

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

May 16, 2000

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 Jeff McKeown, Cindi Miller, Don Spangler, Kevin Stufflebean, and Judy Weeks. Councilor Joe Benetti was out of town on business. 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.

WORK SESSION

Mayor Verger welcomed the Milner Crest first and second graders to city hall and invited the children to sing their Coos Bay song. Mayor Verger reported the draft ordinance was brought to city's attention approximately a year ago by a citizen. City Manager Bill Grile commented there are a number of communities that have similar requirements for keeping property in shape and the City's current ordinance basically enforces where there is a fire hazard. Mayor Verger commented there should be a public hearing on the proposed ordinance. Councilor McKeown expressed concern that it is possible that situations may be a matter of interpretation. Councilor Weeks commented the ordinance is directed at properties that have been let go. Mayor Verger inquired if there was a way to accomplish the desired results without another ordinance. Mr. Grile noted there is the public education approach, such as the Chamber Enhancement Committee and the Government Access Channel. Councilor Spangler commented this type of ordinance requires the maximum amount of input from the public and suggested contacting organizations such as the realtors, homebuilders associations, tourism promotions committee and others.

Mayor Verger reviewed the remainder of the agenda and Mr. Grile introduced Linda Kimberly, manager of Charter Communications.

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 from the April 4, 2000 meeting, approval of annual OLCC license renewals for Abby's Legendary Pizza, Backstreet Saloon, Belle Bee Tavern, Benetti's Italian Restaurant, Blue Heron Bistro, Canned Foods Grocery Outlet, Consumers Warehouse (Fred Meyer), Eagles Lodge #538, Englewood Market, Kleoni's Blue Moon Café, Kum Yon's Restaurant, Lighthouse Grocery & Deli, Molly's The Pizza Parlor, Puerto Vallarta Restaurant, Silver Dollar Tavern, Sunset Pub, Timber Inn Restaurant, and Wanda's; and setting a Planning Commission

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hearing for June 13, 2000 for Empire Design Standards. Councilor Miller moved to approve the consent calendar as presented. Councilor Weeks seconded the motion which passed with the Mayor and all Councilors present voting aye.

Presentation of Certificates of Appreciation by Mayor Verger

Mayor Verger presented a certificate of appreciation to Chris Christoffer for his service as the City's representative on the Community Action Board from July 1999 through April 2000. Mayor Verger expressed the City Council's appreciation to members of the Livability Committee for their work in developing a plan and strategy for economic development of the area. The result of the committee's work was the establishment of the South Coast Development Council. Members of the Livability Committee included Coos Bay City Councilor Jeff McKeown, North Bend City Councilors Janet Rubin and John Briggs, County Commissioner Nikki Whitty, John Sweet of Sause Bros., John Stephens of Roseburg Lumber Co., Timm Slater of Weyerhaeuser, Allan Rumbaugh of the Port of Coos Bay, and Arnie Roblan representative from FONSI.

Report from Marshfield High School Council – Meliah Masiba

Meliah Masiba reported this would be her last report to the City Council before graduating from high school. She thanked the Council for helping create a link with Marshfield High School and the community. Meliah reported Christine Lewis was chosen as Senior Prom Queen and Trevor Woods as Senior Prom King. The last band concert of the year was held tonight, Trevor Woods was crowned at Mr. MHS and over \$14,000 was raised by those participating in the pageant, and the end-of-the year assembly will be held on Thursday. Mayor Verger presented Meliah with a card and bouquet in appreciation for reporting for the past two years to the City Council.

Department Head Report by Chief Stan Gibson

Fire Chief Stan Gibson reported volunteer firefighters Steve Schniederma, Jon Eck, Mike White and Brett Whitmiller recently attended specialized training in Emmitsburg, Virginia. The training was paid for with federal dollars and brings volunteers from all around the country for training, exchanging ideas and information. All found the experience very rewarding and expressed appreciation for the opportunity to attend the academy.

Public Hearing – Charter Communications Annual Report by Linda Kimberly

Mayor Verger reported the hearing as advertised in the newspaper is a request for public comments on the operations of the cable television system. Linda Kimberly, manager of Charter Communications reported the city manager has been very helpful, the performance report of the company is excellent and meets or exceeds FCC requirements. Ms. Kimberly reported a rate increase is scheduled for June 1st and notification has been sent to the city and customers. Changes in programming include collapsing the SAT paks, and expanding basic; customers will not be required to have a converter for SAT paks; and digital programs will be offered beginning this summer. Ms. Kimberly reported Charter will pay for running fiber to the Ed Lund building to allow the government access channel to move into the building. Charter's overall plan is to rebuild the system and upgrade to add digital and internet within the next two years.

Gary White, Coos Bay, commented the increase in the basic service is hard on low income citizens

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and suggested leaving basic at its current level. Ms. Kimberly reported the increase for basic is \$.95 and a ten percent discount is offered to senior citizens.

There being no further public comments Mayor Verger closed the public hearing.

Presentation by the Confederated Tribes Regarding the Alishanee Bowling Recreation Center

Frances Somday reported the Confederated Tribes are excited about the development of the Alishanee Recreation Center as a family recreation facility. He reported that the facility was designed in the Northwest style architecture and would be located at Wallace Avenue and Ocean Boulevard on four acres of Tribal land. The facility would feature the latest equipment, a sports bar and grill, restaurant, pro shop and cosmic bowling. Mr. Somday commented there has been an increase since 1998 in the number of arrests of youth for involvement with drugs and alcohol, and it is the Tribe's belief that the facility would give youth a place to go. Currently there is only one bowling alley in the area and the Tribe has met with the owner to advise them of the Tribe's proposal. The Tribe is seeking Economic Development Block grant funds and financing and at this time is seeking the support of the City Council for the project. Mayor Verger asked if a marketing analysis had been completed and Mr. Somday responded it was done two years ago. The land was donated to the Tribe and then placed in trust. Mayor Verger asked how important the City's letter of support was to the project. Mr. Somday stated the HUD grant requires letters of support. He commented by working together the two governments could gain a better understanding of one another and develop agreements for providing City services. Mr. Somday commented it would be more economical for the Tribe to fund additional officers for the City rather than build their own police force.

Bob Madichek, owner of the North Bend Lanes, stated his opposition to the project is for economic reasons, and commented that tournament bowling is not a frequent event. The interest in bowling is down and in the past few years maintaining the business has been a struggle. Maliah Masiba, Coos Bay, commenting on behalf of young people, stated the juveniles in the statistics are generally not those who can afford to spend money in these types of facilities. Mark Matichek, North Bend, reported they support high school bowling teams, provide free bowling to high school kids, and it is an affordable family sport. He noted the market is extremely competitive and it is difficult to get league bowlers.

Mayor Verger asked what the time line for the project was and Mr. Somday reported if the HUD grant is received by May 24th, construction could begin in the fall and open Spring 2001. Mayor Verger commented the City does not have the authority to say whether the facility is to be built, and asked that the Council have time to consider whether they will submit a letter of support for the project.

Newmark Avenue Improvements – Report from Andy Nasburg

Andy Nasburg, Coos Bay, reported developers meeting with prospective businesses support the City Council in adopting a plan for the development of the Newmark/LaClair area. Mr. Nasburg stressed the importance of assess to property in order for development to take place. Mayor Verger noted the Council has previously discussed improvements to Newmark Avenue and there is also a need to rezone the area. Mr. Nasburg commented these are two separate issues. Councilor McKeown inquired who would develop the plan for making the improvements and Mr. Nasburg responded the City would contract with an engineering firm. Councilor Spangler moved to conduct an engineering study of the Newmark area for an access plan. Councilor Miller seconded the motion. Mr. Grile suggested staff draft an RFP and bring to Council for review and noted eventually the City will need an engineering plan for the whole area. The question was called and the motion passed with the Mayor and all Councilors present voting aye.

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Approval of the Final Plat for Holloway Mews Subdivision and Adoption of Resolution 00-18

City Manager Bill Grile reported staff is requesting the City Council review the final plan and written material supplied by the applicant, staff, and other agencies. The Council may approve it or direct the applicant to bring it in conformance with the approved preliminary plan. The Council shall consider: if the plat or map conforms to the requirements of the ordinance, if the plat or map conforms to the approved requirements of the preliminary plat, and if all conditions have been satisfied and all supplemental documents are satisfactory. It is recommended the City Council grant final approval for the Holloway Mews subdivision and adopt Resolution 00-18 confirming final acceptance of all public improvements. Councilor Spangler moved to approve the final plat for Holloway Mews Subdivision and adopt Resolution 00-18. Councilor Miller seconded the motion which passed with the Mayor and all Councilors present voting aye.

Award of Contract – Cathodic Protection Project for Wastewater Facilities at Isthmus Slough and Pump Stations 9 and 10

City Manager Bill Grile reported a system to protect subterranean wastewater facilities at Isthmus Slough and Pump Stations 9 and 10 has been designed which will prevent the rusting of submerged metal components by eliminating electrolysis or deterioration. This protection was originally installed in the 70s and recent testing has revealed the systems have been consumed or damaged. The ductile iron pressure pipe which crosses under Isthmus Slough poses a large potential liability for the City should the line rust and release raw sewage into the waters of Coos Bay. Two bids have been received; Cathodic Protection Engineering for \$52,579 and Crisman Drilling for \$50,758. Although the bid exceeds the project estimate by \$7,758, there is adequate funding in the Wastewater Construction Fund to complete the project. Councilor Weeks moved to award the bid to Crisman Drilling in the amount of \$50,758. Councilor Miller seconded the motion which passed with the Mayor and all Councilors present voting aye.

Continuation of the Hearing for Determination of Public Nuisance at 1432 Newmark Avenue

Building Codes Administrator Joe McClay reported the proceeding are a continuation of the February 15, 2000 hearing concerning four mobile homes located at 1432 Newmark Avenue. At the February 15th hearing the City Council had given Mr. Manoucher Olayee 90 days to make the necessary repairs and Mr. Mark Bryner was given 60 days. Mr. McClay reported trailer No. 1 has a placement permit, additional permits are still needed for repairs and several items still need to be addressed. The foundation has been taken care of and tie downs installed. No progress has been made on trailer No. 8 which was damaged by fire, no permits or work has been done on trailer No. , and Mr. Bryner has not taken out permits on trailer No. 6. Mr. McClay reported if the buildings are declared dangerous the owners would be required to abate, if not done, the City would do it.

Mr. McClay reported meeting with Mr. Olayee and Mr. Bryner on February 18th to discuss the process to follow in order to bring the trailers up to code. A letter was sent to Mr. Olayee on February 27, 2000 stating the rules and ORS he was sited under. The Coos Curry Housing Authority annual state inspection was done March 2, 2000. At that time the City's posting of unsafe to occupy had been removed and Mr. Olayee stated that since the City Council had not declared the buildings dangerous, residents moved back into the trailers.

Mr. McClay referred to exhibit Nos. 20, 21 and 22 from the February 15, 2000 hearing. He noted 60 days were up April 15, 2000 for Mr. Bryner. No permits have been issued and no violations abated.

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A stop work order was posted on trailer No. 1 on May 1st due to the requirements for a major repair not being met; presented as Exhibit No. 23. The exhibits submitted for the record shall be kept with the permanent record in the Community Services Department, Codes Division. The requirements were explained to Mr. Olayee on May 2nd, work resumed May 3rd and again was sited for stop work; Mr. Olayee came in to city hall for a permit and it was explained again how to draw plans and what permits were required. Plans were faxed to city hall on May 9th and were not adequate. Mr. McClay reported the buildings are dangerous, he has worked with Mr. Olayee for three years to get the trailers in compliance, and encouraged the City Council to consider the matter carefully.

Mr. Manuel Hernandez commented a permit is not required for minor repairs and the work needed on trailer No. 9 is for minor repairs. He reported Mr. Olayee has complied with requirements and is frustrated because every time he works to meet the Council's requirements, he receives a stop work order. Mr. Hernandez reported trailer No. 9 does not need the state insignia because it is Mr. Olayee's residence. Other buildings within the city are posted unsafe and the owners have not been brought before the City Council. Mr. Hernandez suggested discrimination against Mr. Olayee is taking place.

Councilor Spangler inquired if Mr. Olayee had a copy of the permit and Mr. Olayee stated he did. Councilor Spangler inquired if the permit was to repair the trailer and Mr. Olayee said it was for set up, not repairs. Mayor Verger noted a placement permit is separate from a permit to make repairs. City Attorney Randall Tosh reported permits are not the issue; the condition of the buildings is the issue and whether or not a repair is minor or major is at the determination of the building official. If a citizen disagrees with the building official, he may appeal to the Building Codes Board. The stop work orders were issued based on work going on for which no permits were obtained. A permit was obtained three years ago, the work was not finalized and the permit expired and is no longer in effect. Mr. Olayee stated he had called the City for a finalization and the inspector did not show up.

Mr. Tosh commented the City has a long history of working with Mr. Olayee and his statements do not coincide with the record. Mayor Verger commented the buildings were brought to the Council because staff has determined they are dangerous to live in. Mr. Hernandez responded trailer No. 9 has been inspected by HUD and passed. Mr. Grile reported this matter has taken considerable staff time and other needs are going unmet.

Gary White, Coos Bay, commented the City has been very fair and astute of the problems going on, but where were the inspectors seven years ago. Mr. Olayee has made many improvements since purchasing the property. Mr. White stated the City's inspectors have been unfair to Mr. Olayee. Darrell Davis, Coos Bay, reported he lives in Apt. 3 and trailer No. 9 is nice; trailer No. 1 just needed a simple window replacement. Mr. Davis commented it is a family park and needs only a few improvements. Roy Soriano, Coos Bay, commented the inspectors are prejudice and suggested the Council find out why; Mr. Olayee is a nice, hard working guy.

Mayor Verger commented policies, building codes, and ordinances are set by the Council; City staff are doing their job and have no benefit by being fair or unfair. The decision is simply whether the trailers are dangerous for occupation. Mayor Verger said she is willing to give two weeks for making the necessary repairs and while Mr. Olayee is trying, he needs to be a little more respectful of what City employees are doing. Councilor Weeks commented she has reviewed the situation thoroughly and is confused why permits were not obtained and work done without permits. Councilor Weeks suggested giving two more weeks would defeat the purpose. Councilor Spangler reported Mr. Olayee made a commitment to the Council at the February 15, 2000 hearing to complete the necessary repairs within 90 days. Councilor Miller agreed that Mr. Olayee had made a commitment to get the work done in the 90 days, and commented that City staff have always been very fair with the public. Councilor Stufflebean commented the Council had made sure at the February 15th meeting that Mr. Olayee understood the work would be completed in 90 days and staff have worked with Mr. Olayee in getting permits and help. Councilor Stufflebean stated staff has never been

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prejudice and he would not support an additional two weeks. Councilor McKeown expressed concern about Mr. Bryner being able to complete the necessary repairs. Mr. McClay reported the electrical wiring has been done to Mr. Bryner's trailer, but no permits have been taken out for the repairs. Mr. Bryner reported the other work is minor repairs which have been done and he has been living in the trailer since March 1st. Councilor Spangler inquired if Mr. Bryner's trailer is safe and Mr. McClay responded the state inspected for compliance of electrical in October.

Councilor Weeks moved to adopt 00-20 declaring certain buildings located at 1432 Newmark Avenue, Coos Bay, Oregon public nuisances and ordering abatement. Councilor Spangler seconded the motion. City Attorney Tosh stated the motion needs to set a time. Councilor Weeks amended her motion to set May 30, 2000 time limit. Councilor Spangler amended his second and the motion carried with the Mayor and all Councilors present voting aye. Councilor McKeown moved for a continuance of 30 days for Mr. Mark Bryner for inspection of Unit No. 6. Councilor Weeks seconded the motion which carried with the Mayor and all Councilors present voting aye.

Public Comments

Jane Hatfield, North Bend, commented Mr. Olayee has joined the rental owners association and has greatly improved his property. There is a need for affordable housing in the community which he is providing. Ms. Hatfield stated Mr. Olayee is trying to be a good landlord and is obeying landlord/tenant laws. Mr. Hernandez requested a copy of the resolution and asked if there would be a problem with getting the appropriate permits. Mayor Verger reported offices open at 8 a.m. and reminded Mr. Hernandez there is a time limit for completing the necessary improvements.

Adjournment

There being no further business to come before the Council, Mayor Verger adjourned the meeting to June 6, 2000 at 7 p.m. in the Council Chambers of City Hall.

ATTEST:

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

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