

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

November 7, 1995

The minutes of the proceedings of the regular meeting of the City Council of the City of Coos Bay, Coos County, Oregon, beginning with a work session in the Council Chambers at 7:00 p.m. and proceeding to a 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, Judy Weeks, and Dave Williams. City staff present were City Manager Bill Grile, City Clerk Joyce Jansen, City Attorney Randall Tosh, Finance Director Gail George, Accounting Operations Supervisor Mary Beth Holst, Community Services Director Bruce Meithof, City Engineer Ralph Dunham, Police Chief Marc Adams, Library Director Carol Ventgen. Members of the media were also present.

WORK SESSION

Mayor Verger reviewed the consent calendar. City Manager Grile said at the time the community services director's salary was set, the position was given the title of deputy city manager.

Mayor Verger asked Council if they would like to suspend the Council rule on the requirement for two week's notice for Council appointment to the Parking Committee. She said the rule does not apply to the Water Board appointment. Mayor Verger said Glenn Thomas notified the City he would be willing to serve on the Parking Committee. Councilor Spangler asked if Arnie Roblan would be speaking to the Council about his vision for the Water Board. Mayor Verger said she had not asked him to attend and would speak to him about addressing the Council. City Attorney Tosh explained the Water Board was created by the city charter and does not fall within the council rules dealing with committees. Councilor Spangler asked if a board member could be removed if the Council feels the person was not performing to Council's expectations. Mr. Tosh said the presumption was that board members could only be removed for cause.

Mr. Tosh said he had reviewed ordinances from other cities in preparing the moorage ordinance. Councilor Weeks inquired about establishing the fee structure and Mr. Tosh said the fee schedule would be adopted by resolution after the ordinance was adopted. He said he would also be preparing the moorage agreement. Councilor Benetti commented he did not have a problem with live aboard permits and would like to see the dock upgraded to allow live aboards. Finance Director George said there was no water service on the docks and that was why live aboards were not currently allowed. Councilor Combs said allowing live aboards would hold down some of the vandalism to the dock and boardwalk.

City Manager Grile commented that priorities for the 101 beautification project would need to be set because there was not enough money to do all the items in the project. Councilor Spangler asked why the cost of the beautification project had increased. City Engineer Dunham responded the increase was due to structure requirements for the retaining wall which increased the cost from \$50,000 to \$300,000. He said the landscape architect had not factored in the cost of the retaining wall structure. Councilor Combs asked where the wall would be located and Mr. Dunham said it

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was the boundary between Coos Bay and North Bend. Councilor Combs said the wall would be a good project and asked that the project be targeted for other funding as a separate project. Mr. Dunham said it is not likely to come from ISTEA money but other funding could be looked at.

Councilor Spangler asked if any money had been spent on the Blanco Avenue Local Improvement District and Mr. Grile said only staff time at this time.

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 consisted of the following items:

- a) approval of minutes of regular meeting of October 17, 1995
- b) transfer of funds from Wastewater contingency - Resolution 95-27
- c) transfer of funds from contingency to Urban Renewal - Resolution 95-28
- d) supplemental budget - Empire Urban Renewal Plan and Report - Resolution 95-29
- e) salary for community services director position

Councilor Miller moved to approve the consent calendar as presented. Councilor Weeks seconded the motion which carried with the Mayor and all Councilors present voting aye.

Appointment to the Coos Bay-North Bend Water Board

Mayor Verger said the position on the Water Board was open due to Bill Grile being appointed as City Manager. Mayor Verger nominated Arnie Roblan to fill the vacancy commented that board members must be familiar with the entire area, must have budget knowledge, be familiar with financial statements, and be able to build consensus. Councilor Miller said she supports Mr. Roblan for the position. Councilor Combs said he has known Mr. Roblan for several years and he would do a good job on the Board. Councilor Spangler asked that Mr. Roblan be invited to meet with the council. Councilor Benetti said Mr. Roblan's budget knowledge was good and he would be an asset to the Board. Mayor Verger moved to appoint Mr. Roblan as Coos Bay's representative on the Water Board. Councilor Miller seconded the motion which passed with the Mayor and all Councilors present voting aye.

Appointment to the Parking Committee

Mayor Verger said Glenn Thomas, owner of Thomas and Sons and the Bank Brewery, had indicated he would be willing to serve on the Parking Committee. She reported that council rules

require a written two week notice be given to Council before considering committee appointments. Councilor Spangler moved to suspend council rule number 57. Councilor Benetti seconded the motion which passed with the Mayor and all Councilors present voting aye. Councilor Miller moved to appoint Glenn Thomas to the Parking Committee. Councilor Weeks seconded the motion which passed with the Mayor and all Councilors present voting aye.

Review of City Hall Remodel

City Manager Grile apologized for the confusion on the cost of proposal number two at the last meeting and said he would like to confirm the Council's decision for proposal number two at a cost of \$23,600. Councilor Benetti said proposal number one would cost \$11,700 and proposal number two \$23,600. Councilor Combs said he supported proposal number two strongly before and was still convinced it should be done. Councilor Spangler said the price seemed high and citizens had commented to him that the price was too high. Mayor Verger commented the cost was more than she would like and favored proposal number one, especially changing the doors. Mr. Grile said the doors are not included in number one and would cost an additional \$3500. Councilor Williams said he would like to add the hallway connecting the front and back lobbies. Councilor Weeks asked where the money would come from and Mr. Grile said it would come from the city hall repair and replacement budget.

Councilor Combs moved to authorize city hall remodel proposal number two for \$23,600, including \$4,000 plus for computer upgrade. Councilor Miller seconded the motion which passed with the Councilors Benetti, Combs, Miller, and Weeks voting aye and Mayor Verger and Councilors Williams and Spangler voting nay.

Adoption of Ordinance No. 217 - Regulating Moorage at Facilities Owned and Operated by the City

City Attorney Tosh explained the ordinance would provide a legal framework for the use of the city moorage facility and provides for both long-term and transient moorage. Councilor Spangler asked for clarification of the section for live aboards and asked if the City currently provided services which allow live aboards. Mr. Tosh responded that the ordinance requires vessels to have their own sewage treatment facilities. Councilor Spangler expressed concern regarding pollution to the bay and that dock users would need to be aware of all use the requirements. Mayor Verger said once they get to the dock, they must go to city hall to make moorage arrangements and would then be given the rules. Councilor Combs said he felt that having someone at the dock would curtail vandalism and asked about the fee schedule. City Manager Grile said the fees would be set by resolution after the ordinance was adopted. Councilor Benetti asked about registration requirements and Mr. Tosh said registration could be done using a drop box for weekends and holidays. Councilor Benetti said he would like the section on live aboards reviewed. Mr. Tosh said they could be handled on a week to week basis. Mr. Grile said this was a policy choice and that nothing in the law says we cannot allow live aboards. Councilor Benetti agreed with a week to week basis and requested the City look at water and sewage availability at the dock. Councilor Spangler asked what rules would apply if the whole dock was filled with permanent live aboards and Mr. Tosh said the moorage agreement would apply. Councilor Weeks asked how many spaces were

available. Finance Director George said there were several and she was not aware that one of the vessels had someone living on it. Councilor Combs asked if staff would referee the moorage. Ms. George said the City reserves the right to move boats during functions such as the Fun Festival. Mayor Verger commented the rules would allow the whole dock to be filled with live aboards. Ms. George said there were no reserved spaces, so if a vessel was moved, someone else could take the space. City Engineer Dunham said the number of spaces depends on the length of the vessel. Mr. Grile suggested monitoring the dock and if a problem arises staff would bring it to Council. Councilor Spangler commented that once word gets out that the moorage is available, more people would use the facility.

Mr. Dunham suggested live aboards use the inside of the dock and the outside space be used for transient vessels. Councilor Williams said he agreed with Mr. Dunham. He said the ordinance was good and anything else could be handled by staff. Mr. Tosh said additional regulations could be included in the moorage agreement. He said the live aboard permits would generate income which would offset some of the facility costs to the City. Mr. Tosh said the dock was not intended to be a permanent live aboard dock. He said permanent residence refers to people in which the boat is their only residence. Councilor Spangler said wording should be looked at before adopting the ordinance in regards to finding out if they have another residence.

Mr. Grile suggested staff bring the ordinance back with language addressing live aboards at the next Council meeting. Mayor Verger asked Mr. Tosh to work on re wording the section on live aboards for the November 21, 1995 Council meeting. Consensus of the Council was live aboards would be handled on a month to month basis.

Report on Highway 101 Beautification Project

City Manager Grile said he had attended the Highway 101 Beautification meeting a few weeks ago. He said there were more projects than money and Council needed to set priorities for the projects. He said the Coos Bay-North Bend wall at the city limits was costly and could be removed from the priority list. Mayor Verger commented that the old Chevron property and kiosk need to be tied into the downtown development. City Engineer Dunham said he had contacted Stuart Woods and the Chamber about the final design. He said the Chamber's concern was that the kiosk be user friendly. Councilor Spangler said his understanding was the two cities would set the priorities. Mr. Dunham said the grants were in both cities' names and the cities have a say in what would be done. Mr. Dunham said the State would put out a bid package and if the bids exceed the funds, they will ask the City to come up with additional funds. Mr. Grile suggested the Council give the State a prioritized list and choose the cutoff for funds. Mr. Grile said the Bay Backers have worked to make the theme consistent. Mr. Dunham commented that the Photinia Island was in the plan to be redone. He said this came out in the public hearings the State held. Mayor Verger said the gateway to the City at Coalbank Slough, Chamber, and the boardwalk landscaping were crucial areas. Mayor Verger asked if the Chamber of Commerce plaza project includes the Chevron property and Mr. Dunham said it included sixteen parking spaces, the kiosk, a permanent Christmas tree, lighting and irrigation, and incorporates the Chamber expansion. Councilor Spangler said an architect had been hired for the beautification project and had developed the list of projects. He said meetings had been held for citizen input. Councilor Combs requested staff pursue funding to do the boundary wall as a separate project. Councilor Spangler moved to adopt staff's

recommendation to move the boundary project to number six on the priority list and proceed with the projects. The motion was seconded by Councilor Miller.

Mike Vaughan, 740 Telegraph, Coos Bay, said he had followed the beautification project since the beginning and supported the project. Mr. Vaughan reported on safety concerns for pedestrians at the corner near Photinia Island and the Timber Inn. He reviewed a plan for building a walkway behind the rock wall to allow pedestrian access. He said the plan had been submitted as a project but had not been accepted by the State. Mr. Vaughan reported the State told him that it would be the City's responsibility to address a pedestrian walkway in this area. Mr. Grile asked if the project could be added to the project list and Mr. Dunham responded that probably not at this time. Councilor Combs suggested that Mr. Vaughan's project be taken under advisement and perhaps done as a separate project.

Mr. Grile said Council should have control over the projects and the State would proceed with the beautification project regardless. Councilor Benetti said he would not support redoing Phontinia Island and suggested the money be used on the other projects. Mayor Verger inquired if the Council would have an opportunity for input after the bid process. Mr. Grile said he would do everything possible to allow for Council input, however the State was really in control of the project. Mayor Verger called for the question. The motion passed with the Mayor and Councilors Benetti, Combs, Miller, Spangler, and Williams voting aye. Councilor Weeks voted nay.

Initiation of Street Vacation and Waiving of Street Vacation and Variance Fees

City Manager Grile said a building permit had been issued for a structure that encroached into a sideyard setback and there was a disagreement between the property owner and the City as to how this had happened. He reported staff's recommendation would entail a street vacation, a setback variance, and waiving of variance application fees. Councilor Combs moved to accept staff's recommendation. Councilor Williams seconded the motion which passed with the Mayor and all Councilors present voting aye.

Blanco Avenue Local Improvement District - Request by Coos County to Stop the LID

City Manager Grile said the Blanco Avenue improvement district had commenced and legally the City could proceed; however, half of the property was owned by the County and if the County refused to pay the City would be subsidizing the improvements. Councilor Spangler asked if the City could require the County to pay and City Attorney Tosh said the City could not foreclose on the County. Mayor Verger said the County originally consented to the project believing the property would sell before the LID project began. County Counsel David Ris said the property did not sell and the County did not wish to move forward with the LID. Councilor Spangler said the County had made the commitment and should abide with their commitment.

Councilor Williams said he agreed with Councilor Spangler, however he felt if the City went though with the LID, the City would end up paying. Mr. Ris said the County did not have money budgeted for the project. Councilor Benetti asked if there was any chance the property could sell and Mr. Ris said a portion of the parcel had sold and the remaining property was available for sale. He said the next regular County land sale would be held in February. Councilor Williams suggested the LID go forward and the County could pay in cash or the City could take part of the land as

payment. Mayor Verger said the City had an obligation to Mr. Auer and to uphold the ordinance. She said at the time Council authorized the LID no conditions were requested by the County. Mr. Tosh said this would be considered a City initiated project and could now proceed with a public hearing. Mr. Grile said staff was putting together the costs and would be scheduling the public hearing. He said this would give the county time to consider how to pay for the improvements. Councilor Benetti asked the cost to the city and City Engineer Dunham said it was approximately \$26,000 and the anticipated completion date of the project was August 1st.

Bay Area Rescue Mission Factfinding Proposal

City Manager Grile reported the Council was continuing to receive inquiries about the City's role with the rescue mission and that Council had indicated they would like to bring closure to the issue. He said his proposal would be to give notice to the Empire property owners association and the rescue mission of a factfinding hearing. Mr. Grile said he would facilitate the meeting and hear all the concerns, issues, questions, and comments. He said the meeting would not be a time to respond to or debate issues, but a time to hear what the issues are. Mr. Grile said he and staff would prepare a written response in draft form addresses the issues that were raised and the report would be presented to the Council for their acceptance or rejection. Consensus of council was to proceed with the factfinding proposal as presented by the City Manager.

Public Comments

Sargent Webster, North Bend, said he had been a landlord for 20 years and expressed concern about the City becoming a landlord by allowing live aboards at the dock. Mr. Webster commented that sewage could be a big problem and that he did not want to see the bay polluted.

Flora Lee Lockhart, Coos Bay, speaking on behalf of the Downtown Association. She said there were a number of lights on Anderson and 3rd Street that were out. Community Services Director Meithof said the lights were wired into PP&L boxes and repair requests have been made to PP&L. Ms. Lockhart commented that skateboarding had become a problem in the downtown area. She said public restrooms were needed in the downtown area and reported that she had done a survey which indicated people did not want Block 3 opened as a street. Ms. Lockhart reported on a low-interest loan program available to businesses through U.S. Bank.

Ken Harlan, Coos Bay, thanked the City for the brush pickup program.

James Copley, Coos Bay, said he would like information about the city's programs for park improvements and would like to have input from citizens on the programs. Councilor Combs asked that Mr. Copley be notified of the Parks Commission meetings and invited him to attend.

City Attorney's Report

Mr. Tosh said the amendments to the Library Board and the Design Review Board ordinances would be on the next agenda. He said he would be working with the Fire Department and Community Services Department on revising the nuisance and abandoned vehicles ordinances.

Mayor Verger inquired how the addition of two members to the Design Review Board would be handled. Mr. Tosh said the positions would be advertised and letters of interest submitted. He

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said one position would be an individual residing in the Empire area appointed for a two year term; and one would be a business owner in the urban renewal area appointed for a three year term.

Councilor Spangler inquired if the Empire urban renewal would show on the property tax statements this year and Finance Director George said it would not show up until 1997/98. Councilor Spangler asked for clarification on the Design Review Board and Mr. Tosh said the jurisdiction of the committee extends to cover all of the City of Coos Bay.

City Manager's Report

City Manager Grile commented it had been a very challenging and satisfying four weeks and two days. Mr. Grile reported he had been working on the Eastside boat ramp project and said that Mr. Oburn would be speaking to the Council tonight. Mr. Grile reported on a meeting with the Wastewater crew in regards to contracting out sewage treatment. He said he would report to Council and staff in approximately six weeks.

Mayor and Council Comments

Councilor Miller thanked the Chief Adams and staff for doing an excellent job with the Police Academy.

Councilor Weeks reported she had started visiting with department heads and had visited the Fire Department last week. She said there were no lights at the skateboard park. She reported the next Skate Board Association meeting would be held at 5:00 p.m. on Wednesday at the Library. Councilor Weeks reported that a section of Alder Street was in need of repair and asked staff to look at the street.

Councilor Combs reported that the Parking Committee was conducting a survey of the downtown parking and the next meeting would be held December 7th. He gave a report on the last Parks Commission meeting and introduced Dave Oburn of the State Marine Board. Councilor Combs reviewed the history of the Eastside boat ramp project.

Mr. Oburn said that Marine Board funding sources were from registration and license fees of boaters. He said Marine Board funds were not usually used for access improvements and that project funding was a 75-25 percent split with the 25 percent being local funds. Mr. Oburn emphasized proceeding with proper planning and design before the City moves into the project. Councilor Spangler asked if the Marine Board would proceed if the Port and City complete the access and Mr. Oburn said it could possibly happen all at the same time. Mr. Oburn said the project would probably be done in two phases. Councilor Combs said the City and the Port have an excellent partnership and total public support for the project. Mayor Verger said a number of organizations were represented at the Eastside public hearing and many concerns were addressed at the hearing. Mr. Oburn said a conceptual design should be ready in a week or two. The Mayor thanked Mr. Oburn for coming to speak to the Council.

Mayor Verger reported that Southwestern Oregon Life Underwriters had donated \$600 for the basketball slab at 10th Street Park. She commented that Ed Lund Park and the area next to the Empire fire hall needed cleaning up. Mayor Verger complimented the Fire Department for having a fire prevention booth at the Eastside carnival. She reported on the graduation of the Council Citizen Committee. Mayor Verger said notices would be going out in December for the Mayor's

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Citizens Academy which would be a nine month course on local government.

Executive Session

On motion by Mayor Verger the Council went into executive session pursuant to ORS 192.660 (1) (d) personnel matters, (1) (e) real property transaction, and (1)(h) to consult with counsel. The motion was seconded by Councilor Benetti which passed with the Mayor and all Councilors voting aye.

Adjournment

There being no further business to come before the Council, Mayor Verger adjourned the meeting to November 21, 1995 at 7:00 p.m. in the Council Chambers of City Hall.

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

ATTEST:

Joyce Jansen
City Clerk of the City of Coos Bay
Coos County, Oregon