

City of Bandon

CITY COUNCIL AGENDA DOCUMENTATION	DATE: January 10, 2023
SUBJECT: City Council Meeting Minutes	ITEM NO: 6.1.1

BACKGROUND:

Meeting Minutes of the City Council as submitted by Richard Taylor, Minutes Clerk
December 5, 2022 – Regular Meeting

FISCAL IMPACT:

None

RECOMMENDATION:

Motion: to approve City Council meeting minutes from December 5, 2022

SUBMITTED BY:



June Hinojosa, City Recorder

**City Council Regular Meeting
at Bandon City Hall and via Zoom
December 5, 2022**

CITY COUNCIL AND MAYOR:

- Mary Schamehorn, Mayor
- Peter Braun, Councilor
- Chris Powell, Councilor
- Geri Procetto, Councilor
- Madeline Seymour, Council President
- Geoff Smith, Councilor
- Brian Vick, Councilor

STAFF:

- Dan Chandler, City Manager
- Shala Kudlac, City Attorney
- Paula Burris, Finance Director
- June Hinojosa, City Recorder
- Dana Nichols, Planning Manager

1.0 CALL TO ORDER / ROLL CALL / INVOCATION / PLEDGE OF ALLEGIANCE

Schamehorn called the meeting to order at 7:00 p.m. and Roll Call was taken as indicated above. Smith joined the meeting via Zoom. The Mayor, all other Councilors, and City Staff members were present in the Council Chamber. Pastor Jim Vickery of the First Presbyterian Church of Bandon delivered the Invocation. Seymour led the Pledge of Allegiance.

2.0 PUBLIC REQUESTS (none)

3.0 PRESENTATIONS

3.1 Volunteer of the Month – Harv Schubothe

Schubothe, the Executive Director of the Greater Bandon Association (GBA), presented the Volunteer of the Month Award to Councilor Peter Braun. He noted that Braun was a graduate of Bandon High School who had left Bandon to pursue a career in the film industry, but had returned to Bandon to take over the shop his father had operated for years.

Schubothe said Braun had been active in the local Masonic Lodge and had served at the regional and statewide level in the organization. Schubothe stated that Braun had always been “a champion for what’s happening in Old Town Bandon,” as part of the Merchants Association, as an initial organizer of the Greater Bandon Association and serving as its president for a time, as well as being president of the Chamber of Commerce. He participated in a Ford Family Foundation Learning Exchange and its Community Building program and played a key role in bringing revitalization grants to the community from the Main Street program. Braun also had been an advocate for workforce housing in Old Town.

Braun joined the Bandon City Council in 2015 and was attending his last meeting as a Councilor, having decided not to run for re-election.

3.1 Brenda Meade, Coquille Tribal Council Chair

Meade provided an update on the status of the salmon fisheries on the Coquille River. She spoke in place of the Coquille Indian Tribe’s Executive Director for Natural Resources, John Ogan, who had been scheduled for the presentation but was ill and unable to attend.

Meade told the Councilors that there had been “an amazing return of fall Chinook salmon on the Coquille River this year.” Over 150 pair of salmon were collected for broodstock in the Ferry Creek system—breaking the record for the past 20 years.

Meade said the high number of returns brought renewed hope for Bandon, the river, and the Coquille Indian Tribe. In 2020, Oregon Department of Fish and Wildlife (ODF&W) only collected three pair of returns and there was talk of possible extinction of the fall Chinook salmon on the Coquille River. Meade observed, “This community came alive,” saying, “We can’t let this happen.” The Tribe reached out to every City Councilor and County Commissioner for support and tried during 2021 to find ways to work with ODF&W and to get the community involved to develop solutions.

To accommodate more salmon on the Coquille River, the problem of invasive species needed to be addressed. In 2021, the Tribe was given a crash course in the use of electric shock boats by ODF&W. In 2022, the Tribe, ODF&W, the Port of Bandon, and others were able to take a large number of invasive fish off the river. The Tribe purchased two boats for this purpose. The Port of Coquille River also made a major contribution to the removal of invasive species when it hosted a small mouth bass derby.

Looking back on 2021, Meade noted that broodstock was being collected at that time by netting them, and it was a system that was not working. The trap set in Ferry Creek was not working. Seals continued to come up the river to feed in 2021, because no seal excluder was installed. Despite disappointments, volunteers from the Port of Bandon, Coquille STEP volunteers, Coquille Tribe employees, and community volunteers joined together in working to restore the salmon on the Coquille River. Their efforts fell short of reaching the goal of 75 pair, with only 24 pair collected in 2021.

In 2022, working with ODF&W and the community partners, aided by a grant from the Port of Bandon, the Tribe built a new metal trap system for Ferry Creek that really worked. “It was a happy place for our fish,” Meade said. They were able to keep all the fish in the run there, which brought more fish in from the ocean. A seal excluder at the mouth of Ferry Creek eliminated the loss of salmon to seals. The number of salmon collected swelled to 150 in 2022, which meant the Tribe and ODF&W could start spawning at the Bandon Hatchery. As a result, Meade stated that the hatchery had more eggs than it ever had—over a half-million. She said the spawning was recently completed. The eggs were to be incubated at the hatchery and other locations.

Meade indicated that there was a goal of acclimating and setting free approximately 350,000 eggs into the lower basin of the Coquille River and 150,000 smolt into the upper rivers—the North and South Forks. Another goal was not to waste any of the fish being introduced into the system.

The Tribe also approached ODF&W about operating a conservation hatchery, which involved collecting and caring for wild fish, then putting them back into the system upriver. That would enable “hatch boxes” or “incubation boxes” to be placed on the Coquille River. Beginning in two years, a grant-funded four-year study would be conducted of the returning salmon on the North and South Forks of the Coquille River, to gauge the success of the hatch boxes in taking care of the baby fish.

Meade thanked the Port of Coquille River, which awarded cash prizes in its bass derby.

Meade noted that the Tribe had received a grant to continue habitat work along the river. The Tribe anticipated state legislators carrying a bill that would eliminate red tape and streamline any process

for landowners such as farmers and ranchers who want to do habitat work. Meade remarked that there was a ridiculous amount of red tape that took so long to go through that the grant funding the Tribe received was no longer usable for their projects. “You have to have a lawyer to figure it out and that’s not what we need,” she commented. “We have landowners here on the river that are willing. We need to take care of them. We need to work with them and support them because it’s worth it for all of us.”

“It’s about restoring our fisheries for everyone,” Meade stated, “and to have a robust wild and hatchery run on the Coquille River again.” She thanked the Council for recognizing the importance of the salmon to the Coquille Indian Tribe and the Bandon community. “The story really is going to be...about how our community really stepped up and made a change,” Meade said.

Meade mentioned that the Tribe was talking about changing its logo from “Save Our Coquille Salmon” to “Saving Our Coquille Salmon,” to reflect the active and ongoing nature of the effort.

Seymour asked to what extent the bass population had been reduced on the Coquille.

Meade responded that taking 10,000 bass out of the river still left many thousands behind. She said there would always be bass in the river, but it would be good to find a balance. “The overpopulation is so bad,” she stressed, “they’re eating themselves.”

Vick told Meade he was proud of the Tribe’s work and he thanked the Tribe for “undertaking this monumental task.” Vick pointed out that Bandon had its own successful hatch box program, many years earlier. He recalled that the state had provided a biologist to help the locals. “After the biologist would leave, we’d put them where we knew they’d work,” Vick said. “Then, they cut off our eggs, and that was the downfall of the hatch box program in Bandon.”

Vick added that he was thrilled that the Tribe was taking the salmon restoration “in a whole new direction. And the fact that the Tribe is doing it doesn’t let the ODF&W off the hook.”

4.0 HEARINGS (none)

5.0 PROCEEDINGS

5.1 ACTIONS

5.1.1 Approve City Council Meeting Dates for 2023

Seymour moved to set the 2023 City Council Regular Meeting dates as January 9, February 6, March 6, April 10, May 1, June 5, July 10, August 7, September 11, October 2, November 6, and December 4. Vick seconded the motion, which passed by unanimous show of hands (6:0):

AYES: Braun, Powell, Procetto, Seymour, Smith, Vick
NAYS: None

5.1.2 Approve Holiday Schedule for 2023

Seymour moved to approve the 2023 holiday calendar for City of Bandon employees. Powell seconded the motion, and it passed unanimously by show of hands (6:0)

AYES: Braun, Powell, Procetto, Seymour, Smith, Vick
NAYS: None

5.1.3 Appoint City Manager as Budget Officer for Fiscal Year 2023-2024

Vick made a motion to approve the appointment of the City Manager as Budget Officer for Fiscal Year 2023-2024, and Seymour seconded the motion. It passed unanimously by show of hands (6:0):

AYES: Braun, Powell, Procetto, Seymour, Smith, Vick

NAYS: None

5.1.4 Approve Budget Calendar for Fiscal Year 2023-2024

Seymour moved to approve the Budget Calendar. The motion was seconded by Procetto, and it passed unanimously by show of hands (6:0):

AYES: Braun, Powell, Procetto, Seymour, Smith, Vick

NAYS: None

5.1.5 Memorandum of Understanding with Bandon School District

Chandler explained that the City of Bandon and the Bandon School District owned a number of parcels adjacent to the ballfields, across 11th Street SW from Bandon High School. He noted that the City had cleared almost an acre of gorse recently on one of the City-owned parcels. The City and the School District had been discussing the possibility of developing that land for workforce housing. The Memorandum of Understanding (MOU) was an agreement that the City and School District would start working together to explore the feasibility of building housing on those properties.

Chandler said one of the next steps in this process would be a zone change on some School District properties from Public Facilities (PF) to Residential 1 (R-1). He said no school-related uses would be eliminated by this zone change, but the possibility of residential development would be added on those parcels. Zoning the properties R-1 would also mean some additional public processes would have to occur if multi-family dwellings were proposed.

The meeting materials provided to the Mayor and Councilors included a map showing which specific parcels were the subject of zone changes, which ones belonged to the City and which were owned by the School District, and which parcels were likely to be combined for housing development.

Chandler added that the MOU did not commit either party to any permanent action but did make a statement that the City and Bandon School District were working together. He said a couple of tracks were being investigated that would lead to housing on the properties. One would be to issue a Request for Proposals (RFP) for developers, to find out what kind of contractually guaranteed workforce housing they might propose; another would be publicly owned property with single modular homes on individual lots. Chandler anticipated a combination of one-, two-, and three-bedroom units, possibly built in phases. He emphasized the desire to find the best option for the public.

Chandler noted, "The folks have told me in the community and around the state that the fact that the School District and the City are doing this MOU is a pretty powerful statement, and really an unusual move between a school district and a local government to work together to provide that kind of workforce housing."

A vote on Action Item 5.1.5 was delayed while copies of the MOU were located to distribute to the Mayor and Councilors.

5.2 DISCUSSIONS

5.2.1 Revising the In-Lieu Donation Amount for Tree Removal in the City Right-of-Way

Nichols explained that the City of Bandon, as a participant in the Tree City USA program, was required to maintain a certain number of trees per capita, and therefore made an effort to replace every tree that was removed. The City's tree ordinance (1605) allowed a property owner to request removal of a tree from the City's right-of-way and have a replacement tree planted in a nearby location or pay an in-lieu donation to have a tree planted elsewhere.

In 2014, the Council adopted Resolution 14-01, establishing a voluntary donation of \$50 that an individual could make in lieu of replanting. In light of the increased cost of materials and planting since 2014, the Parks and Recreation Commission had voted at its September meeting to recommend increasing that voluntary donation to \$150. That cost was based on the typical price of a five- to six-foot-tall tree that would meet the City's standard for replacement trees.

Seymour and Braun felt the donation amount was reasonable.

Schamehorn asked if the Tree Subcommittee had been reinstated.

Nichols replied that it had been. She believed the subcommittee had been disbanded before she began working for the City, possibly due to a minimal number of requests for tree removal. Nichols thought the increased development of properties in Bandon was leading to an increase in requests for tree removal, and she reported that the Commission had voted to reinstitute the subcommittee at its most recent meeting.

Procetto posed a question about how a homeowner would deal with a neighbor's tree that was obstructing the view.

Nichols clarified that a tree removal request only applied to trees that were in the City's right-of-way. She said trees were generally removed because they were dying or interfering with utilities, and removal requests for aesthetic reasons were less frequent. She noted that a draft of a resolution that would increase the in-lieu tree removal donation was presented for the Councilors to discuss and consider, and to potentially vote on at their next meeting.

5.1.5 Memorandum of Understanding with Bandon School District

By this time, the Mayor and Councilors had received copies of the MOU and Chandler quickly reviewed the terms of the agreement.

Seymour offered a motion to approve the MOU. Braun seconded the motion, and it passed by unanimous show of hands (6:0):

AYES: Braun, Powell, Procetto, Seymour, Smith, Vick

NAYS: None

5.3 RESOLUTIONS

5.3.1 Resolution 22-24 Workers' Compensation Coverage for Volunteers

Chandler stated that the City ensured annually that it had appropriate workers' compensation coverage for everyone who performed volunteer work for the City. Approving the resolution would update and extend the coverage for Fiscal Years 2021-2022 and 2022-2023. Braun offered a motion to approve Resolution 22-24. Vick seconded the motion, and it passed by unanimous show of hands (6:0):

AYES: Braun, Powell, Procetto, Seymour, Smith, Vick

NAYS: None

5.3.2 Resolution 22-25 Creating Tourism Development Fund

With the voter approval of an Enhanced Services Lodging Tax in the August 23, 2022, Special Election, Chandler indicated there was a need for the City to create a new fund to keep track of the 70 percent of that tax which was restricted for tourism promotion and the creation and maintenance of tourism-related facilities.

Seymour made a motion to approve Resolution 22-25 creating the Tourism Development Fund and Braun seconded the motion. By a unanimous show of hands, the resolution passed (6:0):

AYES: Braun, Powell, Procetto, Seymour, Smith, Vick

NAYS: None

Schamehorn offered a short history of her proposal to increase Bandon's Transient Occupancy Tax (TOT) by one percent as a member of the City Council on June 15, 1983. She said the Chamber of Commerce wanted all proceeds from the increase, but the motel owners who were present opposed the increase. Schamehorn read an account of her statement at that meeting, including her observation that it would only amount to an additional 20 or 30 cents per night for visitors. She pointed out that a motel room only cost \$20 in those days. Schamehorn's motion at that meeting passed unanimously.

5.3.3 Resolution 22-18 Authorizing Expansion of the Coquille Valley Enterprise Zone

Schamehorn noted that the Council had discussed the Enterprise Zone expansion at previous meetings and in a recent Work Session. At the last meeting, she told the Council that she would try to find out how much tax revenue the local taxing districts had foregone due to tax abatement received by Bandon Dunes, Hardin Optical, and Face Rock Creamery. That amount was \$695,972.

The proposal before the Council was to enlarge the Enterprise Zone to take in properties outside the existing zone, including a new golf course development south of Bandon, qualifying certain businesses for tax relief.

Schamehorn asserted that the initial purpose of Enterprise Zone financing was to support creation of family-wage manufacturing jobs in blighted communities. She pointed out that the Coquille Valley Enterprise Zone, in existence for over 20 years, included the cities of Myrtle Point, Coquille, and Bandon, but in that time only businesses in and around Bandon had benefited from tax abatement. Schamehorn felt Coquille and Myrtle Point were the areas that really needed assistance.

"I contend that with or without Enterprise Zone financing and tax abatement, Bandon Dunes, Hardin Optical, and Face Rock Creamery would and will continue to move forward with whatever the projects are that they have on the books," Schamehorn stated, summing up her opposition, "and a tax abatement that's only going to impact places like the Rural Fire District, the hospital...anybody who assesses taxes, it's going to impact them."

Braun added, "Given that we have such a low property tax rate, this is not a huge windfall...It's not a make-or-break situation for these development companies." He noted that the expansion would have little impact on the City of Bandon. He commented, "It's also our job to watch out for the interests of these other taxing districts," agreeing with Schamehorn that the loss of nearly \$700,000 was significant.

Seymour offered a motion to deny Resolution 22-18. Procetto seconded the motion, and it passed by a show of hands vote (5:1):

AYES: Braun, Procetto, Seymour, Smith, Vick

NAYS: Powell

The Council's vote meant it rejected the Enterprise Zone's request for expansion.

5.4 ORDINANCES (none)

6.0 CONSENT AGENDA

The Council considered the following items on the Consent Agenda:

6.1 APPROVAL OF COUNCIL MINUTES

6.1.1 City Council Meetings

- November 7, 2022 – Regular Meeting
- November 14, 2022 – Special Meeting and Work Session

6.2 REVIEWING OF COMMISSION AND COMMITTEE MINUTES

6.2.1 Planning Commission Meetings (none)

6.3 INFORMATION ONLY: DEPARTMENT REPORTS

6.3.1 Accounts Payable Report for October 2022

6.3.2 Library Report for October 2022

6.3.3 Public Works Report for November 2022

6.3.4 Community Center and Sprague Theater Report for November and December 2022

6.3.5 Planning Department Report for November 2022

6.3.6 Police Department Report for November 2022

6.3.7 Finance Department Report for October 2022

6.3.8 Consolidated Municipal Utility Report

6.3.9 Municipal Court Report for October 2022

6.4 INFORMATION ONLY: OTHER ITEMS

6.4.1 Appointment to Parks and Recreation Commission

Bob Eck – partial term replacing Nicolette Cline

6.4.2 System Development Charge (SDC) Annual Report for FY 2021-2022

6.5 EASEMENTS AND RIGHTS-OF-WAY (none)

6.6 COMMITTEE/COMMISSION DIRECTION AND REPORTS (none)

Referring to the November 7, 2022, Council minutes, Vick quoted an exchange he had with Braun about removing the benches and planters in front of Alloro Wine Bar & Restaurant during the rainy season. He observed that they had not been removed yet, while the weather had become colder and wetter. “People are scrambling to get into the Bandon Coffee Café in the morning,” he commented, “and there’s no parking.”

Nichols responded that there had been discussions about removing the “parklet” items, but she had heard from the businesses that they did not want them removed. She noted that the Café had since changed hands, so the new owners could be approached about it.

Braun interjected that Public Works was going to be responsible for moving the parklet materials, and the Public Works staff was already very busy. He observed that it was in the works to move those items, but there was also opposition to doing so. Braun and Nichols planned to contact the businesses involved.

“The reality is,” Braun remarked, “outside seating in the winter is not really a consideration for a fine dining restaurant.” He added, “We can put it back out in the spring when the weather’s a little nicer.”

Braun moved to approve the Consent Agenda and Powell and Vick seconded the motion. By unanimous show of hands, the motion was passed (6:0):

AYES: Braun, Powell, Procetto, Seymour, Smith, Vick

NAYS: None

7.0 PUBLIC COMMENT (none)

8.0 OTHER: COUNCIL/MAYOR/STAFF REMARKS

Nichols announced that the annual Holiday Lights Contest was underway. For those who wanted to compete, it was the last night for commercial or residential signups. Voting would begin on the City's website the following week. Winners would receive utility bill credits.

Nichols added that the Holiday Light Parade in Old Town was scheduled for 5:30 on Saturday, December 10. Coos Forest Patrol and local log trucks would be among the participants, and Bandon Rural Fire was going to drive Santa and Mrs. Claus around Old Town.

Chandler reported that on the day after the meeting, the City was to have a call from Moody's Investors Service, which was considering an upward revision of the City's bond rating.

On the occasion of Braun's final meeting as a Council member, Vick told him, "Even though you and I seldom agree on everything, we agree on a lot of things. And I just want to tell you, you've been one of the most hard-working, intelligent members we've had on this Council for a long time, and it's been a real pleasure serving with you. And I hope you'll stay involved in the community in some way."

Procetto commented that the decorations outside City Hall were "absolutely beautiful." She told Braun, "We will miss you, but I'll see you around town."

Seymour reported that the holiday meal program was successful, with 300 meals picked up. She thanked the main sponsors of the event: Bain Insurance, Bandon Rotary Foundation, Lord Bennett's, and Pastries & Pizza. Seymour said everything was cooked on Wednesday, and the crew was able to be home by 2:30. The meals were handed out on Thanksgiving, and everyone was done by early afternoon. She noted that the volunteers cleaned up as they worked, so there was no need for a kitchen crew to come in when they were finished. Seymour commented that there had been some nervousness about how well the take-out meals would work, but there had been good feedback from the community. She reminded everyone that there would be no community Holiday meal on Christmas Day.

Seymour addressed Braun, saying, "We have not always gotten along, but..."

"That's not true," Braun remarked.

Seymour continued, "It's been a pleasure working with you, and we do have mutual respect for each other... We've always come to good decisions." She wished everyone a merry Christmas.

Schamehorn and Braun observed that they had agreed with each other "more often than not." "I am definitely going to miss you," Schamehorn said, "and I am hoping that if a seat comes up again, maybe you'll apply for it."

Schamehorn stated that Bandon's City Managers had produced newsletters over the years, but she had particularly received many compliments on Chandler's monthly newsletters. "If you do not read

the newsletter that comes with your bill every month,” she advised, “then you’re missing out, because he does a great job of educating people, talking about the problems that need to be addressed and these things need to be read. Don’t use them as fire starters.”

Addressing the Mayor and Councilors, Braun said, “It has been a privilege and an honor to serve with all of you, and more importantly the citizens of Bandon. I’m humbled by the job. I want to thank the Mayor for her compassion and understanding and patience with me.” He thanked Nichols for her friendship and education on Oregon land use. Braun remarked, “It’s always been a very friendly, civil discourse, and that’s what I want to see from local government.”

“Government in general,” Schamehorn interjected, and Braun agreed.

Braun told Chandler, “I’ve learned a tremendous amount from you. You’ve been more than just a colleague to me.” He added, “You’ve been truly innovative in your approach to managing a city, so thank you for doing that.” Braun thanked Kudlac for her help as well.

Smith commented that he was happy to see the salmon numbers were improving. He thanked Braun for his service and said it was a pleasure to have served with him.

Powell wished everyone a merry Christmas and a happy New Year. He told Braun he would be missing their lively debates.

“Oh, you won’t be missing those,” Braun retorted with a smile.

9.0 ADJOURN TO JOINT CITY COUNCIL AND URBAN RENEWAL MEETING

Schamehorn adjourned the City Council’s Regular Meeting at 7:54 p.m

City Council Regular Meeting Minutes
Submitted by Richard Taylor, Minutes Clerk