

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

July 11, 1995

The minutes of the proceedings of a regular meeting of the City Council of the City of Coos Bay, Coos County, Oregon, beginning with an executive session in the Council Chambers at 7:00 p.m. and proceeding to a regular session in the Council Chambers at 7:30 p.m.

Those Present

Those present were Mayor Joanne Verger, Councilors Joe Benetti, Gary Combs, Cindi Miller, Don Spangler, Judy Weeks and David Williams. City staff present included City Manager Bill Elliott, City Clerk Joyce Jansen, City Attorney Randall Tosh, Library Director Carol Ventgen, Finance Director Gail George, Police Captain Chuck Knight, Public Works Director Ralph Dunham, Community Development Director Bruce Meithof and Deputy Fire Chief Mark Anderson. Members of the media were also present.

Executive Session

Mayor Joanne Verger opened the executive session, pursuant to ORS 192.660 (1) (e), to discuss real property transaction. Those attending the session were the Mayor and all Councilors, City Manager Bill Elliott, City Attorney Randall Tosh, City Clerk Joyce Jansen, Public Works Director Ralph Dunham, Steve Kridelbaugh, President of Southwestern Oregon Community College (SWOCC), Terry Weaver of SWOCC and Kay Heikkela SWOCC Board member. Members of the media were also present.

COUNCIL MEETING

Flag Salute

Mayor Verger called the meeting to order and led the assembly in the salute to the flag.

Employee Recognition Award

Captain Chuck Knight presented certificates of recognition to Officers Scott Dye, Robert Lounsbury and Rob Scoville for their work in completing the DARE program for the City of North Bend. He commended the City of North Bend for allowing Coos Bay to finish their DARE program.

Consent Calendar

Mayor Verger read the consent calendar which included the following items:

- a) Approval of the minutes of the regular meeting of June 20, 1995
- b) Approval of the minutes of the special meeting of June 27, 1995

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- c) Approval of Phase One of the Water's Edge Subdivision Final Plat
- d) Approval of Phase Two of the Pirates Court Subdivision

A motion to approve the consent calendar as presented was made by Councilor Weeks. The motion was seconded by Councilor Benetti and carried with the Mayor and all Councilors present voting aye.

Public Comments

Trish Midyette, owner of Books by the Bay, invited the Council to attend a book signing by author Phillip Margolin on July 22nd. She said a lecture, reception and dinner will be held July 22nd at 6:30 p.m. with the proceeds going to benefit the Women's Crisis Center.

Crystal Shoji, Manager of the Chamber of Commerce, reported that the painting of the chamber building has been completed. She commented that the boardwalk has made a difference in the image of the 4th of July celebration and that more people stayed for the fireworks.

Denny Powell, expressed concern about the lack of a crosswalk near Lumberman's where the sidewalk on the west side of southbound Highway 101 ends. He felt a marked crosswalk would direct tourists to the sidewalk on the east side of the highway and they would then continue on down to the boardwalk.

Public Comments - Empire Urban Renewal District Plan

Mayor Verger explained to the audience that on April 17, 1995 the Council visited the mall construction site and traveled to Empire to view the proposed boundaries for the Empire Urban Renewal District. She noted all Councilors were present for the site visitations as was staff member Bruce Meithof. She said boundary number three which includes the business area was favored by the Council and that this was done by consensus only. She stated there has been limited discussion of boundaries at regular Council meetings and that Al Benkendorf was recently hired by the City to formulate a plan to present to the public and to the Council. Verger said all decisions on the Empire Urban Renewal District plan will be discussed and made at open Council meetings. She commented that an option could be to put a plan or choice of plans to a citywide vote for a decision.

Sergeant Webster, 1990 Lewis, North Bend, voiced concern that the process was to be open and the City already had the boundary set. Mayor Verger referred to her statement and said again the boundary has not been set. Councilor Benetti commented that the consultant will gather information and that no decisions have been made. He said confusion may have come from plans having been previously made and shown to residents and the Council before the City began the process.

Michael Freeman, 905 Ferguson, Coos Bay, speaking on behalf of the Empire Association, stated that Al Benkendorf did a very fine job at the public hearing. He remarked that people are concerned that boundary could be too small and hinder the development of the area.

Public Hearing - Proposed Change in Commercial and Residential Garbage Rates

Mayor Verger opened the public hearing and invited comments from the audience.

Bud Leonard, 1795 Pennsylvania Avenue, Coos Bay, expressed concern for people on fixed incomes when rates are raised and said he opposes the five percent increase for operations requested by the haulers.

Verger commented that the County increased the tipping fee from \$42 to \$66, which the haulers must pay, and will pass onto the residents. She said a bond issue was passed to upgrade the Beaver Hill facility but it does not cover operating expenses. Verger stated the City Finance Director reviewed records for the past six years and no increase, other than for tipping fees and recycling, have been received by the haulers.

Sergeant Webster, 1990 Lewis, North Bend, said that if the Council receives complaints of increased rents, that it will be because of the increase in the garbage rate and that it is not the fault of the City Council.

Denny Powell, 765 North Broadway, submitted his report on the County budget increases to the record. He expressed a belief that the haulers will be back for another increase in a year because the County has underestimated the cost of running the facility. He asked that the City look at the budget for funds, use part of the City's three percent receipt, or use funds from Urban Renewal to offset the rate increase. Elliott commented that it may not be an appropriate use of urban renewal funds but staff will research it and report back to council.

There being no further testimony Mayor Verger closed the public hearing. Elliott requested clarification on the 20 percent versus the 30 percent compacted rates. Verger recommended staying with the 30 percent since it was recently studied by a committee and 30 percent was their recommendation.

Councilor Combs expressed frustration with regulatory agencies placing mandates on the County and the County then passing costs onto the City, who in turn passes costs onto users. He said he would like to see a more reasonable increase, rather than a large increase and would like all of the community to get involved in finding a solution.

Councilor Williams asked at what point is it more feasible to haul to a different site. Jensen stated that if the fees go any higher, they could probably haul somewhere else for less but the cost of closing existing facilities would be several million dollars. Councilor Benetti voiced concern about future increases and Gary Jensen remarked that the County needs to work on a solution and review ways to cut operation costs.

Councilor Spangler commented that when County Commission Bev Owens appeared before the Council, she stated that recycling is driving the cost up and the County is exploring contracting

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with two surrounding counties to bring costs down. Jensen remarked that Curry County approached Coos County about hauling their solid waste to Beaver Hill in the past and was turned down.

Benetti asked if the proposed figures include the five percent increase and Elliott answered that it did. He then asked if the figures include the 30 percent discount on compaction rates and Elliott answered in the affirmative. Spangler asked if the Council would entertain using the three percent franchise fee received by the City to offset the costs. Verger said it could be considered and asked the city manager to look into the recommendation. Benetti expressed concern that the City go forward cautiously with any financial involvement.

A motion to prepare a resolution using the recommended increases was made by Councilor Miller. The motion was seconded by Councilor Combs and carried with the Mayor and all Councilors present voting aye.

Update on Bay Area Rescue Mission - Report by Roger Gould

Roger Gould reported there has been an earnest effort to relocate the facility and there currently are no facilities that fit their criteria. He reported his findings from the police and community development departments regarding complaints against the mission indicate there is more a perception of a problem than a real problem. Gould reported police records indicate no significant increase in calls attributable to the Mission. Councilor Miller expressed concern about sex offenders being allowed near schools and asked Mr. Gould if the City could pass an ordinance prohibiting this. He advised the Council to determine if there is a problem before passing legislation. He cautioned against using urban renewal to remove the mission and stated that the purpose of urban renewal is to eliminate blighted and deteriorated areas of the city.

Councilor Spangler recommended that Council meet in a work session with Gould present to review available options and gain a clear understanding of the mission situation. Consensus was to have a work session which would be an open meeting and the public would be invited to comment.

Coos Bay Skateboarding Association

Jack Cunningham presented a request to sanction the Coos Bay Skateboarding Association. He spoke of the positive response the association has received from the community including the police department. Paul George, Rocky Point Surf Shop of Coos Bay, stated that if sanctioned, the Association could get endorsements for competitions. He commented that Thrasher Magazine and other cities are looking at Coos Bay and the Association to see how skateboarding will develop in our community. Jackie Birch reported the Association members plan to raise \$300 for park benches, provide litter containers, clean the park and surrounding area, perform graffiti removal, cleanup an area designated by Public Works, and raise \$100 for a DARE program & youth day in Mingus Park. He told the Council the Association's desire is to promote fun and safe skateboarding.

Mayor Verger commended the members for organizing the Association and noted the park

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is used frequently. City Manager Elliott addressed the use of the word sanction and stated the City does not have standing to sanction an association. The City Attorney recommended that the Council recognize the Association with a proclamation at a future meeting.

Councilor Miller moved to appoint Judy Weeks as Council liaison to the Coos Bay Skateboarding Association. Councilor Williams seconded the motion which carried with the Mayor and all Councilors present voting aye. Combs stated the Parks Commission is in support of the association's new program and requested that curfew hours the same as those for the softball field be posted at the park.

Approval of Management Agreement for Mingus Park Pool with the Gold Coast Swim Team

City Manager Elliott told the Council the agreement was sent to the Gold Coast Swim Team and it is essentially the same agreement as made in the past. Councilor Combs asked that the City receive input from the Gold Coast Swim Team on the agreement. Councilor Miller moved to approve the management agreement with the Gold Coast Swim Team. The motion was seconded by Councilor Weeks and carried with the Mayor and all Councilors present voting aye.

Appointment of Property Acquisitions Committee - Library Building Project

City Manager Elliott explained the purpose of the committee and recommended Council make the appointments. Councilor Miller moved to appoint Councilor Benetti, Roger Gould, Chris Guernsey and Curt Benward to the Property Acquisitions Committee. The motion was seconded by Councilor Spangler and carried with the Mayor and all Councilors present voting aye.

URBAN RENEWAL AGENCY MEETING

Approval of Amendment to 1992 Intergovernmental Agreement Between the Urban Renewal Agency and the City of Coos Bay

Chairman Joe Benetti called the meeting to order. City Attorney Tosh explained the changes in the amendment were to increase the dollar amount which could be spent on projects constructed by the City and to extend the term of the agreement. Benetti pointed out approving this amendment to the agreement does not obligate the City to do the projects at the costs listed. David Williams moved to approve the amendment to the agreement. The motion was seconded by Cindi Miller and carried with the Chair and all Agency Board members voting aye.

Don Spangler asked that the Urban Renewal Agency address Steve Clay's request regarding the loan program. Joanne Verger stated the loan program was addressed during the budget process and the money proposed for loans was transferred to the Library project by the Budget Committee. Spangler asked that Steve Clay be notified by the City Manager of the Agency's decision.

Chairman Benetti adjourned the Urban Renewal Agency meeting.

RECONVENE AS CITY COUNCIL

Approval of Amendment to Intergovernmental Agreement Between the City of Coos Bay and the Urban Renewal Agency

Councilor Benetti moved to approve the amendment to the intergovernmental agreement with the Urban Renewal Agency. The motion was seconded by Councilor Miller and carried with the Mayor and all Councilors present voting aye.

City Attorney's Report

City Attorney Tosh told the Council he had contacted the League of Oregon Cities regarding reviewing city ordinances. He said the League no longer does revision or drafting of ordinances but does ordinance review for compliance with State laws. Tosh felt it would take about two months and cost approximately \$2500 to have the City's ordinances reviewed. Consensus of the Council was to proceed with the review. City Manager Elliott commented that review of the ordinances should be done every five years or so.

City Manager's Report

City Manager Elliott reminded the Council of the challenge softball game Saturday at 5 o'clock p.m. at Ferry Road Park in North Bend. He also stated he would be attending the International City Manager's Association conference in Bend during the rest of this week. He asked if there were questions regarding the facade loan and Empire policing memos. He said he will be speaking to the Kiwanis and the Homebuilders Association next week.

Mayor and Council Comments

Councilor Miller commented the July 4th Celebration was wonderful and bigger and better than last year. Everyone seemed to have a great time. She said there is a sponsor for a bench to be placed at the end of the boardwalk near Sentry Market and asked staff for a cost for a bench. Public Works Director Dunham said he would get the price.

Councilor Benetti asked about the City's personnel policy and City Manager Elliott said it is on his list to do. He said he is pleased the skateboarders are willing to take care of the graffiti at the park. He stated the 4th of July was very successful and commended Judy Kobrin and staff for a job well done. Benetti asked why the city shop was taking four months to outfit the three new police cars and perhaps the city should look at this problem.

Councilor Spangler said the Urban Renewal District currently being considered is extremely important and that anything negative coming out this is unfortunate. He stated that if anybody has a personal agenda to do other things, he wishes they would drop them and said urban renewal is to revitalize the area. He asked the City Manager to ask DEQ about the status of the contaminated soil

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located near the Empire boat ramp. He commented the 4th of July was great, the fireworks were outstanding and the boardwalk really added to the festivities.

Councilor Weeks expressed her concern about the stop sign at 3rd and Central. She said people are not stopping there and there have been several near accidents. She asked about the bike officers doing a patrol in this area and if it is policy for them to ride together. City Manager Elliott said staff would look into the matter.

Councilor Combs said the Eastside boat ramp is now in the hands of the City and asked that staff proceed immediately on the zoning. He reported the Parks Commission is in support of the City budgeting the match needed for the ramp and reviewing the improvements to this area. He said there is strong public support for this project and once developed the City should have police patrols and a park host. He said each Parks Commission member has been assigned areas to review and he will be looking at the Empire Lakes Park, Empire boat ramp and Coos Bay boardwalk. He said the Parks Commission discussed posting the Scout Cabin for parking by permit only due to vandalism and will be sending a request to the Council asking for the change. Councilor Williams asked if there are plans for renovating the Scout Cabin and Combs said it would be discussed at the next Parks Commission meeting. Mayor Verger asked about the group working with Crow/Clay and Combs said he would check into that.

Mayor Verger thanked Roger Gould for the idea of a family activity in the park on the 4th of July. She said Judy Kobrin did a very good job of organizing the event and thanked staff for their work in making it a success. She complimented Joyce Jansen on the publication of the City News and said it turned out great. She said Vern Grecky, OCZMA Board, has offered to attend the board meetings and report to the City. Councilor Miller said she will be able to attend the meetings from now on. Verger expressed concern about the letter Council received from Jan Lawrence. She said there seems to be a misunderstanding on the public meetings law in the letter and perhaps the City Attorney should respond to the letter. She complimented the Council on their performance and said she is proud to work with them.

Executive Session

On motion by Councilor Benetti, seconded by Councilor Miller, and with the Mayor and all Councilors voting aye, the Council went into executive session pursuant to ORS 192.660 (1) (h) to consult with counsel concerning pending litigation and (1) (e) to discuss real property issues. Those attending the executive session were the Mayor and all Councilors, City Manager Bill Elliott, City Clerk Joyce Jansen, City Attorney Randall Tosh, Public Works Director Ralph Dunham and Elise Hamner from The World newspaper.

RECONVENE TO REGULAR COUNCIL MEETING

Councilor Miller moved to adopt Resolution 95-12 which is attached hereto and made a part of thereby, declaring the necessity and purpose for acquiring the vacant real property located at the southwest corner of Fulton Avenue and Cape Arago Highway, Coos Bay, Oregon. Councilor

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Benetti seconded the motion which carried with the Mayor and all Councilors present voting aye.

Adjournment

There being no further business to come before the Council, Mayor Verger adjourned the meeting to 7:00 o'clock p.m. in the Council Chambers of City Hall on July 25, 1995.

Joanne Verger
Mayor of the City of Coos Bay
Coos County, Oregon

ATTEST:

Joyce Jansen
City Clerk of the City of Coos Bay
Coos County, Oregon