

## MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

August 5, 2014

The minutes of the proceedings of a regular meeting of the City Council of the City of Coos Bay, Coos County, Oregon, held at 7 p.m. in the Council Chambers at City Hall, 500 Central Avenue, Coos Bay, Oregon.

### Those Attending

Those present were Mayor Crystal Shoji, Councilors Brian Bowers, Mark Daily, Stephanie Kramer, Thomas Leahy, and Mike Vaughan. Councilor Jennifer Groth was absent. City staff present were City Manager Rodger Craddock, Finance Director Susanne Baker, Intermediate Accountant Debbie Frankenberger, Public Works Director Jim Hossley, Wastewater Project Administrator Jennifer Wirsing, Fire Chief Mark Anderson, Assistant Library Director Ellen Thompson, and Police Chief Gary McCullough.

### Flag Salute

Mayor Shoji opened the meeting and asked Ken Fulker to lead the Council and assembly in the salute to the flag.

### Public Comments

Christy Kelty, Coos Bay: Representing Friends of Mingus Park (FROMP) addressed the Council regarding the protection of waterfowl in Mingus Park and reviewed a request previously made to the Parks Commission for improvements. Ms. Kelty discussed rescue and rehabilitate of Mingus Park waterfowl and the care Morgan Veterinary has provided. Morgan Veterinary has set up an emergency account to fund the care of injured waterfowl in Mingus Park and requested a link be placed on the City of Coos Bay website for donations.

Deborah Moranda, Coos Bay: Representing Friends of Mingus Park (FROMP) requested installation of a healthy waterfowl feeder and designation of a portion of Mingus Lake as no fishing. City Manager Roger Craddock suggested the items be referred to the Parks Commission, stated the City has received complaints about the aggressiveness of the geese in the park, and would add the Morgan Veterinary emergency account link to the City's website.

Laurie Fish, Coos Bay: Requested assistance in changing the law to hold dog owners accountable for the actions of their dog. Ms. Fish read a detailed recitation of the actions of her neighbor, Craig Matson, drug activity, dogs terrorizing the neighborhood, police citations, and multiple dog attacks against her pets which resulted in the death of her dog on June 12, 2014. Councilor Daily asked the Council's ability to address the issue wherein City Manager Craddock responded animal control issues are controlled by state law; Police Chief McCullough has been in contact with the County on the issue, and stated more research would be completed.

Councilor Vaughan entered the meeting at approximately 7:24 p.m.

### Consent Calendar

Mayor Shoji reviewed the consent calendar which consisted of 3a: approval of the minutes of July 15, 2014 and moved the discussion of the Intergovernmental Agreement (IGA) with the City

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of North Bend to agenda item #10 in place of the City Attorney's report. Councilor Kramer moved to approve the consent calendar approving the minutes of July 15, 2014 and moving the discussion of the IGA with the City of North Bend to agenda item 10 in place of the City Attorney's report. Councilor Leahy seconded the motion which carried with Mayor Shoji and Councilors Bowers, Daily, Kramer, Leahy, and Vaughan voting aye. Councilor Groth was absent.

### **New Council Business**

Councilor Leahy recommended implementing a beautification award to businesses with attractive landscaping.

Mayor Shoji recommended awards for volunteers who have done exemplary volunteer work for the City. Mayor Shoji and Councilor Vaughan suggested City groups place signs throughout the community honoring outstanding citizens such as Dr. Charles Golden.

Councilor Kramer recommended the promotion of Steve Prefontaine and discussing a weed ordinance as a future agenda item.

### **Semi-Annual Report on the Visitor Information Center by Bay Area Chamber of Commerce Executive Director Timm Slater**

Timm Slater, Executive Director of the Bay Area Chamber of Commerce (BACC), provided information on activities of interest at the Visitors Information Center (VIC) such as tourist inquiries, monthly events, reader board activity, visitor counts, and revenue and expenditure details. Transient issues continue to be addressed and two volunteers staff the VIC on Saturdays. Volunteer staff training and two volunteers per shift continued to be a priority. Councilor Daily requested a Council tour of the VIC and Mr. Slater suggested the Councilors volunteer for a shift.

### **Public Hearing to Consider Amending the City's Business License Ordinance on the Application Procedure – Approval Would Require Enactment of the Proposed Ordinance**

City Manager Rodger Craddock stated on July 1, 2014 the Council directed staff by a majority vote to draft an ordinance banning medical marijuana dispensaries from operating within the City due to the conflict between current state and federal laws. Based on review of the City Attorney, amending the existing business license ordinance would be sufficient to deny business licenses to any business which was not in compliance both state and federal laws. Currently, the language within the City's applicable business license ordinance included that a "license may not be granted if...the activity...to be licensed would not comply with city ordinance or state or federal laws...". Both the City Attorney and staff suggested removing the word "may" and inserting the word "shall" to amend the relevant section of the ordinance. City Manager Craddock reviewed the proposed ordinance amendment and noted the change would make the ordinance more objective and prevent businesses which were in violation of local, state, and/or federal laws; like medical marijuana dispensaries from lawfully operating within the City. Mayor Shoji opened the public hearing. Ken Fulker, Coos Bay, asked if a City tax would be enacted if the ordinance passed if marijuana was legalized by the federal government. Mayor Shoji and City Manager Craddock responded a City tax could be imposed if the Federal government

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legalized marijuana. Mr. Fulker suggested the tax be minimal. No additional comments were given and the public hearing closed. Councilor Leahy moved to enact the proposed ordinance. Councilor Daily seconded the motion. Intermediate Accountant Debbie Frankenberger read the ordinance by title only and Ordinance No. 461 was enacted by the following vote:

Aye: Mayor Shoji and Councilors Bowers, Daily, Kramer, and Leahy.  
No: Councilor Vaughan  
Absent: Councilor Groth

**Presentation on the Cost of Paper or Electronic Council Packet Delivery**

Finance Director Susanne Baker stated the estimated cost of preparing and delivering hard copy council packets was approximately \$5,972 per year. The cost associated with delivering council packets electronically was estimated at \$7,656 for the first year based upon the need to purchase two additional laptops. Each year thereafter the cost for electronic council packets was estimated at \$6,020 with the majority of the cost comprised of the monthly internet connectivity expense. Ms. Baker noted if the electronic delivery method was selected, replacement of council laptops would be scheduled into the technology plan for every three to five years. City Manager Craddock suggested the Councilors who have laptops try using electronic documents and any Councilors interested could receive a laptop. It was the consensus of the Council to follow this suggestion and return the City issued aircards for a cost savings.

**Approval of a Change Order to Wastewater Treatment Plant #2 Design Contract for an Architectural Alternative Analysis**

Councilor Vaughan recused himself from the discussion declaring a conflict of interest stating he was hired as part of the landscape design team for the project. Public Works Director Jim Hossley stated on July 1, 2014 the design team of SHN and CH2M Hill presented to Council the site layout and architectural features of the wastewater treatment plant #2 (WWTP 2) project design. Based on the Council’s requested architectural alternative analysis Mr. Hossley stated the additional design services was estimated to cost \$34,561.

City Manager Craddock suggested a work session, possibly at the Dolphin Theatre in Empire, to discuss the design. Mr. Hossley stated the final design should be in place by mid-September.

Mayor Shoji moved to approve the amendment to the WWTP 2 contract to the design team of SHN and CH2M Hill for architectural alternative analysis for an amount not to exceed \$34,561. Councilor Kramer seconded the motion which carried with Mayor Shoji and Councilors Bowers, Daily, Kramer, and Leahy voting aye. Councilor Vaughan having abstained from the vote is deemed, pursuant to the provisions of 4.7.4 of the Rules of the City Council, to have voted with the majority, which approved the motion. Councilor Groth was absent.

**Consideration of Approval of Demolition Cost of the Old Wastewater Treatment Plant #2**

Public Works Director Jim Hossley stated at the June 3, 2014 meeting, Council requested staff to provide cost estimates for two demolition alternatives for wastewater treatment plant #2 (WWTP 2). The first demolition alternative would remove all surface features and their

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substructure to a depth up to three feet below grade, fill all vaults with appropriate (but not engineered) material and grade the surface level and plant with native grasses; estimated cost including contingencies was \$444,400. The second alternative would remove all surface and below ground structures, back fill with engineered materials, grade the surface level and plant native grasses; estimated cost ranged from \$900,000 to \$1,333,000. The City's realtor of record estimated the value of the property after completing the first alternative at \$300,000 and the value after completing the second alternative at approximately \$450,000. Mr. Hossley stated alternative one was the least cost option but limited the value of the property. Mr. Hossley stated the adjacent property could be included with the sale of the property.

City Manager Craddock stated there may be special funding available for removal costs; the property is in a flood and tsunami zone which requires special consideration for future development.

Councilor Daily moved to adopt option one to remove all surface features and include selling the adjacent property. Councilor Kramer seconded the motion which carried with Mayor Shoji and Councilors Bowers, Daily, Kramer, Leahy, and Vaughan voting aye. Councilor Groth was absent.

### **IGA with City of North Bend**

City Manager Craddock noted the City of Coos Bay entered into an agreement with Coos County Library Service District (CCLSD) on July 1, 2014 to provide services as the fiscal agent for the Extended Services Office (ESO). The various services provided by the ESO included a Technology Systems Manager to manage the CCLSD's computer systems and assist individual libraries with the operation and maintenance of their systems.

The City of North Bend Library housed a significant portion of the computer equipment used by the Technology Systems Manager and the North Bend Library was the primary work site for the employee. As such, the City of North Bend was reimbursed through ESO for the employment expenses related to the Technology Systems Manager.

As the new fiscal agent for the ESO, the City of Coos Bay drafted an Intergovernmental Agreement (IGA) with the City of North Bend to reimburse the City of North Bend for the Technology Systems Manager related expenses and requests the City Council direct the City Manager to execute the IGA. Mayor Shoji moved to direct the City Manager to sign the IGA as the fiscal agent for the CCLSD ESO with the City of North Bend. Councilor Daily seconded the motion which carried with Mayor Shoji and Councilors Bowers, Daily, Kramer, Leahy, and Vaughan voting aye. Councilor Groth was absent.

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

City Attorney Nate McClintock was absent. No comments were given.

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

City Manager Craddock met with a former Public Works Director, who served 24 years ago, to discuss the decline of city streets. Personnel expenses and electric costs for lights and traffic

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signals have all doubled; and ODOT revenue sharing receipts have only increased 32% over the last 24 years. An additional gas tax could be enacted to help to offset increases. Mr. Craddock requested Councilors reply to Jackie Mickelson soon if they were interested in attending the League of Oregon Cities conference. Mr. Craddock suggested URA training could be arranged either before or after the election as the Board directs and stated two new restaurants were opening in Empire.

**Council Comments**

Councilor Leahy stated Empire Coalition would be looking at a Citizen's group supporting businesses in Empire and it was easy to add items to the City newsletter. Councilor Daily stated the Front Street Master Plan was comprehensive and suggested Councilor Vaughan review the document and make suggestions to the Council. Councilor Vaughan stated the Front Street Master Plan should be updated and suggested adding shades to the Sternberg street lights to direct light towards the ground. Mayor Shoji requested recommendations for flags on the waterfront and stated the promotions committee has met many times and will be providing information.

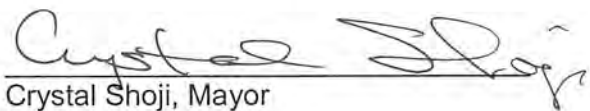
**Executive Session**

An executive session was held pursuant to ORS 192.660 (2) (e) the purpose of discussing real property transactions. No decisions were made.

**Adjourn**

There being no further business to come before the Council, Mayor Shoji adjourned the meeting. The next regular Council meeting was scheduled for August 19, 2014 in the Council Chambers at City Hall.

Attest:   
Susanne Baker, City Recorder

  
Crystal Shoji, Mayor