



MINUTES

Coburg City Council

Regular Session

November 14, 2006 - 7:00 P.M.

Coburg Municipal Court

32694 East Pearl Street - Coburg

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

COUNCILORS ABSENT: None.

STAFF PRESENT: Don Schuessler, John Bosley, Jack Detweiler, Sammy Egbert, Craig Gibbons, Jack Harris, Milo Mecham, Kelly O'Neill, Scott Olson, 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.

City Administrator Don Schuessler reported that an additional listing of Invoices for Approval had been distributed to be considered with the Approval Agenda. He said draft copies of proposed revisions to the Coburg Personnel Manual and Coburg Employee Evaluation form had been distributed to be considered as part of his Report. He noted that documents related to Christmas holiday celebrations in Coburg had been distributed and would be presented by Councilor Bill Judd at the time of Comments from Council. He stated that the item "Resolution of Necessity for Well Easements" in the Report of the City Attorney had been withdrawn and would be considered at a future meeting.

II. COMMENTS FROM CITIZENS

Peter Asmuth, 2133 Centennial Plaza, Eugene, stated that he was Executive Director of Serenity Lane, a private, nonprofit treatment center for adult drug and alcohol addiction. He distributed copies of material regarding Serenity Lane. He described its inpatient, residential and outpatient services currently housed at nine locations in Eugene. He said its success over 35 years had led to an ever-increasing call for treatment and waiting lists.

Mr. Asmuth stated that the Serenity Lane Board of Directors had determined to build a new facility on property that would enable creation of the needed tranquil program and residential treatment center. He said after a difficult yearlong search, a Coburg property owner had contacted them and negotiations to purchase a 15-acre parcel had begun.

Mr. Asmuth displayed a draft Campus Study concept drawing of utilization of the property being considered. He emphasized that no facility location was finalized, but that the anticipated main entrance would be via a stone bridge over Muddy Creek from Industrial Way. He said it was anticipated that purchase negotiations would require six months and that construction would begin in 2010, with landscaping to enable mature growth planted in advance.

Mr. Asmuth stated that he was making himself available for Coburg neighborhood community meetings to discuss Serenity Lane development plans and invited Councilors to invite him to such gatherings. He said he would be making a presentation at the Coburg Café at 10:00 the next morning.

Councilors asked questions of Mr. Asmuth – How many staff would be involved? (80 divided among shifts providing 24-hour coverage.) Will the facility be fenced? (No, but a vegetation screen will be created. Large trees and other landscaping would also be installed to provide a pleasant, inward-focusing atmosphere to support patient healing.)

Mayor Volta determined there were no further citizen requests to speak.

III. MAYOR'S COMMENTS

Mayor Volta commended Councilors Bill Judd, Brian Pech, and John Thiel on their re-election to four-year terms of office. She said she had been re-elected to a two-year term as Mayor. She said the official swearing in of those elected would take place in January.

Mayor Volta noted that Coburg Police Officer Eric Markell had been elected as a member of the City Council of Sweet Home.

IV. PRESENTATION

A. Building Department Fee Changes

Mayor Volta stated that the Council would hold a Public Hearing regarding changes proposed to Coburg building permit fees. She determined that no Councilor had a conflict of interest or held *ex parte* discussions regarding the proposals.

Charlcie Kaylor stated that she was Manager of The Building Department, which provided building permit, plan review, and inspection services for the City of Coburg. She noted that she had originally discussed the proposed fee changes at the September 12 Council Meeting. She referred to her November 14 memorandum and reviewed proposed Plumbing, Mechanical, and Structural fee changes. She said changes in State Building Codes Division rules and escalating costs were the reasons for the changes. She distributed copies of a document that compared current and proposed Coburg fees and similar fees charged by neighboring cities.

City Attorney Milo Mecham stated that the Council had previously authorized the City Administrator to adjust City fees. He suggested that, in lieu of a Resolution making the proposed changes, it would be possible for the Council to direct the City Administrator to make changes it decided were appropriate.

Mayor Volta determined there was no one present wishing to testify in favor or opposition to the suggested fee changes. She closed the Public Hearing and invited the Council to deliberate on the proposed changes.

Councilor Judd was told that additional information of interest regarding the proposed fees had been distributed at the September meeting.

Councilor Nelson asked if the proposed changes were intended to better cover the related expenses of The Building Department and the City. Ms. Kaylor replied that she was unaware of how well the City's share of the fees met its expenses, but that the other portion was calculated to meet the expenses of her business and provide a profit.

In response to a question from Mayor Volta, Ms. Kaylor explained that the City received 25 percent of Coburg permit fees collected by The Building Department.

Councilor Watson stated that he believed previous Council discussion of permit fees had been adequate preparation to make a decision to instruct the City Administrator to make the proposed changes

Councilor Pech moved, seconded by Councilor Judd, to direct the City Administrator to adjust Structural, Plumbing, and Mechanical permit fees as proposed by The Building Department, effective December 1, 2006. The motion was adopted unanimously, 6:0.

V. DEPARTMENT REPORTS

A. Planning

Planner Petra Schuetz referred to the Planning Department Report and noted its summaries of Planning Commission and administrative actions.

Ms. Schuetz referred to a record of Planning Department approval of SUB-2-06, a Minor Partition Plat application, dividing a parcel at 91174 North Coleman Street. She distributed copies of a Map of Survey of the property and noted that it indicated a one-foot wide "reserve strip" along its eastern border. She explained that the strip had been created at some time in the past and currently served no useful purpose, but inhibited development of the property. She proposed to release the strip, dedicating it as common right-of-way, and said she was seeking Council concurrence.

Mr. Mecham stated that the proposed action was straightforward and that the City would lose no control over street improvements with release of the reserve strip.

Councilor Pech moved, seconded by Councilor Judd, to authorize release of the reserve strip at 91174 Coleman Street. The motion was adopted unanimously, 6:0.

Ms. Schuetz referred to information in her report regarding the intention of the Planning Commission to communicate with U.S. Representative Peter DeFazio regarding federal funding for the Coburg Wastewater project. She noted that a copy of a proposed letter was attached to the report. She said she had learned that the Commission needed Council permission to send such a communication.

Mr. Mecham said he recommend that the Commission not send such a letter. He explained that its content and intention were positive and in line with the goals of the project, but that if the Commission sent such a letter, it would be confusing its role with that of the City Council. He said the message of the letter was the same as that conveyed by the Mayor during her United Front lobbying trip to Washington D.C. He noted that Commissioners were free to communicate the sentiments of the letter to Representative DeFazio as individuals.

Mayor Volta said she agreed with the assessment of Mr. Mecham, but suggested that the Council express appreciation to members of the Planning Commission for their concern.

Councilor Thiel asked if the City Council could forward the letter to Representative DeFazio on behalf of the Planning Commission. Mr. Mecham replied that it would be possible to do so, but that it was important that the Council be “the voice” for the City.

Mayor Volta suggested that the letter be used as support material in presentations to be made during the next United Front trip.

Councilor Michelle Sunia made a presentation representing People for Coburg School, a Community Connections organization seeking to arrange upgrades to facilities at the Coburg School. She described a \$15,000 donation of improvements to playground fields, support from Project Fit of the United Methodist Church, other in-kind donations of goods and services, and grant applications being pursued. She said future projects for which support was needed were a landscape sprinkling system and improvement of parking areas. She said a request for specific City involvement might be forthcoming.

In response to a question from Councilor Watson, Councilor Sunia explained that school athletic fields were not yet up to standards required by Kidsports, but that discussions were being held to make it possible for them to be used in its leagues in the future.

B. Municipal Court

Mayor Volta noted that a Municipal Court report had been received that included a Fines and Bail checking account reconciliation for July through October 2006.

C. Police

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

D. Public Works

Public Works Supervisor Jack Harris stated that the Public Works Department would make a proposal regarding repair of street trees at the December Council meeting and noted that a proposed new water rate for fire suppression hookup would be considered during the current meeting as part of the report of the City Attorney.

Mr. Harris reported that replacement of the roof on the Park Pavilion would be completed by Thanksgiving and that a \$25,000 grant had been received from the Oregon Department of Transportation (ODOT) that would be used to overlay street paving on North Harrison Street. He said fall leaf pickup would begin soon to avoid street flooding resulting from clogged stormwater drains. He said he had attended a State of Oregon Workshop on drinking water and learned that Coburg was considered a good model for its management practices.

E. Finance

Finance Director Craig Gibbons referred to an Agenda Item Summary regarding fiscal year 2007 Lane Council of Governments (LCOG) contracts. He noted that the contracts had expired at the end of June, that their renewal had been delayed because of full Council meeting agendas, and that LCOG had continued providing services without contractual assurance of being paid for them.

Mr. Mecham reviewed the proposed contracts. He explained they were separated to facilitate keeping track of the source of reimbursement funds. He said they were framed to cover a range of possible services and contained provisions that the services would be provided only "on request" or not at all. He reviewed the contracts and their attached scopes of work. He said the Council could decide to reduce some "not to exceed" cost proposals and require that negotiations for their amendment take place later, if needed.

Mayor Volta said she preferred to reduce "not to exceed" cost proposals wherever it was likely the actual cost would be lower.

Mr. Mecham suggested that it would be possible to eliminate or reduce cost proposals in the Urban Renewal contract related to developing a Service Development Charge (SDC) methodology and Planning Commission review and refinement of options for Urban Growth Boundary expansion.

Councilor Judd asked if the proposed expenditures associated with the United Front effort were included in the budget. Mr. Gibbons replied that they were, but not at the proposed levels because the contract renewals had not been available at the time of the creation of the budget. He suggested that adding to the expenditures would have to be considered at the time of the proposal of a supplemental budget.

Councilor Nelson said he questioned whether it was appropriate to include cost proposals for work related to wastewater connection with the treatment facility of the Metropolitan Wastewater Management Commission (MWMC). Mr. Mecham replied that consideration of that treatment option continued to be viable and would be recommended if it proved most advantageous to Coburg.

Councilor Nelson said he also questioned the appropriateness of investing funds in the United Front lobbying effort in the face of City Budget cuts that reduced police

and other essential services. Mayor Volta replied that previous efforts had led to a tenfold return on investments in the trip. Mr. Mecham added that cost savings that would result from not participating in the United Front effort could not be applied to General Fund expenditures.

Councilors discussed the contracts further and appeared to come to agreement that cost proposals included be changed, as follows:

- a. *Wastewater Facilities Planning* – allocate \$12,000, as follows: Completion of Amended Facilities Plan (\$5,000), Implementation of Facilities Plan (\$5,000), and MWMC Alternative Investigation and Follow-Up (\$2,000).
- b. *Urban Renewal Implementation* – allocation for Developing a SDC Methodology reduced from \$6,000 to \$0.00; and allocation for Planning Development Agreement Assistance reduced from \$30,000 to \$15,000.

(Somebody please check these figures. I'm not sure that what I wrote down is correct. There may also be other changes, but there was never an official decision made about any of them. These were the ones that I judged to have the most agreement. There might also have to be reference to changes included in the motion below. Judy/Milo/Don, can you figure it out? I believe the motion adopted was intended to allow the Mayor to negotiate the contracts.)

Councilor Watson moved, seconded by Councilor Pech, to authorize Mayor Volta to enter into intergovernmental agreements with Lane Council of Governments for services related to the Wastewater Facilities planning effort, Urban Renewal Plan implementation, and Wastewater System Design and Construction for fiscal year 2006-07. The motion was adopted unanimously, 6:0.

Mr. Gibons referred to an Agenda Item Summary regarding Unanticipated Revenue and Debt Service Payment. He reviewed information it contained regarding the repayment of \$194,178 from the Oregon Economic Community Development Department (OECDD). He noted the reasons for the repayment, restrictions on its use, possible uses of the funds, and its ongoing status in City financial records. He said staff recommended that portions of the revenue be applied to December 2006 principal and interest payments on OECDD loans and the balance maintained in the Water Reserve Fund. He said the Financial Oversight Committee had endorsed the recommendation.

Councilor Judd moved, seconded by Councilor Pech, to make 2006 principal payments of Oregon Economic Community Development Department loans G01001 and B01003 with funds currently residing in the Water Reserve Fund and that 2006 interest payments on the same loans be paid with the loan funds (including interest earned on the loan funds). The motion was adopted unanimously, 6:0.

Financial Oversight Committee member Jim Broughton made a report regarding its activities and concurrence with recommendations of staff.

Mr. Gibons reported on information he had gained at a statewide conference of municipal finance officers related to fraud. He described the causes of a recent larceny in a nearby Lane County city and explained how financial practices designed to prevent such an experience had been adopted in Coburg. He expressed appreciation for the work of the Financial Oversight Committee in their implementation.

Mr. Gibons reviewed information contained in an Agenda Item Summary regarding restrictions on the use of recently received Tourist Fund Receipts. He recommended that the Council recognize the unanticipated revenue in the next supplemental budget and place 30 percent of it in the General Fund and the balance in the Economic Development Fund. He said the Financial Oversight Committee endorsed the proposal.

Mayor Volta determined there was consensus to accept the recommendation.

Mr. Gibons reviewed information contained in an Agenda Item Summary regarding Additions to Approved Payables List. He explained that approving automatic payment of police car leases and Key Bank credit card would avoid expensive late charge fees often incurred in waiting for monthly authorizations from the Council. In response to questions, he described how credit cards were used and controlled.

Mayor Volta determined there was consensus to approve the request.

Mr. Gibons reviewed information included in an Agenda Item Summary regarding a Budget Preparation Calendar. He said the proposed schedule was tentative, could be changed according to circumstances, would involve bimonthly meetings of the Budget Committee beginning in March 2007, and had been endorsed by the Financial Oversight Committee.

Mayor Volta determined there was consensus to accept the tentative calendar.

Mr. Gibons reviewed information included in an Agenda Item Summary regarding repayment of Inter-Fund Loans. He explained that previously reported repayment obligations had been underestimated, that reconstruction of accurate fund balances had been arduous, and that the Council would be required to resolve remaining questions regarding disbursement or consolidation of the loans and the schedule for their repayment. He said the presentation was for information only and that further consideration would be requested at a future Council meeting.

Mr. Gibons referred to October 31, 2006, Financial Reports distributed with the agenda. He reviewed a chart of year-to-date expenditures compared to the budget. He invited questions regarding the Revenue, Expenditure, and Account Balance reports attached.

Mayor Volta stated that, upon reconsideration, she requested a motion approving the Additions to Approved Payables List previously discussed.

Councilor Sunia moved, seconded by Councilor Pech, to place Key Government Finance police car lease payments and Key Bank Visa Card payments on the Approved Payables list. The motion was adopted unanimously, 6:0.

Staff Kelly O'Neill referred to an Agenda Item Summary regarding Park Service Development Charges (SDC). He reviewed a proposal made at the September 12 Council meeting to authorize contracting with LCOG to develop a SDC methodology at a cost of approximately \$3,000. He noted that the Council had acted to table consideration of the proposal at that time. He described the importance of developing and maintaining Coburg parks and the potential loss of revenue from further delay in institution of the proposed SDC.

Councilor Pech moved, seconded by Councilor Nelson, to authorize the City Administrator to enter into a contract with Lane Council of Governments for creation of a methodology for a Coburg Parks Service Development Charge, with a not-to-exceed limit of \$3,000. The motion was adopted unanimously, 6:0.

Mr. O'Neill referred to a report appended to the Agenda Item Summary providing an update on efforts of the Grant Team regarding an Oregon Parks and Recreation Department grant to fund development of the Coburg Estates Subdivision nature trail. He invited suggestions for additional revenue sources for the Team to pursue.

F. City Administrator

Mr. Schuessler referred to draft copies of proposed revisions to the City Personnel Manual and Personnel Evaluation Form. He invited Councilors to provide feedback regarding the changes before their consideration at the December Council meeting. He said they were currently also being discussed by City employees.

In response to a question from Mayor Volta, Mr. Mecham stated that a Public Hearing on the proposals was not required.

Councilor Nelson requested that feedback from staff regarding the proposals be provided to Councilors at its scheduled Work Session on November 28.

Mr. Schuessler reviewed information contained in an Agenda Item Summary regarding Federal Emergency Management Agency (FEMA) floodplain issues. He explained recommendations for the City to apply for a Letter of Map Revision (LOMR) and reviewed reasons why changes in the Coburg floodplain maps were possible and would benefit citizens. He said the \$4,000 FEMA application fee for a LOMR would be waived and that Branch Engineering was willing to prorate the \$15,000

charge for completing the application over a three to five year period without finance charges.

Mayor Volta asked if following the LOMR recommendation would remove City liability for related tort claims. Mr. Mecham replied that such issues would best be discussed in Council Executive Session.

Councilor Nelson said he did not believe tort claims would be valid because it was his experience that affected homeowners had an opportunity to deal with the problems involved on an individual basis. Councilor Watson replied that the situation of the home of Councilor Nelson was not as complicated as that of others and the solution he utilized would not be universally available.

Councilor Thiel asked if application for a LOMR was guaranteed to resolve issues related to home construction on the Coburg floodplain. Mr. Schuessler said he had been informed that such an action would successfully correct FEMA misinterpretations of floodplain dangers.

Councilor Pech moved, seconded by Councilor Judd, to direct the City Administrator to enter into an agreement with Branch Engineering to immediately begin the necessary engineering work and formal application for a Letter of Map Revision for submission to the Federal Emergency Management Agency, the cost for which to be limited to not more than \$15,000 paid over a three to five year period without financing charges. The motion was adopted unanimously, 4:0:2, with Councilors Nelson and Watson abstaining from voting to avoid any appearance of conflict of interest.

Mr. Schuessler referred to an October 30 memorandum from Mr. Gibons regarding the Basis of Accounting used by the City. Mr. Gibons explained accrual basis accounting and reported that he, the Financial Oversight Committee, and Auditor recommended that the City change to a more simple cash basis. He said it would result in no loss of accuracy and improve the understandability of Council reports.

Mayor Volta determined there was consensus to approve the use of cash basis accounting in City financial records.

Mr. Schuessler reported that high-level representatives of the Oregon Department Environmental Quality had requested that a meeting with Councilors regarding the Wastewater Project be held early in December. He said he would schedule it based on the availability of Councilors and the representatives. He said a quorum of members would not be required because no decisions would be made.

G. City Attorney

Mr. Mecham referred to the City Attorney/Public Works Department Report regarding Water Rate for Fire Suppression Hookup. He explained that the water rate table incorporated in an Ordinance adopted on September 12 contained an error. He said

the simplest way to correct it was to adopt a new Ordinance. He explained that a Public Hearing was not required.

Councilor Pech moved, seconded by Councilor Watson, to adopt Ordinance No. A-84-P, AN ORDINANCE AMENDING ORDINANCE NO. A-84 AND ORDINANCE NO. O-080806-1 REGARDING WATER RATES AND ESTABLISHING NEW WATER FEES; REPEALING CONFLICTING ORDINANCES; AND DECLARING AN EMERGENCY TO EXIST. The motion was adopted unanimously, 5:0:1, with Councilor Nelson abstaining from voting for a reason he did not state.

H. Wastewater Update

Consultant Jack Detweiler presented a report on recent developments in the Coburg Wastewater Project. He reviewed a proposal for a “Sustainable Reuse Alternative” being considered. He distributed copies of a document entitled “City of Yelm (Washington) Reclaimed Water” and reported on and showed photographs taken during a recent visit to its wastewater reuse system. He described reports of community benefits and incentives identified by Yelm representatives.

Mr. Detweiler reviewed data charts providing economic and implementation information comparing reuse and gravity discharge sewer system costs for Coburg. He reviewed potential regulatory, funding, planning, design, bidding, and construction schedules for a reuse system. He reviewed Council involvements needed for developing a reuse system.

Councilor Watson asked if a report had yet been received regarding cost and schedule possibilities for the Coburg Wastewater Project to receive treatment through the MWMC system. Mr. Mecham replied that it had not, but that continued consideration of the possibility was not excluded by preliminary investigation of a reuse system.

Councilor Pech moved, seconded by Councilor Judd, to state that the Council believes the STEP-Reuse Wastewater System alternative looks promising and would like to receive public comment prior to considering authorization to move forward with it at the December 12, 2006, meeting. The motion was adopted unanimously, 6:0.

Mayor Volta requested that information regarding reuse wastewater systems and the Yelm, Washington, system be made available to the public before its presentation at the November 28 Council Work Session.

VI. COMMENTS FROM COUNCIL

Councilor Watson announced that the Region 2050 Project had “wrapped up.”

Councilor Judd referred to publicity material entitled “Christmas in Coburg – Coburg’s Version of a Citywide Christmas Celebration” and “Junction City-Harrisburg Chamber of Commerce 16th Annual Light Parades” and announced that there would be holiday observances in Coburg.

VII. APPROVAL AGENDA

Mayor Volta noted that the Approval Agenda included acceptance of minutes of the October 10 Council meeting and October 24 Council work session and approval of the payment of invoices.

Councilor Nelson moved, seconded by Councilor Watson, to adopt the Approval Agenda. The motion was adopted unanimously, 6:0, with Councilors Judd, Pech, and Sunia abstaining from voting to accept the minutes of the October 24 Work Session because they had been absent from the meeting.

VIII. FUTURE AGENDA ITEMS

Mayor Volta referred to the calendar of Council meetings listed on the Agenda. She noted that no Work Session was scheduled for December and that the annual Council Retreat proposed for January 9 would concentrate on financial issues.

The meeting adjourned at 9:35 p.m.

ACCEPTANCE

Yes: _____

No: _____

Abstained: _____

Passed: _____ Rejected: _____

Signed this _____ day of _____ 2006

Judith Volta, Mayor

Attest:

Donald Schuessler, City Recorder