

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

December 18, 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 Mayor Joe Benetti and Councilors Lucinda DiNovo, Drew Farmer, Stephanie Kilmer, Phil Marler, Carmen Matthews, and Robert Miles. 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, Community Development Administrator Carolyn Johnson, Planner Debbie Erler, Fire Chief Mark Anderson, and Police Chief Gary McCullough.

City Council Interviews

At 5:10 p.m. prior to the start of the regularly scheduled Council meeting, the Council interviewed applicants for the Budget Committee, Parks Commission, Planning Commission, and Coos Bay-North Bend Water Board. No decisions were made.

Flag Salute

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

Public Comments

No public comments were given.

Consent Calendar

Mayor Benetti reviewed the consent calendar which consisted of:

- 3a: Approval of the City Council minutes of November 20, 2018
- 3b: Approval of the Council and Agency Work Session minutes of November 27, 2018
- 3c: Acceptance of the November Payroll and Accounts Payable Check Registers
- 3d: Acceptance of the City November Combined Cash Reports
- 3e: Adoption of Resolution 18-30 Correcting Resolution 18-10 Extending Workers' Compensation Insurance Coverage to City Volunteers
- 3f: Acceptance of Oregon Community Foundation (OCF) Grant

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

Presentation of an Appreciation of Service Plaque

Mayor Joe Benetti presented John Peery with an appreciation of service plaque. Mayor Benetti stated Mr. Peery served on the Planning Commission from December 2014 through December 2018. Mr. Peery thanked everyone for the privilege of having served.

Introduction of the New Community Development Administrator

Public Works and Community Development Director Jim Hossley introduced Carolyn Johnson as the new Community Development Administrator for the City of Coos Bay. Ms. Johnson worked in local government since 1983; as the Planner and Planning Manager in Pismo Beach, California for 28 years and Planning/Community Development Director for Curry County since 2015. Ms. Johnson hit the ground running, our citizens and the city have already benefited from her experience, enthusiasm, and work ethic.

Presentation of an Outstanding Service Award Plaque

Mayor Joe Benetti presented Planner Debbie Erler with an outstanding service award plaque. Public Works and Community Development Director Jim Hossley recognized Ms. Erler's outstanding work for the last six months filling in since the previous Community Development Administrator left the city. Mayor Benetti stated he heard from people on the Planning Commission and staff of Ms. Erler's hard work.

Report by Marshfield High School Key Club Member

Marshfield High School (MHS) Key Club representative Emerald Russell summarized upcoming Key Club activities, shared various ongoing fundraising activities and achievements by various MHS clubs, committees, and athletic teams. Ms. Russell stated Key Club would be designing a backyard garden sitting area for the Operation Rebuild Hope Project, thanked the Council for their support of MHS Key Club, and wished everyone a happy holiday.

Presentation on the City Audit for Fiscal Year End 2018

Senior Auditor Tara Camp stated Pauly, Rogers and Co. issued an unmodified opinion on the City of Coos Bay fiscal year end (FYE) 2018 financial statements with no exceptions or issues requiring comment for the State minimum standards and no management letter was issued. An unmodified opinion means the City of Coos Bay was given a "clean" opinion with no reservations. It was the independent auditor's judgment that the financial records and statements were fairly and appropriately presented, and in accordance with generally accepted accounting principles (GAAP). An unmodified opinion is the most common type of auditor's report and the desired result.

Council asked if any change was notice with the transition of previous Finance Director Susanne Baker leaving, Ms. Camp stated everything went well and they did not have any issues with the transition.

Councilor DiNovo moved to accept the fiscal year end 2018 City audit. Councilor Kilmer seconded the motion which carried. Ayes: Benetti, DiNovo, Farmer, Kilmer, Marler, Matthews, Miles.

Appointments to the Budget Committee, Parks Commission, Planning Commission, and Coos Bay-North Bend Water Board

City Manager Rodger Craddock stated the City received four applications for appointments to the Budget Committee to fulfill three openings on the Committee. Applications were received from Harold (Ken) Folker, Steve Horne, Joseph Monahan, and Victoria Benedict. By action of Council ballot the Council appointed Harold (Ken) Folker, Steve Horne, and Joseph Monahan to the Budget Committee for three-year terms ending December 31, 2021.

Two applications were received for appointment to the Coos Bay-North Bend Water Board to fulfill one opening on the Board. Applications were received from Charles Sharps, Ph. D. and Victoria Benedict. By action of Council ballot the Council appointed Charles Sharps, Ph. D. to the Coos Bay-North Bend Water Board for a four-year term ending December 31, 2022.

Mayor Joe Benetti stated the Council would postpone making a decision on appointments until the next Council meeting on January 15, 2019, for the Parks Commission and the Planning Commission to review the ordinance for outside city limits residency of those appointed to committee positions and wanted to extend the terms of those serving those positions for one month.

Councilor Kilmer moved to extend the terms of those current serving on the Parks Commission and Planning Commission for one month. Councilor DiNovo seconded the motion which carried. Ayes: Benetti, DiNovo, Farmer, Kilmer, Marler, Matthews, Miles.

Discussion of a Transportation User Fee

Public Works and Community Development Director Jim Hossley stated the City Council has been 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 various TUF amounts and the number of years it would take to fix roads based on TUF amounts for consideration. 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. Teresa Rigg, Coos Bay: stated something had to be done, she would rather pay \$5.00 than pay to fix a vehicle, but wanted to make sure the fee

did not increase soon after and asked Council to research more efficient ways to perform road maintenance.

Approval of a National League of Cities Service Insurance Warranty Program

City Manager Rodger Craddock stated homeowners are responsible to maintain their private water and sewer laterals which connect to public utilities. On October 9, 2018, Dennis Lyon made a presentation to the Council on the National League of Cities (NLC) Service Line Warranty Program. The National League of Cities and the League of Oregon Cities had endorsed Utility Service Partners, Private Label, Inc. which provided the NLC Service Line Warranty program. Mr. Craddock stated the warranty program was an insurance program which would cover unexpected and expensive utility line repair for a low monthly fee with no deductibles or service fees contracting with local contractors or out of the area in an emergency. Council Marler specified there were three separate services covered; sewer lateral for \$7.25 per month, water line lateral for \$5.25 per month, and indoor plumbing for \$9.49 per month. Teresa Rigg, Coos Bay: asked if an old property required to switch from private sewer to public sewer would be covered. Council stated the program did not cover private septic tanks and was a warranty on an existing line.

Councilor Marler moved to authorize the City Manager to enter into a Marketing Agreement with Utility Service Partners Private Label, Inc. to provide the National League of Cities Service Line Warranty Program to residential property owners in the City. Councilor Farmer seconded the motion which carried. Ayes: Benetti, DiNovo, Farmer, Kilmer, Marler, Matthews, Miles.

Request for an Ordinance Regulating Pacific Power

Mayor Joe Benetti stated with the approval of the Oregon Public Utilities Commission (PUC), Pacific Power had been installing smart meters throughout their service territory. Smart meters were digital electric meters that communicate with Pacific Power through a wireless network. Utility customers had the option to opt out of a non-communicating digital meter but at \$36.00 monthly charge. A few citizens approached the Council over safety concerns related to the use of smart meters and the monthly rate to opt-out of the smart meter. They requested the Council consider enacting an ordinance similar to one recently enacted in Josephine County. Mayor Benetti stated all public comments would be forwarded to PUC. Denny Powell, Coos Bay: stated concern over smart meters obtaining, gathering, recording, and transmitting private information without his consent and being charged per month to have a smart meter removed. Teresa Rigg, Coos Bay: stated concern for danger of fire with smart meters and being made overseas. Anna Marie Slate, North Bend: stated she had the same concerns as everyone else speaking. Amy Levin, Coos Bay: stated concern for danger of fire, recalls, and safety with meters transmitting pulses every 30-45 seconds and stated the City of Bandon had opt-out fees waived for their citizens. Melody Caldern, Coos Bay: stated concern for information given out by Pacific Power related to smart meters, the lack of study for health problems and danger, no security regulations, and the longevity of the meters being only five to seven years and stated the state of New Mexico opted out of smart meters being installed in the state. Barbara Stickler, Allegany: stated concern for dangers of smart meters, asked why citizens could not read their own meters, noted other municipalities and states have opted out, and asked the Council to fully research smart meters. Buck Bowling, North Bend: stated an awareness of migratory birds and bees

no longer around North Bend and Coos Bay and believed it was due to the smart meter electromagnetic waves. Isabel Azurmendi, Coos Bay: stated concern for having to pay to opt-out and questioned why wire protectors were sold if the smart meters were not dangerous. Donald Canavan, Coos Bay: stated concern over information being collected and surveillance by smart meters. Terry Ulmer, Coos Bay: stated smart meters were not installed to reduce meter readers, but to collect information and control items in homes, and stated the meters were an invasion of privacy.

Sam Carter, Roseburg, Representative for Pacific Power: stated the smart meter technology had been around many years, 90 million homes in the United States already had smart meters, it was a widely used technology that had advanced, Pacific Power postponed installation locally to make sure technology was proven reliable and safe, and with the smart meters customers could see energy usage by hour to become more efficient in their usage. Mr. Carter stated the biggest benefits were Pacific Power received outage notifications from the meters to know where and extent of an outage without relying on customer calls, and they could remote disconnect and reconnect instead of sending someone out taking a day or more. Mr. Carter asked Council not to proceed with an ordinance to eliminate confusion and allow the concerns to be addressed by the PUC instead of individual municipalities. Pacific Power had an obligation to go back to the PUC regarding the \$36 monthly opt-out fee to report how much it had actually cost to rebuild meters and expected changes to be made to their fee program. Mr. Carter asked the Council to hold off taking action until some of the items were further determined by the PUC.

Council discussion ensued. Mayor Benetti announced Coos County Commissioner Melissa Cribbins stated smart meter testimony would be taken at a public hearing on January 15, 2019 at 6:00 p.m. Mayor Benetti noted the state of New Mexico opting out was the state opting out, and at this time the state of Oregon had not. City Attorney Nate McClintock stated he did not believe the City of Coos Bay had jurisdiction to regulate the public utilities and the PUC had exclusive jurisdiction. City Manager Rodger Craddock stated the City of Bandon owned the electric utility which was why they could decide to fee or not. Council stated they wanted to defer until litigation by the State of Oregon Department of Justice against Josephine County was complete and did not want litigation to impede the City of Coos Bay's ability to provide other services. Council requested citizens to additionally voice their opinion to Coos County and State of Oregon.

City Manager's Report

City Manager Rodger Craddock stated at the December 11, 2018 Planning Commission meeting the Coos Bay Village planned unit development application was approved and developers started work immediately. Developers would move forward raising the development up out of the flood plain and would require an addition of a traffic signal at the intersection. The City would be financially responsible for the cost of light, but the developer would be taking charge of securing engineering for the design and contractor to make the changes. A reimbursement agreement to allow the work to be done would be brought to Council in January.

Mr. Craddock stated he learned of two different proposed draft legislative items on single use plastic bags for consideration coming before the State of Oregon legislature in their upcoming session and proposed he draft a letter on Council's behalf supporting the critical

review and consideration of the draft legislation on a state level instead of city level. Council discussed, consensus for the letter supporting the draft legislature at a state level, and Council would review again after the legislative session in July 2019.

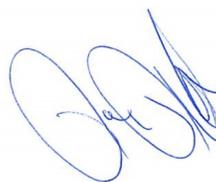
Mr. Craddock stated City Hall was closed in observance of the holidays on Monday, December 24, 2018 and Tuesday, December 25, 2018. The next City Council work session would be held January 8, 2019 at the Coos Bay Public Library and one agenda item would be the library's structural issues and invited Council to tour the facility.

Council Comments

Councilor Miles welcomed Carolyn Johnson, thanked those who applied for the committee and commission appointments, and wished everyone a happy holiday. Councilor Kilmer welcomed Carolyn Johnson, noted Ms. Johnson had attended the homeless workgroup meeting and Council should see something coming forward from the Homeless Committee for consideration soon, thanked the street crews for cleaning up debris from the recent storm, and wished everyone a merry Christmas. Councilor DiNovo thanked the citizens and representative from Pacific Power for speaking, wished everyone a merry Christmas, and thanked staff for great year. Councilor Marler thanked everyone for a great year and looked forward to better things in 2019. Councilor Matthews thanked staff and Council for all their hard work, everyone who made comments, and wished everyone happy holidays. Councilor Farmer thanked Carolyn Johnson and the positive outcomes already, wished happy holidays to everyone, and encouraged everyone to keep an open mind regarding the plastic ban and impact on the area. Mayor Benetti thanked Council for what was accomplished previously, looked forward to new council members going forward, thanked the citizens for attending, and wished everyone happy holidays.

Adjourn

There being no further business to come before the Council, Mayor Benetti adjourned the meeting. The next regular Council meeting was scheduled for January 15, 2019 in the Council Chambers at City Hall.



Joe Benetti, Mayor

Attest: Nichole Rutherford
Nichole Rutherford, City Recorder