

## MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

May 20, 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.

### Work Session

A work session was held to discuss the local input in the process of the Liquefied Natural Gas (LNG). Mayor McKeown opened the work session asking the City Attorney to discuss the ex-parte contact. City Attorney, Nate McClintock stated that this is a good opportunity to talk about the ex-parte contact in the LNG context. He said that LNG is a hot button topic and people have different opinions relating to the issue. Mr. McClintock stated that his concern in this context is, a land use decision may have to be made in reference to where the pipe line may be laid. He said if a land use decision is called upon, the decision needs to be based on evidence in the written record or testimony offered at the hearing, not on what other people have told you. Mr. McClintock stated that he is concerned in land use issues that when people try to persuade you it's very important that you disclose those ex-parte contacts. Mr. McClintock defined ex-parte as, not being in the context of the hearing. He said that it's not unusual for this type of discussion to take place; however, Councilors have an obligation to disclose those ex-parte contacts at the beginning of the hearing. He said that it doesn't mean you can't vote; it just means that you have to disclose who you talked to and the basic substance of the conversation, that you feel you can base your decision upon what is in the record, and the testimony that you heard; then you can participate and make your decision. However, if you feel you can't, then you need to recuse yourself and let the other Council members make the decision. Councilor Muenchrath asked if any of the routes were going to cross Coos Bay property. Mr. McClintock stated that he talked with Laura and at one point there was discussion about the pipe line coming into Coos Bay but it is his understanding that there has been no decision as to where they are going to put it.

Councilor Muenchrath asked if any of the Council had any objection to the letter. Mayor McKeown stated that his position is that the State of Oregon and the local communities should have the right to have input into the process and feels it is inappropriate for the federal government to dictate to the State or County as to what we do or don't do. He said he wasn't sure if he was supportive of all the different aspects of the Governor's letter because he felt he did not have enough information so he would like to restrict our comments on the issue to State and local input. Councilor Eck stated that he agreed that state and local agencies should have input and disagrees with some of the Governor's letter but would support asking for local input. Councilor Melton stated that we should have input on the local level and that we need more information before signing the letter, because we are not getting factual information. Councilor Kramer said that we need input into the process and we don't need to duplicate the letter. Councilor Daily said that the Council has no authority on this so we are left out of the process and we need to ask to be in the process. Councilor Burnette said she does not know as much as she would like, but that we should demand that local and state government should have a say in the process and signing the Governor's letter is not a big concern to her. Mayor McKeown suggested that we consider the heading of the proposed resolution; *A resolution of the City Council of the City of Coos Bay Oregon to the Federal Energy Regulatory Commission*

*demanding inclusion of State and Local jurisdictions into the LNG siting process, and keeping the letter as simple as that. Councilor Melton said he would agree with that. Councilor Burnette agreed with Councilor Melton stating that she would not support this resolution as it stands. Councilor Eck stated that he was not completely in agreement with the full resolution as written. Councilor Kramer stated that she did see any problem with the resolution. Councilor Daily said that the title states is what we are all looking for and doesn't have a problem with any of the resolution. There was consensus from the Council to have staff prepare a letter with the headline of the resolution. The work session was closed at 6:23 pm.*

### **Those Attending**

Those present were Mayor Jeff McKeown and Councilors Michele Burnette, Mark Daily, Jon Eck, Stephanie Kramer, Gene Melton and John Muenchrath.

City staff present was City Manager Chuck Freeman, City Attorney Nate McClintock, City Clerk Vicki English, Police Chief Rodger Craddock, Fire Chief Stan Gibson, Finance Director Janell Howard, Public Works and Development Director Jim Hossley, Assistant City Manager Joyce Jansen and Library Director Carol Ventgen.

### **Flag Salute**

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

### **Consent Calendar**

Mayor McKeown reviewed the consent calendar which consisted of approval of the Minutes of May 8, 2008, approval of OLCC application for Walt's Pourhouse and approval of annual OLCC license renewals. Councilor Muenchrath moved to approve the consent calendar as presented. Councilor Eck seconded the motion which carried with Mayor McKeown and Councilors Burnette, Daily, Eck, Kramer, Melton and Muenchrath voting aye.

### **Report from Marshfield High School Activities Coordinator, Chloe Danielson**

Chloe Danielson, Marshfield High School Activities Coordinator gave an overview of the past and upcoming activities at Marshfield High School. Ms. Danielson reported on spring sports, girl's golf placed 1<sup>st</sup> in district competition and at the state level they placed 6<sup>th</sup>, Mindie Wilson, girl's golf coach won Mid-Western League Coach of the year, boy's softball placed 2nd in district and 6th at state, boy's tennis team went to state, and twelve members of the Marshfield track team made it to the state competition and will be competing at the University of Oregon May 22 through the 24th. Ms. Danielson also reported that the performing arts also have had a successful year with the concert choir bringing home 6th at the OSAA State Choir Championships and their final concert will be held May 20th at Marshfield. Other activities that Ms. Danielson reported on were; the drama club just finished their performance of Barefoot in the Park, band concert performance will be held June 3rd, their spring cleaning week is a Grease theme with an outside showing of Grease May 22 at 8:30. Knowledge bowl competed at the Bandon Brain Bowl Classic on April 10th, journalism students went to the Journalism Education Association/National Scholastic Press Association national convention in Anaheim, CA and submitted an issue of The Marshfield Times and earned 4th place in the Best of Show

national competition and four students also earned individual awards with Kate O'Donnell ranking in the top three student designers in the nation. Senior awards assembly was held May 15 and \$170,000 worth of scholarships were awarded. Councilor Eck stated that we have enjoyed the presentations from Marshfield High School and are looking forward to next year.

**Report on Progress of the Public Works and Development Codes Enforcement by Lisa Crawford**

Due to Lisa Crawford being ill this agenda item was pulled.

**Presentation of a Proclamation on Volunteer Appreciation Month and Recognition of City of Coos Bay Volunteers by Police Chief Rodger Craddock**

Police Chief Rodger Craddock spoke of the importance and how instrumental volunteers have been in the shaping of the City of Coos Bay. Chief Craddock asked each department head to talk briefly about the volunteers serving their department. Library Director Carol Ventgen recognized volunteer groups such as the Progress Club and Friends of the Library. Ms. Ventgen said that there are several volunteers that spend several hours daily at the library and she honored one particular volunteer that has been with the Library for 38 years, Florence Kinunen. Police Chief Craddock added; in 2007 the Library had 4,613 hours in volunteer work. Public Works and Development Director, Jim Hossley, recognized the volunteers that work at Choshi Gardens, city parks, Pioneer Cemetery, and Joan Morrison who volunteers 4 hours a week doing a variety of administrative duties for the Public Works Department. Fire Chief, Stan Gibson, stated that the Fire Department couldn't exist without volunteers not only during times of emergency but with day to day operations. Chief Gibson reported that there are currently 29 volunteers that equate to 221 year of experience. Chief Gibson stated there's one volunteer that has 49 years of volunteer work and Councilor Eck with over 30 years of volunteer work. Chief Gibson said that in the past year the volunteers did 560 hours of emergency response, 1,650 hours of training, and 1,300 hours of community service consisting of the 4th of July fire works and fishing derby, Blackberry Arts Festival, Fun Festival, three open houses during Fire Prevention Week, Christmas tree pick up, putting up and taking down lights at Shore Acres. Chief Gibson recognized two members, Frank Kaiser, Rookie of the Year and Dennis James, Firefighter of the Year. President of the Coos Bay Police Officer Association, Officer Mike Shaffer and Vice President, Detective Scott Rogers recognized the 10 volunteers that put in 1,533 hours of volunteer time. Officer Shaffer presented a token of appreciation to the disabled parking enforcement volunteers, Marjorie Kilpatrick, Stephanie Kahanek, Claude Coffman, Cookie Weaver, Dave Weaver and Al Poole. Reserve Police Officers that were recognized were Josh Scarberry and Robert Mienke. Chief Craddock asked to approve the request and allow the Mayor to sign a proclamation. Councilor Daily moved to declare the month of May as Volunteer Recognition Month in Coos Bay. Councilor Eck seconded the motion which carried with Mayor McKeown and Councilors Burnette, Daily, Eck, Kramer, Melton and Muenchrath voting aye.

**Quarterly Report from the Visitors and Convention Bureau by Katherine Hoppe**

Katherine Hoppe, Director of the Coos Bay-North Bend Visitor and Convention Bureau (VCB), gave a quarterly update. The presentation gave an overview of visitor spending, website update, current advertising, conferences, meetings and other projects. Ms. Hoppe reported an increase of 6.2% in tourist spending in Coos County. Ms. Hoppe said the VCB advertising

website that was launched in April, appears to be a huge success. She said in April there were 6750 hits and as of May 20th there have already been over 8000 hits. Ms. Hoppe stated that the National Geographic magazine ranked Coos Bay as one of the top 50 places to live and play and is excited to see where we placed. Mayor McKeown asked if we were advertising to capture the ATV market. Ms. Hoppe replied, that they are not currently advertising specifically for that market, but is something that they are looking at in the future.

### **Consideration of Modifying the Bay Area Chamber of Commerce Agreement**

Chuck Freeman, City Manager, reported that a Tourism Management Agreement was entered into on October 2005 with the Bay Area Chamber of Commerce and the City of Coos Bay to have the Chamber operate the City's Visitor Center with a budget of \$53,000 per year. Mr. Freeman said that a letter was drafted to Mr. Timm Slater, Executive Director of the Bay Area Chamber of Commerce, requesting to modify two things. Mr. Freeman also stated, he met with Mr. Slater and that Mr. Slater was agreeable to the changes. The proposed changes are; 1) Chamber to provide to the City Council a written monthly report; 2) Delete Section 2.2 in its entirety and replace it with language that will have the City paying expenses directly. Mr. Slater stated that his first year anniversary will be next week and he noticed that there was not a regular contact between the City and the Chamber, although the operations of the Visitor's Center have been well run and well represented, the City did not really know what was going on and the little information that has been shared so far has been the Chambers attempt to have better contact with the City. Mr. Slater stated that he was fully supportive of the concept of direct involvement and oversight of the Visitors Center and thinks this is a good step. Additionally Mr. Slater stated that the enhanced ability to communicate will be to the City's benefit as well as the Chamber's, and he is looking forward to continuing on with the partnership. Councilor Burnette moved to modify the Bay Area Chamber of Commerce Agreement. Councilor Daily seconded the motion which carried with Mayor McKeown and Councilors Burnette, Daily, Eck, Kramer, Melton and Muenchrath voting aye.

### **Public Hearing to Consider an Ordinance Amending Chapter 3.15 of Ordinance No. 93 the City of Coos Bay's Land Development Ordinance – Approval will Require Enactment of the Proposed Ordinance**

Laura Barron, Planning Administrator, read the Public Hearing Disclosure Statement. Ms. Barron stated, on April 1, 2008 the proposed creation of a parking district in the Empire area was discussed by the City Council. Ms. Barron said the original proposal was to eliminate the off-street parking requirement on the commercially zoned property in the Empire area. A compromise was incorporated into the proposal after hearing testimony that stated that eliminating the off-street parking requirements was too lenient. Ms. Barron stated that the compromise was, development/redevelopment must provide the number of off-street parking spaces required in excess of 25 spaces. Ms. Barron gave an example, if you had a new business move in, they may use 25 spaces on the street, but anything required after that they would have to provide off-street parking on their property with the ability to have shared parking. Mayor McKeown opened the Public Hearing. There being no public comments, the hearing was closed. Councilor Muenchrath moved to adopt Ordinance 406 amending Chapter 3.15 of Ordinance No. 93 the City of Coos Bay's Land Development Ordinance. Councilor Burnette seconded the motion. City Clerk Vicki English read the ordinance by title only; Ordinance No.

406 an ordinance amending Chapter 3.15 of Ordinance No. 93, The City of Coos Bay's Land Development Ordinance was enacted with the following vote:

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

No: None

**Public Hearing to Review the Performance of the Solid Waste Franchise and Review Current Technology Available for Solid Waste Management**

Chuck Freeman, City Manager read in part Ordinance No. 272 that was adopted on May 18, 1999 and Ordinance 347, amending Ordinance 272. Mr. Freeman stated that this Public Hearing will give the citizens an opportunity to provide comments on the service that they are currently receiving and to discuss the concern of the seven year term/notice period. Mayor McKeown opened the Public Hearing. There being no public comments, the hearing was closed. Mayor McKeown commented there has been a lot of concern for the lack of ability in the area to dispose of hazardous waste products. He stated that he would like to see some proposals from our solid waste providers on how to deal with hazardous waste disposal. Councilor Daily stated that he had concern about the seven year clause in the contract because it takes away the City's ability to take advantage of any potential competition or opportunities to contract with other providers. Councilor Daily stated that seven years is an extremely long term, but does recognize the investments and some length of time is appropriate. Councilor Daily feels that seven years puts it out of reach of decision makers such as the Council and City Manager and suggested maybe a 4 year term. Councilor Melton commented that the solid waste providers have made a huge investment into their equipment and their facility and if we limited them to a 3 to 5 years contract that would not give them long term stability to enable them to plan ahead and does not have a problem with the 7 year contract. Councilor Muenchrath stated that he would like staff to look at other communities and do a comparison of rates before he would take a position on this. He also agreed with Councilor Melton, stating the people that you contract with need a reasonable lead time. Councilor Burnette stated a 7 year contract was a long time however; if we considered going to a single term contract instead of an automatic roll over, 7 years may work. Councilor Muenchrath stated that since the Council has the authority to change the rates, there is no reason to be concerned about a 7 year contract.

Pete Smart of Waste Connections stated that they have made huge investments and if there is a chance that they won't be here it would not make financial sense to invest money into the company here. Mr. Smart said their service and their prices are reasonable and traditionally stated that if we were to get bids and change we would be taking a risk of getting a substandard service and pleaded not to change the contract. Councilor Kramer asked about the contract termination clause. City Attorney, Nate McClintock said that the contract can be terminated prior to the seven years for a major issue such as negligence. Mr. Freeman asked about the hazardous waste disposal problem. Mr. Smart reported that the County just signed an agreement to provide a permanent fixture at Beaver Hill. Mr. Smart said that Curry County has also signed on with them to work together. He said that each community would be asked to approve a rate increase of \$3.27 a ton to go into a trust fund to establish a permanent ongoing hazardous waste site that would be used on a regular basis at Beaver Hill. Mr. Smart also added there would also be a mobile site that would rotate. Councilor Daily said that before we

make a decision we need to investigate other entities to ensure that we are being serviced in an economical way. Mayor McKeown asked if we could extend the deadline of June 1, 2008 to make this decision. Mr. McClintock said we could if the franchises were agreeable to the extension and we could get the agreement both on the record and in writing. Mayor McKeown stated that we needed more time to get some more information. It was the consensus of the Council and the franchises to have an extension of 60 days.

### **Public Comments**

Ron Sadler, resident of North Bend, commented on the LNG project. Mr. Sadler suggested that we go on record demanding that the Federal Energy Regulatory Commission (FERC) fully comply with the letter of intent of the National Environmental Protection Act and say that we need the best objective analysis to make our decision.

Jody McCaffree, resident of North Bend, commended the council for addressing the LNG issue. Ms. McCaffree emphasized to the Council the importance of a needs analysis.

Seymore Glassman, resident of Coos Bay, commented that he felt the information we are receiving on LNG is not factual and gave his opinion on all the negative reasons why he felt LNG should not be a part of this area.

Ron Opitz, Executive Director of South Coast Development Council, stated the need for natural gas and that it would be used. Mr. Opitz also stated the importance of communicating the truthful facts instead of statistical data.

Dana Gobb commented that a report from the Oregon Department of Energy stated that there will be an increase need for natural gas, the need could be met from the Basin and Canada, and LNG is extremely more polluting than native natural gas.

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

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

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

Chuck Freeman, City Manager, reported there will be a stakeholders meeting of the Downtown Traffic Plan May 22, 2008 at 7:00 pm. Mr. Freeman said 200,000 Salmon were released at Blossom Gulch and the event was very well attended. Mr. Freeman also reported that there has been marked success in the engineer position, the Farmers Market was a success last week, and on June 6, 2008 at noon there will be a retirement party for David Jared from the Public Works Department.

### **Council Comments**

Councilor Daily commented on how exciting the Blossom Gulch Salmon release was. Councilor Melton reported that the State of Oregon's American Veterans had their convention (?) in Coos Bay and 123 people attended the event. He said the attendees commented that they like coming to Coos Bay for conventions. Councilor Melton also reported that he was elected to be

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Commander of the State of Oregon American Veterans and was named American Veteran of the Year. Mayor McKeown congratulated Councilor Melton on his success. He said how honored he was to address the American Veterans. Mayor McKeown reported on the luncheon that took place May 16, 2008 with the Visitor's Center's volunteers and Cheryl Crockett, and stated that the amount of time that they donate to run the Visitor's Center is incredible. He also mentioned the Memorial Parade.

**Adjourn**

There being no further business to come before the Council, Mayor McKeown adjourned the meeting at 8:48 p.m. until June 3, 2008 in the Council Chambers at City Hall.

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Jeff McKeown, Mayor

Attest:

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Janell K. Howard, City Recorder