



## MINUTES

**Coburg City Council**  
Regular Session  
June 12, 2007 - 7:00 P.M.  
Coburg Municipal Court  
32694 East Pearl Street - Coburg

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

COUNCILORS ABSENT: Brian Pech

STAFF PRESENT: John Bosley, Sammy Egbert, Craig Gibons, Jack Harris, Karen Jefferis, Milo Mecham, 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 and stated that a quorum was present. Councilors joined in the Pledge of Allegiance.

### II. COMMENTS FROM CITIZENS

Albert Dobbins, 32814 East Dixon, reported that a street pothole near his residence was becoming increasingly dangerous and requested that it be repaired. He also reported that promises to remove scrub trees with branches that hanged over his fence had not been kept. He explained that berries it produced were eaten by birds that left heavy resulting residue. He asked for help in correcting the problem.

Mayor Volta requested that City Staff assist Mr. Dobbins in preparing a Citizen Request form about his concerns and report to Council how the problems were resolved.

### III. AGENDA CHANGES

Mayor Volta noted that the meeting Agenda was full. She requested understanding if she appeared to rush consideration of various items. She suggested that several of the Public Hearings included in the Finance Department report be consolidated.

Councilor Bill Judd requested that discussion of the Probation Officer position be moved from Comments from Council to the City Administrators Report as part of its update on the Municipal Court.

#### IV. MAYOR'S COMMENTS

Mayor Volta referred to Agenda support material regarding a vacancy on the City Council. She said public notice had been given that applications for appointment to the position were being received May 15 through June 7. She noted that an application from John Fox was attached to the support material and was the only one that had been received. She reviewed information it contained and noted that he had served as a member of the Coburg Budget Committee. She invited Councilors to interview Mr. Fox.

Councilors reviewed the experience and interests of Mr. Fox.

***Councilor Michelle Sunia moved, seconded by Councilor Mike Watson, to appoint John Fox to the vacant seat on the City Council, with a term that ended December 31, 2008. The motion was adopted unanimously, 4:0.***

City Attorney Milo Mecham administered the Oath of Office to Mr. Fox, who then joined the Council.

#### V. DEPARTMENT REPORTS

##### A. Planning

Coburg City Planner Petra Schuetz reported that the Planning Commission had interviewed two candidates for appointment to the vacant position created by the resignation of Commissioner Pat Greenwell. She referred to the application of Jeffrey Kaliner distributed at the beginning of the meeting. She said the Commission had unanimously recommended that he be appointed to the position.

Mayor Volta reported that she had attended the meeting of the Planning Commission when the interviews had taken place. She said she was pleased with the qualifications of both applicants and agreed with the recommendation of the Commissioners.

Members discussed the recommendation.

***Councilor Sunia moved, seconded by Councilor Judd, to appoint Jeffrey Kaliner to Position 5 on the Coburg Planning Commission for a term ending October 1, 2008. The motion was adopted unanimously, 5:0.***

Mayor Volta requested that Ms. Schuetz introduce Commissioner Kaliner at a future meeting of the City Council.

Mayor Volta Opened a Public Hearing on AN-01-07, an application for Annexation of Tax Lots 00100, 00102, and 00193, of Assessor's Map 16-03-33-00, property owned by Jean Marie Stevenson. She determined that no Councilor had a conflict of interest or had held *ex parte* discussions regarding its annexation. She reviewed the procedures, requirements, and order of presentations during land use Public Hearings.

Ms. Schuetz referred to her Staff Report regarding the application and to site and area maps of the property included in the proposed annexation. She noted that one map showed zoning districts for the property included in Coburg Comprehensive Plan. She explained that annexing all three tax lots as proposed in the application would simplify future considerations of their development by the owner, City, and potential developers.

Ms. Schuetz explained that the property proposed for annexation was within the Coburg Urban Growth Boundary. She said the Comprehensive Plan established its zoning on annexation as Traditional Residential and Highway Commercial. She reported that the owner was considering several development proposals that were permitted within the zoning.

Ms. Schuetz reported that comments had been received from two of 15 agencies to which the annexation had been sent and that one response had been received from the notices sent to property owners within 300 feet of the property. She explained that public comment received from Roger and Marilyn Stoneberg expressed concern about adequate storm drainage and the potential of negative effects on neighboring property values, if development of the property occurs. She said the Planning Commission had recommended that she contact the Stoneberg's and discuss their concerns.

Ms. Schuetz reviewed issues related to the annexation outlined in the Staff Report. She also reviewed the established criteria for annexation and possible actions that could be taken by the Council. She said staff recommended that the application be approved.

Mayor Volta invited public testimony regarding the application.

Larry Cantrell stated that he was speaking on behalf of his mother, Marie Cantrell, who resided at 91145 North Miller Street. He said he understood it was necessary to register a concern at the public hearing in order for it to be raised in an appeal. He said that if development on the annexed property resulted in lowering the property value of his mother's home, a Measure 37 claim would be filed.

Mayor Volta determined there were no other persons present wishing to testify and invited Councilors to ask questions.

Councilor John Thiel asked if there were indications of how the property would be developed, if annexed. Ms. Schuetz replied that the City had not yet received any development applications, but that it was known that Ms. Stevenson had held discussions with Serenity Lane for sale of a portion of the property to be zoned Traditional Residential that would be used for a residential treatment center campus. She said discussions had been held with a developer interested in creating an athletic complex and another for a fabricating business on property in the Highway Commercial zone.

Councilor Thiel asked how public street development would be controlled in development of the property. Ms. Schuetz replied that all streets would be required to follow the Coburg Transportation Plan.

Councilor Fox asked what was the maximum possible development in the portion of the land to be zoned Traditional Residential. Ms. Schuetz replied that minimum lot

sizes permitted after completion of the Coburg sewer project would allow approximately 104 homes. She explained that the total would be affected by creation of duplexes and the 20 percent open space requirement in any development.

Councilor Watson asked if it would be possible for a developer to request a change in the zoning from what was designated in the Comprehensive Plan. Ms. Schuetz replied that changes were possible, but would require approval of the Planning Commission and City Council. She said the criteria for such changes were in place and if they could not be met, changes would not be possible. She explained that the City would have significantly more control over development of the property after it was annexed. Mr. Mecham added that annexation also reduced the chances of a Measure 37 claim being successfully filed than if the property remained under the control of Lane County.

Councilor Sunia asked how soon development of the property could be expected. Ms. Schuetz replied that development could begin immediately, but would be limited by requirements for septic tank waste disposal.

Councilor Sunia asked if Systems Development Charges (SDCs) were in place for development of the property. Ms. Schuetz replied that Coburg SDCs were established for transportation and water systems and that consideration was being given to similar charges for parks and wastewater.

Councilor Sunia asked if previously discussed plans for dead-end streets in residential development in the area were still valid. Ms. Schuetz replied that the current Transportation System Plan provided for such plans and that only one new connection to Pearl Street would be permitted by restrictions of the Oregon Department of Transportation.

Councilor Sunia asked if adequate Code provisions were in place to control development on the property proposed for annexation. Ms. Schuetz replied that she believed recent additions to the Code and continuing refinement of building standards would provide the City with adequate controls.

Councilor Judd asked what the recommended Condition for approval of the application was. Ms. Schuetz replied that the Condition was that all the required submissions and filings be completed within one year.

Councilor Judd asked if the concern expressed by Roger and Marilyn Stoneberg was warranted. Ms. Schuetz replied that stormwater drainage was required to be controlled on each subdivided property, but that such a regulation appears to not have been enforced in earlier developments. She said resolution of all stormwater issues would be required for new streets and development.

Commissioner Sunia asked if blocks of fourplex residences was the worst possible case of development on the property. Ms. Schuetz, after researching the Code, replied that only duplex residences were permitted in the Traditional Residential zone and that fourplex residences were only permitted in specific designated areas in Coburg.

Mayor Volta determined there were no further questions, closed the Public Hearing and invited Councilors to deliberate regarding the application.

Councilor Watson said he was encouraged to favor the application because annexation would provide better City control of development on the property.

Councilor Sunia said she was concerned that the zoning included in the Comprehensive Plan did not appear to have “sticking power” and could be easily changed. Councilor Fox replied that owners of any property in town could also apply to change a zoning designation and that, in either case, current and future needs in the City would be taken into account.

Mayor Volta said she was comfortable with approval of the application because it would give the City increased control over development on the annexed property. She said she favored cooperating with property owners in development.

***Councilor Judd moved, seconded by Councilor Fox, to approve AN-01-97, annexation of Stevenson property, based on the findings of fact and Condition included in the Proposed Final Order. The motion was adopted unanimously, 5:0.***

Mayor Volta asked Ms. Schuetz to clarify answers questions raised during the Public Hearing through an e-mail communication.

Ms. Schuetz stated that the next step in the Annexation process would be to gain the approval of the Lane County Boundary Commission.

## **B. Finance**

Finance Director Craig Gibons referred to Agenda support material providing City Financial Reports dated May 31, 2007. He reviewed its charts, tables, and reports. He explained that, if unforeseen end-of-the-fiscal-year activity created an unbalanced condition, a Supplemental Budget to correct it could be adopted up to July 12.

Mr. Gibons referred to Agenda support material regarding adoption of the 2008-09 Budget. He noted that a correction in the statement of the distribution of long-term City debt was provided in its cover letter. He explained that adoption of proposed Resolution 2007-06 adopted the Budget, made appropriations, imposed the tax, and categorized the tax. He reviewed attachments providing notice of a Budget Hearing, and an excerpt from a document explaining the types of changes a governing body could make to a budget approved by its Budget Committee.

Mayor Volta opened the Public Hearing, determined there was no one present wishing to speak on the budget proposal, and closed the Public Hearing.

***Councilor Fox moved, seconded by Councilor Watson, to adopt Resolution 2007-06 adopting the fiscal year 2007-08 Budget, making appropriations to departments and funds, imposing a property tax of \$3.7506 per \$1,000 of assessed value, and categorizing the tax. The motion was adopted unanimously, 5:0.***

Mr. Gibons referred to Agenda support material regarding Resolution No. 007-08, transferring budget expenditure appropriations between categories for Budget Year 2006-07. He explained that it “tweaked” the current year budget to transfer funds between existing categories and enable a year-end balanced condition.

***Councilor Judd moved, seconded by Councilor Thiel, to adopt Resolution 2007-08, a budget transfer resolution. The motion was adopted unanimously, 5:0.***

Mr. Gibons referred to Agenda support material regarding State Shared Revenue and Worker’s Compensation Volunteer Resolution. He explained that Resolution 2007-04 certified that Coburg was eligible to receive State revenue; that Resolution 2007-05 gave notice that Coburg elected to receive State revenue; and that Resolution 2007-07 provided that City volunteers would be covered by its workers compensation coverage.

Mayor Volta opened a Public Hearing on Resolutions 2007-04, 2007-05, and 2007-07. She determined there was no present wishing to present testimony and closed the Public Hearing

***Councilor Sunia moved, seconded by Councilor Judd, to adopt Resolution 2007-04, A Resolution Declaring the City’s Eligibility to Receive State Revenues; to adopt Resolution 2007-05, A Resolution Declaring the City’s Election to Receive State Revenues; and to adopt Resolution 2007-07, A Resolution Extending Workers Compensation Insurance Coverage to Volunteers. The motion was adopted unanimously, 6:0.***

Mr. Gibons referred to Agenda support material regarding the Fines and Bails Fund. He reviewed information it contained about transferring revenue and expenditures for the Municipal Court from its current status as an independent fund with its own accounting system and checking account, to an account in the General Fund. He said it would simplify and consolidate accounting procedures and enable monthly reports on a net proceeds basis. He explained that the change would require strong accounting and spending controls to avoid falling back into a practice of spending cash owed to others agencies. He said the City Auditor agreed with the proposal.

Mr. Mecham explained that the change would require adoption of an Ordinance that would be presented at the July Council meeting. He said combining the funds was a common practice, but he recommended that the Council practice due diligence in monitoring the new account. He said other safeguards were the annual audit, oversight by the City Attorney, and establishing a record of the action.

***Mayor Volta determined there was consensus to ask the City Attorney to prepare an Ordinance to implement consolidation of the Fines and Bails Fund into an account in the General Fund.***

Mr. Gibons referred to Agenda support material regarding his recommendation that the Urban Renewal Agency (URA) establish its own bank account and accounting

system. He explained that the proposal would un-mingle City and URA funds and accounting.

***Councilor Fox moved, seconded by Councilor Watson, to request the Coburg Urban Renewal Agency to establish its own accounting system, separate from that of the City and to set up its own checking account. The motion was adopted unanimously, 5:0.***

### **C. City Administrator/Recorder**

Police Chief John Bosley stated that he had been asked to report for City Administrator Don Schuessler about the current status of the Municipal Court. He reported that an advisory team had been formed which was recommending changes to increase Court efficiency and facilitate its relocation to City Hall.

Mr. Bosley referred to Agenda support material and reviewed information it contained about the heavy workload of the reduced Court staff, elimination of the practice of issuing warrants for Failure to Appear on violations, the possibility of reducing misdemeanors to violations in certain cases, and options for collecting outstanding fines owed to the City. He noted that a recently developed Court software element was able to produce a report that showed that from 2001 to the present there were 3,995 open cases and \$1,154,637 in outstanding fines.

Councilors discussed the use of a private collection agency or the Oregon Department of Revenue to recoup outstanding fines, the use of a member of the Coburg Police Reserve as volunteer Court probation officer, and the importance of ongoing analysis of Court operations. They expressed concern that the future of Court operations not be hindered. There appeared to be agreement that consideration of Municipal Court topics would continue at the July Council meeting.

Mayor Volta referred to the City Administrator's Report dated June 12. She explained that Mr. Schuessler requested that the updated Organizational Chart of the Coburg working structure be approved. She said it would be used in evaluations of staff to be conducted in July.

***Councilor Judd moved, seconded by Councilor Sunia, to accept the proposed "City of Coburg Organizational Chart" as the municipal working structure. The motion was adopted unanimously, 5:0.***

Mayor Volta noted that the City Administrator's Report described the staff evaluation processes to be conducted.

Councilor Sunia referred to Agenda support material regarding compensation to employees for health insurance waiver. She noted that it proposed that employees wishing to waive the provided health, vision, and pharmacy insurance benefit, who could certify they had other coverage, would receive reimbursement of the "employee only" monthly premium.

Councilors discussed the proposal. Mr. Gibons explained that the practice could possibly lead to minimal savings to the City.

***Councilor Judd moved, seconded by Councilor Sunia, that effective July 1, 2007, the City would allow employees to waive the City provided insurance coverage benefit (if they are able to provide written proof of being covered by a spouse's policy), and provide to them reimbursement of the employee-only premium. The motion was adopted unanimously, 5:0.***

**D. Police**

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

**E. Public Works**

Mayor Volta noted that a Public Works Department report providing details of the 2006 and 2007 use of the Coburg Park and minutes from a meeting of the Park/Tree Committee had been received.

**F. City Attorney**

None.

**V. COMMENTS FROM COUNCIL**

Mayor Volta determined that Councilor summer vacation schedules indicated that a quorum would be present at regular City Council meetings on July 10 and August 14.

Councilor Watson said he believed it was important for the Council to begin consideration of implementing new revenue sources. Mayor Volta suggested that a Council Work Session be scheduled for July 24 or August 28.

Mr. Mecham said he could be prepared soon to present draft Ordinance proposals to implement a City gasoline sales tax, a business license fee, a development tax, and SDC proposals. He recommended that consideration be given at a Special Council Meeting, not a Work Session, because it would make adoption of them possible at the next Regular Council Meeting.

Mayor Volta announced that a Special Meeting of the City Council would be held July 24.

**VI. APPROVAL CALENDAR**

Mayor Volta noted that the Consent Calendar included acceptance of the minutes from the May 8 Council meeting, approval of Accounts Payable, and receiving a report of Bills Paid.

***Councilor Fox moved, seconded by Councilor Judd to approve the Approval Agenda. The motion was adopted unanimously, 4:0:1, with Councilor Fox abstaining from voting because he had not been present at the May 8 meeting.***

The meeting adjourned at 9:10 p.m.

ACCEPTANCE

Yes: 4 \_\_\_\_\_

No: 0 \_\_\_\_\_

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

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

Signed this 10th day of July, 2007

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Judith A. Volta, Mayor

Attest:

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Sammy L. Egbert, Assistant City Recorder