



MINUTES

Coburg City Council

Regular Meeting

June 25, 2013 - 7:00 P.M.

Coburg City Hall

91069 North Willamette - Coburg

COUNCILORS PRESENT: Jae Pudewell, Mayor; Jerry Behney, Sharyl Abbaspour, Jeffrey Kaliner, Brian Pech, Ray Smith

COUNCILORS ABSENT: Don Nelson

STAFF PRESENT: Petra Schuetz, Rebekah Dohrman, Sammy Egbert, Jeanine Lavers, Milo Mecham, Ramona Sweere, Ron Walz

RECORDED BY: Dan Lindstrom

Mayor Jae Pudewell called the meeting of the Coburg City Council to order at 6:00 p.m. Councilors joined in the Pledge of Allegiance. Minutes Recorder Dan Lindstrom called the roll, noted the absence of Councilors Jeffrey Kaliner and Don Nelson, and stated that a quorum was present.

City Administrator Petra Schuetz reviewed Agenda support material distributed at the beginning of the meeting: Resolution 2013-13; applications for appointment as *pro tem* Municipal Court Judge from Jacob G. Daniels, George L. Derr, David Hill, and John Kolego; an Intergovernmental Agreement with Junction City for radio communications system; and Accounts Payable dated June 25, 2013. She said no other Agenda modifications were anticipated.

Councilor Jeffrey Kaliner joined the meeting at 6:05 p.m.

Mayor Pudewell determined that there were no persons present wishing to provide Citizen Testimony.

I. DEPARTMENT ACTIONS AND UPDATES

A. Wastewater Project Engineering Contract

City Attorney Milo Mecham referred to Agenda support material entitled "Wastewater Engineering Contract Amendment Number 12 for Kennedy/Jenks Consultants . . ." He reviewed reasons for the Amendment request it identified: unanticipated Phase 3 Engineering Site Visits and unanticipated Phase 3 Change Order engineering time. He explained that if the Council approved the Amendment, it would be reviewed by the U.S. Department of Agriculture Rural Development representatives to receive final acceptance.

Councilor Jerry Behney requested information regarding how the Amendment would affect the total for the Wastewater Project engineering budget. Mr. Mecham replied that the request would result in a total engineering element costing approximately 19% of the total \$26,000,000 budget initially calculated in 2007.

Councilors discussed the proposed Amendment further.

Councilor Behney moved, seconded by Councilor Ray Smith, to approve the Kennedy/Jenks Amendment No, 12, adding \$48,000 to the Wastewater Project Engineering contract. The motion was adopted unanimously, 5:0.

B. Right-of-Way Ordinance

Mayor Pudewell referred to Agenda support material entitled "Right of Way Ordinance - Establishing a Right-of-Way license process and establish initial rates."

Mr. Mecham reviewed background information regarding Ordinance 227, noting that the current consideration was its Second Reading, the First Reading having taken place in a Public Hearing held on June 11, 2013. He explained that the Ordinance was changed slightly since its first consideration: the annual per foot charge was increased from \$1 to \$2, as requested by the Council; and addition of a provision for an in-kind agreement in lieu of payment of the per foot charge.

Councilors discussed the proposed Ordinance.

Councilor Sharyl Abbasbour moved, seconded by Councilor Brian Pech, to adopt Ordinance 227, an Ordinance adopting a right-of-way license process and establishing initial rates therefore. The motion was adopted unanimously, 5:0.

C. Public Hearing – Water Rates

Mayor Pudewell announced that the Council would hold a Public Hearing regarding proposed revised Water Rates. He determined Councilors had had no *ex parte* contact or conflict of interest regarding the proposal.

Ms. Schuetz reviewed information contained in Agenda support material entitled "2013 Water Rate Study In-City Rate Adoption." She explained that the proposed rates would eliminate the draw down of the Water Fund experienced in recent years, develop an account for water system capital improvements, and make the Water Fund self sustaining. She reminded Councilors that the proposed rate increase had been previously considered

Mayor Pudewell determined that there were no persons present wishing to provide testimony and that Councilors had no further questions of staff regarding the proposed rate increases. He closed the Public Hearing.

Councilor Kaliner moved, seconded by Councilor Ray Smith, to approve Resolution 2013-15, adopting revised water rates for all in-City water user classes, to become effective on July 1, 2013.

Councilors Behney and Smith expressed concern about the negative impacts the new rates would have on home owners in Coburg and recommended a continuation of efforts to explain the reasons the increases were necessary.

The motion was adopted unanimously, 5:0.

D. PacificCorp Easement

Mayor Pudewell stated that the Council would hold a Public Hearing regarding a renegotiated

City Franchise Agreement with PacifiCorp. He determined that no Councilor had held no *ex parte* discussion regarding the agreement or had a conflict of interest regarding it. He opened the Public Hearing.

Ms. Schuetz introduced Rebekah Dohrman, newly appointed Assistant City Attorney who had prepared the revised Agreement. She reviewed Agenda support material entitled "PacificCorp Electric Utility Franchise Agreement." She noted that changes to the existing Agreement included increasing its term to ten years and increasing the franchise fee to 7.5% from 5%.

Mayor Pudewell determined that there were no persons present wishing to provide testimony regarding the Agreement and that Councilors had no questions about the proposal. He closed the Public Hearing and stated that the Second Reading of the proposed Agreement would be held on July 9, 2013.

E. Service Development Charges Ordinance

Mayor Pudewell stated that the Council would hold a Public Hearing regarding the Service Development Charges (SDC) amendments. He determined that no Councilor had held no *ex parte* discussion regarding the proposed changes or had a conflict of interest regarding them. He opened the Public Hearing.

Mr. Mecham reviewed information contained in Agenda support material entitled "Amendments to SDC Ordinance." He explained that Wastewater SDC were identified in the existing Ordinance, but that the amendments provided specifics regarding them and clarified matters regarding SDC credits allowed for improvements to public infrastructure. He said they also give the authority to propose changes to adjust for inflation in the construction industry, and clarify the definition of development and refunding of charges after ten years.

Councilors asked questions regarding refunding, the complexity of the system, and how Coburg SDCs were to be calculated and payment enforced. Responses of Mr. Mecham appeared to satisfy questioners.

Mayor Pudewell determined that there were no persons present wishing to provide testimony regarding SDCs and that Councilors had no further questions about the proposal. He closed the Public Hearing and stated that the Second Reading of the proposed Amendments would be held on July 9, 2013.

F. Budget Expenditure Transfers

Finance Director Ramona Sweere reviewed information contained in Agenda support material entitled "Resolution 2013-13, A RESOLUTION TRANSFERRING BUDGET EXPENDITURE APPROPRIATIONS BETWEEN EXISTING FUND CATEGORIES FOR BUDGET YEAR 2012-13. She noted that the Resolution itself had been distributed at the beginning of the meeting.

Ms. Sweere reviewed proposed transfers, agreeing that the revised total for Material Services in the Water Capital Improvement Program Fund should be corrected from \$15,500 to \$14,500. She explained that the main reason for the transfers was to reduce the year-end deficit balance in the General Fund.

Councilors discussed the proposed Resolution.

Councilor Pech moved, seconded by Councilor Smith, to adopt Resolution 2013-13, as corrected. The motion was adopted unanimously, 5:0.

G. Deficit Elimination Policy

Ms. Sweere reviewed information contained in Agenda support material entitled "Resolution 2013-14, A RESOLUTION ADOPTING A GENERAL FUND DEFICIT ELIMINATION POLICY." She explained that the City was already embarked on a deficit elimination program, but that it was the suggestion from the Auditor that a policy defining it be adopted. She said the policy proposal was a statement of the existing program.

Councilor Pech moved, seconded by Councilor Smith, to approve Resolution 2013-14. The motion was adopted unanimously, 5:0.

H. Municipal Court Judge *Pro Tempore*

Ms. Schuetz noted that four applications for a needed *pro tempore* Municipal Court Judge to serve in the absence of Judge James Larson had been received and distributed to Councilors from Jacob G. Daniels, George L. Derr, David Hill, and John Kolego. She reviewed the process through which she went to determine that her slightly favorite choice for the position would be George Derr.

Mayor Pudewell stated that because of the lack of a *curriculum vita* in advance for all applicants, he believed a Council decision regarding the appointment should be postponed to the regular meeting in July. He determined there was no opposition to the suggestion and recommended that Councilors come prepared with a recommendation for the appointment.

II. CONTRACTS

A. City Attorney

Ms. Schuetz referred to a proposed Intergovernmental Agreement (IGA) for City Attorney Services with Lane Council of Governments (LCOG) distributed with the Agenda of the meeting. She noted "Attachment A" which assigned Milo Mecham as City Attorney under the Agreement and described his reporting and specific function duties. She also noted that the proposed IGA was an exact copy of the one currently in force, except for date changes. She explained because of the expected continuation of litigation in an on-going water rate suit against the City by residents of Pioneer Valley Estates, the "not to exceed" cost of the Agreement should be raised from \$40,000 to \$46,000.

Councilors discussed the proposed IGA, commending Mr. Mecham for his on-going representation of the City.

Councilor Behney moved, seconded by Councilor Pech, to approve the Intergovernmental Agreement with Lane Council of Governments for City Attorney Services, as amended. The motion was adopted unanimously, 5:0.

B. City Engineer

Ms. Schuetz reviewed a proposed Independent Contractor Agreement with Branch Engineering, Inc. to provide City Engineer services distributed with the Agenda. She noted that the ending date for the term of the Agreement in Article 3 on Page 2 should be changed from June 30, 2012, to June 30, 2014. She also reported that negotiations with Branch Engineering had led to

changing of insurance requirements in Article 13.1 on Page 3 from \$400,000 per occurrence to \$500,000 and from \$2,000,000 to \$3,000,000 in the aggregate.

Councilor Pech moved, seconded by Councilor Behney, to approve the Independent Contractor Agreement with Branch Engineering, Inc., as amended. The motion was adopted unanimously, 5:0.

C. Junction City

Ms. Schuetz referred to an IGA with the City of Junction City to receive emergency police call originating with the boundaries of Coburg and notify Coburg Police of those calls and to process and maintain arrest warrants of stolen vehicles and some stolen property. She said further negotiations regarding it with representatives from Junction City were needed.

Mayor Pudewell agreed that further work was needed on the proposed IGA and postponed Council consideration of it to the July 9 meeting.

D. Wastewater Treatment Planning/Construction Services

Ms. Schuetz reviewed an IGA with LCOG to provide consulting services to aid and advise on the planning construction of the City Wastewater Treatment Service. She noted that it was a continuation of an existing Agreement, with only its effective date and duration changed. She explained that the "not to exceed" total cost of the Agreement had reduced to \$55,000 because of an anticipate reduction in need for services.

Councilor Pech moved, seconded by Councilor Kaliner, to approve the Intergovernmental Agreement for Wastewater Treatment Planning/Construction Services with Lane Council of Governments as presented. The motion was adopted unanimously, 5:0.

E. City Prosecutor

Ms. Schuetz reviewed a proposed Contract for City Prosecutor Services with David M. Logan distributed with the Agenda. She described the experience of Mr. Logan and noted that he was willing to accept a fee that was noticeably lower than his normal rate.

Councilor Pech moved, seconded by Councilor Smith, to approve the proposed Contract for City Prosecutor Services as presented. The motion was adopted unanimously, 5:0.

IV. COUNCIL COMMENTS

Councilor Kaliner reported learning of a newly available cell phone application that allowed citizens to photograph incidents of law breaking and/or concern and to send them to local public safety agencies.

Ms. Schuetz explained that the application had been developed by LCOG technicians and was available free of charge. Mr. Mecham added that caution should be used in adapting it for use in Coburg because it could raise unrealistic expectations about enforcement availability. Mayor Pudewell added that managing the software could be a time consuming task. He suggested that investigation of its use could be made and coordination of it assigned to a University of Oregon intern being sought for fall 2013.

Councilor Behney reported that he had been interested in a pre-meeting discussion regarding a "walk through" of the Manley Building being considered as a option to which to move City Hall. He also reported that a tour of the Wastewater Treatment Plant was scheduled for July 3. Mr. Mecham added that the tour was scheduled for a representative of a funding agency and might be more detailed than needed. He reminded Councilors that there was a standing invitation by Project Construction Supervisor Rob Sutton to provide individual/group tours on request.

Mayor Pudewell noted that the Consent Calendar included approval of Accounts Payable dated June 25, 2013.

Councilor Pech moved, seconded by Councilor Abbaspour, to approve the Consent Calendar. The motion was adopted unanimously, 5:0.

Mayor Pudewell stated that the end of the fiscal year was an appropriate to express appreciation to members of the Council and City Staff.

The meeting adjourned at 7:55 p.m.

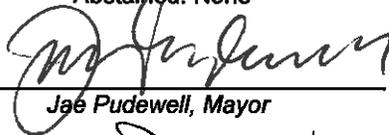
ACCEPTANCE

Approved: July 9, 2013

Yes: 4

No: 0

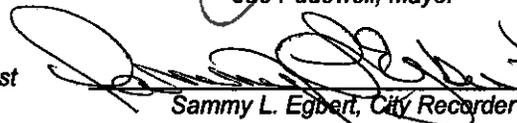
Abstained: None



Jae Pudewell, Mayor

Date: 7/9/2013

Attest



Sammy L. Egbert, City Recorder

Date: 7/9/2013