

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

**May 3, 2022**

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 Council Chambers, 500 Central Avenue, Coos Bay, Oregon.

### **Those Attending**

Those present were Council President Rob Miles and Councilor Stephanie Kilmer. Mayor Joe Benetti and Councilors Drew Farmer and Sara Stephens attended remotely by teleconference. Councilors Lucinda DiNovo and Carmen Matthews were absent. City staff present were City Manager Rodger Craddock, City Attorney Nate McClintock, Assistant City Manager Nichole Rutherford, Finance Director Melissa Olson, Public Works and Community Development Director Jim Hossley, Deputy Public Works and Community Development Director / City Engineer Jennifer Wirsing, Fire Chief Mark Anderson, Police Chief Chris Chapandar, and Library Director Sami Pierson.

### **Flag Salute**

Council President Miles opened the meeting and led the council and assembly in the salute to the flag.

### **Public Comments**

Mike Vaughan, Coos Bay gave an update on the mural project on Hwy 101.

### **Public Comment Form**

No public comment forms were received.

### **Consent Calendar**

Council President Miles reviewed the consent calendar which consisted of:

3a: Approval of April 19, 2022 Minutes

3b: Approval of April 26, 2022 Minutes

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

### **Consideration to Approve Emergency Medical Services (EMS) Proclamation**

City Manager Rodger Craddock stated the Emergency Medical Services week would be May 17, 2022 through May 23, 2022. The Emergency Medical Services Week proclamation identified the City of Coos Bay as a community that recognizes the important contribution the Emergency Medical Services (EMS) provide to our citizens. The emergency medical

services system consists of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators, and others. The members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills. Fire Chief Mark Anderson read the Emergency Medical Services Week Proclamation.

Councilor Kilmer moved to approve the Emergency Medical Services proclamation. Councilor Farmer seconded the motion which carried. Ayes: Benetti, Farmer, Kilmer, Miles, Stephens. Absent: DiNovo, Matthews.

### **Consideration to Approve Building Safety Month Proclamation**

Public Works and Community Development Director Jim Hossley stated Building Safety Month is an international campaign that takes place in May to raise awareness about building safety. This campaign reinforced the need for the adoption of modern, regularly-updated building codes, and helped individuals, families and businesses understand what it takes to create safe and sustainable structures. This year's campaign themes are: May 1-9, 2022 Energy Innovation; May 10-16, 2022 Training the Next Generation; May 17-23, 2022 Water Safety; and May 24-31, 2022 Disaster Preparedness. For the last forty-one years, the International Code Council (ICC) celebrated advances in constructing safe, sustainable, affordable and resilient buildings and homes. The ongoing support of Building Safety Month and the important role code officials play in public safety in the built environment has come from U.S. presidents, governors, mayors, county executives, other government officials and construction industry professionals. The International Code Council, its 64,000 members, and a diverse partnership of professionals from the building construction, design and safety communities come together with corporations, government agencies, professional associations and nonprofits to promote building safety through proclamations, informational events, legislative briefings and more. All come together to support Building Safety Month because of the understanding for the need of safe and sustainable structures where we live, work and play. All communities need building codes to protect their citizens from disasters like fires, weather-related events and structural collapse. Building codes are society's best way of protecting homes, offices, schools, manufacturing facilities, stores and entertainment venues. Code officials work day in and day out to keep the public safe. Public Works and Community Development Director Jim Hossley read the Building Safety Month Proclamation.

Councilor Farmer moved to proclaim the month of May Building Safety Month in the City of Coos Bay. Mayor Benetti seconded the motion which carried. Ayes: Benetti, Farmer, Kilmer, Miles, Stephens. Absent: DiNovo, Matthews.

### **Consideration to Approve National Foster Care Month Proclamation**

City Manager Rodger Craddock stated National Foster Care Month (NFCM) was an initiative of the Children's Bureau with a focus to develop greater awareness of foster care issues. May has been established as NFCM in an effort to establish recognition of the valuable roles people play within the child welfare support system, ensuring the health, safety, and happiness of children and families. Statistics available from the Children's Bureau indicate over 407,000 children and youth are in foster care, with 34% placed with relatives. This initiative to increase awareness regarding the foster care program includes educational opportunities for communities to learn how to support those who chose to become foster parents. Awareness helps communities to ensure stability, ties, connections, support and

security to both foster parents and the children the care for. Assistant City Manager Nichole Rutherford read the Foster Care Awareness Month Proclamation.

Councilor Kilmer moved to proclaim the month of May Foster Care Month in the City of Coos Bay. Councilor Stephens seconded the motion which carried. Ayes: Benetti, Farmer, Kilmer, Miles, Stephens. Absent: DiNovo, Matthews.

### **Appointment to the Coos Bay/North Bend Water Board**

City Manager Rodger Craddock stated the Council has the responsibility to appoint two individuals to the Coos Bay / North Bend Water Board. There was a vacant position due to the resignation of Melissa Cribbins. Mayor Benetti has nominated Councilor Matthews to fill the position with a term of office expiring on 12/31/2024. Formal appointment required confirmation by the Council. However, to follow current Ordinance, the Council must wait two weeks prior to ratification, suggested Council postpone the vote for confirmation until the next Council meeting, and review the Ordinance for future updates.

### **Consideration of Award of 2022 Timber Sale Contract**

Deputy Public Works and Community Development Director / City Engineer Jennifer Wirsing stated the City typically conducts timber sales on their forest land every other year and was proposing a timber sale on 42.6 acres located in the Pony Creek Watershed for the 2022 Timber Sale. The timber volume was determined by a cruise (survey) performed by Stuntzner Engineering and Forestry and estimated 1,700 million board feet (MBF) was available for harvest. The sale was advertised in March and opened bids the week of April 11, 2020; the city received two responses for this sale, Scott Timber Company for \$509,806 and Swanson \$412,279.68. The final amount received would be based on actual board feet harvested. In addition to the Forestry Consultant scope and fee (\$53,100) further costs would be necessary to complete the 2022 timber sale. These costs consist of reforestation, the 1980 Water Board road use agreement reimbursement fee for construction of the Loop Road, and the annual Loop Road maintenance costs. Estimates for these costs were: Repayment of Loop Road Construction \$12,000, Annual Maintenance of Loop Road \$5,000, Reforestation/Planting Contract \$15,000, and 15% Contingency \$4,800 for a total of \$36,800. As in past years, the costs for additional items to complete the 2022 timber sale would be funded from timber sale proceeds. The source of funds for this contract was the Capital Improvement Fund, Timber Costs 45-450-520-2300. Staff recommended awarding the contract to Scott Timber and utilize up to \$36,800 for additional timber related activities.

Councilor Kilmer moved to award the 2022 Timber Sale to Scott Timber Company, and approve the additional costs which includes repayment of loop road construction, annual loop road maintenance, and reforestation/planting contract required to complete the 2022 Timber Sale for an amount not to exceed \$36,800. Mayor Benetti seconded the motion which carried. Ayes: Benetti, Farmer, Kilmer, Miles, Stephens. Absent: DiNovo, Matthews.

### **Approval to Initiate Right-of-Way Vacation of a Portion of North 8th Street**

Public Works and Community Development Director Jim Hossley stated the City received a right-of-way vacation request from TIRED ROSE, LLC a developer who wants to develop the property adjacent to the area of vacation into a multi structure commercial development. The applicant requested a vacation of a 30' x 100' portion of right-of-way on NE 8th Street at Teakwood Avenue west of Tax Lot 400, block 5 of the "Plat H Addition to Marshfield". The

city requested the developer dedicate 20' of right-of-way for a distance of 317.85' on North 8th Street on the northerly portion of tax lot 500. This dedication would be a condition of the land use process for the proposed development. The resulting loss of property has removed developable land for two 15,000 sf. tenants proposed for the site. The proposed vacation would aid in developing the balance of the property and would assist in making up for the loss of land with the 20' dedication on the north. City departments and utility providers have reviewed this request and had no objections. Because the vacation area was within 1,000 feet of the bay, the International Port of Coos Bay was also required to approve. Port staff did not foresee any issues; however, the Port Commission would consider the request at their May meeting. The applicant submitted and paid for the application fee. Approval and initiation of the vacation would add the property to the tax roll.

Mayor Benetti moved to initiate the vacation request for a portion of North 8th Street adjacent to block 5 of the "Plat H Addition to Marshfield". Councilor Kilmer seconded the motion which carried. Ayes: Benetti, Farmer, Kilmer, Miles, Stephens. Absent: DiNovo, Matthews.

### **Public Hearing to Consider Adoption of the Proposed Empire Urban Renewal Plan Amendment – Approval Would Require Enactment of Proposed Ordinance**

Assistant City Manager Nichole Rutherford stated the Empire Urban Renewal Plan (Plan) was initially enacted by Ordinance 216 by Council at their August 30, 1995. At the May 19, 1998 Council meeting, Council enacted Ordinance 252 which established the Empire District maximum indebtedness. Several Plan amendments have been approved by the Agency since that time, such as including new projects to improve the area, development of a Façade Program (now Building Improvement Grant program), land purchases, etc. With identification of location for the new combined Library/911 Communications center within John Topits Park, a Plan amendment was necessary. The chosen site was identified as the best location due to several factors: limited development of infrastructure for roads and parking areas, little to no impact on wetlands within the park, results of the geotechnical land analysis for structural stability, minimal alteration to the existing Park path infrastructure, and ability to leave as many forested areas in tact avoiding unnecessary tree removal. This Plan amendment would add 8.94 acres to the Empire Plan, all of which were public acres, and as such the additional would have no impact to the overlapping taxing districts. Additional information and background was supplied in a supplement included with the staff report. The recent interest to locate the new library facility in John Topits Park, the Agency indicated interest in a potential plan amendment to include this acreage within the plan, as well as, potentially increase the maximum indebtedness to allow for funding of planned future projects. As there are specific requirements, detailed in ORS 457, to be met with a plan amendment of this type (substantial amendment), staff followed the Agency's direction to seek consultation with Elaine Howard, the Agency's urban renewal consultant. Ms. Howard provided a timeline for the process, as well as, the detailed steps necessary to ensure public participation and concurrence from the overlapping taxing district.

Due to the nature of the acreage recommended for addition to the Plan, the overlapping taxing districts would not be affected by its addition as the property is currently property tax exempt and would remain so. However, an increase to the maximum indebtedness would have an effect on the overlapping taxing districts with extended debt service payments beyond current repayment schedules should the Agency incur additional debt necessary to complete future planned projects. Ms. Howard had noted this Amendment could be completed in July 2021 if the required approvals for the maximum indebtedness increase were received in that timeframe. This would require focused diligence to keep the process

moving forward which was necessary considering the tight timeframe associated the potential pending ballot inclusion. The projects to be added to the Plan include site improvements to John Topits Park to facilitate the development of the new Library and a future Sports Complex, including parking for these facilities and improvements to Wastewater Pump Station 14. and remediation activities for properties within the Area. The maximum indebtedness would be increased from \$18,890,011 to \$29,000,000. This increase must be approved via adoption of a resolution by the Board of the taxing districts representing 75% of the permanent rate levy for the Coos Bay Empire Urban Renewal District. The City of Coos Bay, Coos Bay School District and South Coast Education Service District have concurred with the Amendment, satisfying the 75% threshold. The impacts on taxing districts are shown in the Report on the Plan. The Amendment extends the projected time frame of the Plan from FYE 2031 to FYE 2040. General updating of the Plan was included in the Amendment. The budget implications were the costs of this amendment were minimal and related to consultant fees and postage for notification of all citizens within Coos Bay.

Council President Miles opened the public hearing. Keith Topits, Coos Bay stated there are wetlands and animals there and are giving up access to the park by putting up a building. Christine Moffitt, Coos Bay stated was in support of the new facility and proposal, it was on the edge of the park, and would add many benefits to the Empire area. Chris McNair, Coos Bay, stated the mailing was not clear, would like clarification, it was the first time heard about it, and thought the process could have been slowed down to see if there was other options. Susan Anderson, Coos Bay gave an update of the Library Foundation work and stated if the bond passed it would not restrict access to the park, use of the park such as fishing, and would not be using any of the donated land. Robert More, Coos Bay stated no access to the park or trails would be closed, but better maintained and the library would be on two acres out of 200 acres of the park taking up only 1%. Calvin Wilbourne, Coos Bay asked why the library project was going to be in Empire instead of downtown Coos Bay as that was where the majority of patrons were. City Manager Rodger Craddock gave a summary of the background of the library project to date. Austin Wilbourne, Coos Bay stated where the library was located was historical, could be updated, was located near the schools for easy student access, and it was safer in the current location. President Miles stated it was cost effective to update the current library as it would cost more than building a new library, with the 911 Center there would be police presence 24 hours/7days a week, and during the upgrades the library would have to be closed for roughly one and a half years. Mayor Benetti stated there were issues at the current library creating the need for security and there were schools in Empire as well. Julie Heron, Coos Bay asked if there would be public transportation for children to access the library. President Miles stated there had been talks with the public transit system to add a loop going to the new library site. Mike Hoyt, Coos Bay emailed in opposition of the proposal and stated the Empire URA plan was not designed to take wetlands and green space of any acreage from the park and move into the Empire URA.

The public hearing was closed. Council discussion ensued.

Mayor Benetti moved to enact the proposed ordinance amending the Empire Urban Renewal Plan. Councilor Kilmer seconded the motion. Finance Director Melissa Olson read the ordinance by title only, "An Ordinance making certain determinations and findings relating to and approving the Empire Urban Renewal Plan Substantial Amendment, Amendment 14 and directing that notice of approval be published." and Ordinance 554 was enacted by the following vote:

Aye: Benetti, Farmer, Kilmer, Miles, Stephens.

Nay: None.

Absent: DiNovo, Matthews.

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

Assistant City Manager Nichole Rutherford stated Budget Committee meetings were scheduled for May 12, 2022, a second meeting was scheduled for May 19, 2022 if needed; currently were undergoing spring fieldwork for annual preliminary audit procedures for review of items such as payroll, revenues, and expenses and would return in September to review balance sheet items; and Council had the option to participate in a discussion on wind energy listening session scheduled May 4, 2022 at the Mill Casino.

### **Council Comments**

Mayor Benetti thanked Council President Miles for stepping in for him as he could not be at the meeting in person. Councilor Kilmer recognized the proclamations, was great to see the city participate in the Family Fun Day on April 30, 2022, and the Farmers Market opened May 4, 2022. Council President Miles thanked everyone who came out to the Empire Coalition and Star of Hope dedication and thanked the Bond Committee for all their work.

### **Adjourn**

There being no further business to come before the council, Council President Miles adjourned the meeting. The next regular council meeting was scheduled for May 17, 2022. These minutes were approved as presented by City Council on May 17, 2022.



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Joe Benetti, Mayor

Attest: Nichole Rutherford  
Nichole Rutherford, City Recorder