



## MINUTES

### Coburg City Council

August 13, 2013 - 7:00 P.M.

Coburg City Hall

91069 North Willamette - Coburg

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

COUNCILORS ABSENT: None

STAFF PRESENT: Petra Schuetz, Bob Butler, Sammy Egbert, Damian Gilbert, Milo Mecham, Rob Sutton, Ramona Sweere, Ron Walz

RECORDED BY: Dan Lindstrom

Following the adjournment of a Joint Meeting with the Lane County Board of County Commissioners, Mayor Jae Pudewell called the Special Meeting of the Coburg City Council to order at 7:30 p.m. He noted that a quorum was present.

### 1. CITIZEN TESTIMONY

Brandy Kuykendall, 91163 N. Willamette Street, distributed copies of photographs illustrating "little libraries," large mailbox appearing devices, which she and her mother stated they were proposing to install on their property, from which neighbors and other residents would be invited to borrow and return books and other free material. She asked if there were City regulations or permits that were required for the operation.

City Administrator Petra Schuetz explained that it was possible that the endeavor could be classified as a "home business" and require the purchase of a home business permit and an annually renewable Coburg business license.

City Attorney Milo Mecham pointed out that it was possible for the Council to waive any or all fees required for City permits and licenses.

Councilors discussed the options available.

***Councilor Ray Smith moved, seconded by Councilor Don Nelson, to waive Coburg business license and home business permit fees for the "little library" project proposed by the Kuykendall family, with additional concerns brought to the City Council. The motion was adopted unanimously, 6:0.***

### 2. AGENDA REVIEW

Ms. Schuetz requested that the Agenda be amended to include consideration of the "Wastewater Project Management Team Summary" and monthly Finance report distributed at the beginning of the meeting. Mayor Pudewell determined that there were no objections to the request.

### **3. COMMENTS OF THE MAYOR**

Mayor Pudewell observed that there were many “things happening” in Coburg. He warned that efforts could be weakened by the loss of focus on priority concerns. He expressed appreciation for the dedication of City staff for its continued diligent work.

### **4. JUDGE PRO TEMP**

Mr. Mecham conducted a swearing in ceremony, inducting David Hall as Coburg Municipal Judge *Pro Temp*.

Mayor Pudewell welcomed and congratulated Mr. Hall in his new position.

### **5. WASTEWATER PROJECT**

Councilor Jerry Behney, Council Liaison to the Wastewater Project Management Team, referred to Agenda support material entitled “Wastewater Project Management Team Summary” and highlighted its report of an incident of personal hostility by the owner of R & G Construction toward an employee of Branch Engineering, the City of Coburg Engineering firm.

Mayor Pudewell stated that the City took such an incident seriously and would not tolerate any further such episodes. Ms. Schuetz reported that the person in question walked out of a meeting with her and other City representatives when the incident was discussed.

Mr. Mecham reviewed the importance of the City taking such incidents seriously to protect itself from any resulting litigation. He said he had written to the person in question expressing concern and warning of further possible City action.

In response to a question from Councilor Jeff Kaliner, Mr. Mecham stated that he did not believe the situation would jeopardize completion of the Wastewater Project, but was reported to be an example of the insensitivity of the personality of the person in question.

Councilors discussed alternative actions possible by the City, but appeared to not reach any conclusion regarding them.

Wastewater project chief engineer Ron Walz referred to Agenda support document entitled “Wastewater Project Monthly Status Summary” and reviewed information it contained. He said the final inspection of the Treatment Plant by the Oregon Department of Environmental Quality (DEQ) was scheduled within a week. He described the presence of filter manufacturer GE representatives and their assistance with the initial stages of placing sludge digestive “bugs” into holding basins.

In response to questions from Councilor Kaliner, Mr. Mecham described initial investigations into the availability of additional DEQ loan funds that might be required because of the higher incidence of residential tank failures than anticipated. He explained that he had been assured that such funds could be available and that the appropriate time to officially apply for them would not be until they were actually needed. He added that current unexpected funding requirements were being covered by budgeted Project contingency funds.

Councilors discussed the status of the Wastewater Project, noting that construction Phase 3 was approximately one month behind schedule. Project construction supervisor Rob Sutton explained that the report was accurate, but that progress continued to be steady and extending the schedule would not increase its cost.

Mayor Pudewell stated that the Council would hold a Public Hearing on the adoption of Resolution 2013-17, A RESOLUTION ADOPTING A WASTEWATER SYSTEMS METHODOLOGY.

Mr. Mecham referred to Agenda support material entitled "Adoption of a Wastewater System Development Charge (SDC)" and reviewed background information it contained. He reported changes made to the proposed since it was previously considered by the Council - correction of the capacity of the collection system, and recalculation of the reimbursement system because of the correction.

Councilor Nelson pointed out that Sentence 2 in Paragraph 6 on Page 14 of the proposed methodology incorrectly referred to Table 3, when it should refer to Table 2.

Mayor Pudewell opened the Public Hearing and determined that no Councilor had held *ex parte* discussion or had a conflict of interest regarding the proposed Resolution.

Mayor Pudewell determined that there were no requests to testify in the Public Hearing and that Councilors had no further questions regarding the proposed Resolution. He closed the Hearing.

***Councilor Brian Pech moved, seconded by Councilor Kaliner, to adopt Resolution No. 2013-17, implementing a methodology for the Coburg Wastewater System Development Charge, with the correction noted. The motion was adopted, 5:1, with Councilor Nelson voting no.***

## **6. DEPARTMENT ACTIONS AND UPDATES**

### **A. City Administration**

Ms. Schuetz referred to Agenda support material entitled "City Administration Summary" and said she was prepared to answer questions regarding it. She commented on the difficulty involved with the City installing an intersection stop sign when one of its streets was under the jurisdiction of Lane County.

Councilors discussed the practice of identifying citation issuing officers in the monthly Police report. Councilor Smith said he believed it would be better to only list the total number for the entire force. Councilor Nelson said he had "never questioned" the current practice. Councilor Pech reported that the Council had requested the current practice several years previously. Mayor Pudewell proposed that the practice be referred to the Police Chief for review. He said he would be comfortable if it was not continued.

Councilor Sharyl Abbaspour said she had received reports of the daily use of the barbecue recently placed in the City park and was appreciated by citizens. Public Works Director Bob Butler stated that the equipment and installation had been paid for by a non-City source.

## **B. Public Works**

Mayor Pudewell stated that the Council would hold a Public Hearing regarding City Ordinance No. A-224-A, REGULATIONS FOR THE PROVISION OF WATER SERVICES BY THE PUBLIC WORKS DEPARTMENT.

Ms. Schuetz referred to Agenda support material entitled "Revisions to Water Ordinance A-224" and reviewed background material it contained. She explained that the proposed revisions included removal of all dollar amount references, general revisions that reflected the way the Ordinance was implemented, and the partial removal of references to the water rate relief program to make it consistent with the parallel wastewater program.

Mayor Pudewell pointed out referred to editorial changes he felt were appropriate on Paragraph 3 on Page 6 and Paragraph 5 on Page 7 of the revised ordinance.

Mayor Pudewell opened the Public Hearing, determined that Councilors had no questions regarding proposed revisions, and determined that there were no requests to provide public testimony. He closed the Public Hearing. He stated that the Ordinance revisions would receive a Second Reading at the Regular Council Meeting in September.

On the request of Councilors, Mr. Mecham provided a summary of the status of Pioneer Valley Estate litigation against the City regarding water rates. He explained that the Court had referred the suit to mediation for resolution. He said that with what he considered to be an inexperienced Mediator, an unsatisfactory conclusion had been reached, including a decision that the City had no authority to set rates for service provided outside City limits. He reported that he had appealed the decision to the Circuit Court and would contend that no trial was required, but that a summary judgment was appropriate. He said the matter was scheduled for consideration in mid-September and that whatever ruling was provided would not be appealed to a higher court.

City Engineer Damien Gilbert and representative of Branch Engineering, Chris Ervin, presented a technical memorandum entitled City Water Project Update. It was explained that the document was a summary of actions undertaken to improve and provide for future growth to the City water system since inception of the project in 1999. It was noted that the report included a listing and explanation of priority projects set in a 2006 Master Plan not yet completed – Well 2 improvements, I-5 pipeline crossing, and an additional well at the existing well field.

Councilors discussed the report at length, including concerns about the need and opportunities for expansion of the system. Ms. Schuetz emphasized that further action regarding the Update needed to be based on policy decisions made by the Council. Mayor Pudewell requested that further discussion of the issue be considered at the September Council meeting. He said matters such as consideration of using water provided by the Eugene Water and Electric Board (EWEB) and the requirements and cost for developing an additional Coburg water reservoir should be included. Ms. Schuetz pointed out that there were no budgeted funds to develop such detailed reports and that unallocated General Fund and Water Fund resources would need to be utilized.

### **C. Other Reports**

Mayor Pudewell reported that additional reports had been received and quickly noted their contents: "Transportation System Plan Progress Report," "Coburg Loop Multi-Use Path (Segments 1, 2, and 3)," and "Historic Preservation Program Progress Report."

### **D. Finance**

Finance Director Ramona Sweere referred to Agenda support material entitled "Finance Department Monthly Report" and reviewed information about significant finance activity during the month of August it contained. She also reviewed revenue, expenses, and account balance of City accounts it contained.

## **7. CONTINUED BUSINESS**

Mr. Mecham reported that he had written to the Coburg Rural Fire District Board of Directors providing the response of the Council to questions they had raised regarding City/District property tax revenue, but that a response had not yet been received.

## **8. COUNCIL COMMENTS**

Councilor Behney reported that he had attended the Open House of Hamilton Construction, a business recently re-located in Coburg North. He said he was impressed with the friendliness and commitment to the community of its owners.

Councilor Abbaspour expressed concern about the nearly daily use of the City Park by one or two individuals who indulged in heavy alcohol use. She said the practice was distasteful and prevented use of the Park by other citizens, especially families with children. She said that she had investigated preventive measures and discovered that the City had no Ordinances dealing with such abuse. Councilor Smith said that he was also aware of the situation and shared in the concern.

Ms. Schuetz said it was true that there were no municipal regulations about loitering and intoxication that could be enforced to prevent the abuse reported.

Mr. Mecham stated that it was possible for the Council to adopt regulations preventing such activities in the Park such as measures establishing a closing time for public use of the Park, prohibiting open alcohol containers, and developing an enforceable loitering Ordinance.

Mayor Pudewell suggested that a no camping regulation would also be appropriate.

Mayor Pudewell proposed that Councilor Smith meet with Police Chief Larry Larson and prepare suggestions regarding Park use regulations for consideration by the Council. There appeared to be support for the proposal.

## **9. CONSENT AGENDA**

Mayor Pudewell noted that the Consent Agenda included adoption of a "Look Me In The Eye Month Proclamation," approval of Accounts Payable dated August 13, and acceptance of minutes of Council meetings on July 9 and July 23, 2013.

**Councilor Pech moved, seconded by Councilor Abbaspour, to adopt the Consent Agenda. The motion was adopted unanimously, 6:0**

Mayor Pudewell reviewed future meetings identified on the Agenda.

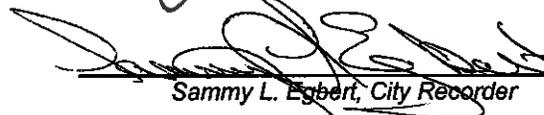
The meeting adjourned at 9:20 p.m.

ACCEPTANCE

Approved: September 10, 2013

Yes: 4      No: 0      Abstained: None

Attest:  Date: 9/18/2013  
Joe Pudewell, Mayor

 Date: 9-16-2013  
Sammy L. Egbert, City Recorder