

## **MINUTES OF THE PROCEEDING OF THE CITY COUNCIL**

February 7, 1995

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, Don Spangler and David Williams. City staff present included City Manager Bill Elliott, City Recorder/Finance Director Gail George, City Attorney Randall Tosh, Community Development Director Bruce Meithof, Police Chief Marc Adams, and Public Works Director Ralph Dunham. Members of the media were also present.

### **Work Session**

Mayor Verger reviewed the agenda for the meeting. Councilor Spangler asked what the advantage was for the City to take over the commercial plumbing inspection. Community Development Director Bruce Meithof replied that there are three reasons. He stated that the first is we will gain revenue, secondly the plumbers in the area will only have to deal with one inspector, the City's, and most important, there is a bill in the legislature requiring jurisdictions who do their own inspections to do all inspections and this will allow us to comply with that bill if it should be enacted. Verger added agenda item 1a), presentation of an appreciation plaque to Gene Melton.

Verger noted that the items requesting a marketplace and allowing a float plane on the waterfront are coming to the Council before they have adopted policies regarding commercial activities there. She suggested that the Council address this at their upcoming goal setting session. City Manager Bill Elliott commented that the Interpretive Exhibits on tonight's agenda are being installed at no cost to the City and the item is on the agenda for a letter of support from the Council.

Verger asked City Attorney Randall Tosh how he recommended the Council proceed in appointing a Councilor to fill the existing vacancy on the City Council. Tosh recommended that they try and hold a meeting where all the Councilors are present. There was consensus to have a special meeting on February 9, 1995 at 5:30 p.m. to re-interview the two candidates and take another vote. Councilor Williams said he would be unable to attend the meeting on the 9th.

Verger called staff's attention to the minutes of the special meeting on an urban renewal district in Empire and noted the things that were to be done at the next meeting which are not on the proposed agenda for the meeting next week. Spangler said that a survey about urban renewal had been given out at the recent meeting of the Empire Business and Property Owners Association.

Spangler informed the Council that he would be bringing up two issues under Council comments asking for staff to be directed to look at an ordinance similar to the one in Springfield regarding OLCC approvals and follow the progress of a recently passed ordinance in Silverton relating to parental responsibility.

## **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 January 17, 1995.
- b) Approval of the minutes of the special meetings of January 13, 18 and 24, 1995
- c) Proclamation of National Trio Day on February 25, 1995
- d) Approval of an inter-governmental agreement with the Department of Consumer and Business Services Building Codes Division to provide 'A' level plumbing inspections.
- e) Acceptance of a deed to transfer property from the County to the City for a parcel of land on Lindberg Avenue.

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

### **Presentation of Award of Appreciation to Gene Melton**

Mayor Verger presented an appreciation plaque to Gene Melton and thanked him for his service on the Council. Melton stated that it has been an honor and privilege to serve on the Council noting that he felt this was one of the best Councils the City has had. He went on to say this Council has done a fine job and encouraged them to continue in the direction they are going. He suggested people stand back and take a look at the progress that is being made.

### **Public Comments**

Bill Rosencrantz, Coos Bay, reminded the Council that he appeared before them last spring and was told to wait until the current canopy roof was off before they made a decision on the canopy he would like to install on his building. He asked them to set a time when they will make a decision. Mayor Verger suggested that each Councilor take a look at the building and his model before the next meeting and then make a decision. Rosencrantz said he would be unable to attend the next meeting and asked that the decision be made at the meeting of March 7, 1995.

Flora Lee Lockhart, Coos Bay, complemented Rosencrantz on his innovative covering and hopes the Council will grant him permission to put it up. She remarked on the new four way stop sign at 12th and Ingersoll saying she fears there will be a bad accident because residents are not

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accustomed to having a stop sign there and are going through it. She suggested that 11th street could be made a right turn onto Ingersoll. She also introduced herself as the new president of the Coos Bay Downtown Association and asked that the information formerly sent to the director, whose position has been discontinued, be sent to her. Lockhart asked for a liaison from the Council to the Association. Councilor Benetti said he was the Council liaison but had not received notices of any meetings for the last six months. Lockhart asked if the downtown area business district could have a large sign on the highway. Benetti said that since it was a state highway, it probably would not be allowed.

Jackie Burch, Coos Bay, asked when the skateboard park would be built. Mayor Verger asked City Manager, Bill Elliott for an update. Elliott replied that \$12,000 was budgeted, but the project came in at \$24,000 and was being scaled down by City staff. Verger encouraged the staff to move forward with the money budgeted this year and do the project in phases. She suggested that if additional money was needed it be put in next year's budget. Dunham replied that the project was scheduled to be bid in late February with construction completed by June. Burch reported that they had built their own area for skateboarding and it had been destroyed by others. He commented that he is often told to go home by police responding to a disturbance, but those that are harassing him and other skateboarders are left alone. Verger said she had received a report of some skateboarders talking ugly to someone at Seven-Eleven, but she did not feel they were all responsible. Police Chief Marc Adams commented that skateboarding is not a crime, but harassment and vandalism are. He reported the police are required to respond to complaints and hoped to see a partnership develop with the skateboarders taking responsibility for their actions and their park when it is built. Adams reported that they are not taking sides on this issue and will not tolerate vandalism by anyone. Burch reported a recent incident where one hundred local kids were ganging up on six skateboarders and all the police did was ask the skateboarders to go home. He complained that although they had done some damage to one person's car, it was in retaliation for rock throwing at them, and the police would not arrest the person throwing the rocks because they did not see him commit the crime. Verger expressed her hope that everyone could exist in peace especially when the park was completed.

Sergeant Webster, North Bend, related that he had been instructed by the Council to try and cooperate with the Bay Area Rescue Mission. He said he has attended their board meetings and has received no cooperation. He remarked that they are out of compliance with State health codes and are constantly exceeding the City's occupancy requirements. Webster reported that Police Chief Adams attended a recent meeting of the Empire Business and Property Owners Association and heard their complaints about the problems at the Mission. It was Webster's opinion that Pastor Stan Ellis was not taking responsibility for the operation of the Mission and it was having a severe impact on local businesses. He asked why the Mission was being allowed to operate in violation of State and local ordinances while the City has taken action against other businesses when in violation. He asked that the City revoke their license. Mayor Verger reported that the State inspector will be visiting any establishment that serves more than 13 meals a year which will put a hardship on many organizations. She said she assumes the State will follow through on their inspections. Webster said that Ellis had said he would contact the T.H.E. House director, Bob Moore, but he has not. Webster also said he had no problems with the T.H.E. House and felt it was a well run organization. He restated his position, reporting that he represented many others, that the Mission is not a good neighbor and has an attitude that if you hold a prayer meeting that you can do whatever you please.

Neal Kujac, Empire business owner, said the conditions caused by the Mission are getting worse. He produced photographs of the derelict vehicles being brought into the area, some of them

inoperable but pushed around to avoid citations. He related that he and others are avoiding Wasson Street because of the people frequenting the Mission. It is his opinion that the situation will get worse and worse and he feels the Mission needs to be located in an area with room to park and grounds for the clients of the Mission to walk around on. Verger asked if Kujac had reported any of the nuisances and he replied that he had reported barking dogs to the County Animal Control and they came out and looked but took no action. Spangler asked who the code violations had been reported to, and Webster said he was here to find out who to report to. When asked by Verger, Community Development Director Bruce Meithof replied that his department set the original occupancy loads based on the facilities and their use. He reported that his department does not enforce State codes and that violations of the occupancy codes have not been reported to his department. Benetti asked if the City has looked into the occupancy issue and Meithof said his department's policy calls for action only upon written complaint to his office. Benetti then related how the State health department works in cases of violations noting that in cases of non-compliance the State will close the business down after their deadline for compliance has passed. There was some discussion of how this fit into the City's business license ordinance and it was noted that the ordinance does not apply to non-profit organizations. Webster again reported the lack of cooperation from the Mission to its neighbors. Verger reminded him that the Council was not going to get involved in neighborhood disputes, but could respond to City code violations. Spangler asked Elliott if the city has any regulations on hostels, noting that the Mission is classed as a hostel by the State. Elliott yielded to Meithof who said that they would come under tourist habitation or group residential facilities, but that the City does not have a definition for hostels. Meithof said that even though they are not required to have a business license, the use must comply with zoning and building codes. Webster expressed his opinion, the opposite of City staff, that the Mission does not fall under the C-2 zoning. Verger asked Webster where he felt the people would go if the Mission were closed to which he replied to the T.H.E. House, Salvation Army and local churches. Kujac wanted it known that it was not just the people attending and speaking to the Council that were opposed to the Mission, and if necessary, more of them would come before the Council. He said they were determined that the Mission, which he feels is an eyesore, would be removed from their community no matter what it takes. Verger asked him what he meant and what he wanted the City Council to do. Kujac replied that he didn't know, but that he and other Empire residents and business owners would be a thorn in the side of the Council until the Mission was gone. Verger agreed that the Mission may be in a bad location, but she would still like to know what it is he wants the City to do. When asked if there were ordinances against people sleeping in cars, Police Chief Adams reported that they are called out there a lot and have had so many cars towed, the towing agencies will no longer respond and tow vehicles from that area. He further reported that it has become an attractive nuisance, requiring more police services and they are enforcing all the violations they encounter. Verger asked if we were experiencing a homeless problem such as is being reported around the nation. Adams reported that although this is the case, his officers are enforcing the violations and trying to get rid of the dogs and the cars.

#### **Bay Front Market Association - Presentation by Doug Stevens**

Doug Stevens distributed a report to the Council outlining their proposal to have a Saturday Market on the Boardwalk. He reported that this is a preliminary proposal and they are desirous of knowing how this will fit into the City's plan for the boardwalk. He said they would like to work in cooperation with the City to develop their venture. Mayor Verger asked if this corporation was

formed to do other things, or just to try and establish a Saturday Market on the boardwalk, to which Stevens replied that the marketplace was their main objective. When asked, Stevens said their only association with the Eugene Saturday Market was to take advantage of their expertise and experience. Verger told Stevens that the Council will not take any action until they have worked out policies regarding commercial ventures on the boardwalk but encouraged the Council to ask him any questions they have at this time. Councilor Spangler said he was enthusiastic but noted that parking might be a problem. Councilor Williams also expressed enthusiasm for the concept and appreciated the work the Bay Front Market Association has done in preparing the proposal. He said he felt there was plenty of parking within two or three blocks of the area. Councilor Benetti asked if they wanted to start in May and how much lead time they would need. Stevens said they were ready to go at any time. Bill Rosencrantz said that as a downtown businessman he would welcome a Saturday Market downtown.

### **Request for Float Plane Moorage at City Dock**

Melissa Huppi has requested permanent moorage at the City Dock for operation of a float plane. City Manager Bill Elliott said that staff approval was in regards to City codes and is not recommending approval until Council sets policy for the waterfront and adopts a moorage ordinance. Benetti asked if it would be a year-round operation and whether it was permissible to take off in the bay. Melissa Huppi said that she would not be here all year and it is permissible to use the bay for take-off and landing. She asked if the Council would give her permission to operate next week-end, and the Council asked if this would meet current requirements. Mayor Verger asked if anyone could operate a business from the dock. Elliott replied that unless there is an ordinance prohibiting it, it would be permissible. Verger asked why the staff recommendation required Huppi to have insurance since as she understands it, the City has no liability. City Attorney Randall Tosh said that if in the future, the City negotiated a lease for permanent moorage, insurance could be required.

### **Award of Bid -Downtown Lighting Project**

The Public Works department advertised and received bids for lights to be installed during the mall renovation. Councilor Benetti moved to award the bid to North Coast Electric, the low bidder, for twenty-five lamp posts, fixtures and lamps at a cost of \$38,890. The motion was seconded by Councilor Williams and carried with the Mayor and all Councilors present voting aye.

### **Approval of Contract with Stuntzner Engineering for Timber Sale**

The City is scheduled to have a timber sale on a parcel of land outside of the watershed. Councilor Benetti moved to approve a contract with Stuntzner Engineering to administer and conduct a timber sale on twenty-nine acres of City owned property for a fee of 6% of the sale.. The motion was seconded by Councilor Williams and carried with the Mayor and all Councilors present voting aye.

### **Approval for Additional Interpretive Exhibits Along the Boardwalk**

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Public Works Director Ralph Dunham reviewed the proposed project by OCEAN to provide some additional exhibits along the boardwalk at no cost to the City. Councilor Spangler asked if the signs would be of the same quality as those installed by the City. Dunham reported that OCEAN is proposing to use the same company the City has used for its signs and the City would approve the signs before they are constructed. Mayor Verger asked where the path for Blossom Creek would start and it was answered that it would start at Blossom Gulch School. Councilor Benetti moved that the City write a letter of support for the project. The motion was seconded by Councilor Williams and carried with the Mayor and all Councilors present voting aye.,

### **City Attorney Report**

City Attorney Randall Tosh asked if the Council wanted him to do a complete review of the moorage ordinance before it was adopted and was instructed to do so. He informed the Council that his office hours were on Tuesday and asked them to please call before the Council meetings if they saw something on the agenda they wanted a legal opinion on. He explained that this would avoid delays at the meetings.

### **City Manager Report**

City Manager Bill Elliott reported labor negotiations would be starting next week with the firefighter's union and AFSCME and that the City and the Police Officers Association have reached an impasse and are going to mediation. He informed the Council that our current phone system is not able to process calls using the new area codes being assigned which do not have a "0" or a "1" as the middle digit, noting that Oregon would soon be assigning one of these to part of the state. He announced that he is starting the process of going out for proposals for an insurance agent of record. He noted that he and the Mayor would be on the radio early Sunday morning and said he thoroughly enjoyed the employee awards banquet.

### **Council Comments**

Councilor Spangler asked Council to request staff draw up an ordinance similar to one in Springfield regarding the process and criteria for approving an OLCC license. Benetti said he was not sure that the City needed such an ordinance and he would like to review the Springfield ordinance before making a decision and having staff spend any time on it. Councilor Williams said he was not in favor of an adopting an ordinance like Springfield's. Mayor Verger said she would contact Mayor Morrisett of Springfield about their ordinance. Verger suggested that the other Councilor's be notified and the matter come up on the next agenda. Spangler also asked that Council direct staff to study and monitor the parental responsibility ordinance recently passed in Silverton and report back to the Council at the first meeting in January of 1996. There was consensus among the Council to so direct staff. Spangler thanked the police department for their saturation patrol in the Empire area and reported that the people in Empire are elated with the results.

Mayor Verger related that those who missed the employee awards dinner missed a good

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time. She asked what happened to the video on gambling the City received from CNN and was told that Councilor Miller may have it. She thanked the crew filming the Council meeting for public access and confirmed that the meeting would be shown on Wednesday evening at 5:30 p.m.

**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 February 21, 1995.

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

**ATTEST:**

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