

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

June 2, 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 7:02 pm in the Virtual Meeting.

Those Attending

Those attending remotely by teleconference were Mayor Joe Benetti and Councilors Lucinda DiNovo, Drew Farmer, Stephanie Kilmer, Phil Marler, Carmen Matthews, and Rob Miles. 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, 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 19, 2020 Minutes

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

Adoption of Resolution 20-13 Authorizing Inter-fund Borrowing & Loans

Finance Director Nichole Rutherford stated the city's auditor recommended the city council adopt a resolution each fiscal year authorizing inter-fund loans. This had been necessary in prior years for funds that receive grants on a reimbursement basis to allow for a cash flow to pay contractors while awaiting reimbursement or for property taxes and hotel transient taxes to be received. The loans would be repaid to the loaning fund by the borrowing fund on or before the end of the fiscal year or the respective repayments would be budgeted in the next budget. No interest would be charged to the borrowing funds for the cash flow loan.

Councilor Farmer moved to adopt Resolution 20-13 authorizing inter-fund borrowing and inter-fund loans during the fiscal year 2020-2021 budget. Councilor Miles seconded the motion which carried. Ayes: Benetti, DiNovo, Farmer, Kilmer, Marler, Matthews, Miles.

Adoption of Resolution 20-14 Extending Workers' Compensation Insurance Coverage to City Volunteers

Finance Director Nichole Rutherford stated the City of Coos Bay is self-insured as a member of the CityCounty Insurance Services (CIS) local government insurance risk pool. As a member, the city was required to adhere to best practices and adopt policies and resolutions to increase awareness and mitigate risk. CIS provided guidance and tools

through their risk management programs to assist the city to mitigate risk. As part of the CIS program requirements, a volunteer roster was maintained, updated, and continually reviewed throughout the year. Members were required to pass a resolution each fiscal year to extend workers' compensation insurance coverage to volunteers.

Mayor Benetti asked how workers' compensation would be affected by COVID-19. Ms. Rutherford stated CIS indicated if an employee was tested positive it was not necessarily a workers' compensation claim; however, a claim would be submitted. If it was contracted while performing duties for the city, it would most likely be paid through the health insurance. Councilor DiNovo asked what the liability would be if a volunteer was exposed to COVID-19 while volunteering for the city. Ms. Rutherford stated she was unsure of the volunteer side and would get clarification from CIS. City Attorney Nate McClintock stated if anyone contracted COVID-19 while performing work for the city it would qualify as a workers' compensation claim, the only difficult part is proving or showing it.

Councilor Kilmer moved to adopt Resolution 20-14 extending workers' compensation coverage to volunteers. Councilor DiNovo seconded the motion which carried. Ayes: Benetti, DiNovo, Farmer, Kilmer, Marler, Matthews, Miles.

Public Hearing on the Use of Revenue Sharing Funds - Approval to Accept the Funds Would Require Adoption of Resolution 20-15

Finance Director Nichole Rutherford provided a brief history on the State Revenue Sharing Funds program. Ms. Rutherford stated in order to participate in the Oregon State Revenue Sharing program a public hearing was required to be held before the budget committee and the city council. A public hearing before the Coos Bay Budget Committee was held May 14, 2020. In accordance with ORS 221.770, a public hearing before the City Council had been scheduled and published for the purpose of taking public input on the use of State Revenue Sharing funds. Councilor Miles disclosed he worked for the Boys and Girls Club which received funding from the Revenue Sharing Funds and used the funds for the summer programs, and his salary was paid from a different fund, the Annual Campaign Fund. City Attorney Nate McClintock stated it was not a conflict of interest.

Mayor Benetti opened the public hearing. No public comments were provided online and no public comment forms were received. The hearing was closed.

Councilor DiNovo moved to adopt Resolution 20-15 accepting State Revenue Sharing funds for the 2020-2021 fiscal year.. Councilor Marler seconded the motion which carried. Ayes: Benetti, DiNovo, Farmer, Kilmer, Marler, Matthews, Miles.

Public Hearing on the Approved Fiscal Year 2020-2021 Budget - Adoption of Resolution 20-16 Would Adopt the Budget, Make Appropriations, and Levy Ad Valorem Taxes

Finance Director Nichole Rutherford stated the proposed budget for fiscal year 2020-2021 was reviewed and approved by the Coos Bay Budget Committee on May 14, 2020 with a recommendation for Coos Bay City Council adoption. City Manager Rodger Craddock stated the redlined items were additional funds for emergency preparedness and the Kids Hope Center. Ms. Rutherford stated the Kids Hope Center funds were in the budget and the emergency preparedness was going to wait until the start of the new fiscal year, if there were additional funds a supplemental budget would then be used to increase the line item.

Approval of the proposed resolution would adopt the budget for fiscal year 2020-2021, set appropriations, and levy taxes. The Budget Committee's approved budget could be found on the city's website at <http://coosbay.org/departments/finance>.

Mayor Benetti opened the public hearing. No public comments were provided online and no public comment forms were received. The hearing was closed.

Councilor Miles moved to adopt Resolution 20-16 adopting the fiscal year 2020-2021 budget. Councilor Kilmer seconded the motion which carried. Ayes: Benetti, DiNovo, Farmer, Kilmer, Marler, Matthews, Miles.

Approval of Amendment to the Coos Bay/North Bend Visitor & Convention Bureau Intergovernmental Agreement

City Manager Rodger Craddock stated the Coos Bay-North Bend Visitor & Convention Bureau (VCB) was an intergovernmental agency which served as the tourism promotional arm of the cities of Coos Bay and North Bend along with the Coquille Indian Tribe. The scope and funding of the VCB was based on an intergovernmental agreement (IGA) which was initially agreed upon in 2010 by the three governmental partners.

The COVID-19 pandemic has had a considerable impact on businesses and organizations locally and across the country. The Coquille Indian Tribe asked the VCB partners to consider amending the intergovernmental agreement to allow them to withhold payment of the lodging taxes to the VCB for the third quarter of fiscal year 2019-2020 (January-March 2020) which would allow them to use these limited funds in an effort to help mitigate the financial effects of the pandemic on their organization. Mr. Craddock stated the cities of Coos Bay and North Bend had an established tax that was highly regulated how those funds could be used and were fortunate the Coquille Indian Tribe volunteered to withhold lodging tax, though not required to do so. The estimated impact to the VCB was \$20,000-\$25,000, was a one-time agreement, and would be considered by the City of North Bend at their next council meeting.

Mr. Craddock read a written public comment provided by Joe Monahan representing some of the lodging establishments who stated the majority of the lodging properties in the cities of Coos Bay and North Bend objected to the proposed amendment allowing the Coquille Indian Tribe to withhold the lodging taxes to the VCB for the third quarter fiscal year 2019-2020, the pandemic had a large impact on the local economy, and since the VCB spent funds promoting the area of which the Coquille Indian Tribe benefited from, requested Council postpone a decision for a later date.

Mayor Benetti stated he had discussions with Mr. Monahan, did not believe the majority of the lodging establishments felt that way, that Coquille Indian Tribe did not have to contribute, and gave some background of the VCB. Councilor Kilmer asked if it set a precedence and if there was any idea if it would continue in the future. Mr. Craddock stated while there was no assurance past third quarter fiscal year 2019-2020, it was the only request received. Council discussion ensued.

Councilor DiNovo disclosed a potential conflict of interest as she was employed by the The Mill Casino and was the Coquille Indian Tribe representative on the VCB Board. City Attorney Nate McClintock stated as there was no direct financial interest there was no conflict of interest, but good to disclose. Councilor Miles disclosed a potential conflict of interest as

his wife worked for a Tribal entity. Mr. McClintock stated there was less direct of an impact and no conflict of interest, but was good to disclose.

Councilor DiNovo moved to approve the third amendment to the Visitor Convention Bureau intergovernmental agreement. Councilor Marler seconded the motion which carried. Ayes: Benetti, DiNovo, Farmer, Kilmer, Marler, Matthews, Miles.

City Manager's Report

City Manager Rodger Craddock stated the proposed Timber Cove manufactured home park to be developed off Lindy Lane was going to the next planning commission meeting. If the planning commission's decision was appealed for any reason, it would then go before city council. To avoid any ex-parte communications, council was asked to refrain from discussing the application with others and to direct comments to the planning commission. The same developer purchased a large undeveloped lot at the end of Maxwell Street, Northwest corner of Coos Bay, intended to develop fifteen homes at the site, road access would be easier through City of North Bend, and also sewer connection in North Bend. In 2004 the cities of Coos Bay and North Bend entered into an intergovernmental agreement (IGA) to allow sewer service to be provided to residents of neighbor city, and there was precedence; however, the question was raised by the City of North Bend if the property should be annexed to North Bend. Council discussed and consensus to not annex the property to the City of North Bend.

Mr. Craddock stated a number of summer road projects were coming up, with scheduled bid opening June 3, 2020, and the successful bidder would be presented at the June 16, 2020 council meeting for request to approve contract. The city received a letter requesting consideration for lowering the annual fee for card table licenses; hosting a table was currently \$150 fee per quarter, \$25 fee yearly for card table dealers. Now with fewer tables, the cost for processing and enforcing was minimal, staff requested reducing to \$75 fee per year for card table license and keep card table dealer fee at \$25 per year. Council agreed and staff would be present at the June 16, 2020 council meeting.

At the May 19, 2020, council meeting a sub-committee was formed to discuss alternate July 4th celebrations with the community. The committee met, with Fire Chief Mark Anderson and Deputy Police Chief Chris Chapanar developing a plan to use six public safety vehicles to drive through neighborhoods playing patriotic music and passing out small flags from 1:00-4:00 on a Saturday. It was anticipated Coos County would enter Phase II by June 5, 2020, though not yet official. The Visitor Information Center re-opened June 2, 2020. City Hall was anticipated to re-open sometime the week of June 8, 2020, after Plexiglas windows had been installed at the service windows. The Coos Bay Public Library was planning to re-open in the next phase, but would be back to curbside service, as it was more difficult to open and comply with social distancing. Mr. Craddock also wanted to start planning going back to in-person council meetings starting July 21, 2020, as restrictions should be more reduced by then, and discussed in past as interest to change the meeting time from 7:00 to 6:00. Councilor Kilmer requested public input before changing the time as city council was meeting for the citizens. Councilor Matthews stated he was in favor of the change to be consistent for the start times of both the council meetings and work sessions. It will be discussed at the July 7, 2020 council meeting after allowing time for and receiving community input.

Mr. Craddock stated the Egyptian Theatre would be benefiting from the kindness of a couple who passed and left funds in their will to the Egyptian Theatre, Liberty Theatre, and Sawdust

Theatre. The Egyptian Theatre would have enough funds to completely replace the roof and fix the stage. Those funds would come into the city and Urban Renewal Agency would approve contracts.

Council Comments

Councilor Marler reminded everyone to be safe. Councilor DiNovo thanked the council for recognition of Coquille Indian Tribe's contribution to the community; noted The Mill Casino re-opened doors on May 18, 2020, one day before their 25th anniversary; had a safe play plan in place; and thanked community and council for support. Councilor Farmer asked everyone to be safe, be healthy, continue to exercise social distancing, reminded that we are all neighbors, other communities current troubles feel more like Coos Bay's past, our community is in a good place, and best wishes to the community. Councilor Miles wished The Mill Casino a happy 25th anniversary and expressed condolences to the Spalding family and North Bend High School community for their suffering. Councilor Kilmer gave her heartfelt thoughts to the community of North Bend; Coos Bay Downtown Association's Farmers Market would open June 3, 2020, with 9:00-10:00 open to vulnerable populations, and then general public at 10:00 - 2:00. Mayor Benetti gave his condolences to North Bend and Spalding family, noted the North Bend High School Seniors celebration was scheduled for June 5, 2020, thanked Coos Bay Staff for the Coos Bay High School Seniors celebration scheduled for June 6, 2020, good to see businesses reopening in Phase II, congratulated The Mill Casino for 25th anniversary, and congratulated Councilor Matthews for Seven Devils receiving award. Councilor Matthews wanted to reach out to the Spalding family, make sure everyone in the community knew the council was available for those that needed to communicate with someone if they needed someone to talk to, and the community could weather all the current issues together.

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 16, 2020 as a virtual meeting. These minutes were approved as presented by City Council on June 16, 2020.



Joe Benetti, Mayor

Attest: Nichole Rutherford
Nichole Rutherford, City Recorder