



## MINUTES

### Coburg City Council

Regular Session

August 14, 2007 - 7:00 P.M.

Coburg City Hall

91069 North Willamette - Coburg

COUNCILORS PRESENT: Mayor Judy Volta; John Fox, Brian Pech, John Thiel, Mike Watson

COUNCILORS ABSENT: Bill Judd

STAFF PRESENT: Don Schuessler, John Bosley, Sammy Egbert, Craig Gibons, Jack Harris,  
Karen Jefferis, Milo Mecham, Kelly O'Neill, Petra Schuetz

RECORDED BY: Dan Lindstrom

### I. CALL TO ORDER

Mayor Judy Volta called the meeting of the Coburg City Council to order at 7:00 p.m.

Minutes Recorder Dan Lindstrom called the roll, noted the absence of Councilor Bill Judd, and stated that a quorum was present.

Councilors joined in the Pledge of Allegiance.

### II. COMMENTS FROM CITIZENS

Jim Anderson, 32910 East Pearl Street, stated that he was owner and operator of the Truck N Travel service station in Coburg and wished to address the vehicle fuel tax ordinance enacted by the Council at its July 24<sup>th</sup> meeting. He requested that the Council reconsider its action by either rescinding the entire tax, or providing an exemption for diesel sales.

Mr. Anderson explained that as much as 75 percent of all diesel sales were done through "cost plus contracts" with dealers and that a difference in price as little as ½ cent per gallon was enough to encourage companies to send their trucks elsewhere. He said the tax could cut his business in half.

Mr. Anderson said that the enacted three cent tax on gasoline sold at the two stations in Coburg would likely provide revenue that would meet City street and road requirements.

### III. AGENDA CHANGES

City Administrator Don Schuessler requested that a presentation by Coburg Municipal Court Judge Jim Wilson be added to the agenda. He also requested that the Tree Ord-

nance to be considered be renumbered, that additional invoices for approval be added to the Approval Agenda, and that the Public Hearing regarding amending Ordinance No. 211 be placed immediately after Comments of the Mayor.

Mayor Volta determined there were no objections to the requests and changed the Agenda.

#### IV. COMMENTS OF THE MAYOR

Mayor Volta reported that Annual Conference of the League of Oregon Cities was being held in Bend September 27-29. She said she might be unable to attend and could be seeking a replacement. She requested that budgeted funds be allocated the cost for a Coburg representative to attend.

***Councilor Brian Pech moved, seconded by Councilor John Fox, to authorize payment of registration fees, transportation and housing costs of a Coburg representative at the Annual Conference of the League of Oregon Cities not to exceed \$800. The motion was adopted unanimously, 4:0.***

Mayor Volta noted that two applications for appointment to the vacant position on the City Council had been received. She determined there was consensus that August 24<sup>th</sup> be set as the deadline for applications to be received.

#### V. VEHICLE FUEL TAX ORDINANCE REVISION

Mayor Volta stated that the Council would hold a Public Hearing on a proposed revision of the Vehicle Fuel Tax Ordinance adopted at its July 24<sup>th</sup> meeting. She determined that no Councilor needed to declare a conflict of interest or had an *ex parte* contact regarding it. She said she had discussed the proposal with representatives of the Truck N Travel service station. She opened the Public Hearing.

Mr. Schuessler referred to Agenda support material regarding revision of the Vehicle Fuel Tax Ordinance. He reviewed information it contained regarding under-funding of the Street Fund because Lane County would no longer be making contributions to it. He said discussions with the affected fuel dealers had determined that limiting the tax to gasoline sales would generate the funding needed to cover the anticipated \$61,600 deficit. He noted that the adopted Ordinance included a provision for the tax to be adjusted by the City Council at a later time. He explained that proposed Ordinance No. A-211-A amended the definition of motor fuel so that it did not include diesel, bio-diesel, and substances not used for the propulsion of motor vehicles.

Mr. Schuessler reviewed options available to the Council and recommended that Ordinance A-211-A be adopted.

Mayor Volta invited testimony regarding the proposed ordinance.

Ron Nealon, 93211 Power Line Road, Eugene, stated that he supported the proposed Ordinance because of the relief it provided for his Coburg Sanitary Service business.

Jim Anderson stated that he supported adoption of the proposed Ordinance.

Mayor Volta determined there were no other persons wishing to testify.

Councilor John Thiel asked if revenue generated by the fuel tax ordinance would meet the needs for maintenance and improvement of City streets if a tax on diesel fuel was eliminated. Finance Director Craig Gibons replied that a survey of the condition of City streets had not been made, but that based on the experience of nearby cities and on recent Coburg requirements, taxing only gasoline products would provide adequate revenue to meet needs.

Councilor Thiel suggested that the anticipated installation of the City sewers would provide additional opportunities to correct negative street conditions.

Mr. Gibons added that eliminating the tax on diesel fuel would also strengthen the relationship of the City with fuel dealers and encourage their support for any future changes to be made to the tax.

Councilor Fox said he was concerned that the Council had acted to impose the tax on motor vehicle fuel without complete information regarding its impact and revenue generation.

Councilor Thiel asked how quickly revenue would be realized from the fuel tax and when it would be possible to evaluate its ability to produce needed revenue. Mr. Gibons replied that the State of Oregon would inform affected fuel dealers by the end of August that the tax had been created and that they would have one month to adjust their prices and begin remitting revenue to the State.

Mr. Schuessler reported that, without eliminating tax on diesel fuel, the existing Ordinance could produce as much as \$300,000 in annual revenue.

Mayor Volta closed the Public Hearing and invited Councilors to deliberate.

Councilor Mike Watson said he appreciated the opportunity to reconsider the tax on motor vehicle fuel. He said he was convinced that it was the proper source of revenue for street related expenses and that eliminating the tax on diesel fuel was appropriate. He said the impact on streets of anticipated development that would come with the installation of City sewers was unknown.

***Councilor Watson moved, seconded by Councilor Pech, to adopt Ordinance No. A-211-A, AN ORDINANCE AMENDING ORDINANCE 211 AND PROVIDING FOR AN EFFECTIVE DATE OF AUGUST 24, 2007. The motion was adopted 3:0:1, with Councilor Fox abstaining from voting because he believed the Council should have been informed of all of the impacts of Ordinance 211 before it was adopted.***

## **VI. GARBAGE RATE INCREASE REQUEST**

Ronald Nealon stated that he was co-owner and operator of Coburg Sanitary Service, which provided trash collection and opportunities for recycling to area residents. He referred to his August 9 letter and explained that he was requesting increases in residential, commercial, and drop box service beginning September 1. He said it would be the first rate increase in 16 years and was necessary because of the 44 percent increase in fees charged by Lane County at its disposal sites. He reviewed proposed rate changes attached to his letter.

In response to a question from Councilor Watson, Mr. Nealon explained that curbside recycling would be a positive additional service his company could provide, but that it would require additional rate increases to cover its cost. He said the State only required

that curbside recycling be offered in cities with populations over 4,000 and that the City Council could require that it be provided only for those within the City limits, not the many outside the City for whom his company currently also provided trash pickup service.

Councilor Pech and Mayor Volta expressed appreciation for the good service provided by Coburg Sanitary Service.

***Councilor Pech moved, seconded by Councilor Fox, to approve the Residential, Commercial, and other solid waste collection fees proposed by Coburg Sanitary Service. The motion was adopted unanimously, 4:0.***

## **VII. MUNICIPAL COURT JUDGE REPORT**

Jim Wilson, Post Office Box 40836, Eugene, stated that he had been the Coburg Municipal Court Judge since his appointment was authorized by the Council in April. He reviewed his first four months experience of service. He said Court was held three to four days each month, with a majority of the time spent in adjudicating citation appeals. He explained that all defendants had so far pled guilty, but that many had appeared to appreciate the opportunity to explain their reasons for breaking laws.

Mr. Wilson described the transition from a Court staff of 3.0 to 1.25 full-time employees, reductions in operating costs, integration of Court records management with the Area Information Records System of Lane County, and efforts to improve the success of work with habitual offenders. He invited Councilors to visit the Court when it was in session.

## **VIII. DEPARTMENT REPORTS**

### **A. Planning**

Mayor Volta noted that a written Planning Department report had been received, including diagrams of the allocation of the Planning Assistance Contract with Lane Council of Governments.

City Planner Petra Schuetz referred to her August 14 memorandum regarding a State Historic Preservation Office (SHPO) conference. She reviewed information it contained regarding the National Historic Register and Coburg listings in it. She also reviewed its information regarding the Certified Local Government program of the National Park Service. She said its purpose was to promote historic preservation and included the possibility of accessing grants. She recommended that Coburg apply to be a Certified Local Government and investigate completion of a previously begun SHPO Historic Survey and Inventory. She estimated that it would require 15-20 hours of Planning staff time to guide the process.

Councilors discussed the presentation and expanding historic preservation in Coburg. Ms. Schuetz agreed to draft a proposal for involving the Planning Department and citizens in historic preservation work in Coburg to be considered at the September Regular Meeting of the City Council.

***Councilor Pech moved, seconded by Councilor Watson to encourage the City Planner to incorporate work related to historic preservation in her budgeted contract service. The motion was adopted unanimously, 4:0.***

## **B. Police**

Mayor Volta noted that a written Police Department report had been received.

Mr. Schuessler displayed the cover of the August edition of *Law and Order* magazine which featured a picture of a Coburg Police car. He said it had been chosen as the grand prize winner from 150 entrants in the 2007 International Police Vehicle Design Contest.

Mayor Volta requested that additional copies of the magazine be secured.

## **C. Public Works**

Mayor Volta noted that copies of the first issue of the *Coburg Public Works Newsletter*, an August 8 letter thanking the Coburg Dari-Mart for its assistance in the Public Works distribution of free buckets, and minutes from the June 20 and July 5 meetings of the Park/Tree Committee had been received.

Public Works Supervisor Jack Harris referred to his August 8 memorandum containing his recommendations regarding observations recorded by Doug Weber in a July 30 letter to Mr. Schuessler. He said the observations had been requested in response to property owner concerns about flooding seemingly caused by a clogged condition of Canterbury Slough.

Mr. Harris said he agreed with Mr. Weber that it would be helpful to conduct a topographic survey of the slough area. He said the City would need to hire a contractor to remove fallen trees in the area, as recommended by Mr. Weber. He recommended that property lines in the area be determined before any trees were removed to ensure they were the responsibility of the City. He said he agreed that installation of monitoring wells would provide valuable information about the depth and influence of static groundwater on the flooding problem.

Mr. Schuessler suggested that work completed by Branch Engineering work in its application to the Federal Emergency Management Agency (FEMA) on behalf of the City to establish new floodplain designations in the area could be used to determine the cause of flooding.

Councilors discussed the recommendations.

Mayor Volta determined there was agreement to request that a plan be presented at the September Regular Council Meeting (1) to secure a topographic survey of the Canterbury Slough; and (2) to proceed with the removal of fallen trees and other options, including how to work with property owners in the project.

Mayor Volta opened a Public Hearing on Ordinance No. A-207, AN ORDINANCE REGULATING THE PLANTING, MAINTENANCE, PROTECTION, CONTROL AND REMOVAL OF TREES IN AND UPON PUBLIC AREAS WITHIN THE CITY LIMITS OF COBURG AND REPEALING CONFLICTING ORDINANCES.

Mayor Volta stated that the proposed Ordinance had initially been presented at the July 11 meeting, but that no action was taken because a Public Hearing about it had not been given proper notice.

Mayor Volta determined that no Councilor had a Conflict of Interest or held *ex parte* discussions regarding the proposed Ordinance.

City Staff Kelly O'Neill referred to Agenda summary material regarding the proposed Ordinance. He noted that the Park/Tree Committee had recommended that existing sections of the Nuisance Ordinance referring to trees be removed and the newly developed separate proposal be adopted. He noted that Copies of Ordinance No. A-108 and of proposed Ordinance No. A-207 had been distributed.

In response to a question from Mayor Volta, City Attorney Milo Mecham explained that the proposed Ordinance made clear that property owners adjacent to trees located in the City right-of-way had responsibility for their care and maintenance, established what could be done to such trees, and described City responsibilities for them.

Councilor Watson asked if certain varieties of trees were recommended by the proposed Ordinance. Mr. Harris stated that the Public Works Department had a list of recommended trees. Mr. Mecham explained that Section 10 of the proposed Ordinance anticipated that such a list would be available.

Nanci Johnson, 91217 North Harrison, expressed concern that Section 9(g) of the proposed Ordinance provided that the City was not liable for injury or loss because of a defective or dangerous tree in the right-of-way. She said a tree adjacent to her home was in danger of falling and that she felt it was the City's responsibility to provide for its care or removal.

Mr. Harris said a report regarding the status of the tree prepared by a certified arborist was expected in the near future from an inspection conducted the previous week.

Mr. Mecham explained that the City could have liability if it was aware of imminent danger from a tree, but did nothing. He said the City would have no liability, if the Ordinance was adopted. He said the proposed Ordinance was similar to those in place in many other cities.

Mayor Volta determined that there were no further questions or requests to testify, and closed the Public Hearing.

Councilors discussed the proposed Ordinance.

Mayor Volta suggested that since many unanswered questions were being raised, action on the proposed Ordinance be postponed and the Park/Tree Committee be asked to prepare a revised ordinance which clarified (1) the responsibilities and rights of property owners adjacent to trees in the City right-of-way and (2) the requirement for a permit for work on such trees.

Councilor Watson said he believed he would be required to recuse himself from participating in a decision about the proposed Ordinance because trees in the City right-of-way adjacent to his home were in a dangerous condition.

Mr. Mecham explained that the definition of conflict of interest applied to elected officials prevented their participation in decisions from which they would receive finan-

cial benefit. He said the situation described by Councilor Watson did not appear to be one in which the restriction applied.

Mayor Volta said she believed there was consensus to table action on the proposed Ordinance.

***Councilor Fox moved, seconded by Councilor Pech, to direct the City Attorney to meet with the Park/Tree Committee to prepare amendments to proposed Ordinance A-207. The motion was adopted unanimously, 4:0.***

#### **D. Finance**

Mr. Gibons reviewed an Engineering Services Proposal and accompanying project budget estimate and engineering resume of DRB Engineering to prepare engineering documents for the Coburg Well #1 generator, building, piping and controls submitted by Weber Elliott Engineers. He noted that the project was included in the adopted Water Master Plan which included adequate budgeted funding.

Councilors discussed the project proposal.

***Councilor Pech moved, seconded by Councilor Fox to direct the City Administrator to accept the project proposal and contract for City Well #1, Generator, Building, Piping and Controls improvements and replacement. The motion was adopted unanimously, 4:0.***

Mr. Gibons referred to Agenda support material reporting a correction made to the Budget Resolution adopted at the June Council meeting. He noted that it increased the total Budget \$90 to \$9,506,597.

Mr. Gibons referred to Agenda support material reporting a pre-audit year-end 2007 financial summary. He reviewed its report of cash on hand, fund balances, inter-fund/intrafund debt, restricted accounts, fiscal year 2008 beginning fund balances, and General Fund restricted accounts. He commented on progress on issues made during fiscal year 2007 and explained that no action on the report was required, but that the information would be revisited when the annual financial audit was presented to the Council in the fall.

Mr. Gibons referred to July 31, 2007 Financial Reports and reviewed summary graphs and charts that provided information about expenditures and revenue. He referred to detailed reports, bank statements, and credit card records also included.

Mr. Gibons referred to Agenda support material regarding Coburg Water Rates. He reviewed background information it provided about water utility financial history, budget cost projections, cash flow, and shortage projection. He noted information it provided about recent water utility rate increases in comparable Oregon cities. He reported that Mayor Volta had suggested that a citizen committee be formed to re-

view the need for water rate increases and the appropriate size and implementation schedule for any increases to be made.

Councilors discussed the report and suggestion of Mayor Volta.

***Councilor Pech moved, seconded by Councilor Watson, to request that the Mayor appoint a committee to review the need for water rate increases, their appropriate size, and implementation schedule; and that the Committee report its findings and recommendations at the October Council meeting. The motion was adopted unanimously, 4:0.***

Mayor Volta, through smiles and arm twisting, convinced Councilor Thiel to volunteer to serve as Council Liaison to the Water Rate Review Committee.

Mr. Gibons referred to Agenda support material regarding a proposal to purchase a business licensing software module from Springbrook Corporation. He reviewed the advantages of the application; explained its purchase, licensing and integration costs; and suggested that the expenditure would be covered in a supplemental budget to be adopted later in the year.

***Councilor Fox moved, seconded by Councilor Pech to authorize the City Administrator to purchase the recommended business licensing software module and license from Springbrook software. The motion was adopted unanimously, 4:0.***

#### **E. City Administrator/Recorder**

Mr. Schuessler reported that employee evaluations were nearly completed.

Mr. Schuessler reported that a risk management survey of City operations was being conducted by its insurance carrier and that coverage, safety, and policy change recommendations would be reported at the next meeting of the Council.

Mr. Schuessler reported that he was about to begin development of a citywide safety manual.

Mr. Schuessler reported on the status of implementing additional revenue sources approved at the July 24 Council meeting. He said the fines and bail assessment for police training was in place; the tax on motor fuel, as amended, would begin October 1; several issues were being resolved related to implementation of planning fees and charges; and discussions with businesses affected by the proposed licensing of manufactured structure dealers would likely lead to a recommendation to the Council that was different than originally envisioned.

Mr. Schuessler reported that the application to FEMA to establish new floodplain designations was fully submitted and a response was expected.

#### **F. City Attorney**

No report.

**IX. COMMENTS FROM COUNCIL**

Councilor Fox expressed concern that minutes from Park/Tree Committee meetings had not reported consideration of repair of park restroom facilities. He asked that a report be made at the next meeting of the Council.

**X. APPROVAL AGENDA**

Mayor Volta noted that the Approval Agenda included acceptance of minutes of the July 10 and July 24 Council meetings, approval of bills dated August 9 and 13, and receipt of a report of checks written.

***Councilor Thiel moved, seconded by Councilor Fox, to approve the Approval Agenda. The motion was adopted unanimously, 3:0:1, with Councilor Pech abstaining from voting because he had been absent from the July 10 and July 24 Council meetings.***

**XI. FUTURE MEETINGS**

Mayor Volta noted that no Special Council meeting was scheduled in August, that the next Regular Council meeting would be held on September 11, and that A Council Work Session was scheduled for September 25. She invited Councilors to suggest topics for consideration at future Special Meetings and Work Sessions.

The meeting adjourned at 9:40 p.m.

ACCEPTANCE

Yes: \_\_\_\_\_

No: \_\_\_\_\_

Abstained: \_\_\_\_\_

Passed: \_\_\_\_\_ Rejected: \_\_\_\_\_

Signed this 11th day of September 2007

\_\_\_\_\_  
Judith Volta, Mayor

Attest:

\_\_\_\_\_  
Donald Schuessler, City Recorder