

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

October 19, 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 p.m. with a public hearing 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, Kevin Stufflebean, and Judy Weeks. Councilor Spangler was absent. 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, and Police Chief Chuck Knight.

PERIODIC REVIEW

Public Hearing

Planning Administrator Laura Barron reviewed Work Tasks 8 and 10 of the periodic review. Task 8 requires an inventory of urban fish-bearing corridors within the City and development of standards for protection of the area surrounding the corridors. Task 10 requires a Plan policy on natural hazards. Ms. Barron reported the Planning Commission has held three public hearings on these matters, and explained the areas considered for riparian vegetation designation were defined by the Oregon Department of Fish and Wildlife where fish bearing streams were located. The Empire Lakes were not included because a riparian standard and a master plan for development are already in place. Ms. Barron reported the proposed provision to protect the riparian vegetation along the designated streams provides for a 50' riparian area. The proposal has provisions to allow for a 25' reduction if there is inadequate space on the property to develop. There are two variance options available to landowners/developers. The first option requires justification that the deviation from the standards is necessary and that the landowner should be able to enjoy his land as other of the same zone. The second variance option requires the property owner to demonstrate that the proposed development would not negatively impact habitat for wildlife, fish and other aquatic life, would not negatively impact water quality for human uses and for aquatic life and would not cause erosion, produce sedimentation or increase the effects of flooding.

Ms. Barron read the public hearing disclosure and Mayor Verger opened the hearing for public comments. Keith Topits, Coos Bay, commented the designation of a stream with fish on the Topits property near Chickses Creek is actually a ditch and contains no fish. Mr. Topits explained Chickses Creek does not go dry because the level of the lakes is maintained and the fish come from the lake. William Stratton, Coos Bay, expressed concern about the affect of the ordinance would have on developing his seven lots that have a creek running through three of the lots. Vernon Brown, Coos Bay, reported on the removal of a house that had been condemned, cleaning up the property and planting trees along the creek. He suggested if the Council enacted the ordinance, a grandfather clause be included so he could rebuild on the property.

Dorothy Beasley, Thompson Road, expressed concern that an analysis of the sites to be protected has not been completed, and suggested the ordinance does not follow the Coos Bay Comprehensive Plan. Ms. Beasley commented an economic analysis was not done and the value of the property has not been taken into

City Council Minutes — October 19, 1999

account. Phyllis Garret, Coos Bay, inquired if the State was dictating the 50' zone. Ms. Barron reported it is a starting point and is used by the Corp of Engineers and in the Safe Harbor Act. Ms. Garret expressed concern about who would keep the streams clean, noting her family has maintained the stream on their property. She expressed concern that everyone affected by the ordinance should be contacted.

Walter Meek, Lebanon, expressed concern about protection of the fish and commented the current laws are not being enforced. Mr. Meek commented with a 50' setback he would lose the use of his property. Charlotte Statton, explained she is part owner with Mr. Meek and expressed concern how the ordinance would affect owners of undeveloped property. She commented the City does not need to take action at this time and does not have the expertise to develop the regulations. Ms. Stratton expressed concern about the cost of applying for a variance borne by the property owner and recommended a no vote on the ordinance.

Robert Russell, Coos Bay, reported his property borders Pony Creek and expressed concern that with the 50' setback he would not be able to develop the property and has already paid a sewer assessment. James Argyle, Coos Bay, reported his property is not developed, what has been designated a creek is not really a creek and the ordinance would basically render his property undevelopable. Joe Griffey, Coos Bay, asked the Council to consider what would happen if the ordinance is not enacted and reported the reason there are fish in some of the streams is because citizens have made it possible.

There being no further comments to come before the City Council, Mayor Verger closed the public hearing. Ms. Barron explained ODF&W only provided the maps and documentation of fish-bearing streams and DEQ is not involved in the process. Mayor Verger inquired about the determination of 50' as the setback required. Ms. Barron reported 50' has been used by many agencies and is included in the administrative rules for Goal 5. Mr. Grile added that Coos County has used 50' for setback since 1983. Mayor Verger commented the City is not required to follow Goal 5 at this time. Ms. Barron reported the Planning Commission did review the options, and one option is to do nothing; however, the Commission recommends dealing with the riparian issue now. Councilor Benetti commented in four to ten years when the City is again in Periodic Review, the political nature will have changed and requirements could be different; the City is not mandated to take any action at this time.

Councilor Miller expressed concern the ordinance would take property away from people and keep them from developing their own property. Ms. Barron commented a variance can be applied to situations of this nature. Councilor Stufflebean commented the Planning Commission is trying to do what is best for the City, however, he is concerned about layering another level of restrictions on citizens and is not in favor of the riparian ordinance. Councilor Benetti commented the requirements would impact people financially and without compensation.

Mayor Verger reported part of the hearing was for Ordinance 284 involving natural hazards. Ms. Barron reported the ordinance would amend the Comprehensive Plan regarding areas that would be affected by a Tsunami or earthquake. Mr. Grile inquired what the consequence for the City would be if the riparian requirement is not enacted. Ms. Barron reported the work program would need to be amended to remove the task with LCDC. Mr. Grile commended Ms. Barron and the Planning Commission for the work they have done. He noted the administrative rule was set forth by LCDC and some cities and counties have met Goal 5. Mayor Verger commented if the Council takes no action, Ms. Barron could come back at a later time with a request for the Council to ask LCDC to remove Task 8.

Enactment of Ordinance No. 283 Amending Land Development Ordinance No. 93 for Riparian Vegetation and Adoption of Resolution 99-30 Amending the Comp Plan

Council declined to enact Ordinance No. 283.

City Council Minutes — October 19, 1999

Enactment of Ordinance No. 284 Amending the Coos Bay Comprehensive Plan for Natural Hazards

Councilor Benetti moved to enact Ordinance No. 284 amending the Coos Bay Comprehensive Plan for natural hazards. Councilor Weeks seconded the motion. Deputy Recorder Joyce Jansen read the ordinance by title only and the Council was polled with the following results:

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

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 the September 7, 1999 meeting, appointment of the voting delegate for the League of Oregon Cities Conference, setting a public hearing for the Coos Bay-North Bend Water Board's application for a grant, adoption of Resolution 99-31 accepting DUII and Safety Belt overtime enforcement grant funds as attached hereto, Breast Cancer Awareness Proclamation, and adoption of Resolution 99-32 increase the aggregate credit limit of the City VISA account as attached hereto. Councilor Stufflebean moved to accept the consent calendar as presented. Councilor Miller seconded the motion which passed with the Mayor and all Councilors present voting aye. Mayor Verger read the proclamation to the assembly as attached hereto.

**Report from Marshfield High School Representative
Meliah Masiba**

Meliah Masiba reported the seniors won the class spirit contest, Trevor Woods was September Boy of the Month, and Tracy Griffin was named Homecoming Queen. The MaHi Times will be coming out soon, construction is underway on the new building, and the band has been busy traveling around the state. Ms. Masiba commented Lori Brands will make the report to the City Council next month.

**Department Head Report from Community Services
Director Bill Finney**

Community Services Director Bill Finney commended Planning Administrator Laura Barron for doing a superb job for the City. Mr. Finney reported the City applied for and received a grant from DEQ for a Brownsfield pilot program to assess the environmental impact on properties in the Front Street area. The brush pick up was completed last week and went very well with only a few minor problems which were addressed early in the process. Mr. Finney distributed the updated Project Status Report and commented the Mingus Park lighting project has been completed. Mayor Verger reported the F Street project has been completed with the addition of reflectors and striping.

Introduction of Captain Washburn by Chief Knight

Police Chief Chuck Knight briefly reviewed the application process for Captain which included a written exam, three panel interviews, a group exercise, oral presentation, and a personal interview with the chief. Chief Knight reported Captain Washburn joined the Coos Bay Police Department in 1975, is very active in the community, is responsible for bringing the DARE and Safety Town programs to the city, and is well known in the department for employee development and motivation, and community oriented policing.

Chief Knight introduced Captain Eura Washburn to the assembly. Captain Washburn commented she is looking forward to working with the City Council and Chief Knight in this new capacity. Captain Washburn was congratulated on her promotion by Mayor Verger and City Councilors.

Approval of a Right of Way Use Permit for School District 9 – Bleachers at Sunset School

Community Services Director Bill Finney reported right of way use permits are usually processed by staff, however, construction of the Sunset School bleachers is actually in the right of way and requires Council approval. Mr. Finney commented it was a very good project and would greatly benefit the school's athletic program. Councilor Weeks moved to approve the right of way use permit for School District 9 for bleachers at Sunset School. Councilor Miller seconded the motion which passed with Mayor Verger and all Councilors present voting aye.

Approval of the Jurisdictional Exchange Plan with the Oregon Department of Transportation and Authorization to Enter into an Agreement

Mayor Verger commented this matter has been discussed previously and it is a difficult decision to make for the future of City streets. Mr. Grile reported the Oregon Department of Transportation (ODOT) has offered \$2 million upfront for the first year. He noted in the last two decades ODOT has not spent much on the maintenance of the streets in question and with limited State funding available, may not be spending much in the near future. Mr. Finney commented ODOT is anxious for this proposal to work out and is willing to provide maintenance for Coos River Highway. Mr. Grile noted ODOT funding would be allocated to other projects in the region if the City does not go through with the transfer of jurisdiction, and it would be a significant benefit to Coos Bay to have the funding for the City.

Councilor Weeks reported at a recent CPACT meeting accountability measures were discussed and three modernization projects have been scheduled for our region in Bunker Hill, Coquille and Winston. Councilor Miller supported the exchange with concern about maintenance of the Coos River Highway. Mr. Grile commented no funds would be spent until next year's budget and staff would receive direction from the Budget Committee on any expenditures. Councilor Benetti recommended the funds be designated for streets only and the money be invested for five years before any expenditures are made. Mayor Verger commented at one time the Council had discussed making improvements to Newmark Avenue from the College to the Y intersection. Councilor Benetti suggested contacting the College about contributing to the improvements.

Councilor Stufflebean expressed concern about the City's liability of taking responsibility for 22 miles of roads. Mayor Verger noted that Ocean Boulevard and Newmark Avenue look like city streets, and commented the last legislative session reviewed closely the performance of the Oregon Department of Transportation. Mayor Verger supported the exchange and recommended the funds be invested in order to do the street maintenance. Mr. Grile commented the \$4.8 million, plus interest, would go back into the local

City Council Minutes — October 19, 1999

economy as local construction companies would be doing the work.

Mayor Verger moved to approve the jurisdictional exchange with the Oregon Department of Transportation. Councilor Miller seconded the motion. The motion passed with Mayor Verger and Councilors Benetti, Miller, and Weeks voting aye and Councilor Stufflebean voting no. Councilors Spangler and McKeown were absent.

City Attorney's Report

City Attorney Randall Tosh reported a brief has been filed with DEQ on Thursday, and an amendment to the municipal court ordinance will be coming to the Council in November. Mr. Tosh reported there is a need to appoint a judge pro tem for times when Judge Hinrichs will not be available and he suggested attorney Dave Tilton be named. Consensus of the Council to appoint Mr. Tilton.

City Manager's Report

City Manager Bill Grile reported the League of Oregon Cities will hold a public forum on the building codes program at city hall on Thursday; the town hall on the City's Y2K program went very well last evening, the contingency plan for New Year's Eve is in place; and the investigation of the Mingus Park bath house fire indicates the fire was an intentional act.

Mayor and Council Comments

Councilor Weeks reported the Coos County Board of Commissioners is seeking candidates for the Regional Investment Board to disburse grant dollars from lottery funds; and she is working with Sherry Shang of OEDD to do a local survey.

Councilor Miller congratulated Charleston Elementary School on obtaining funding for their band program; and reported the Downtown Association will be kicking off the season with a pre-holiday open house for Unicom on Thursday.

Councilor Benetti thanked Mr. Grile for taking care of the Burger King sewer lateral problem; commented the Mingus Park lights look great; and reported the Jazz festival will not take place in 2000 but hope to re-organize and come back the following year.

Councilor Stufflebean reported attending the open house at the Fire Department; the Blossom Gulch meeting went well; and the South Coast Business Employment Corp. will hold Business after Hours on November 4th.

Mayor Verger reported Rob Schab was the guest on the Focus show to report on the Water Board's water enhancement project, and upcoming programs will feature John Betz from the New Carissa Board and City Manager Bruce Meithof from Coquille. Mayor Verger commented plans for the City's downtown tree lighting program are underway and will again be co-sponsored with the Downtown Association. She noted the Bay Area Lab Band will provide music at the League of Oregon Cities Conference in Eugene next month.

Adjournment

There being no further business to come before the Council, Mayor Verger adjourned the meeting to November 2, 1999 at 7 p.m. in the Council Chambers of City Hall.

City Council Minutes — October 19, 1999

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