

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

February 18, 1997

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, Jeff McKeown, Cindi Miller, Don Spangler, and Kevin Stufflebean. Councilor Judy Weeks was absent due to illness. City staff present were City Manager Bill Grile, Deputy Recorder Joyce Jansen, City Attorney Randall Tosh, Community Services Director Bruce Meithof, and Police Chief Marc Adams.

WORK SESSION

Rob Schab, Manager of the Coos Bay-North Bend Water Board, gave a report on the plans for developing an expanded water supply. Mr. Schab noted the draft environmental impact statement is available for review by the public. He explained the estimated cost for developing Joe NEY and Upper Pony Creek reservoir expansion was \$18.64 million, the Dunes water plan was estimated at \$15.5 million, and the Tensile Creek plan estimate was \$31.97 million. Mr. Schab reported on the impacts of each plan, the permitting process, and the next step in developing a plan. He explained funding for the project would be from water rates and timber sale funds set aside in a reserve fund, and some bonds would be issued to help finance part of the project. Mayor Verger thanked Mr. Schab for the report and encouraged him to update the Council periodically.

Mayor Verger reviewed the items on the consent calendar. City Manager Bill Grile noted a revised resolution had been distributed to the Council. Councilor Spangler inquired why the appeal of the Design Review Board was before the Council rather than the City Manager handling the matter. Mr. Grile reported the appeal came forth without him being in the loop, and noted that technically the appeal had not been timely filed. Mayor Verger commented when Mr. Landrum met with her and presented a letter, she thought it was a copy for her file, and through this misunderstanding the letter was not filed with the City Recorder. Councilor Benetti commented a change is needed in the process, and feels the Council needs more information before making a decision.

COUNCIL MEETING

Flag Salute

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

Consent Calendar

Mayor Verger read the consent calendar which consisted of the following items:

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- a) Approval of the minutes of the regular meeting of February 4, 1997
- b) Approval of the minutes of the work session of January 27, 1997
- c) Set public hearing before the Planning Commission regarding vacation of a portion of Donnelly Avenue
- d) Resolution 97-9 authorizing the police department to perform record checks for SWOCC

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

Presentation of Appreciation Plaque to Gus Langley for Service on the Planning Commission

Mayor Verger presented Gus Langley with a Myrtlewood plaque for his years of service on the Planning Commission. The Mayor commented he had served on the Planning Commission since 1988 and had also served on the Parks Commission for a number of years. Mayor Verger said she hoped Mr. Langley would continue to volunteer for the City. Jeff Marineau, Chairman of the Planning Commission, thanked Mr. Langley for his many years of service and his extra work on the Commission. Mr. Langley commented he had enjoyed his service to the City.

Appeal of Design Review Board Decision - Geno Landrum

City Manager Bill Grile reported the Design Review Board had made a decision to deny a proposed sign for Mr. Landrum's business, and Mr. Landrum is before the Council to appeal the decision. Mr. Landrum said he did not fully understand the appeal procedure and that staff was helpful but not informative, so he went to the Council. Mr. Landrum explained the process for having his sign designed, and said he was confused about why his request was denied by the Design Review Board. Mayor Verger inquired if the sign was within the City's sign ordinance and Community Services Director Bruce Meithof responded it does meet the sign ordinance and would need to go through the permit process. Councilor Spangler commented he did not see a problem with window signage, and asked Mr. Landrum what he wanted on the awning. Mr. Landrum circulated a drawing for the awning design. Councilor Benetti asked if this was what was presented to the Design Review Board and Mr. Landrum said staff had lost the design. Councilor Spangler expressed concern about clutter and asked Mr. Landrum if he preferred the awning or the sign. Mr. Landrum explained he had hired a professional designer to design a sign to give maximum visibility, and that the sign was to be approved first because there is a limit to the amount of signage permitted. Councilor Benetti asked if the awning had been reviewed, and Mr. Landrum said as far as he knew it had not. Mr. Meithof said he understood the awning had been approved and the sign had been denied. Councilor Benetti commented there seemed to be some confusion as to what the Board has acted on. City Attorney Tosh explained the purpose of the Board is to review awnings replacing canopies in the downtown area, and if the awning was to be funded by the City, the Board had jurisdiction over it. If City funds are not used, the Board had no jurisdiction. After considerable discussion of the responsibilities of the Design Review Board and the ordinance, Councilor Jeff McKeown moved to have the City Manager and the City Attorney review the ordinance and make recommendations for changes. Councilor Miller seconded the motion which passed with the Mayor

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and all Councilors present voting aye. Councilor McKeown moved to approve the sign above the awning with no sign on the awning. Councilor Stufflebean seconded the motion. Councilor Benetti commented the Council needed more information from the Design Review Board before making a decision. He expressed concern about setting a precedence for the Council to hear appeals of all the Board's decisions. Ralph Larson, Coos Bay, commented there are two types of signs; those for locals and those for tourists, and suggested there is a need for both kinds.

City Attorney Tosh directed Council that before making a decision they would need to adopt three findings; 1) the application was denied by the City Manager, 2) the appeal was timely filed, and 3) the City Council has jurisdiction over the situation. The previous motion was withdrawn. Councilor Miller moved to adopt the findings: 1) the application was denied by the City Manager, 2) the appeal was timely filed, and 3) the City Council has jurisdiction to address the issue under Ordinance No. 183. Councilor Stufflebean seconded the motion which passed with the Mayor and all Councilors present voting aye. Councilor McKeown moved to approve the building sign, with no signage on the awning. Councilor Miller seconded the motion which passed with the Mayor and all Councilors present voting aye.

Acceptance of Right-of-Way Dedication on 5th Street - J & D Farms Property

City Manager Bill Grile explained the dedication of property from J & D Farms would make it possible to develop diagonal parking along 5th Street in front of city hall. Councilor Miller moved to approve the dedication of 13.1' of property to be utilized for parking. Councilor Stufflebean seconded the motion which passed with the Mayor and all Councilors present voting aye.

Amendment to the Parking District Exemption Area - Ordinance No. 237

City Manager Grile explained the amendment to the land development ordinance adds the J & D Farms property into the parking district. Councilor Spangler asked why the City had not done a comprehensive study of parking and come up with an even map. Mr. Grile responded Council had previously been asked if they wanted the boundary fixed and at the time they did not. Community Services Director Bruce Meithof explained the district map excludes property of owners who did not pay for the parking lots. Mayor Verger moved to adopt Ordinance No. 237. Councilor Miller seconded the motion. Deputy Recorder Joyce Jansen read the ordinance by title only and the Council was polled with the following results:

Voting aye: Mayor Verger, Councilors Benetti, McKeown, Miller, Spangler, and Stufflebean
Voting no: None
Absent: Councilor Weeks

Presentation by Steve Woods Concerning the Birch Street Pedestrian Trail

City Manager Bill Grile cautioned the Council there is a land use matter still active on this

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subject matter. Mr. Grile reported a portion of Birch Avenue was vacated 15 years ago for a pathway, and when Mr. Holliday's house was constructed the trail was disturbed. The question now is how to proceed to reconstruct the path. Mr. Grile commented that if property owners on either side of the easement would consent to realigning the easement, the trail could be reconstructed.

Steve Woods, 605 North 9th, reported he had spoken with the city manager and Community Services staff about rebuilding the trail similar to what is in Mingus Park. Mr. Woods explained many of the neighbors use the trail and would like the trail rebuilt. He said he had maintained the trail in the past, and would prefer the remaining trail be improved to match the rebuilt portion. Mike Vaughan reviewed drawings of the area and of the proposed new trail. He explained there would be a considerable amount of bare soil and planting would be necessary. Councilor Spangler asked if the realignment would go onto private property and Mr. Vaughan explained it would stay within the vacated street. Mayor Verger asked Mr. Woods if he was asking for an improved trail over what was in the past. Mr. Woods responded yes and said he would help monetarily to see it done right. He said staff indicated the City would put the trail in if the need arises, but they were working with Mr. Holliday to replace what he had destroyed. Councilor Stufflebean asked if he wanted the City to pay for the reconstruction and Mr. Woods said no. Mr. Woods reported Mr. Holliday's contractor was to fix the trail, but he was concerned about the contractor's expertise to build a trail. Consensus of the Council was to have staff talk with the neighbors about realigning the easements.

Consideration of Timber Management Master Plan

City Manager Bill Grile reported reviewing the updated inventory of timber resources on the City's water board property with Community Services Director Bruce Meithof and Greg Stone of Stuntzner Engineering. The inventory shows the City has approximately \$5.2 million in timber value on 750 acres. Mr. Grile explained the proposed timber management plan would harvest approximately every three years and would generate approximately \$400,000. Mr. Grile commented the Water Board is beginning work a timber plan and he recommended the City participate in the study. He requested Council authorize \$6500 from timber revenue for the City's share of the cost of the study, with the Water Board also paying a portion. Mayor Verger asked why the City should participate in the Water Board's plan and Mr. Grile responded it would facilitate a good partnership between them and the City. Councilor Stufflebean commented the 50/50 split disbursement of the revenues between general fund and capital outlay reserve would commit future Councils. Councilor McKeown commented sustained yield is a good idea for the future of the City and agreed with participating in the timber study with the Water Board since the City's land is within the watershed. Councilor Spangler opinioned the City is responsible for timber harvest and the Water Board is responsible for the study. Councilor Benetti agreed it is in the City's best interest to participate in the study. Councilor Spangler moved to adopt Mr. Stone's proposal as the City's Timber Management Master Plan and authorize staff to proceed with a Spring timber sale of approximately 50 acres. Councilor Miller seconded the motion which passed with the Mayor and all Councilors present voting aye.

Public Comments

Geno Landrum commented the timber is on public land and asked what would prohibit

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public agencies from sharing the revenue. He asked if during negotiations could the City be forced to sell the timber and pay for police and fire salaries.

Frances Cooley, Maxine Tindell, David Ashford and Christopher Rainey each expressed their thanks to the Council for the resolution of the parking situation on Radar Road and Ocean Boulevard.

Dick Mason works for Mr. Owen at the Nissan dealership. Mr. Owen asked him to attend the Council meeting and ask that a portion of Radar Road remain open for customer parking.

City Manager Bill Grile thanked the citizens for coming to the meeting and thanking the Council and staff for resolving the parking problem. He said it does appear there was a breakdown in communication and the problem has been resolved. He explained the street is scheduled to be posted no parking, and if the neighbors and Mr. Owen could come up with a different solution, he would review it. Councilor Stufflebean asked if one side of Radar Road could be no parking. Councilor Spangler asked if anyone in the audience would agree with one side as no parking and Mr. Ashford agreed.

City Manager's Report

City Manager Bill Grile reported there had been vandalism at the skate board park and the electrical system had been damaged at the tennis courts. Mr. Grile noted the Parks Commission will hold a meeting on March 3rd and will address the skate board park. Mr. Grile referred to the \$80,000 in the supplemental budget and asked if it was the desire of the Council that the funds be transferred to the awning program. Consensus of the Council was the awning program would receive \$80,000.

Mayor and Council Comments

Councilor Spangler commended the City Manager and Community Services Director for their handling of the Radar Road situation.

Councilor Stufflebean reported the Public Access TV Board was inquiring if they could assess a fee on the cable bill to off-set costs of the public access channel. He commented the Board received \$10,000 grants from the cities of Coos Bay and North Bend, but more funding is needed for programming. City Attorney Randall Tosh commented the fee could not be in addition to the franchise and would be a tax. Councilor Benetti opinioned there are enough programs in the community to support the channel. Councilor Spangler commented taxpayers should not pay for production costs for programs for the public access channel. Mayor Verger agreed stating that using underwriters is a better source to support the public access channel. Councilor Stufflebean reported the Board is requesting the Council appoint one more person to the Board.

Councilor McKeown reported on attending a block meeting and commended the police department personnel on the effectiveness of the meeting. He commented the video of the last council meeting was good.

Mayor Verger reported on attending a debriefing by the League of Oregon Cities on current legislative bills, and noted that Representatives Tarno and Lehman were also in attendance. The Mayor commented the Oregon Economic Development Department has overlooked Coos Bay and asked Councilors to assist her in communicating this to the legislature.

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Executive Session

The Council went into executive session pursuant to ORS 192.660 (1)(e)(f)(h) for the purpose of consulting with legal counsel concerning real property transactions, and potential litigation.

Adjournment

There being no further business to come before the Council, Mayor Verger adjourned the meeting to March 4, 1997 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
Deputy Recorder of the City of Coos Bay
Coos County, Oregon