



## MINUTES

**Coburg City Council**  
Regular Session  
July 11, 2006 - 7:00 P.M.  
Coburg Municipal Court  
32694 East Pearl Street - Coburg

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

COUNCILORS ABSENT: Brian Pech

STAFF PRESENT: Don Schuessler, John Bosley, Sammy Egbert, Craig Gibbons, Clark Hanson, Jack Harris, David Landrum, 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.

Councilors joined in the Pledge of Allegiance.

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

### II. AGENDA CHANGES

City Administrator Don Schuessler requested that consideration of the Agenda topic "Special Event Application Fee Waiver" be postponed and replaced with a report regarding purchase of a Police vehicle computer.

Mayor Volta requested that action on appointment of a Historic Committee be postponed until the August meeting of the Council.

### III. COMMENTS FROM CITIZENS

Barbara Gunther, 343 Calmier, Junction City, stated that she represented The Feral Cat Coalition of Oregon. She distributed copies of a brochure that described the organization as "dedicated to the humane treatment of feral cats and reduction of their populations through trap-neuter-return programs and community education." She explained that six low-cost spay/neuter clinics were sponsored in Lane County each year. She said, with the services of volunteer veterinarians, over 100 stray and feral cats had been

provided basic medical care, vaccinated, spayed/neutered and returned to their caregivers in the last year.

Mr. Schuessler asked if The Feral Cat Coalition worked with Lane County Animal Control. Ms. Gunther replied that her organization was a member of the Pet Over-Population Committee and met with the County agency on a monthly basis.

#### IV. MAYOR'S COMMENTS

Mayor Volta expressed appreciation to David Landrum for his year of service as Coburg City Recorder/Finance Director. She said his efforts had been determinative in the City overcoming the financial quandary it had faced and that she greatly appreciated his family and his sense of humor. She said cake would be served as an accolade. The Council joined in the appreciation with applause.

Mr. Schuessler expressed his appreciation to Mr. Landrum for his personal support and for his service to the City beyond the responsibilities of his position.

Mayor Volta introduced Craig Gibons, newly hired Coburg Finance Director. He said he appreciated that he had been chosen for the position, described his employment experience, and expressed his intent to continue the excellent work begun out by Mr. Landrum.

Mayor Volta referred to Agenda support material regarding the appointment of a Franchise Commissioner. She noted that the term of the position was two years and had the responsibility of maintaining franchise agreement records, directing staff on related matters, and recommending franchise changes to the City Council. She said Councilor Don Nelson had experience with municipal franchises and had agreed to accept appointment to the position.

***Councilor Bill Judd moved, seconded by Councilor Michelle Sunia, to appoint Don Nelson as Coburg Franchise Commissioner, with a term of office beginning immediately and continuing until December 31, 2008. The motion was adopted unanimously, 4:0:1, with Councilor Nelson abstaining from voting.***

#### V. DEPARTMENT REPORTS

##### A. City Recorder/Finance

Mr. Landrum referred to the Finance Department report dated July 11. He noted that although the 2004-05 audit of financial records was not yet complete, the final report was anticipated. He explained that the report would complete the contract of the City with the auditing firm currently used and that two proposals for future audit services would be evaluated by Mr. Gibons.

Mr. Landrum described his reduced working hours and increased contract service from Accountemps through the time of transition to the new Finance Director.

In response to a question from Mayor Volta, Mr. Landrum explained that it was not anticipated that a meeting of the Financial Oversight Committee would be held before the assumption of duties by Mr. Gibons.

## **B. City Administrator**

Mr. Schuessler referred to a document entitled "City Hall Work Area Upgrade/Re-Design" and explained that it had been prepared *gratis* by Office World. He said the proposed changes were estimated to cost \$15,000 and would not be pursued without the unanticipated availability of funding.

Mr. Schuessler referred to a price quotation for the purchase of a Panasonic Toughbook computer. He explained that the equipment was to replace one destroyed in a fire that had demolished a City Police vehicle. He said its total cost would be reimbursed by insurance and did not require Council approval.

Court Administrator Clark Hanson explained that the computer was purchased as "reconditioned," but was actually unused. He said the \$1,500 price reduction enabled the purchase of a higher quality unit and more than offset value lost through a shortening of the warranty from one year to 90-days.

Mr. Schuessler reported that a Citizen Complaint had been received regarding an inoperable vehicle parked in violation of the City Nuisance Ordinance. He said the ordinance required such vehicles to be screened from view. He requested Councilor feedback on how the complaint should be handled.

Police Chief John Bosley explained that there was no applicable State law and that the City ordinance was normally only enforced in situations cited by citizens.

Mayor Volta recalled that the Council had dealt with questions about enforcement of the Nuisance Ordinance in the past by "taking them under advisement."

Councilors discussed the situation and learned that the vehicle was inoperable, parked in front of an antique retail store, unlicensed, and that the vehicle owner had not been informed of the citizen complaint.

In response to questions, City Attorney Milo Mecham explained that the situation was technically in violation of the Nuisance Ordinance. He recommended that care be taken in selective enforcement. He said it was legal only to enforce an ordinance based on a complaint and not to enforce an ordinance when the resultant cost outweighed the benefit gained. He said the Council could direct the City Administrator to overlook the Citizen Complaint.

Councilor Mike Watson said he did not want the Council to "get into the habit" of contradicting the judgment of law enforcement authorities or set a precedent by directing that a complaint be ignored.

Councilor John Thiel suggested that the City Administrator inform the owner of the vehicle of the complaint and seek to resolve the issues in an amicable fashion.

Councilor Judd said he believed it was important to continue to encourage citizens to bring concerns to the Council and that he was fearful if a complaint was received and not acted upon, it could be misinterpreted. He said he preferred to encourage investigation of the complaint by approaching the owner of the vehicle.

There appeared to be general agreement with the comments.

Mr. Schuessler stated that several recent Citizen Inquiries had been received regarding noxious weed abatement, a parallel Nuisance Ordinance issue. He said his practice had been to approach property owners informally and to follow up with a letter containing a warning that if the weeds were not removed by a certain time, the City would remove the weeds, charging the cost incurred to the property owner. He said the City had the power to place a lien on property if such a bill was not paid.

Councilor Thiel asked if provision was made for "hardship" cases. Councilor Judd reported that the Coburg Grange had a program of removing weeds for those unable to do so. Mr. Hanson suggested that such situations could also be addressed by the Municipal Court Work Crew alternative sentencing program.

Former Mayor Jim Broughton asked who was responsible for abatement of weeds in alleyways. Coburg Planner Petra Schuetz replied that care of alley and all right of ways was the responsibility of property owners.

Mayor Volta suggested that an opportunity to request the services of the Court Work Crew be added to the Citizen Inquiry form.

Councilor Sunia suggested that information about citizen responsibilities for weed abatement be included with forthcoming water bills.

Mr. Schuessler referred to his June 22 memorandum regarding animal control and reviewed Council discussion of feral cats at the previous meeting. He reported that the City could add shelter/euthanasia/disposal services for cats to its contract with the Lane County Animal Regulation Authority (LCARA) for dogs. He noted that a City of Lowell ordinance regarding the control of cats was attached to his memorandum. He reviewed its provisions.

Councilors discussed the information and appeared to agree to not contract for services for cats with LCARA, but to encourage Mr. Schuessler to seek solutions to feral cat concerns of citizens.

Mr. Schuessler referred to information regarding Ordinance A-204, establishing the authority of the Administrator to set an administrative surcharge to recover City costs for services. He explained that the surcharge process would update current City fees more easily and flexibly. He said background for the proposal would be presented at this time and action would be requested during the report of the City Attorney.

City Recorder staff Kelly O'Neill presented information on a data spreadsheet entitled "Fee Schedule" showing current fees and proposed surcharges. He described their effect. He presented information on a second data spreadsheet that compared Coburg fees with those of the cities of Lebanon, Sherwood, and Sutherlin. He presented information on a third data spreadsheet showing comparative populations and housing costs of the cities.

Mr. Broughton asked if the fee surcharges would impact the 2006-07 Budget. Mr. Landrum replied that it was anticipated to have little effect, but that a compensating Supplementary Budget could be adopted, if required.

City Election Officer Sammy Egbert reported that the office of Mayor and the City Councilor positions held by Bill Judd, Michelle Sunia, and John Thiel would be open for election in the November 7, 2006, General Election. She referred to material entitled "City of Coburg Candidate Packet" and said copies were available at City Hall.

Mayor Volta encouraged current office holders and other citizens to consider completing the requirements for election.

### **C. Municipal Court**

Mr. Hanson reported on recent activities of the Municipal Court. He said the new credit card payment system had been installed and was operational since July 1. He explained that terminals would be set up at the City Hall front desk and in the Police Department after the Golden Years Celebration.

Mr. Hanson reported that the finances checking account had been accurately balanced with adjustments made from the audit of the previous year.

Mr. Hanson reported that the City Probation Officer was currently working two days a week. He said she made 20-30 telephone calls each day and made home visits one day each month. He said 150 persons were currently under supervision. He said the Cottage Grove Prosecutor had recently visited the Coburg Municipal Court to study the operation and effectiveness of the probation program.

Mr. Hanson reported that the Road Crew was averaging six days of work a month. He said highway litter removal and cemetery cleanup had been its most recent projects. He said that so far no power tools had been used and all work locations had been reached by walking.

Mr. Hanson reported that number of cases on the Court Docket continued to remain consistent. He said extra work involved in transferring services to the Junction City dispatch program was completed and had led to a number of outstanding Coburg warrants being successfully served each week.

Mr. Hanson said future consideration could be given to contracting with Junction City for the use of a jail bed to serve as a Municipal Court punishment enforcement tool.

Councilor Watson reported that he had been asked by a citizen if it was possible for non-law enforcement personnel to access the recently instituted Oregon Sex Offender Registry. Mr. Hanson replied that it was possible and that either the Court or Police could provide the Internet address.

### **D. Public Works**

Public Works Supervisor Jack Harris referred to his June 21 memorandum regarding City water service to private fire protection systems. He said he would present additional information and a recommendation for the City to begin charging for the service at the next meeting of the Council.

### **E. Planning**

Ms. Schuetz referred to her Planning Department Report. She noted that it provided information on the status of Planning Department hours, adoption of the Comprehensive Plan, public presentation of the Interstate 5/Coburg Interchange area Management Plan, Flood Plain Map changes, and year-end activities report. She said she had also distributed copies of a memorandum regarding the Coburg Planning Assistance Contract invoices for the final quarter of the 2005-06 fiscal year.

#### **F. Police**

Mr. Bosley referred to proposed Ordinance No. A-203, AN ORDINANCE ESTABLISHING PROCEDURES FOR A DECLARATION OF AN EMERGENCY IDENTIFYING A PROCESS TO ESTABLISH EMERGENCY INTERIM SUCCESSION AND DECLARING THE ORDINANCE EFFECTIVE ON ADOPTION. He explained that its provisions were required by the federal Homeland Security grant process and were being adopted by all communities submitting applications.

Mr. Mecham explained that the Ordinance could be given a First Reading at the current meeting, a Public Hearing regarding it scheduled at the next meeting, and officially adopted thereafter; or it could be given a First and Second Reading at the current meeting and adopted immediately without a Public Hearing.

Councilor Sunia read proposed Ordinance No. A-203 by title.

Councilors discussed the implications of the Ordinance.

Councilor Judd read proposed Ordinance No. A-203 by title.

Councilor Judd requested that the Second Paragraph of Section 8 of the Ordinance be amended, as follows:

. . . in accordance with the City Charter on the 13<sup>th</sup> day of July, 2006, whereupon it was . . .

Mayor Volta determined there was no objection to the request and the proposed Ordinance was amended.

***Councilor Judd moved, seconded by Councilor Watson, to adopt Ordinance No. A-203, as amended. The motion was adopted unanimously, 5:0.***

#### **G. City Attorney**

Mr. Mecham referred to his Report and noted that proposed Ordinance No. A-204 was attached, AN ORDINANCE CONCERNING THE ESTABLISHMENT OF AN ADMINISTRATIVE SURCHARGE IN ADDITION TO THE FEES SET BY ORDINANCE OR RESOLUTION FOR CITY SERVICES AND DECLARING AND EMERGENCY TO EXIST.

Mr. Mecham explained how the proposed surcharge process simplified changing of fees charged by the City, but continued to require approval by the City Council.

Mayor Volta read proposed Ordinance No. A-204 by title.

Councilors discussed the proposed amendment.

Mayor Volta read proposed Ordinance No. A-204 by title a second time.

***Councilor Judd moved, seconded by Councilor Thiel, to adopt Ordinance No. A-204. The motion was adopted unanimously, 4:0:1, with Councilor Nelson abstaining from voting.***

Mr. Mecham referred to the proposed Administrative Surcharges Fee Schedule introduced earlier by Mr. O'Neill.

Mayor Volta asked how often changes would be made to the Fee Schedule. Mr. Schuessler replied that the process established in the Ordinance required that the City Administrator direct a review of charges and fees at least once each year, but that surcharges could not be changed more than twice in a year.

Councilor Judd suggested that the fee review and changing be tied to the budget planning process.

Mayor Volta suggested that the Council could approve the proposed fee schedule by registering no objection to it.

Councilor Watson said he was concerned that the City Administrator could be influenced to change fees for individual situations. Mr. Schuessler replied that the final authority for approving all changes to the schedule remained with the City Council.

***Councilor Thiel moved, seconded by Councilor Judd, that the Fee Schedule for City Services identified as Administrative Order Number 01-06 be approved. The motion was adopted unanimously, 5:0.***

Mr. Mecham referred to his report and written record of the determination by the Council at its June 13 meeting that the denial of the Wilson Service Development Charge Appeal by the City Administrator had been correct. He explained that approval of the written record was the final City Council action on the matter.

Mr. Mecham said approval of the written record would not affect its directive to the City Administrator to investigate the facts of the appeal and, if appropriate, to recommend a process to compensate for overpayments collected by the City.

Mayor Volta reported that she had learned that the Wilson's were considering an appeal of the Council decision to a State Court. She asked if it would be appropriate to postpone action on the written record, in case an appeal was filed.

Mr. Schuessler stated that the suggestion that an appeal of the Council decision would be made had been based on an erroneous understanding that the proposed approval of the written record was rejection of any compensation recommendation. He said his study of the facts was not yet complete and he would not be ready to make a recommendation until the August Council meeting. He added that approval of the record was formal affirmation of the previous taken Council action.

Mr. Mecham explained that the Council could still rescind its previous decision and consider the merits of the Wilson appeal. He said he advised that it adopt the written record, if it was considered an accurate report of the decision already made.

Councilor Judd said he was concerned because he believed the City Administrator had conducted his actions with due diligence according to the established rule, but

that he did not believe the Wilson's were fully informed of the process and did not have a correct understanding about the appeal process.

Mr. Mecham said a permit applicant had a responsibility to make an inquiry regarding an appeal process on the principle that ignorance of the law is no excuse; a person who is unaware of a law may not escape liability for violating it. He also said again that the Council could decide that its previously made decision was not correct and change it to formalize the process of seeking to determine if compensation for overpayment was appropriate.

Councilor Thiel said he believed the Council had already thoroughly considered the Wilson appeal and made its decision. He suggested that a decision should now be made about the accuracy of the written report of the decision.

***Councilor Watson moved, seconded by Councilor Sunia, to accept the written report of the Council action denying the Wilson appeal. The motion was adopted, 4:0, with Councilor Judd voting no.***

Mayor Volta said the Council was looking forward to a recommendation from the City Administrator regarding compensation for overpayment of Service Development Charges by the Wilsons.

#### **VI. COMMENTS FROM COUNCIL**

Councilor Watson said the Region 2050 report was in its final form and he would present it for review to the Planning Commission, seeking a recommendation to endorse it to the Council. He said it would be presented at a public meeting in Coburg in August.

Councilor Watson referred to a recent article in the *Tri-County News* reporting actions taken at the June 13 meeting of the City Council. He said he was concerned that it inaccurately interpreted his abstaining from voting on amending the contract with Kennedy/Jenks Consultants related to the Coburg Wastewater System. He said he did not doubt the City would be able to finish the project, as it stated, but was concerned about its cost and lack of federal support.

Councilor Nelson reported that he had attended the graduation of two Coburg Police Reserve Officers and was happy to represent the City.

#### **VII. APPROVAL AGENDA**

Mayor Volta noted that the Approval Agenda included acceptance of the minutes of the June 13 and 27 meetings and approving Bills submitted for Approval.

***Councilor Thiel moved, seconded by Councilor Nelson, to approve the Approval Agenda. The motion was adopted unanimously, 5:0.***

#### **VIII. FUTURE AGENDA ITEMS**

Mayor Volta referred to the City Council Calendar and noted that a Work Session on the Wastewater System was scheduled for July 25. She suggested that no Work Session be scheduled for August, and tentatively scheduled.

The meeting adjourned at 8:50 p.m.

ACCEPTANCE

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

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

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

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

Signed this \_\_\_\_\_ day of \_\_\_\_\_ 2006

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

Attest:

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