

MINUTES OF THE PROCEEDING OF THE CITY COUNCIL

November 15, 1994

The minutes of the proceedings of a regular meeting of the City Council of the City of Coos Bay, Coos County, Oregon, beginning with a work session at 7:00 P.M. in the Council Chambers of City Hall and proceeding to regular session in the Council Chambers at 7:30 P.M.

Those Present

Those present were Councilors Joe Benetti, Gary Combs, Gene McCabe, Gene Melton, Cindi Miller, David Williams and Councilor-elect Don Spangler. City staff present included Interim City Manager Bruce Meithof, City Recorder/Finance Director Gail George, City Attorney Paula Bechtold, Police Chief Marc Adams and Public Works Director Ralph Dunham. Members of the media were also present.

Work Session

Councilor Benetti, serving as Mayor Pro-tem reviewed the agenda for the meeting. Bruce Meithof related that the bid for dredging came in at \$39,000 which is higher than the estimate presented last week. He stated that neither the company that did the original work and gave us the estimate, nor the firm that asked the City to go out to bid, entered a bid for the project. Meithof explained that the funds to cover the balance of the Mingus Lake project could come from the excess timber sales receipts realized this year. He said the cost of the project could be reduced by changing the amount of dredging or cutting down on the amount of rock work done on the wall. Councilor Benetti asked if the project could be re-bid and Meithof answered that it could. Councilor Combs asked if phase two included completing the rock wall around the lake and Meithof answered in the affirmative. Benetti asked if the additional dredging was necessary to help keep the lake alive, cut down on the weeds and extend the time necessary before this would have to be done again. Meithof said that with the dredging already done, the lake would be fine for at least ten years, and probably longer because the silting is occurring as a slower rate now due to the creation of the upper pond.

Meithof told the Council that staff is suggesting the remaining funds needed for the boardwalk project come from existing Urban Renewal funds using the money budgeted for facade loans and awnings.

COUNCIL MEETING

Flag Salute

Councilor Benetti called the meeting to order and led the assembly in the salute to the flag.

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Oaths of Office for Newly Elected Councilors

City Recorder Gail George administered the oaths of office to the newly elected Councilors Gene Melton, Cindi Miller and Don Spangler.

Election of Council President

Councilor Williams moved and Councilor Miller seconded a motion to nominate Joe Benetti as Council President and close nominations. The question was called and carried with all Councilors present voting aye.

Consent Calendar

Councilor Benetti read the consent calendar which included the following items:

- a) Approval of the minutes of the regular meeting of November 1, 1994.
- b) Approval of the warrants for October, 1994.
- c) Accepting and appropriating a grant for the Empire Boat Ramp and adoption of Resolution 94-19.
- d) Approval of an OLCC license application for Aurelia Murguia, Francisco Murguia and Jorge E. Gomez for El Puerto.

Councilor Combs moved for approval of the consent calendar. The motion was seconded by Councilor Melton and carried with all Councilors present voting aye.

Public Comments

Diane Hannah, Coos Bay, said she was tired of the City's water on her property and it is destroying her land as well as causing problems for her pets. She said the water is very contaminated and cannot go back into the system but is dumped in the bay. She related that she has tried to be cooperative, but is getting nowhere. She reiterated that she feels the water belongs to the City's storm drain system and she does not want it. On being asked by Councilor Melton where the water is coming from, Hannah said the water is coming down the hill, into the drainage system, and finding the tide gate closed, flooding her property. Councilor Combs asked when the last time was that she talked to City staff about the problem and Hannah replied that she talks to City staff all the time. Councilor Spangler asked Hannah about her problem and she gave him some background on the water on her property. Dunham said the City corrected some problems in the area and he has scheduled the survey crew to be out in her area this week. Dunham also reported that her property is just at or below the high tide line. Benetti asked if Dunham had repaired the tide gate and he replied that they had taken some sticks out of the gate which were causing the gate to malfunction, but he is looking for a long term solution to this problem instead of a patch. When asked, Dunham

stated that the increased peak run off due to the recent logging runs into the creek which runs by Hannah's. He also explained that if a problem of this type can be fixed at a small cost (under 5,000) the City traditionally fixes the problem. If a larger project, such as a storm water pump, is needed, the usual procedure is to form a local improvement district of property owners to pay for the project. Dunham said he would have a complete report for the Council at their next meeting. When Hannah asked why the money received from the logging could not be used to fix the drainage problem she was told that the logging above her property was not being done by the City and the City was not receiving any revenue from that logging.

Gene McCabe, Coos Bay, wished Mr. Spangler the best in his term as Councilor and thanked the City staff for their help and cooperation during his tenure on the Council. He noted that Coos Bay is two hours away from a large city and encouraged the Council to stress livability in the area which will encourage business to locate here. He then thanked the Council for the opportunity he had to serve with them.

Russell Estates Final Plat and Street Vacation - Ordinance No. 211

Meithof explained that the Council had approved the tentative plat, and all necessary steps had been taken prior to final approval by the Council. Councilor Combs moved that the final plat be approved and Ordinance No. 211 be enacted. The motion was seconded by Councilor Melton and carried with all Councilors present voting aye. The Council was polled and Ordinance No. 211 was enacted with the following vote:

Voting Aye: Councilors Benetti, Combs, Melton, Miller, Spangler and Williams
Voting No: None
Absent: Mayor Verger

Award of Bid - Mingus Lake Dredging

Meithof related that the straw estimate from the contractor who did the original dredging was \$30,000. He said five contractors picked up bid packets, but only one bid was received for the project and it was for \$39,000. Councilor Williams said he would like to see the rock wall finished, but feels no more dredging should be done. Councilor Melton agreed and said he does not see Mingus Lake becoming a cold water fishery. He would also like to see the rock wall finished and have another aerator put in if that would help the algae problem. Councilor Spangler said he too would like to see the rock wall completed and no further dredging done. Councilor Combs stated he wants to see the rock wall finished and an aerator installed. Councilor Benetti said he was in favor of completing the dredging and returning the lake to the original depth of six feet. He related that people have contacted him and want to see the dredging done. Spangler said he understood that the dredging was for establishing a cold water fishery and not because the lake was dying. Dunham explained that additional dredging would help stop the algal growth in the lake. It was asked if any grants could be obtained for the dredging and Meithof replied that only minor grants were available

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and could not be applied for until February or March. He stated that these grants would not be enough for the dredging project.

Councilor Melton moved that the rock wall be completed for \$21,000 and an aerator be installed for \$3,000. The motion was seconded by Councilor Spangler. Combs asked if we have the necessary water rights and permits and Dunham replied that we currently have everything in order. Combs said he would like to see more dredging. Benetti commented that he would also like to see more dredging. The question was called and the motion carried with Councilors Melton, Miller, Spangler and Williams voting Aye. Voting No were Councilors Benetti and Combs.

City Attorney Report

No Report was given.

City Manager Report

Bruce Meithof reported that the tree lighting ceremony would be held November 25th at 6:30 p.m. on the boardwalk. He then mentioned other meetings that were being held during the next week. He proposed starting the work session on December 6th earlier than usual to allow time to present the Highway 101 beautification project to the Council. It was decided to start the meeting at 6:00 p.m. on December 6th. Meithof congratulated Paula Bechtold on her election to District Court Judge and apprised the Council that a new City Attorney needed to be appointed by the City Manager prior to January 1, 1995. He proposed that he start the process and advertise the position, noting that all employees serve a six month probation and the new City Manager would have that time to decide if he liked the selection. There was consensus that Meithof should start looking for a new City Attorney.

Meithof informed the Council that as of the end of September there was \$35.00 left in the Architect fee account for the Boardwalk project. He said that he had talked with Crow/Clay and they have submitted a proposal with a cap on their fees each month through February when the project is scheduled for completion. He noted that if the project is not completed, there will be additional months beyond February where there will be fees. The proposed fees will not exceed \$11,074. He recommended that the rest of the Boardwalk project be funded with Urban Renewal Funds, keeping the promise that no General Fund tax dollars would be used. Spangler asked if this agreement with the architect was open ended and Meithof answered yes and explained a little of the history of the delay due to problems with Southern Pacific. He also explained why the architect's fees are continuing and that the law requires the architect to inspect the construction.

Council Comments

Councilor Spangler said he looked forward to serving on the Council

Councilor Combs thanked Gene McCabe for his outstanding service to the City and welcomed Don Spangler to the Council. He also thanked Bruce Meithof for the outstanding job he

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is doing as Interim City Manager. He continued by thanking Paula for her years of service to the City and said she would be missed. He thanked staff for their work on the Empire Boat Ramp and asked if the Boardwalk was on schedule. He stated he would like to see the dredging completed at Mingus Lake.

Councilor Melton thanked Gene McCabe and Paula Bechtold for their service to the City. He related that he has heard from some of the citizens and he shares their opinion objecting to the \$5.00 fee being charged by the Water Board when they hang a notice on a door that they are going to shut off the water. He feels this will penalize those that are already having trouble paying their bill. He noted he had given Marc Adams information on what he feels is a serious parking and traffic problem at the Eastside school.

Councilor Miller thanked out-going Councilor Gene McCabe for his service and welcomed Don Spangler to the Council. Councilor Benetti said he echoed her feelings.

Adjournment

There being no further business to come before the Council, Councilor Benetti adjourned the meeting to 7:00 o'clock P.M. in the Council Chambers of City Hall on December 6, 1994.

Joe Benetti
Mayor Pro-tem of the City of Coos Bay
Coos County, Oregon

ATTEST:

Gail George
Recorder of the City of Coos Bay
Coos County, Oregon