

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

December 18, 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 Mayor Jeff McKeown and Councilors Michele Burnette, Mark Daily, Jon Eck, Roger Gould, and Stephanie Kramer. Councilor John Muenchrath was absent. City staff present were City Manager Chuck Freeman, Clerk to the Council Jackie Mickelson, City Attorney Nate McClintock, Assistant City Manager Joyce Jansen, Public Works and Development Director Jim Hossley, Finance Director Janell Howard, Fire Chief Stan Gibson, Library Director Carol Ventgen, and Police Chief Eura Washburn.

Interviews of Committee Applicants

The City Council interviewed Cindy Rawlings and Kristi Snow for the opening on the Coos Bay-North Bend Visitors and Convention Bureau Committee.

Flag Salute

Mayor McKeown opened the meeting and led the assembly in the salute to the flag.

Consent Calendar

Mayor McKeown reviewed the consent calendar which consisted of acceptance of the November 2007 financial report, appointments to the Budget Committee, appointments to the Historic Design Review Committee, and adoption of Resolution 07-27 accepting insurance proceeds. Councilor Eck moved to approve the consent calendar as presented. Councilor Burnette seconded the motion which carried with Mayor McKeown and Councilors Burnette, Daily, Eck, Gould, and Kramer voting aye. Councilor Muenchrath was absent.

Report from Marshfield High School Student Council Representative Kate O'Donnell

No report was given.

Report from County Commissioner Kevin Stufflebean

Commissioner Kevin Stufflebean commended City Manager Chuck Freeman for attending the Coos County Commissioners' meetings, and suggested forming an elected officials' forum with the county, cities, and school districts. Commissioner Stufflebean briefly reviewed the County's budget reductions, a current mining project, approval of the LNG application, operating of SCINT, and county road repairs and closures.

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Approval of the Blossom Hill Intergovernmental Agreement with Coos County Presentation by Chief Washburn

Police Chief Eura Washburn briefly reviewed the function of communication network and reported the radio repeater sited at Blossom Hill was very important. She reported the Intergovernmental Agreement (IGA) had been approved by Coos County and City Attorney Nate McClintock, and requested the Council approve the IGA. Councilor Burnette moved to approve staff to enter into the agreement allowing the Coos County Sheriff's Office to install the radio equipment identified in attachment A of the IGA. Councilor Eck seconded the motion which carried with Mayor McKeown and Councilors Burnette, Daily, Eck, Gould, and Kramer voting aye. Councilor Muenchrath was absent.

Appointment to the Coos Bay-North Bend Visitors and Convention Bureau

The Council appointed Cindy Rawlings to the Coos Bay-North Bend Visitors and Convention Bureau by Council ballot.

Public Hearing on the Adoption of the Supplemental Budget for Fiscal Year 2007-08

Finance Director Janell Howard briefly reviewed the supplemental budget, and commented the five items on the supplemental budget were General Fund, Building Codes Fund, 9-1-1 Tax Fund, Wastewater Reserve Fund, Major Capital Reserve Fund, and the Technology Reserve Fund. Mayor McKeown opened the public hearing. Hearing no comments, the public hearing was closed. Councilor Gould moved to adopt Resolution 07-28 adopting the supplemental budget and making appropriations. Councilor Eck seconded the motion which carried with Mayor McKeown and Councilors Burnette, Daily, Eck, Gould, and Kramer voting aye. Councilor Muenchrath was absent.

Consideration of a Transfer of Funds from Contingency Regarding Personnel Changes in the Public Works Department

Finance Director Janell Howard briefly reviewed the funds to be transferred, and requested the Council approve Resolution 07-29. Councilor Eck moved to adopt Resolution 07-29 transferring funds from the General Fund Public Works and Development, Planning Division to Contingency. Councilor Daily seconded the motion which carried with Mayor McKeown and Councilors Burnette, Daily, Eck, Gould, and Kramer voting aye. Councilor Muenchrath was absent.

Consideration of a Transfer of Funds from Contingency Regarding Funding for Non-Profit Grants and Public Works Maintenance

Finance Director Janell Howard briefly reviewed the funds to be transferred, and requested the Council approve Resolution 07-30. Councilor Eck commented he was opposed to using money from the Contingency Fund for the non-profit organizations. The Council discussed reviewing the non-profit grants at the next budget meetings. Councilor Burnette moved to adopt Resolution 07-30 transferring funds from the General Fund Contingency to increase transfers to

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other funds. Councilor Kramer seconded the motion which carried with Mayor McKeown and Councilors Burnette, Daily, Gould, and Kramer voting aye. Councilor Eck voting nay and Councilor Muenchrath was absent.

Consideration of a Transfer of Funds from Contingency Regarding Elevator Repairs and Furniture Replacement

Finance Director Janell Howard briefly reviewed the funds to be transferred, and requested the Council approve Resolution 07-31. Councilor Daily moved to adopt 07-31 transferring funds from the General Fund contingency to General Government, City Hall. Councilor Kramer seconded the motion which carried with Mayor McKeown and Councilors Burnette, Daily, Eck, Gould, and Kramer voting aye. Councilor Muenchrath was absent.

Consideration of Approval to Amend the Real Property Deed Allowing for Short Term Foster Care for Oregon Behavioral Services

Planning Administrator Laura Barron briefly reviewed the background of the property located at 1123 Anderson Avenue; and reported on September 11, 2007 Oregon Behavioral Services (ORBS) received approval, with conditions from the Planning Commission, for another facility on the property. The condition was to allow a single-family dwelling in the R-3 zoning district and the establishment of a group residential care facility. Ms. Barron briefly reviewed some concerns of the Planning Commission and reviewed the agreement. Jennifer Jones, ORBS Executive Assistant, commented the home would provide foster care for children and would be supervised by of a qualified mental health professional. Ms. Jones noted the children's stay could be from three to thirty days. Mr. Freeman reported School District Superintendent Bob De La Vergne requested he state for the record the School District was opposed to the foster care home. Ms. Barron commented it was proposed as a short term facility, and she had never heard anything about a thirty day stay. She further clarified this was before the Council to consider amending the agreement to allow this facility. City Attorney Nate McClintock reported the Council was being asked to extend the use of the property to allow this type of facility. The Council discussed possible restrictions to be put on the facility and potential problems.

Commissioner Stuffelbean, mental health liaison for Coos County, reported the County would be paying ORBS to operate the facility and it would be staffed by Coos County Mental Health employees along with ORBS staffing. He reported it would be a temporary foster care facility, and urged the Councilors to approve the deed change. Jeff Price, 2445 North 19th Street, as a former employee of ORBS expressed his concern that the director of Coos County Mental Health was the vice chair person on the Board of Directors of ORBS. He briefly reviewed his abuse allegations and the disappearance of his report. Nikki Fairbanks, 1144 Anderson, Coos Bay, expressed her concern, and commented she was extremely opposed to the facility being placed in that location. Lucie Kindred, 1140 Anderson, Coos Bay, commented she thought a foster home should not be placed near the Head Start Building and was opposed to the facility site. Jennifer Jones commented three to five days would be the goal for the children's stay and felt Mr. Beckett had not been irresponsible.

Councilor Gould expressed his concern the facility would change the nature of the neighborhood. Mayor McKeown commented he attended a dinner at the Baloney Ranch and

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listened to the success stories and the need for those types of facilities. He commented there was a need for this type of facility and if language could be inserted for adequate oversight he would be in favor of the facility. Councilor Gould moved to not waive the trigger language of the right of reversion of the property. Councilor Daily seconded the motion which carried with Councilors Burnette, Daily, Gould, and Kramer voting aye. Mayor McKeown voting nay, and Councilor Muenchrath was absent.

Consideration of Approval to Purchase a Catch Basin Cleaning Vehicle for the Wastewater Division of the Public Works Department

Public Works and Development Director Jim Hossley reported the replacement of the catch basin cleaner had been budgeted and approved in 2006 for \$300,000 and one was found through a State of Oregon's partnership with the State of Washington. He further commented the vehicle had multiple uses and briefly reviewed the functions. Mr. Hossley reported the current vehicle was a 1996, had 6,648 hours of use, and had not been protected by a garage. He further reported it recently cost the City \$25,000 in parts, 306 hours on labor, and had been inoperable for 69 days. Mr. Hossley reviewed the options for the vehicle chosen and reported the cost was \$307,417.61. He commented the new vehicle would be on a maintenance program, and he would be suggesting a garage for the equipment. Councilor Daily moved to approve the catch basin cleaning vehicle for 307,417.61. Councilor Eck seconded the motion which carried with Mayor McKeown and Councilors Burnette, Daily, Eck, Gould, and Kramer voting aye. Councilor Muenchrath was absent.

Consideration of Award of a Professional Services Contract for the Design of Pump Station No. 5

Public Works and Development Director Jim Hossley reported the contract was for the design for the replacement of pump station No. 5 located at Woodland Drive and Ocean Blvd., reported it was constructed in 1952 and last upgraded in 1974. Mr. Hossley reported the four proposals were qualified to do the job, but the firm best qualified was HBH Consulting Engineers at the second low bid for \$84,718. He further commented it would be over a year before the design would be completed. Councilor Gould moved to award the bid to HBH Consulting Engineers for \$84,718. Councilor Burnette seconded the motion which carried with Mayor McKeown and Councilors Burnette, Daily, Eck, Gould, and Kramer voting aye. Councilor Muenchrath was absent.

Consideration of Approval to Purchase Vehicles for the Police Department

Police Chief Eura Washburn reported the purchase of the three proposed vehicles had been budgeted, and the proposal was for a patrol car, a command vehicle, and a police service pickup. Chief Washburn reported the patrol car would replace an older high mileage K-9 unit vehicle, the command vehicle would be used for major incidents and would replace an older high mileage unmarked police vehicle, and the police service pickup vehicle would be used for hauling items. She commented the total cost would be \$109,049.13. Councilor Eck moved to approve the purchase of the three requested vehicles for the amount of \$109,049.13. Councilor

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Burnette seconded the motion which carried with Mayor McKeown and Councilors Burnette, Daily, Eck, Gould, and Kramer voting aye. Councilor Muenchrath was absent.

Presentation on Salary Ranges by LGPI **Representative Jill Armstrong**

Finance Director Janell Howard reported the Finance Standing Committee reviewed the proposed salary schedule for non-represented positions by LGPI, additional funds for the increases, and a draft merit based employee review policy. She reported the 2007/08 budget was adequately funded for the employee increases. City Manager Chuck Freeman reported the merit pay plan was based on a 5% range per step, but the pay increase was based on the employee's level of performance evaluated by ten items. Jill Armstrong, LGPI representative, present by conference call, briefly explained the salary review process. Ms. Howard commented in addition to the regular salary survey, the Public Works and Development Director Jim Hossley requested reclassification of the administrative assistant position to a deputy assistant for the public works director. Councilor Kramer moved to approve the salary ranges by LGPI and reclassify the administrative assistant to deputy director for the public works director. Councilor Eck seconded the motion which carried with Mayor McKeown and Councilors Burnette, Daily, Eck, Gould, and Kramer voting aye. Councilor Muenchrath was absent.

Consideration of Approval of the Pacific Crest Preliminary Plat Phase II of a 15 Lot Sub-Division

Planning Administrator Laura Barron read the public hearing disclosure to the assembly. Councilor Burnette disclosed a potential conflict of interest. Ms. Barron reported on November 13th the Planning Commission reviewed the proposed 15-lot subdivision and recommended approval subject to conditions by the Planning Commission's recommendation. Ms. Barron reviewed the subject property and conditions of approval by the Planning Commission. She further commented it was the City's option whether or not to require the developer to dedicate to the public the proposed pump station, open space, and detention ponds associated with the subdivision.

Mayor McKeown opened the public hearing. Hann Lee, consultant for landowner Charleston View, LLC, requested Lot 6 have access to either Nautical Lane or the private road; flexibility on the reconstruction of the roundabout Pacific Crest Phase I for restriping and signage under the new Condition 24, and the work to be completed before the final plat approval; and requested flexibility to move the pump station to the other side of the creek. Mr. Lee briefly reviewed a proposed adjustment to the existing access easement with the City of Coos Bay. Jan Sirchuk, property owner representative, reviewed the proposed easement location and reported there was an agreement for an easement with the original owner but it was never recorded. Leroy Blodgett, representing Charleston View, LLC, commented the only way a privately owned pump station would be approved was if it belonged to a district and any health issues would be addressed by the City. Mr. Blodgett briefly reviewed revenue from SCDs and various taxes. Hearing no further comments, the public hearing was closed.

Councilor Gould moved to approve the preliminary plat and adopt the Planning Commissions findings as the Council's findings, and the conclusions as the Council's conclusions, and the

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conditions imposed by the Planning Commission with the exception to include the condition be modified that Lot 6 have access should they choose Nautical Lane, Condition 24 be modified to allow reconstruction for the reconfiguration of the roundabout on Prefontaine Drive and Nautical Lane, and that the work be completed on the roundabout reconstruction or reconfiguration before the final plat was approved. Councilor Eck seconded the motion which carried with Mayor McKeown and Councilors Burnette, Daily, Eck, Gould, and Kramer voting aye. Councilor Muenchrath was absent. Councilor Gould moved to approve eliminating Condition 11 as shown on the final recommendation. Councilor Daily seconded the motion which carried with Mayor McKeown and Councilors Burnette, Daily, Eck, Gould, and Kramer voting aye. Councilor Muenchrath was absent. Councilor Gould moved to approve the expansion of the access easement on City property located at the northeast corner of the property (Lot 15) at the square footage rate purchase price of the previous easement. Councilor Daily seconded the motion which carried with Mayor McKeown and Councilors Burnette, Daily, Eck, Gould, and Kramer voting aye. Councilor Muenchrath was absent.

Consideration of the Award of Bid for the Library Remodel Project

Library Direct Carol Ventgen reported City Manager Chuck Freeman disqualified the low bidder and a disqualified decision was made last week on the appeal. Ms. Ventgen commented staff recommended Harmond Construction the seconded bidder for the basic bid and alternate 1 for a total \$102,000. Councilor Burnette moved to approve the bid for the library remodel to Harmond Construction for a total of \$102,000. Councilor Daily seconded the motion which carried with Mayor McKeown and Councilors Burnette, Daily, Eck, Gould, and Kramer voting aye. Councilor Muenchrath was absent.

Consideration of Approval for an Emergency Sanitary Sewer Line Repair

Public Works and Development Director Jim Hossley reported an 8" sanitary sewer line collapsed between homes on 9th and 10th Street and the eastern half of the collapse was 20' deep and ran under a very steep slope. Mr. Hossley reported OMI had temporarily fixed the sewer line. The City hired HBH Engineering Consultants to design a permanent solution and JBS was hired to locate the pipe. HBH Engineering proposed pipe bursting on the upper half of the collapse and laying new pipe near the bottom. Mr. Hossley reported the engineering and contingency cost would be \$62,640. Mr. Hossley reported he did not go out to bid because this was considered an emergency. He further reported there would be contracts with the company doing the pipe bursting for \$16,000 and one for time and material with JBS for possibly as high as \$42,000. Councilor Burnette moved to approve the emergency sanitary sewer line repair. Councilor Kramer seconded the motion which carried with Mayor McKeown and Councilors Burnette, Daily, Eck, Gould, and Kramer voting aye. Councilor Muenchrath was absent.

Public Comments

Steve Schneiderman, Coos Bay, expressed his concern on lighters that looked like toys to children and requested the City consider adopting an ordinance to ban the sale of the lighters. Joannie Johnson, Coos Bay, thanked City Manager Chuck Freeman for providing crime prevention officer to educate the downtown businesses on how to deal with panhandlers.

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City Attorney's Report

No report was given.

City Manager's Report

City Manager Chuck Freeman thanked Mayor McKeown and City Councilors for attending the employee awards banquet and congratulated Police Chief Washburn and Dan Crutchfield for their awards; and reported he would be scoring the three RFP proposals on the PSAP.

Council Comments

Councilor Kramer expressed her enjoyment of the employee awards banquet and wished everyone happy holidays. Councilor Daily encouraged those interested in filming to volunteer for channel 14; congratulated the Egyptian Theater on a successful Christmas concert; and reported the Lab Band was voted the number one youth jazz band in the nation four consecutive years. Councilor Eck congratulated the employees recognized at the employee awards banquet. The employees recognized were Crystal Barr for contributions to the library, the Police Department's telecommunicators were recognized, Police Chief Washburn was selected department head of the year, and Dan Crutchfield was selected employee of the year; reported the Fire Department assembled 51 bicycles provided by Les' Sanitation and K-Mart to be distributed to children in the Coos Bay school system and vouchers for helmets paid for by the Coos Bay Lions Club and Wal-Mart; and commented the Fire Department would be hosting at Shore Acres on Friday. Councilor Burnette expressed her enjoyment of the employee awards banquet and congratulated those recognized. Councilor Gould commented he was sorry he missed the employee awards banquet and wished everyone happy holidays. Mayor McKeown expressed his enjoyment of the employee awards banquet and wished everyone happy holidays.

Executive Session

An executive session was held pursuant to ORS 192.660 (2) (d) for the purpose of discussing labor negotiations.

The Council reconvened into regular session.

Adjourn

There being no further business to come before the Council, Mayor McKeown adjourned the meeting to January 2, 2008 in the Council Chambers at City Hall.

Jeff McKeown, Mayor

Attest:

Jackie Mickelson, Clerk to the Council

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