



## MINUTES

**Coburg City Council**  
Regular Session  
April 10, 2007 - 7:00 P.M.  
Coburg Municipal Court  
32694 East Pearl Street - Coburg

COUNCILORS PRESENT: Mayor Judy Volta; Bill Judd, Don Nelson, Brian Pech, John Thiel, Mike Watson

COUNCILORS ABSENT: Michelle Sunia

STAFF PRESENT: Don Schuessler, John Bosley, Sammy Egbert, Craig Gibons, Jack Harris, 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 Michelle Sunia, and stated that a quorum was present.

Haley Egbert led Councilors in the Pledge of Allegiance.

City Administrator Don Schuessler announced that action on a Variance Application would be removed from the agenda. He said items to be added to the Agenda were consideration of a Branch Engineering report regarding the Mill Slough Flood Plain study, action on a Litigation Settlement, discussion of Council meeting space, appointment of an interim Municipal Court Judge, and authorizing additional Bills for Approval.

Mayor Volta determined there were no further requests to change the agenda.

### II. COMMENTS FROM CITIZENS

John Lehman, 91090 Abby Road, referred to his letter dated January 7<sup>th</sup>, 2007 which stated his desire to work with the City to resolve issues related to stormwater flooding of his home. He said he appreciated the Public Works Department investigation of the matter after his previous appearance before the Council in February regarding the matter, but disagreed with the assessment that vegetation clogging the drainage swale system had little to do with the problem.

Mr. Lehman also expressed appreciation for City efforts to redraw floodplain maps of the Mill Slough area, as it had the potential of significantly reducing the cost of homeowner flood insurance for those living in the area.

Councilor Mike Watson said it was his experience that swale drainage systems could be improved by clearing debris, leaving needed vegetation to prevent erosion. He suggested that since it had previously functioned properly, cleanup would be appropriate.

Public Works supervisor Jack Harris said he was surprised at the disagreement with his assessment of the situation, as it had answered questions raised by another affected homeowner. He said he would secure an estimate of the cost to complete the work involved.

Councilor Watson agreed to work with the Public Works Department and citizens to facilitate correction of the flooding problems.

Brian Pech, 91223 Rustic Court, stated that he represented a concern widely held by citizens living in the Muddy Creek area. He explained that a rapidly increasing wild nutria population was becoming dangerous, especially to children. He said he had discussed eradication options with the Public Works Department and that Mr. Harris was checking applicable regulations with the Oregon Fish and Wildlife Department.

### **III. MAYOR'S COMMENTS**

Mayor Volta reported that the League of Oregon Cities was sponsoring a statewide "If I was Mayor" contest for middle school, high school, and college students that would encourage the use of a variety of media. She said she hoped to encourage the participation of local students and would make a recommendation at the May Council meeting for a Coburg adaptation of the contest that would include awarding of savings bond prizes to winners.

### **IV. DEPARTMENT REPORTS**

#### **A. City Administrator**

Mr. Schuessler referred to the April 10 Administration Department Report and reviewed information it contained about the proposal and résumé of Jim Wilson to serve as Coburg Municipal Court Judge during the Navy Reserve active duty of current Judge Thomas Thetford. He reviewed his résumé and reported that he had discussed the matter with Judge Thetford, checked the references he had provided, and certified his standing with the Oregon State Bar Association. He said he recommended authorizing the Mayor to appoint Mr. Wilson for one year.

Jim Wilson, Post Office Box 40836, Eugene, introduced himself and reviewed the challenges he anticipated in serving as Municipal Judge – no experienced Clerk, his steep learning curve, challenges presented by changing the location of the court, and improving community perceptions of the Coburg Court. He said he appreciated the uniqueness of the opportunity, would comply with all legal requirements, and would be available to serve longer than one-year, if needed.

Councilors discussed issues facing the Court, and the qualifications and experience of Mr. Wilson.

***Councilor Bill Judd moved, seconded by Councilor Watson, to authorize Mayor Volta to appoint V. James Wilson III to the office of Municipal Judge for a one-year term, beginning as soon as possible, at a rate of \$95.00 per hour.***

In response to a question from Councilor Watson, Mr. Wilson suggested that provision for mutually agreed termination of the appointment with a 60-day notice by either party be established.

Councilors Judd and Watson agreed that such a provision could be incorporated in their motion, and it was amended.

***The motion, as amended, was adopted unanimously, 5:0.***

Mayor Volta appointed Mr. Wilson as Coburg Municipal Court Judge.

City Attorney Milo Mecham administered the oath of office and V. James Wilson III was installed as Coburg Municipal Court Judge.

## **B. Planning**

Coburg Planner Petra Schuetz referred to the April 5 Planning Department Report and said it reported that the Planning Commission had conducted an initial review of a proposed Coburg Master Planning section of the Zoning Code. She said it would consider further refinements at its next meeting, after a thorough review by the Planning Core Team.

Mayor Volta opened a Public Hearing regarding the proposed amendment. She determined that no Councilor needed to report a conflict of interest, or *ex parte* contact related to it. She reviewed the criteria and procedure for the hearing.

Ms. Schuetz stated that the proposed amendment had been initiated by the City and would facilitate management of several large development projects anticipated in Coburg in the near future. She noted that two Public Hearings were required to adopt the amendment and that a second was scheduled for the May 8 Council meeting when it could also be adopted. She said the proposal was available to the public and that notice of it had been posted according to legal requirements.

Mayor Volta determined that there was no further testimony, rebuttal, or questions from the Council. She closed the Public Hearing. She said the record of the hearing would be held open for seven days to allow any further submissions to its record.

Ms. Schuetz referred to information in the Planning Department Report regarding the Planning Commission Vacancy created by the resignation of Commissioner Pat Greenwell. She said his term expired in October 2007.

Councilors discussed the process for filling the vacancy and appeared agree that the availability of the position should be posted, Planning Commissioners should interview candidates, and Councilors would make the appointment on a recommendation from the Commission.

City Staff Kelly O'Neill referred to Agenda support material regarding the development of a Coburg System Development Charge (SDC) methodology. He reviewed information it contained about park priority projects and financing sources. He said members of the Park/Tree Committee agreed that it would be wise to update the Coburg Parks Master Plan, involving significant involvement of the public, which could also identify additional participants on the Committee.

Mr. Mecham said amending the Parks Master Plan would be at least a six-month process, effectively postponing the time a Park SDC could be in place. He suggested it would be better to finish development of the methodology and then revise the Plan. Mayor Volta said she favored such an option.

### **C. Police**

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

### **D. Public Works**

Mayor Volta noted that a written Public Works Department report hadn't been received.

### **E. City Administrator/Recorder (Continued)**

Mr. O'Neill referred to Agenda support material reporting the activity and dissolution of the Coburg Grant Writing Team. He said he had been informed that a University of Oregon intern would be available to the city soon and that he would focus his/her efforts on developing grant resources.

Mr. Schuessler referred to Agenda support material regarding the use of the Coburg Fire District Community Room for meetings of the City Council. He reviewed information about the advantages and accommodations of the room. He said meeting space at the City Hall would likely be adequate for normal public attendance at meetings, but might be needed when high interest festive or contested topics were scheduled.

Mayor Volta said she was attracted to the consistency possible with holding meetings in City Hall. Councilors Judd and Don Nelson said they also favored use of City Hall for regular meetings.

Councilor Watson said the expense of remodeling City Hall to accommodate Municipal Court functions and Council meetings should be considered in deciding on the use of other locations.

Mr. Schuessler referred to an architectural drawing of potential City Hall remodeling prepared gratis (billed \$73.00) by retiring Planning Commission member Pat Greenwell. He said he would use it to secure accurate estimates of the cost involved for consideration at the May Council meeting.

Mr. Schuessler referred to Agenda support material regarding Domestic Partner Health Insurance coverage available through the newly acquired City insurance pro-

vider, Providence. He said the City would be required to adopt a policy regarding Domestic Partner Insurance Coverage before it could be utilized. He reviewed a sample policy he had prepared based on those of other area jurisdictions that was attached to the support material.

Councilors discussed the issue – the appropriateness of such coverage, its cost, who should pay for the insurance of a domestic partner, and if it would be possible for the City to authorize the coverage without paying for it.

***Councilor Judd moved, seconded by Councilor Pech, to adopt the City of Coburg Domestic Partner Insurance Coverage Procedure Policy prepared by City Administrator Schuessler. The motion was adopted, 3:2, with Councilors Nelson and John Thiel voting no.***

***Councilor Judd moved, seconded by Councilor Pech, that health insurance for domestic partners not be paid from City budgeted resources.***

Councilor Watson said he would support the motion, but wanted it recorded that he was only doing so because of current financial constraints faced by the City.

***The motion was adopted unanimously, 5:0.***

Mr. Schuessler referred to Agenda support material regarding Oregon Department of Environmental Quality (DEQ) support for the Coburg Wastewater Reclamation system project. He reviewed a March 5 letter to Mayor Volta from DEQ Western Region Administrator Kerri Nelson extending that support.

Mr. Schuessler stated that he and Mayor Volta would be meeting soon with representatives of the U.S. Economic Development Administration in Seattle and would attend a “one stop” resource development meeting with representatives of the Oregon Community and Economic Development Department and Governor’s Office in Salem to finalize grants to support the project.

Mr. Schuessler referred to Agenda support material regarding the settlement of a lawsuit filed against the City by a former employee discussed at an Executive Session held on April 2. He said the Mutual Release and Settlement Agreement attached described a payment of \$20,000 to the Complainant, dismissal of the lawsuit, and set procedures for maintenance of the personnel file of the former employee. He said it released the City of all claims against it and was a compromise of dispute claims that could not be considered a precedent or admission of liability or fault by either party. He said a supplemental budget proposal would be prepared for the Council by the Finance Director to account for the unbudgeted expense.

***Councilor Watson moved, seconded by Councilor Nelson, that the proposed Mutual Release and Settle Agreement related to the lawsuit of Mary Margaret (Peggy) De Montmorency against the City of Coburg be accepted and that the City Administrator be authorized to issue a check pursuant to instructions from the attorney representing the City in the matter. The motion was adopted unanimously, 5:0.***

Mr. Schuessler referred to a document entitled “100-Year Flood Study – Mill Slough – Coburg Oregon” prepared by Branch Engineering. He noted that it was the executive summary of a much larger document available at City Hall. He reviewed the

summarized results that showed a significant change in floodplain designations from the map currently used by the Federal Emergency Management Agency (FEMA), resulting in much of the area being removed from the floodplain. He said a Letter of Map Amendment was being filed with the encouragement of FEMA, whose representatives seemed impressed with the efforts of the City in the matter.

## **F. Finance**

City staff Sammy Egbert referred to Agenda support material regarding water account collections. She said it was a report of the results of recent efforts to collect past due water bills. She said the total of all outstanding balances was reduced from \$9,480 to \$2,960 in one month. She described the newly established procedure that included overdue notices, warnings of shutting off service, and 24-hour posting.

Ms. Egbert said she was preparing suggestions to be considered by Council for changes to the Coburg Water Ordinance to enhance collections further.

Finance Director Craig Gibons referred to the March Financial Reports and reviewed highlights of their contents. He emphasized that the City's financial status through the first three quarters of the fiscal year was looking better and better.

Councilors discussed specific items included in the Reports.

Mr. Gibons referred to Agenda support material regarding a study of Coburg water rates being done for the City by Branch Engineering. He said the study was prompted by Water Fund expenses exceeding revenue by \$54,350. He noted that the \$6,000 cost of the study would be paid from loan proceeds and that its results would be available to the Council at its next meeting.

Councilor Watson requested that information about the loss of water produced by City wells compared to the total water accounted for by meters be presented with the information from the rate study.

Councilor Thiel asked why Branch Engineering was conducting the water rate study. Mr. Gibons replied that the company was familiar with the Coburg water system and had computer models available to conduct the study.

Councilor Nelson said he was concerned about the high cost of the study and suggested that it could have been done "in-house" for much less. Mayor Volta replied that a study of water rates conducted by citizens in the past had not been able to convince the City Council to raise rates and led to the large annual deficit that was currently being created.

Mr. Gibons referred to Agenda support material regarding City services pre-billed to the Coburg Urban Renewal Agency (URA). He said it appeared that approximately \$54,000 of the \$134,707 in expenses that were pre-billed would be unspent. He reviewed three options for dealing with the over-billing presented in the material.

Councilor Thiel asked if unspent URA funds could be used to settle the litigation previously discussed. Mr. Mecham replied that the allocation would not be possible because the City had been sued, not the URA.

***Councilor Watson moved, seconded by Councilor Pech, to instruct staff to repay unspent URA funds previously advanced for City Services at the end of the fiscal year. The motion was adopted unanimously, 6:0.***

Mr. Gibons referred to Agenda support material regarding simplifying of the process of paying City bills. He reviewed information about the process – bills on an “Approved Payables” list are processed without Council approval but submitted for its review, vendors with bills that are not on that list are presented as “Invoices for Approval” by Council action. He explained that preparing the separate spreadsheets reports required duplicate entry of data.

Mr. Gibons noted that the material identified purchasing controls in place: (1) All purchases require pre-approval by Mayor and City Administrator. (2) Contracts over \$2,500 require Council approval. (3) All checks require signatures of a designated elected official and authorized staff person. (4) A complete list of all checks written each month is provided to the Council. (5) Monthly bank and credit card statements are provided to the Council. He said staff workload would be significantly reduced if the Council considered the additional controls to be adequate without Council action being required on the “Approved Payables” and “Invoices for Approval.”

Mayor Volta said the current process was put into place to guarantee that the City Council had control over City expenses.

Councilor Judd suggested that previously proposed and rejected lists of “Invoices for Approval” prepared by the Springbrook accounting software be reconsidered to replace the format currently in use.

There appeared to be agreement to test the suggestion of Councilor Judd.

Mayor Volta opened a Public Hearing on Resolution R-041007-1, Adopting a Supplemental Budget.

Mr. Gibons referred to Agenda support material regarding budget changes to implement the General Fund deficit reduction proposals approved by the Council at its February 13 Meeting. He noted that Resolution would adopt the Third Supplemental Budget of the year attached as Exhibit A.

Mayor Volta determined there was no one present wishing to present testimony on the Supplemental Budget and closed the Public Hearing.

***Councilor Pech moved, seconded by Councilor Nelson, to adopt Resolution R-041007-1, Adopting A Supplemental Budget. The motion was adopted unanimously, 5:0.***

Mr. Gibons said it was possible that a Fourth Supplemental Budget would have to be considered before the end of the fiscal year.

## **V. COMMENTS FROM COUNCIL**

Councilor Judd asked if it would be possible for parking restrictions on Roberts Road to be rescinded during the time of an anticipated visit of a carnival.

Mr. Mecham said the Council could suspend an ordinance for a specific period of time.

***Councilor Judd moved, seconded by Councilor Pech, to suspend the No Parking Ordinance on both sides of Roberts Road May 6-9, 2007, during the operating hours of the visiting carnival. The motion was adopted unanimously, 5:0.***

**VI. APPROVAL AGENDA**

Mayor Volta noted that the Approval agenda included acceptance of the Minutes of the March 13 Council meeting, acceptance of Invoices Paid, and approval of Invoices for Approval.

***Councilor Pech moved, seconded by Councilor Judd, to adopt the Approval Agenda. The motion was adopted unanimously, 3:0:2, with Councilors Nelson and Thiel abstaining from voting because they were absent from the March 13 Council meeting.***

The meeting adjourned at 9:05 p.m.

ACCEPTANCE

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

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

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

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

Signed this 8th day of May 2007

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

Attest:

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Donald Schuessler, City Recorder