

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

July 5, 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. Interviews with committee applicants were held at 6 p.m. in the Manager's Conference Room at City Hall.

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, Finance Director Janell Howard, Fire Chief Stan Gibson, Assistant Library Director Ellen Thompson, Planning Administrator Laura Barron, Public Works and Development Director Jim Hossley, and Police Chief Eura Washburn.

Interviews of Committee Applicants

The City Council interviewed Larry Plews for the opening on the Library Board and Jim Clarkson for an opening on the Building and Fire Code Board of Appeal. Andrew Locati, Bruce Harlan, and Steve Metz also applied for the Building and Fire Code Board.

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 OLCC license renewals for Belle Bee tavern, Euros International Grill, and Wal-Mart, and adoption of Resolution 06-24 authorizing inter-fund borrowing and loans. Councilor Miller moved to approve the consent calendar as presented. Councilor Stufflebean seconded the motion which passed with Mayor Benetti and all Councilors present voting aye.

Council Appointments

The Council appointed Jim Clarkson, Bruce Harlan and Andrew Locati to the Building and Fire Codes Board of Appeal, and Larry Plews to the Library Board by Council ballot. Councilor Miller moved to ratify the reappointment of Barbara Butler to the County Library Board. Councilor Muenchrath seconded the motion which passed with Mayor Benetti and all Councilors present voting aye.

Public Hearing on the Appeal of the Planning Commission Decision to Deny Two 5x40-foot Digital Signs on the Tioga Hotel Located at 275 North Broadway

Planning Administrator Laura Barron read the public hearing disclosure to the assembly, and reported the applicant, Mr. Merlin Wisby, was proposing to place two 5x40 foot digital reader

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boards on the Tioga Hotel located at 275 North Broadway (aka US Highway 101). The building was previously named the Marshfield Hotel and was placed on the historical registry in 1983. The building was also designated in the City's comp plan as a cultural resource. Ms. Barron reported on May 9th the Planning Commission denied the reader board placement, and on May 30th the City received a notice of intent to appeal the Commission's decision. The appeal stated the reader boards would not detract from the cultural design of the building and could be painted to blend with the building and the boards would also have a shut off mode for night time. Ms. Barron commented the Council may affirm, reverse or modify the Commission's decision. Councilor Gould moved that the appeal was filed in a timely manner. Councilor Muenchrath seconded the motion which passed with Mayor Benetti and all Councilors present voting aye. Councilor Gould moved the appellant has standing to appeal. Councilor McKeown seconded the motion which passed with Mayor Benetti and all Councilors present voting aye. Ms. Barron disclosed new information from ODOT was received notifying the City the State prohibits signs with intermittent flashing lights to be located along State highways. A petition supporting the placement of reader boards on the building was also submitted.

Mayor Benetti opened the public hearing. Bonnie Flynn, manager of the Chandler Hotel, reported a number of the residents are not happy with the proposed sign because it would take away from the historical setting of the downtown area. Manual Hernandez, attorney for the applicant, commented Mr. Wisby is a business person and there are a lot of businesses in Coos Bay that could benefit from the sign. He further commented the sign complies with City ordinance, and the Council cannot enforce the State law, but only consider whether the sign violates City ordinance. Mr. Hernandez reported Mr. Wisby spent \$10,000 to refurbish the Tioga Hotel sign; the purpose of the reader board is to bring more tourists into the downtown area; and Mr. Wisby is willing to try the sign for six months. Mr. Hernandez encouraged the Council to reconsider the Planning Commission's decision. There being no further comments, Mayor Benetti closed the public hearing.

Councilor Stufflebean commented in reviewing the information provided by the Planning Administrator and considering the historic significance of the building, he would support upholding the Planning Commission's decision. Councilor Muenchrath commented his main reason for opposing the sign was that it would conflict with the historic aesthetics. City Attorney McClintock reported there are two questions for the Council to consider: the designation of the building as a cultural resource value, and whether the sign was consistent with cultural resource. There was further discussion on whether the reader board was compatible with the architectural features of the building and the requirements of the sign ordinance. Councilor McKeown commented a flashing reader board was not consistent with the cultural resource of the building. Councilor Gould commented the Planning Commission adopted finding 2h ODOT information which requires on-premises signs along a State highway can only advertise the businesses which are located in the building, and adopted criteria No. 2 that the sign was not compatible with the character of the building. Councilor Muenchrath commented the sign would be a way of getting information to the public. Mayor Benetti expressed support for the Planning Commission's decision and Councilors Miller and Eck also agreed the sign was not appropriate for the building.

Councilor Gould moved to adopt the Planning Commission findings and deny the appeal. Councilor Miller seconded the motion which passed with Mayor Benetti and Councilors Eck, Gould, McKeown, Miller and Stufflebean voting aye. Councilor Muenchrath voted no.

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Public Hearing on a Request to Vacate a Portion of the Alley Located South of Laurel Avenue, East of North 13th Street, and North of Kingwood Avenue

Planning Administrator Laura Barron read the public hearing disclosure to the assembly and reported on June 13th the Planning Commission recommended approval of the requested street vacation. Ms. Barron reviewed the location of the alley and explained the area to be vacated. The applicant, Dr. Jeff Gibbons, owns the area surrounding the alley and is hoping to add the area to his yard. Councilor Muenchrath disclosed that Dr. Gibbons is a member of the North Bend Medical Center, however, the relationship would not affect his ability to make a decision. Mayor Benetti opened the public hearing. Dr. Jeff Gibbons commented the alley is not being used at this time, the ravine is impassable, and he owns property on both sides of the alley. There being no further comments, Mayor Benetti closed the hearing. Councilor Muenchrath moved to enact the proposed ordinance and Councilor Miller seconded the motion. Deputy Recorder Joyce Jansen read the ordinance by title only and Ordinance No. 384 providing for the vacation of a portion of the alley located south of Laurel Avenue, east of North 13th Street and north of Kingwood Avenue passed with the following vote:

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

Local Improvement District Financing

City Manager Scott McClure reported funding for local improvement districts was low and after approving the Minnesota Avenue LID, there would be no funds available for other projects. The city charter requires any bonding must be voted on and there are substantial wastewater improvements coming up. Mr. McClure asked if the Council would consider placing a measure on the ballot to clarify whether a loan would be considered a bond or warrant. City Attorney Nate McClintock commented the restriction talks about warrants and bonds. He commented the city used loans to improve Ocean Blvd. and the distinction is that Ocean Blvd. had dedicated funds; with an LID, the city was ultimately responsible for payment of the loan. Fundamentally, a loan is not a bond or warrant. Mayor Benetti commented a loan for an LID is legal. Mr. McClintock stated in his opinion a loan would not violate the charter language. Mayor Benetti commented the city did a bond for Plant I improvements and it was successfully voted on. An LID helps individuals accomplish something and he supported the city securing loans for local improvement district projects. Councilor McKeown commented if someone defaults on payment of their LID assessment, the city has recourse for collecting the funds. Consensus of the Council was to support loans for LIDs.

City Manager's Report

City Manager Scott McClure distributed copies of the project list and briefly reviewed the status of the projects. The Council briefly discussed information to be included on the WiFi city website and Councilor Muenchrath suggested a questionnaire be included. Mr. McClure reported the Central Dock property will be fenced for public safety reasons. After further discussion, the Council approved limited fencing to block vehicular traffic and to block off unsafe areas. Consensus of the Council was to keep the area open for public use. Mr. McClure also reviewed

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projects that have been completed. Councilor McKeown inquired about the fire station project. Mr. McClure reported an architect is working on the design and a report is planned for the August 15th meeting. Councilor McKeown asked about the progress on relocating the tennis courts. Mr. McClure reported staff has done an initial look around town. Councilor Muenchrath commented some citizens were interested in donating property.

Public Comments

Eura Washburn, Ford Leadership Institute graduate, thanked the City Council for supporting the program. Frosty West, Coos Bay, thanked the Council for providing the Council Candidate Workshop and commented even though he had picked up a packet, he would not be filing for the Council. Mr. West commented there are two factors regarding the LNG facility that are foremost in people's minds: safety and cost. He proposed formation of a fund to be administered by board comprised of members from the airport board, port commission, county commissioners, and a representative from each city in the county. Funding would come from a contractual agreement with the LNG company. Geno Landrum, Coos Bay, thanked the Council for implementing the WiFi area and reported his business has improved significantly due to the internet availability. Carl Siminow, Coos Bay, expressed support for the Egyptian Theater and encouraged the Urban Renewal Agency to support the theater preservation group.

Council Comments

Councilor Stufflebean thanked Marty Crouse and staff for organizing the 4th of July event. Councilor Miller commented the 4th of July event was great and many people worked to make it possible. She commended Marty Crouse for managing the event; encouraged everyone to attend the Teen Idol program; and thanked staff for arranging the Council Candidates Workshop. Councilor Eck thanked Marty Crouse, city staff, and the Fire Department for working on the 4th of July. He encouraged citizens to participate in the "Clean up, Company is Coming" campaign. Councilor McKeown commented the fire works display was great; the WiFi is a good addition to the city; and briefly reported on the Port Commission's visit to Japan. The Port of Coos Bay is getting recognition nationally and internationally, and on the last trip, they visited Choshi. The mayor of Choshi has expressed interest in coming to Coos Bay for the dedication of Choshi Bridge. Mayor Benetti thanked Fire Department for providing the fireworks and thanked Marty Crouse, Councilor Miller and KDOC, South Coast Runners Club, and all activity providers for their work in making the event successful. Mayor Benetti congratulated Clint Haynes on his retirement after 23 years of service. He encouraged citizens to attend a public meeting on the LNG facility being held next Tuesday at the college.

Adjourn

There being no further business to come before the Council, Mayor Benetti adjourned the meeting to July 18, 2006 in the Council Chambers at City Hall.

Joe Benetti, Mayor

Attest:

Joyce Jansen, Deputy Recorder