

MINUTES OF THE PROCEEDING OF THE CITY COUNCIL

August 16, 1994

The minutes of the proceedings of a regular meeting of the City Council of the City of Coos Bay, Coos County, Oregon, beginning with a special session at 5:10 p.m. in the Manager's Conference room, a work session at 7:00 P.M. in the Council Chambers of City Hall and proceeding to regular session in the Council Chambers at 7:30 P.M.

Those Present

Those present were Mayor Joanne Verger, Councilors Joe Benetti, Gary Combs, Gene McCabe, Cindi Miller and David Williams. City staff present included City Manager Jim Watson, City Recorder Gail George, City Attorney Paula Bechtold, Police Chief Marc Adams, Public Works Director Ralph Dunham, and Planning Coordinator Kevin Cupples. Members of the media were also present.

Special Session

Mayor Verger called the special session to order. On motion by Councilor Miller and seconded by Councilor Combs the Council voted to go into executive session pursuant to ORS 192.660(1)(a) regarding employment of a public officer. Attending the executive session were Mayor Verger, Councilors Benetti, Combs, McCabe, Miller, and Williams. Also attending the executive session were staff members Gail George and Paula Bechtold and Dick Townsend from the League of Oregon Cities.

Work Session

Mayor Verger reviewed the agenda for the meeting. On the consent calendar, item 1 a) was changed to read "Approval of minutes of the regular meeting of August 2, 1994". Item 12 was removed and carried over to a special meeting on August 29, 1994. After reviewing the comments in the minutes from August 2, 1994, the Mayor wanted to emphasize that all boards and committees are advisory to the Council. Councilor Combs commented that in regards to the approval of the final plat for Pirate's Court, he feels there is a public safety concern where people are entering Newmark from Morrison and he would like to see the City address the issue. Kevin Cupples, Planning Coordinator noted that Councilor Combs' previous comments on this issue had been put into the record on this plat approval. Mayor Verger said she and the City Manager had visited the Chamber of Commerce Building to assess their request for more space and came up with several ideas on how to help them. They also met with the executive board of the Chamber to work on a compromise from their first design which would take up several parking spaces. Jim Watson said the issue is that the Chamber would like to expand to the north using four spaces and the Council would prefer not to give up any parking spaces. Combs said he feels there is room to expand without removing any parking spaces. Councilor Williams noted that perhaps their needs could be met if and when a parking structure is built. Councilor Miller asked what happened to the plans

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several years ago to have a second story with public restrooms. Watson added that the Boardwalk will increase the need for restrooms and nearby businesses are already being inconvenienced by those looking for restrooms. Verger felt the Council needed to decide if they wanted to rename that area which has been traditionally called "The Mall". She commented that such a name would not necessarily mean changing the name of the street from Central Avenue.

Verger asked how the sewer rates proposed in Resolution 94-12 would affect the customers. Watson said that very low users would be entitled to a rebate. Verger asked if a high water user would get a lower bill with the proposed rates. Ralph Dunham, Public Works Director explained that the average user would only see a \$0.14 per month increase in their bill, while a high user might see a reduction, and reported that he ran the figures through the rate study and the proposed rates fit in.

Watson asked that the offer from the Coos Curry Housing Authority be added to the agenda. The item was added as Item 14.

COUNCIL MEETING

Flag Salute

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

Consent Calendar

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

- a) Approval of the minutes of the regular meeting of August 2, 1994.
- b) Approval of the Pirate's Court Final Plat
- c) Approval of OLCC application for the Blue Moon Restaurant & Lounge
- d) Award of bid for John Deere mower to Ramsey-Waite for \$18,215.

Councilor McCabe moved for approval of the consent calendar. The motion was seconded by Councilor Miller and carried with the Mayor and all Councilors present voting aye.

Public Comments

Steve Schneiderman, North Bend, representing the Bay Area Chamber of Commerce reported that the Chamber had reactivated their Coast Guard Task Force and said they would be asking the Coast Guard to station a 210 foot helicopter-carrying cutter in Coos Bay. He invited the Coos Bay City Council to attend their meetings and asked the Council to join them in a letter writing campaign to have Coos Bay be reconsidered as a port for one of their cutters. Councilor Combs asked that staff be directed to send appropriate letters. Mayor Verger said the Council looked forward to signing a resolution.

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Crystal Shoji, Bay Area Chamber of Commerce, gave each Councilor a copy of the new walking-tour brochure of the Bay Area.

Public Hearing - Mingus Lake Dredging

Jim Watson reported that the lake in Mingus Park is not doing well and needs to be deepened in order to preserve it. He said that Rotary has asked to be part of the deepening project. Watson went on to report that the City contacted people in the neighborhood and has received several responses, all of which are favorable to the project. He noted that the draining and dredging could be accomplished with existing funds since grants for the complete project including work on the rock walls, for a total of \$50,000 have not been obtained. Mayor Verger opened the public hearing.

Jerry Warbis, Coos Bay, said he felt there is a better way to deepen the lake which is to use the dredge at the sludge lagoon and haul the materials off in the City's truck. In his opinion this would be more cost effective. Watson said the dredge in the sludge lagoon was purchased with EPA funds and could not be used for other purposes. He noted other problems with dredging, and said the City had studied this method before proposing to drain the lake.

Brian Cade, resident of the area, asked what would happen to the wildlife in the lake. He agreed that the lake had to be drained. Watson said the geese and ducks would probably be taken to Empire Lakes and that the fish would be looked at when the lake was being drained for possible removal.

Steve Schneiderman, Director of the Community Projects Committee, Coos Bay-North Bend Rotary Club, said they are looking at a program to replace some of the waterfowl in the lake and will be happy to assist with the project in any way they can.

Leola Morton, resident of the neighborhood near Mingus Park, said the project should have been done five or more years ago and reported that the island put in for the protection of duck eggs is much smaller and lower than originally built. She would like the Council to promise to put the island back bigger and higher and to promise to bring the geese and ducks back.

The public hearing was closed and Councilor Combs moved that City staff proceed with the draining and deepening of Mingus Park Lake and apply for available funds especially from the Fish and Wildlife restoration fund. The motion was seconded by Councilor Miller who said she wanted the motion to include restoring the island. Councilor Combs wanted as much rock work to be done as possible. The question was called for and carried with the Mayor and all Councilors present voting aye.

Public Hearing - Comprehensive Plan Amendment #94-01 R25 T13S Map21CA TL#5801

Mayor Verger opened the public hearing and asked if anyone objected to the Council holding this hearing on jurisdictional grounds. There were no objections. She then asked if any of the Council members had a conflict of interest or wished to declare any ex-parte contact. No conflict of interest or ex-parte contact was declared. Planning Coordinator Kevin Cupples explained the comprehensive plan amendment was for a rezone of a piece of property of approximately .92 acres from low density residential to commercial. The applicant, Bruce Latta, said he had submitted all the required information and was here to answer any questions the Council might have. Verger

asked how the property would be used, and Latta answered that the property which borders the residential side would contain long term RV storage units, and the property bordering the current commercial property would house a maintenance facility. Verger asked if the property had been zoned commercial in the past, and Latta replied that he thought a portion of it had been at one time but was changed for the prior owners who wanted to put apartments on the property. Councilor McCabe asked if anything had been done about regulating the speed on Ocean Boulevard and Cupples replied that staff had not approached the State about regulating the speed on the State Highway.

Gus Langley, Coos Bay, read a letter which was submitted to the Planning Commission and was included in the Council's packet. He would like to see the area being changed to commercial limited and would like a 25 foot strip left residential as a buffer.

Dorothy Colton, 565 Lindy Lane, adjacent property owner, said she would also like to have a buffer zone between her property and the requested rezone.

Latta was asked what type of mechanical services would be done on the property and he replied that the facility was solely for the repair and upkeep of the vehicles for Bay Cities Ambulance and Medical Supply.

The public hearing was closed. Councilor Miller moved that the council adopt the planning commissions findings and conclusions and approve the zone change. Councilor McCabe seconded the motion. Councilor Combs asked if the 25 foot buffer zone was part of the planning commission recommendation and whether the traffic safety concerns were being addressed. The answer to both questions was no. The question was called for and carried with the Mayor and all Councilors present except Councilor Combs voting aye. Councilor Combs voted no.

In response to the questions about traffic concerns on Ocean Marc Adams reported that the Police Department monitors the traffic on Ocean Boulevard closely and was unsuccessful in a recent attempt to get a left turn lane at the mobile home park.

Request for Closure of 10th Street North of Ingersoll by Marshfield High School

John Eckerman, Dean of Students at Marshfield High School, explained that the High School would like to try a plan they have developed to control traffic which would involve blocking 10th Street just north of Ingersoll during the school year. He said the only neighbor is in favor of their proposal. Councilor Combs moved that the request be granted with the conditions asked for by the City. The motion was seconded by Councilor Miller and carried with the Mayor and all Councilors present voting aye.

Discussion on Chamber of Commerce Building Expansion

Crystal Shoji introduced the Chamber members in the audience. Mike Helfrich said one thing the Chamber would like to accomplish is expansion of the existing facilities to meet the growth in activity. He reported that they are reluctant to make plans without having a long term lease on the building. Helfrich commented that they would like to maintain a presence in the location they currently occupy while fitting in with the activities going on downtown. Mayor Verger mentioned that Stuart Woods had offered to look at some designs for possible expansion. Woods reported that

one of the problems with designing an expansion is that there are not any plans for the area. Many of the plans that could be developed might effect some of the parking surrounding the building. He said that trying to build to the east to avoid parking areas does not allow for enough space to take care of their needs. He also knows that there is some concern about having an outside access for the public restrooms. He feels they need to see the big picture, including the plans for the former Chevron property before making any preliminary designs. Councilor McCabe asked how much additional area they needed and Woods replied that the Chamber needs between 500 and 1000 square feet. Verger relayed that the Council wants to maximize parking in the area and would not be putting in a large plaza area on the Chevron property. Councilor Combs said he felt the Chamber could go east and south without impacting the parking. Woods would like to see some parameters before pinning down any one particular design. Watson commented that expansion to the south would break up the continuity of directing traffic to the boardwalk and noted that there are a lot of utilities in that area. Woods asked if staff could work with him on what design impacts would be on the parking and traffic. Verger said the Council needed to be making decisions on restrooms very soon and that the Chevron property would be developed into parking as soon as possible. Combs encouraged a new lease for the Chamber, said he feels that new public restrooms are necessary, that he supports expanding the current facility and that the City and the Chamber need to work together on this. Verger expressed her opinion that before a lease can be drawn up, it needs to be determined whether or not the Chamber can expand and remain in their current location. She expressed the greater need for the Chamber to be downtown with all the changes going on and would like the Chamber building to compliment the boardwalk. Combs mentioned the need for a sprinkler system for the landscaping. Shoji said she would be calling the councilors and inviting them to come down and see the current facilities.

Flora Lee Lockhart, Coos Bay, said the parking in the area of the Chamber has been a major concern of the parking committee and asked that the current building be retained as a Visitor's Information Center only and that the Chamber offices be moved elsewhere. Verger said she understood the Chamber's position to be that they would like to remain where they are and expand their current facilities without impacting the parking.

Funding for Empire Historical Marker

Jim Watson said he supports the idea that the Historical Society came up with for a historical marker about the history of Empire and suggested that the City provide the necessary funding from the Hotel/Motel Tax special projects fund. Councilor Benetti moved to provide funding for marker proposed by the Coos County Historical Society. Councilor Miller seconded the motion which carried with the Mayor and all Councilors present voting aye.

Amendment to Crow/Clay Contract for Architectural Services

Jim Watson recommended approving an amendment to the Crow/Clay contract for their services on the boardwalk as provided for in their present contract. Councilor Combs said in his work he has never paid for change orders and doesn't see why we are contemplating paying for

work done on change orders. Mayor Verger noted that she feels comfortable with the figure after a meeting with Crow/Clay. Councilor Benetti moved to pay the \$17,870 owed at the present time Councilor Miller seconded the motion which carried with the Mayor and all Councilors present voting aye.

Request for Revocation of Right-of-Way Use Permit for LPG Tanks Located on Curtis Between Broadway and Bayshore

Ralph Dunham related the history of this right-of-way use permit and the efforts by Council and staff to find a solution to the placement of the propane tanks in the right-of-way on Curtis which are considered dangerous and not installed up to code. He indicated that he had contacted Empiregas, the owner of the tanks, and Ralph Larson the holder of the right-of-way use permit directing them to move the tanks as Council had requested. Jim Watson said Larson and Empiregas have offered two options including beefing up the protection for the tanks in their current location or relocating the tanks in the parking lot by Fiddlesticks which would take up two parking spaces. Mayor Verger felt that staff's original recommendation to place the tanks in the parking lot would be the best alternative at this point. Dunham explained that this alternative would meet the current codes. Bob LaBrousse, Empiregas, explained why the suggestion to move the tanks to Second Court was economically unfeasible and he expressed concerns about running a propane line that far. LaBrousse said he was in support of the original staff plan which located the tanks in the parking lot at Anderson. He also said he would be happy to increase the protection and install a cyclone type fence and leave the tanks where they are. Watson understood that the gas company would pay for the move and that he had some concern about letting them use parking spaces to conduct their business. Finance Director Gail George said when Payless uses parking spaces for their business they pay \$20.00 per month for each space. Verger asked LaBrousse if they were willing to relocate the tanks at their expense and pay a monthly fee for use of the parking spaces. LaBrousse reminded the Council that the tanks were inspected and approved by the City when the tanks were placed. He indicated that the tanks had been there since 1990 and to his knowledge there have been no problems or complaints about the tanks. He also expressed his opinion that propane was a very safe fuel and the tanks are designed with safety in mind. Councilor McCabe expressed his concern that leakage would be of more concern than a collision. He asked how the enclosure might be a problem by holding gas in if there was a leak. Verger asked what kept the tanks from meeting code in their present location. It was determined that the code violation was occurring because under the code, tanks are not allowed in the right-of-way. LaBrousse feels the entity having jurisdiction can modify the code and that he disagrees with Bruce Meithof that the tanks are unsafe where they are. However, he is willing to strengthen the protective posts and put up a better fence. When asked, City Attorney Paula Bechtold answered that Empiregas has the initial liability for the tanks wherever they are. Miller felt uncomfortable arguing this issue without Meithof being in attendance. McCabe said he would prefer leaving the tanks in their present location and reinforcing the protection. Councilor Williams said he agreed with McCabe as did Miller and Benetti. Combs said without a change, he supports staff recommendation to revoke the right-of-way use permit. Ralph Larson said he would pay the costs to move the tanks to the North end of the building noting that the building next to the current location of the tanks has been hit by vehicles on several

occasions. The safety issue was discussed further and Bechtold advised that safety, not the technicalities of the law, should be the main concern. Benetti asked if a move to the parking lot would increase the size of the tank and therefore the safety. LaBrousse replied that he would be replacing four tanks with one which would be safer in his opinion. McCabe asked staff to look at this again and bring it back to the next meeting. Verger expressed concern over the amount of time being spent on this issue which only affects a few businesses and not the City at large. LaBrousse said in his opinion it is not fair for the City to order the tanks to be removed when the businesses concerned put in propane equipment based on the City's prior decision to allow the tanks to be placed on Curtis. Larson said fourteen businesses and several hundred customers a day would be affected by removing the tanks. He also mentioned that the parking lot they are concerned about allows all day parking with a permit.

Discussion of the Naming of the Renovated Blocks of Central Avenue

Due to the lateness of the hour, no discussion was held on this issue.

Award of Bid for Phase 2 of the Empire Boat Ramp Project

Public Works Director Ralph Dunham reviewed the bids for the project noting that the low bid was about \$19,000 more than was budgeted due to some additional work the State wanted. He advised the Council that the Department of Fish and Wildlife was willing to pay for the additional work. Councilor Combs moved, with a second by Councilor Williams that the contract be awarded to Laskey-Clifton for \$169,764, contingent upon receiving additional funds from the granting agencies or other sources. The question was called and the motion carried with the Mayor and all Councilors present voting aye.

Adoption of Ordinance No. 209 Amending the Wastewater System User Ordinance

Paula Bechtold explained the changes being proposed in this ordinance. Those changes are to change the definition of industrial users to meet EPA requirements and provide for exemption from being an industrial user and to allow for flat rates. Councilor McCabe asked if in an apartment building, each unit would be charged the flat rate. Dunham explained that each unit would be charged the flat rate and would be unable to apply for a rebate unless the units were individually metered. The Council asked why the City wanted to use the flat rate and Dunham expounded several reasons including that a flat rate could be budgeted by both the rate payer and the City, and it is easier to bill. Councilor Combs moved for adoption of Ordinance No. 209. The motion was seconded by Councilor Benetti. The council was polled with the following vote:

Voting Aye: Mayor Verger, Councilor Benetti, Councilor Combs, Councilor McCabe, Councilor Miller and Councilor Williams.

Voting No: None

Absent: Councilor Melton

Ordinance No. 209 was duly enacted.

Adoption of Resolution 94-12 Setting Sewer Use Fees

Councilor Benetti moved for adoption of Resolution 94-12 setting sewer use fees. Councilor Miller seconded the motion. Councilor McCabe asked if the rate would be going up each year at the annual review. Dunham explained that staff reviewed the rate and felt it would not need to be increased for at least five years. The question was called for and carried with the Mayor and all Councilors present except Councilor McCabe voting aye. Councilor McCabe cast a no vote.

Offer to Purchase Property - Lots 1 through 18, Block 87, First Addition to Empire

Coos Curry Housing Authority has offered to purchase Lots 1 through 18, First Addition to Empire, for \$135,000 which is the appraised value. They will use this property to construct affordable housing units. Councilor Melton moved that the City accept the offer and sell the property to Coos Curry Housing Authority for \$135,000. The motion was seconded by Councilor McCabe and carried with the Mayor and all Councilors present voting aye.

City Attorney Report

No Report

City Manager Report

Jim Watson asked if the council would like to have an assessment center for the top candidates at a cost of about \$4,000. He was directed to put this item on the next regular agenda.

Council Comments

Councilor McCabe commented that the downtown area is really starting to take shape and look nice.

Councilor Williams reported that the Plant 2 Operations Committee met last week and set rates for the Charleston Sanitary District to pay which will be consistent with the rate study. They also recommended that the City of Coos Bay allow the District to make arrangements for paying the past due treatment fees from prior years.

Councilor Combs encouraged a joint planning meeting with the Bay Area Chamber of Commerce on their building project and lease. He mentioned he appreciated their efforts to attract another Coast Guard Cutter.

Mayor Verger also appreciated the Chamber's Coast Guard Task Force. She informed the Council that she had attended the Pacific Northwest Library Conference and felt it was a very good conference. She shared her feeling that the Council can only give so much time to an issue involving a very few people.

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Adjournment

There being no further business to come before the Council, Mayor Verger adjourned the meeting to 5:00 o'clock P.M. in the Council Chambers of City Hall on August 29, 1994.

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

ATTEST:

Gail George
Recorder of the City of Coos Bay
Coos County, Oregon