

## **MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL**

**June 7, 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, Cindi Miller, John Muenchrath, and Kevin Stufflebean. City staff present was City Manager Scott McClure, Deputy Recorder Joyce Jansen, City Attorney Nathan McClintock, Finance Director Janell Howard, Fire Battalion Chief Howard Owens, Library Director Carol Ventgen, Planning Administrator Laura Barron, 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 approval of the minutes of March 29, April 5, and April 19, 2005, appointment of Coos Bay representative to the County Library Board, recommendation to approve an OLCC license application/greater privilege for Gustina Lund dba Silver Dollar Tavern, and recommendation to approve OLCC license renewals for 2005/06. Councilor Miller moved to approve the consent calendar as presented. Councilor Eck seconded the motion which passed with the Mayor and all Councilors present voting aye.

### **Presentation by Brett Weidemiller, President of the Firefighters Volunteer Association**

Brett Weidemiller, President of the Firefighters Volunteer Association, reported on the activities of the association and making a donation to the Fallen Firefighters Memorial fund. Councilor Gould reported almost \$60,000 has been donated.

### **Public Hearing on an Appeal of a Request to Close a Portion of North 8<sup>th</sup> Street**

City Manager Scott McClure reported a request to close a portion of 8<sup>th</sup> Street with a gate had been received. The street was originally opened up to meet fire code requirements. Staff did a survey of the residents and the request was denied. The request then came to the city manager and after review, was denied, and the Leberti's are appealing the denial. Mr. McClure noted residents in the neighborhood were given notice of the public hearing. Mayor Benetti opened the public hearing.

Lou Leberti, 1725 North 8<sup>th</sup> Street, Coos Bay, reported they built their home in 1974 on 8<sup>th</sup> Street. The street had been closed for many years and at the time the street was closed there were no comments about closure. Kathy Leberti commented the reason they requested the

street be closed was due to vehicle speed and careless driving, and the street is narrow. She reported 20 of the residents signed the letter supporting closure of the street. Mr. Leberti recommended using a locking swing gate to allow fire apparatus access and briefly reviewed history of development in the neighborhood and maintenance of the street. Mrs. Leberti commented the city's survey had a number of discrepancies and she suggested they not be counted. Mr. and Mrs. Leberti requested the Council consider their concerns for safety and approve closing the street. Mayor Benetti confirmed that Mr. Leberti is willing to install the gate at his cost, and if in the future the City requested removal, Mr. Leberti would remove the gate. There was further discussion by the Council regarding notice that the street would be opened, the possibility of requests to close other city streets, and access by public safety and emergency vehicles.

Marlene Boyd, 1690 North 8<sup>th</sup> Street, Coos Bay, commented on safety concerns due to the speed of traffic, and the poor visibility of the street. She supported closing the street. Jack Bushmaker, 1050 Redwood, Coos Bay, stated he has lived in the neighborhood for 22 years and walks and drives the street frequently without experiencing problems. He expressed concern that service vehicles, post office, and school buses would have difficulty if the street is closed. Mary Hoffman, 1679 North 8<sup>th</sup> Street, Coos Bay, commented she has lived in her home for 20 years and has concern about safety and speeding on the street. There being no further comments, Mayor Benetti closed the public hearing.

The Council discussed the condition of the street, the results of the city survey, and the history of the street being closed. Councilor Gould commented the street had been closed until 1996, there are safety concerns and he would support the closure. Councilors Eck, Miller and Stufflebean had driven the street and for safety reasons, supported closure of the street. Mayor Benetti also expressed support for the closure for safety concerns and because a majority of the neighborhood have requested the closure. Councilor Stufflebean moved to direct staff to authorize placement of approved apparatus to block the street by June 30<sup>th</sup>, and approve the right of way use permit. Councilor Miller seconded the motion which passed with Mayor Benetti and Councilors Eck, Gould, Miller, and Stufflebean voting aye; and Councilors McKeown and Muenchrath voting no. Mayor Benetti commented city staff will designate the location for placement of the gate and install the dead end signs.

**Public Hearing on a request for a Rezone and  
Plan Amendment of Property Located on South  
11<sup>th</sup> Street**

Planning Administrator Laura Barron read the public hearing disclosure to the assembly and reviewed the area proposed for rezone from commercial to residential. Ms Barron reported the Planning Commission approved the proposed rezone on May 10<sup>th</sup> and no objections to the rezone had been submitted. Mayor Benetti opened the public hearing. There were no comments and Mayor Benetti closed the hearing. Councilor Gould moved to approve the application and adopt the Planning Commission's findings. Councilor Miller seconded the motion which passed with the Mayor and all Councilors present voting aye. Councilor Gould moved to adopt the plan amendment. Councilor Stufflebean seconded the motion which passed with the Mayor and all Councilors present voting aye.

Councilor Gould moved to enact the ordinance changing the zoning designation for certain real property from General Commercial to Single-Family and Duplex Residential. Councilor Miller seconded the motion. Deputy Recorder Joyce Jansen read the ordinance by title only and Ordinance No. 366 was enacted by the following vote:

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

Councilor Gould moved to enact the ordinance changing the zoning designation for certain real property from General Commercial to Single-Family and Duplex Residential. Councilor Miller seconded the motion. Deputy Recorder Joyce Jansen read the ordinance by title only and Ordinance No. 367 was enacted by the following vote:

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

**Consideration of a Request to Vacate an Unopened Public Road Under County Jurisdiction – Council Approval of the Vacation will Require Adoption of Resolution 05-06**

Planning Administrator Laura Barron reported the County has requested the Council adopt a resolution that concurs with the finding of the County to vacate the unopened right of way located in the Englewood area. The road is not a city street and the purpose of the vacation is to allow access for future develop and a natural gas pipeline easement. Councilor Gould moved to approve the application for vacation and adopt Resolution 05-06, which is attached and hereto made a part of the record. Councilor Miller seconded the motion which passed with the Mayor and all Councilors present voting aye.

**Consideration of a Request to Decrease the Area of the Empire Waterfront Settlement Design and Dissolve the Historic Design Review Committee**

Planning Administrator Laura Barron reported Mark McPeek recently submitted a letter to the City requesting the area affected by the Empire Design Standards be reduced and the Historic Design Review Committee be dissolved. Ms. Barron briefly explained the purpose of the standards and the Historic Design Review Committee. She further commented the City took public input on the standards and surveyed the property owners before adopting the standards, Mr. McPeek was the landowner in 2001 when the standards were adopted and the City did not hear from him at that time.

Councilor Stufflebean commented the Planning Commission was involved with developing the standards for Empire as well as the Front Street Design Standards, and several public hearings were held, including the mailing out of notices when the standards were developed and

adopted. Councilor Stufflebean recommended keeping the standards in place. Mr. McPeek stated he had attended and spoke at a meeting when the standards were being developed; however, the design policy is inappropriate as there is only one historical structure in the area. He has spoken to other property owners and they do not support the standards. Mr. McPeek referred to the design criteria in the ordinance as not fitting the buildings and businesses in the Empire area and requested the Council consider moving the designated area two blocks to the downtown area of Empire. Mr. McPeek briefly explained his plans to expand his business by adding a gymnasium. Mayor Benetti commented there are some restrictions, but there are also a lot of options in the standards, and the purpose of the committee is to help property owners.

The Council further discussed the area the standards affect and how far back from Newmark Avenue the standards cover. Councilor McKeown commented the standards are flexible and do not need to be changed to allow Mr. McPeek's addition. Mayor Benetti commented staff's recommendation is to maintain the standards or do a survey. He noted the survey would take months and staff time. Councilor Stufflebean commented representing the business owners is part of the problem because every couple of years it's a different group of individuals, and at the time the standards were approved, there was overwhelming support from the business owners. Consensus of council to leave the standards as adopted.

### **City Manager's Report**

City Manager Scott McClure reported on the Flags and Flowers Project, the development a pedestrian connection from the Red Lion to downtown Coos Bay, and the possibility of painting murals on the petroleum tanks. Mr. McClure briefly reported on the progress of the Solid Waste Advisory Committee.

### **Public Comments**

There were no public comments.

### **Council Comments**

Councilor Stufflebean reported representing the Mayor at the AmVet Conference and the Filipino Independence Day Celebration. Councilor Miller commented the Farmer's Market is underway and doing well, and the Downtown Association has begun the preparations for the Blackberry Arts Festival. Councilor Eck, representing the Lion's Club, presented the Police Department with a check for \$6,400 for the purchase of police dogs.

Councilor Gould reported the Firefighters Memorial Committee is ready to enter into an agreement with sculptor Mack Holman. A number of donations have been received and an additional \$45,000 is needed for the memorial. Councilor Gould reported the committee selected the site in front of city hall and the Council needs to sign off on the location. The committee anticipates the dedication of the memorial will be held in November 2006. Councilor Stufflebean commented the Urban Renewal Agency had money set aside for improving that area. Councilor Gould requested another meeting be scheduled within the next two weeks for the evaluation of the city manager.

Mayor Benetti reported the Chamber is requesting people write letters to support SB 152 funding for the airport. He also reported on the Flag Day Ceremony on the boardwalk, Water Board budget meetings, and availability of funds through the Brownsfield program. Mayor Benetti reported discussion of a regional sewer treatment plant on the North Spit have taken place and would involve Coos County, Port of Coos Bay, City of North Bend and City of Coos Bay. He recently toured the culinary institute and the college is working on arranging an annual food and wine festival including a competition cook-off. Mayor Benetti thanked Ken Ware for the donation of a vehicle for the Memorial Day Parade.

### **Executive Session**

The Council met in executive session pursuant to ORS 192.660 (2) (d) for the purpose of discussing labor negotiations.

The Council reconvened into regular session and briefly discussed appointment of an insurance agent of record for medical insurance. Councilor Stufflebean inquired about Nasburg Insurance as agent of record and Finance Director Janell Howard explained Nasburg did not want to continue as agent of record without being fully involved. Ms. Howard commented a year ago the city proposed a fee of service relationship and after recently discussing it with Nasburg, they came to the conclusion that what the city was looking for was a consultant. The City has been pleased with Nasburg's service and the result of the discussion was a clarification that the services would be as a consultant rather than agent of record. Councilor Gould commented this is part of the City's efforts to reduce costs. Councilor Stufflebean expressed concern that the Council had not been notified of the change in agent of record. Ms. Howard commented the City had not changed what Nasburg is doing for the City, and apologized for not memoing the Council. Councilor Gould commented the change was made a year ago. Councilor McKeown commented the Council should be informed; it took Council action to appoint Nasburg. City Attorney Nate McClintock said the issue is a misunderstanding of wording and meaning.

Councilor Gould recommended the Council not formally take action on the agent of record for medical insurance until after negotiations with the firefighters. There was a brief discussion of when to make the appointment. Mayor Benetti moved to appoint Dick Vigue as agent of record to represent the City for Health Savings Accounts. Councilor Miller seconded the motion which passed with the Mayor and all Councilors present voting aye.

### **Adjourn**

There being no further business to come before the Council, Mayor Benetti adjourned the meeting to June 21, 2005 in the Council Chambers at City Hall.

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Joe Benetti, Mayor

ATTEST:

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Joyce Jansen, Deputy Recorder