**MINUTES**

**CITY OF BANDON CITY COUNCIL AND URBAN RENEWAL AGENCY BOARD**COUNCIL CHAMBERS, 555 HIGHWAY 101, BANDON, OR 97411

TUESDAY, JANUARY 9, 2024
Livestreamed via Zoom Meetings

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| **COUNCIL MEMBERS PRESENT:** | **STAFF PRESENT:** |
| Mary Schamehorn, Mayor | Torrey Contreras, City Manager |
| Joshua Adamson, Councilor | Shala Kudlac, City Attorney |
| Peter Braun, Councilor | Paula Burris, Finance Director |
| Chris Powell, Councilor  | Christine Kingsbury, Library Director |
| Geri Procetto, Councilor | June Hinojosa, City Recorder |
| Brian Vick, Councilor | Dana Nichols, Planning Director |
|  | Jim Wickstrom, Electric Supervisor |
| **COUNCIL MEMBER NOT PRESENT:** | Tim Lakey, Public Works Supervisor |
| Madeline Seymour, Council President | Sgt. Matthew Whitmer, Bandon Police |
|  | Nicolette Cline, Planning Assistant |
|  | Richard Taylor, Minutes Clerk |
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 **1. CALL TO ORDER****/ROLL CALL/PLEDGE OF ALLEGIANCE**

Schamehorn called the meeting to order at 7:00 p.m. Roll Call was taken as indicated above. The Pledge of Allegiance was led by Procetto.

**2. PRESENTATIONS**

**2.0 Jim Wickstrom – City Employee Introduction – Nicholas Klein**

Wickstrom: Klein, a native of north Idaho and a graduate of Northwest Lineman College, was the most qualified applicant.

**3. CONSENT CALENDAR ITEMS**

**3.0 City Council/Urban Renewal and Planning Commission Minutes**

* City Council and Urban Renewal Agency Board – November 6, 2023
* Planning Commission - November 16, 2023
* Planning Commission - June 28, 2023
* City Council and Urban Renewal Agency Board – December 4, 2023

**3.1 Accounts Payable Report for November 2023**

**3.2 Library Report for December 2023**

**3.3 Public Works Report for December 2023**

**3.4 Sprague Theater and Community Center Calendar for January/February 2024**

**3.5 Planning Department Report for December 2023**

**3.6 Police Department Report for December 2023**

**3.7 Finance Department Report for November 2023**

**3.8 Consolidated Municipal Utility Report for November/December 2023**

**3.9 Municipal Court Report for November 2023**

**3.10 System Development Charges Annual Report for Fiscal Year 2022-2023**

**3.11 Utility Account Write-Offs, October-December 2023**

Braun moved to approve the Consent Calendar. Adamson seconded the motion, which carried by unanimous show of hands of those present (5:0:1):

 AYES: Adamson, Braun, Powell, Procetto, Vick
 NAYS: None
 ABSENT: Seymour

**4. NEW AND OLD BUSINESS ITEMS**

**4.0 Bandon Rural Fire Protection District Radio Communications Tower Project Proposal**

Contreras: Bandon Rural Fire Protection District proposed to install a new communications tower serving the Fire District, Bandon Police, and emergency medical services. Staff sought Council authorization for administrative approval of the project.

Tim Lakey, a member of the fire department, accompanied Nick Siewell to the podium. Fire Chief Nick Siewell and Bandon Police Patrol Sergeant Matthew Whitmer addressed the benefits of the 139-foot tower, which would be funded by a countywide tax levy approved by voters to upgrade emergency communications. The tower would be located outside city limits but would correct existing gaps in coverage that hampered first responders in the Bandon area.

**4.1 Proposed Library Funding Methodology**

Contreras: Staff requested Council approval of the Coos County Library Services District Board’s proposed change to the method of assigning funds to the libraries within its system. Christine Kingsbury, Bandon Library Director, had persistently pursued a more equitable methodology.

Kingsbury: The new distribution formula, in response to the City’s advocacy, was to be based 25% on population and 75% on usage, increasing funding for the smaller libraries. It would be phased in over four years, beginning in Fiscal Year 2024-2025.

Schamehorn: Happy to sign letter with edits to emphasize points of the City’s disagreement.

Procetto moved to approve a letter supporting the proposal. Vick seconded the motion, which carried by unanimous show of hands of those present (5:0:1):

 AYES: Adamson, Braun, Powell, Procetto, Vick
 NAYS: None
 ABSENT: Seymour

**4.2 Proposed Amendment to the Electric Utility’s Net Metering Agreement Relative to Net Metering Billing and the Application of Energy Credits**

Contreras: In accordance with state law, Bandon allowed privately owned “customer-generators” to interconnect with the City’s Electric Utility via “net meters.” Staff requested Council approval of an amendment to clarify how energy credits produced by customer-generators would be applied by the City.

Wickstrom: The owner of a private solar system that over-produced electricity would provide excess energy to the City’s Electric system and be credited at the wholesale rate paid by the City for electricity from Bonneville Power Administration.

Contreras: Energy credits would accumulate from month to month but any credits remaining at the end of the calendar year would be applied to the City Utility’s operating costs.

Braun: Buying power directly from local citizens would not involve the line loss incurred in getting power from a distant source.

Adamson made a motion to approve amending the City’s Net Metering Agreement. Procetto seconded the motion, which carried by unanimous show of hands of those present (5:0:1):

 AYES: Adamson, Braun, Powell, Procetto, Vick
 NAYS: None
 ABSENT: Seymour

**4.3 Informational Report on Recreational Immunity**

Kudlac: According to State Senator David Brock Smith, legislation was being prepared to counter the July 2023 ruling from the Oregon Court of Appeals that ended the protection of public and private landowners from lawsuits involving paths and trails. If passed, the emergency legislation would take effect immediately, making a text change to the existing law and reinstating recreational immunity.

A report on the issue by CityCounty Insurance Services (CIS) was included with the Council’s agenda materials. No action by the Council was recommended at this time.

**4.4 City’s Audited Financial Statements for Fiscal Year Ending June 30, 2023**

Schamehorn: For the first time in several years, the City’s audit was completed on time, including adjustments made due to an inputting error by the auditors. Very happy with Finance Director Paula Burris and the Finance Department staff.

During Fiscal Year 2022-2023, the City gained $235,000 from property taxes, $550,000 from the 10% tax on utilities, and $1,400,000 from the Transient Occupancy Tax (TOT). A portion of the TOT revenue was required to be spent on tourism promotion and facilities.

Contreras: Bandon has one of the lowest property tax rates in the state, which places added demands on TOT revenue generation. The City will work towards a more effective use of the TOT revenue in the future.

**4.5 Granicus – Host Compliance Update**

Nichols: The City was utilizing the Host Compliance service from Granicus at a cost of $15,000/year since August 2022 to monitor short-term rentals in Bandon that were listed on over 50 websites promoting vacation rentals. Staff used the software’s compliance function to send notices of violation, track hotline complaints, and receive tips from the public about illegal rentals or ongoing issues. Calls to the 24/7 hotline (541-237-1640) brought rapid responses from property managers. Staff saved time and resources. One violation in 2023 resulted in a citation to Municipal Court and the City recovered unpaid TOT.

**4.6 Request for City-Initiated Vacation**

Nichols: Tribal One requested the vacation of three specific unimproved City rights-of-way within or abutting the Coquille Indian Tribe’s property containing the Pacific View Senior Living Community. The Tribe stated a willingness to reserve use of an easement for a City pump station if it was determined to be located in the public right-of-way (ROW) or on private property. Cost associated with the vacation request would be borne by the applicant.

Schamehorn: The consensus of the Council was for City staff to prepare for the feasibility of initiating the vacation.

**5. PUBLIC HEARING ITEMS (none)**

**6. URBAN RENEWAL AGENCY ITEM**

**URA6.0 Urban Renewal Agency’s Audited Financial Statements for Fiscal Year Ending June 30, 2023**

Vick moved to approve the Urban Renewal District Audited Financial Statements for the Fiscal Year Ending June 30, 2023. Procetto seconded the motion, which carried by unanimous show of hands of those present (5:0:1):

 AYES: Adamson, Braun, Powell, Procetto, Vick
 NAYS: None
 ABSENT: Seymour

**7. PUBLIC COMMENTS**

**7.0 Written Comment from Kirsten Balin** proposing a change to the vacation rental overlay.

**7.1 Written Comment from Anonymous Individual** concerning illegal vacation rentals.

**Nancy Post, Bandon resident:** Was there an item on the agenda about setting a hearing date for the Gravel Point project?

Schamehorn: The hearing was scheduled for Wednesday, February 21, at 6:00 p.m.

**Annie Velazquez, Bandon area resident:** Velazquez and her husband owned Master Blaster of Coos Bay, offering commercial building washing, painting, and mobile sandblasting services. The company had provided services to the cities of Coos Bay and North Bend.

**8. CITY MANAGER COMMENTS**

Contreras: A community meeting organized by the developers of Gravel Point, not sponsored by the City of Bandon, was scheduled for Wednesday, January 18, 2024, from 4:00 to 6:00 p.m., at the Barn Community Center. Representatives of the City would attend to monitor and observe.

Kudlac: Council attendance at the Gravel Point meeting was not recommended. All evidence would be presented at the Council’s *de novo* hearing. She preferred everyone hearing the same information at the same time.

Nichols: The City Budget funded a GIS (Geographic Information System) program for the Planning and Public Works Departments. The Electric Department was also pursuing a system for its use. Staff are looking into making use of the ESRI online program through an Intergovernmental Agreement (IGA) with the Lane Council of Governments, which would come to the Council for approval at a future meeting. The City would have its own map with accurate updated zoning information compared to the Coos County Assessor’s map. Sewer and water locations would be mapped and available to the public within about two years.

**9. CITY COUNCIL COMMENTS**

The Mayor and Councilors wished everyone a Happy New Year.

**10. ADJOURN**

Schamehorn adjourned the Regular Meeting at 7:52 p.m.