

MINUTES OF THE PROCEEDING OF THE CITY COUNCIL

July 16, 1996

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 in the Council Chambers at 7:00 p.m. and proceeding to regular session in the Council Chambers at 7:30 p.m.

Those Present

Those present were Councilors Gary Combs, Cindi Miller, Don Spangler, Judy Weeks and David Williams. Mayor Joanne Verger was out of town attending a League of Oregon Cities Board meeting. Councilor Benetti was present for the regular session. City staff present included Community Services Director Bruce Meithof, City Recorder/Finance Director Gail George, City Attorney Randall Tosh, Library Director Carol Ventgen and Police Chief Marc Adams. Members of the media were also present for the regular session

WORK SESSION

The meeting was called to order by City Recorder Gail George in the absence of the Mayor and Council President. Councilor Miller moved to elect Councilor Combs as temporary Chair. The motion was seconded by Councilor Weeks and carried with all Councilors present voting aye.

Councilor Gary Combs reviewed the agenda for the meeting. Bruce Meithof, Director of Community Services reported the City Manager was attending a conference dealing with the Telecommunications Act of 1996 and requested he ask some questions of Ross Hammock after his report. Councilor Spangler reported contact with one of the land owners on Blanco Street. Councilor Weeks asked how the local improvement districts came before the Council, remembering the people petitioned the Council for these improvements. Mr. Meithof explained the process and noted the final estimates are higher than the original and this is the time for the property owners to decide whether or not they want to proceed. City Attorney Randall Tosh explained the non-remonstrance clause in the deed of Mr. Minaberrigaray and who is responsible for enforcing that clause. Mr. Meithof informed the Council the city does not have sufficient funds to construct all the projects if they were all approved. Councilor Combs asked if it would be prudent of the Council to approve all the districts even if there was not enough funding to construct them all this year. He was answered in the affirmative. Mr. Meithof gave the details on a request by Glenn Thomas to repair and rebuild Hall Street, which is located in an industrial area of town. Since it was not in the city's 1996/97 budget, staff is asking permission to take the \$45,000 required for this project out of the funds allocated in the Urban Renewal Projects Fund for infrastructure. Councilor Spangler asked why this was not brought up at budget time and Mr. Meithof replied the capital improvements plan was just in the preliminary stages and this particular project had not yet been brought to the City's attention and investigated. Councilor Combs asked that the request from the Coos County Commissioners concerning the "Dial-A-Ride" program be added to the agenda. On motion by Councilor Spangler, seconded by Councilor Miller, and with all councilors present voting aye, this item was added as item 3a.

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COUNCIL MEETING

Flag Salute

Council President Benetti called the meeting to order and led the assembly in the salute to the flag.

Consent Calendar

Councilor Benetti read the item on the consent calendar which was:

- a) Approval of the minutes of the regular meeting of July 2, 1996

Councilor Miller moved to approve the consent calendar as presented. The motion was seconded by Councilor Weeks and carried with all Councilors voting aye.

Annual Report from Falcon Cable

Ross Hammock, local manager for Falcon Cable, distributed the Falcon Cable TV System Status Report for 1995 to the Council. He reviewed the report with the Council highlighting the new channels added for the year, the technical status of the system, the number and type of complaints, and the amount of franchise fees paid. Mr. Meithof asked Mr. Hammock questions about whether Falcon Cable had plans to get into other tele-communications areas and whether General Telephone was going to get into the cable business as allowed under the Tele-communications Act of 1996. Mr. Hammock replied he did not have the answers at this time, but both things would probably happen somewhere down the road. In answer to other questions, Mr. Hammock said the main effect of the Act would be competition and this would bring fair and competitive service and rates to the area.

Coos County Dial-A-Ride Program

David Ris, Coos County Counsel, said he was presenting Commissioner Bev Owens who could not attend the meeting. He explained the situation regarding the funding problem of the current Dial-A-Ride program and said the County was looking at establishing a county-wide service district with a tax base to provide funding for the current shortfall. He said the cities would be involved in setting any dollar amounts asked of the public. Mr. Ris commented time was short to get the measure on the November ballot and the city would need to approve a resolution to have the area within the city included within the district by July 25, 1996 if they want to be included. After all the cities declare their intent, the formation of the district would go through a hearing process, including a tax coordination hearing and a formation hearing, before it goes on the ballot. Councilor Combs explained the minimum tax base needed would be \$50,000 which would be about \$1.87 per year on a \$100,000 home. He encouraged the Council to approve the concept and let the citizens of the County vote on this. Councilor Spangler reported talking to senior citizens who feel this service is a necessity and he would like the area within the city to be included by an affirmative vote

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of the Council. Councilor Benetti expressed concern that details about the program had not been made available and the Council was being asked to decide whether or not to be included in the district. Councilor Weeks asked why the Council received the information so close to the time the resolution was needed leaving little time to study the issue. Mr. Ris said all other alternatives were looked at before the suggestion of forming a district was made. He also explained the city was not approving the district at this time, but merely asking for the area within the city to be included in the proposed taxing district. Mr. Ris affirmed Councilor Combs thinking that there were still many details to be worked out. Bruce Meithof read comments on this issue left by the City Manager who was not aware of the urgency of the matter. He said Mr. Grile did not want the city to rush into forming a taxing district especially with a tax limitation measure on the November ballot. Mr. Grile, through Mr. Meithof, suggested the Council have a work session with the County before a decision was made. Councilor Combs said he was ready to move forward this evening, giving the public a chance to vote on this service needed by many seniors and disabled. Councilor Benetti said he felt this should be a joint effort by Coos Bay and North Bend, and he is hesitant to vote without knowing the details. When asked, Mr. Ris said the next time this could be on the ballot if the deadline is missed for this November would be May of 1998. He explained all the Council was being asked to do was approve the process of starting to form the district, not approve the formation of the district. Mr. Ris reported all the cities except Coos Bay and North Bend have approved a resolution to have their cities included in the district. Councilor Weeks asked City Attorney Randall Tosh for his opinion. Mr. Tosh said he had not been given any materials to review and he concurred with Mr. Grile's suggestion to have a work session with the County. Councilor Spangler felt there was a safeguard in that this would go to the voters before the district would be formed. Mr. Meithof asked if the Council approved the resolution tonight and then later withdrew their support, would the City then be removed from the district. Mr. Ris said the County would not be required to remove Coos Bay from the district because the boundaries would have to be set by September. Councilor Miller said she would like to see a special work session with North Bend and the County Commissioners. Councilor Benetti agreed. Councilor Williams said he would support a workshop but was also ready to vote on the issue tonight. Councilor Combs shared Councilor William's feelings. Councilor Weeks supported the idea of a work session and Councilor Spangler felt no information would be provided by having a work session. Consensus was to have a special meeting at the beginning of next week.

Public Hearing - Local Improvement District on Blanco Street

Council President Benetti opened the public hearing. Speaking in favor of the project was Steve Auer. He asked the Council that they not consider the objections by Mr. Minaberrigaray as his deed contains a non-remonstrance clause. Speaking against the project was David Ris, representing Coos County, who would be responsible for 50 percent of the cost. He noted approximately 60 percent of the owners on this street do not want the improvement and noted the city retains the ability to stop the project and requested they do so. Dominique Minaberrigaray stated he did not know about the non-remonstrance clause in his deed until last week. The County and Mr. Minaberrigaray filed written remonstrances. The public hearing was closed. Councilor Spangler reported having prior contact with Mr. Minaberrigaray and asked how this would benefit the city in any way, such as providing jobs, and was informed any project would create jobs, but that

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there was no great direct benefit to the city. Mr. Meithof said Mr. Auer might be required to pave the street if he wanted to develop the lots he owns on the streets, but he could apply for a variance. Councilor Combs said he felt 60 percent being against the project was significant and he would like to see stronger support on projects approved. Councilor Williams agreed. Councilor Weeks asked if Mr. Minaberrigaray's property could be excluded from the district and was informed that the law requires fair and equitable assessment of all properties within an improvement district. Councilor Weeks moved the local improvement district on Blanco be formed. The motion died for lack of a second and the project was abandoned.

Public Hearing - Local Improvement District on California Drive

Council President Benetti opened the public hearing. Dave Foster, Stuntzner Engineering, representing Nevada Stone Corporation, asked for information about the project, including the type of financing available. He said his client did not have enough information to support the project at this time and would like more time before the Council takes action. Speaking in favor of the project were Gene Landrum, Barbara Coates and Kathleen Fisher. Speaking against the project were none. Two written remonstrances were filed by Lyn Farrer and Ronald Schoeneck representing 5.64 percent of the district. Kathleen Fisher asked if the project could be done without full curbs and gutters similar to what she had observed on lower sections of California to lower the cost. Bruce Meithof recommended standard curbs and gutters to prevent water run-off problems and felt that a deviation from the standard might actually cost more. Les Engle and Gene Landrum also had questions about the process. The public hearing was closed. Councilor Spangler moved the California Street local improvement district be formed. Councilor Miller seconded the motion which carried with all Councilors voting aye.

Public Hearing - Local Improvement District on 20th Street

Council President Benetti opened the public hearing. Barbara Johnson, Habitat for Humanity, asked that an additional lot be included in the district. Speaking in favor of the project were Ursula Langley, Dick Besser and Gene Landrum. Speaking against the project were none. A written remonstrance was filed by Lyn Farrer representing 7.58 percent of the project. The public hearing was closed. Councilor Spangler moved to modify the district to include the additional lot requested. Councilor Miller seconded the motion which carried with all Councilors voting aye.

Public Hearing - Local Improvement District on 21st Street

Council President Benetti opened the public hearing. Speaking in favor of the project were: None. Speaking against the project were none. A written remonstrance was filed by Ronald Schoeneck representing 21.97 percent of the project. The public hearing was closed. Councilor Weeks moved to form the local improvement district on 21st Street. Councilor Miller seconded the motion which carried with all Councilors voting aye

Public Hearing - Local Improvement District on 22nd Street

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Council President Benetti opened the public hearing. Speaking in favor of the project was Barbara Coates. Speaking against the project were none. No written remonstrances were filed. The public hearing was closed. Councilor Weeks moved the district be formed. The motion was seconded by Councilor Miller and carried with all Councilors voting aye.

Authorization to Use Urban Renewal Infrastructure Funds for Repairs to Hall Street

Bruce Meithof reported Mr. Thomas had approached the city after the budget process was completed regarding the condition of Hall street which is an access into an industrial area used by many trucks. He said he inspected the street and found it to be in very poor condition. Mr. Meithof said that since staff became aware of the problem after the budget process was completed, the only source of funding available is the infrastructure appropriation in the Urban Renewal Projects Fund. He reported staff's recommendation is to proceed with a \$45,000 repair of Hall Street. When asked by Councilor Spangler, Mr. Meithof replied this was not a higher priority than other infrastructure needs, but was a problem. He said he feared too much emphasis may be placed on sewers and the streets would be let go. Councilor Weeks reported she and Councilor Miller visited the sight and felt the repair was warranted. Councilor Weeks moved to authorize the expenditure as requested by staff. The motion was seconded by Councilor Spangler. Councilor Combs asked if the property owners should be participating and was informed that could be considered if the Council so desired. The question was called and the motion carried with all Councilors voting aye.

Public Comments

Flora Lee Lockhart, Coos Bay and downtown business owner, was glad to see the sidewalk project proceeding in the downtown area. She also said she would like to see the city paint some of the benches that were removed from the mall and place them in Block Two. She would also like to see some public restrooms in that area.

Sergeant Webster, North Bend and Coos Bay business owner, asked what was happening on the situation at the Bay Area Rescue Mission, reporting the issue was now two years old. He reviewed some of the history saying he has been told the Mission complies with all city codes. He reported the Mission was not in compliance with eleven city codes and felt the people were not being told the truth. He felt the Council had made commitments and had not followed through on any of them. He asked if the Mission was in compliance with all city codes and felt the Mission was an embarrassment when visitors travel through the area. Bruce Meithof explained the type of inspections his office performs and said all but one of the infractions at the Mission were considered "minor" infractions and the Mission was given notice to correct them, and had corrected them. The major item was the hood in the kitchen area of the Mission which at the time of the inspection was not required because the Mission was not using the stove. Subsequently, the State Health Department required the Mission to use the stove instead of crock pots for heating food, which put them out of compliance with city codes. Mr. Meithof reported the Mission asked for an extension to comply with the hood requirement and that extension was granted just as it would be for any one else. Sergeant Webster said the occupancy was being violated regularly and felt their complaints were not being followed up on. He asked when the Urban Renewal Agency would be buying out the Mission because it was a blighted area. Councilor Benetti asked Randall Tosh if the Urban

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Renewal Agency could take property and Mr. Tosh replied that it could with proper condemnation procedures. Councilor Weeks asked where City Manager Bill Grile was with his report on the Mission. In the absence of Mr. Grile, no one was sure, except that various staff members have been working with him on it. Councilor Combs asked that Mr. Webster present his concerns in writing and Council will direct staff to provide answers. Mr. Meithof reported all the questions being asked by Mr. Webster are being addressed in the report Mr. Grile is preparing. Councilor Spangler reported two meetings with the Mission which provided some positive results. Councilor Miller requested Mr. Grile report to the Council at the next meeting on where his Mission fact finding project is at this point.

Gene Landrum, Coos Bay, asked about an awning on a commercial building he purchased in downtown Coos Bay. Bruce Meithof explained the responsibilities of the building owner under the awning program. Mr. Landrum asked about obtaining a new awning and was referred to the Design Review Board to start, but was told the ordinance has no provision for paying for an awning twice. Mr. Landrum asked about the city's license requirement which would keep him from opening his business before all repairs were made. Mr. Meithof stated he could probably operate while repairs are being made to the business unless there are problems with the fire, life and safety codes.

Mrs. Webster, North Bend, said she remembers being told that if there were complaints against the Mission, they would be warned, fined, and then the City would close the Mission. Mr. Meithof reported that unannounced inspections by his department and the police department have only found one instance of non-compliance with the occupancy limits and the Mission was given a warning at that time.

City Attorney Report

City Attorney Randall Tosh reported he was in the process of reviewing the contract with Operations Management Incorporated and plans to have the contract to the Council on August 6th.

City Manager Report

City Manager Bill Grile was out of town and Mr. Meithof referred them to a written report from Mr. Grile on the status of dealings with Operations Management Incorporated. Mr. Meithof informed the Council of the progress being made on the Front Street project including working with the railroad. He also reported railroad crossings are now being regulated by Oregon Department of Transportation instead of the Public Utilities Commission.

Council Comments

Councilor Miller commented the Fourth of July party in Mingus Park was nice.

Councilor Combs said he was disturbed by the people who did not receive, or did not understand the information on the local improvement districts and would like to look for ways to improve the process so this doesn't happen again.

Councilor Benetti reported receiving a call from Mr. Erickson saying he was against the library project and both urban renewal districts, but was not part of a group effort against the project. He reminded the Council of the softball game against North Bend on Saturday the 20th.

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Adjournment

There being no further business to come before the Council, Council President Benetti adjourned the meeting to 4:00 o'clock p.m. in the Council Chambers of the North Bend City Hall on July 22, 1996.

Joe Benetti
Council President of the City of Coos Bay,
Coos County, Oregon

ATTEST:

Joyce Jansen
Deputy Recorder of the City of Coos Bay
Coos County, Oregon