



## **MINUTES**

### **Coburg City Council**

Regular Meeting

February 12, 2013 - 7:00 P.M.

Coburg City Hall

91069 North Willamette - Coburg

**COUNCILORS PRESENT:** Jae Pudewell, Mayor; Jerry Behney, Sharyl Brannon-Abbaspour, Don Nelson, Ray Smith, John Thiel

**COUNCILORS ABSENT:** Brian Pech

**STAFF PRESENT:** Petra Schuetz, Bob Butler, Laura Comstock, Sammy Egbert, Milo Mecham, Larry Nelson, Rob Sutton, Ramona Sweere, Ron Walz

**RECORDED BY:** Dan Lindstrom

Mayor Jae Pudewell called the meeting of the Coburg City Council to order at 7:00 p.m. Councilors joined in the Pledge of Allegiance. Minutes Recorder C. Daniel Lindstrom called the roll, noted the absence of Councilor Brian Pech, and stated that a quorum was present.

City Administrator Petra Schuetz noted that citizen Don Ledford was making an audio recording of the meeting.

Mayor Pudewell determined that no one present wished to provide Citizen Testimony.

### **1. COMMENTS OF THE MAYOR**

Mayor Pudewell observed that the Coburg Wastewater rates would be more affordable as additional rate payers were added to the system. He noted that two national companies were applying for development permits in February, that there was progress at Coburg North industrial center, and that the grand opening of the Coburg Crossing was scheduled for March 19.

Mayor Pudewell suggested that historic preservation efforts were a positive indicator of establishing a Coburg identity.

Mayor Pudewell reported that Lane Council of Governments (LCOG) Attorney Gary Darnielle frequently used by Coburg was in the process of retiring. City Attorney Milo Mecham introduced his replacement, Rebecca Norman. He explained that she had previous planning experience and was leaving her position as Assistant General Council to the League of Oregon Cities to accept the LCOG job.

### **2. CITY ADMINISTRATION REPORT**

Ms. Schuetz referred to Agenda support material entitled "City Administration Summary" and invited councilors to ask questions or comment about information it contained. She noted the

annual City Council Retreat was scheduled for February 16.

Mayor Pudewell asked for an elaboration of the involvement of the City Administrator with Lane Metropolitan Planning Organization (MPO). Ms. Schuetz described the mostly transportation issues considered to have a potentially significant impact on future residential and commercial development in Coburg.

Mayor Pudewell requested that a report be made at a future meeting regarding the Ford Family Foundation Rural Leadership Development Institute begun in Coburg. Councilor Sharyl Abaspour stated that she was a participant and that it was a very positive experience. She said she would prepare a report for a future Council meeting.

Mayor Pudewell observed that Municipal Court revenue remained steady. He asked for a report on the status of the fiscal year 2011-12 financial audit. Finance Director Ramona Sweere said work was continuing on preparation of audit material and noted that inexperience of the City accountant and new requirements imposed by the State were responsible for its slow completion.

Mayor Pudewell asked for information on the recently completed 2013 Census survey. Ms. Schuetz replied that it was part of an occasional update of census data to improve demographic analyses.

### **3. WASTEWATER PROJECT**

Ms. Schuetz referred to Agenda support material entitled "Wastewater Project Management Team Summary." She noted that it contained reports of its two most recent meetings.

Councilor Don Nelson asked Councilor Jerry Behney to explain his concern about contaminated soils reported in the January 7 Team meeting summary. Councilor Behney said substances such as petroleum products leaking from septic tanks could become environmental hazards and a danger to workers. He said such conditions would require corrective measures and relocation of replacement tanks. Councilor Nelson said he wanted it to be recorded that he did not believe property owners should be charged extra for problems for which they were not responsible. Ms. Schuetz added that contractors and project inspectors were experienced with such issues and would be deal with their correction.

Wastewater Project Construction Manager Rob Sutton referred to Agenda support material entitled "Monthly Status Report." He said that work on the Treatment Plant was "relatively quiet" and that final details were being completed. He noted that the important installation of the main filtration membrane by the manufacturer General Electric was to begin on February 27, that testing of installed equipment would begin on March 28, and that individual properties would begin to be linked to the system by the end of May.

Councilor Ray Smith asked when it would be possible for Councilors to visit the Treatment Plant and if a public event was scheduled when it was completed. Mr. Sutton replied that he could easily accommodate 2-3 Councilors at any time advance notice was provided. Ms. Schuetz added that the Plant was not considered to be a public site, but that some exceptions to not permitting public access would need to be arranged with neighboring property owners. Mayor Pudewell added that it would be best to schedule a "grand opening" of the system in summer.

Wastewater Project Engineer Ron Walz referred to Agenda support material entitled "Notice of

Intent to Award the Phase 4 STEP System Construction Contract to the Apparent Low Bidder R&G Excavating, Inc., Coburg Wastewater Project.” He reviewed background and the current state of preparations for accepting the bids. He described the range of bids submitted and stated that the bid of R&G Excavating, Inc. was the apparent lowest of the three received by approximately \$2 million. He said the qualifications and experience of R&G had been investigated and found to meet established criteria.

Mr. Walz said initial discussions with the company had brought reductions in their bid to \$4,380,000. He explained that there appeared to also be additional savings possible in the areas of permitting fees, I-5 bridge crossing cost, and the number of septic tanks needing to be replaced. He said they would be broached in a contract Change Order to be considered after the contract had been established.

Mr. Walz explained that the Council needed to approve a Notice-of-Intent-to-Award included with the Agenda support material.

Mayor Pudewell asked for a report on the overall costs of the Wastewater Project to date. City Attorney and Co-Project Manager Milo Mecham stated that the cost of Phase 4 of the project was several hundred thousand dollars above the engineer’s estimate, so the overall construction cost would also be several hundred thousand over the most recent estimate.

Mr. Mecham stated that re-starting the bidding process would not likely bring any more favorable bids, and would delay the beginning of actual construction.

***Councilor Jerry Behney moved, seconded by Councilor Sharyl Abbaspour, to approve the Notice-of-Intent-to-Award the Phase 4 construction contract to R&G Excavating, Inc. The motion was adopted, 4:1, with Councilor Don Nelson voting no.***

Mr. Walz reviewed information contained in Agenda support material entitled “Engineering Contract Amendment Number 11 for Kennedy Jenks for the Coburg Wastewater Project.”

Councilors discussed the proposed amendment, suggesting the importance of citizen interest in design decisions. Ms. Schuetz explained that an Open House for citizens was scheduled for late spring to provide basic information to homeowners before individual connection processes began. Mayor Pudewell recommended that two such public meetings be held.

***Councilor Behney moved, seconded by Councilor Abbaspour, to approve Amendment Number 11 to the Kennedy Jenks contract for design of the Coburg Wastewater System and authorize the City Administrator to sign the agreement. The motion was adopted, 4:1, with Councilor Nelson voting no.***

#### **4. DEPARTMENT ACTIONS AND UPDATES**

##### **A. City Administration**

Lane County Staff Kent Howe stated that he had been newly assigned duties as Manager of the regional Greenhouse Gas Scenario Planning effort for the Central Lane Metropolitan Policy Committee. He said the project was initiated by ordinances enacted in the 2011 Oregon Legislative Session. He said the coordinated work was serving as a model for other Oregon regions outside the Portland metropolitan area.

Mr. Howe explained how the effort was supported by a federal grant and would be based on identified community values. He said that it was to be formally launched on February 28, was

scheduled to produce its results by the 2015 Legislative Session, and would include scenario planning, outcome testing, and be used to inform relevant governmental decision-making.

Councilors discussed the presentation.

Ms. Schuetz referred to Agenda support material entitled "Coburg Sanitary Service Inc. - Consideration of fee increase including roll carts and curbside recycling service." She reminded Councilors of their discussion of the issues involved at a January Work Session and that a request had been made for additional information.

Coburg Sanitary Service co-owner Ron Nealon reviewed basic elements of their fee increase and curbside recycling service proposals. Co-owner Richard Nealon distributed copies of a notice to customers of service and fee changes that included a report of the plan to close the community recycling site at the Coburg School.

Councilors discussed the proposals.

***Councilor Behney moved, seconded by Councilor Nelson, to approve the proposed Coburg Sanitary Service service upgrades and fee increases effective April 1, 2013. The motion was adopted unanimously, 5:0.***

Ms. Schuetz gave a verbal update on efforts to study the feasibility of replacing the City Hall discussed at the January Work Session. She said some correspondence had been sent, but no final report was ready. She explained that the matter would receive additional attention at the February 26 Council Work Session.

## **B. Finance**

Finance Director Ramona Sweere reviewed information contained in Agenda support material entitled "Finance Department Monthly Report." She noted positive indications of achieving major budgeted revenue expectations and explained that unplanned expenses might require adoption of a supplemental budget near the end of the fiscal year.

## **C. City Attorney**

Mr. Mecham reviewed information contained in Agenda support material entitled "Canby Excavating Settlement and Change Order – Phase 2 Wastewater Project."

***Councilor Behney moved, seconded by Councilor Nelson, to approve the Settlement Agreement with Canby Excavating and Change Order number 15 and authorize their execution for Phase 2 of the Coburg Wastewater Project. The motion was adopted unanimously, 5:0.***

Councilor Thiel asked if it would be possible for the City to recoup at least a portion of the expense of the Settlement Agreement from Kennedy Jenks Engineering. Mr. Mecham replied that such an action would not be prudent. He explained that the decision by Kennedy Jenks to redesign the I-5 crossing of the Wastewater Project from boring beneath the Interstate to utilizing a bridge already in place had been made on sound geological principles. He said that there was no question that Canby was owed compensation and that their original claim had been negotiated down to closer to their actual losses.

Mr. Mecham reported on developments in the litigation brought by G. Manley on behalf of the residents of Pioneer Valley Estates (PVE). He said the petitioners had filed an amended complaint based on the response of the City regarding errors in the initial filing and that it had improved the position of the City to prove its case. He said he had filed a response denying all claims, which would normally lead to the next phase of discovery. He also said he would make a motion for a summary judgment, eliminating the trial scheduled for October 30. He explained that the most important issue in the case for the City was to resolve the issue regarding charging PVE residents the same higher rate as other outside City limits water users. He said he would send copies of his response to Councilors.

#### **D. Historic Preservation**

Historic Preservation Project Manager Laura Comstock introduced Kuri Gill of the State Historic Preservation Office (SHPO). She said she was responsible for its Certified Local Government (CGL) program.

Ms. Comstock referred to Agenda support material entitled "Historic Preservation Certified Local Government" and "Ordinance No. A-226: An Ordinance to Reestablish the Coburg Historic Preservation Program." She reviewed their information about CGL status and how it would enable access to State and Federal funding and support opportunities and assist historic property owners in their preservation.

Councilors discussed the presentation, concentrating on whether historic preservation ordinances could impose undesirable restrictions on the use of property owners.

Ms. Comstock explained that postponing adoption of the Ordinance would effectively eliminate the ability of Coburg to apply for project funding from a currently open state process.

Mr. Mecham explained that the Ordinance could be adopted to be effective immediately if the requirement for a Second Reading was waived.

***Councilor Smith moved, seconded by Councilor Nelson, to waive the Second Reading for approval of Ordinance No. A-226. The motion was adopted, 4:0:1, with Councilor Thiel voting to abstain because he did not feel he was adequately informed of all ramifications of the Ordinance.***

Mayor Pudewell opened the public hearing on Ordinance No. A-226, AN ORDINANCE TO REESTABLISH THE COBURG HISTORIC PRESERVATION PROGRAM, KNOWN AS THE COBURG HERITAGE COMMITTEE, AND IDENTIFYING THE PROCESSES AND PROCEDURES THE PROGRAM WILL USE TO ASSESS AND PRESERVE CONTRIBUTING HISTORIC RESOURCES, AND DECLARING AN EMERGENCY TO EXIST.

Mayor Pudewell asked Councilors to declare any conflict of interest or if they had engaged in *ex parte* discussion regarding the proposed Ordinance.

Councilor Smith asked if his ownership of a home listed in the National Historic Register constituted a conflict of interest. Mr. Mecham explained that since the Ordinance only established processes and did not involve designating any particular property, his ownership did not constitute a conflict of interest.

No other Councilor reported any actual or potential conflict of interest or having engaged in *ex parte* discussion regarding the Ordinance.

Suzi Clapp, 91424 Coburg Road, described her interest in historic preservation and stated that the proposed Ordinance would enable Coburg to establish a means of supporting a valuable element of its unique character.

Mayor Pudewell determined that there were no other requests to testify and closed the public hearing.

***Councilor Behney moved, seconded by Councilor Abbaspour, to waive the "Second Reading of Ordinance No. A-226. The motion was adopted, 4:0:1, with Councilor Thiel abstaining from voting because he did not feel he was adequately informed of all ramifications of the Ordinance. Councilor Smith had left the meeting and did not vote.***

***Councilor Nelson moved, seconded by Councilor Behney, to adopt Ordinance No. A-226 reestablishing the Coburg Historic Preservation Committee, to identify the processes and procedures the Program will use to assess and preserve contributing historic resources, as amended, and declaring an emergency to exist. The motion was adopted, 3:1, with Councilor Thiel voting no.***

Discussion of the Ordinance continued, Councilor Thiel indicated that if the Ordinance could be amended to require a person on the Commission to reside in the Historic District, then he would be in favor of the ordinance. It was pointed out that the Ordinance had already been adopted. City Attorney Milo Mecham interrupted and indicated that he had erred previously. Quoting from the City Charter, he indicated that it said that an abstention would not create the unanimous consent required to waive a second reading. Therefore the adoption of the Ordinance was ineffective because a second reading was required.

Councilor Thiel indicated that if the Ordinance could be amended, he would be in favor of waiving the second reading.

Mayor Pudewell declared that consideration of the Ordinance would be tabled until later in the meeting when Councilors could be provided a more complete copy of the Ordinance than was included with Agenda support material.

## **5. MAJOR PROJECT UPDATES**

Ms. Schuetz reviewed information contained in Agenda support material entitled "Transportation System Plan Progress Report."

Councilor Smith left the meeting at 9:30 p.m.

## **6. DEPARTMENT ACTIONS AND UPDATES (Continued)**

### **A. Historic Preservation (Continued)**

An updated and corrected version of proposed Ordinance A-226 was distributed. It included amendments suggested earlier, as follows:

Add to Section 5, Subsection A: At least one member of the Commission shall reside within the Coburg Historic District.

Delete Section 5, Subsection D: Two members, in the case of three total members, or three members in the case of five total members must be present to establish quorum to conduct official business. General voting and procedure shall follow that of the Planning Commission.

Add Section 17: Declaration of Emergency. The immediate enactment of this ordinance being necessary for the City to be eligible for the Historic Preservation Program, an emergency is hereby declared. The ordinance shall become effective on passage.

**Councilor Behney moved, seconded by Councilor Abbaspour, to waive the “Second Reading of Ordinance No. A-226. The motion was adopted unanimously, 4:0.**

Mr. Mecham pointed out that invalidating the first motion to waive the Second Reading also nullified the motion to adopt the Ordinance.

**Councilor Thiel moved, seconded by Councilor Behney, to amend Section 5, Subsection B of Ordinance No. A-226 to require that at least one member of the Coburg Heritage Committee reside within the Coburg Historic District. The motion was adopted unanimously, 4:0.**

**Councilor Abbaspour moved, seconded by Councilor Nelson, to adopt Ordinance No. A-226, as amended, reestablishing the Coburg Historic Preservation Committee, to identify the processes and procedures the Program will use to assess and preserve contributing historic resources, as amended, and declaring an emergency to exist. The motion was adopted unanimously, 4:0.**

Mayor Pudewell referred to Agenda support material containing the applications of five citizens to serve on the Historic Preservation Commission. He said it was his intention to appoint Suzi Clapp, Terry Dawson, Linda Egbert, Mary Guldager, and Lorrie Zeiler as members of the Commission.

**Councilor Nelson moved, seconded by Councilor Behney, to ratify the appointments of Mayor Pudewell to the Historic Preservation Commission. The motion was adopted unanimously, 4:0.**

Councilor Nelson volunteered to the City Council liaison to the Historic Preservation Commission. Mayor Pudewell said he appointed Councilor Nelson to the position.

## **7. MAJOR PROJECT UPDATES (Continued)**

Ms. Schuetz referred to Agenda support material entitled “Coburg Loop Multi-Use Path” and reported that the Coburg project had recently been identified as the second priority of the Lane Area Commission on Transportation.

Ms. Comstock referred to Agenda support material entitled “Economic Development Strategy and Historic Preservation Program Progress Report.” She said she like to separate the two elements of her responsibility in future reports to the Council. Mayor Pudewell encouraged her to do so.

## **8. CONTINUED BUSINESS**

Public Works Director Bob Butler reviewed information contained in Agenda support material entitled “Continued Business – Willamette Street Sidewalk Repair.” He reported that the work described had been completed at a cost of approximately \$1,800. He said provision for a street tree had not been included in the new sidewalk, but that a replacement tree for the one that had

been removed would be planted in the spring in the City park.

Mayor Pudewell determined that there were no Councilors requesting to make closing comments.

## 9. CONSENT AGENDA

Mayor Pudewell noted that the Consent Agenda included approval of Bills to be Paid dated February 12, and acceptance of minutes for two Council meetings on January 8 and a Council Work Session on January 22.

Mayor Pudewell requested that Paragraph 5 on Page 6 be corrected, as follows:

The meeting adjourned at ~~9:50~~ 8:50 p.m.

Councilor Nelson said that he had reported to the minutes recorder that in the minutes of the January 22 Work Session incorrectly included the name of Roland Nealon, whereas it was Ronald Nealon.

Mayor Pudewell determined that there were no objections to the corrections and the minutes were amended.

**Councilor Behney moved, seconded by Councilor Abbaspour, to adopt the Consent Agenda, as amended. The motion was adopted unanimously, 4:0.**

Mayor Pudewell reviewed future meeting listed on the Agenda and added that there would be a Council Meeting/Work Session on February 26.

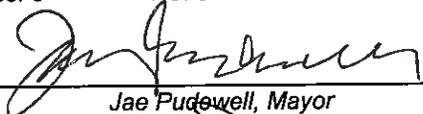
The meeting adjourned at 10:25 p.m.

### ACCEPTANCE

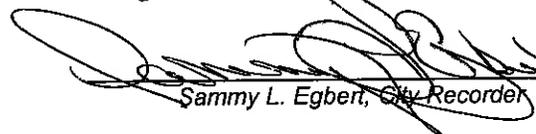
Approved: March 12, 2013

Yes: 6      No: 0      Abstained: None

Attest:

  
\_\_\_\_\_  
Jae Pudewell, Mayor

Date: 3/12/2013

  
\_\_\_\_\_  
Sammy L. Egbert, City Recorder

Date: 3/12/2013