

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

**April 3, 2001**

The minutes of the proceedings of the regular meeting of the City Council of the City of Coos Bay, Coos County, Oregon, held 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 Larsen, Jeff McKeown, Cindi Miller, Don Spangler, Kevin Stufflebean and Judy Weeks. City staff present were City Manager Bill Grile, Deputy Recorder Joyce Jansen, City Attorney Randall Tosh, Community Services Director Shanda Shribbs, Finance Director Janell Howard, Fire Chief Stan Gibson, Planning Coordinator Laura Barron, and Police Chief Chuck Knight.

### **Flag Salute**

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

### **Consent Calendar**

Mayor Benetti reviewed the consent calendar which consisted of approval of the minutes of the February 6<sup>th</sup> and 8<sup>th</sup>, 2001 meetings and setting a public hearing before the Planning Commission for vacation of a portion of Division Avenue between Seagate and Augustine Streets. 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.

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

Nick Gerritsen reported steps have been taken to take care of the garbage situation in the neighborhood around the high school. The Mr. MHS pageant will held on Friday and offers good entertainment and raises funds for the Children's Miracle Network and Sacred Heart Hospital. Softball season has started and the track meet against North Bend will be held tonight at the new MHS track; the wrestlers will be going to the Northwest Regionals in Washington; and the next track meet is an invitational and will be held next Saturday. The East Branch building came down over spring break and a parking lot will be developed by June.

### **Department Head Report by Community Services Director Shanda Shribbs**

Community Services Director Shanda Shribbs reported the Spring brush pick up will begin April 30<sup>th</sup> and a meeting to discuss the boardwalk aquarium has been scheduled for April 9<sup>th</sup> with Fish and Wildlife, the Tribes, Mayor Benetti and Councilor Weeks. Extensive dry rot has been discovered in Choshi bridge and a recommendation from a structural engineer is expected in a week. A meeting with property owners involved with the Brownsfield program has been scheduled to look at all level I assessments and to prioritize performing the Level II assessments. Councilor Weeks commented Choshi bridge had been discussed at the

## **City Council Minutes – April 3, 2001**

Parks Commission meeting and it was suggested the Sister City Association be contacted about applying for grant funds to repair the bridge.

Councilor Spangler commented the grant for the downtown recruitment plan is a duplication of what the South Coast Development Council is planning to do. Ms. Shribbs reported the plan is specifically for downtown Coos Bay and would recommend what kind of businesses would work in this area. The plan is a place to start and it is critical for downtown to be strong and vibrant; downtown is the core of the city. Councilor McKeown commented the SCDC is not duplicating the City's and Chamber's efforts and is focusing throughout the county for commercial activities. Ms. Shribbs reported she had spoken with the Chamber to coordinate efforts and keep everyone informed.

### **Public Hearing on an Ordinance Regulating Taxi Companies within the City of Coos Bay and Consideration of Enactment of the Ordinance**

Mayor Benetti reported a draft ordinance for regulating taxi companies has been prepared and reviewed by staff and taxi company owners. Mayor Benetti opened the public hearing for comments. Dick Leshley, 93581 Bay Park Lane, Coos Bay, reported the process began 18 months ago and he supports regulating taxi companies. Mr. Leshley reviewed areas of his concern regarding the insurance amount, city taxi permit, vehicle inspections, and random drug testing of drivers. Rod Stalcup, 770 Crocker, Coos Bay, stated he had recently purchased Jerry's Taxi and he also supports enacting the ordinance. Mr. Stalcup expressed concern about the cost of the fees and charges, requested clarification on the drug testing program and who pays for the tests, and disagreed with having a specific number of vehicle inspections. Councilor McKeown suggested paying for drug testing be a matter of company policy. There was further discussion on setting up a consortium using DOT standards to handle the drug testing and Mr. Stalcup and Mr. Leshley agreed using an independent company to handle the testing would be acceptable.

Councilor Larson inquired if other cities require taxi cab licenses and it was reported North Bend and Bandon do not have such ordinances but the City of Coquille does. Councilor Miller asked how the inspections would be paid for and Mr. Grile reported there is a \$25 application fee and the police department would cover the inspections. Chief Knight noted the time consuming cost is in conducting the background investigations, and the vehicle inspections would be done at a local business repair shop.

Linda Luellen, Sunshine Taxi Company, agreed with the drug testing being done by an independent company and having background checks done on driver applicants. Dick Dean expressed concern about the wording for certificate of public conveyance, the minimum requirement of three taxi cabs, disclosure of personal records, the establishment of a uniform rate structure, and hours of operation. Mike Huffman, Jr., North Bend, reported as a driver he inspects his vehicle every day and from a driver's point of view, the cost of the drug test can be prohibitive. He noted the Army has a good drug testing program and suggested a similar program be used for the taxi companies.

There being no further comments, Mayor Benetti closed the public hearing. Councilor Weeks commented consensus from the last committee meeting had been that the ordinance was ready to be enacted. Councilor Stufflebean moved to refer the ordinance back to staff and consider the issues brought up during the public hearing. Councilor McKeown seconded the motion which passed with the Mayor and all Councilors present voting aye.

### **Public Hearing to Amend the Comprehensive Plan Map to Rezone Property Located at 1911 Newmark Avenue from Residential High Density to Commercial and Consideration of Enactment of the Ordinance**

## City Council Minutes – April 3, 2001

Planning Administrator Laura Barron read the public hearings disclosure statement and reported the plan amendment and rezone was for a three acre parcel on LaClair and would change the property from residential to commercial. Councilor Stufflebean inquired if there was a house on the property and Ms. Barron reported there is a house which faces LaClair and it would be grandfathered in. Mayor Benetti opened the public hearing for comments. Andy Nasburg, representing Pat West on the development, reported they have been working on changing the zoning for four years and the house belongs to one of the applicants. There were no other comments and Mayor Benetti closed the hearing.

Councilor Spangler moved to enact Ordinance No. 303 changing the Comprehensive Plan Map designation for Township 25, Range 13, Section 21BC, Tax Lots 1500, 1600, 1700, 1800 and 1900 from “Residential High Density” to “Commercial”. Councilor Weeks seconded the motion. Deputy Recorder Joyce Jansen read the ordinance by title only and the Council was polled with the following results:

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

### **Review of Proposal for Legislative Comprehensive Plan Amendment and Rezone of LaClair-Newmark Properties**

City Manager Bill Grile reported it is a procedural action to initiate a legislative plan amendment and rezone and is part of the original package presented on the Newmark Improvement Plan. Staff is requesting the Council go through the procedure to amend the comprehensive plan and zoning ordinance to allow development. The matter would go before the Planning Commission and then back to the Council for a public hearing. Councilor Stufflebean moved to place the matter before the Planning Commission on June 12, 2001 and before the City Council on July 17, 2001. Councilor Weeks seconded the motion which passed with the Mayor and all Councilors present voting aye.

### **Report on the Libby Dike Failure Assessment**

Community Services Director Shanda Shribbs reported the county emergency services manager and the Corp of Engineers recently raised the issue of the Libby Dike failure. The dike was breached in the mid 1980s and the Corp had reviewed the dike at that time and the local share for repairs would have been \$500,000. No action was taken and the Libby Dike District has maintained the dike at a minimal level. There is concern that the area is at risk for potential flooding and some portions of the area are within the city limits. Mr. Grile commented it is not just a civil matter, as there are public assets in the area. Staff is requesting that all future meetings include City staff participation and that Council authorize staff send a sponsorship letter at the appropriate time in order for the City to be one of the leaders in requesting assistance from the Corp of Engineers to determine what the city’s options are to protect its infrastructure and residents. Councilor Weeks moved to accept the recommendation of the city manager and send a sponsorship letter. Councilor Miller seconded the motion which passed with the Mayor and all Councilors present voting aye.

### **Authorization to Rebid the Front Street Paving Project**

City Manager Bill Grile reported the paving project had been before the Council last September and postponed. Officials from the Central Oregon Pacific Railroad met recently with city staff and they are

## **City Council Minutes – April 3, 2001**

willing to partner with the city and pay for the work done within the rails. Mr. Grile noted a portion of Date Street is being considered for vacation and the other three cross streets will be overlaid for an additional \$18,270. Staff is asking Council to authorize proceeding with the project using \$155,000 from State funds and \$76,000 from Urban Renewal funds. Councilor Spangler stated the City should not use taxpayer dollars to replace the asphalt around the rail tracks. Councilor Stufflebean noted previously the rail company was not willing to help at all with the paving project.

Councilor McKeown inquired about the \$46,000 the rail company would be putting up and Mr. Grile reported it is more than that amount. The City would be taking up the asphalt between the rails, then the rail company would replace the ties and gage the rails, and the City would lay the asphalt. There was further discussion on use of a rubber product around the rails and Ms. Shribbs reported staff has contacted engineers about the product and it was recommended the material not be used because of the unstable soil in this area. Councilor Spangler commented any paving around the tracks is the responsibility of the rail company according to a previous agreement between the city and the rail company. Mr. Grile noted that was a franchise agreement and the dollar amount given to the City was for maintenance and is not binding. Councilor Stufflebean commented the Council discussed at length in September and the decision was not to move forward until the rail company committed to putting money into the project. The city manager has come back with what the Council asked for and the City should move forward with the improvements.

Councilor Stufflebean moved to authorize staff to move forward with a redesign and rebid of the Front Street project as recommended by staff to resurface Front Street between Fir and Market Avenues, and include an alternate bid for resurfacing of Cedar, Birch and Alder Avenues between Front Street and Bayshore Avenue. Councilor Miller seconded the motion which passed with Mayor Benetti and Councilors Larson, McKeown, Miller, Stufflebean and Weeks voting aye; Councilor Spangler voting no.

### **Public Comments**

Lynn Haller, 100 Ingersoll, commented there is a problem in his neighborhood with student behavior and he has a petition from his neighbors asking the City Council to address the problem of students loitering and littering. He indicated his family has lived in the area for three years and has spoken to school officials about the problem and it took three months before garbage cans were put out. Mr. Haller requested the City Council get involved in resolving the problem.

Mayor Benetti commented Nick Gerritsen reported the problem has been addressed and he recommended the city manager also contact school officials. Chief Knight reported the department has gotten involved and is working with the school. Councilors McKeown and Stufflebean reported when they had problems with student, they contacted the principal and the school resource officer and the problem was resolved. Councilor Larson commented she had attended the neighborhood meeting and found it helpful.

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

City Manager Bill Grile reminded the Council of the town hall meeting scheduled for April 5<sup>th</sup>; Clay Jenkinson will be at the high school on the 10<sup>th</sup>; and a public hearing to discuss garbage rates will be held on the 17<sup>th</sup>. Mr. Grile explained it had come as a surprise to learn that the City's garbage was being trucked to a landfill in Corvallis and a joint meeting with the Coos County Commissioners has been scheduled for 1:30 p.m. on April 10<sup>th</sup> to discuss the issue.

### **Council Comments**

## City Council Minutes – April 3, 2001

**Councilor Larson** commented it was sad to see the East Branch go down and inquired why North Bend city councilors are paid and Coos Bay's councilors are not. Mr. Grile reported a number of Oregon cities pay their councilors and a number don't.

**Councilor McKeown** reported the South Coast Development Council will be holding community forums to gather information from the community on April 11<sup>th</sup>, 17<sup>th</sup> and 23<sup>rd</sup>, and May 2<sup>nd</sup>.

**Councilor Weeks** reported the Parks Commission met last evening and will be working with Stuart Woods on the Parks Master Plan and the commission requested staff look into ways to conserve electricity. The Mingus Park softball bleachers need to be replaced and Bracelin and Yeager has donated 20 yards of concrete for the project.

**Councilor Spangler** asked the status of the Empire House purchase and City Attorney Randall Tosh reported a letter expressing the City's interests has been sent to the US Attorney's Office in Denver.

**Mayor Benetti** reported the Music on the Bay organization will be providing free concerts in Mingus Park during summer months. He reminded the Council of the town hall on Thursday; the Government Institute workshop will be held April 20<sup>th</sup> and 21<sup>st</sup>; and encouraged everyone to attend the joint meeting with Coos County Commissioners on the 10<sup>th</sup> regarding the garbage issue.

### **Executive Session Pursuant to ORS 192.660 (1) (d) for the Purpose of Discussing Labor Negotiations**

The City Council met in executive session pursuant to ORS 192.660 (1) (d) for the purpose of discussing labor negotiations. The City Council reconvened into regular session.

### **Adjournment**

There being no further business to come before the Council, Mayor Benetti adjourned the meeting to April 5, 2001 at 7:00 p.m. in the Council Chambers of 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