetti expressed concern for pedestrian safety on North Bayshore near the Timber Inn. Councilor Benetti moved to establish the east side of Bayshore Drive as free parking. Councilor Weeks seconded the motion which passed with the Mayor and all Councilors present voting aye.

Councilor Stufflebean reported he attended his first Boys and Girls Club Board of Governors meeting, the gas pipeline meeting, and was present for the ribbon cutting ceremony for the Bay Area Transit System. Councilor Stufflebean commented the youth that visited City Hall from South Coast Business Employment Corp. were completely enthusiastic when they returned.

Councilor McKeown commented it was nice to have Councilor Stufflebean at the Boy's and Girl's Club meeting. Councilor McKeown reported on the Livability Committee meeting and everyone will be receiving an invitation when the Committee is ready to present their proposal.

Councilor Weeks reported she would be attending the OCZMA meeting in Councilor Spangler's place while he is out of town.

Councilor Spangler commented the Fun Festival was a success and there was concern about vehicles in the Cruz the Coos driving without lights.

Mayor Verger reported Councilor Miller represented the City at the Census 2000 meeting in

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Portland. Mayor Verger complimented Julia Spangler on the parade float and reported a few of the Mayors from other cities rode with her on the float. The Mayor from Tualatin ran in the Prefontaine race and the Mayors also enjoyed a trip on the Rendevous. Mayor Verger mentioned the City will not be enforcing downtown parking during the months of November and December.

Executive Session

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

The Council reconvened into regular session.

Adjournment

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