

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

December 18, 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 President Jeff McKeown and Councilors Anna Marie Larson, Cindi Miller, Don Spangler, Kevin Stufflebean, and Judy Weeks. Mayor Joe Benetti was absent. City staff present were City Manager Bill Grile, Deputy Recorder Joyce Jansen, City Attorney Randall Tosh, Community Services Director Shanda Shribbs, Fire Chief Stan Gibson, and Police Chief Chuck Knight.

Flag Salute

President McKeown opened the meeting and led the assembly in the salute to the flag.

Consent Calendar

President McKeown reviewed the consent calendar which consisted of approval of the minutes of November 20, 2001. 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

Jon Hanson

Jon Hanson reported Marshfield High School students participated in a canned food drive for needy families and sold tickets for a shopping spree at Grocery Outlet to raise funds for food items for 75 families. The Mr. MHS pageant will be held on March 2nd and will raise money for the children's neonatal unit. Mr. Hanson reported the winter sports program has begun, and the junior class participated in college level classes at the college. Councilor Stufflebean commented Mr. Hanson is also in favor of the Youth Advisory Council.

Department Head Report by Police Chief Chuck Knight

Chief Knight reported the department will have three new officers by January 1st and one of the officers will be attending, at no charge to the city, the Eugene academy. He noted the academy takes 22 weeks and includes more fielding training. Chief Knight reported Sgt. Dave Main serves as the City's liaison with the FBI office regarding terrorism alerts and after the first of the year the department will have an audit performed using personnel from law enforcement agencies and local business leaders to audit communications, staffing, and business practices and procedures. He reported Officer Rodger Craddock recently attended the Community Anti-Drug Coalition of American held in Washington DC.

Officer Craddock reported the annual forum was very informative and his attendance was paid for through a grant. The group, which also included other members from Coos County, had dinner with President Bush when he signed legislation to provide money for prevention programs. One of the programs the department is attempting to bring to Coos County is a multi-media presentation to be given in area schools. The cost is

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\$625 per presentation and the department will be applying for grants to cover the costs. At this time no schools in Oregon have the program.

Report and Discussion on the Youth Advisory Council Program

Councilor Stufflebean reported a workshop on the Youth Advisory Council (YAC) program was held at the League of Oregon Cities Conference last month. The program helps students stay involved in school, and to learn and work with local government. If the Council decides to sponsor the program the City would be responsible for budgeting funds to send students to the LOC conference, other activities, and the National League of Cities, although the LOC would pick up some of the costs. Councilor Stufflebean expressed support for forming a Youth Advisory Council and noted it would require a staff member. Councilor Weeks inquired how much staff time would be required and Councilor Stufflebean reported the position would be as an advisor and there would also be a high school advisory.

Councilor McKeown suggested Councilor Stufflebean come back with a proposal on how a YAC would function. Councilor Stufflebean commented the City of Tualatin budgets \$1,000 to cover meetings, mailings, etc. Jon Hanson, MHS student council, reported students at Marshfield High are interested in participating in the program. Councilor Spangler commented the program could also be used to bring drop outs back to school. Councilor Weeks moved to appoint Councilor Stufflebean as Council representative to the Youth Advisory Council and Councilor Miller as alternate. Councilor Spangler seconded the motion which passed with President McKeown and all Councilors present voting aye.

Citizen Request for Consideration of Installation of a Traffic Signal at Newmark and Schoneman

City Manager Bill Grile reported a number of citizens have requested the Council consider installation of a traffic signal at Newmark and Schoneman. He explained there are a number of things to be reviewed before approving a signal at this location and staff's recommendation is to have an engineering study done. Community Services Director Shanda Shribbs reported Schoneman Street is within 300 feet of the Y intersection which has a traffic light. There are crosswalk signs in the area, the speed is 30 mph, and lighting in the area has been improved due to the street scape project. Ms. Shribbs reported the traffic counts during the busy hour of the day totaled 1,670; 1,548 on Newmark and 122 on Schoneman and Police Department records indicate there were two non-injury accidents in 1999, one injury and five non-injury accidents in 2000, and one injury and five non-injury accidents in 2001. Ms. Shribbs commented if a signal were placed at Schoneman, there are two things to be considered: traffic stacking on Newmark and access of emergency vehicles to the area. The City could install a system that gives emergency vehicles the ability to change the signals prior to getting to the signal which would cost \$25,000 per signal and \$250 per vehicle to install.

Councilor Weeks inquired if moving the new signal a block west would be beneficial. Ms. Shribbs commented staff had not considered that location and they would need someone with engineering expertise to make that type of decision. Councilor Spangler commented a light at Schoneman could back up traffic and create more problems, and suggested staff look at making the crosswalk safer. President McKeown commented there are other factors and different times of the day to be considered, and a study would be helpful in deciding the best alternative. Councilor Stufflebean suggested looking at placing a light at Wasson. Mr. Grile commented it is possible this matter could be wrapped into the transportation plan. Ms. Shribbs

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noted that would take 18 months. President McKeown commented a citizen group was in attendance and requested their spokesperson give comments.

Linda King, Coos Bay, presented the Council with additional petitions for the traffic light and reported they are concerned about pedestrian safety in this area. She commented there have been more accidents in this area than were reported and they feel strongly that an additional traffic light is necessary. Ms. King noted the signage is inadequate and does not give traffic enough notice of the pedestrian crossing. She reported there are five lanes, and the girls injured last month had made it across four lanes and were hit in the fifth lane.

Councilor Miller commented there is a problem throughout the city with drivers not stopping at crosswalks, and she has seen a lot of pedestrians in the Newmark area. President McKeown commented public safety is a concern of the City and suggested proceeding carefully so as not to create another problem while solving one problem. Councilor Spangler reported in England crossings are striped and have yellow flashing lights. He stated he is very concerned for pedestrians and a study would be helpful in making a decision. Audie Barber, Coos Bay, commented people in this area don't try to get out on Schoneman, but go to Wasson to access Newmark and expressed concern for children crossing Newmark at Schoneman. Kathy Kleary reported she was in an automobile accident on Newmark and supported putting a light at Schoneman. She commented there is a lot of traffic and pedestrians in this area and it was a truck coming from Schoneman onto Newmark that hit her vehicle.

Councilor Weeks suggested staff continue to review the matter, however she doesn't support waiting 18 months for a recommendation. Mr. Grile commented the City does have money for a light and also has control over the street and would not need approval from the state. He noted a consultant could study the intersection and make a recommendation for the best solution. Councilor Larson commented there are enough funds in urban renewal and she supported putting in the light. Councilor Stufflebean commented pedestrian safety is a priority and he has seen traffic stacked up at the light at the Y and a traffic light at Schoneman could be a problem. Councilor Spangler commented there is expertise on staff to do a preliminary and then go to an expert. Mr. Grile commented the City has wonderful staff with capabilities, but this is a complicated matter and we need expertise. President McKeown noted the upcoming improvements on Newmark will increase the traffic flow even more and the City needs to be careful in making a decision to add another traffic light.

President McKeown moved to direct staff to look for the most cost effective way to do a study for the most effective solution for pedestrian safety on Newmark Avenue. Councilor Stufflebean seconded the motion which passed with President McKeown and all Councilors present voting aye.

Public Hearing and Enactment of an Ordinance **Approving Street Vacations for Portions of Myrtle** **Avenue and 7th Street – Alishanee Recreation Project**

Planning Administrator Laura Barron read the public hearing disclosure and explained the application for vacation of a portion of Myrtle Avenue and a portion of North 7th Street was being made by the Confederated Tribes. Ms. Barron explained the Tribe plans to utilize the vacated portion of Myrtle for off-street parking for the proposed bowling alley and recreation center and the vacation of a portion of 7th Street would be used for a portion of the building and parking. The Planning Commission recommended approval of the proposed vacations with a condition of 30' easements for utilities, based on lack of long term effects on neighboring

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property. Ms. Barron reported the property is zoned Industrial/Commercial and the Tribe is requesting the condition be dropped prompted by a letter they received from the Water Board stating the Tribe did not need the easement on North 7th. Ms. Barron explained there is a sewer line on North 7th Street which the Tribe proposes to abandon and there are both water and sewer lines on Myrtle. The options for the Council include: affirm the Planning Commission's recommendation and vacate a portion of North 7th and Myrtle with condition for utility easements; drop the easement on 7th Street but keep the easement on Myrtle Avenue; deny the request; or remand back to the Planning Commission for further consideration.

Councilor Spangler commented the Planning Commission turned down a street vacation previously and asked if the condition still exists. Ms. Barron explained that was a different situation and there was not development on the next block. President McKeown noted the initial request by Familian was not approved because this lot could be developed in the future. Councilor Stufflebean commented one lot can be accessed off 7th Street and if the vacation is approved, the other properties still have access from 6th and 7th. Councilor Stufflebean inquired if comments were received from Pape and Ms. Barron reported they were given notice, but no verbal or written comments were received. Councilor Miller asked why the vacation is appropriate now but not for the previous applicant. Mr. Grile explained previously there was still undeveloped property in the area.

President McKeown declared ex parte contact and opened the public hearing. Whitney Long, planning director for the Tribe, reported the Tribe is requesting the vacations to accommodate development of a family recreation center. The Department of Agriculture is providing a grant for the project and there is a restriction by the federal government from allowing development in the flood plain. To accommodate the structure on the shape of the property, the streets need to be vacated. Stuart Woods, architect for the Tribe, reported the facility is 28,000 square feet and includes a 24-lane bowling alley along with accessory uses for a tribal mall. The Planning Commission approved the vacations and the Tribe was asked to meet with the Water Board regarding the water lines. After the discussion, the Water Board stated an easement would not be required. Mr. Stuart requested the Council approve the vacations without an easement on Myrtle Avenue.

Councilor Spangler commented there would be gambling activities at the center. Francis Somday, Tribal Administrator, commented the Tribe has a compact for Class III gambling but do not intend to put gaming into the facility. The facility is planned for family entertainment, however, other games of chance would be located in the lounge. Mr. Somday commented the issue of gambling is being brought up by those protecting their personal interests. He further commented letters of support for the facility have been received from the City and there are a number of people and groups in the area who are also supportive the the project.

David Milburn, owner of the Backstreet Saloon, expressed concern about the amount of traffic coming into the area if the streets are vacated, and trucks currently have a problem with turning around. He espresed support for the development if the Tribe would be paying taxes. Jack Schneiderman, Coos Bay, commented the Planning Commission did not finish their work and the item should not have come to the Council. He does not support vacating more streets in Coos Bay as it is not in the best interest of the city. The truck traffic in this area is heavy and as an industrial area, truck traffic must be accommodated. Mr. Schneiderman commented the property will be taken off the tax rolls and the City should have an agreement with the Tribe to make payment in lieu of taxes. He noted The Mill Casino has such an agreement with North Bend for \$80,000 annually. Councilor Weeks stated for the record she does not know the amount The Mill Casino pays the City of North Bend.

Tim Cummings, Coos Bay, stated he is in favor of the street vacations and the proposed family entertainment

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center. It would also bring economic development to the area. Mark Mattechek, owner of North Bend Lanes, reported his is a family business and has been in the community for 44 years. He expressed concern that the Tribe's facility would hurt his business. Mr. Mattechek commented re-routing the sewer line could be problematic, the facility would greatly increase traffic in the area, and more property would be taken off the tax rolls without compensation to the City. He also commented the Tribe is not required to follow state or county codes when building their facility and he requested the Council deny the street vacations.

Jim Berg, Coos Bay, reported the area has been built up and the sewer and water lines can be moved and easements given. He urged the Council to support the street vacations for economic development which will provide jobs and income to the area. Karen Cummins, Coos Bay, reported there is a need for youth activities in the area and supported the Tribe's proposed recreation center. Gordon Joelson, Coos Bay, commented the Tribe's proposal for an entertainment center is a good project and would bring tourists to the area and provide more activities for families. He expressed concern that once the vacation is granted, the City cannot get it back if needed. Mr. Joelson suggested until the City has an agreement with the Tribe for building and health codes, and taxes, they wait to make a decision.

Carolyn Slyter, Vice-Chair of the Tribe, commented there seems to be a misunderstanding regarding adhering to building codes and health inspections. She stated the Tribe would apply for all permits, meet specifications on their buildings, and have health inspections. Ms. Slyter further commented there is enough business to support two bowling alleys and a second facility would bring more tourists and tournaments to the bay area. The recreation facility would be a good addition to the City and there is a federal requirement to meet regarding building in the flood plain. Ms. Slyter stated the Tribes have worked well with both cities and a casino would not be built in Coos Bay or in the bowling center. She explained the casino must be on restored land and the bowling center does not qualify as restored land. Councilor Spangler asked if the Tribe could wait until they have an agreement with the City as Mr. Joelson suggested. Mr. Somday reported there isn't enough time to put an agreement together and meet the deadlines for the grant and obtaining the property. Gene McCabe, Coos Bay, reported he owns property in the area of the proposed project and requested the City carefully consider the increase in traffic and congestion in the area. James Lott, Tribal member, asked the Council to approve the street vacations, and noted once the City gives away land, it is almost impossible to get it back. Bob Mattechek, North Bend Lanes, commented for 20 years there were two bowling alleys in the area but there was also logging, trucking, and a Navy base. The economy is different now and cannot support two bowling facilities.

There being no further public comments, President McKeown closed the public hearing. Councilor Weeks moved to postpone the decision until a full Council was present. Councilor Miller seconded the motion. Councilor Spangler noted the deadline for the Tribe is January 3rd. President McKeown noted in fairness to the Tribe, the City should expedite the matter. Councilor Weeks recommended a resolution be prepared first. After further discussion, Councilor Weeks restated her motion to continue the hearing at the next regular Council meeting on January 2, 2002. Councilor Miller seconded the motion which passed with President McKeown and Councilors Larson, Miller Spangler and Weeks voting aye; Councilor Stufflebean voting no.

City Attorney's Report

City Attorney Randall Tosh reported he has contacted Harvey Rogers regarding an opinion on the leasing and sale of property purchased with bond proceeds, and expects to have a report to the Council at the next meeting.

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City Manager's Report

City Manager Bill Grile reported the school district has been working with city staff on developing a technology plan for the city. Staff would like a meeting with the Council next month to review the plan and the assistant city manager will contact the Council for a meeting date. Mr. Grile commented three positions on the Parking Committee will expire at the end of the month and since the parking system has been working well for some time, there may not be a need to have the committee. Councilor Miller suggested dissolving the committee and convene an ad hoc committee when a need arises. Mr. Grile stated a resolution dissolving the committee would be presented at the next Council meeting. Mr. Grile reported staff will be presenting a proposal to the Council to have a non-profit entity oversee PEG TV in the next few months. The subscription program helps support the channel, but not enough revenue comes in to support the channel. The proposal will include podium in the park, ie. public access, and any non-profit may submit a proposal. Mr. Grile reported there are safety concerns regarding truck parking on 7th Street and staff will be presenting options to the Council at the next meeting.

Mayor and Council Comments

Councilor Larson wished everyone a Merry Christmas and a happy new year.

Councilor Stufflebean reported he had met with Marshfield High School students to discuss the Youth Advisory Council program, and the next Solid Waste Advisory Committee meeting will be held Wednesday evening. The Beaver Hill dump facility will be full in 2013 and at that time the County will have closure costs to pay. Councilor Stufflebean noted the County has held the cost to \$71 per ton, but in order to save for closing costs, the fee should be around \$120 per ton. He commented the Council should not postpone making a decision only because the whole Council is not available; it is not a good practice and should only be done on a limited basis.

Councilor Weeks reported she attended the concert at the Egyptian Theater and it was outstanding. She would like to see more activities in the theater.

Councilor Spangler commented the need to postpone the decision tonight was due to the amount of data to cover. The Empire tree lighting was a success.

Councilor Miller reported the downtown recruitment workshop presented by ODDA was very good and gave out a lot of information. The Downtown Association will hold a meeting at the library on January 11th to review the information and plan the next step. The skateboard park group is meeting at the Coos Bay fire hall every Monday night at 7 p.m. They are an enthusiastic group and their fund raising efforts are moving along. Councilor Miller extended a wish for a happy holiday to everyone from Mayor Benetti.

President McKeown reported staff would like to hold a goal setting session and will be contacting the Council for a meeting date. He reminded citizens of openings on the Budget Committee and Planning Commission and wished the Council and staff a Merry Christmas. President McKeown commented the Council and staff have accomplished a lot in the past year, and expressed appreciation to the Council for their dedication to the City. He noted he would be out of town for the next meeting.

Executive Session

President McKeown moved to go into executive session. Councilor Miller seconded the motion which passed with President McKeown and all Councilors present voting aye. The City Council met in executive session pursuant to ORS 192.660 (1) (d) for the purpose of consulting with legal council regarding labor negotiations.

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The Council reconvened into regular session.

**Consent for the City Attorney to Represent both
the City of Coos Bay and the Coos Art Museum**

Councilor Stufflebean moved to give consent for the city attorney to represent both the City of Coos Bay and the Coos Art Museum and waive any conflict of interest. Councilor Weeks seconded the motion which passed with President McKeown and all Councilors present voting aye. The city manager was directed to sign the letter of consent.

Adjournment

There being no further business to come before the City Council, President McKeown adjourned the meeting until 7:00 p.m. January 2, 2002.

Jeff McKeown, President of the City Council

ATTEST:

Joyce Jansen, Deputy Recorder