

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

**August 5, 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 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, Jeff McKeown, Cindi Miller, Don Spangler, Kevin Stufflebean, and Judy Weeks. City staff present were City Manager Bill Grile, Deputy Recorder Joyce Jansen, City Attorney Randall Tosh, Accounting Systems Supervisor Mary Beth Holst, Assistant Library Director Michele Caldwell, Community Services Director Bruce Meithof, Police Chief Marc Adams, and Fire Chief Stan Gibson.

### **WORK SESSION**

City Manager Grile reported an ordinance establishing park rules is being presented to the Council for discussion during the work session. Councilor Weeks noted a concern of the Parks Commission under section 2 regarding skateboards, and suggested language specifying where skateboarding is allowed be included. City Manager Grile noted skateboarding is only restricted in the downtown area. Councilor Spangler asked why something about the use of alcohol was not included in the ordinance. Councilor McKeown commented that would be covered by other City ordinances and State laws. Consensus of the Council for the city attorney to filter out items already covered by City ordinances.

Councilor Benetti reviewed the items on the agenda for discussion. Councilor Weeks inquired about the Thompson Road project and Mr. Grile reported the road is in very bad condition and doing the repairs now would save the City from doing a total rebuild later. Mr. Grile stated for the record that he and his wife own property in the area of Hemlock Avenue but were not involved with the requested street vacation. Councilor McKeown noted the vacated area is mostly driveway and he could see no reason not to approve the request. Councilor Benetti commented the bids on D Street came in lower than the engineer's estimate. Mr. Grile reviewed the bids received on the 5<sup>th</sup> Street project and explained the alternatives were for brick pavers, relocation of the flag poles from Block I to in front of city hall, and installation of new flag poles in front of city hall. Mr. Grile reported the recommendation was to award the bid to Bracelin-Yeager for \$97,310 for the base project and installation of new flag poles. Mr. Meithof commented the estimate of \$75,000 for the project was prepared two years ago, and \$6,382 for the storm water portion of the project would be paid from the waste water fund. Mr. Grile reported the easement for the Bank Brewery was before the Council for review and approval. Mr. Tosh explained the easement allows a balcony to be built over the City parking lot and if approved by Council, he would be presenting the easement to the Thomas's.

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Mr. Grile reported staff has looked at every opportunity to keep the electrical and plumbing inspection programs in tact, and have been unsuccessful in hiring employees to fill the inspector positions. Mr. Grile noted the City could possibly attract employees if the salary were higher but the salary would be out of line with other employee's salaries. Councilor McKeown asked if the City could hire and train someone. Mr. Meithof said it is very difficult to find someone with the required qualifications and in order to get certified as a plumbing inspector the person must be a journeyman plumber. He further explained Oregon does not accept the national certificate, and the City's salaries are lower than the State and other municipalities in Oregon. Mr. Grile commented the City has done extensive advertising and has spent around \$3,000. Councilor Weeks inquired if the positions were not filled, would the plumbing and electrical fees be increased. Mr. Meithof responded the fees would not be raised and the State's fee schedule would be used. Mayor Verger said the Council has spent a lot of time on this matter and expressed concern the Council should have had more information before going to the voters about raising the fees. Mr. Grile commented the ballot was a good idea and ended property taxes subsidizing the program. He reported it may be possible to increase salaries to entice electrical and plumbing inspectors here, but it would be a high price to pay. Mr. Meithof commented when the City went to the voters, we had a full staff and did not know that the employees would take employment elsewhere.

### **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 special meeting of July 14, 1997
- b) Approval of the minutes of the regular meeting of July 15, 1997

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

#### **Authorization to Apply for 1998 ODOT Fund Exchange Program Money**

City Manager Grile reported the City applies for funds for street improvements each year from the Department of Transportation and the purpose for the 1998 funds would be to overlay Thompson Road which is in serious need of repair. Councilor Miller moved to apply for 1998 Fund Exchange Program money for the purpose of overlaying Thompson Road. Councilor Stufflebean seconded the motion which passed with the Mayor and all Councilors present voting aye.

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### **Enactment of Ordinance No. 243 - Providing for Vacation of a Portion of Hemlock Avenue**

City Manager Grile explained the vacation was being requested by John and Ruth Forester and has been approved by the Planning Commission. Mr. Grile stated for the record and he and his wife own property in the area, but they have not been involved in the process. Mayor Verger moved to enact Ordinance No. 243 providing for a vacation of a portion of Hemlock Avenue. Councilor Miller seconded the motion. Deputy Recorder Joyce Jansen read the ordinance by title only and the Council was polled with the following results:

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

### **Award of Bid - D Street Reconstruction Project**

City Manager Grile explained the street improvement project will support Eastside boat ramp project. Johnson Rock Products, Inc. was the low bid at \$61,600. Mayor Verger commented the street improvement would be very good for the residents of Eastside. Councilor Weeks moved to award the bid to Johnson Rock Products for \$61,600. Councilor Miller seconded the motion which passed with the Mayor and all Councilors present voting aye.

### **Award of Bid - 5<sup>th</sup> Street Parking Project**

City Manager Grile reported three bids were received for the project and staff's recommendation is to go with the base project and include installation of new flag poles in front of city hall, and not include the pavers due to their cost. Councilor Stufflebean supported including the pavers in the project to maintain a uniform design in the downtown area. Mayor Verger inquired about the high bid for the pavers. Community Services Director Meithof explained a number of factors could be responsible for the cost and commented the pavers could be done as a separate project. He explained the project could not be split between the bidders. Mayor Verger commented the pavers would be nice to have but not at that cost. Councilor Spangler said the \$97,000 is not a good value just to get more parking spaces and suggested just doing an overlay of the street. Steve Clay agreed with Councilor Stufflebean and recommended the Council consider doing the pavers sometime in the future when the plaza is developed. Mr. Clay reviewed the project plan which would provide a wider sidewalk and flag poles in front of city hall, approximately 27 additional parking spaces, and safer pedestrian crossings.

City Manager Grile commented additional parking is needed in this area because people are parking in business parking lots. Councilor Spangler asked what it would cost to just do the overlay. City Manager Grile noted staff would need to make calculations on the cost and a guess on a project of this size was not a good idea. Councilor McKeown commented urban renewal funds are for the beautification of the core area and this project is consistent with that. He agreed the pavers are too expensive to do at this time and suggested the pavers be considered in the future. Councilor

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Stufflebean commented the cost of the project would go up if the City waited to do the alternatives. Councilor Benetti suggested considering the alternatives when Block IV is done. Councilor McKeown moved to accept the basic bid without the alternatives. Councilor Benetti seconded the motion which failed for lack of a majority vote. Councilor Weeks moved to award the bid to Bracelin-Yeager in the amount of \$97,310 for the basic project and alternative #3. Councilor Miller seconded the motion which carried with the Mayor and all Councilors present voting aye.

### **Review and Approval of an Easement for the Bank Brewery**

City Manager Grile reported the city attorney has drafted, at Council's instruction, an easement for the Bank Brewery to construct a balcony over a portion of the City's parking lot. City Attorney Tosh reviewed liability concerns and explained the covenants in the easement are to protect the City and would go with the building if sold. Councilor Spangler moved to approve the easement to Glenn Thomas. Councilor Weeks approved the motion which passed with the Mayor and all Councilors present voting aye.

### **Review of the Building Codes Program**

City Manager Grile reported the City has tried to preserve the whole building codes program but has not been able to hire employees for the electrical and plumbing inspector positions. He explained the State pays more and the City cannot compete with the higher salaries. Councilor Spangler commented there seems to be no other alternative but to let the electrical and plumbing inspections go back to the State. Councilor Weeks asked if the City could pursue advertising for the positions. Mr. Grile responded they would try to keep the electrical inspector for as long as possible. Councilor Stufflebean commented if Council had taken action sooner, the employees would not have accepted other employment. Councilor Benetti noted they may have taken the jobs anyway because of the increase in pay. Councilor McKeown suggested leaving the positions open and continue searching for applicants. Community Services Director Meithof reported another option would be to take electrical questions only during a certain time period each day, and the rest of the time would be spent in the field doing inspections. He commented this would not, however, be the best service. Mayor Verger stated this problem has taken up too much of Council and staff's time, and suggested the Council allow staff to work out a solution. Consensus of the Council was to follow the Mayor's suggestion.

### **Public Comments**

Sargent Webster, North Bend, explained the problems he has had with renters using narcotics and destroying his property. He expressed concern that the City's ordinance places the burden on the landlord for drug problems and requested landlords receive more help from the Police Department in such matters. Chief Adams explained their hands are tied; they cannot violate the renters' civil rights or deny their 4th Amendment rights. The Chief said there will be a class offered to help landlords in renting their property. Mr. Webster complimented the Council for being fiscally responsible with City funds.

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

City Attorney Tosh reported that in order to get the library project advisory vote on the November 4th ballot, the City's notice of election must be to the election's department by September 4th. Staff will be scheduling meetings for discussing the matter.

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

City Manager Grile reported the Finance Direction has recently signed papers to begin the process to go on long term disability. Mr. Grile commended Mary Beth Holst on doing a superb job of covering for the Finance Director, and said he would be present a plan at the next meeting. Mr. Grile explained there are some concerns regarding the towing ordinance and he has asked the city attorney to revise the ordinance to comply with the State law which will be effective October 4<sup>th</sup>. He reported three proposals have been received for the Front Street Master Plan and would be brought to the Council at the next meeting. Mr. Grile reported park maintenance proposals have been received from two private sector companies and AFSCME, and he will be reporting back to Council with a recommendation. He reported two temporary employees have been hired for park maintenance.

### **Mayor and Council Comments**

**Councilor Spangler** reported an abandoned bus had been on the street for quite some time asked why it had not been removed under the towing ordinance. Chief Adams explained the bus is an abandoned vehicle and the City is towing only for driving without proper registration, license, or proof of insurance. Councilor Spangler said the bus does not have a registration and Chief Adams explained the vehicle must be moving and without registration. Councilor Spangler expressed concern for the safety of children in the area. Chief Adams noted it is a slow process because the department uses volunteers to work on abandoned vehicles. City Manager Grile said he would personally look into the matter with the Chief. Councilor McKeown recommended not making this a special issue but follow the City's procedure. Chief Adams commented that 48 vehicles have been towed and three have asked for hearings. Councilor Spangler reported attending the Confederated Tribes salmon ceremony and it was educational as well as entertaining.

**Councilor Stufflebean** apologized for missing the meeting last evening due to a family medical matter. He commended the Port of Coos Bay on their negotiation with NUCOR.

**Councilor Weeks** stated for the record the Parks Commission supports the park rules ordinance. She reported she may be out of town for the next council meeting.

**Councilor McKeown** commented attending the Port's meeting on NUCOR and said he found it very informative. He commented it would be a great thing for the area if NUCOR established their business here.

**Mayor Verger** commented she had the address for the president of PacifiCorp if any of the Council is interested in writing in support of the NUCOR facility. She reported she will be attending the annual mayor's conference in Seaside and expressed regret that she will miss the Coos County Fair.

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**Executive Session**

Councilor Verger moved to meet in executive session. Councilor Miller seconded the motion and by unanimous vote, the City Council met in executive session pursuant to ORS 192.660 (1) (d) and (h) for the purpose of consulting with legal counsel concerning labor negotiations and potential litigation.

**Adjournment**

There being no further business to come before the Council, Mayor Verger adjourned the meeting to August 19, 1997 at 7:00 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  
Deputy Recorder of the City of Coos Bay  
Coos County, Oregon