

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

November 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 6:00 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 out of town business. City staff present were City Manager Bill Grile, Deputy Recorder Joyce Jansen, City Attorney Randall Tosh, Library Director Carol Ventgen, Community Services Director Bruce Meithof, Police Chief Marc Adams, and Fire Chief Stan Gibson

WORK SESSION

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

City Attorney Randall Tosh continued a review of changes in the wastewater ordinance beginning with the section which would allow the Council to order connection to the wastewater treatment system if a threat to public health and safety exists. Mr. Tosh reviewed sections 27 and 28 and explained the system is made up of three components; collection lines, private laterals, and service laterals. City Manager Bill Grile explained property owners are responsible for problems that may occur between the property line and the sewer line. Councilor Stufflebean expressed concern that problems caused by the City, such as tree roots plugging the lines, the property owner should not be held responsible. Mr. Grile commented the City currently does not hold property owners responsible in situations such as this, and suggested language be added to the ordinance addressing this matter. Mr. Tosh explained the property line extends to the center of the street and the City has a public right of way for the street. Councilor Stufflebean pointed out that the lines are installed by contractors and not the City. Discussion followed on what the cost of repairs to private lines would be if done by the City, and Community Services Director responded with a guess of \$200,000 annually. He explained the State does not require a permit for line installation within the right of way, and without the plumbing inspection program, the City no longer can inspect the lines.

Mr. Meithof asked that a third subsection be added to section 30 to require drawings to be submitted to the City with plans for newly constructed lines. Mr. Tosh reviewed section 31 on private waste disposal and explained the ordinance was revised to meet with the DEQ requirement of connecting to the collection line if the residence is within 300 feet of the line. He explained this is currently in the ordinance, the change is in the number of feet required by DEQ.

Mr. Tosh briefly reviewed sections 34 line charges and 35 recovery agreements revisions. He explained section 41, emergency suspension of service, provides for due process protection for the citizen. Mr. Tosh reported the other sections are a reordering of what is already in the current

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ordinance. Mr. Grile expressed the wastewater ordinance is very important and needed the revision to comply with current City practices and new regulations. Mr. Grile spoke about developing a systems development charge (SDC) and asked Council to direct staff to look into the matter. Mayor Verger requested staff contact the League of Oregon Cities for information on what other cities charge for SDCs. Mr. Tosh said SDCs must be a dedicated fund and are strictly a tool for planning for future growth. Mr. Grile said staff would gather more information on SDCs, and make the changes in the wastewater ordinance.

Department Report from Fire Chief Stan Gibson

Chief Gibson reported the fire department recently took over the City's fire inspection program and have developed a brochure explaining the program. Chief Gibson explained the program has three areas of inspections; self inspection, inspection by the fire department, and inspection of new construction. He reported there would be approximately 900 inspections annually, 600 done by self inspection and 300 done by staff. Every third year would be an inspection by fire personnel. Councilor Benetti suggested business owners be contacted before personnel show up for the inspection to allow the owner to be present.

COUNCIL MEETING

Flag Salute

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

League of Oregon Cities Award

Mayor Verger reported the League of Oregon Cities awarded the 1997 Cities Award of Excellence to Coos Bay for the Friday Update. The Mayor commended Mr. Grile for his work on the update and for his idea of sending it out through e-mail, and presented the award to him.

Consent Calendar

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

- a) Approval of the minutes of November 4, 1997
- b) Accepting the voter abstract of the Library expansion advisory vote
- c) Adopting of Resolution 97-29 - authorizing a loan to the Library Fund
- d) OLCC license application — Woody's Quik Wok

Councilor Spangler requested item 2c be brought down as a regular agenda item. Councilor Miller moved to approve the consent calendar as amended. Councilor Stufflebean seconded the motion which carried with the Mayor and all Councilors present voting aye.

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Adopting of Resolution 97-29 — Authorizing a Loan to the Library Fund

Councilor Spangler suggested the transfer of funds from the Wasterwater Fund to the Library Fund should be treated as a loan and the Library should be charged interest. Mr. Grile commented such loans have been done in the past when tax revenues have been slow coming in to the City. Mr. Tosh reported it would require further research to find out if the City has authorization to charge interest. Councilor Stufflebean moved to adopt Resolution 97-29 authorizing a loan to the Library Fund from the Wastewater Fund. Councilor Miller seconded the motion, which passed with the Mayor and all Councilors present voting aye.

Amendment to Tourism and Promotions Ordinance to Change the Effective Date to January 1, 1998 — Ordinance No. 246

Mayor Verger explained Ordinance No. 246 changes the effective date to January 1, 1998 as requested by the City of North Bend. Councilor Benetti moved to enact Ordinance No. 246. Councilor Miller seconded the motion. Deputy Recorder Joyce Jansen read the ordinance by title only and polled the Council with the following results:

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

Presentation by International Port of Coos Bay Manager Alan Rumbaugh Regarding the Coos Head Property Proposal

Alan Rumbaugh reported a coalition of interested community members have been working on proposed uses for the Coos Head property. He explained the 43 acre site has been surplussed by the Navy and the committee has secured \$13,500 from the rural investment fund and \$83,000 grant funds. They have sent out a request for proposals to hire a consultant and are asking the City Council to be involved. Mayor Verger commented the National Guard needs to hear from all of the community and the City should be involved in the process. Mr. Rumbaugh said the State would also be involved. The Tourism and Promotions Committee has been attending the meetings and Mayor Verger asked if the Council wished to continue to have them represent the City. Consensus of the Council was to remain involved with development of the site and Councilor Benetti was selected to attend the meetings.

Public Hearing — Alleged Dangerous Building Located at 444 North Court — Resolution 97-31

City Manager Grile explained the matter had come before the Council at the last meeting and he had hoped the matter would have been resolved in the interim; however, the negotiated deadlines have not been met by Mr. Plattner. Mayor Verger opened the public hearing.

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John Plattner, owner of the property at 444 North Court, apologized for missing the deadlines and explained he misunderstood and thought the City would send the document for him to sign. He reported he has applied for a loan to make the repairs on the house. Mayor Verger inquired if any of the debris has been removed from the property and Mr. Plattner responded he lives in Portland and is short on funds and has not been able to remove the debris. Mr. Plattner explained Mrs. Dorothy Davis does not understand the problem with the garbage and condition of the buildings.

Councilor Benetti noted the report states the property has been sold to Mr. Plattner. Mr. Plattner said the deed has been transferred into his name and he is planning to use the loan to bring the buildings up to code. Councilor Spangler expressed concern if the loan does not come through. Mr. Plattner assured the Council he could abate the problems within 30 days and plans to do most of the work himself. Mayor Verger commented the Council is in a situation that needs immediate attention, and Mrs. Davis needs help and better living conditions. She expressed concern that Mr. Plattner has already missed two deadlines. Mr. Grile recommended the Council enact the resolution which gives Mr. Plattner until December 18, 1997 to bring the property up to code. Councilor Miller asked Mr. Plattner if that much work could really be accomplished in 30 days, and Mr. Plattner said yes, if the loan goes through. Councilor Spangler confirmed that if the job is not completed by the 18th, the City will move forward with the abatement process. Mr. Plattner said he does not believe there is that much in need of fixing, although getting contractors this time of year may be a problem; and further stated he may come back for an extension.

Renee Freidin, 484 10th Court, stated she has lived in the neighborhood for three years and has contacted the City regarding the garbage on the property. She also reported on the number of dogs and cats Mrs. Davis keeps, and the problem with rodents. Mrs. Freidin said offers of help have been refused, and they are requesting the Council require the house to be torn down.

Councilor Stufflebean inquired if Mrs. Davis' daughter had contacted the City for help. Mr. Meithof reported the problem had started last January with a garbage complaint. The complaint was transferred to the fire department, and some delays occurred with the notification process, and the daughter had tried to clean up the garbage but was ordered off the property by Mrs. Davis.

Helen Cruckshank, 448 10th Court, expressed concern about the number of animals that have died and are buried on the property. She reported only the toilet is plumbed to the sewer system and all other water goes to the yard.

C.J. Hattabaugh, 416 10th Avenue, commented on the garbage overflowing from Mrs. Davis' property onto his and said he has personally purchased rat poison to try to get rid of the rodents. He described the condition of the house and stated he believed it was beyond repair.

Mayor Verger commented Mr. Plattner should have a clear understanding of the terms of Resolution 97-31, and Mr. Grile reviewed the resolution terms. There being no further comments to come before the Council, Mayor Verger closed the public hearing.

Mayor Verger commended the neighbors for their patience and compassion with this situation. Councilor Stufflebean expressed concern about giving an extension, and after further discussion, consensus of the Council was to adhere to the December 18, 1997 date in the resolution. Mr. Grile noted the resolution identifies one building and it should be buildings, and Mr. Tosh noted the words *having failed to appear* and *all interested parties* should be stricken from the resolution.

Mayor Verger moved to adopt Resolution 97-31 which is attached hereto and made a part of thereby. Councilor Miller seconded the motion which passed with the Mayor and all Councilors

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present voting aye.

Consideration of Proposed Coos Bay-North Bend Water Board Settlement Agreement with Charlie Day

City Attorney Randall Tosh reported the agreement concerns an easement with the Sandhill Gun Club and will resolve an ongoing issue of a fence to have been built by the club. Recently the Water Board agreed to contribute funds to provide electrical service to the Club cabin in lieu of constructing a fence. Councilor McKeown announced he would abstain from the vote due to a conflict of interest. Councilor Benetti moved to authorize the amendment to the easement. Councilor Stufflebean seconded the motion which passed with the Mayor and Councilors Benetti, Miller, Stufflebean and Spangler voting aye; Councilor McKeown abstained from voting.

City Manager's Report

Mr. Grile reviewed his written report which included notice from the Bureau of Indian Affairs concerning placing property known as the Elks Club in trust, resolution of the problem with the City's voice mail system in community services, execution of a satisfaction of judgment for Charleston Sanitary District, the Water Board's intention of going for general obligation bonds in the November 1998 election, and the near completion of the Englewood local improvement district projects.

Mayor and Council Comments

Councilor Spangler strongly expressed desire that not just the Bay Area Mission have the opportunity to use city hall for a food drop site. Mr. Grile reported in the past the City rotated the use of city hall among local groups. After some discussion, Mr. Grile suggested the Mission be contacted about using the downtown fire station for the drop site.

Mayor Verger reminded Councilors to give reports on the committee meetings they attend.

Executive Session

The City Council met in executive session pursuant to ORS 192.660 (1) (d) for the purpose of consulting with legal council regarding labor negotiations AFSCME union.

The Council reconvened into regular session.

Ratification of Amendment to the AFSCME Labor Contract

Councilor Stufflebean moved to ratify an amendment to the AFSCME labor contract regarding the codes inspector training position and exchanging the day before Christmas holiday for the day after Christmas. Councilor Miller seconded the motion which passed with the Mayor and all Councilors present voting aye.

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Adjournment

There being no further business to come before the Council, Mayor Verger adjourned the meeting to December 2, 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