

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

April 5, 2005

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, Jeff McKeown, John Muenchrath, and Kevin Stufflebean. Councilor Cindi Miller was absent. City staff present were City Manager Scott McClure, Deputy Recorder Joyce Jansen, City Attorney Nathan McClintock, Fire Chief Stan Gibson, Police Chief Eura Washburn, Finance Director Janell Howard, Operations Administrator Steve Doty, and Library Director Carol Ventgen.

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 approval of the February 22, March 1, and March 15, 2005 minutes and approval of an OLCC license application for Black Market Gourmet Foods located at 495 Central Avenue. Councilor Eck moved to approve the consent calendar as presented. Councilor Stufflebean seconded the motion which passed with Mayor Benetti and all Councilors present voting aye.

Report from the Choshi Bridge Committee by Chair Gary Rifkin and Consideration of Approval of the Bridge Design

Gary Rifkin reported the Choshi Bridge Committee has met three times and developed conceptual drawings, construction plans and price costs for replacing the bridge. He reviewed the criteria adopted by the committee for the design of the bridge, displayed conceptual drawings of the bridge, and encouraged donations for construction of the bridge. Mike Crowe explained the design, construction, and materials for the bridge. Mike Vaughan commented on the construction of the bridge is designed to minimize moisture entering into the structure, and displayed a sample of the bronze to be used on the bridge. Mr. Crowe reported the estimated cost for constructing the bridge is \$124,000. There was discussion of the costs of materials, areas where costs could be cut, donation of materials, and funding for the project. Mr. Doty reported the City has applied for a \$60,000 grant which is a 50-50 match. There was further discussion of using funds from the major capital reserve fund and the amount set aside in the budget for the bridge.

Mark Villers made a presentation of his bridge design which included a scale model of the bridge. He reviewed the construction and materials and cost of his design. He estimated the cost at \$30,000 and recommended the bridge be constructed off-site. His cost did not include transporting and placement of the bridge. Kevin moved to adopt Resolution 05-04 approving

the plans and applying for the grant. Roger seconded the motion which passed with Mayor Benetti and all Councilors present voting aye.

Discussion of the Report on Ocean Blvd. Intersections

Operations Administrator Steve Doty reported at the request of the City Council, staff reviewed the major intersections along Ocean Blvd. Using state requirements, the intersections and most of the driveways are OK. The accident rate on Ocean Blvd. is below the state average. Councilor McKeown commented on the request for placement of an indicator light for people exiting Westhills and Mr. Doty stated he would look into the possibility. Staff will continue to monitor traffic on Ocean and plan for a signal at LaClair for future.

Consideration of Award of the Ocean Blvd. Design Engineering Contract

Operations Administrator Steve Doty reported bids were received from The Dyer Partnership for \$48,900, DBH Consulting Engineers for \$56,500, H.G.E, Inc for \$79,010, and KPFF Consulting Engineers for \$103,200 for the design engineering contract for Ocean Blvd. Councilor Gould moved to award the contract to The Dyer Partnership. Councilor Eck seconded the motion which passed with Mayor Benetti and all Councilors present voting aye.

Public Hearing – Appeal of the Planning Commission’s Decision on a Variance for Sidewalk Width in the Proposed Subdivision South of Westgate

Councilor Mckeown declared he had had discussions with Mr. Yeager on the project. Planning Administrator Laura Barron read the public hearing disclosure to the assembly. Ms. Barron reported on March 8th the Planning Commission reviewed the Forest Hills Estates subdivision and approved variances for lesser right of way, lesser travel surface, parking on one side of the street, and a 5’ sidewalk on one of side of the street. Ms. Barron commented the issue is the sidewalks. Mr. Yeager submitted an appeal on March 14th and proposed a compromise for a 4’ wide sidewalk. Ms. Barron noted the size includes a 6” curb. She reviewed the city’s ordinance requirements and explained a 3’ sidewalk is not wide enough for a wheelchair or for two people to walk side by side. The Planning Commission approved a 5.5’ sidewalk on one side of the street and Mr. Yeager is proposing 4.5’ on both sides of the street.

Ms. Barron explained the Council’s decision options. Councilor Stufflebean moved the Council has determined the notice of appeal was filed in a timely manner. Councilor Eck seconded the motion which was passed with Mayor Benetti and all Councilors present voting aye. Councilor Stufflebean moved the Council has determined the appellant has standing to appeal. Councilor Eck seconded the motion which was passed with Mayor Benetti and all Councilors present voting aye.

Ms. Barron reported the scope of the appeal is limited to the location and width of the sidewalk. Staff has recommended the Council modify the sidewalk to 4.5’ on both sides of the street. If the Council approves the modification, two additional findings would need to be included: one in

regards to ADA requirements, and one stating the difference between the ordinance standard and what would be acceptable.

Mayor Benetti opened the public hearing. There were no public comments given. Councilor Gould stated the Planning Commission findings are well taken given the nature of the property and the probability of no further development in this area; the compromise is a reasonable conclusion based on the findings. Councilor Gould moved to accept the recommendation for 4.5' sidewalks on both sides of the street, adopt the findings and conclusions of the Planning Commission, and adopt the two additional findings. Councilor Stufflebean seconded the motion which passed with Mayor Benetti and all Councilors present voting aye.

Public Hearing on Consideration of an Approval of Preliminary Subdivision Plat for a Proposed Subdivision South of Westgate

Planning Administrator Laura Barron read the public hearing disclosure to the assembly. Ms. Barron reported on March 8th the Planning Commission recommended approval of the Forest Hills Estates subdivision. Access to the subdivision will be from Timberline Drive and Evergreen Drive, which empty onto 19th Street, and then onto Ocean Blvd. Ms. Barron reviewed the surrounding area, on-street parking, sidewalk width and placement, water line easements, and visibility issues along 19th Street. The Planning Commission proposed additional findings to respond to the concerns raised during the meeting.

Mayor Benetti opened the public hearing. Irv Yeager thanked staff for their work on the project and commented on the hammer head turnaround and sprinkler requirements, lot sizes, and access to the development. Brian Beam, 1420 Evergreen, stated no opposition to the project, but expressed safety concerns due to the width of 19th Street. He commented school buses are unable to make the turn if another car is on the street. Mr. Beam requested a traffic light be installed on 19th and the street be widened. There being no further comments, Mayor Benetti closed the public hearing.

Councilor Gould moved to approve the subdivision, adopt the Planning Commission's findings and conclusions, and adopt staff's additional findings 1, 2 and 3. Councilor Eck seconded the motion which passed with Mayor Benetti and all Councilors present voting aye.

City Manager's Report

City Manager Scott McClure reported he is working on the budget, made a presentation to the Kiwanis Club, and attended the groundbreaking for the under the bay sewer crossing.

Public Comments

Peter Cooley, 642 14th Avenue, inquired about the status of speed humps he had requested be placed on his street a few weeks ago. Mr. McClure commented further research and discussion was needed. Mr. Cooley asked to be notified when the discussion would take place.

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Pam Wilson, representing the Optimists Club, invited the Council and public to attend the dedication of the new shelter at the 10th Street Park on May 6th. Ms. Wilson explained the shelter was built by volunteers and paid for with grants and donations.

Henry Elsworth, representing Point Man Ministries, reported they would like to donate a flag pole for the boardwalk that would allow flying the flag at half staff. Mayor Benetti thanked the veteran's group for the donation.

Larry Wood, Coos Bay, requested the Council pass an ordinance banning the utilization of residential burn barrels. He reported often the items burned create a lot of toxin and pollution, and many people using the barrels do not have garbage service and use barrels to dispose of garbage. Mr. Wood expressed concern for the air quality and health and safety of residents. Mayor Benetti suggested the city attorney review the ordinance and make a recommendation to the Council. There was further discussion regarding banning the burn barrels, enforcement issues, and looking at other options.

Council Comments

Councilor McKeown commended the Choshi bridge and 10th Street Park volunteers, and thanked the Pointman Ministries volunteers for making the community a better place to live.

Mayor Benetti reported the Alzheimer Memory Walk is coming up and he will be out of town and asked if a member of the Council is available to attend to let him know. The Council has received a request to support a commercial whaling proclamation; there was a brief discussion and consensus was not to support the proclamation.

Executive Session

An executive session was held pursuant to ORS 192.660 (2) (d) for the purpose of discussing labor negotiations.

The Council reconvened into regular session.

Adjourn

There being no further business to come before the Council, Mayor Benetti adjourned the meeting to April 19, 2005 in the Council Chambers at City Hall.

Joe Benetti, Mayor

ATTEST:

Joyce Jansen, Deputy Recorder