

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

**August 15, 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, Finance Director Janell Howard, Fire Chief Stan Gibson, Library Director Carol Ventgen, Public Works and Development Director Jim Hossley, 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 June 20, 2006 minutes. Councilor Stufflebean moved to approve the consent calendar as presented. Councilor Eck seconded the motion which passed with the Mayor and all Councilors present voting aye.

### **Public Hearing on a Proposed Local Improvement District for a Portion of Minnesota Avenue**

Councilor McKeown declared a potential conflict of interest. Mr. Hossley reported one request by the owner of parcel 14 had been received to change the assessment distribution to pay by front footage, minus the easement area. No objections to the local improvement district were received. Mayor Benetti opened the public hearing. Erika Knee, 1411 Minnesota, commented she owns the smallest property and would use only a small amount of the street and objected to Al Pierce opting out of the LID. Mayor Benetti explained the LID process and reported the other property owners had agreed to absorb the additional cost. Councilor Stufflebean commented the Council could do the LID and require all the property owners to pay. Ray Lee, 1010 North Henry, Coquille, commented there are two properties that access the street from an easement on his property, and the numbers presented to him did not add up. He expressed support for the LID project and paying by actual footage. City Attorney Nate McClintock commented Mr. Lee should have a 150' deduction instead of 75'. Mr. Nee requested the Council reconsider the cost figures. Louis Warnock reported he is willing to pay the assessment because he wants the street paved.

There being no further comments, Mayor Benetti closed the public hearing. The Council briefly discussed methods of reallocating the cost of the LID. Councilor Gould moved to remand the LID back to staff to rework the allocation. Councilor Miller seconded the motion which passed with Mayor Benetti and all Councilors present voting aye. Councilor McKeown abstained from the vote.

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### **Public Hearing on the Proposal to Adopt the Wastewater Treatment Plant and Wastewater Collection and Storm Drainage System Development Charge Methodologies and Supporting Studies – Adoption of Resolution 06-27**

Public Works Director Jim Hossley reported the wastewater collection and storm water collection system development charge report and methodology were made public at the June 6<sup>th</sup> Council meeting. One formal comment was received from Charleston Sanitary District identifying an error in their equivalent dwelling unit (EDU) calculation. If adopted, the fee would take affect in 30 days. Mr. Hossley commented the EDU would be \$6,647 and it is estimated \$339,000 in revenue would be generated by the SDCs. Mayor Benetti opened the public hearing. No comments were given and Mayor Benetti closed the hearing. Councilor Stufflebean moved to adopt Resolution 06-27 adopting the Wastewater Treatment Plant and Wastewater Collection and Storm Drainage System Development Charge Methodologies and Supporting Studies. Councilor McKeown seconded the motion which passed with Mayor Benetti and all Councilors present voting aye.

### **Consideration of Approval to Surplus City Property Near Radar Hill Bordering the Pony Creek Reservoir Watershed**

Public Works Director Jim Hossley reported a request to surplus 25 acres had been received from Mr. Donnelly. The City owns 850 acres around the watershed and 450 acres are available for timber harvest. Mr. Hossley commented timber harvests provide money for the general fund and it is staff's recommendation that an in depth study be done before deciding to sell the property. Consensus of the Council was to maintain the timber land and protect the watershed, the property should not be sold. Councilor Stufflebean moved to not proceed with selling the property. Councilor Miller seconded the motion which passed with Mayor Benetti and all Councilors present voting aye.

### **Consideration of Approval to Surplus City Owned Property Located at the Corner of Golden Avenue and 7<sup>th</sup> Street**

Public Works Director Jim Hossley reported James Armstrong had requested the City surplus a parcel of property located at Golden and 7<sup>th</sup> Street. Mr. Armstrong has maintained the property as his yard and staff has no objection to selling the property. Councilor Stufflebean moved to surplus the property. Councilor Gould seconded the motion which passed with Mayor Benetti and Councils present voting aye.

### **Consideration of Purchase of a Tractor and Attachments for the Public Works and Development Department**

Public Works Director Jim Hossley reported the low bid for a small tractor and implements had been received from Fisher Implement Company in the amount of \$33,983. He briefly explained staff checked with the State and local businesses for the equipment. Councilor McKeown moved to authorize the purchase in the amount of \$33,983 for a tractor and mower and loader implements. Councilor Stufflebean seconded the motion which passed with Mayor Benetti and all Councilors present voting aye.

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### **Discussion on Burn Barrels**

Martin Abts, stated he represented Citizens for Clean Air, and was an air quality representative for DEQ. Mayor Benetti asked Mr. Abts was representing DEQ and Mr. Abts responded only as a resource, and not acting as an agent of DEQ. Mr. Abts explained his opposition was to burn barrels but not on open burning, and further commented in densely populated areas, where there are recycling opportunities, burn barrels are a bad way to dispose of materials. Mr. Abts briefly reviewed the use of burn barrels, proper venting requirements, the importance of burning legal materials, and the results of burning the wrong materials. Councilor Stufflebean commented patio fireplaces are popular and Mr. Abts commented they are considered open burning. Mayor Benetti noted that other cities down the coast prohibit burn barrels. Mr. Abts reported Bandon, Brookings, and Florence have banned the barrels because of an increase in development. Mayor Benetti suggested staff look at the issue and bring a recommendation to the Council.

Steve Hennessey, Coos Bay, reported he uses a burn barrel and it burns clean. He explained the design and what materials could be burned. Mr. Hennessey commented he also recycles and composts what he can, and does not contribute to the landfill. He noted there are worse polluters such as wood and oil stoves, automobiles, gas lawnmowers, and fireworks, and suggested requiring a permit for burn barrels. Gene Melton, Coos Bay, commented open burning is one of the worst things to do and in his experience in the Fire Department, more fires were caused by opening burning than from a burn barrel and he did not support totally banning burn barrels. Peter Cooley, 15<sup>th</sup> Avenue, reported on his experience with a neighbor burning illegal items, and commented dioxins don't go away once they enter into the environment. Paul Anderson, Coos Bay, explained his home is elevated above a neighbor who has a burn barrel and when in use, the smoke fills his home. He has talked with the neighbor, and has called the Fire Department who checked out the materials and found most of the items were legal. Mr. Anderson supported banning burn barrels. Steven Brown, Bandon, member of Clean Air Commission and employed by the Coos County Public Health, stated clean air is a concern to him and reviewed statistics regarding the adverse affect burn barrels have on public health and the environment. No further public comments were given and Mayor Benetti reported staff will look into the issue and bring a recommendation back to the Council.

### **Report on Discharge of Weapons in City Limits**

Chief Washburn reported City ordinance does allow discharge of firearms for the purpose of hunting fowl. The ordinance was an Eastside ordinance and allowed hunting on the islands in the bay. At the time the ordinance was enacted, the islands were well out of range of residents but since then the areas have become more populated. Chief Washburn commented she had talked with hunters, neighbors, and Sgt. David Gifford with Fish and Game Oregon State Police. Councilor Stufflebean asked if the islands were inhabited and Chief Washburn said not by people. Capt. McCullough reviewed the ordinance and map of the Eastside and Empire areas and reported firearms were not allowed to be discharged in the Empire area. Sgt. Gifford reviewed ORS 498.158 and reported that changing the exemption would require going through the Fish and Wildlife process. He suggested the city attorney contact Fish and Wildlife Department. Sgt. Gifford commented hunting on the islands did not present a safety issue. Mayor Benetti suggested posting the Empire area for no hunting. Councilor Gould commented notice to the public should be given and Sgt. Gifford commented a press release would be given.

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### **Consideration of Approval to Consent to the County for Enforcement of Health Services – Approval Will Require Adoption of Resolution -06-28**

City Manager Scott McClure reported the State had delegated enforcement of health services to the County and the County requires consent from the City. Councilor McKeown moved to adopt Resolution 06-28 which is attached and hereby made a part of the record, giving consent to Coos County for enforcement of health services. Councilor Miller seconded the motion which passed with Mayor Benetti and all Councilors present voting aye.

### **City Attorney's Report**

No report was given.

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

City Manager Scott McClure briefly reviewed the project status report. Councilor Gould inquired about Choshi Bridge and Mr. McClure reported the bridge is expected to be completed no later than October 31<sup>st</sup>.

### **Public Comments**

Ann Keizer, Coos Bay, expressed concern about the LNG pipeline going through residential property and asked the City Council to oppose this route. Mayor Benetti commented staff would look into the issue and bring the item back to the Council. Councilor Gould noted the issue concerns an area outside the city's jurisdiction. Councilor McKeown commented it is inappropriate to run pipeline through residential areas. Councilor Stufflebean commended Ms. Keizer on her work and agreed the City should look into the issue.

Steve Jones, Coos Bay, Director of Organized Citizens for Environmental Action Now, commented he had done considerable research on LNG and asked the Council to assist in educating citizens. Mr. Jones stated Jody McCaffree was the most informed person regarding LNG and she had made efforts to educate the people. He further stated statistics show Oregon does not need more natural gas. Councilor Gould commented it was important for the record that Mr. Jones was not making his own statement but reading a statement of Fred Kirby. Mr. Jones referred further to Mr. Kirby's statement which made reference to Council President McKeown stating misinformation to the public. Mr. Jones asked the Council to hear citizen's concerns about locating the LNG facility in the community. Councilor McKeown explained the comments Mr. Jones referred to were misquoted and he had talked with the reporter that wrote the article. He further commented on the importance of giving people an opportunity to be informed and to ask questions.

Councilor Stufflebean commented that Camby Collier's idea for public forums was a good idea and would get more accurate information out to the public. Councilor Gould commented full public disclosure requires giving notice that the comments heard this evening are of Fred Kirby and Mr. Kirby had been on a bit of a campaign against Councilor McKeown. Councilor Gould further noted that Councilor McKeown had a right to his opinion, just as everyone was entitled. Councilor McKeown reported on a discussion with Chief Butler, Everett, MA, regarding the LNG

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facility located near Boston, MA. Chief Butler was very complimentary of the industry and the LNG plant has been there since 1971. Councilor Gould commented he was in favor of the project until indication of risks were greater than he believes they were at this point; to the point risk outweighs the benefits.

Dr. James Layport, Coos Bay, commented the seismic zone problem in our community makes this area a poor choice for the LNG facility. He expressed concern that local boaters would lose the use of the bay due to the tankers coming to port. Jody McCaffree, North Bend, commented the Coast Guard does make the decision and encouraged people to do their homework. She commented paid consultants were present at the meeting at The Mill and asked the Council to consider an independent review of the LNG project. Anna Marie Larson, Coos Bay, commented it was not appropriate for the City Council to take a position on the LNG facility at this time because all the information was not yet available.

Eura Washburn, Colorful Community Connections, reported in October and November the Ford Institute will put on classes for resource development, resource management, and leadership.

### **Council Comments**

Councilor Miller reminded everyone of the upcoming Blackberry Arts Festival and encouraged citizens to get involved in the event. Councilor Stufflebean gave notice that he would not be seeking another seat on the City Council and would be running for County Commissioner. Mayor Benetti reported the annual South Coast Development Council meeting will be held on August 30<sup>th</sup> at 6 p.m. at Bay Area Hospital, and the deadline for filing for Council is August 29<sup>th</sup> at 5 p.m.

### **Adjourn**

There being no further business to come before the Council, Mayor Benetti adjourned the meeting to September 5, 2006 in the Council Chambers at City Hall.

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Joe Benetti, Mayor

Attest:

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Joyce Jansen, Deputy Recorder