

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

December 17, 2002

The minutes of the proceedings of a regular meeting of the City Council of the City of Coos Bay held at 7 p.m. in the Council Chambers at City Hall, 500 Central Avenue, Coos Bay, Coos County, Oregon.

Those Attending

Those present were President Jeff McKeown and Councilors Jon Eck, Roger Gould, Cindi Miller, and Kevin Stufflebean. Mayor Joe Benetti and Councilor Anna Marie Larson were absent. City staff present were City Manager Bill Grile, Deputy Recorder Joyce Jansen, City Attorney Nathan McClintock, Community Services Director Shanda Shribbs, Fire Chief Stan Gibson, Police Chief Chuck Knight, and Finance Director Janell Howard.

Flag Salute

President McKeown opened the meeting and led the assembly in the salute to the flag. A moment of silence was held for fallen Firefighters Randy Carpenter, Jeff Common, and Chuck Hanners.

Consent Calendar

President McKeown reviewed the consent calendar which consisted of approval of the December 3, 2002 minutes, adoption of Resolution 02-38 approving the alum sludge rate adjustment, adoption of Resolution 02-39 approving the voter canvass for the December 3rd special election, adoption of Resolution 02-40 authorizing release of funds from the Coos Bay Firefighters Memorial Fund, and approval to surplus Police Department vehicles. Councilor Stufflebean moved to approve the consent calendar as presented. Councilor Eck seconded the motion which passed with all Councilors present voting aye.

Marshfield High School Report by Leslie Wall

Leslie Wall reported the Nutcracker ballet was performed by the Eugene Ballet at the high school and three students from Marshfield were also in the performance. The junior class visited SWOCC and attended classes for college experience; the student center was dedicated on Pirate Night; students are sponsoring a canned food drive; Mr. MHS contestants have been selected; and the annual winter vocal concert will be held Wednesday and Thursday. On behalf of the students, Leslie extended condolences to the families of the firefighters.

Update on the November 25th Fire by Chief Gibson

Fire Chief Gibson reported the State Fire Marshall's Office has completed their investigation; he met today with two insurance companies and they were removing equipment and materials to be placed in safe keeping. Chief Gibson reported OR-OSHA has completed their interviews and have 180 days to do the closing conference with the city. The National Fire Protection Association completed their investigation on December 12th and the preliminary findings are in agreement in the cause of the fire. The National Institute of Standards and Testing has been requested to perform an analysis of the building and fire. This was requested by NIOSH and the report is expected to be completed in six to nine months. Chief Gibson reported the demolition of the building is expected to be completed December 19th.

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Department Head Report by Community Services Director Shanda Shribbs

Community Services Director Shanda Shribbs reported on the condition and repair of the slides on Coos River Highway and West Park Roadway. Ms. Shribbs reviewed the regional housing rehab program which has been funded for \$300,000 and noted funds will be focused in the Bunker Hill and Charleston areas. Applicants with an income level of up to \$30,600 may apply and there are a number of repayment options available. The County is the applicant which is more convenient for the city as the county is accustomed to dealing with federal requirements. President McKeown commented the County Commissioners need a recommendation for an appointment to the Regional Strategies Board and Ms. Shribbs is a logical choice. Councilor Gould moved to recommend Ms. Shribbs for appointment to the Regional Strategies Board. Councilor Miller seconded the motion which passed with all Councilors present voting aye.

Enactment of an Ordinance Repealing Ordinance No. 300 Establishing a Claims Procedure for Regulatory Takings

City Attorney Nathan McClintock explained when Ballot Measure 7 was enacted requiring cities to pay property owners for regulatory takings, the city of Coos Bay enacted Ordinance No. 300 establishing a claims procedure. The supreme court has invalidated BM 7 and the city needs to repeal its ordinance. Councilor Stufflebean moved to enact Ordinance No. 329 repealing Ordinance No. 300 and Councilor Miller seconded the motion. Deputy Recorder Joyce Jansen read the ordinance by title only and the ordinance was enacted with the following vote:

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| Aye: | Councilors Jon Eck, Roger Gould, Jeff McKeown, Cindi Miller and Kevin Stufflebean. |
| No: | None |
| Absent: | Mayor Benetti and Councilor Larson |

Public Comments

Nicholas Burczyk, Coos Bay, expressed concern about air quality in the bay area and suggested the City Council pass new laws regulating wood stoves and fireplaces and requiring inspections. He referenced his letter to the attorney general regarding Mafia activities in Coos Bay.

Carole Fenton, Coos Bay, explained her daughter is Christine Farmer and inquired how the City will distribute the Firefighters Memorial Fund. She explained her daughter's six-year relationship with Firefighter Randy Carpenter, and that many people donated to the fund believing that Christine and her son would receive a portion of the funds. President McKeown explained distribution of the funds is not a decision of the City Council, but will be divided equally between the three estates. There was considerable review and discussion on the process of probate and estates. City Attorney Nathan McClintock recommended Ms. Farmer hire an attorney to handle this matter for her.

Christine Farmer, Coos Bay, explained her experience with the Portland Fire Bureau and Coos Bay Volunteer Firefighters Association. Ms. Farmer commented on staffing and training problems in the Fire Department and suggested layoffs should be done at the top with the battalion chiefs. She also suggested closing one of the three fire stations to save funds.

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Jody Failmezger, Lakeside, expressed concern that Christie and her son Trevor would be forgotten and explained Randy Carpenter had built a house for them. She also commented that the department should not layoff firefighters. Renee Conn, Coos Bay, requested the City Council consider putting the public safety ballot measure out again to the voters and commented a number of people have commented to her they would now support the levy. Ms. Conn also inquired if the public could have a voice in the distribution of the Firefighter Memorial Fund. President McKeown commented this would be difficult and on advice of the city attorney, the funds will be divided between the three estates.

Roger Goude, Coos Bay, expressed concern that the Eastside station has been closed and supported putting the public safety measure out again to the public for a vote. He commented the Sumner Rural Fire District donated to the memorial fund with the understanding that a portion would go to Christine.

City Attorney's Report

City Attorney Nathan McClintock reported he and the finance director are working on an agreement to get older HUD loans paid off to avoid foreclosures.

City Manager's Report

City Manager Bill Grile expressed appreciation of the City Council for understanding the affects of the November 25th fire on staff and the community. He expressed his gratitude for the extra effort of staff during the December 15th storm.

Council Comments

Councilor Eck thanked Councilor Miller for inviting him to participate in the KDOC Bus Jam 2002 and commented on Bob Huggins' effort in fundraising for the purchase of a thermo-energy camera for the Fire Department. Councilor Stufflebean thanked the community for making Bus Jam 2002 successful and noted distribution will be made on Saturday at Blossom Gulch School. Councilor Miller thanked Councilor Stufflebean for helping with Bus Jam 2002 and commented on the generosity of the community. President McKeown reported a benefit auction for the firefighters will be held in Coquille on December 28th with 100 percent of the proceeds being donated to the firefighters' families. A letter from North Bend Mayor Wetherall was read to the assembly expressing condolences to Coos Bay for the loss of the firefighters. President McKeown commended staff for what they have done and what they are going through with the budget challenges and fire tragedy. He commented the December 15th storm was an emergency situation and all the departments worked well and at their best.

Adjourn

There being no further business to come before the Council, President McKeown adjourned the meeting to January 7, 2003 in the Council Chambers at City Hall.

Jeff McKeown, President

ATTEST:

Joyce Jansen, Deputy Recorder