

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

**September 15, 2009**

A work session was held September 15, 2009 at 6 p.m. in the Manager's Conference Room at City Hall, 500 Central Avenue, Coos Bay, Oregon to discuss the Solid Waste Rate Increase and Issues Relating to the Beaver Hill Incinerator. This was immediately followed by 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.

**Review of Solid Waste Rate Increase**

A work session was held to discuss the Solid Waste Rate Increase. No decisions were made.

**A Review of Issues Relating to the Beaver Hill Incinerator**

A work session was held to discuss Issues Relating to the Beaver Hill Incinerator. No decisions were made.

The work session adjourned and the regular City Council Meeting commenced at 7 p.m.

**Those Attending**

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 Chuck Freeman, City Attorney Nate McClintock, City Clerk Amy Kinnaman, Finance Director Rae Lea Cousens, Public Works and Development Director Jim Hossley, City Engineer Carl Nolte, Fire Chief Stan Gibson, Economic and Community Development Manager Joyce Jansen, Library Director Carol Ventgen, and Police Chief Rodger Craddock.

**Flag Salute**

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

**Consent Calendar**

Mayor McKeown reviewed the consent calendar which consisted of approval of the minutes of September 1, 2009, Acceptance of the August Check Register, Authorization to Proceed with Securing Funding for the Water Treatment Plant Expansion Project and Approval of Water Recharge Amendment Number Two. Mayor McKeown declared a conflict with the Approval of Water Recharge Amendment Number Two due to owning property adjoining the property considered in the amendment and requested a separate vote. Councilor Kramer moved to approve the consent calendar for the minutes of September 1, 2009, Acceptance of the August Check Register, Authorization to Proceed with Securing Funding for the Water Treatment Plant Expansion Project as presented. Councilor Melton seconded the motion which carried with Mayor McKeown and Councilors Daily, Eck, Johnson, Kramer, Melton, and Pundt voting aye. Councilor Melton moved to approve the Water Recharge Amendment Number Two as presented. Councilor Kramer seconded the motion which carried with Council President Eck, Councilors Daily, Johnson, Kramer, Melton, and Pundt voting aye. Mayor McKeown abstained from the vote, is deemed, pursuant to the provisions of 4.7.4 of the Rules of the City Council, to

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have voted with the majority, which approved the motion.

### **Proclamation on the 25<sup>th</sup> Anniversary of Oregon's Beach Cleanup**

City Manager Chuck Freeman stated the Proclamation on the 25th Anniversary of Oregon's Beach Cleanup would identify the City of Coos Bay as a community that recognizes the tradition of ocean beach cleanup as a source of state pride. Mayor McKeown read the Proclamation. Councilor Kramer moved to approve the Proclamation on the 25<sup>th</sup> Anniversary of Oregon's Beach Cleanup. Councilor Eck seconded the motion which carried with Mayor McKeown, Councilors Daily, Eck, Johnson, Kramer, Melton, and Pundt voting aye.

### **Presentation on Staffing Levels of the Public Works and Development Department by Public Works Director Jim Hossley**

Public Works and Development Director Jim Hossley presented a PowerPoint presentation overview of staffing levels of the department as a follow up to his presentation at the September 1, 2009 City Council Meeting. Mr. Hossley stated there has been a decline in staffing since 1996 from 27.25 FTE (full time equivalent) employees to 16.125 FTE employees. Staffing levels depend upon the level of service desired by the City Council based upon the present service expectation, ideal staffing would equate to 28.5 FTE employees.

### **Presentation on Risk Management 101 by Abel Insurance**

Harry Abel and Wendy Abel-Hatzel of Abel Insurance provided a brief overview on Risk Management. Mr. Abel explained risk management is the practice of protecting an organization from financial harm by identifying analyzing and controlling risk at the lowest possible cost. Managing risk allows entities to operate more efficiently, use public funds more effectively, and reduce the costs of claims. Mr. Abel noted five steps of risk management: identification, analysis, control, financing and administration classified by economic, legal, political, social, physical, and juridical risks. Ms. Abel-Hatzel stated specific areas of risk include public officials liability, designing and maintaining roads, contracting for services, law enforcement, parks and recreation facilities, employees and pollution; noted as of July 1, 2009 public officials liability limits increased from \$200,000 per person/\$500,000 per incident to \$500,000/\$1,000,000 respectively. Mr. Abel advised risk can be controlled through avoidance, prevention, reduction, segregation, transfer and combination.

### **Presentation on the Household Hazardous Waste Program**

Craig Filip from the Oregon Department of Environmental Quality (DEQ) stated Household Hazardous Waste (HHW) includes a variety of household products that can be harmful to human health and the environment, either in their use and/or in their disposal. Mr. Filip stated the HHW Plan intends that Coos and Curry Counties, working in partnership with the cities, waste haulers, and other interested parties to address the management of HHW, as well as hazardous waste from certain County facilities and business that are conditionally exempt small quantity generators (CEGs). As part of the HHW Plan, Coos and Curry Counties and their partners have sited a permanent HHW facility at the Beaver Hill disposal site that will be open one day per month and by appointment for drop-off of HHW. They will: provide up to 8 satellite

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collection events throughout Coos and Curry Counties each year. Events may be held in Coos Bay, Coquille, Myrtle Point, Bandon, Gold Beach, Port Orford, and Brookings; expand promotion of existing services for recycling used motor oil, antifreeze, lead-acid (automotive) batteries, and other batteries. The next steps require: approval of an increase in the franchised garbage collection rate to accommodate the \$3.27 tipping fee increase to fund the Plan implementation; adoption of the Plan by each incorporated city; signing of the IGA between the cities and counties, forming the Plan Oversight Steering Committee; appointing representative to the Steering Committee which will consist of representatives of the two counties and the cities. Mr. Filip stated the timeline for the City's required approval will be directed by the Steering Committee.

### **Approval of a Fire Station Change Order of a Metal Roof**

Joseph Slack of HGE, Inc and Project Manager for the construction of the new fire station presented a request for Change Order for Metal Roofing on the fire station project in the amount of \$44,868. Mr. Slack stated for budgeting purposes the original design of the fire station included a composition roof system; the current budget can support the change to a metal roof system which would provide a more maintenance free commercial duty roofing system. Councilor Eck moved to approve the change order no. two in the amount of \$44,868 for metal roofing on the new fire station. Councilor Melton seconded the motion which carried with Mayor McKeown, Councilors Daily, Eck, Johnson, Kramer, Melton, and Pundt voting aye.

### **Award of On Call Services Contract for Structural/ Geotechnical Engineering**

Public Works and Development Director Jim Hossley stated the City received ten bids on August 24 in response to its Request for Qualifications to provide on call structural and geotechnical services. The proposals were reviewed by staff and rated in compliance with the accompanying instruction to bidders. The team of SHN Consulting Engineers and Geologists, Inc. (SHN) and Zbinden-Carter-Sounders Engineering, Inc. (ZCS) were uniformly selected as the best fit for the City's needs. Mr. Hossley stated on call structural/geotechnical consulting team will save valuable time in response to issues beyond the scope of the City's Engineer of Record. Councilor Melton moved to award the on call services contract to SHN for Geotechnical Engineering and ZCS for Structural Engineering as presented. Councilor Johnson seconded the motion which carried with Mayor McKeown, Councilors Daily, Eck, Johnson, Kramer, Melton, and Pundt voting aye.

### **Award of Design/Build Contract to Perform Energy Efficiency Upgrades**

Public Works and Development Director Jim Hossley stated at the January 20, 2009 City Council Meeting city staff was authorized to sign the two Energy Trust of Oregon Incentive Offer Forms for Plants One and Two. With the adoption of the new budget on June 16, 2009, the staff requested to advertise for services using the Design/Build method for the work due to the short time line for completion of December 31, 2009 as stipulated by the Mutual Agreement Order (MAO) with the Department of Environmental Equality (DEQ). Mr. Hossley stated the Requests for Qualifications/Proposals (RFQ/P) were advertised in the Daily Journal of Commerce (DJC) and The World during August. The RFQ/P deadline produced only one

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proposal which was incomplete. Councilor Kramer moved to allow staff to move forward with bidding award of design, and construction of the project under the emergency contracting rules, Section 11 of the City of Coos Bay's Purchasing Contract Rules which provides for the award of public contracts without competitive bidding. Councilor Johnson seconded the motion. Councilor Pundt suggested limiting the award to not exceed the budgeted amount for the project. Councilor Kramer amended her motion to include limiting the award to not exceed the budgeted amount for the project. Councilor Johnson seconded which carried with Mayor McKeown, Councilors Daily, Eck, Johnson, Kramer, Melton, and Pundt voting aye.

### **Consider Adoption of Amendments to the Council Rules**

City Attorney Nate McClintock stated he was asked to review Council Rules for changes or modifications. Mr. McClintock stated rule 4.7.5, requires a majority vote of the Council, rather than a majority vote of the Council members present at the meeting to pass any ordinance; noted the rule should be changed because it is inconsistent with section 4.6 of the City's Charter; recommends Council Rule 4.7.5 be amended so as to be consistent with the Charter, by adopting the following language: "any decision of the Council shall be decided by the concurrence of a majority of the members of the Council present at the Council meeting."

Mr. McClintock stated he received one response to his request from Council for suggesting changes to the rules; it was concerning the process of filling a vacant Council seat; and suggested the vacant seat should be filled by the losing candidate who received the highest vote total from the last Council election. Mr. McClintock stated he did not recommend this proposed new Council Rule be adopted stating it was inconsistent with the City's Charter Section 6.9; the Charter takes precedence over any council rule and it would create future confusion on the proper process of filling a Council vacancy.

Mr. McClintock suggested changes to Council Rules: 4.1.1 should be revised to state, "and shall adjourn no later than 10:00 p.m. unless extended by majority vote of the Council"; amend 4.6.2 to state, "a request to place an item on the agenda may be made by any person. Any such request shall be presented to the City Manager in writing at least five days prior to the meeting at which the item would be discussed. Upon approval by the Mayor, the City Manager, or two or more members of the Council, the item shall be placed on the agenda for consideration"; 4.10.2(4) amended to include the addition of the three additional standing committees as follows: "(4) Standing Committees. There shall be four standing committees of the Council, which shall be the Committee of the Whole, the Finance Committee, the Public Safety Committee and the Public Works Committee. The committees shall take no official action while in committee; (a) The Committee of the Whole shall sit as a body for investigation or study, as the need may arise. The Committee shall make findings which shall be the basis of further Council action; (b) The Finance Committee shall consider issues which effect budgetary and financial issues concerning the City; (c) The Public Safety Committee shall consider issues related to the overall safety of the citizens of the City, including, but not limited to, issues related to police and fire services; (d) the Public Works Committee shall consider issues related, either directly or indirectly, to the operation of the City's Public Works Department."

City Manager Chuck Freeman suggested the request to the City Manager be amended to require notice in writing at least 30 days prior to the meeting at which the item would be discussed. Councilor Daily requested the City Attorney review Rule 4.10 to assure the Council

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has the right to dissolve a Standing Committee at its discretion; Mayor McKeown suggested adding wording allowing Council to add additional Committees as needed. Mr. McClintock stated he would give the Council time to further review Council Rules and would present the drafted changes to the Council at a later time; Councilor Melton suggested the Charter also be reviewed and updated.

### **Public Comments**

Steve Pickering, 2170 N 28th: stated Channel 98 recently filmed a race at the local Speedway, the event brought in approximately 125 people to our community for a two day period; encouraged the Council to support of the Speedway. Shannon Souza, 65431 Millicoma Rd: stated on October 3<sup>rd</sup> from 9 a.m. to 5 p.m. Sol Coast Consulting and Design will be hosting a National Solar Tour event that will include a one hour presentation from Solar Oregon to be followed by a bus tour highlighting green building and solar strategies. Steve Miller 1556 N. 20<sup>th</sup>: stated he was in favor of the Household Hazardous Waste Plan.

### **City Attorney's Report**

No report was given.

### **City Manager's Report**

City Manager Chuck Freeman stated the Visitors Information Center received a Blue Sky Grant from Pacific Power for the solar power system in the amount of \$47,500. On Monday September 21<sup>st</sup> at 7 p.m., Council is scheduled to consider a Gas Tax Ordinance that will preserve the rights of the Cities of Coos Bay and North Bend to put the consideration before the voters next May; the City of North Bend will make their consideration for the ordinance next Tuesday; in order for the ordinance to go before the voters in May, it must pass in both cities.

### **Council Comments**

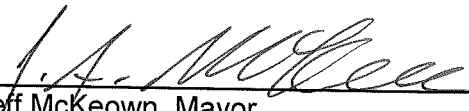
Councilor Daily emphasized the importance of organ donation; encouraged community support for Kienyn Wicks, a local 3 year old child in need of an organ transplant. Councilor Johnson felt it was important for the Council to draw attention community needs; highlighted the North Bend Church of Christ for their clothing give away; had a great time at the Coos Art Museum's Dessert Dash and Portuguese Taco fund raiser event; next event is the Fall Fling for the Arts and will be held Friday, October 2<sup>nd</sup> from 5 to 8 p.m. Councilor Melton stated a report was given at the Finance Standing Committee by the Finance Department on the 2009 fiscal year audit; reported the audit went well and the final audit will be presented to the Council in December; there will be a public hearing on a proposed supplemental budget resolution in October; Fire Department received a \$44,000 grant for recruitment and retention of volunteers; the Urban Renewal Appropriations Resolution that was recently passed for the Shop Local Campaign went over budget and will be supplemented by the general fund; encouraged Councilors and staff to read the articles on Council Rules and Conduct in the recent issue of the League of Oregon Cities magazine. Councilor Pundt; no comments were given. Councilor Kramer stated she recently attended the Board of Directors meeting for the Boat Building School; Dick Wagner was present at the meeting and was encouraged by the progress and efforts underway; the Board has set timelines for ground breaking and other projects in progress; stated her business was


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one of the businesses in Empire vandalized last weekend; Councilor Eck stated it is important for people to educate their families on their personal wishes for organ donation; encouraged the public to participate in the Bay Area Fun Festival including the Prefonatine Memorial Race, parade, downtown booths and vendors. Mayor McKeown encouraged Channel 14 to attend the council work sessions; contacted the Port and asked the Port to give Council Members a tour of ongoing economic development projects throughout the community; suggest a task force to evaluate Downtown Empire, Eastside and Englewood areas for the possibility of a business incubator or other opportunities to support these areas; Fun Festival is a fun weekend and he is looking forward to it.

**Adjourn**

There being no further business to come before the Council, Mayor McKeown adjourned the meeting. The next regular Council meeting is scheduled for October 6, 2009 in the Council Chambers at City Hall.

  
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Jeff McKeown, Mayor

Attest:   
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Rae Lea Cousens, City Recorder