

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

June 1, 2004

The minutes of the proceedings of a 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 Attending

Those present were Mayor Joe Benetti and Councilors Jon Eck, Roger Gould, and Jeff McKeown. Councilors Anna Marie Larson, Cindi Miller, and Kevin Stufflebean were absent. City staff present were City Manager Chuck Knight, Deputy Recorder Joyce Jansen, City Attorney Nathan McClintock, Planning Administrator Laura Barron, Finance Director Janell Howard, Fire Chief Stan Gibson, Library Director Carol Ventgen, and Police Chief Eura Washburn

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 a recommendation to approve annual OLCC license renewals for the Fireside Restaurant/Woodshed Bar, Safeway, Eagles Lodge #538, and Cedar Grill; adoption of Resolution 04-03 increasing the city's liability insurance coverage; approval of a card room application for Gussie's; and approval of the May 25, 2004 meeting minutes. Councilor Eck moved to approve the consent calendar as presented. Councilor Gould seconded the motion which passed with the Mayor and all Councilors present voting aye.

Department Head Report by Library Director Carol Ventgen and Presentation of the Ready to Read Grant by Mary Kay Dahlgreen, Oregon State Library

Library Director Carol Ventgen reported Children's Librarian Pat Flitcroft has been recognized by the Oregon State Library for her service to children and participation in the Read Across America Program. Mary Kay Dahlgreen presented Ms. Flitcroft with a certificate and commended her for doing an outstanding job with the children's program at the Coos Bay Public Library. Mayor Benetti also extended congratulations to Ms. Flitcroft.

Progress Report on the Dakota Avenue Storm Water Project by Garrett Pallo from HBH

Garrett Pallo, HBH Consulting Engineers, briefly reviewed the circumstances of the flooding issue on Dakota Avenue. Mr. Pallo reported the area has recently been identified as fish habitat and the permit process required by the Corp of Engineers was started by the City some time ago. The recommendation from HBH includes rehabilitation of the culvert and placement of a state and federal approved fish-friendly tidegate. Mr. Pallo explained a combination of rain and high tides create the flooding problem and the goal of the improvements is to cut off the drainage area from the tidal zone. He expressed confidence that the new system will take care

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of the flooding problem. The council briefly noted other areas in the community with tidegates that have flooding problems. Mr. Pallo commented the city anticipates moving forward as soon permits are issued and a contract for the work has been awarded.

Award of Bid for Ocean Boulevard Overlay Project

City Manager Chuck Knight reported bids have been solicited for engineering work on the Ocean Blvd overlay project and there are several options for Council's consideration. Option No. 1 would overlay and restripe the street; Option No. 2 would change the pattern from four lanes to two lanes with a center turn lane and bike lanes; Option No. 3 would restripe street as it currently is, but would narrow down in certain locations for insertion of a turn lane; and Option No. 4 would restripe as four lanes and add turn lanes in various locations. This option would require the city to acquire property for the turn lanes.

Mayor Benetti commented his understanding was the engineer would give the Council a recommendation on which option would be best for the city. Finance Director Janell Howard explained the Council needs to decide which options they want the engineer to prepare costs on and staff's recommendation is for the first three options. Councilors Gould and McKeown also agreed with Mayor Benetti's understanding. Garrett Pallo of HBH commented their proposal stated they would perform a study first, and then set prices for the project. He noted prices could not be established for an unknown scope of work.

There was further discussion regarding the cost for the engineering work, obtaining a recommendation on which option to go with, and determining which option would provide the safest and best traffic control for the area. Councilor Gould moved to reject both bids from the Dyer Partnership and HBH. Councilor Eck seconded the motion which passed with the Mayor and all Councilors present voting aye.

Public Hearing on the Proposed Street Vacation of a Portion of the Oakway Court cul de sac

Planning Administrator Laura Barron read the public hearing disclosure to the assembly and reviewed the proposed street vacation of a portion of Oakway Court. The Planning Commission has reviewed the vacation and approved the vacation with the condition that a deed restriction be filed tying Lots 5, 6 and 7 together, due to a concern that one or two the lots could be sold and there would be an access issue. Mayor Benetti opened the public hearing for comments; no comments were given and the mayor closed the hearing.

Councilor Gould moved to enact the ordinance approving the vacation of a portion of Oakway Court with the deed restriction condition. Councilor McKeown seconded the motion. Deputy Recorder Joyce Jansen read the ordinance by title only and Ordinance No. 349 was enacted with the following vote:

Aye:	Mayor Benetti and Councilors Eck, Gould, and McKeown
No:	None
Absent:	Councilors Larson, Miller and Stufflebean

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Public Hearing on the Proposed Rezone and Plan Amendment for Property Located West of the Englewood School

Planning Administrator Laura Barron read the public hearing disclosure to the assembly and reviewed the proposed rezone. The applicant is School District 9 and the rezone would change the property from “Public Educational Facilities” and “Single-Family and Duplex Residential” to “Qualified Residential Professional”. The Planning Commission has reviewed the request and recommend approval of the rezone. Mayor Benetti opened the public hearing; no comments were given and the mayor closed the hearing.

Councilor Gould moved to enact the ordinance changing the zoning designation from “Public Educational Facilities” to “Single-Family and Duplex Residential”. Councilor Eck seconded the motion. Deputy Recorder Joyce Jansen read the ordinance by title only and Ordinance No. 350 was enacted with the following vote:

Aye: Mayor Benetti and Councilors Eck, Gould, and McKeown
No: None
Absent: Councilors Larson, Miller and Stufflebean

Councilor Gould moved to enact the ordinance changing the Comprehensive Plan map designation from “Quasi-Public” to “Residential Low-Density”. Councilor Eck seconded the motion. Deputy Recorder Joyce Jansen read the ordinance by title only and Ordinance No. 351 was enacted with the following vote.

Aye: Mayor Benetti and Councilors Eck, Gould, and McKeown
No: None
Absent: Councilors Larson, Miller and Stufflebean

Public Hearing on the Proposed Rezone and Plan Amendment for School District Property Located at 15th Street and Pennsylvania Avenue

Planning Administrator Laura Barron read the public hearing disclosure to the assembly and reviewed the proposed rezone of School District property. Ms. Barron reported the property is surrounded by R-2 and the building is currently used by the Boys and Girls Club for dance and karate classes. The School District plans to sell the property once it has been rezoned. Ms. Barron commented the Planning Commission is concerned about multi-family dwellings being permitted, and a letter has been submitted by Joan Morrison expressing concern about commercial uses being allowed and traffic impact on the neighborhood. The Planning Commission is recommending approval of the rezone with the condition that a qualified group residential use would require Planning Commission approval for a conditional use.

Mayor Benetti opened the public hearing. Joan Morrison, 1480 Illinois, Coos Bay, expressed concern the rezone would allow apartments, professional offices, and manufacturing uses. Mayor Benetti commented these uses would require a conditional use permit approved by the Planning Commission and a public hearing is also required. There were no further comments to be given and the mayor closed the hearing.

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Councilor Gould moved to enact the ordinance changing the zoning designation from “Public Educational Facilities” and “Single-Family and Duplex Residential” to “Qualified Professional”. Councilor Eck seconded the motion. Deputy Recorder Joyce Jansen read the ordinance by title only and Ordinance No. 352 was enacted with the following vote:

Aye: Mayor Benetti and Councilors Eck, Gould, and McKeown
No: None
Absent: Councilors Larson, Miller and Stufflebean

Councilor Gould moved to enact the ordinance changing the Comprehensive Plan map designation from “Quasii-Public” and “Residential Low-Density” to “Residential High Density”. Councilor Eck seconded the motion. Deputy Recorder Joyce Jansen read the ordinance by title only and Ordinance No. 353 was enacted with the following vote:

Aye: Mayor Benetti and Councilors Eck, Gould, and McKeown
No: None
Absent: Councilors Larson, Miller and Stufflebean

Public Hearing on the Amendment to the Text of the Land Development Ordinance to Update the Floodplain Requirements in Compliance with the National Flood Insurance Program

Planning Administrator Laura Barron read the public hearing disclosure to the assembly and reported the city is proposing to amend the text of the Land Development Ordinance in the flood damage prevention chapter to comply with requirements of the National Flood Insurance program. Mayor Benetti opened the public hearing; no comments were given and the mayor closed the hearing.

Councilor Gould moved to enact the ordinance amending Chapter 1.8 and Chapter 3.14 of the Land Development Ordinance. Councilor Eck seconded the motion. Deputy Recorder Joyce Jansen read the ordinance by title only and Ordinance No. 354 was enacted with the following vote:

Aye: Mayor Benetti and Councilors Eck, Gould, and McKeown
No: None
Absent: Councilors Larson, Miller and Stufflebean

Public Hearing on the Appeal of the Denial of the Planning Commission to Rezone Property Located in John Topits Park – Empire Lakes Community Building

City Attorney Nate McClintock reported Mayor Benetti and Councilor McKeown would step down and not participate in the discussion or the vote on this item due to their participation in negotiating the sale of the property. Councilor Gould assumed the position of presiding officer and requested the record show that in accordance with city ordinance, the City Council can proceed with action on this item. Planning Administrator Laura Barron read the public hearing disclosure to the assembly and explained the appeal is of the denial of the rezone by the Planning Commission for property located in John Topits Park. Ms. Barron reported the

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applicant is the city and the request is to rezone .88 acres from parks/cemetery to public education facilities. The Planning Commission met on April 13, 2004 and denied the rezone based on findings and conclusions for demand of property and buildings in the future, the current zoning sets aside this property for public use to serve all residents of the city, and rezone would limit the use of the property and create an island in the park.

Ms. Barron reported a letter of appeal was submitted by Mr. Dale Helen of Head Start based on the Planning Commission failing to recognize that the property is not zoned for its current use and it will jeopardize Head Start's continued use of the building. Ms. Barron reviewed the criteria to be followed by the City Council regarding notice given and determining if the appellant has standing to appeal. Ms. Barron reported a letter was received after the notice went out, and it would be considered as new information and had not been considered by the Planning commission. Councilor Gould disclosed for the record, the property was used for a preschool from 1974 to 1995 operated by his wife, and he has had no contact since then or with Mr. Helen or any discussions with anyone on this matter.

Councilor Gould opened the public hearing and requested comments from the appellant. Mr. Helen reported the building was constructed on park property for recreational use; however, the primary use of building has been childcare and education. There has been occasional recreational use, but the majority of use has been non-conforming uses. Mr. Helen commented Head Start has been in service for many years and receives state and federal funding for the program. He further commented that changing the zoning would not change the reality of how the building is used or affect the use of the park; however, not changing the zoning would jeopardize Head Start's continuance of the use of the building.

Councilor Gould reported the Council must find the initial zone design was wrong, or find the criteria to be affirmative in order to reverse the Planning Commission's decision. Mr. Helen commented the zoning should have been changed when the building was constructed, and two pre-school classes are held at the facility, the facility is open for families working fulltime or students, and the Head Start offices are located in the building. Councilor Gould asked if the zoning would impact the surrounding area and Mr. Helen responded the existing use had not impacted the area and continued use would not impact the area. Councilor Gould asked if the rezone would prevent use of the park and Mr. Helen said no, and that Head Start has participated in community events in the park with no problems.

Councilor Gould asked if there were other citizens in favor of the appeal who wished to comment. No comments were given and Councilor Gould opened the hearing for comments in support of the Planning Commission's denial of the application. Ed Kramer, 1662 Newmark, Coos Bay, commented his property backs up to the park and he supports keeping the property zoned as a park. He encouraged the Council not to approve the zone change and suggested opening the building to the community. There were no further comments to be heard and Councilor Gould closed the public hearing.

Councilor Eck commented staff did a good job of justifying the zoning request and Mr. Helen did a good job of presenting Head Start's appeal. Councilor Gould commented there was not support of the Planning Commission's statement that the rezone would create an island; there are many areas, such as schools in the middle of residential or commercial areas throughout the city. He further commented the rezone conforms to changes in the comprehensive plan, and the facility has been used for education purposes and childcare for 30 years on a consistent

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basis; and the rezone would not impact the use of the park, and sale of the building has been approved by the City Council.

Councilor Eck moved to reverse the Planning Commission's decision to deny the rezone, and make the staff's findings the council's findings, and allow the rezone. Councilor Gould seconded the motion. Councilors Eck and Gould voted aye; in accordance to city ordinance Mayor Benetti and Councilor McKeown would be counted as part of the affirmative vote.

City Manager's Report

City Manager Chuck Knight reported citizens interested in filing candidacy for mayor or city councilor may contact the deputy recorder beginning tomorrow.

Public comments

June Est-Pundt, Coos Bay, reporting on behalf of Concerned Citizens of Empire, stated they are not altogether pleased with the economic condition of the Empire Urban Renewal Plan and they are hoping to see progress with the projects listed in the plan. Ms. Pundt commented the Agency is a land owner and should maintain their property including adhering to the color pallet and repairing buildings. She commented the Agency should encourage property owners to make improvements by offering incentives, such as funds to paint the buildings. Councilor McKeown agreed the City or the Urban Renewal Agency should set an example and take care of their property. Ms. Pundt commented they would like to see the original plan completed. Councilor Gould commented it is encouraging to have citizens taking an interest in how their area looks and willing to do the work.

Council Comments

Councilor Gould commented he would like to see the island at 7th and Central attended and would also like to see Public Works prioritize making the area look nice. Councilor McKeown reported the city does not have staff to maintain the parks and plants. Mayor Benetti suggested looking at contracting out some of the work during the summer months. Councilor Gould inquired if the cement at 4th and Anderson could be removed and consensus of the Council was to direct staff to remove the concrete and the traffic flow would remain the same. Councilor Eck commented the Lions Club will be doing a fund raiser at Abbey's Pizza tomorrow and encouraged everyone to attend. Councilor McKeown reported SCDC met last week and there are two potential new sawmills planned for the North Spit. He commented a lot of positive things are happening in the area and that is encouraging.

Mayor Benetti reported the Farmer's Market started last Wednesday and the new location seems to be working well. He congratulated the Marshfield High School graduating class of 2004, and thanked Ken Ware Chevrolet for donating the car for his use in the Memorial Day Parade. Mayor Benetti reported the League of Oregon Cities has been contacted regarding hiring a city manager. He commented bids from professional recruiting firms came in much higher than budgeted and asked the Council if they would agree to using the League to do the recruitment. Councilor McKeown commented he was impressed with the services the League has to offer and they do a broader scope of advertising than other firms. Consensus of the Council to contract with the League of Oregon Cities for recruitment services.

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Adjourn

There being no further business to come before the Council, Mayor Benetti adjourned the meeting to June 15, 2004 in the Council Chambers at City Hall.

Joe Benetti, Mayor

ATTEST:

Joyce Jansen, Deputy Recorder