

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

**June 5, 2007**

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 President Roger Gould and Councilors Michele Burnette, Mark Daily, Jon Eck, and Stephanie Kramer. Mayor Jeff McKeown and Councilor John Muenchrath were absent. City staff present were Interim City Manager Joyce Jansen, Acting Deputy Recorder Jackie Mickelson, City Attorney Nate McClintock, Public Works and Development Director Jim Hossley, Finance Director Janell Howard, Fire Chief Stan Gibson, Library Director Carol Ventgen, and Police Chief Eura Washburn.

### **Flag Salute**

President Roger Gould opened the meeting and led the assembly in the salute to the flag.

### **Consent Calendar**

Council President Roger Gould reviewed the consent calendar which consisted of the approval of the minutes of May 1 and 15, 2007; approval of annual OLCC license renewals; renewal of the Library District contract; adoption of Resolution 07-14 transferring appropriations for fiscal year 2006/07; and adoption of Resolution 07-17 accepting a FEMA grant and making appropriations. Councilor Eck moved to approve the consent calendar as presented. Councilor Burnette seconded the motion which carried with Councilors Burnette, Daily, Eck, Gould, and Kramer voting aye. Mayor McKeown and Councilor Muenchrath were absent.

### **Report on the Pedestrian Safety Grant by Officer Ken Labrousse**

Officer Ken Labrousse reported last year's pedestrian safety enforcement operation was very successful, and there would be another safety enforcement operation this year. Officer Labrousse briefly reviewed Oregon's crosswalk laws and commented the Police Department provides public notice of the each location as a warning to the public before the pedestrian safety enforcement operation day.

### **Presentation of an Award to the City of Coos Bay and the Coos Bay Fire Department for Supporting Citizens in the National Guard by Firefighter Matt Fare**

Firefighter Matt Fare expressed his appreciation to the City of Coos Bay and the community for their support while he served in the Army National Guard and as a token of appreciation, Mr. Fare nominated the City of Coos Bay and the Coos Bay Fire Department for the Patriotic Employer Award. Mr. Fare presented the award to Chief Gibson and President Gould.

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### **Public Hearing on a Proposed Increase in Solid Waste Collection Fees**

Interim City Manager Joyce Jansen reported the City of Coos Bay had two private companies Coos Bay Sanitation and Waste Connections dba Les's Sanitation, to collect solid waste in the City. Recently the City received a request for a 2.6 percent collection rate increase to be effective July 1, 2007. President Gould opened the public hearing. No public comments were given and the hearing was closed. Councilor Daily expressed concern of not being able to receive competitive bids because of the seven year contract renewal. Councilor Burnette moved to adopt Resolution 07-13 approving an adjustment in collection rates for the solid waste collection franchise holders. Councilor Eck seconded the motion which passed with Councilors Burnette, Eck, Gould and Kramer voting aye and Councilor Daily voting no. Mayor McKeown and Councilor Muenchrath were absent.

### **Public Hearing on the Local Improvement District for Harris Avenue**

Public Works and Development Director Jim Hossley reported on May 1, 2007 the Council adopted Resolution 07-10 declaring the intent to make street improvements to Harris Avenue and North Empire Boulevard and setting a public hearing. President Gould opened the public hearing. Daya Prasad, Coos Bay, commented he was for the LID, expressed his concern for the dust created from the unpaved road, and commented some property owners wanted the LID originally but now have changed their minds because the cost. Gordon Atterbury, Sutherlin, Oregon, commented he was opposed of the LID. Lydia Casas, 397 Marple Street, Coos Bay, commented she was against the LID because of the cost. Nancy Holland, Coos Bay, commented she couldn't afford the LID, so she was opposed to it. There being no further public comments, the hearing was closed. Mr. Hossley reported people representing 70 percent of the value of the improvements were against the LID, so the LID would be denied, and it couldn't be considered for six months.

### **Public Hearing on the Use of State Revenue Sharing Funds**

President Gould opened the public hearing. No public comments were given and the hearing was closed. Councilor Burnette moved to adopt Resolution 07-15 approving participation in the State Revenue Sharing Program. Councilor Eck seconded the motion which carried with Councilors Burnette, Daily, Eck, Gould, and Kramer voting aye. Mayor McKeown and Councilor Muenchrath were absent.

### **Public Hearing on the Approved Budget for Fiscal Year 2007/08**

President Gould opened the public hearing. No public comments were given and the hearing was closed. Councilor Kramer moved to adopt Resolution 07-16 adopting the budget of the City of Coos Bay for the 2007-08 tax year, making appropriations for the purposes designated, and levying taxes. Councilor Burnette seconded the motion which passed with Councilors Burnette, Daily, Eck, Gould, and Kramer voting aye. Mayor McKeown and Councilor Muenchrath were absent.

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### **Public Hearing for the Appeal of the Conditions Places on the Decision by the Planning Commission to Approve a Home Occupation at 795 Patrick Street**

Planning Administrator Laura Barron reported Imran Ali and Tina Amatisto applied for a home occupation permit to allow their towing business to take place out of their residence located at 395 Patrick Street. Ms. Barron briefly reviewed the type of tow trucks and drivers of those trucks, and reported the Planning Commission unanimously approved a home occupation at 395 Patrick Street with conditions, and she briefly reviewed those conditions. On April 26, 2007 the City received a notice of intent to appeal the Planning Commission's conditions of approval from Mr. David Koch an attorney for the applicant. Ms. Barron briefly reviewed the issues raised and the conditions addressed at the hearing on March 10, 2007. Councilor Eck moved to approve that the Council finds the notice of appeal was filed in a timely manner. Councilor Burnette seconded the motion which carried with Councilors Burnette, Daily, Eck, Gould, and Kramer voting aye. Councilor Eck moved to approve that the appellant meets the criteria for the appeal. Councilor Burnette seconded the motion which carried with Councilors Burnette, Daily, Eck, Gould, and Kramer voting aye. Mayor McKeown and Councilor Muenchrath were absent.

Ms. Barron reported there was new information submitted by Doug DuPriest and Howard Crombie as Attachment D and letters submitted by Mr. DuPriest, Mr. Crombie, the Mr. & Mrs. Gil Hoover. Ms. Barron read the public hearing's disclosure to the assembly. President Gould opened the public hearing. Mr. David Koch, attorney for Mr. Imran Ali and Ms. Tina Amatisto, distributed his statement to the Council, a statement from Tina Amatisto, and the power point presentation. Ms. Barron commented those items would represent Exhibit I. Mr. Koch presented his power point report to the assembly. Tina Amatisto, Coos Bay, owner of North Bend Towing, read her statement to the assembly.

Blair Sturges, Coos Bay, commented he was in favor of Ms. Amatisto having her business at her residence, and didn't believe there was a problem with noise. Zack Mittge, attorney for Howard Crombie, commented his client was opposed the appeal filed and read his testimony to the assembly. Howard Crombie, Coos Bay, submitted pictures for the record of large trucks from North Bend Towing Company, and briefly reviewed activities he had observed and noise coming from the Amatisto's residence. Jack Gil Hoover, Kiezer, Oregon, expressed concern for a commercial business located in a residential area. He reviewed the history of Ms. Amatisto's house, and reported his property had been extensively altered from a shed built in 1999 on her property. Mr. Kosh commented the five company vehicles were not on the original application. Ms. Amatisto, commented he brother had built the shop when he lived there; her husband was working on his personal vehicle with an air wrench; the noise from the back up signal was not brought up until recently; her drivers were not working last week end; reported when towed vehicles were not picked up from the impound lot they changed the titles to North Bend Towing Company and they use them for personal use or sell them. Hearing no further comments, President Gould closed the public hearing.

The Council expressed concern of towed vehicles being worked on in a residential area, the number of trucks at the residence, and trucks being dispatched at all hours. President Gould commented different zoning was part of living in a civilized community where people have their homes in a residential area and their businesses in a commercial area, and this was a commercial activity in a residential area. President Gould moved to adopt the Planning

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Commission's findings as the Council's findings, and add an additional finding that the applicants character use of the premises had changed the property and as a result, the conditions imposed by the Planning Commission were an appropriate response; and adopt the Planning Commission's conclusions as the City Council's conclusions and deny the applicant's appeal. Councilor Burnette seconded the motion which carried with Councilors Burnette, Daily, Eck, Gould, and Kramer voting aye. Mayor McKeown and Councilor Muenchrath were absent.

### **Public Hearing for the Rezone of Property Located at 845 West Anderson from Multiple Residential (R-3) to Residential Professional (R-4P)**

Planning Administrator Laura Barron read the public hearing disclosure to the assembly, and reported the Planning Commission unanimously recommended approval of the proposed rezone of the designated property from Multiple Residential to Residential Professional. Ms. Barron reported currently there was a single-family dwelling at that location, and commented the plan designation would remain the same, so there would not be a plan amendment, and it will remain the R-H residential high density. President Gould opened the public hearing. No public comments were given and the hearing was closed. Councilor Burnette moved to approve the zone change and adopt the ordinance changing the zone designation from Multiple Residential (R-3) to Residential Professional (R-4P). Councilor Daily seconded the motion. Acting Deputy Recorder Jackie Mickelson read the ordinance by title only and Ordinance No. 395 changing the zoning designation for certain real property from Multiple Residential to Residential Professional which passed with the following vote:

Aye:	Councilors Burnette, Daily, Eck, Gould, and Kramer
No:	None
Absent:	Mayor McKeown and Councilor Muenchrath

### **Approval of the Award of Bid for Koosbay Boulevard Storm Outfall Project**

Public Works and Development Director Jim Hossley reported this was the stormwater part of the project for the outfall of the wastewater plant to the bay. Mr. Hossely reported he received two bids with Laskey Clifton being the low bidder at \$557,338.55, and the City had budgeted \$625,000 for the project. Mr. Hossley requested the Council direct staff to proceed with the project and award the bid to Laskey Clifton in the amount of \$557,338.55 plus an additional 10 percent contingency. Councilor Eck moved to award the bid to Laskey Clifton as presented by staff. Councilor Burnette seconded the motion which carried with Councilors Burnette, Daily, Eck, Gould, and Kramer voting aye. Mayor McKeown and Councilor Muenchrath were absent.

### **Approval of the Award of Bid for Woodland Drive and South 4<sup>th</sup> Street Overlay Project**

Public Works and Development Director Jim Hossley reported the street overlay project was for South 4<sup>th</sup> Street from Golden Avenue to Kruse, and Woodland Drive from Myrtle Avenue North to the city limits. Mr. Hossley reported the City collected \$40,000 from Northwest Natural Gas which would go the Woodland Drive project, and reported the City had advertised the two projects together hoping of a better price on the total project. Laskey Clifton was the low bidder

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for the total cost of both projects being \$579,091. Councilor Burnette moved to direct staff to proceed with the project as presented and award the bid to Laskey Clifton for \$579,091 plus a 10 percent contingency. Councilor Eck seconded the motion which carried with Councilors Burnette, Daily, Eck, Gould, and Kramer voting aye. Mayor McKeown and Councilor Muenchrath were absent.

### **Public Comments**

Geno Landrum, Coos County, encouraged the City of Coos Bay to consider a three cent gas tax for funding road repairs, and expressed concern for the need of additional police service from the City. Gary Rifkin, Coos Bay, distributed the Choshi Bridge Project 2003-2006 posters to the City Council and expressed appreciation to those who helped with the project.

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

No report was given.

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

Interim City Manager Joyce Jansen reported July 11<sup>th</sup> the Downtown Association would have an open house to discuss ways to revitalize the downtown area; reported tonight would be the last Council meeting she would attend as Interim City Manager, and thanked Mayor McKeown and all Councilors for the opportunity to serve as City Manager.

### **Council Comments**

Councilor Burnette commended Ms. Jansen for the job she had done as Interim City Manager. Councilor Kramer thanked Ms. Jansen for her hard work as Interim City Manager. Councilor Daily commended Planning Administrator Laura Barron, Public Works and Development Director Jim Hossley, and Interim City Manager for their excellent work. Councilor Eck commended Ms. Jansen for the wonderful job as Interim City Manager, and encouraged everyone to attend the Lions Club annual pizza day at Abby's Pizza Parlor on Wednesday. President Gould reported the SCDC's Board meeting was rescheduled for June 21<sup>st</sup> at 5:30 p.m. at Bay Area Hospital and encouraged everyone to attend; and encouraged the Council to attend a celebration of several volunteer's 80<sup>th</sup> birthdays at 3 pm on June 8<sup>th</sup> in the Police Department. President Gould commented Ms. Jansen did a great job as city manager and he appreciated her positive attitude and professionalism in presenting issues to the City Council.

### **Adjourn**

There being no further business to come before the Council, President Gould adjourned the meeting to June 19, 2007 in the Council Chambers at City Hall.

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Roger Gould, Council President

Attest:

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Jackie Mickelson, Acting Deputy Recorder