

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

December 4, 2018

The minutes of the proceedings of a regular meeting of the City Council of the City of Coos Bay, Coos County, Oregon, held at 7:00 pm in the Council Chambers at City Hall, 500 Central Avenue, Coos Bay, Oregon.

Those Attending

Those present were Councilors Stephanie Kilmer, Phil Marler, Carmen Matthews, and Robert Miles. Mayor Joe Benetti and Councilors Lucinda DiNovo and Drew Farmer were absent. City staff present were City Manager Rodger Craddock, City Attorney Nate McClintock, Finance Director Nichole Rutherford, Deputy Finance Director Melissa Olson, Library Director Sami Pierson, Public Works and Community Development Director Jim Hossley, and Police Chief Gary McCullough.

Flag Salute

Council President Marler opened the meeting and led the Council and assembly in the salute to the flag.

Public Comments

Denny Powell, Coos Bay: stated concern over the power company installation of smart meters, health and tracking concerns from smart meters, and monthly charge to keep old meters. Mr. Powell requested an agenda item added to a future Council meeting to discuss an ordinance allowing power company customers to opt-out of installation of smart meters without cost. Teresa Rigg, Coos Bay: stated concern over street parking near Koosbay Blvd and 13th Ct. Ms. Rigg stated if the Council wanted statistics on smart meters books could be found at the Coos Bay Public Library. Anna Marie Slate, Coos Bay: stated concern regarding smart meters and requested council protect the citizens against smart meters. Heli Molteni, Coos Bay: stated concern over health issues from smart meters and the hardship on citizens choosing to opt-out.

City Manager Rodger Craddock stated public utilities were state regulated and cities might not have home rule authority; however, there was lawsuit out of Josephine County, Oregon and counties may have some authority. Mr. Craddock stated he met with Coos County Commissioner Melissa Cribbins to get more information. Council requested an update and additional information regarding city authority at future Council work session meeting.

Consent Calendar

Council President Marler reviewed the consent calendar which consisted of:

- 3a: Approval of the Council and Agency Work Session Minutes of November 13, 2018

3b: Adoption of Resolution 18-29 Accepting the 2018 General Election Official Canvass of Votes

3c: Approval to Dissolve Various Council Committees

- Egyptian Theater Restoration Steering Committee
- Economic Development Committee
- Streets Task Force
- Council Boardwalk Flag Committee
- Public Improvement Project Committee
- Brownfields Action Committee

3d: Approval of Council Committee Appointments

- Councilor Mathews appointed to the Parks Commission
- Councilor DiNovo appointed to the Community Coalition of Empire
- Councilor Miles appointed to the Library Facilities Steering Committee

Councilor Kilmer moved to approve consent calendar as presented. Councilor Miles seconded the motion which carried. Ayes: Kilmer, Marler, Matthews, Miles. Absent: Benetti, DiNovo, Farmer.

Report by Marshfield High School Key Club Member

Marshfield High School (MHS) Key Club representative Kyah Brueckner summarized upcoming Key Club activities, shared various ongoing fundraising activities and achievements by various MHS clubs, committees, and athletic teams.

Discussion of Transportation User Fee

Public Works and Community Development Director Jim Hossley stated the City Council was committed to improved street maintenance throughout the community. Traditional funding resources for city street maintenance, state gas tax, had not kept pace with the increase cost to perform maintenance. A transportation utility fee (TUF) was one possible new resource for street maintenance. On October 23, 2018, City Council requested staff to provide additional information on a various TUF amounts and the number of years it would take to fix roads based on TUF amounts for consideration. Mr. Hossley stated it would take 75 years to complete repairs to all city streets, 50 years with a five dollar TUF, and 35 years with a ten dollar TUF. The city could maintain and repair approximately 1.7 more miles of street over the next five years with a ten dollar TUF. November 27, 2018, Mayor Joe Benetti requested Council to defer any decision until the January 15, 2019 Council meeting to allow for additional discussion and public input.

Council President Marler opened to public comment. Teresa Rigg, Coos Bay: stated concern in fee being added to the water bill for those struggling to pay their bills and requested a different means to charge a fee. Anna Marie Slate, Coos Bay: stated concern over a fee being added to water bills and asked the City to review other funding. Brent Smith, Coos Bay: stated concern over not enough maintenance being done with current funds available and planned single projects versus continued maintenance. Rick Shearer,

Coos Bay: requested information on how multi-units would be handled, how pot holes were fixed, and if hot patching had been looked into. Council stated if the fee was put on the water bill and not paid the customer's water would not be shut off and multi-units would be reviewed for fair share billing.

Approval to Amend Ordinance No. 114 Controlling Vehicle and Pedestrian Traffic - Approval Would Require Enactment of Ordinance

November 6, 2018, Council approved architecturally designed bicycle racks through the Coos Bay Downtown Association to be installed in Coos Bay. Council had noted concern the city did not have the ability to impound bicycles abandoned in the new bicycle racks. City Manager Rodger Craddock stated review of the Coos Bay Municipal Code (CBMC) revealed the City had an ordinance that allowed the Police Department to impound bicycles left on public property in excess of 24 hours. Staff proposed amending CBMC 10.20.030 to read "A bicycle, or part thereof, left on public property and not secured in a public bike rack for a period in excess of 24 hours will be considered abandoned and may be impounded by the Police Department. A bicycle, or part thereof, left in a public bike rack for a period of in excess of 72 hours will be considered abandoned and may be impounded by the Police Department." Teresa Rigg, Coos Bay: suggested posting list of impounded bicycles in the shopper for those who lost their bicycles to find more easily.

Councilor Kilmer moved to enact the proposed ordinance amending a portion of ordinance 114, codified as Coos Bay Municipal Code, Chapter 10.20, "Bicycles." Councilor Miles seconded the motion. Deputy Finance Director Melissa Olson read the ordinance by title only and Ordinance 505 was enacted by the following vote:

Aye: Kilmer, Marler, Matthews, Miles.

Nay: None.

Absent: Benetti, DiNovo, Farmer.

Approval of Amendments to the Conditional Use Process of the Development Code Ordinance – Approval Would Require Enactment of Ordinance

Public Works and Community Development Director Jim Hossley stated land use with more complexity and potential impact to surroundings was conditional use which required a conditional use permit from the Planning Commission. The City's conditional use standards required clarity and specificity to enable defensible Planning Commission conditional use permit authorization. Morgan CPS group, a Keizer, Oregon professional planning firm, was engaged to review the development code conditional use permit standards. The firm noted the amendments were intended to resolve any issues with the language of the code relative to the State of Oregon requirement to have clear and objective standards and suggested amendments be designed to clarify and strengthen requirements and process. Proposed changes were an added purpose statement to guide the reasoning behind the conditional use standards, revised conditional use standards to provide clarity and eliminate ambiguity, language precision to tie potential conditional land use impacts to clear requirements to mitigate those impacts, and addition of specific condition language. Staff reorganized and expanded the conditional land use regulations, and on October 9, 2018, the Planning Commission reviewed the amendments to Coos Bay Municipal Code (CBMC) 17.325 at public hearing. The Planning Commission approved and forwarded to Council for approval.

Councilor Kilmer moved to enact the proposed ordinance amending section 17.325 “Conditional Uses” of Ordinance 473, codified as Coos Bay Municipal Code, Title 17 Development Code. Councilor Matthews seconded the motion. Deputy Finance Director Melissa Olson read the ordinance by title only and Ordinance 506 was enacted by the following vote:

Aye: Kilmer, Marler, Matthews, Miles.

Nay: None.

Absent: Benetti, DiNovo, Farmer.

City Manager's Report

City Manager Rodger Craddock stated the Bay Area Chamber of Commerce (BACC) was having their annual Economic Outlook Forum on December 14, 2018 if any Councilors wanted to participate. Mr. Craddock gave the Council nominations for BACC annual citizen of the year and business of the year if they wished to recognize those who had made extra efforts in the community.

Public Works and Community Development Director Jim Hossley gave an update on Waste Water Treatment Plant 2 (WWTP2). Mr. Hossley stated WWTP2 started taking raw sewage on November 26, 2018, went through a complete treatment cycle, and started discharging effluent into the bay on November 27, 2018 with daily testing of effluent water quality. High counts of fecal coliform bacteria, used as indicator organisms for effectiveness of effluent disinfection, were noted on November 29, 2018 from previous day's sample. Initially, the WWTP2 had very good clarification, separation of solids, but decreased as the flow rates increased from rains and waste transfer from the old plant allowing solids to flow through the ultraviolet light (UV) disinfection system. The high counts were originally thought to be due to the de-commission of the old treatment plant reducing the effectiveness of the UV disinfection system. Upon further investigation, it was found the transmittance reading from the UV disinfection system was within normal range and not adjusting for solid levels. The original programming performed on the system by the manufacturer had not been set to increase UV dosage as transmittance levels decreased. City staff and operations contractors were working with the manufacturer to change the setting and the UV disinfection system was switched to manual control, but fecal coliform counts were still high. A public service announcement was issued and signs were placed at Sunset Bay State Park Beach warning of high levels of bacteria. City Staff and contractors notified and coordinated with the Oregon Department of Environmental Quality (DEQ), Oregon Department of Health, Oregon Department of Agriculture, and Oregon Emergency Response System. DEQ suggested using parasitic acid, a chemical substitute for chlorine and UV, and Myrtle Point, Oregon temporarily allowed the City of Coos Bay to use their parasitic acid supply which immediately put the limits within allowable range. The UV manufacturer was updating the programming of the system and was anticipated to be onsite to assist with maintenance City staff had been performing on the system. The system was being manually controlled, supplemented parasitic acid used, and waste water with active microorganisms from WWTP1, North Bend, and Coquille had been trucked in to seed WWTP2 to help diminish issues.

Council Comments

Councilor Kilmer stated the Coos Bay Downtown Association was calculating the results from all the downtown activities in the last few weeks. The K-DOCK Bus Jam was a large success exceeding goals; had over 200 volunteers, collected 6,700 toys, over 5,000 stocking stuffers, and over 40,000 pounds of food. Councilor Marler thanked K-Dock Bus Jam, staff for providing information to the Council, and everyone for making public comments, appreciated hearing the input, and looked forward to getting more information. Councilor Matthews thanked those who came out to make public comments, everyone who participated in the K-DOCK Bus Jam, and was excited to continue with the Council. Councilor Miles stated the Christmas tree lighting in Empire and Coos Bay were outstanding.

Adjourn

There being no further business to come before the Council, Council President Marler adjourned the meeting. The next regular Council meeting was scheduled for December 18, 2018 in the Council Chambers at City Hall.



Phil Marler, President

Attest: Nichole Rutherford
Nichole Rutherford, City Recorder