BACKGROUND:
Meeting Minutes of the City Council as submitted by Blythe Tiffany, Minutes Clerk
Regular Meeting – June 5, 2017

FISCAL IMPACT:
None

RECOMMENDATION:
Motion to approve the minutes.

SUBMITTED BY:

Denise Russell, City Recorder
REGULAR CITY COUNCIL MEETING  
BANDON CITY HALL  
June 5, 2017

Present: Mayor Mary Schamehorn, Council President Madeline Seymour, Councilors Peter Braun, Claudine Hundhausen, Chris Powell, Geri Procetto, Brian Vick

Staff: City Manager Robert Mawson, City Attorney Fred Carleton, City Planning Director John McLaughlin, Minutes Clerk Blythe Tiffany

1. Call to Order/Invocation/Pledge of Allegiance
Schamehorn called the meeting to order at 7:00 p.m. Roll Call was taken as indicated above. The Invocation was to have been offered by Pastor Don Conn, Faith Baptist Church, who was not present. The Pledge of Allegiance was led by Seymour.

2. Public Request(s) – None

3. Presentation(s)
   3.1 Volunteer of the Month
Greater Bandon Association (GBA) Executive Director Harv Schubothe introduced Sheryl Bremmer as the Volunteer of the Month for June. He noted that Bremmer is a member of the City Planning Commission, Utilities Commission, Budget Committee; and was a member of the former Committee for Citizen Involvement. He stated that she has been part of a lot of things in the City, including being the Planning Commission Hearings Officer and having been responsible for the City’s Parks Master Plan “clean-up.” Schubothe presented her with a plaque and a gift certificate from a local merchant.

   3.2 Presentation By Madeline Seymour
Seymour presented an award to the City, from the local Veterans of Foreign Wars Auxiliary, stating: “On behalf of the Medal of Honor Post 3440 Auxiliary, we would like to present Mary Schamehorn, Mayor, and the City of Bandon, the Patriotic Award, given in grateful appreciation for unsolicited inspirational patriotic service to the community, through the daily display of our national flag.”

4. Hearings
   4.1 State Revenue Sharing Hearing for FY 17-18, Resolution No 17-04
The Council had been provided with copies of a report from Mawson, proposed Resolution No 17-04, Declaring the City’s Election to Receive State Revenue Sharing Funds for fiscal year 2017-2018, and the proposed distribution of the State Revenue Sharing Fund. The report stated:

State Revenue Sharing money comes from the State of Oregon, and is a share of the State liquor revenues which is annually distributed to municipalities. To receive these funds, a public hearing before the budget Committee was required and held to consider requests from the public regarding how the State Revenue Sharing funds should be spent. This second public hearing before the City Council is required to allow public comments regarding how those funds were finally allocated.

Unlike most municipalities, the city of Bandon has for the past several years not been utilizing all of its State revenue sharing funds for general operating purposes, but has instead annually contributed most of these funds to various local community service organizations. The State Revenue sharing Fund distribution, as recommended by the Budget Committee, is attached.
The total fiscal year 2017-2018 State Revenue sharing fund (260) budget, as approved by the budget Committee, is $114,496, which is $89,461 (88%) more than last year. The budget includes a recommended $27,800 in allocations to community service organizations, $30,000 for pothole & street repair and $15,000 for the acquisition & renovation of a Transit Trolley. Any unspent funds will be carried forward as a “Beginning Fund Balance” for allocation in the subsequent fiscal year 2018-2019.

Following Mawson’s review of his written presentation, Schamehorn called for testimony from the public, and none was offered. She then closed the public input portion of the hearing and called for Council deliberation.

Schamehorn stated that she would like to see more money allocated to nuisance abatement, to help clean up properties around town, and asked if that could come out of this fund.

Mawson replied that it could, as there is no restriction on the use of it. Funds can be added to the $10,000 allocation for nuisance abatement from the unallocated portion.

Braun moved to adopt Resolution No 17-04. Powell seconded the motion, and it was passed unanimously, 6:0.

4.2 Budget Hearing for FY17-18, Resolution No. 17-05

The Council had been provided with copies of a brief report from Mawson, and proposed Resolution No. 17-05 Adopting the Budget and Imposing and Categorizing Taxes for FY 17-18. Mawson’s report stated, in part:

This is the time and place for a public hearing on the fiscal year 2017-2018 City Budget, as approved by the Budget Committee.

Minor changes have been made to the Budget approved by the Budget Committee, primarily to ensure that all funds were in proper balance, and to update and more accurately reflect anticipated costs for personnel, materials & services, and capital projects.

Resolution No. 17-05 will adopt the fiscal year 2017-2018 City budget, and will impose and categorize property taxes for the General Fund, Bonded Debt Service, and Local Option Tax.

Mawson noted that the total Budget to be approved is $21,977,094, approximately $5,000 less than the previous fiscal year. He stated that the difference has primarily to do with some large projects that were completed this year, reducing some funds. He listed the following items: The City’s permanent tax rate is $0.4580/$1,000; Rural Development Bonds, $168,568; SDWRLF Bonds, $37,183; 2006 Water Bonds, $64,301; Local Option Street Tax, $0.8455/$1,000; for a total of $270,052.

He noted two changes that had been made from the Budget Committee: In General Fund Administration, Economic Development had been split, with $100,000 allocated to the Chamber of Commerce, and $8,492 allocated for the City to work on its website to assist with tourism; and in Parks and Recreation (550) projects, the South Jetty Walkway was broken out as an individual project.

No testimony or comments having been presented, Seymour moved to adopt Resolution No.17-05. Procetto seconded the motion, and it was passed unanimously, 6:0.
5. Proceedings

5.1 Action & Discussion

5.1.1 Legislative and Initiative Update

Councilors had been provided with copies of a report from Mawson, along with referenced attachments, as well as copies of a letter from fifteen members of Congress to US Department of Energy Secretary Rick Perry and Director Mick Mulvaney of the US Office of Management and Budget concerning a provision in the President’s Fiscal Year 2018 Budget Request proposing to sell off transmission assets for the Bonneville Power Administration (BPA). Mawson’s report stated:

**Bills Enacted:**
At the time of this writing, eight (8) Senate & forty-nine (49) house bills have been enacted. A summary list, with effective dates, is attached for reference. Following is a brief summary of three bills of interest.

- HB2278 Authorizes a municipal corporation to make a supplemental budget if the original budget did not include estimated requirements to pay debt service for general obligation bonds approved at a May election, or actual requirements are different from estimated requirements in original budget or previous supplemental budget. Makes non-substantive housekeeping changes to Local Budget Law statutes.

- HB2279 Transfers sole authority for examining and registering property appraisers and setting education and experience requirements to the Department of Revenue.

- HB2611 Subject to Collective Bargaining Agreement of Employment Agreement, requires law enforcement unit that hires police or corrections officer originally hired by another law enforcement unit, upon written request of original employing law enforcement unit, to reimburse original employing law enforcement unit for certain training expenses incurred by original employing law enforcement unity.

**Bills In Process:**
Several hundred Bills are still working their way through the legislative process. A few proposed Bills of note are summarized below. Information gathered from the League of Oregon Cities and other sources.

- SB327 This Bill, also known as the Recreational Immunity Bill, would re-establish immunity for employees & volunteers of land owners who allow recreation on their property, free of charge. It unanimously passed the House Judiciary Committee and should now move to the House floor for a final vote on Monday, June 5th, but there is an active attempt to move this Bill back to committee and replace “immunity” for employees and agents with “gross negligence.” Making this change to the language would not restore immunity and still expose employees & agents to lawsuits. I’ve sent an email to Representative Smith requesting that he push for the Bill to be voted on in its present form. A copy of the LOC call for action and my email are enclosed.

- SB481 This Bill, dealing with Public Records Requests, was approved by the House Rules committee and will also move to the House floor for a final vote. This Bill establishes timeframes for responding to requests and includes a “safety valve” for dealing with complicated requests or requests for documents not readily available.

- HB2377 If passed, this Bill would allow a City to establish a set level of property tax exemptions over a 10-year period, for the rehabilitation or construction of multi-family housing, based on the number units available at a price affordable to a person or family at 80 percent of the median family income. It would create a more flexible program that a City can use without additional findings to support the exemption.

- HB2737 This Bill requires the Department of Consumer and Business Services to develop construction standards for houses that are less than 600 square feet in size. The new code would have to be adopted by January 1, 2018. The bill was amended & passed by the Senate Business and Transportation Committee and is now headed to the Senate floor for a vote. If passed by the Senate, it would have to be approved by the House. These new standards would provide some clarity for Cities looking to develop tiny homes as permanent residences.
There is so much on the table at the Legislature that some are talking about holding a special session after
the current session to deal with larger topics, like Transportation, that haven’t progressed as quickly during
the current session as some had hoped.

Proposed Initiatives:
Coos County Ballot Measure 6-162, also known as the “Community Bill of Rights,” which appeared on the
May 16, 2017 election ballot, failed to pass. A total of 17,249 votes were cast, with 4,156 (24.09%) in favor
and 13,093 (75.91%) opposed. A copy of the official totals report, provided by the Coos County Clerk, is
attached. This report also shows how close the results were for the Coos Bay School District Bond Proposal.

At the close of discussion, Mawson also noted that the Governor had, last week, signed HB2005, the
Equal Pay Act, which prohibits pay discrimination. He noted that the City of Bandon will work with other
cities to make sure it is in compliance.

5.1.2 Approve Council Goals and Priorities
The Council had been provided with copies of a report from Mawson, with referenced attachments. The
report stated:

At a council work session held on Monday, May 1, 2017, the Mayor and Council reviewed a recommended
list of City Goals/Priorities, categorized by Seven Municipal Focus Areas.

These recommendations were developed by reviewing past Council Goals, the list of Projects & Priorities
provided to me when hired, which included projects & priorities developed during the joint council/Planning
Commission work session, issues and priorities that have come up during my short tenure with the City of
Bandon, and various discussions with elected officials, appointed commissioners, City staff, and community
residents. Results of the Citizen satisfaction Survey, conducted in January, 2017, were also considered.

After discussion during the work session, I was directed to amend the City Goals/Priorities to reflect the
content of the Council member comments and recommendations, which I’ve done. Attached you will find
an amended version of the recommended list of City Goals/Priorities for FY2018 and FY2019 for review
and action, and a copy of the version presented at the May 1, 2017 work session for reference.

Braun moved to approve and adopt the amended City of Bandon Council Goals & Priorities for Fiscal
Years 2018 and 2019, as presented. Vick seconded the motion, and it was passed unanimously, 6:0.

5.1.3 Authorize Nuisance Abatement at 1188 Ohio NE
Councilors had been provided with a report from McLaughlin, along with copies of pictures of the subject
property. The report stated:

The City has been dealing with a variety of nuisance and compliance issues on the property at 1188 Ohio
NE.

When nuisances occur and are reported, and prior to issuing citations, the Code Compliance Officer sends
out letters to the property owners and requests voluntary compliance with the nuisance regulations in the
Bandon Municipal Code. This property has been identified as a nuisance because trash is being
accumulated and not disposed of and because of several vehicles and trailers abandoned on the property.

The property owner no longer lives at the location and the mortgage company has entered into foreclosure
on the property, but has not completed the process. A person is living on the property in a motor home
without the owner’s permission but has ignored all efforts by the owner to remove him from the property.
The property owner is liable for the maintenance of the property until the mortgage company assumes
ownership per ORS 18.995. The property owner, Richard Wilson, was cited on March 16, 2017 and he was
found guilty in Municipal Court on May 2, 2017 of having junk and abandoned vehicles. Mr. Wilson was

City Council Meeting 06/05/2017
informed that the City would begin the abatement process as soon as possible to which he replied, "Go ahead." We have also provided notification to Mr. Wilson (the currently listed property owner) in accord with our Municipal Code.

Staff is now requesting authorization from the City Council to proceed with abatement in accord with Section 18.12 of the Bandon Municipal Code and to authorize the expenditure of funds to conduct the abatement. We have secured bids and the costs to abate the nuisance are as follows:

Vehicle Removal: The four unlicensed vehicles will be removed by Mast Bros Towing with an estimated cost of $500. Three travel trailers and one motor home will be removed by Mast Bros Towing with an estimated cost of $4,800.

Trash Removal: Clean up of the trash will be performed by Les' Sanitary at a cost of $2,000.

The total cost for the abatement is estimated to be $7,300.00 and will be charged to the Nuisance Abatement fund. A bill in the amount of the actual cost plus $100 administration fee will be recorded as a lien against the property once the invoices are received from the contractors.

During discussion of the matter, Carleton addressed the issue of the lien against the property, at the request of Hundhausen. He stated that the City is entitled to lien the property. If the bank then forecloses, the City loses; if the bank is in possession at the time of the lien, it goes against the bank; if the property is in the "in-between time," the City loses.

It was generally agreed that the nuisance needs to be abated, regardless. Schamehorn referenced a property across from the hospital parking lot that she would like to see dealt with, as well.

Procetto moved to authorize the City to proceed with nuisance abatement at 1188 Ohio NE, and to authorize payment to Mast Bros in the amount of $5,300 and Les' Sanitary in the amount of $2,000; also, to direct staff to record a lien against the property for actual cost of the abatement plus a $100 administration fee. Vick seconded the motion.

There was a short discussion regarding the disposition of the vehicles, and it was noted that, without the titles, the City cannot sell them.

The motion was passed unanimously, 6:0

5.2 Resolution
5.2.1 Adopting a Salary Schedule for FY 17-18, Resolution No. 17-06
The Council had been provided with copies of proposed Resolution No. 17-06, along with a brief report from Mawson, noting:

Attached is the Fiscal Year 2017-2018 Salary Schedule in accordance with the budget and the negotiated collective bargaining units. We are currently in negotiations with IBEW Local #659 for the Electrical Workers salaries. When negotiated, the salary schedule will be presented to the Council for approval.

Vick moved for approval of Resolution No. 17-06. Braun seconded the motion, and it was passed unanimously, 6:0.

5.3 Ordinance(s) – None

City Council Meeting 06/05/2017
6. Consent Agenda
The Council considered the following items on the Consent Agenda:

6.1 Approval of Council Minutes
6.1.1 Regular Meeting – May 1, 2017

6.2 Review of Commission/Committee Minutes
6.2.1 Parks & Recreation Commission – May 11, 2017
6.2.2 Budget Committee – March 20, April 17, 2017
6.2.3 Planning Commission – March 23, 2017

6.3 Information Only: Department Reports
6.3.1 Accounts Payable – April 2017
6.3.2 Library – April 2017
6.3.3 Waste Water Treatment Plant – April 2017
6.3.4 Public Works – May 2017
6.3.5 Water Treatment Plant – April 2017
6.3.6 The Barn – April 2017
6.3.7 Planning Department – April 2017

6.3 Information Only: Other Items
6.4.1 Appointments/Reappointments to Committees & Commissions
   - Utilities Commission: Daniel Graham & Patricia Soltys
   - Planning Commission: Sheryl Bremmer
   - Parks & Recreation Comm: Esther Williams, Troy Russell, Jacob Thompson
   - Budget Committee: Wayne Jeffers
   - Barn Committee: Esther Williams, Rose Anne Gates, Allison Hundley
   - Library Board: Syd Wiesel, Cathy Larcom-Johnston

With regard to item 6.2.2, Budget Committee Meeting Minutes, Procetto pointed out the misuse of the word, “desecration,” presumably in place of “discretion.” (Page 6 of 7, 2nd paragraph, 2nd line)

Vick moved to approve the Consent Agenda. Seymour seconded the motion, and it was passed unanimously, 6:0.

7. Public Comment
Paul Fisher, 56994 Parkersburg, commented regarding earlier discussion about selling vehicles, noted that one cannot sell a vehicle without having title to it. It would go into impound and stay there until there would be a Sheriff’s writ of sale, which takes several months.

Don Starbuck, representing the Bandon Bridge Club and the Senior Center, informed the Council that they have purchased a dishwasher, and it is currently in use.

8. Other: Council/Mayor/Staff Remarks
Carleton referenced the Planning Director’s report (agenda item 6.3.7, Page 2, Planning Commission), with regard to the “in-line” view issue, about which there had been a lot of controversy in the past. He stated that it would be good for the Council to review the latest Planning Commission minutes, as the Commission will probably be working on revisiting the issue, which, he stated, “cries out for clarification.”

City Council Meeting 06/05/2017
He noted that the Planning Director had advised him that, in looking over prior years' records in dealing with the issue revealed "consistent inconsistencies."

Carleton reported that the 11th Street Drainage Project has been halted—hopefully temporarily. He stated that the contractor made a mistake in laying the line—which he has acknowledged—but then has since contended that there is a problem with the soils. There has been some discussion with attorneys and engineers, and it may be that a short mediation session would be useful. He stated that he sees no immediate solution to the matter, and will keep the Council posted.

Mawson added that the City has been working on the project for a number of weeks, and there have been issues throughout. He noted that several meetings have been held, and there is documentation all the way through, so the City's position is clear. He stated that the project is dealing with an area with a lot of variables that make it difficult to move forward without encountering an issue. He stated that the contractor has agreed to put the line in correctly. The project is close to halfway, and all involved are working hard to work out the issues and get it done.

With regard to the proposed increase in planning fees, Mawson requested that the Council table the issue, perhaps until next fiscal year, as time is needed to work through the problems in the planning department to improve customer service.

Mawson reported that Coos County Area Transit (CCAT) will be having a public meeting at the library tomorrow (June 6) at 7 pm, to discuss some serious financial problems being experienced at this time, which may require fees to be raised and certain services to be reduced or curtailed. He stated that he has mentioned this, as the City has recently purchased, in conjunction with the Port, a trolley to be used, not only as a tourist draw, but as an internal transit system for locals, and the City has been hoping to have a dialogue with CCAT about this to determine how it would work out.

Mawson noted that the Greater Bandon Association (GBA) will have another community meeting on Wednesday (June 7) at The Barn at 5:30 pm, to gather more public input regarding the GBA’s work plan.

Mawson pointed out that the League of Oregon Cities conference is on September 28, and he encouraged Councilors to get registered early.

Vick commented that he liked the new carpet (which had just recently been installed), and welcomed former City Manager Matt Winkel’s brother to the meeting and to Bandon.

Procetto welcomed Mawson back to Bandon after a trip out of state regarding a death in the family.

Seymour reported that the VFW Auxiliary will be hosting a Fathers Day Breakfast on Sunday, June 18, from 8:30-11 am. All fathers are free; fee for other adults, $6, children, $3.
Schamehorn noted a Facebook item concerning a picture of a survey stake on the property to the west of Edgewaters restaurant, and the inference that condos were to be built there. She asked if that were true, and Mawson & McLaughlin stated that nothing has been received by the City at this time.

Braun offered congratulations to Sheryl Bremmer on her Citizen of the Month award, and stated that he admires her communication style.

Powell noted that Friday (June 9), Devon’s Boutique in Old Town will be celebrating its 10th anniversary at 5:30 pm, and encouraged people to attend.

Hundhausen stated that she had received a thank you in the mail for the signage regarding animals at Coquille Point. She stated that she was passing the thanks on to City staff, noting that the signage makes a difference, and it is very clear about having animals on leash, with a person at the other end. She stated that she had been requesting a copy of the library financial report for some time, and it was finally in this meeting’s packet. She thanked staff for that.

She stated that she is not opposed to abatement of nuisance situations, even though she brought up the issue of liens; it is important to understand that it will cost money, and the City may not always get it back.

9. Adjournment
The meeting was adjourned at 7:57 pm, and the Council immediately convened as the Urban Renewal Agency Board (See separate minutes).

Blythe Tiffany
Minutes Clerk