

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

April 17, 2001

The minutes of the proceedings of the 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 Present

Those present were Mayor Joe Benetti and Councilors Anna Marie Larsen, Cindi Miller, Don Spangler, Kevin Stufflebean and Judy Weeks. Councilor Jeff McKeown was unavailable due to attending the South Coast Development Council meeting. City staff present were City Manager Bill Grile, Deputy Recorder Joyce Jansen, City Attorney Randall Tosh, Community Services Director Shanda Shribbs, Fire Chief Stan Gibson, Library Director Carol Ventgen, Planning Administrator Laura Barron, Police Captain Eura Washburn, and Gary Young of OMI.

Flag Salute

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

Consent Calendar

Mayor Benetti reviewed the consent calendar which consisted of approval of the minutes of the February 20, 2001 and March 1, 2001 meetings and the Back to School Week proclamation. Councilor Miller moved to approve the consent calendar as presented. Councilor Weeks seconded the motion which passed with the Mayor and all Councilors present voting aye.

Presentation of Tree City USA Award

Jim Young, State Forestry Department, congratulated the City on being selected to receive a Tree City USA award. The award is a symbol recognizing the City's participation in the Tree City Program by meeting the criteria of establishing a Tree Board, enacting a tree care ordinance, and proclaiming and observing Arbor Day. Mr. Young presented Mayor Benetti with the Tree City Award for 2000.

Report by Gary Young of OMI on the Presentation of the Malcolm Baldrige National Quality Award

Gary Young reported without the support of the City of Coos Bay, OMI would not have received the award and OMI is very proud to have qualified for the award. Mr. Young commented a team of people from Washington DC interviewed each of OMI's projects and checked their operations for quality of service and procedures. Mr. Young noted OMI is quite honored and they are the first water/wastewater business to receive the award. President Bush will present the award in Washington DC in April. Each project also received an award and Mr. Young presented Mayor Benetti with the Malcolm Baldrige plaque.

Presentation by Raye Gieseke on Southwestern's Career and Job Expo 2001

City Council Minutes – April 17, 2001

Ms. Gieseke reported Southwestern College will hold a Career and Job Expo on April 25th. It is an annual event and provides an opportunity for both businesses and prospective employees to meet. Ms. Gieseke commented speakers present information from how to dress to preparing resumes to preparing for job interviews. The Career and Job Expo is sponsored by the College and receives a lot of help from local businesses and citizens.

Public Hearing – Continuation of the Hearing on the Front Street Design Standards

Laura Barron, Planning Administrator explained the City is proposing to rezone the Front Street property to a mix of residential and commercial uses. The area includes approximately 22 acres and in order to do the rezone it will require amendments to the Land Development Ordinance. The amendments would remove the water dependent designation zoning and create a new zone called waterfront heritage. The new designation would allow for residential and commercial uses as well as water dependent uses. Staff is also proposing design standards for Front Street, similar to the standards adopted for the Empire area. Ms. Barron explained one of the issues to decide is what percentage of change would be allowed before a property owner would be required to go through design review. In the Empire standards it is zero percent and does not include maintenance or repair items.

Ms. Barron reported the second issue to consider is whether industrial uses would be permitted in Waterfront Heritage 3 (WH3) zone (Central Dock area). The ordinance defines manufacturing as making material into new products by the use of power machines. At the Planning Commission meeting on April 10, 2001, the Commission concluded manufacturing should not be permitted in WH3 because it would not fit the vision of the Front Street Master Plan and the purpose of the plan is to facilitate the restoration of the waterfront. Ms. Barron further explained the Planning Commission felt the area zoned WH3 is half of the waterfront district and is likely to be the anchor for the area and is visible for some distance when traveling on Hwy 101 South. The Commission recommended that if the Council voted to allow industrial use, that a conditional use permit and site plan be required.

Ms. Barron commented other items also addressed in the ordinance were landscaping and buffering, equipment and shipping and receiving areas to be located to have the least impact, uses likely to create adverse impacts should be minimized, and noise level beyond the property should not exceed 55 to 75 decibels. Light or glare and dust should not be more than typical of the area. Councilor Spangler inquired who would have the authority on conditional use permits and Ms. Barron stated the authority must be in the Land Development Ordinance. Councilor Miller inquired about restricting noise and Ms. Barron indicated the restriction refers to a consistent noise and caused by manufacturing.

Mayor Benetti opened the public hearing and invited citizens to make comments. Steve Schniederma, Coos Bay, stated he operated the Marshfield Bargain House and it appears that existing businesses will not be affected, but he is concerned about the additional requirements regarding noise levels. Mayor Benetti commented the restrictions would only be in the Central Dock area and only if industrial use is allowed. Mr. Schniederma suggested the Council visit the area and talk with the business owners. Ms. Barron noted industrial is allowed in the area of Mr. Schniederma's business. Councilor Spangler commented current businesses and uses are grandfathered in. Mr. Schniederma stated he does not want trees in front of his business and Councilor Milled reported that was worked out with his father at the previous council meeting. Mr. Schniederma said he had not been notified and Community Services Director Shanda Shribbs reported

City Council Minutes – April 17, 2001

shrubs would be planted instead of trees as approved by the elder Mr. Schniederman. Mayor Benetti commented he had personally met with the elder Mr. Schniederman and discussed the tree issue.

John Griffith, Coos County Commissioner, reported the County objects to some of the plans and requests that WH3 be exempted. Mayor Benetti commented the uses planned by the County would be permitted. Commissioner Griffith commented water dependent uses would have the expense of dredging the bay and complying with endangered species regulations. He also expressed concern about whether a decibel level of 75 is high enough and too many layers of process would discourage investment in the area. Mayor Benetti commented the zoning would loosen up the use of the property and the current owners, John and Anna Brands, support the City's proposal. Bruce Harlan, Planning Commission, reported the Front Street area was the center of activity in the late 1880s and the vision is to create the area as it was then. If industrial use is allowed, the area will not develop into something that invites people into the area, and he does not support industrial use on Front Street. Mayor Benetti commented if the use is in an enclosed building, it would not impact the other uses.

Helen Franklin, Coos Bay, expressed concern about the lack of industry paying family wage jobs and setting too low a decibel rate would keep most industry out of the area. She further stated the industrial waterfront is unique and should be capitalized on. Mayor Benetti commented the number one Council goal is to bring in family wage jobs and the zoning would not reduce the industrial use already in place. Steve Clay, Planning Commissioner, suggested Council create a vision for Front Street and adopt planning and zoning to reinforce that vision. Mr. Clay commented the Front Street Plan does not detract from the goal of bringing in family wage jobs and creates an opportunity for diversity. The Planning Commission's preference is no change in the language as presented. Councilor Larson inquired if Mr. Clay was not for industrial use for the whole area and Mr. Clay stated that which is grandfathered, water-related he supported, but not heavy industrial because it does not fit the vision for the area.

Kristin Hanners, Coos Bay, expressed concern that families are leaving the area because there are not enough family wage jobs and by limiting the industrial use of the property, the City would limit the areas where industrial business could locate. Ms. Hanners commented the Council is making the City look nice, but they are not thinking of families. Councilor Spangler noted that a community's appearance is what helps businesses locate here. Mayor Benetti commented 60 percent of the industrial sites are in Coos Bay and the proposed ordinance amendments will loosen up the use of the property. Julia Spangler, Coos Bay, commented the main goal has been to get rid of the blight and encourage businesses to locate in the Coos Bay area. She commended the Planning Commission for their work on the plan and noted citizens must put forth the effort for the benefit of the whole community. John Brands, owner of Central Dock, commented there has been in a decline in water-dependent uses and the zoning would make the property more viable in bringing other businesses to the area. He supported the proposed ordinance amendments.

There being no further comments to be heard, Mayor Benetti closed the public hearing. Councilor Spangler supported maintaining the Front Street vision and the proposed ordinance amendments. Councilor Stufflebean supported allowing manufacturing under conditional use, but not unlimited use, and suggested adding maintenance and signing to the review. Councilors Weeks, Miller and Larson also agreed with Councilors Spangler and Stufflebean and commended the Planning Commission for their work. Mayor Benetti commented the amendments to the ordinance would make uses less restrictive, but not as restrictive as the recommended by the Planning Commission. However, the testimony given is for more open use and he supports industrial/manufacturing with conditions.

City Council Minutes – April 17, 2001

Ms. Barron reported the proposed industrial standards would be subject to the design standards. Councilor Spangler commented design standards are necessary and are visual and do not restrict land use. Ms. Barron inquired if industrial use, such as manufacturing, is considered in the WH3 subdistrict, that it be included as a conditional use in the WH3 subdistrict only. Consensus of the Council to support this recommendation. Councilor Stufflebean suggested a 75 decibel level may not be adequate. Mayor Benetti suggested staff review decibel levels in the area and bring a recommendation back to the Council. Councilor Weeks moved to continue the public hearing to May 1, 2001. Councilor Miller seconded the motion which passed with the Mayor and Councilors present voting aye.

Authorization to Execute the Management Contract with Operations Management Int'l Inc.

City Manager Bill Grile reported five years ago the Council made the decision to privatize the Wastewater Division and OMI has exceeded the City's expectations. Staff has negotiated a ten-year extension of the contract and a continuation of this year's contract into next year without an increase. The base rate for the 2001/2002 fiscal year is \$1,352,889 with future fiscal years' base rates to be negotiated annually prior to March 1st. Councilor Miller moved to authorize the city manager to sign the agreement with Operations Management International, Inc. (OMI) for management, operations and maintenance services to the City of Coos Bay. Councilor Weeks seconded the motion which passed with the Mayor and all Councilors present voting aye.

Public Comments

Bob Miles, volunteer firefighter for Coos Bay, stated he has been a volunteer with the Fire Department for 30 years and Capt. Randy Miles is his son. Mr. Miles commented the reorganization of the department is not necessary and if done, would make the department top heavy in supervision. He indicated he had tried to discuss the reorganization with Fire Chief Stan Gibson and City Manager Bill Grile without success. Mr. Miles stated evaluations have not been done on the captains by order of the chief and this is in direct violation of City policy. He further commented the only department head left after Mr. Grile was made city manager, is Library Director Carol Ventgen. Mr. Miles urged the Council to leave the department the way it is and instruct the chief to perform the evaluations. Councilor Spangler commented it is his understanding that the captains do not perform the full range of supervision and it doesn't make sense to have captains that won't discipline employees.

Dan McAvoy, Coos Bay firefighter, commented hiring and firing responsibilities are in the job description for battalion chiefs and that would provide that only the city manager and the battalion chiefs could do hiring and firing. Mr. McAvoy stated that is the only significant change to the job description and information about the reorganization provided to the City Council is faulty. He commented the current framework of the department allows the City to get the results they want and supported not implementing the change.

City Attorney's Report

City Attorney Randall Tosh reported correspondence from the Charleston Sanitary District's attorney indicates the District will not contest the billing arrearages this year.

City Council Minutes – April 17, 2001

City Manager’s Report

City Manager Bill Grile reported Congressman DeFazio will be at city hall tomorrow at 10 o’clock; department heads are looking forward to the budget meetings; and his office receives a number of complaints about the condition of the Bunker Hill area.

Council Comments

Councilor Larson suggested annexing Bunker Hill be seriously considered and that public restrooms be included in the Sportsman pedway/plaza design.

Councilor Stufflebean reported the Solid Waste Committee meeting will be scheduled as soon as possible and the Register Guard had contacted him regarding the waste issue. He attended the Empire Community Association meeting along with Ann Keizer and Rondi Potter from the Design Review Board. The discussion was in regards to the monuments and archway and it was requested that someone from the Urban Renewal Agency attend the next Design Review Board meeting. Councilor Spangler commented the Board had been told the archway had been tabled. Councilor Stufflebean explained tabling an item doesn’t mean it can’t come back for discussion.

Councilor Weeks commented the Council receives minutes from the Downtown Association and requested the Empire Association also submit minutes. Julia Spangler reported it is a private organization and not all meetings deal with city issues. Councilor Weeks reported attending City Day in Salem and had met briefly with Senator Messerle and Representative Verger.

Councilor Spangler reported the agreements for fiber connections are currently under review by the attorneys and the consortium is hoping to finalize the agreements in the near future. He commented Empire Boulevard to Cape Arago has been designated a scenic byway and is still entitled of T21 funds from the State. He asked that staff apply for funds to improve the Balboa property.

Councilor Miller reported the Downtown Association is looking for volunteers to help with the Farmer’s Market. The arrangements for the Fun Festival are coming along well and a Scouting exhibition will be held in the downtown area on Saturday. She welcomed the ship and crew of the Lady Washington to Coos Bay and thanked the public for attending the garbage hearing last week.

Mayor Benetti welcomed the Lady Washington to Coos Bay and encouraged everyone to visit and tour the ship. He reported on a meeting with the Art Museum director and board members and the museum is interested in becoming more active in the downtown area. The first budget meeting will be on Thursday at 7 p.m. at the library, with other meetings scheduled for April 24th and 26th, and May 3rd. The dedication of the Marshfield High School Track will be on Friday at 5 p.m.

Executive Session Pursuant to ORS 192.660 (1) (d) for the Purpose of Consulting with Legal Counsel Concerning Labor Negotiations

Councilor Miller moved to go into an executive session pursuant to ORS 192.660 (1) (d). Councilor Weeks seconded the motion which passed with the Mayor and all Councilors present voting aye. City Attorney Randall Tosh briefed the Council on Union negotiation matters. The Council reconvened into regular session

Adjournment

City Council Minutes – April 17, 2001

There being no further business to come before the Council, Mayor Benetti adjourned the meeting to May 1, 2001 at 7 p.m. in the Council Chambers of City Hall.

Joe Benetti
Mayor of the City of Coos Bay
Coos County, Oregon

ATTEST:

Joyce Jansen
Deputy Recorder of the City of Coos Bay
Coos County, Oregon