

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

**December 16, 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 Jeff McKeown, Cindi Miller, Don Spangler, Kevin Stufflebean, and Judy Weeks. Councilor Benetti was absent due to another commitment. City staff present were City Manager Bill Grile, Deputy Recorder Joyce Jansen, City Attorney Randall Tosh, Accounting Systems Supervisor Mary Beth Holst, Library Director Carol Ventgen, Assistant Library Director Michele Caldwell, Community Services Director Bruce Meithof, Planning Administrator Kevin Cupples, Fire Chief Stan Gibson, and Police Chief Chuck Knight.

### **WORK SESSION**

#### **Department Report from Library Director Carol Ventgen**

Library Director Carol Ventgen reported the library has received a grant from Weyerhaeuser Foundation to provide a book for all elementary students in School District 9. Other matters Ms. Ventgen reported on were employment kiosk at the library, the new program by the Friends of the Library for purchasing books for the library, and discount purchasing for schools and libraries for purchasing telecommunication materials and equipment. Ms. Ventgen commented the Library Board, volunteers, and staff are excited about the building project and thanked the City Council and Urban Renewal Agency for their support.

#### **Other Discussion**

Mayor Verger requested the appointment to the Coos Stop Crime Board be added to the agenda. Councilor Spangler requested the teen dance club business license be removed from the consent calendar and made an agenda item. Mayor Verger noted Maliah Masibu, representing Marshfield High student council, would be reporting at the second meetings of the month. Mayor Verger reported the Americans for Non Smokers' Rights of Coos County will be making a request for enactment of a tobacco smoke free ordinance, and she noted there are a number of things to consider regarding this matter. Mayor Verger commented if enough signatures were gathered on the petition it could go on the May ballot, and inquired who would pay for the election. Mr. Tosh said the City would pay the election expenses. Councilor Spangler asked the required signatures were collected, would it be mandatory for the Council to enact the ordinance. Mr. Tosh said it would be referred to the voters if the measure qualifies 90 days prior to the election. There was further

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discussion on the cost of the election and if the ordinance could be amended. Councilor McKeown asked if it must go to the voters and Mr. Tosh said no. Mayor Verger inquired if the Council could refer their own version of the ordinance to the voters and Mr. Tosh said yes. City Manager Grile noted the submitted ordinance is similar to the one recently enacted by the City of Corvallis.

Mayor Verger briefly reviewed a letter from Dave Perry, Department of Land Conservation and Development, regarding the Port's property in Eastside, and commented the Port's request for a Comprehensive Plan amendment was premature. Mr. Grile commented that it is not unusual for applications to come to a hearing with some deficiencies in them. He said staff had discussed with the Port what was needed in the application, and agree with the Port's concept for the property; he further noted the application is short of what is required to justify it. Mr. Grile noted if appealed it would be remanded to the Land Use Board of Appeals, and he explained the appeal process.

### **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 meeting of December 2, 1997
- b) Approval of OLCC license for the Shakemill Tavern
- c) Approval of OLCC license for JCC, Inc. dba Autumn House
- d) Approval of teen dance club business license for My Friends House

Mayor Verger reported the approval of the teen dance club business license was removed from the consent calendar and made an agenda item. A correction in the address for the Shakemill Tavern to North Bayshore Drive was noted. Councilor Miller moved to approve the consent calendar as amended. Councilor Weeks seconded the motion which carried with the Mayor and all Councilors present voting aye.

#### **Approval of Teen Dance Club Business License for My Friend's House**

Councilor Spangler reported he supported the dance club, but disagreed with waiving the \$65 fee for performing the background checks, and explained the need for consistency in the way the City handles their business. Councilor Stufflebean commented that since the City did not follow the ordinance, he agreed with waiving the fee. Councilor Stufflebean moved to approve the teen dance club business license for My Friend's House and waiving the fee. Councilor Miller seconded the motion which passed with Mayor Verger, Councilors McKeown, Miller, Stufflebean, and Weeks voting aye; Councilor Spangler voting no.

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### **Report from Marshfield High Representative Maliah Masibu**

Mayor Verger introduced Maliah Masibu, student body representative for Marshfield High School. Miss Masibu reviewed the calendar of events which included the choir concert, recognition of student athletes of the week, leadership awards, and boy and girl of the month. She explained Red Ribbon Week at the high school and reported the Key Club was helping collect toys for tots.

### **Council Appointment of the Coos Stop Crime, Inc. Board**

Mayor Verger reported that to ensure coverage under the City's liability insurance, members of the Coos Stop Crime Board must be officially appointed to serve on the Board. Mayor Verger moved to appoint Councilor Miller to the Coos Stop Crime, Inc. Board. Councilor Weeks seconded the motion which passed with the Mayor and all Councilors present voting aye.

### **Report from Tourism and Promotions Committee by Kay Heikkila**

Kay Heikkila, director of the Tourism and Promotions Committee, reviewed the summary of projected income, expenses and actual expenses of the committee. Ms. Heikkila reviewed the events the committee advertises which included the music festival, Lady Washington, holiday lights at Shore Acres, Fun Festival, and air show. She explained the committee does more advertising during the winter months because it is a slow time for local businesses. Councilor Spangler noted that Coos Bay and North Bend collect hotel/motel tax and other parts of the county do not. He asked about the cost of advertising on the billboard near Cottage Grove. Ms. Heikkila explained the billboard is 38 percent of the advertising budget and noted the State Parks Department and Charleston Merchants Association also pay to be on the bill board. Councilor McKeown inquired if the bill board advertising was effective and Ms. Heikkila said it was.

### **Presentation on Library Expansion Project by Architects**

Rich Turi, project architect, reported a meeting with the project management team had been held to discuss options for the exterior design and he explained the addition would be in keeping with the existing building design which would keep the overall project cost down. He noted the new entrance would be something prominent to draw attention to the entrance of the library. Mr. Turi reviewed ideas for the interior design of the building and landscaping. Mayor Verger and Councilor McKeown commented the entrance should be dramatic and Mr. Turi said he would be working on a special design for the entrance.

### **Award of Bid — Eastside Boat Ramp Project**

City Manager Grile commended Community Services Director Bruce Meithof for developing the Eastside boat ramp project and applying for a grant from the State Marine Board. Funding was also received from the Department of Fish and Wildlife and the Port of Coos Bay donated the land project. Mr. Grile reported a bid for \$285,788 was received from Laskey-Clifton which is \$6,788

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more than the budget for the project; however, the Marine Board has indicated they would fund the additional amount. Councilor Miller moved to award the bid of \$286,788 to Laskey-Clifton. Councilor Stufflebean seconded the motion which passed with the Mayor and all Councilors present voting aye.

### **Oral Staff Report on 444 10<sup>th</sup> Court — Community Services Director Bruce Meithof**

Community Services Director Bruce Meithof reported the buildings at 444 10<sup>th</sup> Court had been found dangerous and were to be abated by December 18, 1997 and to date this has not been done. Mr. Meithof reported Mr. Plattner had contacted the City that he had not been successful in securing a loan to make the repairs. Mr. Gordon Ross, County Commissioner, had contacted the City and reported a request to waive the dump fees had been denied, and Mr. Ross asked the City to grant a one month extension to allow the family to cover the cost of dumping fees. Mr. Meithof reported Mr. and Mrs. Keith Zilkey, daughter and son-in-law to Dorothy Davis, contacted the City for a summary of the situation. Mr. and Mrs. Zilkey expressed concern over the transfer of ownership and commented the house has not been livable for ten years. Mr. Meithof further reported no permits for repair or demolition have been taken out. Mayor Verger commented that when Mr. Plattner came before the Council a month ago, it was very clear that no extensions would be made and when asked, Mr. Plattner assured the Council he could finish the project by December 18<sup>th</sup>. Councilor Spangler commented that a group of citizens volunteered to help clean up and Mr. Plattner did not show up.

Ray Forbess, 165 Dover Street, Coos Bay, reported he has helped sort through the garbage and the only reason it has not been removed is the cost of the dumping fee. He said he could rebuild the home for Mrs. Davis, but the garbage must be removed before the damage can be assessed. Mayor Verger commented the owner of the property was the one who the Council was dealing with and until he is no longer the owner, the Council must assume and treat him as the owner. Mr. Forbess noted the police are looking for Mr. Plattner for fraud. Police Chief Chuck Knight confirmed there is an investigation into this matter and the city attorney reported this would be discussed under executive session. Geno Landrum, 2800 Libby Drive, Coos Bay, introduced Dorothy Davis to the Council and reported Mrs. Davis had initiated the police investigation. Mr. Landrum inquired what the City's next step would be and City Manager Grile commented staff has the authority to abate the nuisance according to the resolution adopted last month. Mr. Landrum said he would like to see the house remain and reconstructed, and noted Mrs. Davis has been living with in-laws since November 19<sup>th</sup>. Mr. Landrum reported he has contacted Habitat for Humanity and other agencies in the area seeking help for Mrs. Davis.

### **Request from Americans for Non Smokers' Rights of Coos County for Council Consideration of Enactment of a Tobacco Smoke Free Ordinance**

Carl Siminow, representing Americans for Non Smokers' Rights of Coos County, explained the health concerns of tobacco use and encouraged the Council to enact a tobacco smoke free ordinance. He reported the proposed ordinance exempts bars which is different than the Corvallis ordinance. Dr. Givens spoke in support of the ordinance and explained the long term effects of smoking and second hand smoke. As leaders in the community, he encouraged the Council to

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consider enacting the tobacco smoke free ordinance. Doctors Legress, Gerber, and Mueller also spoke in support of the ordinance and explained the health benefits of clean air.

Rhonda Houston, Nick of Time Tobacco Shop, commented it is a matter of freedom of choice and compared tobacco use with alcohol consumption. She noted there are currently laws prohibiting smoking in public buildings and stated she supports people's right to smoke. Jim Bice, North Bend, commented the ordinance would infringe on individual rights and citizens do not need more regulations. He suggested looking at health care costs and then ban fatty foods and alcohol. Geno Landrum, 2800 Libby Drive, Coos Bay, said he supported Mr. Siminow's endeavor; however, he stands on the constitutional rights of individuals. Sargent Webster, North Bend, said it was disturbing that the committee should bring this burden to the City Council, and noted businesses already have a right to put up no smoking signs.

Mayor Verger thanked everyone for sharing their concerns about smoking. She commented the Council has no way of knowing if the people in the community support the ordinance and suggested the group circulate petitions to bring back to the Council.

Claudia Davis, Coos Bay, reported the organization had performed an informal survey during the Fun Festival and 200 people expressed support for the ordinance. She said they are willing to get the required signatures, but they would prefer the Council place the matter on the ballot. Councilor Weeks expressed concern about the cost of the election when funds are needed to repair streets and sewer lines. Councilor Spangler suggested Council should know how the citizens feel about the ordinance and the matter could be placed on the ballot when least expensive. Councilor Stufflebean agreed the question should be put to the citizens. Councilor McKeown said it is worth Council consideration and asked that this matter be placed on the next agenda for further discussion.

### **Consideration of the Eastside Port Property Comprehensive Plan Amendment**

City Manager Bill Grile reported the Port of Coos Bay had submitted an application to amend the City's comprehensive plan. He explained the Council would be reviewing the written justification and establish if applicable criteria has been met. Mr. Grile commented staff does support the project; however, there are objections to the application on record. He further explained staff believes there is merit to the objections and the application needs more work. Mr. Grile noted the Port was advised to complete the work before presenting the matter to the Council; however, at the Port's request the application was submitted to the Council. Community Services Director Bruce Meithof reported the Port's request to amend the zoning and comprehensive plan would change the Port's Eastside property focus of future development from industrial and commercial to a combination of residential, public recreation, and commercial. The Planning Commission has reviewed the application and is recommending the Council approve amending the comprehensive plan conditional to the Port complying with the letter from the Department of Land Conservation and Development (DLCD).

Mayor Verger commented the Planning Commission could have held the proposal until all the criteria had been met before forwarding to the City Council. Mr. Meithof reported the Planning Commission was concerned about the application process taking too long, and staff had discussed with the Port waiting before submitting the application to the Council. He said staff had requested the Port address the concerns brought up by DLCD, however their supplemental information does

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not address goal 9, the economic goal, as noted in the DLCDC letter. Discussion followed regarding the amount of industrially zoned property in Coos Bay and that North Bend and the county could fill Coos Bay's lands need. Councilor McKeown commented there are legitimate concerns with the application and suggested the Council remand it back to the Planning Commission.

Mr. Meithof commended the Port on their plan, and explained the application can only be approved with adequate justification and the objections of DLCDC are in line with State land use laws.

Mr. Meithof read the following statement for the record: Prior to taking public testimony, we need to state the review criteria applicable to this request as listed in our report. Testimony and evidence must be directed toward this criteria or other criteria in the plan or land use regulation which a person believes is applicable to the decision. Failure to raise an issue with sufficient detail to afford the decision makers and parties an opportunity to respond to the issue precludes appeal on that issue.

Mayor Verger opened the public hearing. Councilor Weeks declared a conflict of interest due to the involvement of her place of employment.

Allan Rumbaugh, General Manager of the Port of Coos Bay, reported the Port had for some time tried to establish an industrial use on this property, but due to access being through a residential area, the lack of rail access, and the distance from the highway, the Port looked for other uses. He explained the property is located across the bay from downtown Coos Bay and would compliment the City's waterfront development. Mr. Rumbaugh commented the project has been nine months in town hall meetings and Planning Commission hearings and the Port Commission is anxious for a decision. He said the Port and their consultant, Al Benkendorf, believe they have sufficiently answered the concerns expressed by DLCDC. Al Benkendorf, consultant for the Port, reported the application was filed last March, has been through three Planning Commission meetings, and the City staff's recommendation is to approve the zone change and comprehensive plan amendments. Mr. Benkendorf commented the problem was with the City's coordination with the County and City of North Bend as required in goal 2. Geno Landrum, 2800 Libby Drive, expressed concern about the delays and the cost to the taxpayer.

There being no further comments, Mayor Verger closed the public hearing. Mayor Verger commented the application should have been completed before being sent to the Council for approval, and asked if there had been a problem with staff coordinating goal 2. Councilor Spangler recommended remanding the application to the Planning Commission. Mayor Verger, and Councilors McKeown and Spangler commented it is a good project, but the application has come to the Council prematurely. Council briefly discussed the length of time involved in the process, the concerns expressed by the State, and the possibility of approving the application with conditions. Mr. Rumbaugh said in defense of City staff, the Port had pushed the application to the Council level because of the length of time involved. Mr. Rumbaugh expressed concern that the State was telling the Council not to make a decision, and the Port wants to keep the project moving. Councilor Spangler commented after so much discussion and time involved in the process, the Council should go ahead and approve the application with conditions. Mayor Verger opined there are things necessary to be done on the application and the Planning Commission will make sure these matters are taken care of, and then the Council can approve the application.

Councilor McKeown moved to remand the application to the Planning Commission. Councilors Stufflebean seconded the motion which passed with Mayor Verger and Councilors

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McKeown, Miller, Stufflebean, and Weeks voting aye; Councilor Spangler voting nay.

### **Public Comments**

Julia Spangler, Empire Business Association, thanked Mayor Verger for attending Empire's third annual tree lighting ceremony and thanked the fire department for their participation.

Geno Landrum, 2800 Libby Drive, commented the parking lot across from the HUB building should remain open for public parking rather than designated as employee parking. He expressed concern that library space be better utilized in the new design.

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

City Manager Bill Grile reported that due to an increase in graffiti the police department set up a stake out and apprehended a 17 year old tagger. Mr. Grile reviewed information regarding the property tax situation noting the affect on the general fund would be approximately \$279,000 less than first projected. He reported staff would be meeting with Mr. Charles Kupper to put together tax information on the City's urban renewal districts.

### **Mayor and Council Comments**

Councilor Jeff McKeown congratulated Marshfield High School student body representative Maliah Masibu on her report to the Council.

Councilor Judy Weeks reported the economic development forum was informative and well attended. She invited the Council to join her on January 23<sup>rd</sup> for an employee recognition luncheon.

Councilor Cindi Miller reminded everyone of the next issue of the City News and to call her if they are interested in placing an ad.

Councilor Kevin Stufflebean reported there was a very good turn out for the Empire tree lighting ceremony, and a special meeting of the Public Access TV Board had been scheduled.

Councilor Don Spangler inquired when the next step would begin regarding the downtown parking and traffic study. Mayor Verger commented there would be more discussion by the Council and at least one more public hearing held. Councilor Spangler noted the Parking Advisory Committee supports more input from the public.

Mayor Verger commented due to the lateness of the hour she would hold off on comments and wished everyone a happy and safe Christmas.

### **Executive Session**

The City Council met in executive session pursuant to ORS 192.660 (1) (d) and (f) for the purpose of consulting with legal council regarding labor negotiations and to consider records that are exempt by law from public inspection.

The Council reconvened into regular session.

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**Adjournment**

There being no further business to come before the Council, Mayor Verger adjourned the meeting to January 6, 1998 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