

## **MINUTES OF THE PROCEEDING OF THE CITY COUNCIL**

July 19, 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 Mayor Joanne Verger, Councilors Gary Combs, Cindi Miller and David Williams. Councilor Joe Benetti arrived at 7:30 p.m. for the regular session. City staff present included City Manager Jim Watson, City Recorder Gail George, Community Development Director Bruce Meithof, Fire Chief Cliff Vaniman, Library Director Carol Ventgen, Police Chief Marc Adams and Public Works Director Ralph Dunham. Members of the media were also present.

### **Work Session**

Mayor Verger reviewed the agenda for the meeting. She noted that there were two additions to the agenda, an offer to purchase real property, placed on the consent calendar and an extension to the Crow/Clay contract added as item 5a). Councilor Combs asked for clarification as to whether the Comprehensive Plan map amendment on the consent calendar was a part of the process or the final action. Bruce Meithof replied that if the Council approved this tonight, a resolution would be brought back to the Council. Councilor Williams commented that he saw no point in this amendment as the Friends of Park Avenue have control over the property. Verger explained the reason council has been asked to oppose any change in the mining laws. Verger also added to the agenda as item 9), a discussion of the process to be used in hiring a new city manager.

## **COUNCIL MEETING**

### **Flag Salute**

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

## **URBAN RENEWAL MEETING**

In the absence of Bill Grile, Chair, the meeting was called to order by Joe Benetti, Acting Chair.

### **Authorization to Proceed With Amendment to the Urban Renewal Plan**

City Manager Jim Watson explained the purpose of the amendment was to add two areas to the Urban Renewal District, one near and including the library and the other near Kruse and 5th.

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David Williams suggested the amendment regarding the parking structure be modified to include parking for downtown in general and be larger than for 50 cars. Joanne Verger asked that the item on a rest area be modified to have the rest area developed for boardwalk visitors. Williams asked if extending water and sewer to the waterfront were included in the current plan. Bruce Meithof indicated that they would be covered under utilities. Gary Combs stated his understanding that the costs shown in the plan amendment were just estimates and the council was not locked in to what is shown. Councilor Miller moved, with a second by Councilor Combs, for authorization to proceed with the amendment with the changes that were discussed. The question was called and all members present voted aye.

### **Adjournment**

There being no further business to come before the Urban Renewal Agency, the meeting was adjourned to the regular Council Meeting.

## **COUNCIL MEETING**

### **Consent Calendar**

Mayor Verger read the consent calendar which included the following items:

- a) Approval of the minutes of the regular meeting of July 5, 1994.
- b) Approval of a Comprehensive Plan map amendment T25, R13S, 26CB, TL# 4900
- c) Approval of land partition, 2625 Ocean Blvd.
- d) Approval of street vacation, unnamed public roadway T25, R13S, 21DD, between TL #400 and #500.
- e) Approval of Resolution 94-9 - Amended Tax Levy, a copy of which is attached hereto and made a part of hereby.
- f) Award of contract for architectural services to Robert Perron for the Highway 101 Corridor Enhancement at a cost not-to-exceed \$20,000.
- g) Refusal of offer to purchase Lot 6 Block 1 First Addition to Englewood for \$19,500 with terms.

Councilor Williams moved for approval of the consent calendar as amended. The motion was seconded by Councilor Miller and carried with the Mayor and all Councilors present voting aye.

### **Public Comments**

Jean Wilson, Coos Bay, thanked the Council for their help and understanding on behalf of the Friends of Park Avenue regarding the property at 4th and Highland.

Mayor Verger read a thank you letter from the organizers of the Maritime Festival

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complementing the cooperation of City staff.

### **Presentation of Certificates of Recognition**

Certificates of recognition were presented to employees Bob Mitchell for his creation of an inspector-in-training program and Wayne Sowle for activities above and beyond his duties as a Police Officer. Volunteer Larry Carpenter, reserve Police Sergeant was recognized for his numerous hours of service to the City.

### **Appeal of Tree Board Decision**

Mayor Verger related that she has visited the trees in question and found them tall and spindly, and asked if she had looked at the right trees. Heidi Reichel replied that the maples are full and she may have been looking at the alder trees. Public Works Director Ralph Dunham also related that from a distance you cannot see the base of the trees. He explained that the trees in question are not a danger now, but because they are growing from an old stump, they may fall at some time in the future. After examining the site, his recommendation is to remove the single stump Maple and part of the Holly as recommended by the Tree Board. The recommendation also calls for replacement trees of a minimum height of 12 feet situated to provide adequate screening as they grow. It is also recommended that these trees be removed and replaced in the early fall. Councilor Combs moved to approve the staff recommendation as stated above. The motion was seconded by Councilor Miller and carried with the Mayor and all councilors present voting aye.

### **Appeal of Denial of Business License for The Money Tree**

Ken Warthen, representing The Money Tree, stated his understanding of the reason for denial of the business license was because they are operating a pawn shop and do not possess the necessary state license to operate a pawn shop and did not describe the business on the application as a pawn shop. Warthen explained that in his opinion they are not operating as a pawn shop and that their consignment agreement was specifically drawn up to avoid being a pawn shop.

Police Chief Marc Adams explained that the Coos Bay Police Department has contacted the State and sent them a copy of the consignment agreement in question. The State contacted The Money Tree in November and asked them to obtain a pawnbroker license. The State Department of Consumer and Business Services also sent a letter to the Police Department indicating the consignment agreement has all the earmarks of a typical pawning operation. Adams said that the City has based their opinion on the information they received from the State.

Mayor Verger asked Warthen why he preferred not to get a pawnbroker license. Warthen replied that the rules for a pawnbroker are very restrictive and require bonds and other record keeping requirements. He also stated that they answered the letter from the State and received no reply. He further stated that The Money Tree has been very cooperative with the Police Department and helped them with some of their cases. He feels the operation is legal and can be taken somewhere else if the City does not want to issue them a license. He further stated that they have never intended to operate illegally and if the City denies their license they will move out of the City.

When asked, Mrs. Warthen, the owner of the business, replied that she knows of several consignment shops like theirs that operate legally in the Eugene area. Councilor Miller explained the City's position that a business license could not be issued when the State says they need a pawnbroker license. Councilor Williams said his interpretation of the State laws indicated that The Money Tree was not in compliance. Mayor Verger expressed her opinion that the City could not grant a business license when the State says they do not have the necessary State license. Council opinion was that the The Money Tree needs to get the license issue straightened out with the State before the City can issue a business license and the appeal was denied. It was clarified that The Money Tree could not operate without a current City business license.

#### **Extension of the Crow/Clay Contract for Architectural Services on the Boardwalk**

Public Works Director Ralph Dunham explained that Crow/Clay's contract states that the project would be completed in ten months and additional compensation could be requested if the delays were no fault of the architect. Benetti felt the hold up by Southern Pacific was due to the design of the architect placing some of the contract items on Southern Pacific property. Dunham also explained that Council requested the contract be split into smaller contracts so that local contractors would be able to bid on the project and this caused some delays. Jim Watson asked if some of the delay was caused by a delay in the architect getting the specs to the City. Dunham replied that it was partially true and the city also asked him to put the plans on hold for a while until the Southern Pacific property purchase was completed.

Benetti asked what delay was caused by the splitting of the contracts to which Dunham replied about three months. Benetti then asked how much delay was caused by the problems with the roofing materials which had been specified by the architect.

Mayor Verger asked when staff needed a decision on this contract extension. Watson reported that it was staff's opinion that although we may owe them some additional charges for delays, we are also entitled to a credit for other issues. Dunham replied that he has notified the architect that the City will be seeking credits for delays caused by their design specifications. Watson said the Council did not need to make a decision on the contract extension at this time and that the project currently is running only three per cent over budget. Watson also pointed out that what was reported in the paper as potential cost overruns are actually costs cut from the original contract being done in the next budget year, and the cost of the interpretive exhibits and architect's fees which were not included in the original project cost. His recommendation is to hold off on any additional fees for the architect until the end of the project and take care of the additional items and credits at that time. Watson emphasized that this project is coming in very favorably with about a three per cent overrun and took offense at the reporting of tremendous cost overruns. He also wanted it understood that the City would be fair with the architect.

#### **Resolution 94-10 - Opposing Amending State Constitution to Change the Mining Laws**

Mayor Verger reported that Oregon already has the strictest mining laws in the nation and they do not need to be made stricter. She noted that Coos County and other government entities have passed a resolution opposing changes in the mining laws. Councilor Williams moved for

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approval of Resolution 94-10 a copy of which is attached hereto and made a part of hereby. The motion was seconded by Councilor Miller and carried with the Mayor and all councilors present voting aye

### **Report and Recommendation from the Parking Advisory Task Force**

Councilor Williams reviewed the items discussed by the Parking Committee including trying to deal with employee parking. He told of the pilot program to have free parking for employees in a seldom used lot and free up more customer parking. He reported that the committee felt there is not currently a general parking problem, and the additional parking in Mall Block Two and the former Chevron Lot will help the most congested area. The report also included a request for better signage to direct visitors to those lots which are used less. Williams reported the need for more parking in the north end of the downtown area with a recommendation to purchase property for parking in that area. The committee felt a parking structure would be the best solution for future needs and would help the problem area now. Since none of the committee members have expertise in this area, a recommendation was given to the Council to consider hiring a consultant just to look at the feasibility of a parking structure. Mayor Verger requested more time to look at the report and would like the item to remain on the agenda for action at a future date. She also asked staff to comment on the committee's report. Verger commended the committee for a job well done and thanked them for their service.

### **Ordinance No. 208 - Regulating Moorage at Facilities Operated by the City of Coos Bay**

City Manager Jim Watson requested that this item be held over to the next meeting for some potential changes in wording.

### **Process for Recruitment of a New City Manager**

Jim Watson outlined that there are basically three alternatives available to the council. They can form a committee themselves and accept applications, a professional head hunter can be hired at a cost of at least \$10,000, or the services of the League of Oregon Cities can be used at a cost of just under \$5,000. He recommended that the Council at least meet with Dick Townsend of the League of Oregon Cities to review their process. Watson also suggested that the Council give serious consideration to holding an assessment center for the finalists put on by an outside agency and that the Councilors attend the assessment center if at all possible. Councilor Williams asked Watson if he had an opinion on the services of the League. Watson replied that he did not hesitate to recommend them. Williams commented that a professional head hunter seeks out candidates instead of just waiting for candidates to apply. Watson strongly suggested that when the Council has narrowed the field down to one candidate that an investigator from the police department be sent to their home town to do an extensive background check. The Council agreed to meet with Dick Townsend from the League before making any decision.

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Mayor Verger read a letter from Bill Grile expressing his satisfaction with serving almost eight years on the Council and commenting that he was not going to run again. He expressed his surprise at Jim Watson's resignation and asked to be considered as a candidate for the position of Coos Bay City Manager. His letter also stated that with his interest in applying for this position, he resigned from the City Council effective tonight.

### **City Attorney Report**

A written report noted that a suit has been filed against the city by Flora Lee Lockhart, the arbitration for the grievance filed by Rod Schweitz is scheduled for September 13th, and the agreement with the Art Museum is on hold until their board meets and discusses their plans for next year.

### **City Manager Report**

Jim Watson reported that one of the history classes at MHS will be using the latest issue of the City Newsletter as part of their curriculum. He informed the Council that he has received many nice comments on the boardwalk dedication. Watson told them we won the North Bend-Coos Bay softball game even though none of the City Council was present and noted the event has become more fun each year. He said that an update on the interpretive signs will be provided in writing to the Council and there is a Change of Command at the North Bend Air Station at 10 a.m. Friday. Watson related that we currently have a permit to drain Mingus Lake and we need to decide if we are going to deepen the lake which will require draining and cause some inconvenience to the citizens. He would like to renew the permit and get public input on exactly what to do.

### **Council Comments**

Councilor Williams stated he enjoyed dedication of the boardwalk and maritime festival and was having such a good time he inadvertently missed the softball game. He reported that the Plant 2 operations committee is getting close to setting rates and would probably do so at their next meeting. His final comment was that he would like to consider renaming the Neighborhood Facility Building.

Councilor Combs reported on the Parks Commission meeting noting they were concerned with minor vandalism problems at Empire Lakes Park and are recommending posting signs for "Day Use Only" and putting up gates at the entrances. This recommendation will be on the next council meeting agenda. He would like to know where the City is with their agreement with the caretaker at the Scout Cabin and asked staff to report back at the next meeting. Watson replied that he understood the caretaker was going to France so he held off on the agreement, but those plans have now been cancelled and staff will resume work on the contract. Combs commended the Mayor for the Boardwalk dedication program and asked for extra cleanup at the Timber Inn corner. He commented that he likes the idea of a parking structure as suggested by the parking committee.

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Councilor Miller also complimented the Mayor on her handling of the dedication

Councilor Benetti felt the same way regarding the dedication. He reported that patrons of his restaurant have asked for more cleats on the City docks. Ralph Dunham explained that there are cleats spaced about every 15 feet on the South Dock, but there may be a need for more cleats on the north dock. He told the Council that there is a problem with installing cleats that were not included in the original design. Benetti then asked for recommendation on Mingus lake drainage, and asked about a new City logo. Jim Watson responded that he would like some public input after larger signs are put up before changing the City's logo. Dunham reported that the signs may be able to be put up with the 101 corridor project.

Mayor Verger said everything went well at the dedication and maritime festival. She hopes to have an open house for the completed boardwalk at the Bay Area Fun Festival. She commented on the letter from Grile and her surprise in receiving it and noted his many years of service to the City. Verger told the Council she would like them to appoint someone in that place even though it would only be for 90 days in order to have a full council for the process of hiring a new manager. Verger noted she will be attending the Mayors' conference later this month.

### **Adjournment**

There being no further business to come before the Council, Mayor Verger adjourned the meeting to 7:00 o'clock P.M. in the Council Chamber of City Hall on August 2, 1994.

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Joanne Verger  
Mayor of the City of Coos Bay  
Coos County, Oregon

### **ATTEST:**

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