

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

August 1, 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, and John Muenchrath. Councilors Kevin Stufflebean and Cindi Miller were absent. City staff present were City Manager Scott McClure, Deputy Recorder Joyce Jansen, City Attorney Nate McClintock, Finance Director Janell Howard, Fire Chief Stan Gibson, Mark Anderson, Library Director Carol Ventgen, Police Chief Eura Washburn, and Public Works and Development Director Jim Hossley,

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 June 6, 2006 minutes. Councilor Eck moved to approve the consent calendar as presented. Councilor McKeown seconded the motion which passed with Mayor Benetti and all Councilors present voting aye.

Public Hearing on the Proposed Street Vacations of Portions of Highland Avenue and North 15th Street

Laura Barron, Planning Administrator, read the public hearing disclosure to the assembly and reported the Planning Commission unanimously approved the street vacation on July 11, 2006 with conditions. Ms. Barron reviewed the location of the property and the proposed vacation and explained the property owner, Norma Frost, desires the vacation for the purpose of placing a second dwelling on the property. The condition of the approval is that the second dwelling would use the same access off Ocean Blvd as the current structure. Ms. Barron briefly reviewed access requirement and noted the Water Board had no objections to the vacation. There is a power line through the abutting property with a 150' easement, and if the Pacific Power pole required moving, it would be at the expense of the property owner.

Mayor Benetti opened the public hearing. No public comments were given and the hearing was closed. Councilor Gould moved to approve the street vacation, adopt the Planning Commission's findings and conclusions, and approve enactment of the proposed ordinance. Councilor Muenchrath seconded the motion. Deputy Recorder Joyce Jansen read the ordinance by title only and Ordinance No. 385 providing for the vacation of Highland Avenue west of Ocean Blvd and a portion of North 15th Street south of Highland Avenue, in the Plat of Perham Park Addition to the City of Marshfield, all in Section 27DB, Township 25 South, Range 13 West of the Willamette Meridian, Coos County, Oregon, was enacted by the following vote:

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Yes: Mayor Benetti and Councilors Jon Eck, Roger Gould,
Jeff McKeown and John Muenchrath
No: None
Absent: Councilors Cindi Miller and Kevin Stufflebean

Public Hearing on the Proposed Plan Map Amendment and Rezone of 1.7 Acres of Property Located at the Eastern Terminus of Cameron Road

Laura Barron, Planning Administrator, reported on July 11, 2006 the Planning Commission approved a change in zone designation for 1.7 acres of property located on Cameron Road, and approved the plan map change. Ms. Barron read the public hearing disclosure to the assembly and reviewed the location of the proposed change. The Land Development Ordinance provides for expanding the zone area and notification was given to the property owner. The ITL is Indian Trust Land; most of the area is zoned General Industrial and the proposed property is on the city boundary line. Ms. Barron reported the City received a letter from Don Hurt, who lives on the County side of the line, and expressed concern about increased traffic. Councilor Eck inquired if residential next to the industrial area would be a conflict of use. Ms. Barron commented there is a potential of conflict, however, the size is 1.7 acres and access is a narrow gravel road. If it was developed, the road would need to be paved. Councilor Gould asked how the property was originally zoned and Ms. Barron reported it is a left over piece and all other property was zoned General Industrial.

Mayor Benetti opened the public hearing. Larry Wingert, Coos Bay, commented the access road was vacated by his family and a new road was built. Currently there is a gate to go through to the Indian Trust Land. Ms. Barron noted the assessors map still shows the easement. There were no further public comments and Mayor Benetti closed the public hearing. Councilor Gould moved to approve the zone change and adopt the Planning Commission's findings and conclusions. Councilor Eck seconded the motion. Deputy Recorder Joyce Jansen read the ordinance by title only and Ordinance No. 386 changing the zoning designation for certain real property from "General Industrial" to "Single-Family and Duplex Residential" was enacted by the following vote:

Yes: Mayor Benetti and Councilors Jon Eck, Roger Gould,
Jeff McKeown, and John Muenchrath
No: None
Absent: Councilors Cindi Miller and Kevin Stufflebean

Councilor Gould moved to enact the proposed ordinance. Councilor Muenchrath seconded the motion. Deputy Recorder Joyce Jansen read the ordinance by title only land Ordinance No. 387 was enacted by the following vote:

Yes: Mayor Benetti and Councilors Jon Eck, Roger Gould,
Jeff McKeown, and John Muenchrath
No: None
Absent: Councilors Cindi Miller and Kevin Stufflebean

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Public Hearing on the Appeal of the Planning Commission Decision to Deny the Site Plan and Architectural Review ZON2006-00061 by Verizon Wireless for a 70-Foot-High Cell Tower Monopole Located at 1875 Seagate Avenue

Planning Administrator Laura Barron read the public hearing disclosure and reported on June 13, 2006 the Planning Commission unanimously denied the site plan and architectural review for the 70' high cell tower on Seagate Avenue. Ms. Barron reviewed the location and reported the property is in the restricted water zone and requires a site plan and architectural review. On July 3rd the City received a notice of appeal from Verizon Wireless. Ms. Barron reported Mr. Kovak raised issues that no findings and conclusion support the denial. Staff's analysis indicates staff failed to properly prepare the order and the minutes of the proceedings clearly indicate the Planning Commission was not satisfied with the site. The Planning Commission brought up the vegetation proposed was inappropriate, and the concern that the monopole belongs at the industrial park rather than in a residential area.

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. Mayor Benetti opened the public hearing. Chris Kovak, representing the applicant, commented the tower had been approved and Verizon did take into consideration the landscape issue. Their landscape architect recommended Pacific Wax Myrtle with more spacing. There were no other public comments and Mayor Benetti closed the public hearing. Councilor McKeown moved to accept the findings and modify the proposal to include Wax Myrtle. Councilor Gould seconded the motion which passed with Mayor Benetti and all Councilors present voting aye.

Discussion on the Hollering Place Project

John Pundt, Concerned Citizens of Empire, commented at a work session two months ago, the City indicated the project would be moving forward. City Manager Scott McClure reported engineering and scope of project was almost complete for the upper portion. Councilor McKeown suggested broadening the work to include a traffic study and retail commercial on the lower portion. Mayor Benetti commented the traffic study should include how to get traffic in and out of the area since traffic was the biggest issue of the project. The Council briefly discussed the impact of traffic to the area, and the amount of time to do the traffic study.

Steve Skinner, North Bend, inquired about protecting the name "Hollering Place" due to property to the south being marketed as the Hollering Place. City Attorney Nate McClintock reported it would be difficult to lock up a historical name, but he would look into the matter. Tom Greaves, Coos Bay, commented a traffic study had been done in 2000-2001. Mayor Benetti commented it was not an official traffic study.

Consideration of Approval to Purchase a New Backhoe for the Public Works and Development Department

Public Works Director Jim Hossley reported \$77,000 had been budgeted for the purchase of a backhoe to replace a 16 year old backhoe. The State price for the equipment was \$87,000, with options needed, and trade-in, the price came to \$95,424. Mr. Hossley commented the purchase of the purchase of a one-ton pickup and mower came in under budget, there would be enough

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funds to cover the extra for the backhoe. Councilor McKeown moved to approve the purchase of the backhoe in the amount of \$95,424. Councilor Muenchrath seconded the motion which passed with Mayor Benetti and all Councilors present voting aye.

Consideration of Approval to Purchase a New Flatbed Truck and Box for the Public Works and Development Department

Public Works Director Jim Hossley reported a Chevy extended cab chassis could be purchased through the State for \$18,000 and with a dump bed added, the purchase would total \$26,818.05. Councilor Muenchrath moved to approve the purchase of the truck in the amount or \$26,818.05. Councilor McKeown seconded the motion which passed with Mayor Benetti and all Councilors present voting aye.

Consideration of Approval to Purchase a New Truck Chassis and Five Yard Dump Truck Box for the Public Works and Development Department

Public Works Director Jim Hossley reported staff searched for a used dump truck and most were 1995 or older. A new diesel truck could be purchased from the State for \$63,400, and a five-yard dump box was found for \$14,800, for a total cost of \$70,071. Mr. Hossley commented this was more than budgeted, however, due to other savings, there was enough money to purchase the truck and come in under budget. Councilor McKeown moved to approve the purchase the truck for a total of \$70,071. Councilor Muenchrath seconded the motion which passed with Mayor Benetti and all Councilors present voting aye.

Authorization to Expend Major Capital Reserve Funds for Construction of Road to Shooting Range

Chief Washburn reported the project would provide better access to the shooting range. The Tribe recently purchased property adjoining the City property and staff was working with the Water Board as a partner with the City and the Tribe. The City would pay for materials and the Tribe would build the road. Councilor McKeown moved to authorize expenditure from Capital Reserve in the amount of \$4617. Councilor Eck seconded the motion which passed with Mayor Benetti and all Councilors present voting aye. Mayor Benetti that the Coquille Tribe for participating in the project.

City Attorney's Report

No report was given.

City Manager's Report

City Manager Scott McClure reviewed the status of current projects and noted the WiFi project was close to being completed, tennis courts are in the mapping phase, surveys for park improvements have been sent, and recruiting for Maintenance Worker II, Firefighter, and Police Officer positions has begun.

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Public Comments

Loui Leberti, Coos Bay, reported a residence on Southwest Blvd abutting his property burned in November 2005 and he had contacted the Public Works Department about removal of the building, but didn't know where staff was at in the process. Public Works Director Jim Hossley reported staff had contacted the owner and there was asbestos on building. He further noted there had been 12 conversations with the owner since the fire, a letter prepared, and the next step would be to bring the matter to the Council for condemnation. City Manager McClure commented the City could spend \$10,000 to \$15,000 to remove the building.

Mr. Leberti commented last October three police officers drew guns on him when he was hunting on the island across from the sewer plant. He stated it was not a problem in the past, but the new chief told him the property was within the city limits and hunting was prohibited. Mr. Leberti commented the fact that three officers drew their guns on him was the issue. Chief Washburn commented the report made to the Police Department was regarding shooting inside the City limits and citizens were scared. Mayor Benetti commented if hunting was not allowed, the property should be posted. Councilor Gould commented whether allowed in the past was not the issue, but whether these islands should be exempted from the ordinance. Chief Washburn commented she would prepare a report for the next meeting.

Alta Hannah, Coos Bay, expressed concern about the trees and brush growing in the ditch between 7th and 8th Streets. A lot of water comes into the area causing flooding and unsafe conditions for children. Ms. Hannah requested the ditch be placed on a maintenance schedule. Public Works Director Hossley reported he had talked with Ms. Hannah a month ago and work on clearing the ditch began today. OMI is aware of where the sewer line is located and during high tide the sewer line could back up. Mr. Hossley noted the facility plan for drainage does have a proposal for the area and it does include pumps; the cost of the project was \$1.5 million. At this time staff is looking into improving the ditch which should take care of the problem.

Camby Collier, Coos Bay, commented on the importance of getting information about the LNG facility to the public and suggested public forums be held once a month for the next six months. She explained about researching development of the LNG facility on the internet and offered to facilitate the forums. Councilor McKeown commented a forum was a good idea and noted a forum had been held at The Mill. Mayor Benetti commented the City was not in a position to do a forum and suggested contacting the Port office. Councilor Muenchrath commented the forums were a good idea and perhaps the forum at The Mill was not the best way to get information out. He offered to help Ms. Collier with the forums.

Dana Gobb, North Bend, commented three officers pulling their guns on a citizen was a critical issue. He stated he was opposed to LNG locating to the community and there are many valid concerns. Mr. Gobb explained the affect use of fossil fuels had on the environment, reviewed other available energy sources, and problems associated with LNG facilities. Jody McCaffee, North Bend, thanked people in the community for getting involved in the proposed LNG facility and encouraged everyone to do their own research on line. Ms. McCaffree asked the Council to contact other cities about LNG facilities.

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Council Comments

Councilor Eck encouraged citizens to visit the Coos County Historical Museum. The plans for the new facility are on display. Councilor Muenchrath thanked citizens for attending the meeting to talk about issues in the community. He asked the City Council to consider taking a stand on the LNG project.

Councilor McKeown commented the forums would be a good way to get information out. Mayor Benetti reported a meeting to discuss the design for the skateboard park would be held Friday at city hall at 7 p.m. The Music Festival was a great success and he thanked everyone who made it possible, and the Blackberry Arts Festival would be held the 26th and 27th. Mayor Benetti reminded citizens that the closing date for filing for Council positions was August 29th.

Adjourn

There being no further business to come before the Council, Mayor Benetti adjourned the meeting to August 15, 2006 in the Council Chambers at City Hall.

Joe Benetti, Mayor

Attest:

Joyce Jansen, Deputy Recorder