

**MINUTES OF THE PROCEEDINGS OF THE
CITY OF COOS BAY CITY COUNCIL**

May 18, 2010

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 the City Council Meeting

Those present were Mayor Jeff McKeown and Councilors Mark Daily, Jon Eck, Joanie Johnson, Stephanie Kramer, Gene Melton, and John Pundt. City staff present were City Manager Rodger Craddock, City Attorney Nate McClintock, Finance Director Rae Lea Cousens, Deputy Finance Director Susanne Baker, Public Works and Development Director Jim Hossley, City Engineer Carl Nolte, Fire Chief Stan Gibson, Library Director Carol Ventgen, and Acting Police Chief Gary McCullough.

Flag Salute

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

Consent Calendar

Mayor McKeown reviewed the consent calendar which consisted of 2a: approval of the minutes of May 4, 2010; 2b: acceptance of the April check registers; 2c: acceptance of the April combined cash reports; 2d: approval of Change Order 3 (\$6,432.86) for Johnson Rock Products for the Donnelly Avenue Off-Site Improvements, Fire Station No. 1 project; 2e: approval of the Finance Department summarized report on the Visitor & Convention Bureau revenues; 2f: adoption of City Council goals; 2g: approval of an Intergovernmental Agreement with the Oregon Department of Consumer and Business Services for an e-Permit System and Services; and 2h: approval of annual OLCC license renewals for TnT Market, Englewood Market, Benetti's, Silver Dollar, Red Lion Inn, Coos Bay Grocery Outlet, McKay's Markets, Kum Yon's, Bi-Mart Store, Eagles Lodge #538, and Oregon Coast Culinary Institute.

Councilor Eck moved to approve the consent calendar approving the minutes of the May 4, 2010; accepting the April check registers; accepting the April combined cash reports; approving Change Order 3 (\$6,432.86) for Johnson Rock Products for the Donnelly Avenue Off-Site Improvements, Fire Station No. 1 project; approving the Finance Department summarized report on the Visitor & Convention Bureau revenues; adopting City Council goals; approving an Intergovernmental Agreement with the Oregon Department of Consumer and Business Services for an e-Permit System and Services; and approving annual OLCC license renewals for TnT Market, Englewood Market, Benetti's, Silver Dollar, Red Lion Inn, Coos Bay Grocery Outlet, McKay's Markets, Kum Yon's, Bi-Mart Store, Eagles Lodge #538, and Oregon Coast Culinary Institute. Councilor Melton seconded the motion which carried with Mayor McKeown and Councilors Daily, Eck, Johnson, Kramer, Melton, and Pundt voting aye.

**Public Hearing to Consider Authorizing a Loan from the Safe
Drinking Water Revolving Loan Fund, for the Coos Bay – North
Bend Water Board, by Entering into a Loan Contract with
the Oregon Business Development Department – Approval**

Would Require Enactment of the Proposed Ordinance

City Manager Rodger Craddock stated on September 15, 2009 the City Council authorized the Coos Bay – North Bend Water Board (Water Board) to proceed with securing funds for a water treatment plant expansion project. The project would cost approximately \$11 million dollars with funding of \$10 million dollars from the Oregon Infrastructure Finance Authority (IFA) Safe Drinking Water Revolving Loan Fund and \$1 million dollars from Water Board reserves. Direct costs to the City associated with the loan would be reimbursed by the Water Board. Mayor McKeown opened the public hearing. No public comments were made. Mayor McKeown closed the public hearing. Councilor Eck moved to enact the ordinance authorizing the \$10 million dollar loan from the IFA Safe Drinking Water Revolving Loan Fund through the State of Oregon. Councilor Melton seconded the motion. Deputy Finance Director Susanne Baker read the ordinance by title only and Ordinance No. 429 was enacted by the following vote:

Aye:	Mayor McKeown and Councilors Daily, Eck, Johnson, Kramer, Melton, and Pundt
No:	None
Absent:	None

Public Hearing to Consider Regulating Smoking in Certain Areas in City Parks – Approval Would Require Enactment of the Proposed Draft Ordinance

Public Works and Development Director Jim Hossley stated at the January 19, 2010 Council meeting a group facilitated by Jennifer Stephens addressed the Council requesting the city parks be designated smoke-free. Subsequently, Council directed staff to draft an ordinance for consideration. The proposed draft ordinance was considered at the April 6, 2010 meeting wherein staff was directed to revise the ordinance to eliminate smoking in the skateboard park, designated playground areas, and in the ball field stands at Mingus Park as well as all areas within twenty-five feet of the same. The City parks proposed included Mingus Park, John Topits Park, Ed Lund Park, Eastside Park, Taylor & Wasson Street Park, and the Bay Area Optimists 10th Street Park. A violation could result in a fine not to exceed \$1,000 with the police officers allowed flexibility on handling violations. Materials for signage could be up to \$2,500 and would be funded from the Parks budget. Councilor Daily asked if smoking would be prohibited on the sidewalk adjacent to the skateboard park. City Attorney McClintock stated sidewalks in general were within the public right of way and would not be subject to this ordinance however at the skateboard park there was a sidewalk on city property and he would research further whether the ordinance would be applicable for this area. Mayor McKeown opened the public hearing. Steve Pickering: Suggested the Council enact the proposed ordinance. Lucas Stephens: Stated he did not like to play in the park where people were smoking. Steven Brown: Stated smoking results in the single greatest cause of a multitude of health issues; social acceptance of smoking must be changed; and smoking by adults affects whether children would start smoking. Frances Smith: Stated the area being restricted was quite small and children would still view adults smoking. Samatha Stephens: Encouraged elimination of smoking throughout the park because as an adolescent she utilizes the entire park. Gino Landrum: Stated the Department of Environmental Quality was not addressing smoking and believes the City of Coos Bay should not either. Lindy Quinn: Stated there was no benefit to smoking and banning smoking in the park was a small compromise. Jennifer Stephens: Encouraged the Council to prohibit smoking

throughout Mingus Park. Bob Arnold: Stated the parks were opened to everyone including the smokers. Denny Schmidt: Stated he walks in Mingus Park daily and he would like to prohibit smoking in the park. Tracy Scott: Stated the act of smoking was proposed to be eliminated, not the people who smoke. Mayor McKeown closed the public hearing.

Councilor Johnson stated she supported a designated a smoking area. Councilor Daily stated 25 feet would not provide enough of an area away from children, he would like to see smoking eliminated from all parks, and the proposed 25 foot area would need increased. Councilor Melton stated to prohibit smoking in the park would violate personal rights and freedoms; and stated television programs were more influential on children than observing someone smoking. Councilor Pundt stated the ordinance was a good compromise. Councilor Kramer stated she has received the most comments on this topic since her election, suggested a smoke free park, and supported Councilor Johnson's proposal. Mayor McKeown stated tolerance and empathy for one another were important and he was receptive to the proposed ordinance.

Councilor Pundt moved to enact the ordinance prohibiting smoking within the boundaries of the skateboard park and within twenty-five (25) feet of the designated area; Mingus Park softball/baseball area, including the ball fields, the grandstands and the concession areas and within twenty-five (25) feet of the designated area; and within twenty-five (25) feet of designated play structures within the city parks and to allow staff to research smoking on the sidewalk. Councilor Melton seconded the motion. Deputy Finance Director Susanne Baker read the ordinance by title only and Ordinance No. 428 was not enacted by the following vote:

Aye:	Mayor McKeown and Councilors Melton and Pundt
No:	Councilors Daily, Johnson, Kramer, and Eck
Absent:	None

Councilor Daily made a motion to direct staff to draft an ordinance to prohibit smoking in Mingus Park and apply the proposed ordinance to the other parks. Councilor Kramer seconded the motion which carried with Mayor McKeown and Councilors Daily, Johnson, Kramer, and Melton voting aye and Councilors Eck and Pundt voting no.

**Public Hearing on a Proposed Amendment to Ordinance
No. 100 Providing the Discharge of Weapons for Waterfowl
Hunting in Designated Areas of the City – Approval of the
Amendment Would Require Enactment of the Proposed Ordinance**

Acting Police Chief Gary McCullough stated Coos Bay Municipal Code 9.20.020, Discharge of Weapons, Section (2)(a), sets the boundary for the legal discharge of shotguns within the city limits for the purpose of waterfowl hunting by licensed hunters during waterfowl hunting season. In October of 2006 the Oregon Department of Fish and Wildlife Commission (ODFW) adopted an addition to the Oregon Administrative Rule 635-051-0048(5) recognizing the city code. Since the ordinance was enacted, homes were constructed within the boundary limits and the Millicoma football field and estuary trails were developed whereby creating a conflict. At the May 4, 2010 Council meeting staff was directed to revise the physical description of the southern boundary as stated in the proposed ordinance.

Mayor McKeown opened the public hearing. RJ Barnes: Suggested waiting for the Port of

Coos Bay’s decision to allow access across Port property and believes hunting and fishing within the city limits would foster relationships. Mayor McKeown closed the public hearing.

Councilor Johnson stated the Port of Coos Bay has not allowed foot traffic access to the hunting area for five years. Councilor Eck suggested the area between Harborview Drive and the sludge lagoon was tidal land and partially the reason for inclusion; and the description provided an adequate hunting area and addressed the concern of residents.

Councilor Melton moved to enact the ordinance providing for the discharging of weapons for the purpose of waterfowl hunting by license hunters during waterfowl hunting season in designated areas of the City: Beginning at a point at the mean high water line of the Isthmus Slough Channel near the northwest corner of Eastside, thence, East along the mean high water line of the Marshfield Channel to a line extending North from Harbor View Drive. Thence, South to a parallel line extending from the north edge of the city’s treatment lagoon; thence, East to the mean high water line of the Marshfield Channel. Thence, South along the mean high water line of the Marshfield Channel to the south line of Section 30, Township 25 South, Range 13 West, Willamette Meridian; thence, Easterly along the south line of said Section 30 to the city limits line extending along the mid channel of the Cooston Channel; thence, following the city limits line along the east shore of Coos Bay; thence, Westerly to the east harbor line established by the International Port of Coos Bay; thence, Southerly along the harbor line to a point on the harbor line established by the International Port of Coos Bay, which point is on the east side of the Coos Bay Channel and the north side of the Coos River Channel; thence, Southwesterly to the east side of the main channel of Coos Bay; thence, Southeasterly to the point of beginning. Councilor Kramer seconded the motion. Deputy Finance Director Susanne Baker read the ordinance by title only and Ordinance No. 427 was enacted by the following vote:

Aye:	Mayor McKeown and Councilors Eck, Johnson, Kramer, and Melton
No:	Councilors Daily and Pundt
Absent:	None

Proposed Changes to the Visitor & Convention Bureau Intergovernmental Agreement

City Manager Rodger Craddock stated through an Intergovernmental Agreement (IGA) the City of Coos Bay and the City of North Bend formed the Visitor and Convention Bureau (VCB) in October of 1997 to promote events and attractions in the Bay Area. The City of Coos Bay received a request from the Coquille Tribe to be added to the IGA as a partner; add two tribal representatives to the Board, to change the name of the VCB, and to limit the portion (2/7th or 29% of the 7% tax collections) of the occupancy room tax paid towards funding the VCB. Mr. Craddock stated on April 8, 2010 the Coos Bay’s VCB subcommittee met to discuss the proposal and obtain public input; on April 27, 2010 the North Bend VCB subcommittee met to discuss the proposal and obtain public input; and on May 5, 2010 the joint Coos Bay/North Bend subcommittee met to discuss the proposal and obtain public input. On May 11, 2010 the City Council of North Bend met and approved an alternative proposal of a five member VCB Board (one representative each: Coos Bay, North Bend, Coquille Tribe, Chamber of Commerce (chosen by the Chamber of Commerce and subject to approval by the three governmental entities), and the hotel industry (chosen by the hotel industry and subject to approval by the three governmental entities); the Chamber of Commerce and Hotel industry representative

could not be an employee or representative of any of the three governmental entities; the VCB Board would consider a new name subject to approval of the three governmental entities; and the first 2/7th of tax collection shall be contributed by each governmental entity unless all agree otherwise in writing.

Councilor Daily suggested representation of the VCB board to be proportionate to the funds contributed by each agency: Coos Bay with three votes, North Bend with two votes, and The Mill with one vote. Councilor Kramer suggested the Charleston Visitor's bureau would be interested in being represented on the VCB board. Mayor McKeown stated the proposal would be a good balance. Councilor Johnson stated there were very few items wherein Coos Bay and North Bend do not cooperate.

Councilor Pundt moved to approve the alternate proposal of a five member VCB Board (one representative each: Coos Bay, North Bend, Coquille Tribe, Chamber of Commerce (chosen by the Chamber of Commerce and subject to approval by the three governmental entities), and the hotel industry (chosen by the hotel industry and subject to approval by the three governmental entities); the Chamber of Commerce and Hotel industry representative could not be an employee or representative of any of the three governmental entities; the VCB Board would consider a new name subject to approval of the three governmental entities; and the first 2/7th of tax collection shall be contributed by each governmental entity unless all agree otherwise in writing. Councilor Eck seconded the motion which carried with Mayor McKeown and Councilors Eck, Johnson, Kramer, Melton, and Pundt voting aye and Councilor Daily voting nay.

Public Works & Development Department **Quarterly Report by Director Jim Hossley**

Public Works and Development Director Jim Hossley provided a summary of projects and ongoing activities which included: Building permit activity, OMI maintenance activities from January through March 2010, highlighted ongoing engineering projects, and streets and parks maintenance activity.

Public Comments

Robert Cribbens, Coos Bay: Asked the procedure to reverse a Council decision regarding the smoking ban. Denny Schmidt, Coos Bay: Asked the Council to consider a fine for inconsiderate dog owners and stated the 10th and 11th Street blocks of Central and Commercial were in poor repair. Gino Landrum, Coos Bay: Stated he was a proponent of a County wide visitor center bureau. Nathan Mitschel: Thanked the Council for addressing the Tribe's proposal for the VCB.

City Attorney's Report

No report was given.

City Manager's Report

City Manager Rodger Craddock stated the City received a compliment from the Red Lion manager on the professional staff and volunteer firefighters in their response to a fire at the Red Lion; the Fire Department received a \$5,000 grant from Bay Area Hospital for car seats; and the

Dept. of Environmental Quality and Division of State Lands will hold a meeting May 19, 2010 for public input on projects.

Council Comments

Councilor Daily suggested an agenda item for Council to address fines for inconsiderate dog owners; and received positive comments on the new location of the Farmer's Market. Councilor Johnson stated there were three exhibits at the Coos Art Museum and encouraged volunteerism. Councilor Melton stated he has received positive comments on the new Farmer's Market location; and extended an invitation to attend the Memorial Day Parade on May 29th and the May 28th Veterans Appreciation Day at the Marshfield High School Auditorium at 9:20 a.m. Councilor Pundt stated the Clamboree would be at the end of June. Councilor Kramer complimented the committee working on the Clamboree. Councilor Eck reminded the Council of the Fire Department banquet on May 22nd and the Lion's Club Pizza Day on June 2nd. Mayor McKeown congratulated city staff and Council upon the nearly completed new fire station.

Executive Session

An executive session pursuant to ORS 192.660 (2)(e) for the Purpose of Discussing Real Property Transactions was postponed.

Adjourn

There being no further business to come before the Council, Mayor McKeown adjourned the meeting. The next regular Council meeting was scheduled for June 1, 2010 in the Council Chambers at City Hall.

Attest: Rae Lea Cousens
Rae Lea Cousens, City Recorder

Jeff McKeown
Jeff McKeown, Mayor