

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

**June 19, 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 6:30 p.m. with interviews in the Manager's Conference Room and proceeding to the regular 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 Captain Mark Anderson, Library Director Carol Ventgen and Police Sgt. Darrell King.

### **Council Interviews**

The City Council interviewed Jon Littlefield and Ralph Mohr for consideration of appointment to the Library Board. Also applying but not able to attend was Bob Adams.

### **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 adoption of Resolution 01-16 accepting a special police fund grant, approval of annual OLCC license renewals, approval of the annual renewal of the Library District Contract, adoption of Resolution 01-18 transferring funds - Library Fund, and adoption of Resolution 01-21 transferring funds - Government Channel.

Councilor Stufflebean expressed concern about problems at the Coney Station. Councilor Spangler commented this matter comes up every year and the Council basically rubber stamps OLCC license renewals. Councilor Miller commented the memo comes from the Police Chief and if he okays, then the Council should trust his decision. Mayor Benetti noted OLCC is the one who mandates the licenses and they have the right to pull licenses. Councilor McKeown suggested following the recommendation of the Police Chief. Councilor Weeks suggested the Chief explain the procedure to the Council and invite a representative from OLCC speak to the Council. City Manager Bill Grile commented the item could be pulled from the agenda and another meeting be scheduled to review the matter.

Approval of the OLCC license renewals was removed from the consent calendar and placed on the regular agenda. Councilor Weeks moved to approve the calendar as amended. Councilor Miller seconded the motion which passed with the Mayor and all Councilors present voting aye.

### **Report from Music on the Bay by Larry McCabe**

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Larry McCabe reported the purpose of the organization, Music on the Bay, is to bring entertainment to the area. The non-profit group was formed in December and has a board in place. Mr. McCabe explained they are interested in having a concert series in Mingus Park which would be free to the public. The organization is not asking for funding from the City, but there is the issue of adequate electric power to the stage. The Council commended Mr. McCabe for his efforts to bring entertainment to Mingus Park.

### **Department Head Report from Community Services**

#### **Director Shanda Shribbs**

Community Services Director Shanda Shribbs reported an inspection of the concrete pads of the pedway project revealed the first two rows did not meet specifications; a structural engineer reviewed the wall and will make a recommendation on options for stabilizing the wall. The brick work in the Bayshore Theater District is progressing well and the benches on Bayshore and Broadway have been installed. The North Bayshore project included funding for additional banners and the first banners will be up for July 4<sup>th</sup>. The 4<sup>th</sup> and Elrod and Front Street projects have gone out for bid and will come to the Council for award on July 17<sup>th</sup>. The department has employed Green Thumb employees for the office at city hall and for the parks, at no cost to the City and recently added two additional positions at a cost of \$1 per hour. The additional help will be used in the parks and engineering divisions. During the summer months, youth from AYA will work three days a week in Mingus Park and John Topits Park; Young Life has worked on the boardwalk; and the Boy Scouts have worked on the Scout Cabin.

Councilor Spangler inquired if the joint property owner of the wall would be liable for the repairs. Ms. Shribbs commented it is a shared wall and the costs would be shared. Councilor Spangler expressed concern about complaints regarding maintenance of City facilities and suggested a maintenance schedule be developed. Ms. Shribbs stated the matter would be looked into; part of the problem is the staffing level and who owns the property. City Manager Bill Grile commented the Parks Division has a priority schedule and limited resources, and he commended Ms. Shribbs for using volunteers and Shutters Creek inmates to help fill the City's needs. Councilor McKeown commented the Council has significantly added to the responsibilities of staff without increasing staff levels. He further commented there are areas in need of maintenance and when businesses look at locating to the area, this type of thing is noticed. Comments have come back to the South Coast Development Council regarding the area, including North Bend and Bunker Hill. Councilor Spangler stated the City has an ordinance in place and recommended the City notify property owners and if they don't take care of it, the City will and then lien the property owner. Mr. Grile recommended the Council review the ordinance. Mayor Benetti commended Mr. Shribbs on doing a great job and commented most of the City is looking nice even though the City has limited resources.

### **Appointment to the Library Board**

Mayor Benetti reported the City Council received applications from Robert Adams, Jon Littlefield and Ralph Mohr to fill two vacancies on the Library Board. The Council voted by ballot and Jon Littlefield and Ralph Mohr were appointed by unanimous vote.

### **Appointment to the Coquille Indian Tribe Community Service Fund Committee**

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Mayor Benetti reported he and the assistant city manager had met with Coquille Indian Tribe Chair Ed Metcalf regarding appointment of a City representative to the Community Service Fund Committee. The Tribe is asking the Mayors of Coos Bay and North Bend and a member of the County Commissioners to serve on the Committee. Councilor Spangler moved to appoint Mayor Benetti to the Coquille Indian Tribe Community Service Fund Committee. Councilor Weeks seconded the motion which passed with the Mayor and all Councilors present voting aye.

### **Review of OLCC License Renewals**

Sergeant King reported there has been a high number of calls to the Coney Station, regardless, there is no legal reason to deny the license renewal. He noted the OLCC office monitors all establishments with liquor licenses. Mayor Benetti commented the Coney Station is under new ownership and there is an intent to change the method of operation. Councilor Weeks moved to approve the renewals as presented. Councilor Miller seconded the motion. Councilor Stufflebean supported all the renewals except the Coney Station. Councilor Spangler commented the Silver Dollar also receives a lot of police calls. The motion passed with Mayor Benetti and Councilors Larson, McKeown, Miller, Spangler and Weeks voting aye; Councilor Stufflebean voting no.

### **Budget and Use of State Revenue Sharing Funds**

Mayor Benetti opened the public hearing for comments on the proposed fiscal year 2001/2002 budget and on the use of State revenue sharing funds. No comments were presented and Mayor Benetti closed the public hearing.

### **Adoption of Resolution 01-19 Adopting Fiscal Year 2001/2002 Budget and Making Appropriations and Levying Ad Valorem Taxes and Adoption of Resolution 01-20 Electing to Receive Shared Revenues from the State of Oregon**

Councilor Spangler stated he would not support adopting the budget as it sets into motion the requirement for funds that will not be forthcoming. The budget has \$263,000 included for salary increases, and if adopted, will lead the City into a situation where the Council will need to increase taxes or drastically shut down services. Councilor Stufflebean commented the proposed budget was reviewed by the Budget Committee, and the Council cannot foresee the City's financial position in three years; they can only look at next year. Councilor McKeown commented the budget was approved by the Budget Committee and it looks to be a sound budget. Mayor Benetti agreed with Councilors Stufflebean and McKeown, and noted that Councilor Spangler had supported the salaries at the time. He commented there are some budget restraints down the road and the Council and staff will deal with it. Mayor Benetti further commented the Council has done a good job with the resources available. Councilor Spangler stated he did not vote for a 5% increase in management salaries and there were a number of items voted against at the budget meetings.

Councilor Weeks moved to adopt Resolution 01-19 adopting fiscal year 2001/2002 budget and making appropriations and levying ad valorem taxes. Councilor Miller seconded the motion which passed with Mayor Benetti and Councilors Larson, McKeown, Miller, Stufflebean and Weeks voting aye; Councilor Spangler voted no. Councilor Miller moved to adopt Resolution 01-20 electing to receive shared revenue

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from the State of Oregon. Councilor Weeks seconded the motion which passed with the Mayor and all Councilors present voting aye.

**Adoption of Resolution 01-15 Authorizing an Increase in the Sewer User Fees**

Councilor Weeks inquired if the increase is the same as proposed during the budget meetings. City Manager Bill Grile reported originally the request from staff was for 13.4% and the Budget Committee approved 8.4%. Councilor McKeown commented there is no choice but to increase the fees in order to continue the service. Councilor Stufflebean noted the increase will add \$74,000 in revenue. Mayor Benetti commented the Council may need to consider another increase next year and noted it is important to try to keep the increase small. Councilor Stufflebean moved to adopt Resolution 01-15 authorizing an increase in sewer user fees. Councilor Miller seconded the motion which passed with the Mayor and all Councilors present voting aye.

**Enactment of an Ordinance Amending the Land Development Ordinance to List the Use, Bus Shelter, and Create the Process for an Administrative Conditional Use and Adoption of Resolution 01-17 Establishing Schedule of Permit Fees**

City Manager Bill Grile explained the amendment to the Land Development Ordinance would add bus shelters and create an administrative process for considering the bus shelters. Planning Administrator Laura Barron reported the administrative process would be in place of a Planning Commission hearing. Notice would still be given, a decision made, and an opportunity for appeal available. Ms. Barron commented a standard size and design is also being proposed, and staff is recommending a \$100 fee for a conditional use to cover staff time. Mayor Benetti inquired which body would the appeal be made and Ms. Barron reported it would be to the Planning Commission. Councilor Larson asked if the process and fee would be required for each shelter and Ms. Barron responded yes because each site requires giving notice to the property owners. Councilor Weeks inquired how many shelters were being considered and Ms. Barron reported there are seven total with only two being located on private property.

Steve Clay, representing the Transportation District, requested the Council consider waiving the fee because of the public service the district provides to the community. Mr. Clay commented this is the first community the shelters will be going into, and Coos Bay will be setting a precedence for other communities. He explained the shelters are just under \$6,000 each and are a high quality product. Mr. Grile commented the fee not only covers labor costs, but also the cost of giving notice. Councilor Spangler commented the City needs to use good judgement and cannot continue a give away program and should at least meet administrative costs.

Councilor Stufflebean moved to enact Ordinance No. 309. Councilor Miller seconded the motion and Deputy Recorder 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

Councilor Stufflebean moved to adopt Resolution 01-17 establishing a schedule for permit fees. Councilor

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Spangler seconded the motion which passed with Mayor Benetti and Councilors Larson, McKeown, Miller, Spangler, and Stufflebean voting aye; Councilor Weeks voted no.

### **Authorization to Enter into a Personal Services Contract for Manager of the Government Access Channel**

Mayor Benetti explained a request for proposals for manager of the Government Access Channel was recently made and one proposal was received from Laurel McGuire. The proposal is for 5% more than the current contract. Councilor Stufflebean moved to authorize staff to negotiate a contract for manager of the Government Access Channel. Councilor Miller seconded the motion which passed with the Mayor and all Councilors present voting aye.

### **Public Comments**

Dick Harrington, 928 Fenwick Street, reported receiving unsatisfactory service from the Community Services Department regarding his application for a building permit for a storage shed/shop. City Attorney Tosh stated this is a land use issue and the City Council is the final decision maker on land use matters. If there is a denial, an appeal can be made to the City Council. Mayor Benetti inquired if an appeal has been filed. Mr. Tosh reported Mr. Harrington must go through the appeal process and go before the Planning Commission. Mayor Benetti asked Mr. Harrington if he understood the process. Mr. Harrington stated the run around at city hall was inappropriate and he had talked with Councilor Spangler regarding the matter. Mr. Tosh commented that typically the decision is made on the staff level and typically the notification letter would include the appeal process. Councilor Spangler expressed concern about the way the situation was handled and noted the procedure is clearly laid out in the Land Development Ordinance. Councilor McKeown stated it would be inappropriate for the Council to continue with discussion of this matter.

Sargent Webster, North Bend, expressed concern about the increase in sewer user rates and objected to the increase. He stated the area has economic problems and it is difficult to pass the increase onto renters. Mayor Benetti commented the Council understands about increases and has tried to keep increases low. He further noted that Coos Bay's rates are lower than other cities in the county. Councilor McKeown stated no one likes increases, however, if there are no increases, down the road there will be bigger problems and the increase will be much larger.

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

City Attorney Randall Tosh reported briefs have been filed for police arbitration and the City will be closing on the Crowley property in the near future.

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

City Manager Bill Grile thanked Joyce Jansen for being the acting city manager during his vacation; thanked Marty Crouse for the July 4<sup>th</sup> in Mingus Park event; and reported the taxi ordinance will be on the July 3<sup>rd</sup> agenda. Mr. Grile reported the police department has worked Woodland Drive regarding speeding vehicles and few violations were found. Senator Smith will dedicate Engine No. 104 on July 3<sup>rd</sup> and the public is invited to attend.

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### **Council Comments**

**Councilor Weeks** thanked city staff for giving a tour of city hall to the Mrs. Aldridge's third grade class from Blossom Gulch School.

**Councilor Spangler** commended staff on the spaghetti feed last week to raise funds for the Relay for Life team. The fiber optics agreement has now been signed and the consortium is moving forward.

**Councilor Miller** reported the Farmer's Market takes place every Wednesday; thanked Assistant City Manager Joyce Jansen for doing a good job while the city manager was out of town; and asked the Council for volunteers to judge the 4<sup>th</sup> of July coloring contest. Councilors Larson and Spangler volunteered to meet on Monday, July 3<sup>rd</sup> at 10 a.m. at city hall to judge to contest.

**Councilor Larson** reported a number of people have contacted her about annexing Bunker Hill and cleaning the area up. She has also received good comments on the Bayshore Streetscape project.

**Councilor Stufflebean** reported the first Solid Waste Committee meeting was very informative; congratulated the appointees to the Library Board, and reported LeRoy Walker is retiring as director of the Boys and Girls Club.

**Councilor McKeown** stated he is very pleased with City staff and how well the City is run. He noted there will always be differences in opinions, but he is appreciative of the staff. Councilor McKeown commented it is important to have pride in our community and encouraged citizens to care for their homes and property.

**Mayor Benetti** congratulated the graduates of the Family Police Academy, reported Senator Smith will dedicate the Historic Railway Museum on July 3<sup>rd</sup>, and expressed the City's appreciation to Marty Crouse, Joyce Jansen and the volunteers for organizing the July 4<sup>th</sup> in the Park event.

### **Recess the Council Meeting**

Mayor Benetti recommended the Council meeting be recessed to the Urban Renewal Agency meeting. Councilor Miller moved to recess the Council meeting. Councilor Weeks seconded the motion which passed with the Mayor and all Councilors present voting aye.

### **Reconsideration of Resolution 01-19**

Finance Director Janell Howard explained the figure in resolution 01-19 regarding government access funding needed to be changed from \$34,000 to \$35,560 due to the 5% increase in the contract. Councilor Weeks moved to reconsider Resolution 01-19. Councilor Miller seconded the motion which passed with the Mayor and all Councilors present voting aye. Councilor Weeks moved to change the government access revenue line item from \$34,000 to \$35,560. Councilor Miller seconded the motion which passed with the Mayor and all Councilors present voting aye.

### **Executive Session**

Councilor Weeks moved to go into executive session pursuant to ORS 192.660 (1) (d) for the purpose of discussing labor negotiations. Councilor McKeown seconded the motion which passed with the Mayor and all Councilors present voting aye.

The Council reconvened in regular session.

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**Adjournment**

There being no further business to come before the Council, Mayor Benetti adjourned the meeting to July 3, 2001 at 7 p.m. in the Council Chambers of City Hall.

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Joe Benetti, Mayor

ATTEST:

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Joyce Jansen, Deputy Recorder