

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

June 3, 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, Kevin Stufflebean, and Judy Weeks. City staff present were City Manager Bill Grile, Deputy Recorder Joyce Jansen, City Attorney Randall Tosh, Community Services Director Bruce Meithof, Fire Chief Stan Gibson, Finance Director Gail George, Accounting Systems Supervisor Mary Beth Holst, and Police Chief Marc Adams. Representatives of the media were also present.

WORK SESSION

Mayor Verger reviewed the items on the agenda. City Manager Bill Grile reviewed ordinance No. 241 which would provide police officers with the ability to have vehicles towed under certain circumstances. Chief Adams reported that officers frequently stop the same vehicles for things such as no proof of insurance, expired tags, and no registration, and the ordinance would give officers a tool to enforce the law. There was further discussion on the towing fee, where the cars would be impounded, and if cars would be towed for illegal parking. City Attorney Tosh commented there should be a repealing clause in the ordinance and it would be taken care at a later meeting. He further noted that some of the issues in the ordinance are addressed under the State penalty code, and the ordinance contains nothing that is not covered under the State traffic code. Councilor Weeks inquired if the ordinance covers junk cars on private property and Chief Adams responded they are covered under another ordinance.

City Manager Grile reported there was some confusion on the matter of the 2nd Court canopies at the previous council meeting. Councilor Benetti said he spoke with Mr. Bill Campbell and he has received two bids for awnings to replace the canopies. He cautioned Mr. Campbell there is not a guarantee that he will receive funding for the awning. Councilor Benetti noted the problem is the Egyptian Theater does not wish to accept the responsibility of maintaining their portion of the canopy. Community Services Director Bruce Meithof reported there is \$60,000 in the program that must be billed by June 30th and \$130,000 in next year's budget. Mr. Meithof noted that Measure 50 may cut urban renewal funding and it is unknown at this time what funding will be available. He reported there are currently four applications ahead of Mr. Campbell.

City Manager Grile reviewed passage of the charter amendment which authorizes the Council to fund the codes inspection program through user fees. Mr. Grile commented two options have been prepared for Council consideration, and staff is requesting conceptual direction from the Council. Councilor McKeown inquired where 40 percent of the electrical inspector is used and

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Mr. Grile responded that represents time spent on City projects. Mr. Grile explained in the past the program had been subsidized by the general fund and the purpose of the charter amendment is to have the fees pay for the program. Mr. Grile reported one employee currently does the plumbing and fire inspections, and it is possible to have the fire department take over the fire inspections. Mayor Verger commented if the fire department does the fire inspections and someone else is doing the electrical, the plumbing looks very expensive. Mr. Meithof noted without an employee to perform electrical work the City would need to contract out the work and pay permit and plan fees to the State.

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 May 20, 1997
- b) Approval of the minutes of the executive session of May 27, 1997
- c) OLCC license annual renewals
- d) Setting a public hearing before the Planning Commission July 8, 1997 - Vacation of a portion of Hemlock Avenue right of way
- e) Setting a public hearing before the Planning Commission July 8, 1997 - Comprehensive Plan and ordinance amendments concerning the Oregon International Port of Coos Bay's zone change in the Eastside area

Corrections to pages 65 and 66 of the minutes were noted. Councilor Miller moved to approve the consent calendar as corrected. Councilor Weeks seconded the motion which passed with the Mayor and all Councilors present voting aye.

Report on SWOYA Building Project and Youth Programs

Jill Christiana, SWOYA Board President, reported on the progress of the building project and extended an invitation to the Chamber After Hours on June 13th at the SWOYA facility. Ms. Christiana reviewed the activities and programs offered for the youth of the community. Mayor Verger commended Ms. Christiana for her volunteerism and for getting others in the community involved with the project.

Mingus Pool Improvement Project

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Caddy McKeown, President of Mingus Park Pool Management, reported a local resident has donated funds to replace the pool which is almost 50 years old. Mrs. McKeown said the planning of the project is in the early stage and Mingus Park Pool Management is asking for the City Council's blessing on the project. There was unanimous support from the Council for the pool replacement project. Mayor Verger commented that such a contribution is a real compliment to the community.

Request for Funding From the Womens Crisis Service

Carol Gooden-Rice, Administrator, reported on the services and educational programs provided to the community by Womens Crisis Service. Mrs. Gooden-Rice recognized the City faces funding restrictions imposed by Measure 47, and requested the Council reconsider funding \$3,000 to Womens Crisis Service. Mayor Verger commented that Mrs. Gooden-Rice would not be available for the public hearing on the city's budget on June 17th and that was why she was before the Council this evening.

Enactment of Ordinance No. 241

City Manager Grile noted there was nothing more to add to the discussion held during the work session; however, he emphasized the ordinance would help officers in dealing with repeat offenders. Councilor Spangler moved to enact Ordinance No. 241 providing for towing of certain illegal vehicles and providing for a penalty therefor. Councilor Stufflebean 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, Stufflebean, and Weeks
Voting no: None
Absent: None

Additional Consideration to Removal of Second Court Canopies

City Manager Grile reported there seemed to be confusion concerning removal of the remaining canopies on 2nd Court, and staff is seeking direction from Council on the matter. Mayor Verger commented there is no objection in keeping the canopies as long as the building owners accept responsibility for maintenance. Doug Fletcher spoke in favor of keeping the canopies on his buildings and requested that if the Council decides to remove the canopies, the concrete pillars remain. Mr. Fletcher reported the Egyptian Theater does not want to assume responsibility for the canopies and he suggested the canopies be cut at the building property line. Ken Hargens, speaking as manager of buildings in this area, reported the canopies are in good shape and the building owner is willing to take responsibility for the maintenance of the canopies. Councilor Benetti spoke in support of keeping the canopies and reported communicating with the Egyptian Theater owner about the canopies and they do not want assume the maintenance. Councilor Weeks commented that staff reported all the canopies were rotten and now building owners are reporting the canopies are in good

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shape. Mayor Verger noted staff had reported not every foot of the canopies had been inspected. There was further discussion on removal of the portion of the canopy on the Egyptian Theater building while keeping the remainder of the canopy. Councilor Benetti reported speaking with Bill Campbell about the canopy on his building, and Mr. Campbell indicated he would be happy with the canopy or an awning. Mayor Verger expressed concern that Mr. Campbell be aware there is no guarantee he would receive City funding for an awning and Councilor Benetti confirmed he had reviewed this with him. Community Services Director Bruce Meithof explained the support columns are not on the property lines so when cut, the canopies will not be directly from property line to property line.

Councilor Spangler moved that building owners be allowed to retain the canopies with an agreement to bring the canopies up to standard including improved lighting, and the owners accept responsibility for maintenance. Councilor Benetti seconded the motion which passed with Mayor Verger and Councilors Benetti, Miller, McKeown, Spangler, and Stufflebean voting aye. Councilor Weeks voted no.

Review of Building Codes Inspection Services Options

City Manager Bill Grile reported the city charter has been amended to allow funding of the building codes inspection program through user fees rather than subsidizing the program with property taxes. Mr. Grile reviewed the two options prepared by staff, noting the major difference between the options was the plumbing inspection program. He noted that in order to keep the plumbing inspection program, the fees would require a substantial increase. Mr. Grile commented the current employee does both plumbing and fire inspections, and it is possible to have fire department personnel do fire inspections. Councilor Spangler said it is important to retain all inspections and noted the vote was 65 percent to 35 percent to retain the program. Ralph Larson spoke in favor of supporting the full program and reported that during the campaign it was presented as a whole package of services. City Attorney Randall Tosh noted it will require an ordinance to enact the program and would be effective 30 days from the date the ordinance is enacted. He further explained the public would have an opportunity at that time to make comments to the Council.

Councilor McKeown said the cost for plumbing inspections is prohibitive and expressed support for option one. He asked if it would be possible to employ a part time plumbing inspector. Mr. Meithof said the City has not been successful in the past in attracting such an employee. Councilor Benetti asked if a combination inspector was possible and Mr. Meithof said it takes about three years to obtain the needed certification. Mr. Meithof noted the current inspector has another job offer with the State. Mayor Verger said she does not want to see huge fee increases to support the plumbing; however, the voters have passed the charter amendment. Councilor Benetti commented the plumbing costs too much to include and would not support the plumbing inspection program.

Mayor Verger moved to support the full program to include plumbing, electrical and building inspections. Councilor Weeks seconded the motion. City Manager Grile commented they could look into contracting with someone to provide the plumbing inspections, otherwise it would go back

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to the State. Councilor Spangler inquired if the department could do without one of the codes specialist positions. Mr. Grile responded it has been reviewed and determined if the electrical and plumbing is added back in, the codes specialist position is needed. Councilor Weeks suggested the plumbing inspector could work in the office part of the time. Mr. Grile commented that would be an expensive clerical position. Mr. Grile suggested Council allow staff to do more work on the building codes services and return to the Council with a proposal at the next meeting.

Mayor Verger withdrew her motion and Councilor Weeks withdrew her second.

Award of Contract - 1997 Timber Sale

City Manager Bill Grile reported bids had been received from Rosboro Lumber Company for \$655,854, Scott Timber Company for \$482,602, Superior Lumber Company for \$419,838, and Western Timber Company for \$276,236 to harvest approximately 750 acres of timber land in the watershed. He noted that one-half of the timber revenue would go to general fund operations and one-half for capital outlay reserves, and would be spread over a three year period. Councilor Miller moved to award the contract to Rosboro Lumber Company. Councilor Weeks seconded the motion which passed with the Mayor and all Councilors present voting aye.

Public Comments

Stacia Dunn, Coos Bay, speaking on behalf of Steven and Vera Berry. Mayor Verger asked if Ms. Dunn was an agent for the Berry's and if she had hired an attorney. Ms. Dunn responded that an attorney had not been retained, and explained she was before the Council to ask that they reconsider the action taken against the Berry's. She referenced a letter to the Berry's regarding a stop work order and said the letter did not inform the Berry's of their right to appeal the action. Ms. Dunn said they have tried to comply with all the requests made by the City and would like to have an opportunity to finish removing the building. She reported she personally took samples to a lab in Medford and an asbestos contractor has volunteered to remove the material from the site. There was further discussion on who could remove the asbestos. City Attorney Tosh said the owner can remove asbestos if the residence is occupied by the owner. Ms. Dunn disagreed.

Don Wood, Coos Bay, said he put up personal property as the bond to do this project and was disappointed that the city manager shut the project down in less than 24 hours. He referred to the letter from the City regarding unsafe work practices and reported everyone was working safely and he personally has equipment certification and experience running work crews. Mr. Wood explained they were trying to do a good thing and it would have saved the City money; and he questioned why Mr. Grile would stop such a project.

Donald (Skip) Edlund, Myrtle Point, said he volunteers for a number of organizations and is qualified to work on a project like this. He expressed concern that equipment and volunteers were turned away.

Sargent Webster, North Bend, reported an increase in transient traffic which is not being taken care of by the Mission and he has received a number of complaints from businesses and employees in the area.

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City Manager's Report

City Manager Bill Grile explained the Kingwood Avenue property was secured because of concern about possible asbestos from DEQ and neighbors. He reported meeting on site with Keith Tong from the Medford DEQ office and Robert Bergen of Western States Environmental. He said of the 16 samples taken, seven showed asbestos. Mr. Grile read a letter from Mr. Tong, as attached hereto and made a part thereby, which referred to the asbestos issue and how it must be handled. Mr. Grile expressed sympathy for the Berry's situation and commended the volunteers for their efforts. Councilor Benetti commented city staff acted appropriately and did try to accommodate the volunteers. Councilor McKeown asked if Ms. Dunn was the homeowner and she said she was speaking on their behalf. Councilor McKeown inquired if the Berry's were helping with the demolition. Ms. Dunn said they would help with the removal of the asbestos. Councilor Weeks commented staff acted in a proper manner and the City should proceed with the abatement.

Mr. Grile introduced the new fire chief, Stan Gibson. He reported the police union has voted to have the City pick up their PERS contribution and cut their salaries 6 percent. Mr. Grile noted it does not appear that the Saturday Market will happen this year.

Mr. Grile commented the Port will hold a town hall meeting Thursday on their Eastside property rezone and cautioned Council to keep good records of contacts as this may come before the Council. He reported the alum sludge issue would be on the Water Board's agenda on Thursday, and the Water Board manager would be making a presentation to the Council at their next meeting. Mr. Grile noted an election complaint against the City has been filed regarding the building codes fact sheet, and the city attorney would be responding.

Mayor and Councilor Comments

Councilor Spangler reported OCZMA was supporting a Senate bill to fund a natural gas pipeline. He commended staff on their handling of the Kingwood Avenue abatement.

Councilor Benetti commented staff handled the Kingwood Avenue matter appropriately and had been cooperative with the Berry's. He expressed the importance of moving properly on matters of public health and safety. Mr. Benetti commended the volunteers on their work to help the Berry's. He encouraged councilors to attend the Water Board meeting to discuss the proposed increase in water rates.

Councilor McKeown commented it was good to focus on the positive things of the meeting such as the price received for the timber sale, the donation of funds for the Mingus swimming pool replacement, and the progress made on the Boys and Girls Club facility.

Councilor Weeks welcomed Chief Gibson and commented it was good to see the finance director at the meeting. She reported Parks Commissioner Floyd Vanderveldon accepted the Blue Star Memorial award on behalf of the City, and representatives from the newly formed Skateboard Association had attended the meeting. The association is in the process of a membership drive and has filed for nonprofit status.

Councilor Miller also welcomed Chief Gibson to Coos Bay, and commented on the open house of the business development center. She thanked everyone for their support during her illness.

Mayor Verger welcomed Chief Gibson and thanked Kingwood Avenue volunteers for

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attending the council meeting. The Mayor commented the Council does their best in resolving community matters while trying to be in total compliance with DEQ regulations. She reported that House Bill 2338 exempting the art museum from property taxes is on the way, and Representative Ken Messerle is supportive of the City and the bill. Mayor Verger reported the transportation bill has gone out of committee.

Adjournment

There being no further business to come before the Council, Mayor Verger adjourned the meeting to June 17, 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