

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

February 21, 2006

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 were City Manager Scott McClure, Deputy Recorder Joyce Jansen, City Attorney Nate McClintock, Community Services Director Jim Hossley, 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 approval of 2006 Year of the Museum proclamation, adoption of resolution 06-03 acceptance of CEDCO grants for the canine program and Choshi bridge project, adoption of Resolution 06-04 acceptance of Department of Homeland Security fire grants, and approval of the January 3, and 21, 2006 minutes. Mayor Benetti noted a correction to the resolution. Councilor Miller moved to approve the consent calendar as corrected. Councilor Eck seconded the motion which passed with the Mayor and all Councilors present voting aye.

Public Hearing on a Request to Remove the Gate Located Between 1802 and 1865 North 8th Street

City Manager Scott McClure explained a request to remove the gate on North 8th Street, which was approved June 2005, has been received. Notice of the public hearing has been published in the newspaper and notice mailed to property owners in the area and to citizens who signed the petitions. Mayor Benetti opened the public hearing and asked for comments supporting opening the street. Keith Hulsey, 1025 Redwood Avenue, expressed support for keeping the street open for emergency vehicle access. He commented his major concern is health issues and the gate slows response time. Rick Shearer, 2155 North 8th, requested the street be open for residential access and for emergency vehicle response. He commented when the area flooded recently, the only way out for residents was to go onto private property. Jack Bushmaker, 1050 Redwood, commented he has used the road and does not consider it hazardous for traffic or pedestrians, and supported removing the gate. He expressed concern that there are two locks on the gate and commented it is not fair to the residents for a select few to have the ability to open the gate for their own use.

Cheryl Schindele, 885 Nutwood, expressed concern about turning onto Hwy 101 without a light when it is much easier to go down 8th Street and turn on Koosbay Blvd and she supported removing the gate. Alice Exton, 890 Nutwood, reported there was an emergency recently and the closed gate delayed the fire department in getting to her home. She urged the Council to

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consider opening the street. Ed Jenkins, 1095 Redwood, commented on his service in the armed forces and his promise to defend the Constitution of the United States, and questioned if the Council has the authority to lock a street and deny citizens access. Colleen Bushmaker, 1050 Redwood, reported in responding to an emergency, seconds and minutes can make a difference in life. She also has health issues and requested the Council open the street.

There being no further comments supporting opening the street, Mayor Benetti requested comments from citizens supporting keeping the gate. Lou Leberti, 1725 North 8th, reported the street had been closed since the 1960s and was opened in 1997 in lieu of installation of a fire hydrant when an additional house was built. The street was opened but was not brought up to street standards and is hazardous. Kathy Leberti commented on vehicles traveling at excessive speed, and the street is hazardous because it is narrow and has blind spots. Mr. Leberti stated there have been several car accidents and a dog was killed. Councilor Muenchrath asked if they used a key to open the gate. Mr. Leberti commented he has a second key and only opened for his brother when he was pulling in a trailer. The gate has been open three weeks because of the dredging on 10th Street.

Bob Laird, 1755 North 8th, distributed photos of the street, noting that the paved part is 35 feet wide, but the street narrows to less than 12 feet, and there are a number of blind spots. Mr. Laird commented one of the neighbors installed speed bumps and the city removed them. He stated it is not an imposition to have the street gated; it is an issue of safety. Gay Noah, 1777 North 8th, stated she has witness people driving fast and using the Leberti driveway for a roller coaster. She expressed concern for pedestrian and children safety in the area and requested the Council keep the gate in place. Mr. Leberti reported he had spoken with Bruce Latta, owner of the ambulance service, and the street can be tagged for emergency vehicles to access the area from another street. Stan Olberg, 1674 North 8th, stated he has lived on 8th Street for over 50 years, long before it became a freeway. He commented the Council voted on this matter a few months ago and questioned why they were having another meeting about the issue. Mr. Olberg commented the street is hazardous because of traffic speeding. Scott Everetts, 1865 North 8th, commented the street is unsafe because it is too narrow and not designed for traffic. He expressed concern for the safety of children in the area.

There being no further comments, Mayor Benetti closed the hearing. By a show of hands of the audience, it appeared the issue of gate was split 50-50. Mayor Benetti commented he drove the street today and still believes the gate should remain closed. He expressed concern for public safety and commented the Council had previously been told the gate would not be an imposition for the Fire Department. Chief Gibson reported the response time is increased on average by 30 seconds. He commented in retrospect, in 1996, he would hope the city would not allow this situation. The owners should have been required to install a fire hydrant, sprinkle the building, or improve the street. Councilor Miller commented Bruce Latta drove the streets to North 8th and believed it could be flagged at the 9-1-1 center to take certain routes.

Councilor Stufflebean commented the issues are for safety and health, and convenience. The city made a mistake in allowing the street to be punched through, and he suggested a local improvement district be considered. Councilor Gould commented the decision was not made arbitrarily. Both sides of the argument were considered and weighing the risks, for safety reasons, lack of visibility, and traffic speed, it is clear the road should be closed. Councilor Gould supported forming a local improvement district and supported keeping the gate closed. Councilor McKeown encouraged the neighbors to consider forming an LID to improve the street. He commented he has a problem with closing off any public street, but there is a safety problem

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to consider. Councilor McKeown further commented the Council is elected to make decisions to the best of their ability, and he doesn't agree with keeping the gate.

Councilor Miller also supported forming an LID, but in the interim, supported keeping the gate due to safety issues. Councilor Muenchrath commented he voted against the gate before and he has a problem with closing a public street. He supported keeping the gate open and supported doing an LID. Councilor Eck commented the street is not designed for through traffic and he supported keeping the gate closed and forming an LID. He also stated disappointment that one person has a key to allow personal access to a public street the Council voted to close. The street is closed for safety, not so someone can have his own private street. Mayor Benetti recommended information on forming a local improvement district be mailed to the residents. Councilor Gould moved to continue closure of North 8th Street using the existing gate. Councilor Miller seconded the motion which passed with Mayor Benetti and Councilors Eck, Gould, Miller and Stufflebean voting aye. Councilors McKeown and Muenchrath voted no.

City Attorney's Report

City Attorney Nate McClintock reported research on payday loans indicate an initiative to put a limitation on finance charges and loan fees may be on the ballot. Councilor Stufflebean suggested a letter of support be sent to the group working on the initiative. Mr. McClintock noted there are strong lobby groups representing these companies.

City Manager's Report

City Manager Scott McClure reviewed the status of the project list and reported funding has been lined up for replacing Choshi Bridge, the Empire Waterfront Concept Plan Committee will present the plan at the next Council meeting, the city will rebid the Central Dock project, the city may be televising the line for the crossover sewer agreement, and the wastewater SDC has been drafted.

Mr. McClure reported on the citizen involvement and communication plan which included goals to improve communication, enhance community and media relations, increase awareness and participation of citizens in government goals and activities, and improve customer service. The plan includes town hall meetings and creating neighborhood contact groups. Councilor McKeown commented staff time spent with local businesses is very productive. Mayor Benetti commented the plan is good and he supported adopting it tonight. Councilor McKeown moved to approve the citizen involvement and communication plan. Councilor Eck seconded the motion which passed with Mayor Benetti and all Councilors present voting aye.

Public Comments

David Engholm, 910 Elrod, reported the Egyptian Theater Preservation Association has submitted articles of incorporation to the State, and is working on bylaws and a business plan. Mr. Engholm inquired if the city objected to the association filing for historic status for the theater. Councilor Gould commented the city should review the process before making application. He also commented on a meeting with association members and noted there is a wide spectrum of board members. Councilor Gould commented the agreement with the Egyptian Theater Preservation Association would use the same concept as the Coos Art Museum. Councilor McKeown stated he is pleased with the progress. MJ Koreiva, Coos Bay, invited the Council to visit the new exhibit at the museum. Camby Collier, Travis Lane,

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expressed concern about the city purchasing the theater and competing with local theaters. Councilor Gould explained the city would not be competing against other theaters and further explained the purpose for purchasing the theater. Ms Collier also expressed concern about funds for maintaining the facility. Mayor Benetti explained the intent of the Urban Renewal Agency is to turn the theater over to a non-profit organization. Councilor Muenchrath commented if someone else had stepped up to purchase the theater, the city would not have purchased the facility.

Carol Ventgen reported the deadline for applying for grants with Coos County Cultural Coalition is next Tuesday, and encouraged organizations and individuals having to do with cultural events to apply. Jody McCaffree, North Bend, reported a citizen meeting to discuss public safety, security, and economic concerns about the Jordon Cove LP gas project will be held at the North Bend library. She commented a report prepared for Congress is available on the web. Councilor McKeown inquired if someone would be speaking on support of the project. Ms McCaffree stated they are welcome to attend, but the reason for the meeting is to hear the other side of the issue.

Council Comments

Councilor Eck reported the Lions Club annual auction will be held March 5th and encouraged the public to participate. The district meeting of the Lions Club will be held in the Bay Area at the end of March. Councilor Muenchrath commented he is impressed with the Egyptian Theater Preservation Association, and thanked everyone for their public comments. Councilor Stufflebean commented there is a lot of misconception about urban renewal and requested Finance Director Janell Howard make a presentation at the next Urban Renewal Agency meeting. Councilor McKeown commented the Empire Waterfront Concept Plan Committee met recently and the plan is a nice blend of viewpoints and potential business development. He thanked citizens for being involved tonight. Mayor Benetti encouraged citizens to serve on city committees and in other volunteer capacities in the community.

Executive Session

Councilor Miller moved to go into executive session pursuant to ORS 192.660 (2) (d) for the purpose of discussing labor negotiations and (e) for the purpose of discussing real property transactions. Councilor Stufflebean seconded the motion which passed with the Mayor and all Councilors present voting aye. The Council reconvened into regular session.

Adjourn

There being no further business to come before the Council, Mayor Benetti adjourned the meeting to March 7, 2006 in the Council Chambers at City Hall.

Joe Benetti, Mayor

Attest:

Joyce Jansen, Deputy Recorder