

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

August 20, 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, Cindi Miller, Don Spangler, Judy Weeks, and Dave Williams. Councilor Combs was attending a meeting out of town. City staff present were City Manager Bill Grile, Deputy Recorder Joyce Jansen, City Attorney Randall Tosh, Finance Director Gail George, Community Services Director Bruce Meithof, Fire Chief Cliff Vaniman, Police Chief Marc Adams, and Library Director Carol Ventgen. Members of the media were also present.

WORK SESSION

Mayor Verger requested a presentation from the American Cancer Society be added to the agenda as item #3a. Ordinance No. 233 and Resolution 96-28 were removed from the agenda for further review by the city attorney. Mayor Verger commented on the public hearing for the 20th Street local improvement district and noted that a couple of people had remonstrated against the improvements. City Manager Grile noted that the district would be abandoned if remonstrance of 67 percent of the assessed cost were received. Mayor Verger said Stuart Woods would be making the presentation on the Chamber of Commerce expansion plan. Mr. Grile introduced Kathi Joy, the new director of the Chamber.

Mayor Verger reviewed the design for Block IV noting \$77,000 had been budgeted for the project. Mr. Grile reported that given the problems of future funding levels, he recommended scaling back the Block IV development plan and consider an alternative plan. The plan presented to the Council would have the canopies and pillars removed, using city crews and Shutter Creek inmates to off-set the cost; repairs to the sidewalks; and using 5th Street to develop 18 parking spaces. The planter boxes, trees and shrubs, and benches would remain. Mr. Grile explained developing the diagonal spaces would require 5th Street to be open to one-way traffic and a property line adjustment to the adjacent property owner, Anna Brands. He said he had met with Mrs. Brands and she is agreeable to the development. Councilor Spangler inquired what Mr. Clay's estimates for development were and Mr. Grile replied they were upwards of \$1/4 million. Mr. Grile commended Bruce Meithof on putting together the street and sewer capital improvement plan. He stressed the plan was not legally binding and was simply a guide for the Council. Mr. Grile explained Mrs. Monta had requested to be placed on the agenda regarding her neighbor's fence as provided by Ordinance No. 99. City Attorney Tosh noted section 30 of the ordinance contains significant problems in dealing with unenumerated nuisances and recommended it be repealed. Mr. Tosh further explained that the law could not be directed at one person or property and must apply equally to all. Mayor Verger reported Councilor Spangler had spent time with both parties involved and asked if he could continue to work with them and possibly work out a solution. Mr. Spangler said he would be willing to continue with the meetings.

Council Minutes - August 20, 1996

COUNCIL MEETING

Flag Salute

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

Consent Calendar

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

- a) Approval of the minutes of the regular meeting of August 6, 1996

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

Public Hearing - 20th Street Local Improvement Districts

Mayor Verger opened the public hearing on the 20th Street local improvement district. Wanda Oberstaller, 1721 South 20th, spoke against the improvement district. Mrs. Oberstaller expressed concern about paying for a street improvement in which she would not have a benefit. She explained the access to her property is from California and stated the assessment was too high. Mrs. Oberstaller requested city staff to review the planned improvements, in particular the need for a retaining wall. Mr. Grile noted the assessments are based on a formula. Finance Director Gail George said the method must be fair to all involved and a new method would need to pass the state test. Ms. George commented the two remonstrances were received from people who felt they would not benefit from the improvement. There were no further comments and Mayor Verger closed the public hearing.

Mr. Grile commented they could not be exempted from the assessments, but perhaps adjustments could be made. Councilor Spangler noted the cost would be passed on to others in the LID. Councilor Benetti cautioned changes in this LID would affect recently approved LIDS. City Attorney Tosh reminded Council they also sit as the Board of Equalization. Mayor Verger commented that according to the resident, there is not a benefit. Mr. Tosh said they would receive some benefit, such as curbs and gutters to handle the water runoff, and Mr. Grile noted the improvements would increase the property values in the area. Councilor Weeks said the California LID also affects Mrs. Oberstaller. Mr. Spangler asked if Mrs. Oberstaller felt the amount is too much and she said yes. She further stated she does not feel the retaining wall is necessary. Consensus of the Council was to table the item and have an engineering analysis performed.

Presentation by American Cancer Society

Terry King, executive director of the American Cancer Society for Coos, Curry, and Douglas Counties, thanked the Mayor and Councilors for their support of the Relay for Life fund raising

Council Minutes - August 20, 1996

event. Ms. King thanked Mayor Verger for nominating their office for the Governor's Counsel on Fitness Award and presented the Mayor with a certificate and plaque. Eva Shimotakahara reported the Coos Bay event was very successful and had set a new record.

Chamber of Commerce Parking Lot and Building Plans Report

City Manager Bill Grile reviewed the Chamber's plan for expanding the building they currently lease from the City. Mr. Grile requested the Council approve the proposed expansion project and parking lot redevelopment plan in concept, and direct him to proceed with including the parking lot in the downtown parking district. Mr. Grile explained the \$7500 budgeted for repairs could be used for the parking lot design because the repairs needed to the building would be taken care during the expansion project, and the Chamber would assume the building maintenance responsibilities. Stuart Woods, architect for the Chamber of Commerce, reported the roof and dry rot repairs would be taken care during the expansion project and the Chamber would be doing fund raising events to help with the cost of the project. Councilor Spangler asked if the project would cost the taxpayers and Mr. Woods said it would not. Mayor Verger commended Mr. Woods on his contributions to the community. Councilor Weeks moved to accept staff's recommendation to approve the building expansion and parking lot redevelopment concept, to include the parking lot in the downtown parking district, and to negotiate the use of the \$7500 for the parking lot project. Councilor Spangler seconded the motion which passed with the Mayor and all Councilors present voting aye.

Partial Recommendation on Block IV Design Project

City Manager Bill Grile reviewed a partial plan for development of Block IV and developing 5th Street as a one-way street with diagonal parking. He reported the architect, Steve Clay, had been asked to stop development on a plaza design due to future funding concerns. Mr. Grile said he had met with the principle property owners along 5th Street regarding the parking plan and requested Council approve the design, subject to acceptance by Anna Brands for a property line adjustment. Steve Clay, Crow/Clay Associates, commented one of the key elements of the Block IV design was to maximize the parking available, which became apparent during the charette. Mr. Clay explained the pedestrian throughway would be lost if all of Block IV were taken with parking, and encouraged Council to consider opening Central Avenue as done in Blocks II and III at a future time. Mr. clay further commented the concept before the Council is to change 5th Street to a one-way street with diagonal parking and would entail a partnership with John and Anna Brands who own adjoining property. The street would be north bound, providing an easy left turn from Anderson Avenue onto 5th street, and an easy left turn from 5th onto Commercial Avenue. The plan would add an additional 18 parking spaces. Councilor Spangler asked when Mr. Clay had left the design for the plaza and ended up with a \$70,000 parking plan. Mayor Verger responded that Councilor Williams had suggested parking be incorporated in the Block IV plan and Mr. Clay had been encouraged to look at parking spaces. Mr. Clay commented this proposal is only a piece of the plan and it had been agreed the most essential thing was to increase the parking and get the canopies down. He said \$77,000 was not enough to do the plaza and encouraged Council to consider developing Bock IV

Council Minutes - August 20, 1996

in phases. Mr. Clay reported the proposed plan was to remove the canopies and columns using City personnel and Shutter Creek workers, and to leave the planter boxes, trees, and benches. Mayor Verger inquired about the cost of the plan and Mr. Clay said would take \$70,000 to accomplish the parking and \$12,000 - \$18,000 for pavers in front of city hall. Councilor Benetti said he was pleased with the plan; the additional parking is needed, and the condition of the canopies was unsafe to leave. Anna Brands, property owner, said she was pleased with the proposal. Ralph Larson, Coos Bay, asked for clarification on expanding the parking district to include Front Street. Councilor Benetti said it would go before the Planning Commission. Councilor Benetti moved accept staff's recommendation for partial development of Block IV, the 5th Street parking plan, inclusion of the Brands' property in the downtown parking district, and amending the agreement with Mr. Clay. Councilor Weeks seconded the motion which passed with the Mayor and all Councilors present voting aye.

Adoption of Street and Sewer Capital Improvement Plan

City Manager Bill Grile said he was very pleased with the capital improvement plan and pointed out that the plan was a guideline, not a legal document. Community Services Director Bruce Meithof reported that when the Community Development and Public Works departments were merged, it was obvious that planning direction was lacking. He said the plan took two months to develop and details the condition of sewer lines and streets and prioritizes the improvements by usage and need of repair, based on a ten-year schedule. Mr. Meithof explained the plan is to be used as a guide and could be scheduled as a five-year plan or extended to a 20-year, depending on funding. Councilor Spangler inquired why the Empire urban renewal portion was higher than the downtown urban renewal district and Mr. Meithof responded the amounts were established during the budgeting process. Mr. Meithof commented the plan does not address the improvements required for wastewater plant II. Mayor Verger explained the time line is flexible and could be shortened or lengthened. Mr. Grile noted the plan's greatest strength is that it gives the 1996 project costs and offers a list of prioritized improvements. Councilor Miller moved to adopt the Street and Sewer Capital Improvement Plan, recognizing future funding and changing conditions will impact scheduling and completion of the plan. Councilor Weeks seconded the motion which carried with the Mayor and all Councilors present voting aye.

Determination of Nuisance at 407 North Empire Boulevard

City Manager Bill Grile reviewed the complaint from Helen Monta regarding George Hooker's fence at 407 North Empire Boulevard. On recommendation from the city attorney, Ordinance No. 99 cannot be applied to a specific complaint and the Council cannot declare an ugly fence as a nuisance. City Attorney Randall Tosh commented that Section 30 of the ordinance is unconstitutional. Mr. Tosh noted that the weeds and carpet could be addressed by the ordinance but are separate issues. Council could adopt fence requirements, but would have to have a clause to grandfather in previous fences.

Helen Monta, 435 North Empire Boulevard, said the issue is not an ugly fence, but a situation that is detrimental to the community. Her husband is an invalid and must look at a blank

Council Minutes - August 20, 1996

wall, the tall grass and debris is dangerous, and the neighbors agree that it is a detriment to the health of the community. Councilor Spangler asked if Mrs. Monta would object to a standard fence and she said she would not object to a nice looking fence.

Mrs. Hooker, 407 Empire Boulevard, reported the fence is legal and they had obtained a permit to built the fence. They felt they were harassed and needed the fence for privacy. Mayor Verger commented that Councilor Spangler had been working with both parties for a solution and asked Mrs. Hooker if she would mind continuing with the meetings. Mrs. Hooker answered she would be glad to continue the meetings. Mayor Verger noted that no action would be taken by the Council at this time and thanked Councilor Spangler for agreeing to meet with the Montas and the Hookers to work out a solution to the problem.

Public Comments

George Ahuna, Coos Bay, said he was sorry to hear the library project was set back. He commented the library expansion is very important for the education of our youth and without a good library we are holding our children back.

Lowell Keef, 1700 Lakeshore, Coos Bay, reported on a problem of sand drifting from adjoining property onto his property. He had contacted the City several times and the problem has not been abated. City Manager Grile said staff would check into the situation and report back.

Dev Prosad, 406 North Marple, was concerned about the Hooker's fence and felt it was a hazard to his grandchildren and the community.

Flora Lee Lockhart, Coos Bay, speaking on behalf of the Downtown Association, reminded everyone of the Blackberry Festival on Saturday and encouraged all to attend.

George Hooker, 407 North Empire Boulevard, suggested Mr. Prosad build his own fence, and commented the danger of fire is because Mr. Prosad builds fires next to the fence.

City Attorney's Report

City Attorney Tosh reported the tax appeal has been scheduled for filing and he is expecting a decision by the tax court in late December.

City Manager's Report

City Manager Grile recognized Chief Adams and Officer Vincent for administering CPR to an individual at Safeway. Mr. Grile congratulated Randy Carpenter on his promotion to captain in the Fire Department. Mr. Grile noted the library board meeting and a meeting with Oregon Economic Development at which he and Steve Clay will make a presentation of the downtown and waterfront improvements. Mr. Grile said two responses on the parking RFP had been received for around \$25,000. In discussion with Mark Usselman of ODOT, he has learned there may be monies available for special planning which could be used for a traffic survey and he and Mr. Meithof would be preparing a proposal to ODOT. Mr. Grile reported on funding problems for the Highway 101 beautification project and said a meeting would be held next week with ODOT, the City of North Bend and the City of Coos Bay to sort out contract problems.

Council Minutes - August 20, 1996

Mayor and Council Comments

Mayor Verger reported attending a meeting with Governor Kitzhaber and the Association of Oregon Counties, and that she would be meeting with the League of Oregon Cities Board on September 12th. The Mayor commented the governor is concerned about November and has a strong good message for Oregon. She noted the governor cares about rural Oregon and has a good understanding of the smaller cities.

Executive Session

On motion by Mayor Verger, seconded by Councilor Weeks with the Mayor and all Councilors present voting aye, the Council went into executive session pursuant to ORS 192.660 (1) (d) to discuss labor negotiations.

Adjournment

There being no further business to come before the Council, Mayor Verger adjourned the meeting to September 3, 1996 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