

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

**May 19, 2020**

The minutes of the proceedings of a regular meeting of the City Council of the City of Coos Bay, Coos County, Oregon, held at 7:00 pm in the Virtual Meeting.

### **Those Attending**

Those attending remotely by teleconference were Mayor Joe Benetti and Councilors Drew Farmer, Stephanie Kilmer, Phil Marler, Carmen Matthews, and Rob Miles. Councilor Lucinda DiNovo was absent. City staff attending remotely by teleconference were City Manager Rodger Craddock, City Attorney Nate McClintock, Finance Director Nichole Rutherford, Deputy Finance Director Melissa Olson, Library Director Sami Pierson, Public Works and Community Development Director Jim Hossley, Community Development Administrator Carolyn Johnson, and Fire Chief Mark Anderson.

### **Public Comments**

No public comments were provided online and no public comment forms were received.

### **Consent Calendar**

Mayor Benetti reviewed the consent calendar which consisted of:

- 2a: Approval of May 5, 2020 Minutes
- 2b: Acceptance of April 2020 Check Registers
- 2c: Acceptance of April 2020 Financial Reports

Councilor Miles moved to approve the consent calendar as presented. Councilor Kilmer seconded the motion which carried. Ayes: Benetti, Farmer, Kilmer, Marler, Matthews, Miles. Absent: DiNovo.

### **Approval of Extending Board Terms Set to Expire on June 30, 2020**

City Manager Rodger Craddock stated due to the COVID-19 pandemic, the normal process of advertising and interviewing for committee, board, and commission openings could not be done. This year Library Board member James Moore; Tree Board members Brian Allen, Catherine Walworth, Ariann Lyons, and Cora Vandervelden; and Coos County Library Service District Board member Frances Smith had terms ending June 30, 2020. Due to the pandemic and Executive Order 20-12 Stay Home, Save Lives, the city would not be able to interview applicants. City staff requested the current members whose terms were expiring June 30, 2020 be extended to the end of September 2020.

Councilor Kilmer asked about the Homeless Workgroup members. Councilor Farmer

requested duration best practices from other communities to establish a rotation of members. Mr. Craddock stated there were no current term limits for the Homeless Workgroup, council could take applications and add term limits, and staff would put together information to bring back for council discussion at a later date.

Councilor Farmer moved to approve extending the terms of Library Board member James Moore; Tree Board members Brian Allen, Catherine Walworth, Ariann Lyons, and Cora Vendervelden; and Coos County Library Service District Board member Frances Smith to expire September 30, 2020. Councilor Marler seconded the motion which carried. Ayes: Benetti, Farmer, Kilmer, Marler, Matthews, Miles. Absent: DiNovo.

### **Consideration to Postpone or Cancel Fireworks Display**

Fire Chief Mark Anderson stated the City of Coos Bay had provided the highlight of the bay area's Independence Day celebration for the past several decades with a fireworks display. The boardwalk and much of the waterfront in downtown Coos Bay was filled with spectators enjoying the show. With the ongoing restrictions due to the corona virus pandemic, council might consider to postpone or cancel this year's event. Governor Brown had banned large events and public gathering until there was an effective prevention and treatment available for COVID-19.

Furthermore, for the safety of our residents and the community, social distancing would likely be the best practice for the foreseeable future. It would be difficult to expect or enforce social distancing recommendations for the fireworks display. City staff had already placed an order with Western Display Fireworks for \$15,000 of assorted fireworks for the 4th of July event. In reviewing the contract, the city could reschedule the display or cancel the event. There was a 25% cancellation fee. Due to the COVID-19 restrictions, the vendor offered a third option to their customers; Western Display Fireworks would utilize the cancellation fee as a down payment for a fireworks show to be scheduled in 2021.

Mr. Anderson stated Phase One state re-opening was for twenty-one days, Phase Two would allow gatherings up to one hundred people, but large groups not allowed until possibly September, and Phase Three was unknown as Governor Brown stated there would need to be a cure or successful treatment for COVID-19. If the city cancelled prior to the fireworks being shipped on July 1, 2020 the cancellation fee would be 25%, after shipped the fee would be 50%, and if postponed until Labor Day there was concern for fire season. Council discussed and requested research on what the city could do to replace the fireworks and celebrate in a different way that accomodated social distancing.

Councilor Farmer moved to cancel the July 4th "Fireworks over the Bay" for 2020, and request the cancellation fee be applied as a down payment for the 2021 fireworks show. Councilor Marler seconded the motion which carried. Ayes: Benetti, Farmer, Kilmer, Marler, Matthews, Miles. Absent: DiNovo.

### **Public Hearing to Consider Amending Development Code Section 17 - Approval Would Require Enactment of the Proposed Ordinance**

Community Development Administrator Carolyn Johnson stated the ordinance for council consideration was to amend Coos Bay Municipal Code (CBMC) Chapter 17.312 regarding Accessory Dwellings and Chapter 17.335 regarding Supplementary Development Standards with changes to:

Accessory Dwelling Units (ADU) added language to provide consistency with State standards for accessory dwelling units and to allow tiny homes consistent with Oregon Residential Specialty Code (ORSC) and Oregon Fire Code, and the U.S. Department of Housing and Urban Development (HUD) Manufactured Home Construction and Safety standards (17.312); and

Supplemental Development Standards revised the city Type III review requirement for fences to Type II review, and in the urban renewal areas prohibit chain link fencing (17.335).

The changes were originally scheduled for council review on April 21, 2020; however, the Fair Housing Council of Oregon reviewed the draft ordinance as it was written in April and submitted a comment letter requesting expansion of findings for the amendment related to the ADU 17.312. Consequently the schedule for council review was moved to May 19, 2020. The requested findings can be found in Section 7 of the provided ordinance. Exhibit A identified the proposed amendments in legislative format. The Planning Commission will continue their review of the remaining proposed amendments in the coming months. Ms. Johnson stated she would draft a purpose statement for the City Manager to approve.

Mayor Benetti opened the public hearing. Online by Steve Yost noted individual property owners should be able to use property as desired, even if it was as a vacation rental. City Attorney Nate McClintock stated the city was reviewing ADUs due to the state legislature allowing ADU to provide for additional housing not as income producing. Mike Hicks posted online it was very hard in the city and State to convert existing ADU into a dwelling. The public hearing was closed.

Councilor Marler moved to enact the ordinance changing Coos Bay Municipal Code chapter 17.312 Accessory Dwelling Units and chapter 17.335 Supplementary Development Standards. Councilor Kilmer seconded the motion. Deputy Finance Director Melissa Olson read the ordinance by title only and Ordinance 524 was enacted by the following vote:

Aye: Benetti, Farmer, Kilmer, Marler, Matthews, Miles.

Nay: None.

Absent: DiNovo.

### **Consideration of Approval to Adjust Sewer User Rates – Approval Would Require Adoption of Resolution 20-12**

Public Works and Community Development Director Jim Hossley stated the City of Coos Bay Budget Committee concluded the fiscal year 2020-2021 budget meeting on May 14, 2020 with approval of the proposed budget which included a 5.5% increase in sewer user rates. In order to implement the sewer user rate adjustment commencing with the June 2020 billing cycle, Resolution 20-12 would need to be approved.

The city's wastewater rate consultant recommended a 5.5% rate increase for next fiscal year. This recommendation was based on evaluation of the city's forecasted wastewater operations and maintenance (O&M) costs for next year together with proposed construction projects and debt service. The sewer fee portion on the Coos Bay-North Bend Water Board billing would increase, based upon the rate study average use of 560 cubic feet per household, approximately \$3.77 per month. The revenue would provide funding for O&M,

sewer line replacements, pump station rehabilitation, storm drain repairs, and the capital improvements planned for next fiscal year. Last year's rate increase was 6.5%.

The wastewater user fees were used to operate and maintain the city's two wastewater treatment plants, two dozen pump stations, and 90 miles of sewer mains. It is rare for a city the size of Coos Bay to have two wastewater treatment plants or as many pump stations. The user fees are also used to pay debt service on loans for capital improvements to replace or refurbish the treatment plants, pump stations, and sewer mains. The city used a rate consultant to recommend the necessary rate increases to pay for O&M costs, capital debt service costs, and the cost of upcoming capital projects. Some of the upcoming projects associated with this recommended rate increase included wastewater treatment plant 1 upgrade final design, several sewer line and storm line repair projects, and sponsorship option water quality projects that included green parking lots and cleanup of the old Englewood School site. By steadily raising wastewater user fee rates annually over the past several years, city council has not had to implement a steep rate hike in order to ensure adequate funding for the wastewater system. By anticipating the future debt service for these upcoming projects we can continue to avoid steep spikes in future sewer rate increases.

A comparison of rates from other communities along with a history of rate increases were provided. Approving the resolution would provide the Coos Bay-North Bend Water Board time to change their computer programming and provide a full twelve months of billings at the adjusted rate.

Councilor Matthews moved to adopt Resolution 20-12 adjusting sewer user rates, charges, and fees. Councilor Kilmer seconded the motion which carried. Ayes: Benetti, Farmer, Kilmer, Marler, Matthews, Miles. Absent: DiNovo.

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

City Manager Rodger Craddock stated the street projects on Merchant, "I", 19th, 11th, portions of Park Ave, Underwood, N 10th, N Marple, Kentucky, and Koos Bay Blvd from Teakwood to the North Bend City limits were scheduled to go out to bid on May 20, 2020. The interim audit result was completed and audit manager stated no issues were revealed during testing. Roughly two years ago council requested speed radar digital signs be installed downtown on Hwy 101, and staff had been working with Oregon Department of Transportation (ODOT), while awaiting an award decision for signs to be placed on Southbound side by Morin's Automotive and Northbound side by Tower Ford. City staff working with Marshfield High School to plan a graduation celebration parade for seniors to be scheduled for the evening of June 6, 2020. The city received the prospective purchaser agreement from Department of Environmental Quality (DEQ) in April 2020 for the Front Street parking lot with property purchase completed on May 6, 2020. The remediation action plan was to be drafted and approved within six months and staff worked with Stantec to develop scope of work with anticipated cleanup to start after rainy season, the building on North side could come down immediately, and received notification DEQ sponsorship loan option could be used for cleanup. Target reopening of City Hall during Phase II sometime in June 2020, would require signs to remind about social distancing, sanitation station installation, and Plexiglas installed at Public Works and Finance Department windows. Mr. Craddock thanked Fire Chief Mark Anderson and distribution group who handed out masks at stores, with only Fred Meyer not having received permission from their corporate office for mask distribution.

## **Council Comments**

Councilor Matthews thanked the Parks Department and volunteers who make the parks look great, especially Sonny and Beverly Meyer who work in Choshi Garden at Mingus Park, and requested improvements at Empire Lakes. Councilor Farmer told all to stay well and stay safe. Councilor Miles stated it was National EMS week, so thanked front-line workers for protecting the community health and safety, and congratulated all the Marshfield High School 2020 graduates. Mayor Benetti stated the Farmer's Market would be opening June 3, 2020 with hours from 9:00-2:00 and modifications, with more info on their website, and thanked the Coos Bay Downtown Association for their diligence in opening the market safely.

## **Adjourn**

There being no further business to come before the council, Mayor Benetti adjourned the meeting. The next regular council meeting was scheduled for June 2, 2020 as a virtual meeting. These minutes were approved as presented by City Council on June 2, 2020.



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Joe Benetti, Mayor

Attest: Nichole Rutherford  
Nichole Rutherford, City Recorder