

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

November 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 6:30 p.m. in the Manager's Conference Room and proceeding to the regular meeting 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 Jeff McKeown, Cindi Miller, Don Spangler, and Judy Weeks. Councilors Anna Marie Larson and Kevin Stufflebean were absent. 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, Library Director Carol Ventgen and Police Chief Chuck Knight.

Interviews for the Library Board

Prior to the regular meeting the Council interviewed Robert Adams Jr. and Ann Keizer for consideration of appointment to the Library Board.

Flag Salute

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

Welcome and Introduction of Special Guests

Mayor Benetti welcomed Coquille City Manager Terrence O'Connor and special guests from Indonesia. Mr. O'Connor introduced Se Sudirman, Dr. Faturrahman, Abdul Azis Maulanu, Dr. Azhar Baharuddin, and Kemal Taruc from Pesir, Indonesia and explained they are visiting Oregon as participants in a federal program that helps other counties learn about the democratic process.

Consent Calendar

Mayor Benetti reviewed the consent calendar which consisted of approval of the minutes of August 21, August 29, and September 4, 2001, approval of a new OLCC license for the Bi-Mart Corporation, approval of the Recycling Awareness Week proclamation and setting a public hearing on the vacation of a portion of Myrtle Avenue. 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

Jonathan Hanson

Jonathan Hanson reported one-quarter of the school year has been completed and parent-teacher conferences are being held this evening. The president of the University of Oregon visited Marshfield High School and present Principal Arnie Roblan with the new Oregon Almanac. The student council will be changing the definition of valedictorian and salutatorian and the administration is considering changing to a six-period

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schedule. Fall term sports are finished and MHS will play Tualatin on Friday. The school is working on its appearance of buildings, landscaping, and parking areas.

Department Head Report by Fire Chief Stan Gibson

Chief Gibson reported after the September 11th attack in New York City, Fire Department staff participated in a fund raising event and raised over \$10,400 for the families of fallen firefighters. He commented during his trip to New York City he visited Ground Zero and a number of fire houses in the city. Chief Gibson reported appreciation was expressed by NYC fire personnel and citizens for the support from all around the country. He also attended training in preparation for terrorist attacks and emergencies and commented the City staff is prepared to handle emergencies. Chief Gibson reported last month the department held open houses as part of Fire Prevention Month activities and over 600 people attended the events. He noted citizens expressed a desire to learn more about emergency preparedness and staff will be looking into grant funding to provide information and training to the public. Chief Gibson reported Coos Bay will host the Oregon Volunteer Firefighters Association next June.

Appointment to the Library Board to Fulfill an Unexpired Term

Mayor Benetti reported the opening on the Library Board was due to the resignation of Willie Sadler and the Council interviewed Robert Adams Jr. and Ann Keizer prior to the regular meeting. Robert Adams, Jr. was appointed to fulfill the unexpired term by a three to two vote of the Council. Councilors McKeown, Miller and Weeks voted for Robert Adams, and Mayor Benetti and Councilor Spangler voted for Ann Keizer.

Enactment of Ordinances to Amend the Coos Bay Comprehensive Plan – Municipal Airport Lighting System

Planning Administrator Laura Barron read the public hearing standards and criteria to the assembly and reported the applicant is the FAA for the City of North Bend. She explained the west 100 fee of the runway lies within the City of Coos Bay and must come before the city council. Ms. Barron reported the first part regards lighting and the second part is in regards to maintenance. The estuary management plan affected is aquatic 52-NA and needs to be amended to add airport lights to the use and take exception to state goal 16. The applicant has addressed all points and the lights would be sited off the west end of runway four. The maintenance aspect of the estuary plan would be for the lights along the maintenance walkway. Ms. Barron explained runway four is the longest runway at the airport and the most usable.

Ms. Barron reported the Planning Commission has reviewed the proposed amendments to the Coos Bay Estuary Plan and recommend approval of both amendments. Councilor Spangler inquired if anyone appeared before the Planning Commission against the project and Ms. Barron responded no. Mayor Benetti opened the public hearing for citizen comments. Cindy Fellis, FAA, commented the airport is important to the growth and economic outcome of the area and with the proposed improvements to the airport it is hoped that flights will not be diverted due to weather conditions. She reported the instrument system guides the pilot in, but at a point he must be able to see the runway. The FAA ties to help airports in the most friendly way for the community, airlines, and the environment. Mayor Benetti inquired how many flights were lost last year due to not having this system and Gary LeTellier, Airport Manager, reported year before last there were

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30 in one month, but only a few this year because of good weather. There were no other comments and Mayor Benetti closed the hearing.

Councilor Weeks moved to amend the Coos Bay Estuary Management Plan, Volume III, Part I, to add the use, “airport lighting” in Coos Bay Estuary Management Plan unit 52-NA, based on the findings of fact and conclusions in Attachment A, Part A and enact the implementing ordinance. Councilor Spangler seconded the motion. Deputy Recorder Joyce Jansen read Ordinance No. 313 by title only and polled the Council with the following results:

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

Councilor Weeks moved to amend the Coos Bay Estuary Management Plan, Volume III, Part 3, to include Exception No. 26, which will allow a maintenance walkway for the MALSR south of Runway four of the North Bend Municipal Airport, based on the findings of fact and conclusions in Attachment A, Part B, and enact the implementing ordinance. Councilor Miller seconded the motion. Deputy Recorder Joyce Jansen read Ordinance No. 314 by title only and polled the Council with the following results:

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

Approval of the Proposed Re-organization of the Police Department

City Manager Bill Grile reported this matter may not require Council approval, but it seemed prudent to bring it before the Council. He noted in 1972 corporal positions in the Police Department were created but over the years and with the adoption of 12-hour shifts, the position is no longer necessary. Currently there is only one corporal, David Main, who has been working out of class for the past year. Chief Knight commented the corporal positions will not be filled and by promoting Corporal Main to Sergeant, the impact to the budget will be \$3600 over current expenditures. City Attorney Tosh noted the union had been contacted and submitted a letter supporting the reorganization. Councilor Spangler moved to approve the reclassification of the one remaining corporal position in the Police Department to the rank of sergeant. Councilor Weeks seconded the motion which passed with the Mayor and all Councilors present voting aye.

Consideration of Repayment of a Portion of Franchise Fees to Charter Communications

City Manager Bill Grile reported the City’s franchise with Charter Communications authorizes a fee to be charged for the use of the City’s right of ways in the amount of five percent of gross revenues. Charter has reviewed their accounts and has determined they have paid the City franchise fees but did not pass along charges to their customers. Mr. Grile explained Charter maintains they should not absorb the amount that is charged against ad sales and home shopping networks as they are not connected to the use of the right of ways. Mr. Grile recommended in fairness, the City should cover the \$3400 and interpret the ordinance that

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the intent is not to charge a franchise fee except for direct occupancy of the right of way, and when the new agreement is negotiated, ad sales and home shopping network categories would not be charged franchise fees.

Councilor McKeown commented there have been problems with using the call center, and Linda Kimberly, Charter Communications, explained they are working out the bugs with the call center, but it will eventually be a benefit to customers. Charter has launched the modem service and the call center will help customers with their inquiries. Councilor Spangler commented two citizens contacted him with complaints about cable. Councilor Weeks expressed concern there have been two increases for cable service in the past year. Ms. Kimberly explained the raises are due to high tech services being brought to the area and program rates. She noted in June eight new channels were added and an additional five channels will be added to basic, eight to expanded basic, and more pay per view channels. Also to be added soon will be video on demand. Councilor Spangler asked what was available for the customer who only wants expanded basic. Ms. Kimberly reported the FCC requires certain channels be included in basic service.

Councilor Weeks moved to refund \$3,400 to Charter Communications or an amount as determined by Charter Communications and the Finance Director. Councilor Miller seconded the motion which passed with the Mayor and all Councilors present voting aye. Councilor Weeks moved to interpret the franchise agreement with Charter Communications such that the prescribed five percent franchise fee should not in the future be computed by including revenue from Charter's advertising sales from home shopping network. Councilor Miller seconded the motion which passed with the Mayor and all Councilors present voting aye. Councilor Weeks moved to include the adopted interpretation in the new franchise agreement with Charter Communications. Councilor Miller seconded the motion which passed with the Mayor and all Councilors present voting aye.

Approval of a Merit Salary Adjustment for the City Manager

Mayor Benetti requested this item be postponed until all Councilors were present for the discussion. Consensus of the Council to place the item on the agenda for November 20th.

Public Comments

Julia Spangler, Coos Bay, expressed disappointment that Charter will have another increase in cable service and will no longer be offering a senior discount. She suggested Charter offer a smaller basic package at a lower fee for seniors. Jim Sherman, Coos Bay, commented when he had a cable problem he couldn't talk to a real person and was not able to contact the local cable office. He also expressed concern that commercials were being shown on C-SPAN.

Len Luttrell, Coos Bay, expressed concern about the Community Development Block Grant the City secured for the Boys and Girls Club, in light of the Club's recent financial problems. He asked if an independent audit had been done and if the state accepted the audit that none of the funds were managed incorrectly. Bill Grile reported two independent agencies have monitored the grant and determined there were no irregularities in the disbursements of the grant. The Club is a partner with the City and the relationship is good. Mr. Luttrell commented he is encouraged to see that over 1700 scholarships were given by the Club and that the school district is meeting their commitment to bus children to the Club after school.

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Tony George, owner of the Bag Works, commented he had been assured the building he rented for his business was structurally sound, however, water has been draining into the facility. Mr. George reported contacting the property manager about the problem and was told the building was structurally sound. He expressed concern for the safety of those entering the building and had filled out a citizen concern form at city hall. He stated the inspection report indicated the building is unsafe and he was told by the building inspector to give notice and find another location. Mr. George commented he has not been able to get a copy of the inspector's report and no information about the building has been given to him.

City Attorney Randall Tosh explained staff has started enforcement proceedings and this matter may come back to the Council for a hearing, and at this time the Council may not get into specific details. Mr. Tosh noted that the community services director had tried to get in touch with Mr. George this afternoon, and explained that notice is required to be given to the property owner and a period of time given to correct deficiencies. Mr. Tosh explained there is a difference between substandard and dangerous buildings, and dangerous is defined as an imminent threat to life. Ms. Shribbs explained the ordinance provides that the City send notice to the property owner and tenants; the letter to the owner was sent today and letters to the tenants will go out tomorrow. Ms. Shribbs commented the building inspector inspected the roof repairs, but the right to access the inside of the building wasn't available until Mr. George filled out a citizen concern form.

Mr. George expressed concern about the amount of time between the inspection and any action taken, and stated the inspector told him he was directed to rewrite the inspection report. Councilor McKeown inquired if the building is dangerous and Joe McClay reported the building is OK to occupy for the next 30 days and appropriate action has been taken; there is no imminent risk to citizens. Mr. George commented he has put a lot of money into his business and his main concern is for the safety of his clients. Mayor Benetti noted the building inspector has reported the building is not dangerous. Mr. George suggested if there is a problem with a building the City not wait 30 days to notify occupants. Mr. Grile commented if there is any feeling at all that life is endangered, the City has the ability to take swift action. He offered to meet with Mr. George to further discuss the matter.

Sergeant Webster, North Bend, thanked Chief Gibson and the Fire Department for doing good work for the community. He expressed concern that the Boys and Girls Club Board had not been aware that bills were not being paid and that tax dollars were wasted in paying fines. Mr. Webster commented it is not the right time to give the city manager a raise due to the recession. Councilor McKeown reported what occurred with the Club was unfortunate and once the board found out, appropriate action was taken. Independent audits have been done and they are moving forward with providing services to the area's youth. Councilor McKeown invited Mr. Webster to stop by the Club and welcomed his help and suggestions.

Councilor Weeks asked why Mr. Walker was still employed at the Club and Councilor McKeown explained the board determined Mr. Walker serves a valuable role and changed his capacity at the Club. Councilor Spangler commented the City has a vested interest in the Club and inquired if the City had been notified of the situation. Councilor McKeown reported the Club is a private non-profit and the grant was not in jeopardy, and he did not know if the City had been notified. Mr. Grile commented he had been aware of the situation and his concern was to protect the City's interest and if the grant had been in jeopardy, he would have notified the Council. Mr. Tosh noted it was privileged information.

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City Attorney's Report

City Attorney Randall Tosh reported the closing on the purchase of the Mission property is scheduled for Friday and the Firefighters Association has declared an impasse on impact bargaining. Mr. Tosh commented Indonesians love Karoke and the city manager would be willing to perform for them.

City Manager's Report

City Manager Bill Grile reported the BIA submitted a letter to the City regarding placing property into trust for the new site for Alishanee. The City Council previously endorsed the project and it is his intent is to prepare a letter supporting the project unless otherwise directed by the Council. Mayor Benetti asked if the Council had any objections; there were none.

Council Comments

Councilor Weeks welcomed the guests from Indonesia and noted the Salvation Army is putting together a live nativity scene for Christmas and she inquired when the Empire Association will hold their tree lighting event. Julia Spangler commented the association will be meeting Thursday and they will let the City know the date and time.

Councilor Spangler reported he had attended the fiber optics meeting in Klamath Falls last week and Cindy Weeldreyer was elected chair and he was elected vice-chair, and Bill Grile and Tim Enright were appointed to a committee to implement the ethernet. PC&W is on target for meeting deadlines to activate fiber in the bay area although there is a problem for Bandon and Coquille due to their distance from the hub.

Councilor Miller welcomed the Indonesian guests and reported the Halloween event was very successful. She thanked Councilor Larson, Ralph Larson and the Campfire Kids for helping with the program. Councilor Miller commented the Commission on Children and Families has a program scheduled for November 8th and she invited any interested citizens to attend.

Councilor McKeown invited anyone with questions or comments about the Boys and Girls Club to call him at home or at the office. He also welcomed the Indonesian guests to Coos Bay and commented it is an honor and privilege to have them visit our country and observe the democratic process.

Mayor Benetti welcomed the guests from Piser to Coos Bay. Mayor Benetti reported the Oregon Downtown Development Association will hold a workshop at the Coos Bay Library on December 6th, and the BiMart ribbon cutting will be held at 8:15 a.m. Wednesday. He thanked everyone who worked on the downtown Halloween project and Cindi Miller for her work with the Downtown Association. Mayor Benetti read the following letter from Shirley Baldwin at the Pentagon.

'I am one of the nurses that works in the DiLorenzo Health Clinic at the Pentagon. Today I happened to be walking back to the clinic by a different route and saw Coos Bay, Oregon on a long, white banner with individuals' pictures and wonderful words of encouragement. It must be so rewarding to be the mayor of such a wonderful place with such caring folks. I am sure that everyone who passes by the area will receive a "warm fuzzy" just as I did. I stopped to read some of the notes but had to leave because the tears were beginning to come even though there was a smile in my heart knowing there were so many strangers thinking of us.

It is knowing that others do care about us and where we work that gives all of us encouragement each day. If you have the opportunity, let your township know their banner proudly hangs in the Pentagon for all who pass by to see and read.' Thank you, Shirley Baldwin, RN, Nurse Educator/Health Promotion

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Mayor Benetti stated he is very proud to be the mayor of Coos Bay and very proud of the citizens of Coos Bay.

Adjournment

There being no further business to come before the Council, Mayor Benetti adjourned the meeting to November 20, 2001 at 7 p.m. in the Council Chambers of City Hall.

Joe Benetti, Mayor

ATTEST:

Joyce Jansen, Deputy Recorder