

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

**May 20, 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 interviews at 6:30 p.m. in the Manager's Conference Room. The City Council then met in work session in the Council Chambers at 7:00 p.m. and proceeded to 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, Kevin Stufflebean, and Judy Weeks. City staff present were City Manager Bill Grile, Deputy Recorder Joyce Jansen, City Attorney Randall Tosh, Asst Fire Chief Mark Anderson  
Community Services Director Bruce Meithof, and Police Chief Marc Adams.

### **INTERVIEWS**

The City Council interviewed David Waters and Gary Rifkin for consideration of appointment to the Public Access TV Board.

### **WORK SESSION**

Mayor Verger reviewed the consent calendar items, and noted Officer Lounsbury would be making presentations to DARE role models. City Manager Bill Grile reviewed the abatement of a dangerous building located at 1865 Kingwood Avenue. Mayor Verger expressed concern about the amount of time involved in removing the building. Mr. Grile reported staff had been working with the owners for approximately a year and in the future such matters would be accomplished in a more timely manner. City Attorney Randall Tosh reminded Council that in declaring the building a nuisance they must make a finding the building is in violation of City Ordinance No. 239, and then adopt the resolution. Councilor McKeown inquired if the owners had made any progress and Community Services Director Bruce Meithof reported there had been some activity over the weekend. Councilor Spangler asked about the extensions given. Mr. Meithof reported that the owners had been contacted by letter on several occasions and were granted a 90 day extension in February 1997. Mr. Meithof explained the cost of removing the building would be placed as a lien on the property.

City Manager Grile reported the City had received bids to remove the remainder of the mall canopies. He noted that business owners, Gary Rifkin, Bill Campbell, and Doug Fletcher, were requesting the canopies on their buildings remain. Mr. Grile suggested if the canopies are allowed to remain, the building owners secure a right-of-way use permit from the City and the owners accept responsibility for maintenance of the structures. Mayor Verger inquired if all concerned building owners had been notified the canopies would be coming down. Mr. Grile commented everyone should be aware as this has been discussed previously. Councilor Miller asked if the awning program allowed for a building owner to have awnings both front and back, and Mr. Grile said yes, but noted there are some problems with the ordinance which was scheduled for redrafting and

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review.

### **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 May 6, 1997
- b) OLCC license annual renewals
- c) Approval of contractual fire district fees

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

#### **Recognition of Senior DARE Role Models - Presentation by Officer Robert Lounsbury**

Officers Robert Lounsbury and Rob Scoville commended five high school students for their outstanding example to elementary school students. Officer Lounsbury explained the guidelines for qualifying as a DARE role model and the activities the students participated in with the elementary students. Certificates were presented to Marshfield High School students Ben Turner, Jamie Csoris, Nicole Warbis, Matt Zosel and Kim Hall.

#### **Appointment to the Public Access TV Board**

Mayor Verger reported interviews had been held by the City Council for one new appointment and one reappointment to the Public Access TV Board. Councilor Benetti commented he would like to see more applicants. Mayor Verger noted the ordinance allows for three to five members to be appointed from each city. Councilor McKeown moved to appoint David Waters and reappoint Gary Rifkin to the Board. Councilor Spangler seconded the motion which carried with the Mayor and all Councilors present voting aye.

#### **Abatement of Dangerous Building - 1865 Kingwood Avenue**

City Manager Bill Grile reviewed the report on the conditions of the structure at 1865 Kingwood Avenue and reported staff has concluded the building is beyond renovation. He explained the City has worked patiently with the owner over a period of time without results, and is now recommending the Council declare the structure a dangerous building and order abatement. Mr. Grile commented if the findings are made, the owner be given until 5 p.m. two days from now

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to have a contract for removing the building, and the removal is to be done within five days thereafter. Mayor Verger requested those wishing to give testimony to come forward.

Lynn Johnson, 1860 Kingwood Avenue, reported she lives across the street from the residence and expressed concern for health and safety conditions. Mrs. Johnson commented the neighbors had been in communication with City staff for approximately eight months regarding the problem and felt the owners had been given the opportunity to remove the building. She commented City staff had been very helpful in explaining the process.

Jerry Phillips, 1777 Kingwood Avenue, expressed his appreciation to the Council for hearing this matter, and said he believes strongly in property owner rights. He explained the neighbors have been very patient with the owner and feel it is time for action.

Steven Berry, 1467 Lakeshore Drive, owner of the property at 1865 Kingwood, explained his and his family have numerous health problems which have prevented them from getting the building removed. He explained their rent is more than the mortgage payment had been and there had been no insurance on the contents of the house.

Mayor Verger commented on the difficulty of the situation due to protecting the owner's property rights and the rights of adjacent property owners when a hazardous situation exists. Councilor Spangler commented if Mr. Berry does not have funds to pay for the removal, the City will do and a lien would be placed on the property. Mr. Grile said the Council may wish to foreclose on the property. There was further discussion of foreclosure process and consensus was not to proceed with this process unless it becomes necessary.

Councilor Stufflebean moved to declare 1865 Kingwood Avenue a public nuisance in accordance to Ordinance No. 239 and adopt resolution 97-13. Councilor Miller seconded the motion which passed with the Mayor and all Councilors present voting aye. Community Services Director Meithof asked if the motion to declare a nuisance also includes the time frame as outlined in staff's memo. City Manager Grile said it would be completed in a week.

### **Canopy Ownership Requests - Gary Rifkin, Bill Campbell, and Doug Fletcher**

City Manager Bill Grile reported the City is ready to remove the remainder of the downtown mall canopies and some business owners have requested to keep the canopies on their buildings. He recommended if Council approves keeping the canopies, a transfer of ownership of the canopy be made to the property owner and an agreement be made with the property owner to maintain the canopies in a safe and attractive manner. Mayor Verger asked for clarification as to whether the canopies are in good, fair or poor condition. Community Services Director Bruce Meithof reported not every foot of the remaining canopies has been inspected, however, all previous canopies showed major rot and leaking problems.

Flora Lee Lockhart, downtown business owner, said she would like to keep the canopy on her building. Councilor McKeown asked if she understood she would be responsible for the maintenance and Mrs. Lockhart said yes. Doug Fletcher, downtown business owner, said he would like to keep the 2<sup>nd</sup> Court canopies, and reported he had inspected the canopies and found them reasonably sound. Mr. Fletcher explained the need for the canopies and he is willing to accept the responsibility for the maintenance. He asked Council to consider leaving the concrete pillars if the canopies are removed. Gary Rifkin, downtown business owner, requested the canopy remain on his

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building on 3<sup>rd</sup> Street. Mr. Rifkin explained he needed the canopy for loading and unloading purposes, and the current canopy matches the design of his building. He reported inspection of the canopy showed it to be in good condition, and he is willing to accept responsibility for the maintenance.

Councilor McKeown commented leaving the 2<sup>nd</sup> Court canopies was a good idea and noted the Egyptian Theatre has not expressed interest in keeping and maintaining the canopies. He agreed with Mr. Rifkin about keeping his canopy. Councilor Miller reported Bill Campbell asked her to speak on his behalf. Mr. Campbell's concern is for protection for loading and unloading of merchandise, and should the canopies come down he would like an awning to replace it. He had inspected the canopy and found it to need repairs. Mr. Campbell was concerned about criminal activity in the alley and had talked with the police chief. Councilor Weeks expressed concern for the condition of the canopies and safety issues. Chief Adams commented that improving the conditions in the alley would alleviate much of the criminal activity concerns. Councilor Benetti explained maintenance of the canopies over the past years has been expensive and removing them has made an improvement to the downtown area. He supported replacing the removed canopies with awnings. Councilor Spangler suggested those wishing to keep their canopy should submit a plan to the Design Review Board and go through the design review process as Bill Rosencrantz had. City Attorney Tosh reported that Mr. Rosencrantz did not go through the Design Review Board, and canopies do not fit the definition of an awning. Councilors Benetti and Spangler both believed Mr. Rosencrantz did go before the Design Review Board before coming to the Council.

Mayor Verger moved to remove the 2<sup>nd</sup> Court canopy. Councilor Spangler seconded the motion which passed with the Mayor and all Councilors present voting aye. Mayor Verger commented two businesses desired to keep their canopies and one way to handle this is to proceed to the Design Review Board. Mr. Rifkin said he has tried to go through the Design Review Board and the building must be repaired before the awning is approved. Mr. Tosh noted to protect the City, an agreement for repair and maintenance of the canopy should be prepared and a covenant for future maintenance by future building owners be made. Councilor Benetti expressed concern for lack of funding to maintain the canopies and supported removing all the canopies. There was further discussion on leaving the cement columns for use with awnings and who would bear the expense of removing the columns at a later date if not used.

Councilor Weeks moved to remove all remaining canopies. Councilor Miller seconded the motion which passed with Mayor Verger and Councilors Benetti, McKeown and Miller voting aye; Councilors Spangler and Stufflebean voting no.

### **Approval of Establishment of an Easement - Birch Avenue Path**

City Manager Bill Grile reported this matter had been before the Council some time ago regarding reconstruction of a pedestrian path. He commended Community Services Director Bruce Meithof for working with the property owners on an agreement for the location of the path. Mr. Meithof said he had discussed with all the property owners except Christine Coles, and all were in agreement with the proposed alignment. He noted the Mayor has suggested the \$1,000 Wal-Mart grant be used for this project. Councilor Spangler inquired if the \$1,000 would cover the costs of relocating the path. Mr. Meithof responded that Mr. Steve Woods has organized neighbors to do

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the work and has located materials to complete the project. Councilor Stufflebean moved to approve the easement relocation and authorize the Mayor to sign the documents. Councilor Miller seconded the motion which passed with the Mayor and all Councilors present voting aye.

### **Public Comments**

Keith Topits, 1650 Lund, distributed copies of the park rules and maps for Empire Lakes Park. He expressed concern for safety in the swimming area and requested an ordinance be enacted upholding the park rules.

Gary Rifkin, Coos Bay, thanked the Council for reappointment to the Public Access TV Board.

### **City Attorney's Report**

Mr. Tosh reported the decision on the hearing with DEQ about the civil assessment is expected in three to four weeks. He noted he would be out of town next week.

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

Mr. Grile reported a reception for the new fire chief, Stan Gibson, would be held June 6<sup>th</sup> from 4:30 p.m. to 6 p.m. in the Council Chambers. He noted the City had been awarded a grant for the Front Street plan. Mr. Grile reported architect Rich Turi will be working on the plan for the Empire Urban Renewal improvements. He reminded Council of the downtown parking circulation study town hall scheduled for Wednesday at 7 p.m.

Mr. Grile commended Bruce Meithof and Steve Doty for putting together a plan for the city wide cleanup which will proceed immediately. He reported the 5<sup>th</sup> Street improvements in front of city hall will proceed once the contract has been signed and the design work completed.

Mr. Grile reported the City's revenue may be up by \$75,000 to \$100,000 from earlier projections, and suggested the funds be used to replenish the carryover. He commented there is support for funding additional time for the city attorney and asked Council to give this consideration.

Councilor Spangler asked about the salary for the new fire chief. Mr. Grile said it was discussed with Council and is a decrease over the previous fire chief. Councilor Spangler expressed concern about ODOT rejecting some of the design ideas for the Empire Urban Renewal plan and whether staff would pursue the matter. Mr. Meithof explained that ODOT rejected the design because they do not allow anything to protrude into the street, and in this case it would have required traffic to stop in order to make a right turn. He reported Mr. Turi would be coming up with other proposals to take to ODOT. Mr. Grile said he has had a lot of experience with ODOT and has found they do not easily change their mind; their goal is to keep traffic moving. He invited Councilors to meet with staff and ODOT.

### **Council Comments**

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**Councilor Spangler** commented the awning ordinance needs work and suggested the city attorney draw up a new ordinance. Councilor Benetti noted that the city manager and community services director would be looking at the ordinance. Mr. Grile reported the wastewater rewrite was a top priority along with fees in lieu of assessment. Mr. Meithof commented that in light of the possibility the city will not have urban renewal funds next year, the review of the awning ordinance was on hold until after the legislature and voters have decided. Councilor Benetti expressed support for increasing the hours for the city attorney. Mr. Tosh said this would need to be negotiated and there are issues involving his partnership to be considered.

**Councilor Stufflebean** inquired if there could be more saturation patrols around the City. Chief Adams said there is currently an ODOT safety grant paying for a saturation program right now, and any additional patrols would require money for overtime. Councilor Spangler asked if the City is receiving any of the available federal money and Chief Adams said no because it requires a match from the City.

**Councilor Benetti** welcomed Councilor Miller back and suggested the City advertise to fill vacancies on the Public Access TV Board.

**Councilor Miller** said she was glad to be back and thanked everyone for their support during her illness.

**Councilor Weeks** welcomed Councilor Miller back and reminded everyone of the business center's open house next week.

**Councilor McKeown** also welcomed Councilor Miller back and commended the high school students for their work with the DARE program in the elementary schools. He supported giving the city attorney additional hours with the City and to pay him for the time he spends for the City.

**Mayor Verger** explained the gifts from Choshi, Japan are gifts to the Mayor if they are personal and if they are gifts to the City, they are placed in the display case in the lobby of city hall. Mayor Verger commented that expenses for her meetings with the League of Oregon are paid by the League. She reviewed various meetings she would be attending and noted the Council of the Blind would be attending the town hall meeting on Wednesday. The Mayor reported on the fish passage bill and the affects it would have on the city and the water board. Mayor Verger expressed concern for the condition of city property and requested the city clean up for summer.

### **Adjournment**

There being no further business to come before the Council, Mayor Verger adjourned the meeting to June 3, 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

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ATTEST:

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