

# **MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL**

**February 6, 2001**

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. in the Council Chambers at City Hall, 500 Central Avenue, Coos Bay, Oregon.

## **Those Present**

Those present were Mayor Joe Benetti and Councilors Anna Marie Larson, Jeff McKeown, Don Spangler, Kevin Stufflebean, and Judy Weeks. Councilor Cindi Miller was absent. City staff present were City Manager Bill Grile, Deputy Recorder Joyce Jansen, City Attorney Randall Tosh, Finance Director Janell Howard, Police Chief Chuck Knight, and Community Services Director Shanda Shribbs.

## **Flag Salute**

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

## **Consent Calendar**

Mayor Benetti noted the addition of an agenda item to introduce the director of South Coast Development Council and the removal of the agenda report on the Coos Bay-North Bend 911 project.

Mayor Benetti reviewed the consent calendar which consisted of adoption of Resolution 01-04 appropriating funds received from insurance proceeds to replace property and approval of an OLCC license for the Coos Bay Elks Lodge BPOE #1160. Councilor Stufflebean moved to approve the consent calendar. Councilor Weeks seconded the motion which passed with the Mayor and all Councilors present voting aye.

## **Award of Appreciation Certificates for Service on Budget Committee, Design Review Board and Parks Commission**

Mayor Benetti recognized Gus Langley for ten years of service on the Parks Commission, Julia Spangler for service on the Budget Committee, and Patrick Momsen and Clifford Plummer for their service on the Design Review Board.

## **Introduction of the Executive Director of the South Coast Development Council**

Councilor McKeown introduced Melinda Anderson as the new director of the South Coast Economic Development Council.

## **Presentation of Proclamation by Jaycee President Kristie Bishop**

Melanie Johnston, representing the Bay Area Jaycees, read the proclamation for Jaycee Week to the assembly, as attached hereto and made a part of the record. Councilor Spangler moved to adopt the Bay Area Jaycees Week proclamation as presented. Councilor Weeks seconded the motion which passed with the Mayor and all Councilors present voting aye. Jaycees President Kristie Bishop explained the mission of the Jaycees is to provide young adults with an opportunity to develop management skills by participating in inactivities in the community. The local chapter of the Jaycees has been in the Bay Area for 49 years and has

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accomplished such things as the development of Boynton Park, the annual children's Christmas shopping project, and management of the Blackberry Arts Festival.

### **Report from Marshfield High School by Nick Gerritsen**

Marshfield High School representative Nick Gerritsen reported students recently helped teachers make the move into the new math and science building and an open house of the building will be scheduled in the near future. The East Branch building will be torn down next month and the area will be developed as a parking lot. The cheer team placed 5<sup>th</sup> in State competition, swim and wrestling meets will be held this week, and the Farwest League District will be held at MHS February 16<sup>th</sup> and 17<sup>th</sup>. Spring sports will begin at the end of February and the new track is ready for use.

### **Department Head Report by Finance Director Janell Howard**

Finance Director Janell Howard reported staff has just returned from training on the new financial software and the new system is being implemented. There is considerable work to do before the system is fully functioning, but once done, the system will allow staff better access to information and files. Preparation of the proposed FY 2001/2002 has begun and the first budget committee meeting is scheduled for April 19<sup>th</sup>.

### **Welcoming the Confederated Tribes as Channel 14 Subscribers**

Carolyn Slyter, Vice-Chair of the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians, reported the Tribe is happy to announce their participation in the government access channel and presented Mayor Benetti with a check for \$7500. Vice-Chair Slyter commented the subscription solidifies the Tribes' excellent relationship with the City and community and will give the Tribe an opportunity to educate citizens on the Tribe's role in the community.

### **Report by Downtown Association President Jay Noggle**

Jay Noggle, President of the Downtown Association, reported the Association is reviewing the merits of the Anderson Alternative. He introduced Nissa McPherson of Rite Aid and Ms. McPherson commented the parking in the downtown area is a problem for many of their customers. She supported moving ahead with the Anderson Alternative and commented Rite Aid is looking at other locations but with additional parking their current location is satisfactory. Mr. Noggle commented downtown businesses require a good amount of foot traffic to be successful and he has received a lot of positive feedback from downtown businesses. Mr. Noggle reported the Pottery Company is moving to downtown from Pony Village Mall this week and will be located on Anderson Avenue; the Bridal Fair will be held on Saturday at Old City Hall; and plans for the Farmer's Market are proceeding.

Councilor Spangler inquired what position the Downtown Association has on converting one-way streets into two-way streets. Mr. Noggle indicated he could not speak for the Association, but personally feels something must be done to encourage traffic into the downtown area. Councilor Spangler encouraged the Downtown Association review the traffic pattern and make a recommendation to the Council. Mayor Benetti commented the Anderson Alternative could be a benefit to business, however, businesses have not expressed to the Council their support for the project. Councilor McKeown supported the Anderson Alternative but would like downtown businesses to let the Council know if they support the plan. City Manager Bill Grile suggested the item be placed on the next agenda for further review and staff would make information on the plan available to the Association and downtown businesses. Mayor Benetti commented he would like to see interest generated by the businesses rather than the City push the plan. Councilor Larson did not support the

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changes but would support opening up Central Avenue to traffic. Mr. Noggle reported after some research, he found it is more cost effective to do the Anderson Alternative than open up Central.

### **Appeal of Variance Application by Tom and Teri Craig owners of TNT Market, 899 D Street**

City Randall Tosh reported the appeal is from the original application by Tom and Teri Craig for a variance for a sign on their building. The variance was denied by the Planning Commission and the Craigs are appealing the decision to the City Council. Four decisions are required by the Council; was the appeal timely filed, does the appellant have standing for an appeal, determine the standard of review as to whether to allow new evidence or only information already on the record, and last, make a determination whether or not the Planning Commission erred in their decision. Mr. Tosh reported a letter from the appellant's attorney states the application meets criteria nos. 1 and 3 of the Land Development Ordinance Section 5.12 (4). Mayor Benetti asked if anyone on the Council had exparte contact; none was heard. Planning Administrator Laura Barron read the public hearing disclosure to the assembly.

Councilor Stufflebean moved that the appeal was timely filed. Councilor Weeks seconded the motion which passed with the Mayor and all Councilors present voting aye. Councilor Stufflebean moved the appellant has standing for the appeal. Councilor Spangler seconded the motion which passed with the Mayor and all Councilors present voting aye. Councilor Stufflebean moved to proceed with a denovo hearing. Councilor Weeks seconded the motion which passed with the Mayor and all Councilors present voting aye.

Mayor Benetti opened the public hearing. Ms. Barron submitted a letter from Rachel Henke as new evidence. The letter, dated January 16, 2001, stated an informal survey regarding the sign had been done and the overwhelming consensus was support for the location of the sign. Ms. Barron explained the sign application was for a 4' x 8' roof sign, located in a residential zone for an existing commercial use. The Planning Commission denied the application and the applicant is now appealing the decision based on criteria no. 1 regarding physical, exception, extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the same district; and criteria no. 3 the variance will not negatively affect abutting property or improvement in the district, nor create a safety hazard. The Planning Commission found that in criteria no.1, there are no exceptional circumstances and in criteria no. 3 the Planning Commission found the criteria was not satisfied.

Roger Gould, attorney representing Tom and Teri Craig, commented the City's ordinance appeal process is similar to most cities, but suggested a change in the ordinance to allow all appeals from the Planning Commission be denovo, allowing new information to be submitted. Mr. Gould explained Mr. Craig appeared before the Planning Commission on December 12, 2000 and the staff report recommended approval of his application. The Planning Commission did not follow the staff report and denied his application. The cities of Coos Bay and Eastside consolidated in 1983 and both land use ordinances were blended into one. The Craigs bought the store in 1982 and at that time the property was zoned RM5 residential mixed use. Before 1970 the area was zoned commercial. In 1978 the plan map for Eastside had the property zoned as commercial along the highway from TNT Market west and in 1983 it was still zoned commercial. Mr. Gould reviewed the Eastside zoning ordinance section providing criteria for commercial zone signs and explained the typographical error in the document relating to the size of the sign allowed. The sign installed by the Craigs was according to the Eastside ordinance and was in place after the consolidation in 1983. The City Council adopted ordinances to amend Coos Bay ordinances and rescind Eastside ordinances January 16, 1984. The zoning map in 1988 shows the property zoned as R3, so sometime in between, the zoning for the property was changed again. Mr. Gould noted the sign was existing when the cities consolidated so it was grandfathered in. During a windstorm in 1988 the sign went down and was not replaced within a year, and now requires a variance to replace the sign.

In conclusion Mr. Gould reported the building has been used as a store for 80 years and there are exceptional circumstances to be considered as the use does not relate to other property in the area. The sign

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will not negatively affect abutting property as the sign had been in place from 1983 to 1988 without complaints during that time. The only objector to replacing the sign is an adjacent property owner who does not live in Coos Bay and his property is a vacant lot. Mr. Gould requested the Council reverse the Planning Commission's decision and allow the Craigs a variance and replace the sign.

Councilor Spangler commented once the sign is changed, the owner loses the grandfather status, and what Mr. Gould has presented is great history, but history has nothing to do with what is here today. Councilor Spangler commented the sign is a billboard and does detract from the area, and he supports the Planning Commission's decision. Councilor McKeown commented there has been only one objection and that is from an out of town owner. Councilor Larson said she had no problem with the sign and agreed the ordinance should be changed to allow new information during an appeal hearing. Mayor Benetti asked if there was additional testimony.

Jack Beebe, Coos Bay, commented he had been on the Eastside city council for eight years and served as county commissioner for 16 years. Mr. Beebe reported errors can be made on maps and in documents, and the zoning was accidentally changed years back and the property should be zoned commercial. The business needs a sign and no one in the Eastside area dislikes the sign. Melinda Anderson, Coos Bay, stated she lives in the Eastside area and likes the sign, and as a neighbor supports keeping the sign. Jim Byce, Coos News, stated he is a strong proponent of economic development and supportive of any type of business. The market has been an institution in the area and common sense would support allowing the sign. Mayor Benetti asked for testimony opposing the sign; hearing none, he asked for a rebuttal. Councilor Spangler said common sense should rule and he supports replacement of the sign.

There were no further public comments. Councilor Stufflebean moved to close the public hearing. Councilor Weeks seconded the motion which passed with the Mayor and all Councilors present voting aye. Councilor Stufflebean moved to reverse the decision of the Planning Commission and approve the variance application for the sign on TNT Market. Councilor Weeks seconded the motion. The motion passed with the Mayor and all Councilors present voting aye.

### **Approval of an Amendment to the Historic Museum Agreement and Endorsement of the Museum Project**

Steve Grief, Board of Trustees for the Historical Society, commented an update had been given to the City Council in November reporting that a design had been completed for the facility, the City Council had been asked to approve the proposed location and footprint for the museum, and the City Council had been asked to consider amending the lease agreement to state the Historical Society would not take possession of the property until they were ready to begin construction. Councilor Larson inquired about the placement of the building and Mr. Grief reported the site is just north of Central Avenue. Mayor Benetti asked if parking spaces were included in the footprint and Mr. Grief commented it is a parking lot and the facility will take spaces, however, this choice takes up less parking spaces than other choices.

Councilor Weeks moved to approve the proposed location and footprint north of Central Avenue, approve signing of the description agreement, and signing a letter of support. Councilor Spangler seconded the motion. Councilor Larson commented she had been approached by several citizens about opening up Central Avenue. Mr. Grief commented opening up Central to traffic would take out parking spaces and if the building is moved further north, more parking spaces would be lost. Councilor Spangler stated he supports the footprint of the museum, but is concerned about the loss of parking spaces.

Mayor Benetti read Councilor Miller's letter supporting the museum into the record as follows: I would encourage the Council to officially approve the plan for the larger footprint site for the new historical museum. I realize there is some concern at the loss of 33 parking spots in downtown Coos Bay. . . but that is workable and wouldn't it be wonderful to have so many residents and visitors shopping, visiting downtown attractions and doing business in downtown Coos Bay that we would indeed have a parking problem. The statement this museum will make about Coos Bay as people enter town will be almost as important as all the

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museum will offer south coast residents.

Mayor Benetti commented a lot of positive comments have been made throughout the community regarding the museum project and he supports the proposed location and footprint for the facility. Councilor McKeown commented the structure will be dramatic, the parking issue can be dealt with, and he commended the historical society's efforts. The question was called and the motion passed with the Mayor and all Councilors present voting aye.

### **Consideration and Approval of Non-Represented Salaries and Adoption of Resolutions 01-05 and 01-06 Transferring Funds for Salary Increases for Non-Represented Employees**

City Manager Bill Grile reported over the past 18 months the Council has acknowledged that the salaries for management and exempt personnel are not in line where they should be, and he has struggled with the decision of when would be the best time to review the salaries. A survey of comparable cities locally, including school districts in Coos County, and cities throughout Oregon in the population range of 10,000 to 20,000 was done and in many cases, smaller jurisdictions provide higher compensation for positions with less to far less responsibilities than Coos Bay positions. The Council recently approved funding for full time clerical support, 75 percent for the city manager's office and 25 percent for the finance department. Mr. Grile explained that the city manager's office has for some time been staffed by two people and with the addition of clerical support, he is requesting the Council approve the recreation of the assistant city manager position. Mr. Grile stated it is his recommendation the City Council approve the management salary ranges as presented and increase management salaries 5 percent above current levels. The recreation of the assistant city manager position would not include a raise other than the 5 percent given to other management personnel. He explained the ranges would be for all positions and represents an acknowledgment of the need to compensate management and exempt personnel fairly and closer to the averages paid in other jurisdictions. Mr. Grile noted that not all management and exempt personnel would be pleased with the 5 percent increase, but every member recognizes there are limitations on affordability and everyone would be grateful for the steps the Council is being asked to take. Councilor Spangler moved to postpone the action until May 15, 2001. The motion died for lack of a second.

Councilor Stufflebean moved to approve the 5 percent increase in management and exempt personnel salaries, and include in the upcoming budget year an increase for the city attorney. Mayor Benetti seconded the motion which passed with the Mayor and Councilors Larson, McKeown, Stufflebean, and Weeks voting aye; Councilor Spangler voting no, and Councilor Miller was absent.

Councilor Spangler commented acting on management increases at this time circumvents the budget process and he does not support creating the position of assistant city manager. Councilor McKeown reported during the process of determining the salary for the South Coast Development Council position, the board did a lot of analysis of salaries and benefits and looking at comparisons throughout the country. During this process it became apparent that Coos Bay is behind where they need to be, and to hire and retain people, the City needs to be competitive. Councilor McKeown noted that the City is currently negotiating with three unions and the management/exempt personnel are equally important as the unions. He also stated he supported recreating the assistant city manager position because employees need to use their capabilities at their highest level, and that is a good use of city dollars.

Councilor Stufflebean commented it has been two years since the last increase for management staff and although its in the middle of the budget cycle, he supports the increases. He commented it is important to consider the affordability by the city and he believes the economy can support the increases. Mayor Benetti commented it was his suggestion to bring the salary increases to the Council at this time, not as a catch up, but as an adjustment to ease the compaction that has come about over the past few years. Mayor Benetti further stated the City has excellent employees; we have had two freezes, if the increases are postponed, the non-represented employees won't get increases; and now is the time to proceed with the increases. Mayor

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Benetti further commented the assistant city manager is capable of other duties and can turn clerical duties over to the clerical assistant. We are asking the city manager to do more, to get out into the public, talk to businesses and with the assistant city manager and clerical assistant taking on more duties, the city manager can accomplish these goals.

Councilor Weeks recommended an increase for the city attorney be included for an additional cost of \$1500. She commented North Bend's city attorney charges \$110 and \$120 per hour, whereas Randall charges Coos Bay \$80 per hour. Councilor Spangler commented over the last few years the city attorney's salary has increased by 77 percent. Mayor Benetti read a letter from Councilor Miller into the record as follows: I strongly support the proposed salary increases for our management and exempt personnel. We are truly lucky to have the kind of dedicated, loyal, hardworking professionals who are the backbone of our city. These are the leaders we count on time and time again to perform not only on a daily basis but in times of crisis. . . and time and time again we discover they are not only performing their duties at a very high level, but they are also leaders that are respected throughout the state. I urge you to vote for the increases and even though these raises won't bring their salaries up to where I know they should be, it is at least a start. I also support the promotion of Joyce to assistant city manager; she already handles those responsibilities and has proven she is very capable. I think it is long past due.

Councilor Stufflebean moved to recreate the assistant city manager position. Councilor Weeks seconded the motion which passed with Mayor Benetti and Councilors Larson, McKeown, Stufflebean, and Weeks voting aye; Councilor Spangler voting no, and Councilor Miller was absent.

Councilor Weeks moved to adopt Resolutions 01-05 and 01-06 transferring funds for salary increases for non-represented employees. Councilor Stufflebean seconded the motion which passed with Mayor Benetti and Councilors Larson, McKeown, Stufflebean and Weeks voting aye; Councilor Spangler voting no, and Councilor Miller was absent.

## **Review of the Charter Amendment Approved November 7, 2000** **Establishing the Streets and Roads Trust Fund**

Councilor Spangler reported the item was on the agenda because of a number of inquiries from citizens expressing concern about the language in the charter amendment establishing the streets and roads trust fund. City Attorney Tosh explained the first section establishes the trust as a simple income trust and references the exchange documents. The second section gives the Council the authority to spend the funds, limited to the interest. Section three requires a vote of the people before the trust can be invaded. Mr. Tosh explained the ballot title states no portion of the \$4.8 million can be spend without a vote of the people.

Councilor Stufflebean commented the charter language had been approved by the Council and Mr. Tosh noted both the ballot and charter language had been provided to the Council. Councilor McKeown stated the language is clear and he recalls voting on both items. Mayor Benetti commented no further action is necessary, the item was on the agenda for clarification only.

## **Public Comments**

Frances Cooley, Coos Bay, commented the original ballot for the streets and roads trust fund was clear and should not have been rewritten. Julia Spangler, Coos Bay, commented she had served for a time on the budget committee and did not understand why management staff was given a raise at this time rather than during the budget process. Ken Harlan, Coos Bay, commented the streets affected by the streets and roads trust fund should be listed in the charter.

Jim Byce, Koos News, commented the language in the streets trust fund charter amendment should be close to the language presented to the voters in the ballot. The language placed in the charter is not easily understood and is open to interpretation. He suggested the Council revisit the issue and include the wording from the ballot. Mayor Benetti apologized for the misunderstanding and reported the charter language had

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been brought to the Council and approved by the Council prior to the election. Councilor Stufflebean commented the public needs to realize the Council went to the voters to set up the trust fund for the streets the City accepted from the State and that the funds cannot be spent in other areas. Councilor Weeks commented this would have been more clear to the voters if there had been a voter's pamphlet.

### **City Attorney's Report**

City Attorney Randall Tosh reported the tax appeal involving taxes against the Coos Art Museum's gift shop is scheduled for February 21<sup>st</sup>; police collective bargaining is scheduled for Thursday and the initial session with fire is scheduled for February 22nd.

### **City Manager's Report**

City Manager Bill Grile commended fire personnel for their prompt response to the fire at the Red Lion and noted it could have been very serious if it had not been suppressed in short order. Mr. Grile reminded the Council and Urban Renewal Agency Board of the meeting on Thursday at 6:30 p.m.

Mr. Grile briefly reviewed Section 9.11 of the City Charter mandating funding for 1.85 police officers and 1.2 firefighters per 1,000 population. Mr. Grile noted that shortly after the section was enacted in May 1988, the City had asked the voters if they would pay taxes for the funding and the voters said no. He commented that police and fire officers cannot strike, so when an impasse is reached, the matter goes to arbitration. If the award of salary increase is more than budgeted, the City would look at layoffs to meet the obligation. Mr. Grile reported the City is currently in negotiations with the police and fire unions and they are asking for more than the City can pay. He inquired if the Council would be interested in putting a public safety serial levy to meet the salary demands on the May ballot. Mayor Benetti supported going to the voters; Councilors Weeks, Stufflebean, Spangler, and McKeown indicated support for a ballot measure; Councilor Larson had no comment and Councilor Miller was absent. Councilor Spangler commented he would not support a tax increase, but is not against going to the voters with the matter.

### **Mayor and Council Comments**

**Councilor Weeks** thanked the Confederated Tribes for participating in Channel 14 and expressed concerns that SCINT is duplicating some of the programs that local police departments provide.

**Councilor Larson** thanked the city manager and staff for changing the parking signs at the Surplus Center and welcomed the pottery store to downtown Coos Bay.

**Councilor Stufflebean** reported receiving calls about the garbage in the residential areas around the high school. He attended the Empire Association and Library Board meetings; reported the Boys and Girls Club is doing well; and reported there is a new slide at the Mingus Park Pool. Councilor Stufflebean requested an ad hoc committee be appointed to review the city charter.

**Councilor McKeown** also thanked the Confederated Tribes for subscribing to Channel 14. He reported attending the DARE graduation and commended Officer O'Laughlin for teaching the DARE classes. Councilor McKeown commented a district swim meet will be held in North Bend this weekend and noted there will be approximately 500 participants and their families coming to the area.

**Mayor Benetti** thanked the Confederated Tribes for participating in Channel 14 and commented on the educational value the community will receive from the programs. He also attended a DARE graduation and was impressed with the lessons taught to 5<sup>th</sup> graders. Mayor Benetti reported he would not be at the next Council meeting because he will be out of town.

### **Adjournment**

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There being no further business to come before the Council, Mayor Benetti adjourned the meeting to February 8, 2001 at 7 p.m. in the Manager's Conference Room at City Hall.

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Joe Benetti  
Mayor of the City of Coos Bay  
Coos County, Oregon

ATTEST:

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