

# **MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL**

**April 1, 1997**

The minutes of the proceedings of the regular meeting of the City Council of the City of Coos Bay, Coos County, Oregon, beginning at 7:30 p.m. in the Council Chambers at City Hall.

## **Those Present**

Those present were Mayor Joanne Verger, Councilors Joe Benetti, Jeff McKeown, Kevin Stufflebean, and Judy Weeks. Councilor Cindi Miller was absent due to illness, and Councilor Don Spangler was out of town. City staff present were Community Services Director Bruce Meithof, Deputy Recorder Joyce Jansen, City Attorney Randall Tosh, Accounting Systems Supervisor Mary Beth Holst, and Police Chief Marc Adams. Members of the media were also present.

## **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:

- a) Approval of the minutes of the regular meeting of March 18, 1997
- b) Arbor Week Proclamation

Mayor Verger read the Arbor Week proclamation to the assembly. Councilor Weeks moved to approve the consent calendar as presented. Mayor Verger seconded the motion which carried with the Mayor and all Councilors present voting aye.

### **Appeal of Tree Board Decision Regarding Removal of Trees on South 4<sup>th</sup> Street**

Dana Stout, downtown business owner and resident, reported his purpose for coming before the Council was to appeal the Tree Board's decision denying his request to remove trees located in front of his office building on South 4<sup>th</sup> Street. Mr. Stout said the trees were unsafe and causing damage to the street, sidewalk, and his building. He cited sections of Ordinance No. 181 dealing with the location and maintenance of street trees, and expressed concern that the trees are planted too close to the street corner and building. He explained his building has a flat roof and the leaves from the trees cause the drains to plug and requires weekly cleaning. Mayor Verger noted there were some cracks in the sidewalk but they did not look to be hazardous for pedestrians. Mr. Stout

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noted there had been an injury some time ago in this area, and Mayor Verger commented that was before the sidewalk had been replaced. Councilor McKeown reported he had looked at the area and did not see any damage. Mr. Stout replied the tree roots are under the building and he is concerned about damage to the roof because of the drainage problem. City Attorney Tosh pointed out the ordinance would apply to trees planted after 1992. Community Services Director Meithof explained part of the problem with the tree roots is because the high water table in this area causes the roots to grow horizontally, and this causes damage to the sidewalks and streets. He further explained the process of shearing the roots which the City has done to a number of the trees when the sidewalks were replaced. Councilor McKeown suggested the City monitor the trees and take action if there is a problem. Councilor Benetti inquired if the roots on these trees had been sheared and Mr. Meithof said yes. There was further discussion on the cost of removing the trees and who would be responsible for paying for the removal and replacement of the trees. Mr. Meithof commented the cost could run between \$800 to \$1000. City Attorney Tosh reported the property owner can remove the trees, but noted if it is just an issue of leaves falling, the courts have said that is not a cause for action.

Rex Miller, Chairman of the Tree Board, reported the board had carefully reviewed the criteria for tree removal and did not find a reason to remove the trees. He expressed concern that the canopy of replacement trees would interfere with signage visibility. Councilor Stufflebean expressed concern about damage to the street and sidewalk and recommended the trees be removed and replaced. Councilor Benetti noted the Tree Board was unanimous in their decision to leave the trees, and Mayor Verger commented staff's recommendation was to confirm the board's decision and monitor the situation for damage to the sidewalk. Councilor Stufflebean moved to remove three of the trees and replace the sidewalk. The motion died for lack of a second. Councilor McKeown inquired how the monitoring would be done and Mr. Meithof said there is no particular schedule but the trees would be periodically inspected by staff. Councilor Benetti asked about shearing the roots. Mr. Meithof responded this has been done when the sidewalk is removed and the roots can be inspected. If too much root must be cut, then the tree is removed. Mayor Verger asked who would be responsible for cost of removing and replacing the trees. Mr. Meithof reported if it was to benefit the City, the City would pay, otherwise he would request the applicant to pay.

Councilor Weeks moved to support affirm the Tree Board's decision to leave the trees and continue to monitor the situation. Councilor McKeown seconded the motion which passed with Mayor Verger and Councilors Benetti, McKeown, and Weeks voting aye. Councilor Stufflebean voted no.

### **Briefing on Swimming Pool Repairs**

Community Services Director Bruce Meithof reported serious dry rot had been discovered in the walls of the Mingus Pool bath house when the Mingus Pool Management Association was in the process of replacing the tile. Mr. Meithof commented the Association manages the facility and performs routine maintenance. He explained the first estimate for repairs was \$7,000 to \$8,000, however, once the repairs were under way it was discovered there was more damage than first anticipated. Mr. Meithof noted the estimate to complete the necessary repairs would be approximately \$10,000 to \$12,000 and would be taken from the parks maintenance budget. He

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explained this matter did not require Council action and was being brought to them as an informational item.

### **Public Comments**

Richard Rice, 1095 South 8th, inquired when the City would be installing the basketball backboard and mowing the 10<sup>th</sup> Street Park. He expressed concern about children playing in the streets and the condition of the Park. Community Services Director Bruce Meithof reported the school district had donated the backboards and the City was waiting for drier weather to install them and do the maintenance on the park. He explained the park is located in a low lying area and is too wet for mowing.

### **City Manager's Report**

Community Services Director Bruce Meithof reported the Oregon flag had been stolen from in front of city hall and would be replaced shortly. He commented the visit of the Lady Washington had been very successful and that the captain is talking about coming back next year. Mr. Meithof reported the NASA exhibit will be in Coos Bay on May 10<sup>th</sup> and 11<sup>th</sup> and noted the only other cities in Oregon to have the exhibit are Eugene and Portland.

### **Mayor and Council Comments**

Councilor McKeown commented on a letter from the Mingus Park Management Association in which they thanked the City for their continued support in keeping the pool open, and reaffirmed their commitment to complete the repairs to the bath house.

Councilor Weeks reported attending the Volunteer Association banquet and commended Council President Benetti on welcoming the Lady Washington. She commented there had been many positive comments about the NASA exhibit coming to Coos Bay.

Councilor Benetti reported Kay Heikkela was working on getting the Lady Washington back next year with more hours open to the public, and also looking into getting the NASA exhibit to stay longer. He commented on attending a meeting regarding the Jazz Festival and helping them research funding support for the festival. He noted part of the problem was having large enough facilities to perform.

Mayor Verger thanked Councilor Benetti for filling in for her on welcoming the Lady Washington. She commended Community Services Director Bruce Meithof on doing a good job of filling in for the city manager, and commented it was satisfying to the Council to have management personnel with experience and depth.

Mayor Verger noted City Manager Bill Grile deserves the credit for NASA bringing their exhibit to Coos Bay. Mayor Verger congratulated Councilor Weeks for being honored by Delta Kappa Gamma with the Woman of Achievement award. She reported Councilor Miller has been very ill and has had two surgeries, and wished her well.

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**Executive Session**

On motion by Mayor Verger and seconded by Councilor Weeks, the Council went into executive session pursuant to ORS 192.660 (1) (d) for the purpose of consulting with legal counsel concerning labor negotiations.

**Adjournment**

There being no further business to come before the Council, Mayor Verger adjourned the meeting to April 15, 1997 at 7:00 p.m. in the Council Chambers of City Hall.

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

ATTEST:

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