

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

February 19, 2008

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, Stephanie Kramer and Gene Melton. Councilor John Muenchrath was absent.

City staff present were City Manager Chuck Freeman, City Attorney Nate McClintock, City Clerk Vicki English, Fire Chief Stan Gibson, Finance Director Janell Howard, Public Works and Development Director Jim Hossley, Police Captain Rodger Craddock.

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 approval of the minutes of February 5 and 15, 2008 and adoption of Resolution 08-04 increasing the credit card limit. Councilor Burnette moved to approve the consent calendar as presented. Councilor Daily seconded the motion which carried with Mayor McKeown and Councilors Burnette, Daily, Eck, Kramer and Melton voting aye.

Presentation of the Coos Bay-North Bend Visitors and Convention Bureau's Quarterly Report by Director Katherine Hoppe

Katherine Hoppe, Director of the Coos Bay-North Bend Visitor and Convention Bureau, gave a quarterly update. The presentation gave an overview of the current advertising, conferences, meetings and other projects. Mrs. Hoppe reported that she has been busy keeping everyone updated on the recent discovery of a ship wreck on the North Spit. The Prefontaine Project is expected to be dedicated on September 20, 2008.

Request for Funding for Support of the Olympic Trials By Deana Scott

Deana Scott, representing the Mill Casino, reported on the Olympic Trials project that will take place in Eugene, Oregon June 27–July 6, 2008. The Coos Bay-North Bend Visitor and Convention Bureau, the Mill Casino and the Steve Prefontaine Memorial Committee will have a booth at the event. This group will also be sponsoring the movie night at Hayward Field. The Mill Casino is looking for sponsorship to help with the cost. Ms. Scott suggested that this could be funded from the transient tax. Mayor McKeown stated that this could be a huge opportunity to make a significant difference to our community.

Public Hearing on an Appeal of Site Plan and Architectural Review for the Toyota Expansion

Laura Barron, Planning Administrator, reported that on January 8, 2008 the Planning Commission unanimously approved, with conditions, a Site Plan and Architectural Review for the replacement and enlargement of the facilities at the Coos Bay Toyota dealership at Highway 101 and Pine Avenue. The proposed dealership will encompass two city blocks and the north 30 feet of vacated Orchard Avenue. Ms. Barron went on to say that Coos Bay Toyota will be making application for a Right of Way Use Permit to allow one block of North 6th Street, which will front the dealership building, to be narrowed-down to twenty feet and used as the main access to the dealership. North 6th Street will have two-way traffic and will be open to the public. She stated that the application for the permit has not been submitted and that it will have to be approved by the Public Works and Development Department. Ms. Barron reported that on January 25, 2008, the Public Works and Development Department received a notice of intent to appeal the Planning Commission's decision from Reverend Bill Parham, Executive Director of South Coast Gospel Mission. Ms. Barron noted Reverend Parham's concerns are with the access on North 7th Street and the three one-way lanes heading west to the service area. She stated that Reverend Parham would like to see the access on 7th Street eliminated, and the three one-way lanes heading west changed to have one of the lanes heading east. In brief, Reverend Parham states in his letter of appeal, that narrowing of 6th Street and the three lanes to the service facility will divert traffic to North 7th Street and compromise the safety and welfare of those already using the area.

Ms. Barron reviewed the decision alternatives that the Council may take; affirm, reverse, or modify the decision, or remand the decision back to the Planning Commission. Ms. Barron also reviewed whether the appellant complied with all the provisions necessary for the appeal. Councilor Kramer 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 Mayor McKeown and Councilors Burnette, Daily, Eck, Kramer and Melton voting aye. Councilor Daily moved to approve that the appellant meets the criteria for the appeal. Councilor Eck seconded the motion which carried with Mayor McKeown and Councilors Burnette, Daily, Eck, Kramer and Melton voting aye. Ms. Barron stated that the scope of the appeal is limited to the two issues raised in the Request for Appeal, the ingress/egress from the subject property onto North 7th Street, and the three service entrances on the site heading west. Ms. Barron read the Public Hearing Disclosure. Ms. Barron said that she had received two pieces of new information which consisted of a memo from staff and a letter from Mr. Jerry Lesan, representing Mr. Leshley. Mr. Leshley, a near-by property owner with a transfer company adjacent to the south right of way line of Orchard Avenue, is concerned that there may not be enough room for his trucks to load and unload and he opposes the narrowing of 6th Street. It was determined by the Council the letter from Mr. Lesan, (Exhibit 1) and a petition, (Exhibit 2), submitted at the hearing regarding the use of 6th Street were not pertinent to the issues under appeal. Mayor McKeown opened the Public Hearing on the Appeal of Site Plan and Architectural Review for the Toyota Expansion.

Reverend Parham restated the points of his appeal. In summary, Reverend Parham is concerned about the traffic flow. He stated that along with the South Coast Gospel Mission, there is a day care center and student bus service on the corner of Pine and 7th Street, which could be unsafe given the increase of traffic. He would like to see the plans for the expansion

modified so that there would be an exit out to 6th Street. Reverend Parham also raised the issue of paving Orchard Avenue in his letter. Reverend Parham also asked the Council if they would consider waiving the \$350.00 fee needed to make an application to appeal. Mayor McKeown asked the Toyota representative if they would have any objections to eliminating the 7th Street exit and adding an Orchard Street exit and changing the traffic flow. Jay Mills from Crow/Clay and Associates spoke as a representative for the Toyota dealership. Mr. Mills reviewed the function of the three lanes into the service area and the proposed traffic flow to the exit onto 7th Street. He felt that the South Coast Gospel Mission would not be impacted by the exit onto 7th Street. Councilor Kramer asked if a traffic study has been done to determine the impact of the traffic flow. Mr. Milles confirmed that a study has not been done but estimated there would be ten to twenty cars per day. He also stated that his client was not willing to eliminate the exit onto 7th Street. Hearing no further comments, Mayor McKeown closed the public hearing. Mayor McKeown stated that based on the fact that there has not been a traffic study done we have no idea of what the impact of the traffic may be. He further stated that one alternative is to remand the decision back to the Planning Commission and have them request that a traffic impact analysis be conducted. Councilor Burnette moved to remand the decision back to the Planning Commission for traffic impact analysis and to consider alternatives to the ingress/egress onto North 7th Street such as Orchard or 6th Street. Councilor Daily seconded the motion which carried with Mayor McKeown and Councilors Burnette, Daily, Eck, Kramer and Melton voting aye. Councilor Eck moved to reimburse the South Coast Gospel Mission for the appeal fees. Councilor Burnette seconded the motion which carried with Mayor McKeown and Councilors Burnette, Daily, Eck, Kramer and Melton voting aye.

**Council Approval of the Coos County's Plan Senate Bill
111 Policy on Use Force**

Mayor McKeown suggested to the council that this item be tabled because the lead agency, Coos County, has not adopted this policy yet. Councilor Burnette moved to table this item. Councilor Daily seconded the motion which carried with Mayor McKeown and Councilors Burnette, Daily, Eck, Kramer and Melton voting aye.

Award of Contract for the Isthmus Slough Sewer Crossing Design

Jim Hossley, Public Works and Development Director, reported that the City of Coos Bay solicited proposals to provide professional engineering services for the replacement of an existing wastewater force main crossing Isthmus Slough. Mr. Hossley reported that the existing line, which was constructed in 1974, is in very poor shape, has a lot of leaks, and due to the size is unable to be sleeved. Mr. Hossley reported that three submittals were received on February 5, 2008, with one proposal excelling in both prior experiences in boring and waste water design. Mr. Hossley stated that the staff recommends that the Professional Services Contract for the design of Isthmus Slough be awarded to SHN Consulting Engineers & Geologists, Inc. Mr. Hossley feels that SHN is the best qualified and that they submitted the lowest proposal in the amount of \$37,500.00. Councilor Burnette moved to award the service contract to SHN Consulting Engineers & Geologists, Inc. for the Isthmus Slough Sewer Crossing Design, not to exceed \$37,500.00. Councilor Eck seconded the motion which carried with Mayor McKeown and Councilors Burnette, Daily, Eck, Kramer and Melton voting aye.

Appointments of Council Representatives to Various Committees

Mayor McKeown suggested that Councilor Melton take over Roger Gould's committee assignments and stated that this could be re-visited in November and that no decisions need to be made at this time. However, if there are any requests or a committee that is an area of interest to any of the Councilors let him or City Manager, Chuck Freeman know. Mayor McKeown and the Councilors had consensus that it is tentatively set that Councilor Melton would take over Roger Gould's committees.

Adoption of Resolution 08-05 Placing a Fire Station General Obligation Bond Measure on the May Ballot

Janell Howard, Finance Director, reported that the attached resolution, which includes the ballot title, had been reviewed by the City's bond counsel, Harvey Rogers of K & L Gates. Ms. Howard explained that by the City Council adopting the resolution, and forwarding the ballot title to the City Recorder, they will be taking the final steps necessary to put this measure on the May ballot. It will be published in The World, and then be forwarded to County Elections Department after the appeal period. Ms. Howard stated that the bonds would be for up to \$6.9 million and be retired in 21 years or less. The average annual cost is estimated to be \$.74 per \$1,000 of assessed value. Ms. Howard also stated that the City retired wastewater bonds in September 2007. In the last few years the cost of these bonds ranged from \$.65 to \$.85 per \$1,000. Mayor McKeown clarified that in essence the taxpayers would be trading one debt for another. Fire Chief Stan Gibson reported that the response from the fire station survey was 45% yes, 36% no, and 19% undecided. Chief Gibson stated that a meeting is being set up with the church, which is currently the preferred site. Councilor Daily recommended that those that question the need for a new station should take a tour of the current station. Councilor Eck made a motion to adopt resolution 08-05 authorizing a ballot measure for a general obligation bond. Councilor Burnette seconded the motion with Mayor McKeown and Councilors Burnette, Daily, Eck, Kramer and Melton voting aye. Councilor Eck suggested that the fire station siting committee be reactivated to assist in getting the word out about the fire station ballot measure. There was consensus among the Council to do so.

Consideration of Repealing Section 35, Recovery Agreement of Ordinance No. 132 – Approval will Require Enactment of the Proposed Ordinance

Jim Hossley, Public Works and Development Director, stated that this was a housekeeping item. In August 2007 when Ordinance No. 397 was enacted, Ordinance No. 132 should have been amended. The recovery agreement language in Section 35 of Ordinance No. 132 is no longer necessary. Councilor Eck moved to make the recommended changes to Ordinance 132. Councilor Burnette seconded the motion. City Clerk Vicki English read the ordinance by title only and Ordinance No. 403 an ordinance of the City of Coos Bay, Oregon amending Ordinance No. 132 providing for uniform requirements for users of the City's Wastewater Treatment System was enacted with the following vote:

Aye: Mayor McKeown and Councilors Burnette, Daily, Eck, Kramer and Melton

No: None

Absent: Councilor Muenchrath

Correction to Ordinance No. 401 Vacation a Portion of Howard Street – Approval will Require Enactment of the Proposed Ordinance

Jim Hossley, Public Works and Development Director, stated that this is a correction to Ordinance No. 401 due to an incorrectly written lot number. The lot number was written as 2 and it should have been written as 8. Councilor Eck moved to make the recommended correction to Ordinance No. 401. Councilor Daily seconded the motion. City Clerk Vicki English read the ordinance by title only and Ordinance No. 404 an ordinance amending Ordinance No. 401 providing for the vacation of Howard Street lying east of Crocker Street located in the plat of Belmont Addition to Empire City, Section 17AD, Township 25 South, Range 13 West of the Willamette Meridian, Coos County, Oregon was enacted with the following vote:

Aye: Mayor McKeown and Councilors Burnette, Daily, Eck, Kramer and Melton

No: None

Absent: Councilor Muenchrath

Public Comments

No public comments were given.

City Attorney's Report

City Attorney, Nate McClintock had nothing to report at this time.

City Manager's Report

Mr. Freeman reported that we have received 15 applications for the Chief of Police position. The interviews will be the weeks of March 3, 2008 and March 10, 2008 with the committee. Mr. Freeman stated that he will be reviewing the applications this week and will forward the qualified applicants to the committee. The Ed Lund playground equipment is installed and he is trying to coordinate a photo-op with kids playing on the equipment to put on the web site. Mr. Freeman also stated that he received the first round of the budget and that he will be reviewing it this week.

Council Comments

Councilor Burnette stated that the Community Fund Awards Luncheon for the Tribes Community Fund is February 28, 2008 and she hopes that the Council will attend. Councilor Daily reminded everyone about the Cal Ripkin sign up is still going on. Councilor Eck announced that the Lions Club Auction is March 2, 2008. Councilor Eck stated that the funds raised from this auction go toward sight, hearing and dental programs. Mayor McKeown reported that Chuck Freeman, Jim Hossley, Joyce Jansen and himself met this week with Ray Naff, Representative of the Oregon Economic Development Commission. Mayor McKeown said that they had an opportunity to discuss several issues among them, the Division of State Land and the proposed wastewater upgrades. Mayor McKeown stated that Mr. Naff was very responsive and talked about bring his economic development team back to Coos Bay to discuss the issues and perhaps give us some suggestions. Mayor McKeown mentioned that the college seemed to be in agreement to move forward with the proposed joint committee. The tentative meeting is Tuesday afternoon if a time can be agreed upon and looking forward to working with them to come to a good solution that will work for all of us.

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 March 4, 2008 in the Council Chambers at City Hall.

Jeff McKeown, Mayor

Attest:

Janell K. Howard, City Recorder