

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

May 4, 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 the April 17, 2010 and April 20, 2010 Council Meetings; 2b: approval of Change Order 13 for \$2,909.94 for Team Construction for the Fire Station project; 2c: award of work order for Pump Station No. 4 (authorized project funding 8-4-09 \$143,880 and additional \$28,775, Civil West Engineering), work order for Plant 2 (authorized project funding 9-1-09 \$442,275, 3-2-10 an additional \$73,500; and additional \$120,000, Civil West Engineering), and professional services agreement for Pump Station No. 5 (\$87,140, SHN Consulting Engineers & Geologists); 2d: approval of time and materials not to exceed work order funding for the Ocean Boulevard sidewalk project (Survey \$6,575 with \$1,500 contingency, HGE; and design, bidding and construction services for \$27,000 with contingency of \$3,500, Civil West Engineering). Councilor Eck moved to approve the consent calendar approving the minutes of the April 17, 2010 and April 20, 2010 Council Meetings; approval of Change Order 13 for \$2,909.94 for Team Construction for the Fire Station project; approval of work order for Pump Station No. 4 (authorized project funding 8-4-09 \$143,880 and additional \$28,775, Civil West Engineering), work order for Plant 2 (authorized project funding 9-1-09 \$442,275, 3-2-10 an additional \$73,500; and additional \$120,000, Civil West Engineering), and professional services agreement for Pump Station No. 5 (\$87,140, SHN Consulting Engineers & Geologists); approval of time and materials not to exceed work order funding for the Ocean Boulevard sidewalk project (Survey \$6,575 with \$1,500 contingency, HGE; and approval of work order for design, bidding and construction services for \$27,000 with contingency of \$3,500, Civil West Engineering). Councilor Melton seconded the motion which carried with Mayor McKeown and Councilors Daily, Eck, Johnson, Kramer, Melton, and Pundt voting aye.

Presentation of a Proclamation on Emergency Medical Services (EMS) Week

Ms. Pamela Armilio stated this week was Emergency Medical Services (EMS) Week wherein Mayor McKeown read the Proclamation. Councilor Eck moved to approve the proclamation.

Councilor Johnson seconded the motion which carried with Mayor McKeown and Councilors Daily, Eck, Johnson, Kramer, Melton, and Pundt voting aye.

Presentation of a Proclamation on Poppy Days

Ms. Carolyn Billman stated the week of May 3rd recognized Poppy Days wherein Mayor McKeown read the Proclamation. Councilor Pundt moved to approve the proclamation. Councilor Johnson seconded the motion which carried with Mayor McKeown and Councilors Daily, Eck, Johnson, Kramer, Melton, and Pundt voting aye.

Public Hearing on a Proposed Amendment to Business License Ordinance No. 103 relating to Real Estate Business and Properties – Approval of the Amendment Would Require Enactment of the Proposed Ordinance

City Attorney Nate McClintock stated at Council direction on February 16, 2010 revisions were drafted to City Ordinance 103 (CBMC 5.05). Definitions, "Real Estate Business": Any enterprise or undertaking of any nature that deals directly or indirectly with any interest in land, including, but not limited to leaseholds of any nature involving property located within the jurisdiction of the City of Coos Bay. Agents of Nonresident Proprietors: The owner of property who contracts with a third party to manage such property for purposes of leasing and/or renting the property, shall be assessed a business license fee pursuant to Resolution of the City Council under the heading within such Resolution of "Residential, Commercial and Industrial Leaseholds and Tenancies." The license fee for the third party agent/manager shall be assessed pursuant to such Resolution, under the heading "General Retail and Service Businesses." The agent or agents of nonresident proprietor engaged in any business for which a license is required by this ordinance shall be jointly liable with the proprietor for the payment of fees established by the Council and for the penalties for failure to pay the fees or to comply with the provisions of this ordinance. Mayor McKeown opened the public hearing. Will Wright, Coos Bay: Stated the 20 year old ordinance has not been enforced and should not be updated, provided no value to the residents not already provided by the Oregon State Building Codes, and misunderstood the proposal to include rental inspections. Mayor McKeown closed the public hearing. Councilor Eck and Daily explained the fee was for a registry of businesses for contact information utilized by emergency personnel and to pay for costs attributable to this category of business. Councilor Johnson moved to approve the proposed changes to City Ordinance 103 and enact the ordinance. Councilor Melton seconded the motion. Deputy Finance Director Susanne Baker read the ordinance by title only and Ordinance No. 425 was enacted by the following vote:

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

Public Hearing on a Proposed Amendment to Ordinance No. 405 Relating To Bond Requirements for Demolition Permits – Approval of the Amendment Would Require Enactment of the Proposed Ordinance

Public Works and Development Director Jim Hossley stated at Council direction on February 2,

2010 staff was directed to revise City Ordinance 405 (CBMC 15.30.040.110) to more clearly state the bonding requirements for demolition permits. Staff sought input from local contractors to define the changes needed and utilized the Oregon Building Officials Association list serve to research how other communities address demolition bonding. The proposed changes now more clearly state the bonding requirements and require a performance bond or an alternative of a demolition bond waiver agreement. Councilor Melton asked if the homeowner could obtain the performance bond wherein Mr. Hossley stated yes. Mayor McKeown opened the public hearing. No public comments were made. Mayor McKeown closed the public hearing. Councilor Johnson moved to approve the proposed changes to Ordinance 405 and enact the ordinance. Councilor Eck seconded the motion. Deputy Finance Director Susanne Baker read the ordinance by title only and Ordinance No. 426 was enacted by the following vote:

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

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. The proposed change would move the southern boundary line north to run along the high water line of the Marshfield channel east to where it intersects with the Cooston channel and then north to include the islands within the city limits. The proposed ordinance would eliminate waterfowl hunting from the main land in the Eastside district and still allow for hunting the bay by boat along the Marshfield channel. Councilor Melton asked if there was other foot access to the hunting area wherein Acting Police Chief McCullough stated access would be by boat or through private property.

Mayor McKeown opened the public hearing. Jamie Fereday, Coos Bay: Stated the proposed high water line for the entire southern boundary would be best because it did not intersect with the trails. Scott Fraiseur, Coos Bay: Stated the Port of Coos Bay closed their property to all hunting. Martin Callery, Port of Coos Bay: Stated in April of 2005 the Port Commission adopted an ordinance restricting firearms on Port property. Pat Gall, North Bend: Stated as a representative of Ducks Unlimited he would support keeping the area open to hunting where feasible. Peter Cooley, Coos Bay: Stated the shotgun noise was loud, annoying, and suggested hunting commence after 8:00 a.m. Steve Pickering, Coos Bay: Stated assurances were provided to the citizens of Eastside at the time of annexation to continue to allow hunting, suggested no action be taken on the proposed ordinance, and suggested the Port of Coos Bay was in violation of state law. Mayor McKeown closed the public hearing. Mayor McKeown suggested the Port of Coos Bay consider allowing a narrow access point across Port property to

allow access to the high water line and stated the high water line allows a safe mixed use. Councilor Daily and Pundt stated the high water line seemed the safest delineation for a boundary line. Councilor Johnson and Eck suggested moving the boundary line further south at the extension of Harborview east to allow for public access by foot. Councilor Eck made a motion for staff to propose a revised boundary line to allow land access to the east of the extension of Harborview Drive. Councilor Johnson seconded the motion which carried with Mayor McKeown and Councilors Eck, Johnson, Kramer, and Melton and voting aye and Councilors Daily and Pundt voting nay.

Presentation of the Coos Bay – North Bend Visitor Convention Bureau’s Quarterly Report by Director Katherine Hoppe

Katherine Hoppe, Director of Promotions and Conventions of the Coos Bay-North Bend Visitor & Conventions Bureau (VCB) presented a quarterly overview of the VCB activities. Ms. Hoppe stated there were financial challenges and subsequently “free offerings” and grass root efforts were maximized to leverage available funds; partnerships fostered with Southern Oregon Visitors Association, Oregon Coast Visitor’s Association, and Oregon Tour and Travel Alliance; social media has been used to publicize events; Marshfield High School was spearheading an effort to host the AAA basketball tournament in Coos Bay; and the VCB was awarded the 2010 Exceptional Partnership Award at the Governor’s Conference.

Approval of Adjusting Certain City Fees – Approval Would Require Adoption of Resolution 10-06

Public Works and Development Director Jim Hossley stated changes to the business license and demolition permits necessitated a change to the various related permit fees through Resolution 10-06. Also included were state statute updates related to building codes and “housekeeping” revisions to update actual costs. Councilor Kramer moved to adopt Resolution 10-06. Councilor Daily seconded the motion which carried with Mayor McKeown and Councilors Daily, Eck, Johnson, Kramer, Melton, and Pundt voting aye.

Approval of Proposed Sewer Rate Increase – Approval Would Require Adoption of Resolution 10-05

Public Works and Development Director Jim Hossley stated the City of Coos Bay Budget Committee concluded the FY 2010-2011 budget hearings in April which included a 6.5% increase in sewer user rates. The sewer fee portion on the Coos Bay – North Bend Water Board billing would increase, based upon the rate study average use of 570 cubic feet per household, approximately \$2.64 per month. The revenue would provide funding for sewer line replacements, pump station rehabilitations, storm drain repairs, and the capital improvements at both wastewater treatment plants pursuant to the Dept. of Environmental Quality (DEQ) Mutual Agreement and Orders (MAO). Councilor Pundt asked what would be funded with the rate increase wherein Mr. Hossley stated the rate increase schedule was set through the rate study process and would fund budgeted construction projects. Mr. Craddock stated the FYE 11 budget process included approximately \$8 million in wastewater projects. Councilor Kramer stated during her first year in office there was a 25% rate increase and stated she received complaints regarding the sewer fees. Mayor McKeown stated the DEQ mandates for the wastewater treatment plant upgrades did not include a funding mechanism.

Councilor Eck moved to adopt Resolution 10-06. Councilor Johnson seconded the motion which carried with Mayor McKeown and Councilors Eck, Johnson, and Melton voting aye and Councilors Daily, Kramer, and Pundt voting nay.

Update on Fire Station #1 Construction Project by Architect Joe Slack

Joe Slack of HGE stated substantial completion of the new fire station would be May 20th; actual issuance of Certificate of Substantial Completion on June 4th upon completion of the building “flush out”; furniture delivery scheduled for June 4th; Donnelly Street closeout in the final phase; construction payments to Team were authorized at \$3,370,254, balance to Team of \$620,912, total project to date of \$6,798,624, and total project estimate of \$7,012,000 including tax credits.

Fire Department’s Quarterly Report by Fire Chief Stan Gibson

Fire Chief Gibson presented the quarterly report for January 1, 2010 through March 31, 2010 which included information and statistics on operations, quarterly calls as compared to past years, inspections completed, training provided, department financial report, special projects, notification of award of \$15,000 from the Libby Fire District to improve radio equipment, and with consensus of the Council the dedication date of the new fire station would be June 27th at 1:00 p.m. Councilor Daily asked Fire Chief Gibson who regulated chromite dust wherein Fire Chief Gibson stated DEQ.

Public Comments

Mike Vaughan, Coos Bay: Suggested the Council would have an opinion about the landscape details regarding Hollering Place and suggested there would be a meeting. Gino Landrum, Coos Bay: Suggested moving city hall to the Hollering Place, asked the rate of unpaid sewer disconnects, suggested the casino in Florence installed a model wastewater system, questioned whether OMI saves the City money, and was shocked that tourism brought \$180 million to our area.

City Attorney’s Report

No report was given.

City Manager’s Report

City Manager Rodger Craddock stated he was honored to attend the RSVP dinner on May 4th; and stated his six-month review was due and he would not oppose a public review during a work session. Mayor McKeown stated Mr. Craddock was doing a fine job and suggested an informal review at six months and a formal review at one year.

Council Comments

Councilor Daily was pleased with the grant process during the budget meetings, impressed with the Community Coalition of Empire, and noted surveying being conducted for the Lockhart Building. Councilor Johnson stated the Maggie Carl exhibition received over 140 in attendance,

City Council Minutes – May 4, 2010

noted future Coos Art Museum exhibits, and reminded the audience to support the Egyptian Theater. Councilor Melton stated the First Annual Memorial Day Assembly in support of fallen veterans of war will be held on May 28th at Marshfield High School. Councilor Pundt congratulated Fire Chief Gibson and staff on the new fire station project and stated he had phone calls today regarding changes on the Hollering Place project. Councilor Kramer was pleased with the budget process for FYE11. Councilor Eck thanked City Manager Craddock and staff for the smooth and expeditious budget process and stated he recommended the Coach House for a nice dinner. Mayor McKeown commented the budget process was thorough and well done; attended the local DEQ State Commission meeting wherein he spoke about the City's wastewater projects and the proposed Central Dock project; and congratulated Justin Rodriguez on his state forensic repeat championship.

Adjourn

There being no further business to come before the Council, Mayor McKeown adjourned the meeting. The next regular Council meeting was scheduled for May 18, 2010 in the Council Chambers at City Hall.



Jeff McKeown, Mayor

Attest: 

Rae Lea Cousens, City Recorder