

## **MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL**

**February 6, 1996**

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, Gary Combs, Cindi Miller, Don Spangler, Judy Weeks, and Dave Williams. City staff present were City Manager Bill Grile, City Clerk Joyce Jansen, City Attorney Randall Tosh, Finance Director Gail George, Community Services Director Bruce Meithof, Fire Chief Cliff Vaniman, Police Chief Marc Adams, Library Director Carol Ventgen, Accounting Operations Supervisor Mary Beth Holst, City Engineer Ralph Dunham, Planning Administrator Kevin Cupples, and Assistant Library Director Michelle Caldwell. Members of the media were also present.

### **WORK SESSION**

Mayor Verger reviewed the consent calendar, there was no discussion. She suggested the Council serve as the ad hoc committee for the block IV renovation. Consensus of the Council was they would all serve. City Manager Bill Grile noted that the county was requesting a fee waiver for the application for amendment comprehensive plan. Councilor Miller said LouAnn Rode would be making a presentation for the Senior Center. Mayor Verger expressed regret that communication between the city and the senior center had not been clear and she said the city was in fact very supportive of the grant. She said she would support the city paying the architect fees. Councilor Combs said he was enthused with the partnership of port, city, and citizens in supporting the boat ramp in Eastside. He commended staff and the city manager for their work on this project.

City Manager Grile commented on the problem of planning commissioners with ex parte contact and it appears to be a resistance to obeying the law. Mayor Verger explained that it was quite simple to state for the record ex parte contact. City Attorney Tosh explained commissioners could still vote if they have had an expert contact, as long as the commissioner stated there had been contact. Councilor Spangler expressed that the planning commission was perhaps in need of training. City Attorney Tosh noted that he had met with the planning commission and had explained the laws to them. Councilor Spangler maintained that some members of the planning commission do not understand the laws and are in need of education. City Attorney Tosh reported that another training session was in the works and that this was a very serious matter. Mr. Tosh said the commissioners were told if they were undecided if it was an expert contact, to declare it so. Mayor Verger said it was not a complicated rule and if commissioners cannot understand the law, then we have a problem. Mr. Grile commented that compliance of the law was not a discretionary decision.

Mr. Grile reported on a meeting with OMI on the possible contracting out wastewater treatment. He said OMI was asking Council to adopt certain principles before they continue the proposal and this action would not commit the Council to a contract with OMI. Mr. Grile further stated that OMI indicated there would be no savings upfront, but the city would save in the long run because of OMI's management experience. The report from OMI also indicated capital improvement

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was needed for plant II. Mr. Grile said he had been pleased with the concern from OMI regarding city employees.

Mayor Verger reported the Council goal setting session was tentatively set for March 2nd and asked Councilors to respond if they would be able to attend. Councilors Weeks and Williams said they would be out of town on business. Councilor Spangler asked if there would be a time for public input and Mayor Verger responded there was time planned for the public to address the Council.

### **COUNCIL MEETING**

#### **Flag Salute**

Mayor Verger led the assembly in the salute to the flag

#### **Consent Calendar**

Mayor Verger presented the consent calendar which consisted of the following:

- a) approval of minutes of the regular meeting of January 16, 1996
- b) approval of minutes of the special meeting of January 16, 1996
- c) amendment to 101 Enhancement Project agreement
- d) Resolution 96-10 - appropriating funds - grant with state fire marshal

Councilor Weeks moved to approve the consent calendar as presented. Councilor Combs seconded the motion which carried with the Mayor and all Councilors present voting aye.

#### **Annual Report from the Oregon Coast Music Association - Crystal Landucci**

Crystal Landucci presented the music association annual report and thanked the city for their support. Wally Hill, treasurer, reported the music festival had received rave reviews statewide; and international artists now participate in the festival. Board member, Doug Beath, commented that the festival draws many visitors from out of state and significantly impacts the area's economy. Board member, Vicki Jenkins, commented that fine arts were an important part of the education of our youth. She said the association had a special program for children and had a youth orchestra and both were very successful.

#### **Library Expansion Project Update**

Curt Benward, chair of library citizen advisory committee, reviewed the history of the expansion project. He stated the project started in April 1993 with a user survey and based on public support, goals were established. An advisory committee was appointed and after nine meetings the committee recommended to the Council to expand the library facility. Mr. Benward explained the building had been occupied for 30 years and the library had outgrown the facility. It currently does

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not meet ADA requirements, does not have sufficient parking, lacks workspace for employees, crowded conditions for patron and library materials, and does not meet the needs of today's technology. Mr. Benward commented that there had been tremendous support from the community for the expansion. Mayor Verger commended Mr. Benward for his work on the library project and thanked him for chairing the committee. Rich Turi, project architect, reported that many discussions and meetings had been held to create a plan to meet the needs of Coos Bay for 20 to 25 years. Cost savings were implemented in the expansion plan to maintain current architect style. Mr. Turi displayed the floor design and reviewed the plan. He noted the new entrance location, additional meeting rooms, parking areas, and general layout of service areas. Mr. Turi noted that the cost would be approximately \$3 million, compared to \$4 million to build a new facility. Chris Guernsery, Library board member, reported on the extensive use of the library facility and library materials. She commented that the library was the heart of a community, and used by all age groups for a variety of functions from pre-school activities to voting. Mary Schieflebein, president of the Friends of the Library, thanked the Council for their support of the expansion and reported on the activities of the Friends' support effort for the library. Vi Feats, League of Women Voters, expressed the LOW support for the expansion project and commented that an excellent library was essential for educating the community. She commended the Council for their vision for the community. Sargent Webster, North Bend, stated he did not object to the library, but was concerned about the financing and inquired if there had been a public vote. Library Director Carol Ventgen responded that 13 years ago a special election was held to ask voters to expand the building, and failed by 40 votes. She said the expansion would be financed with urban renewal funds. Mr. Webster asked if expending the funds on the library would slow down the urban renewal, and Councilor Benetti said it would not.

### **Appointment of Coos Bay-North Bend Water Board**

Mayor Verger presented Mike Helfrich for Council confirmation to fill a vacancy on the Water Board due to the Mayor's term expiring. Mr. Helfrich commented that he was retired from U.S. Bank, had previous experience working with municipalities and water districts, and was interested in a balance of growth in the area while maintaining the environment. Councilor Benetti moved to confirm the appointment of Mr. Helfrich to the Coos Bay Water Board. Council Miller seconded the motion which carried with the Mayor and all Councilors present voting aye.

### **Appointment of an Ad Hoc Committee to Review RFPs for Mall Block IV Renovation**

City Manager Bill Grile reported that two firms have submitted proposals to provide professional services for the renovation of block IV. Consensus of the Council was that the whole Council serve on the committee. Mayor Verger asked that the meeting to review the proposals be held at 6:00 p.m. prior to the next Council meeting February 20, 1996.

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### **Ordinance No. 224 - Amending Ordinance No. 93, Adding a Definition for Pet Shops and Permitting Pet Grooming in the Central commercial (C-1) zone**

City Manager Bill Grile reported that the amendment would allow pet grooming in the central commercial zone district. Councilor Benetti moved to adopt the planning commission's recommendation approving the ordinance amendment, and enacting Ordinance No. 224. Councilor Miller seconded the motion. City Clerk Joyce Jansen read the ordinance by title only and the Council was polled with the following results:

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

### **Coos County Request for Comprehensive Plan Amendment - Resolution 96-9**

City Manager Grile reported the amendment would change the current zoning designation of blocks 106 and 108 in the southern portion of Empire. Mr. Grile commented that the County was asking that the application fee be waived and he recommended waiving the fee except for \$57.51 to cover publication costs. Mayor Verger moved to waive the application fee, adopt the planning commission's recommendation and adopt Resolution 96-9 amending the comprehensive plan. Councilor Weeks seconded the motion which carried with the Mayor and all Councilors present voting aye.

### **Authorization for Acting Lieutenant Position for the Fire Department**

City Manager Bill Grile explained that the proposed amendment to the firefighters contract addressed the issue of firefighters working out of class as acting lieutenant. Councilor Spangler asked for clarification on the annual cost to the city. Fire Chief Vaniman responded that the cost would be \$900 for this budget year and \$2400 next year. Councilor Weeks moved to approve the change to article 6 of the agreement between the International Association of Firefighters Local #2935 and the city of Coos Bay. Councilor Miller seconded the motion which carried with the Mayor and all Councilors present voting aye.

### **Senior Center Grant**

Mayor Verger expressed concern that communication between the City Council and the Senior Center was not as it should have been. She further stated that this Council was supportive of the seniors and their projects. LouAnn Rode reported that the seniors had voted at their last meeting to return the grant. She stated problems with land acquisition for the parking requirements, different senior officers, different city staff, and various problems which prevented them from going forward with the project. Mrs. Rode reported the Senior Center operated on a very tight budget and

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requested that Council consider forgiving the \$12,062 in architect fees currently owed to the city. Councilor Spangler moved to direct the city manager to withdraw the grant and the city to forgive the \$12,062.63. Councilor Miller seconded the motion which carried with the Mayor and all Councilors present voting aye.

### **City/Port Intergovernmental Agreement and Boat Ramp Lease**

City Manager Grile reported the agreement and the lease had been reviewed by the city attorney and the port manager. He said there was \$79,000 in ISTEA money available for improving D Street. Councilor Weeks moved to authorize the city manager to sign the intergovernmental agreement and for the mayor to sign the lease. Councilor Combs seconded the motion which carried with the Mayor and all Councilors present voting aye.

### **City Attorney Concerns about Planning Commission Conduct**

City Attorney Randall Tosh reported there were concerns of ex parte contact with planning commissioners. Mr. Tosh explained ex parte contact was a serious matter and with the state wide land use system, ex parte contact could be the basis of an appeal. Mr. Tosh said he had instructed the planning commission on ex parte contact as part of their training, and had invited them to call him if they had problems. Ken Harlan, planning commissioner, explained that his contacts with the League of Oregon Cities and the State Attorney General's Office was done to gain an understanding of the true nature of ex parte contact. Mr. Harlan apologized to the city manager, city council, and planning commissioners for any embarrassment he may have caused them. Mayor Verger commented that all citizens must take the law seriously and it was important to conduct ourselves appropriately. City Manager Bill Grile stated that it was not a planning commissioner's responsibility to collect information, and there was a big difference between an on site visit and collecting evidence. Mr. Tosh said there was no prohibition against ex parte contact; the problem occurs when a planning commissioner had contact and did not state it for the record. Steve Clay, planning commissioner, said that ex parte contact had been explained to the commissioners and an oath would frame their responsibilities. Discussion about ex parte contact and reporting the contact was discussed by the council. Consensus of the Council was to continue with education for planning commission members and if questions arose, the city attorney would be contacted for clarification. Councilor Williams suggested an oath of office be issued to planning commissioners because of the responsibilities they are charged with. Mayor Verger moved to direct staff to prepare an oath of office which would be administered to each commissioner. Councilor Weeks seconded the motion which carried with the Mayor and all Councilors present voting aye.

### **Consideration of Operations Management International Concept Proposal**

City Manager Bill Grile reviewed the six principles of agreement in the January 25, 1996 letter from OMI, which is attached hereto and made a part thereby. David Hudson, wastewater division employee, said he had been working on the wastewater problem for twelve years. He said much of the collection system was old and in need of improvements. Mr. Grile explained there were

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capital improvements to be made by the city and that the job of OMI would be to operate the system. He said at this time OMI was not asking for a commitment to contract services from the Council, only the go ahead to perform an evaluation. Mr. Grile stressed that city employees would be part of the equation in working with OMI. City Attorney Tosh explained if the city contracted out, there would no longer be an agreement with Charleston Sanitary District and they would need to negotiate with OMI. Councilor Combs moved to adopt the six principles and authorize the city manager to proceed with OMI. Councilor Miller seconded the motion which carried with the Mayor and all Councilors present voting aye.

### **Public Comments**

Kay Heikkela, representing the tourism and promotions committee, reported that it had been brought to the attention of the committee there was a concern regarding the lack of a representative on the committee from the hotel industry. She said a letter from Gordon Joelson, president of Bay Area Motel Owner's Association, stated there was no one from the hotel industry interested in serving on the committee. She further stated that the hotel/motel owners receive meeting notices and minutes, and that she was in constant contact with them. Mrs. Heikkela invited members of the Council to attend the committee meetings, and she commended Councilors Benetti and Miller for their work on the promotions committee. Councilor Spangler said the agreement was for one councilor and one citizen-at-large and he supported involving citizens on city committees. Councilor Benetti said he or Councilor Miller would step down if a citizen-at-large indicated an interest in serving.

### **City Attorney's Report**

City Attorney Randall Tosh reported the Coos Bay-North Bend Water Board adopted a resolution rescinding the land trade with the city. He said the skateboard ordinance had been drafted and was currently being reviewed by staff.

### **City Manager's Report**

City Manager Bill Grile reported the mural grant from the state tourism division had been denied. He said the marine board would be redesigning the Empire boat ramp, and reminded the Council that their biographies were needed for the WEB page.

### **Mayor and Council Comments**

Councilor Weeks said she had attended lunch at the senior center and also attended the DARE graduation.

Councilor Combs reported the parks commission would be applying for a conditional use permit for Morrison Street to store brush removed from city parks. He commented the Empire boat ramp needed serious repairs and there may be money available from the state marine board emergency funds.

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**Councilor Miller** thanked LouAnn Rode and senior center for lunch. She said she had attended the boy scout kickoff, and the Johnson Street neighborhood meeting.

**Mayor Verger** commented on the art museum's public hanging, and said the chamber banquet was well attended. She commended Crystal Shoji for her work in the community. She reported that she had received numerous calls throughout the day in support of the library project.

### **Executive Session**

On motion by Mayor Verger and seconded by Councilor Benetti, with the Mayor and all Councilors present voting aye, the Council went into executive session pursuant to ORS 192.660 (1) (h) consultation with legal counsel regarding possible litigation.

### **Adjournment**

There being no further business to come before the Council, Mayor Verger adjourned the meeting to February 20, 1996 at 6:00 p.m. in the Council Chambers of City Hall.

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

ATTEST:

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Joyce Jansen  
City Clerk of the City of Coos Bay  
Coos County, Oregon