



## MINUTES

### **Coburg City Council**

Special Meeting

July 24, 2007 - 7:00 P.M.

Coburg City Hall

91069 North Willamette - Coburg

COUNCILORS PRESENT: Mayor Judy Volta; John Fox, Bill Judd, John Thiel, Mike Watson

COUNCILORS ABSENT: Brian Pech

STAFF PRESENT: Don Schuessler; John Bosley, Sammy Egbert, Craig Gibons, Karen Jefferis, Milo Mecham

RECORDED BY: C. Daniel Lindstrom

### **I. CALL TO ORDER**

Mayor Judy Volta called the Special Meeting of the Coburg City Council to order at 7:10 p.m.

Councilors joined in the Pledge of Allegiance.

Mayor Volta determined there was no one present wishing to make a Citizen Comment.

Mayor Volta reported that a Supplemental Agenda had been distributed and would be followed during the meeting. She noted that changes in the order for consideration of several topics had been made.

### **II. MAYOR'S COMMENTS**

Mayor Volta stated that the purpose of the meeting was to conduct Public Hearings and discuss proposals for new City revenue sources. She said they had been prepared at the direction of the Council in order to address the need for repayment of budget shortfalls in previous years and make the City less exclusively dependent on property taxes. She explained that other proposals would be considered in the future.

### **III. REVENUE PROPOSALS**

City Administrator Don Schuessler reviewed background of the development of the revenue proposals. He said City revenue was either "restricted" or "unrestricted" and explained their permitted uses. He previewed proposals to be considered and said public notice of the possible adoption of Ordinances had been properly posted.

## **A. Ordinance No. 212 – Fines and Bail Assessment**

Mayor Volta opened a Public Hearing on proposed Ordinance No. 212, AN ORDINANCE ESTABLISHING AN ASSESSMENT ON CERTAIN VIOLATIONS OF ORDINANCES FOR POLICE TRAINING PURPOSES, ADOPTING A NEW FINES SCHEDULE AND DECLARING AN EMERGENCY TO EXIST.

Mayor Volta determined that no Councilor present had a conflict of interest, or had engaged in *ex parte* discussion regarding proposed Ordinance No. 212.

Councilor John Fox joined the meeting at 7:20 p.m.

City Attorney Milo Mecham referred to a draft copy of proposed Ordinance No. 212 and reviewed its provisions to levy an assessment of \$7.00 on fines and bails imposed by the Coburg Municipal Court. He explained that all revenue resulting from the Assessment would be credited to a Police Training account. He said the proposal was modeled after a similar ordinance in Junction City and that many other Lane County levied similar assessments.

Mayor Volta said that the proposed Ordinance could affect the General Fund because it would reduce the amount needed to budget for Police training. She determined there was no one present who wished to testify regarding Ordinance No. 212 and closed the Public Hearing.

Councilor Mike Watson asked if provisions for an “inflationary factor” could be added to the Ordinance. Mr. Mecham said it would be possible to include a requirement for an annual review and resetting of the Ordinance fee.

In response to a question from Councilor Watson, Mr. Schuessler explained that, based on a 60 percent collection rate of fines imposed, it was estimated that the proposed assessment would annually raise \$6,650.

In response to a question from Mayor Volta, Mr. Mecham said the Ordinance was not intended to fines and bails already imposed.

Councilor Bill Judd asked what guidelines would be established for the spending the funds developed by the assessment. Police Chief John Bosley replied that Police training funded by the proposed revenue would be based on criteria developed by the Oregon Department Public Safety Standards and Training (DPSST). He explained that each training event cost approximately \$2,000.

***Councilor Watson moved, seconded by Councilor Judd, (1) to amend proposed Ordinance No. 212 by correcting a mathematical error in the figure listed as the total for Class A Fine With Assessment, and (2) to add a provision requiring the bail schedule to be reviewed and set annually. The motion to amend was adopted unanimously, 5:0.***

***Councilor Watson moved, seconded by Councilor Judd, to adopt Ordinance 212, as amended. The motion was adopted unanimously,5:0.***

## **B. Ordinance No. 208 – Planning Fees and Charges**

Mayor Volta opened a Public Hearing on proposed Ordinance No. 208, AN ORDINANCE ESTABLISHING FEES AND CHARGES FOR PLANNING AND DEVELOPMENT APPLICATIONS, REPEALING CONFLICTING ORDINANCES, AND DECLARING AN EMERGENCY TO EXIST.

Mayor Volta determined that no Councilor present had a conflict of interest, or had engaged in *ex parte* discussion regarding proposed Ordinance No. 208.

Mr. Mecham reviewed provisions of the Ordinance 208. He explained that proposed changes to the current Planning Department fee structure would no longer set the same amount for each type of application. He said it would establish that a fixed amount and a refundable advanced deposit would be imposed, based on an estimate of staff time to be required. He said the proposal would enable fees to better cover actual Planning Department application processing costs. He noted that Exhibit A, Land Use Application Fees Schedule, was attached to the Ordinance and a draft form entitled “Agreement for Payment of Land Use Application Fees” had been distributed.

Mayor Volta determined there was no one present who wished to testify regarding Ordinance No. 208 and closed the Public Hearing.

In response to questions from Councilor Watson, Mr. Mecham explained that provisions for a pre-application conference would allow general advice to be provided to applicants. He said whether a fee should be charged for such discussions would be left to the discretion of the Planner, unless the Council directed that such provisions not be allowed.

In response to a question from Councilor Judd, Mr. Mecham described similar Planning fee ordinances in nearby cities. He said they shifted the risk of budgeting for the Planning Department from the City Budget to developers.

In response to a question from Councilor Fox, Mr. Mecham explained that charges for re-modeling construction were assessed at the time building permits were issued.

Councilors continued to discuss the proposed Ordinance – the difference between fees and deposits, staff development of a Frequently Asked Questions document regarding Planning fees and building permits, and the value of adding provisions for the first 30 minutes Staff time spent on an application to be free.

***Councilor Fox moved, seconded by Councilor John Thiel, to adopt Ordinance No. 208, amending the column title in Exhibit A from “Approximate Staff Hours in Initial Deposit” to “Estimated Staff Hours in Initial Deposit. The motion was adopted unanimously, 5:0.***

## **C. Ordinance No. 209 – Business Licensing**

Mayor Volta opened a Public Hearing on proposed Ordinance No. 209, AN ORDINANCE PROVIDING FOR THE REGISTRATION AND LICENSING OF BUSINESSES OPERATING OR PROVIDING SERVICES IN THE CITY OF COBURG, COLLECTING A FEE AND DECLARING AN EMERGENCY TO EXIST.

Mayor Volta determined that no Councilor present had a conflict of interest, or had engaged in *ex parte* discussion regarding proposed Ordinance No. 209.

Mr. Mecham referred to a draft copy of Ordinance No. 209 and explained that the revenue produced by the proposed Ordinance would likely only cover the cost of its implementation. He said the purpose of the business license was to allow gathering of information on businesses operating in the City and make it easier for the Police and Public Works departments to better plan law enforcement and provision of City services.

Mayor Volta determined there was no one present who wished to testify regarding Ordinance No. 209 and closed the Public Hearing.

Councilors discussed the proposed Ordinance – its provisions for non-compliance fines, the value to the City of the information developed, its application to “transient businesses” operating for more than four days in the City, the benefit of changing renewal of the licenses from annually to biennially, the high cost of setting up and operating the licensing process, the additional burden it would place on staff, the availability of time and space for its operation, the feasibility of requiring that nonprofit businesses be licensed (without cost), denial of applications, consequences for repeat violators, the difficulty of requiring religious organizations to obtain a business license, and the value of tabling action on its adoption.

***Councilor Thiel moved, seconded by Councilor Fox, to adopt Ordinance No. 209. The motion was adopted, 4:1, with Councilor Watson voting no.***

Councilor Watson said he had voted not to adopt the Ordinance because he was unclear about its enforcement. Mr. Mecham explained that failure to comply with the Ordinance would be considered a violation of a local law and subject to a fine of \$100.

***Councilor Fox moved, seconded by Councilor Thiel, to rescind the motion adopting Ordinance No. 209. The motion was adopted unanimously, 5:0.***

***Councilor Thiel moved, seconded by Councilor Fox, to adopt Ordinance No. 209. The motion was adopted unanimously, 5:0.***

#### **D. Ordinance No. 211 – Tax on Motor Vehicle Fuel**

Mayor Volta opened a Public Hearing on proposed Ordinance No. 211, AN ORDINANCE IMPOSING A BUSINESS LICENSE TAX ON MOTOR VEHICLE FUEL DEALERS OPERATING WITHIN THE CITY OF COBURG, PROVIDING FOR ADMINISTRATION, ENFORCEMENT AND COLLECTION OF THE TAX.

Mayor Volta determined that no Councilor present had a conflict of interest, or had engaged in *ex parte* discussion regarding proposed Ordinance No. 211.

Mr. Mecham referred to a draft of proposed Ordinance 211. He explained that it established a tax, which the City could require to be paid, and not for a fee, a charge for services provided. He explained that no “emergency clause” was included to make it go into effect in 30 days, but allowed time for concerned parties to initiate a call for a referendum vote on it by citizens.

Mr. Mecham said the proposed tax was similar to those imposed by most nearby cities. He explained that enforcement and collection of the tax would be delegated to the Oregon Department of Revenue. He added that revenue generated by the tax would be like the State fuel tax, designated to only be spent on streets and roads.

Mayor Volta asked if contentions by affected businesses when a proposed fuel tax was previously considered that it would negatively affect their ability to profitably operate had been considered. Mr. Mecham replied that it had not, but that he was aware that only the ordinance of Springfield provided for rebates on diesel fuel.

Councilor Watson asked if the two businesses in Coburg that would be affected by the tax had been notified of the Public Hearing on Ordinance 211. Mr. Schuessler replied that full public notice had been given of the hearing, but that special contacts with affected businesses had not been initiated.

Mayor Volta asked why special consideration should not be given to a lower tax on diesel fuel. Mr. Mecham replied that heavy trucks usually powered by diesel fuel placed an inordinately heavy burden on City streets.

Mayor Volta determined there was no one present who wished to testify regarding Ordinance No. 211 and closed the Public Hearing.

Councilors discussed the importance of having affected businesses given special notification of consideration of the proposed Ordinance and the lack of precedent for special notifications.

***Councilor Judd moved, seconded by Councilor Fox, to adopt Ordinance No. 211. The motion was adopted, 4:1, with Councilor Watson voting no.***

#### **E. Ordinance No. 210 – Licensing of Manufactured Structure Dealers**

Mayor Volta stated that the Council would consider proposed Ordinance No. 210, AN ORDINANCE PROVIDING FOR THE LICENSING OF DEALERS OF MANUFACTURED STRUCTURES AND OTHER VEHICLES OPERATING WITHIN THE CITY OF COBURG, ESTABLISHING CHARGES AND DECLARING AN EMERGENCY. She explained that no Public Hearing would be held and the proposal was for information only.

Mr. Mecham referred to a draft of Ordinance No. 210 and reviewed its purpose what business would be covered. He said the proposed license would be in addition to, not in lieu of others provided for in State statutes and Coburg ordinances. He described its exemptions and enforcement provisions.

Councilors discussed the Ordinance – that an estimate of revenue that could be raised had not been calculated, that the reason for delaying its adoption would allow for discussion of the proposal and its implementation with affected businesses, that it would be difficult to complete the needed discussions in time for the proposal to be considered for adoption at the August Council meeting, and the affected businesses were the most important in Coburg, and that it had been previously estimated that as much as \$75,000 could be realized by the license.

#### **IV. COMMENTS FROM COUNCIL**

Councilors discussed formation of a law enforcement taxing district to support the Coburg Police.

In response to a question from Councilor Thiel, Mr. Gibons explained that relevant information for consideration of a new water rate schedule had only been received the previous day. He said a plan with options for discussion by the Council would be presented at the August Council meeting.

In response to a question from Councilor Watson, Mr. Schuessler explained that investigation of the use of collection agencies to recover unpaid fines imposed by the Municipal Court was continuing and would be reported at a later Council meeting.

Councilor Judd thanked Councilors for their participation in the recently held Coburg 'Lympics, despite rumored disappointing performances by individuals in the leap frog contest. He announced forthcoming Coburg events – Parks/Tree Committee meeting, Concert in the Park, Quilt Show, and the Coburg Car Classic.

The meeting adjourned at 9:10 p.m.

ACCEPTANCE

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

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

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

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

Signed this 14<sup>th</sup> day of August 2007

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Judith Volta, Mayor

Attest:

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Donald Schuessler, City Recorder