

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

November 4, 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, Don Spangler, Kevin Stufflebean, and Judy Weeks. Councilor Cindi Miller absent due to illness. City staff present were City Manager Bill Grile, Deputy Recorder Joyce Jansen, City Attorney Randall Tosh, Community Services Operations Director Steve Doty, Library Director Carol Ventgen, Police Chief Marc Adams, and Fire Chief Stan Gibson.

WORK SESSION

Department Report - Chief Marc Adams

City Manager Grile explained department reports will be given at each Council meeting as an effective way of keeping the Council and the public informed. Chief Marc Adams reported a new teen dance club, My Friend's House, located on Anderson Avenue in the downtown area opened last week, and briefed the Council on a nuisance problem at 334 North Cammann. Chief Adams reported the Coos Stop Crime committee does not carry liability insurance and will be looking into ways to pay for the policy. Councilor Spangler inquired why liability insurance was necessary for the committee. City Attorney Tosh explained the liability exists because citizens may give anonymous reports on criminal activity and the police take action on these tips which can lead to an actual arrest. Chief Adams reported the Empire police substation has five volunteers trained to man the station.

Review of Proposed Amendment to Ordinance No. 132 - Wastewater Treatment System

City Manager Grile reported the city attorney and community services director have worked for some time on revising the wastewater treatment system ordinance. He asked Council to give thought to pursuing a systems development charge as the amendment to Ordinance No. 132 will eliminate the fees in lieu of assessment. City Attorney Tosh began the review by explaining the changes in definitions, industrial waste requirements, and disposal of residential and commercial waste; the sections dealing with creating fees and calculating the monthly charges; and the section dealing with the disconnection procedure. There was considerable discussion on failure to pay and the process for disconnecting service, and the procedure for exemption of the sewer fee if the resident uses water from a private well was discussed. Mr. Tosh reviewed the provision allowing the Council to require connection to the system if it is to protect public health and safety. Mayor Verger suggested a continuation of the review be scheduled on November 18th at 6 p.m.

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Other Discussion

City Manager Grile asked that the item dealing with City/County Insurance Services be pulled from the agenda for further review by the city attorney. Mr. Grile reported the item concerning the dangerous building was in the process of being resolved and requested the Council authorize the city manager to continue working on the matter. Mayor Verger noted the public hearing would not take place unless the problem is not resolved.

COUNCIL MEETING

Flag Salute

Mayor Verger opened the meeting and led the assembly in the salute to the flag. The Mayor reported receiving a request that the City Councilors be introduced for the viewers of the public access channel.

Consent Calendar

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

- a) Approval of the minutes of September 15, October 21, 27 & 28, 1997
- b) Determination of a dangerous building at 444 10th Street and setting a hearing date
- c) Revision of authorization for City to assume employee contributions to PRES - Resolution 97-28
- d) Setting public hearing dates before the Planning Commission for an annexation, street vacation, and two Comprehensive Plan Amendments
- e) Insurance contract with City/County Insurance Services to cover Public Access TV and North Coos County 9-1-1 Agency — Resolutions 97-23, 97-24, 97-25 and 97-26

Mayor Verger reported consent calendar item #e had been removed from the agenda for further review by the city attorney. Councilor Weeks moved to approve the consent calendar as amended. Councilor McKeown seconded the motion which carried with the Mayor and all Councilors present voting aye.

Presentation from the Chamber of Commerce Regarding the Community Enhancement Committee

Louie Liberante, representing the Chamber of Commerce, reported on the 1998 goals developed by the Chamber and the establishment of a Community Enhancement Committee. Mr. Liberante commented on the importance of cleaning up the whole area in preparation for the Governor's tourism conference in 1999, and requested a Councilor be appointed to the committee.

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Councilor Spangler offered to serve on the committee.

Adoption of Resolution 97-27 Supporting Siting of NUCOR Steel on the North Spit

Mayor Verger reported the City of North Bend has also adopted a resolution supporting the siting of the Nucor steel, and noted a request from the County Commissioner asking the Council to sign a letter to Congressman DeFazio supporting Nucor Steel. Mayor Verger read the letter to the assembly and made a motion to sign the letter to Congressman DeFazio. Councilor McKeown seconded the motion which passed with the Mayor and all Councilors present voting aye. Mayor Verger moved to adopt Resolution 97-27 supporting Nucor Steel which is attached hereto and made a part of thereby. Councilor Weeks seconded the motion which passed with the Mayor and all Councilors present voting aye. Mayor Verger read the resolution to the assembly.

Award of Bid — South Town Stormwater Project

City Manager Grile reported a severe drainage problem exists in the south end of town and \$200,000 was budgeted for the project in urban renewal. Mr. Grile explained Koos Engineering has designed Phase 1 of the project, estimated at \$36,425, to alleviate the drainage system problem. Phase 2 of the South Town Stormwater Project would include street improvement, installation of curbs, asphalt pavement and additional storm drainage fixtures. Mr. Grile suggested it would be prudent to only authorize Phase 1 at this time. Bids were received from Laskey-Clifton Corporation, Umpqua River Navigation, Johnson Rock Products, and Mark Colton, with the low bid received from Laskey-Clifton Corporation. Councilor Weeks moved to accept the low bid of \$34,500.58 from Laskey-Clifton Corporation. Councilor Spangler seconded the motion which passed with the Mayor and all Councilors Present voting aye.

Relinquishment of Water Main Easement with Pony Village — Request from the Water Board

City Manager Grile reported the Coos Bay-North Bend Water Board has requested a relinquishment of a water main easement for construction of the new Safeway store in Pony Village. City Attorney Tosh noted the phrase “for and on behalf of Coos Bay-North Bend Water Board” on page one of the quitclaim deed should be removed as it appears the cities are relinquishing something the water board owns. Ron Hoffine, of the water board, commented the City of North Bend has approved the document as written and he would take the revised document back to their council. Councilor Benetti moved to approve the quitclaim deed as corrected. Councilor Weeks seconded the motion which passed with the Mayor and all Councilors Present voting aye.

Public Comments

Carl Bock, Coos Bay, expressed concern regarding collection of the transient occupancy tax by the City and the ten percent penalty for late payment. Mr. Bock commented he does not benefit from this tax and feels he is being discriminated against by the City. He explained the quarterly notice had been misplaced as his system is somewhat disorganized at this time, and stated the

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penalty is too high. Councilor Spangler commented the process is established by city ordinance and notice is given more than 30 days in advance. City Attorney Tosh reported the ordinance does allow for an extension

and provides for the city manager to rule on the matter before it comes to the Council. City Manager Grile explained staff has no discretion and must implement the ordinances of the city. He further commented the notice goes out 30 days in advance, and although he appreciates people not being organized, late fees are set by the ordinance. There was further discussion by the Council regarding the billing process and late penalty. Consensus of the Council was to review the ordinance for possible changes.

City Attorney's Report

City Attorney Tosh reported receiving notification from Bob Thomas, city attorney for North Bend, that the City of North Bend has approved the Tourism and Promotions Agreement, and have requested the effective date of the agreement be January 1, 1998. Consensus of the Council was to have Mr. Tosh prepare an amendment to the ordinance changing the effective date as requested.

City Manager's Report

City Manager Grile reported a luncheon meeting with Pacific Power has been scheduled by November 13th. He noted a presentation of the downtown circulation study will be made to the Downtown Association, and asked Council if a public hearing on the study should be scheduled for December. Consensus of the Council was to move ahead and schedule the hearing for December 2nd. Mr. Grile briefed the Council on notices from the Bureau of Indian Affairs regarding property on Ocean Boulevard and Radar Road.

Mayor and Council Comments

Councilor Spangler gave a report on the OCZMA and CPACT meetings in Lincoln City including a review of transportation problems and why the transportation package had not been supported by the legislature. He reported the scenic byway designation had been supported with stipulations that building within the viewscape would not be allowed, and that cities could opt out at anytime. He noted there was considerable discussion on highway access, and the City will have an opportunity to comment on the ODOT program. Councilor Spangler reported ODOT will now help finance parking lots and parallel parking areas. He reported the reduction in the fishing season causes a loss of approximately 10,000 jobs, and that much of the data used by the Department of Fish and Wildlife is estimates and the desire of coastal communities is that scientific data be used.

Councilor Stufflebean reported the public access TV committee would be holding a meeting on November 5th and would be reviewing the committee rules.

Councilor Weeks reported Operations Director Steve Doty presented a proposal to the Coos Foundation for additional funding for the skate board park, and noted there may be a possibility the City will be asked to come up with matching funds.

Councilor McKeown expressed his pleasure with the resolution supporting Nucor Steel, and

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department head reports at the council meetings.

Mayor Verger reported that Councilor Miller requested she pass along a compliment to the Street Division employees for their great work throughout the city. Mayor Verger cautioned city offices in the use of voice mail and related her personal experience in being unable to reach staff in various departments. City Manager Grile said he would look into the matter and discuss it with the department heads. Mayor Verger reported on a meeting regarding tax reform and will share information from the final report when she receives it. She noted the expenses for the meeting would not be borne by the city.

Executive Session

Mayor Verger moved to meet in executive session pursuant to ORS 192.660 (1) (d) and (h) for the purpose of consulting with legal counsel regarding labor matters and potential litigation. The motion was seconded by Councilor Weeks and passed with all members present voting aye. City Attorney Tosh reviewed the AFSCME Union and Police Officers' Association grievances, and the Terrence and Michele Graves' issue.

The Council reconvened into regular session.

Adjournment

There being no further business to come before the Council, Mayor Verger adjourned the meeting to November 18, 1997 at 6:00 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