

MINUTES OF THE PROCEEDING OF THE CITY COUNCIL

December 20, 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 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, Cindi Miller, Don Spangler and David Williams. City staff present included Interim City Manager Bruce Meithof, City Recorder/Finance Director Gail George, City Attorney Paula Bechtold, Police Chief Marc Adams, Fire Chief Cliff Vaniman, Library Director Carol Ventgen and Public Works Director Ralph Dunham. Members of the media were also present.

Work Session

Mayor Verger reviewed the agenda for the meeting. Item 1 d) was removed from the consent calendar at the request of the applicant. Item 1 e) was removed from the consent calendar at the request of Councilor Spangler and placed on the agenda as item 4 a). Verger reported which committees the Councilors had expressed interest in serving on. It was brought to the attention of the Council that although Floyd Vandervelden would like to continue to serve on the Parks Commission, the ordinance does not allow more than two terms and he has served two terms. Another condition pointed out was that Helen Scully wants to serve on the Design Review Board, but is no longer a resident of the city. Bruce Meithof explained the agenda item regarding property given to the Water Board with a reversionary clause. At the suggestion of Meithof, the approval of the Seagate Subdivision final plat was moved to the consent calendar as item 1 f). Meithof explained the changes being made to the code by adopting Ordinance No. 212 which deal with when a permit is required for an LPG tank and change one notice from certified to regular mail. He also explained that the 6% salary increase instead of PERS pick-up request is for all city employees. Councilor Spangler said the people he has talked to are in favor of taking care of existing employees, but feel new employees should pay their own retirement. Meithof said he felt there would be problems with having unequal wages for the same job. Verger recognized Bill Elliott, the newly hired City Manager who was in the audience. Meithof noted that if the Council takes affirmative action on the PERS issue, he would ask for an executive session on labor negotiations. Following the work session, there was a short reception for Paula Bechtold, the City Attorney, who is leaving the City after 16 and one-half years of service to become a District Court Judge.

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 December 6, 1994.
- b) Approval of the minutes of a special meeting of November 29, 1994.
- c) Approval of the warrants for November, 1994.
- f) Approval of Seagate Subdivision Final Plat.

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

Award of Appreciation Plaque to Bill Grile

Mayor Verger presented an appreciation plaque to Bill Grile thanking him for his eight years of service on the City Council. She noted that a lot of the good ideas in the City of Coos Bay were generated by him and praised him for his positive attitude.

Public Comments

Ben McMakin, Administrator of the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw, related that the Tribe had recently signed a compact with the State to allow gaming on their reservation in Coos Bay. He said when they proceed with any plans for gaming, they anticipate working closely with the City and the Water Board. He indicated that they do not currently have any specific plans for gaming. Councilor Spangler asked why the Coquilles had public hearings and McMakin explained that the process for the Coquilles was different because they were putting land into trust, while the Confederated Tribes were using land that was already in trust. McMakin noted that the gaming compact requires a traffic study on all highways and City streets that would be affected by the gaming.

Presentation of Fiscal Year 1993/94 Audit

Don Hall, representing Yergen and Meyer, the firm engaged to prepare the City's annual audit, presented the 1993/94 audit to the Council. He noted that the firm gave the City a clean audit opinion and found no material problems. He complimented the staff on the professional job they do.

Approval of OLCC License for Harold's Club - Harold Lee and Dolores M. Allen

Councilor Spangler stated that the crime rate in the area where the license was being requested was higher than usual and related that he was concerned with the number of other bars in

close proximity. He stated that he had talked to Paula Dow at OLCC about this license and said she told him that a new license could be denied for various reasons. He noted that since it was within 500 feet from a school, the OLCC will be sending a notice to the school district asking for their input. He asked that the Council take these things into consideration and not approve the license. Police Chief Marc Adams related the process to recommend approval or denial to the Council. He stated their recommendation is based on an a criminal investigation. Councilor Benetti asked if the City has an ordinance which sets forth any basis for denial or approval of an OLCC license. City Attorney Paula Bechtold said that she could get some more information and then the Council could make a recommendation at their next meeting. There was consensus among the Council to hold this item over until the next meeting.

Council Appointments: **Budget Committee**

After a vote by written ballot, Curt Benward, Don Shively and Tom Willisroft were appointed to terms on the budget committee.

Design Review Board

The Council voted to appoint Ann Keizer as the citizen-at-large and Bill Rosencrantz as the downtown property owner on the Design Review Board.

Parks Commission

Mayor Verger asked if the Council was desirous of changing the ordinance to allow Floyd Vandervelden to serve another term. Councilor Combs said he was in favor of changing the ordinance as he feels Vandervelden has been a very valuable member of the committee. Councilor Spangler said he feels others should be given a chance to serve. Councilor Williams said he is in favor of changing the ordinance and doesn't feel term limits are appropriate. Councilor Benetti would also agree to changing the ordinance so Floyd could continue to serve. Mayor Verger said that if the Council voted in favor of placing Vandervelden back on the Parks Commission it would be an indication that they would like to change the ordinance. Thereafter a vote was taken and Floyd Vandervelden, Gus Langley and Bill Otton were appointed to the Parks Commission.

Planning Commission

Upon the Council's vote, Gus Langley and Verena Matthews were appointed to terms on the Planning Commission.

Authorization to Relinquish the City's Reversion Rights to a Portion of Water Board Property

Interim City Manager Meithof explained that this request is on the agenda because a private party wishes to purchase an eight foot wide strip from the Water Board which is adjacent to their property, to help them meet the set backs required to construct a garage. The property in question

was deeded to the Water Board with the condition that if the Water Board ceased to use the property it would revert to the City. The staff recommended that the City relinquish the reversionary clause if the Water Board agrees to pay one-half of the purchase price to the City. Councilor Combs moved to accept staff recommendation and relinquish their reversionary rights if the Water Board agrees to give the City one-half of the revenue received. The motion was seconded by Councilor Williams and carried with the Mayor and all Councilors present voting aye.

7th Street Storm Drainage - Diane Hannah

Interim City Manager Meithof reviewed the background for this agenda item citing the elevations of the various properties, the natural reservoir and the catch basins in the area. He indicated that what looked like a catch basin with water bubbling out in the pictures brought in by Ms. Hannah was actually a culvert with a hole knocked in it. He reviewed the long and short term solutions with one long term solution being to install a storm water pump station at a cost of approximately \$7,000 per lot, and the other long term solution calling for each affected property owner to protect their own property with retaining walls, fills and rip-rap at a cost of \$2,000 to \$3,000 per lot. A short term solution calling for installation of a catch basin with a flap valve over the existing broken culvert (a mini tide gate) would cost about \$1,500 in total. This short term solution would reduce the number of days the properties flood from about seventy-five (75) times per year to ten (10). Mayor Verger asked how many other property owners in the area have come to the City and how many are here tonight. Hannah stated that she had eleven property owners here at one time. Meithof reported that there were ten or eleven affected property owners. Councilor Spangler asked if the other property owners had been notified and Meithof reported that only Ms. Hannah had been notified as she was the one who had come to the City. Hannah said that she has been acting as a spokesperson for the area. Councilor Williams said he supported putting in a tide gate and finding out if the property owners wanted to see the other options pursued. Hannah was asked to comment on the different options and she replied that she liked the first option, but could not afford the cost. She felt the second option would not work. Meithof stated that the City could put in the catch basin with a flap valve for a cost of \$1,500 if that is what the property owners want, but that they need to be aware that this will not solve the problem. Hannah felt a proper retaining wall would cost her \$10,000. Verger asked if putting in the mini tide gate would prevent the property owners from going on to another solution. Both Benetti and Miller felt the City should go ahead with the catch basin and notify the property owners of their other options. Councilor Miller moved that the City install a catch basin with flap valve over the existing broken culvert to an elevation of 8.88 feet for a cost of \$1,500. Councilor Spangler seconded the motion. Councilor Combs said he encouraged the other property owners to become involved and Hannah said she would be happy to get information out to the other property owners. The question was called and the motion carried with the Mayor and all Councilors present voting aye.

Adoption of Ordinance No. 212 - Amendment to the Uniform Codes Enforcement Ordinance

Councilor Benetti moved for enactment of Ordinance No. 212. The motion was seconded by Councilor Miller. The Council was polled and Ordinance 212 was enacted with the following vote: Voting aye; Councilors Benetti, Combs, Miller, Spangler and Williams and Mayor Verger.

Voting no; None, Absent; Councilor Melton.

Employee Compensation in Lieu of PERS Pick-up

Interim City Manager Bruce Meithof explained that Ballot Measure Eight, passed at the November 8th election, calls for workers to pay into their retirement plan, but allows jurisdictions to take action before December 31, 1994 to mitigate this payment. He reviewed the actions taken by almost all other jurisdictions in the area to help their employees and then related how the PERS pick-up came into existence for the various bargaining units and non-represented employees of the City. He recommended that the City Council offer a six percent increase in salary to the bargaining units with a signed addendum to their contracts removing the language for PERS pick-up, and give a six percent increase to non-represented employees and cease paying their PERS pick-up. Mayor Verger said she felt the Measure was very harsh and noted that the measure did not pass in the City of Coos Bay. She would like to be fair and again noted the window put into the measure to allow jurisdictions to compensate for prior bargained terms. Councilor Spangler expressed his agreement with acting fairly and compensating the employees to make up for what they had previously bargained for. Councilor Miller, Benetti, Combs and Iiams also agreed. Verger stated that the City has always been able to attract the highest quality of employees and feels the City needs to continue to be able to attract such employees. Councilor Combs moved to give a six percent increase to all employees, to discontinue paying the employee's PERS contribution and to require addenda to the bargaining unit contracts to reflect this change. Councilor Miller seconded the motion which carried with the Mayor and all Councilors present voting aye.

City Attorney Report

Paula Bechtold distributed and read a report giving an overview of her years as City Attorney and expressing her appreciation for all the experiences she has had.

City Manager Report

Interim City Manager Bruce Meithof called the Council's attention to a map distributed with the Friday Update of December 16th and said he wants to make sure the Council is in agreement with the portions of the Mingus Park lake where the wall will be placed before they proceed. He read a letter from Michael Freeman requesting the formation of an Urban Renewal District in Empire and indicated it will be placed on the January 3rd agenda. Meithof reported receiving a letter from Ralph Larson requesting an extension to do the required work on the propane tanks on Curtis until the weather improves. He noted that the letter was received after the City sent a letter telling Larson that the tanks would be shut off if the required work was not performed. His recommendation is deny the extension of time and give Larson two weeks to complete the work after which the tanks would be shut off. Mayor Verger asked if they have time to think about this and Councilor Combs asked for a short review of the problem. Meithof reviewed that a previous Council allowed the tanks to be put there, but they are now considered unsafe. After many hours of discussion, a solution was worked out. He reported that no work has been done on the solution agreed to and a dangerous condition still exists. Verger asked why the propane supplier would not

go ahead and make the changes and Meithof replied that they are waiting for payment from Larson before starting the work. When asked, Meithof reported that the actual work would take about three days. Councilor Spanger moved that Larson be given two weeks to complete the work. His motion died for lack of a second. Councilor Combs moved that Larson be given a deadline to have the work completed by the second meeting in January. The motion was seconded by Councilor Miller and carried with the Mayor and all Councilors present voting aye.

Meithof noted the City offices would be closed for the Holidays from the 23rd through the 26th of December, 1994 and on January 2, 1995. He reported that the City Newsletter is on schedule to be mailed out January 9, 1995, and that there will be a reception for Paula Bechtold on Wednesday, December 28th at 4:00 p.m. at City Hall. He noted that bids for mall block 2 will be opened on January 17th and brought to the Council that evening. He mentioned receiving a notice from the contractor on the boardwalk saying that the schedule for completion has been delayed and construction work will not be completed until January 9th with clean-up by mid February. He relayed that the contractor blamed the delay on the late start of the retaining wall and the wet weather.

Council Comments

Councilor Miller said she was pleased to see so many people volunteer to serve on City committees and wanted to recognize the police department for their Lifesaver program especially thanking those businesses who donated the Lifesavers.

Councilor Benetti wished everyone a happy holiday.

Councilor Combs expressed his appreciation to Paula for her leadership and hard work as City Attorney and to Bill Grile for his hard work on the City Council. He thanked Bruce Meithof for the fine work he has done and is doing as Interim City Manager. He said he feels the number of people applying for City committees is due to Joanne's leadership as Mayor.

Councilor Williams wished everyone a Merry Christmas and said he would miss Paula.

Councilor Spangler wished everyone a Merry Christmas and hoped we could find a replacement for Paula that was half as good as he thinks she is. He also thanked Mayor Verger for her leadership on the Council.

Mayor Verger welcomed the new members to the various committees that were appointed tonight and appreciated the number of people applying. She thanked Paula for her service and welcomed Bill Elliott. She then wished everyone a Happy Holiday.

Executive Session

On motion by Councilor Miller, seconded by Councilor Combs the Council went into executive session pursuant to ORS 192.660 (1) (d) for the purpose of discussing labor negotiations. Those attending were the mayor and all councilors present, Interim City Manager Bruce Meithof,

City Recorder/Finance Director Gail George, City Attorney Paula Bechtold and Police Chief Marc Adams. Members of the media were also present.

Adjournment

There being no further business to come before the Council, Mayor Verger adjourned the meeting to 7:00 o'clock P.M. in the Council Chambers of City Hall on January 3, 1995.

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