



## MINUTES

### Coburg City Council

Regular Session

September 8, 2015 – 7:32 P.M.

Coburg City Hall

91136 North Willamette St., Coburg

**COUNCIORS PRESENT:** Mayor, Jae Pudewell. Councilors, Sharyl Abbaspour, Jerry Behney, Patrick Kocurek, Don Nelson, Steve Stearns, Ray Smith,

**STAFF PRESENT:** Petra Schuetz, Sammy Egbert, Anne Heath, City Attorney, Gary Darnielle

**RECORDED BY:** Robin Adair

Mayor Pudewell called the meeting of the Coburg City Council to order at 7:00 p.m. Those present joined in the Pledge of Allegiance. Robin Adair called the roll and affirmed that a quorum was present.

- 1. SPECIAL GUEST:** Dan Lindstrom was not present.
- 2. MAYOR COMMENTS:** Mayor Pudewell spoke of a Council issue he wanted to clarify regarding ex parte' contact but decided to defer the topic until after the appeals process has closed. Mayor Pudewell said he wanted to follow up on transparency and spoke of his article in the newsletter and stated that both Planning Commission and City Council meeting agenda's and minutes will be completed in a timelier manner. Mayor Pudewell added that he will endeavor to continue to review what needs to be posted, how to post and make sure it's posted. He asked that citizens look at the City website and if there is something they feel should be there let the City know, though he can't guarantee they can post everything. Mayor Pudewell spoke of drafts that are being reviewed and developed; *Council Roles & Objectives*, and a new item, *Economic Development Plans*. Both will be available for comments and expectation so citizens know what the Council is working on. Mayor Pudewell let citizens know of the Coburg Facebook Page and that we are also looking for other 'push' technology.

*Mayor Pudewell stated this meeting is being recorded.*

3. **AGENDA REVIEW:** Added to tab 10, *Transportation for America*.

4. **CONSENT AGENDA:**

*Councilor Smith moved to accept the Consent Agenda, WASTEWATER SITE LEASE.*

*This was seconded by Councilor Abbaspour and passed with a vote of 6:0.*

5. **CITIZEN TESTIMONY:** None.

6. **REPRESENTATIVE, PETER DEFAZIO, TRANSPORTATION FOR AMERICA LETTER:** Mayor Pudewell told Councilors that this is how we at a local level, impact state and national change in terms of priority. Representative, Peter DeFazio is very engaged in the Federal Transportation Bill and Federal Transportation Issues and he is requesting the constituents within his communities endorse his effort to get this conversation moving. Though it's a difficult process, it is important to the overall health of our economy. As we move forward we need to get Congress moving and doing their job; which is what Representative DeFazio is trying to do. Mayor Pudewell added it would be very valuable for Congress to enact a longer-term transportation plan.

*Councilor Behney moved to authorize Mayor Pudewell to SIGN A LETTER TO REPRESENTATIVE DEFAZIO ENDORSING HIS TRANSPORTATION PLAN. This was seconded by Councilor Smith and passed with a vote of 6:0.*

7. **DEPARTMENT ACTIONS & UPDATES:**

**City Administration** – reported by, Petra Schuetz. See tab 3.

September 13<sup>th</sup> is the upcoming Coburg Antique and Vintage Faire. Later in the meeting Chief Larson will give us a spotlight presentation on his office. Ms. Schuetz told Council, *The Lane Area Commission on Transportation (LaneACT)* which Councilor Behney participates has been added to the report, See *Attachment C*. Mayor Pudewell explained the reason for department spotlights and he also spoke on *The Lane Area Commission on Transportation* and its importance and told Councilors he could ask ODOT area manager, Frannie Brindle, if she could speak at a council meeting and give an update. Ms. Schuetz reported on the Coburg Parks & Tree Committee; see *Attachment A, Jacobs Spores Park* unveiling on September 15<sup>th</sup> at 6:00 p.m.

Councilor Abbaspour stated she would like to see complaints reported to the City included in the report and Schuetz said this is being done quarterly but they could talk about doing it more; Councilor Abbaspour said quarterly was fine.

Councilor Smith stated he would like to see input from Public Works in the staff report. Schuetz said Bob Butler normally only reports emergencies but she will talk to him. Mayor Pudewell stated he wants to see the Public Works Department spotlighted next month. Councilor Behney said he will talk to Butler about this. Councilor Nelson said we went away from the process of having all

Department Heads at the meetings and went to a system in which everything is ran though Schuetz so we don't always know what we need to and therefore can't ask questions since Department Heads may not be at the meetings.

Mr. Nelson asked about collections turned over to Professional Credit Service, which was reported by the Court Administrator who wasn't present. Anne Heath reported on this. Nelson asked if the \$18,650 is for this fiscal year and Heath said it is probably for last fiscal year. She added collections overall have been very good and much higher than in other years. Councilor Nelson asked if we still have an ordinance that says 'if people do not pay their fines they lose their license'. Mayor Pudewell said he wasn't sure but we will find out. Councilor Nelson stated he wants to know the ramifications of those who are not paying fines.

Councilor Nelson asked about the Planning Commission recruitment. There is an ineligible member on the commission and asked if we are looking for one or two positions. Mayor Pudewell said this will be a future agenda item and right now there is just one opening.

**City Options Regarding Marijuana. PUBLIC HEARING / FIRST READING.** See tab 4.

Mayor Pudewell stated to Councilors, that only *Attachment B, Ordinance A-235* can be voted on tonight because it was the only item noticed tonight in the workshop. This is because of public notice rules. However, we have time for other options. *Attachment D, The Outright Ban* needs enacted prior to January 4, 2016 so a ban can be put into place until the November 2016 election. There are several more meetings to do this. *Attachment B* is time sensitive though. As part of the public hearing we will be declaring an emergency which means we want this ordinance to go into effect now instead of 30 days from now and we can waive the second reading with a unanimous vote. If we don't get a unanimous vote to waive the second reading we will have to have a second council meeting prior to the October 1, deadline. Schuetz said the earliest we can meet for a second meeting is tomorrow night. Mayor Pudewell asked if another medical marijuana dispensary could open, say if we have an application tomorrow and an Ordinance for *Attachment D* has not been enacted? Schuetz, said yes but it would be very unlikely. Schuetz explained the process for an emergency council meeting.

**Mayor Pudewell opened the Public Hearing at the hour of 8:11 p.m.** He read aloud the criteria for the Public Hearing and asked if there were any Councilors who would like to declare *conflict of interested* and there were none.

Staff Report by: Gary Darnielle. Staff is suggesting Councilors can adopt a motion tonight enacting an ordinance restricting the sale of recreational marijuana and also motion to waive a second meeting. There is an October 1, 2015 deadline to enact such an ordinance.

## **PUBLIC TESTIMONY**

Ann Alexander, 32675 Christian Way, Coburg. Ms. Alexander said she has lived in Coburg for nine years. Coburg has a small business district within close proximity to homes and parks. Ms. Alexander said she believes there is a public safety issue in allowing marijuana to be sold in the city. There is apt to be people using in the park where children are playing and could increase illicit sales of drugs to young people not to mention setting a bad example. Vehicular incidents could also increase. There are places in both Eugene and Springfield people can purchase marijuana so she is asking that an ordinance be passed banning it from the Coburg City Limits.

Public Testimony concluded with no additional discussion from Councilors. *The Public Hearing closed at the hour of 8:15 p.m.*

*Councilor Stearns motioned to WAIVE THE SECOND READING OF ORDINANCE A-235. Councilor Nelson seconded this and the motioned passed 6:0.*

*Councilor Smith moved to pass ORDINANCE A-235, AN ORDINANCE PROHIBITING THE SALE OF RECREATIONAL MARIJUANA PRODUCTS BY MEDICINAL MARIJUANA DISPENSARIES AND DECLARING AN EMERGENCY. Councilor Nelson seconded the motion which passed with a 6:0 vote.*

Mayor Pudewell asked Councilors if they would like to pursue option D and when; Councilors indicated they would like to make a decision on it soon. Mayor Pudewell and Councilor Smith will meet with staff to come up with a date. The public can find out the date through a posting on the City website, Facebook, City Hall and in the Register Guard.

**City Attorney Services** – reported by, Councilor Smith.

An RFP went out for a city attorney. There were initially three interviews but one attorney couldn't make it; this person was a single person firm. The second, a firm with several attorneys was double the cost of what Milo Mecham and Gary Darnielle charge. At this time Councilor Smith said the interviewing committee thought we should continue with Mecham and Darnielle but down the road when we have more money we may look at a firm that can offer more services. There was additional councilor discussion on this with most agreeing down the road they would like to use another firm offering more services. Smith said in the long run we may save money using a firm with more attorneys who have specialties because the expertise is already there, but it is also important to remember the current attorneys are already familiar with our issues, if we change firms we'd have to bring the new firm up to speed, which Mayor Pudewell added would take time and cost money. Councilor Smith said in 2-3 years he would like to see the City look at another firm that has more depth and expertise. Mayor Pudewell said he would like the RFP to be valid for three years. We can always sever the agreement sooner if need be. Smith agreed with the three years and said the other firm will still be available should we decide to use them. Councilor Nelson added, any firm worth their salt can hit the ground running; we don't have to worry about a firm who has done this

for years not being able to step in and take over. He added we have gotten spoiled having an attorney at every meeting; we don't need that so we could look at paying more and not having the attorney at every meeting. Councilor Behney suggested an annual review evaluation of current attorneys and Mayor Pudewell said we can discuss this evaluation at any time.

***Councilor Behney moved to ACCEPT A RECOMMENDATION FROM THE INTERVIEWING COMMITTEE TO RETAIN THE CURRENT ATTORNEY SERVICES THROUGH LCOG. Councilor Abbaspour seconded this motion. All in favor were Councilors, Behney, Abbaspour and Smith with Councilors, Nelson, Kocurek and Stearns opposed. Mayor Pudewell broke the tie vote in favor of retaining the current attorneys as motioned by Behney. The motioned passed with a 4:3 vote.***

**Manley Appeal Update** – Reported by, Gary Darnielle. See tab 5.

The circuit court ruling in favor of the City was appealed in an oral argument on August 13, 2015. Milo Mecham thought this went well. Mr. Darnielle said they don't have any idea when the ruling will come down, there is no statue. Councilor Behney asked, through this process higher water rates have been charged to Manley, what happens if Manley wins, Schuetz said we would have to reimburse for those higher rates.

**Finance** – reported by, Anne Heath. See tab 6.

Year-end has been completed pending the auditor's report. A budget comparison was done for all funds. This tells where funds are ending up at the end of the year. The City ended up with five percent lower revenues than budgeted and five percent lower expenses than budgeted. Overall we were very close to our budgets. There were a few areas of concern, but they should not be surprises. The UGB process was much higher than anticipated because it went longer than anticipated. Everything else was close to budget. The Department Directors were very careful and watched budgets closely. Ms. Heath included a debt schedule as of June 30<sup>th</sup>. LID assessment for city-owned properties was included. Also included is the SDC balance sheet; it is required we balance at the end of the fiscal year; we don't have to file this but must have it on hand. The reserve lines on the balance sheet will be updated to show which SDC funds are available. The City Assets Schedule has been updated. Ms. Heath doesn't know why City properties weren't on this, we have 11 properties; \$2.2 million in park land owned by the City and this was not on the balance sheet, Heath feels it is important and should be listed as a fixed asset. These have been added. This doesn't matter as far as the audit. The way Heath chose to put them in funds was using the LDI process. So if we assessed a property Council decided who should pay for the assessment and that is how the decision was made on where the property would go. Overall the City ended up in a very good place. Using a conservative prediction, the General Fund will end up negative 375, as opposed to negative 514 ending audit report last year. This won't be final until auditors finish work on the General Fund. Heath has been watching the *JASON* (January, August, September, October, November) period and stretching dollars to cover costs between now and when tax dollars are received in November. The general fund ended up with a little over \$300,000 which is enough to get the City through. Mayor Pudewell said the Finance Director and staff should be congratulated. Mayor Pudewell asked if it is worth looking at prior years to see about restating money any money

owed to us. Mayor Pudewell asked Schuetz to meet with Heath to talk about looking into this. Schuetz thought it had been done before. Consensus from Council is to have staff work on this, and report back as to when this can be put on the agenda. Mayor Pudewell would like to see it this fiscal year.

Councilor Abbaspour said she was approached by budget member Colleen Marshall, and asked why we haven't voted on diesel tax and Mayor Pudewell said it is on the agenda as an upcoming item. This has to be done by mid-February to get it on the November ballot.

Councilor Nelson said the way the City Hall purchase is broken down, interest and principal doesn't match the amortization schedule. Heath said she pays from the statement the bank sends, and will have to talk to Chris on this.

Councilor Behney brought up the Sewer Fund Analysis and pointed out tank pumping will increase, they are starting to pump residential tanks which are ahead of schedule, and attorney fees will increase next year. Heath responded there are some legal issues with sewers and some property owners.

**Resolution 2015-13** – reported by, Anne Heath. See tab 7.

Ms. Heath said inter-fund loans date back to 2007 and some of been paid back, other established and these need cleaned up. ORS 294.468 states that inter-fund loans should be repaid by the end of the ensuing year or ensuing budget period. Council has indicated that the payback of these loans are a priority, it was the intention that this would take place at the end of FY2015. However, due to limited space on the Council Agenda it will take place in FY2016. These loans included: Water Capital Fund due to General Fund \$34,198. Water Fund due to Sewer Fund, \$89,514. Sewer Fund due to Sewer Capital Fund, \$40,187. Water Capital fund does not have enough to fully repay the General Fund. It is therefore recommended that if the capital account did not have enough money to pay back the loan then the Council could elect to pay the remainder owed out of the Water Fund on behalf of the Water Capital Fund. If Council elects this option then the following would take place. Water Capital Fund to General Fund, \$13,500. Water Fund to General Fund, \$20,698. Water Fund to Sewer Fund, \$89,514. Sewer Fund to Sewer Capital Fund, \$40,187. An alternative to this would be to elect to use part of the \$102,500 budgeted to be transferred from Water to Water Capital to payback the full loan. This would be a supplemental budget change in the use of the transfer funds.

***Councilor Smith moved to approve RESOLUTION 2015-13, A RESOLUTION APPROVING PAYMENT OF \$89,514 AND \$40,187 AS DIRECTED AND \$34,198 WILL BE PAID OUT THE WATER CAPITAL FUND AFTER THE TRANSFER HAS BEEN MADE. This was seconded by Councilor Stearns and passed 5:0 with Councilor Nelson being opposed.***

**Resolution 2015-14** – reported by, Petra Schuetz. See tab 8.

Staff is asking for resolution which would allow the City to apply for a grant which would help with code assistance. The Planning Department has been looking for several years for funding opportunities to update the Development Code. They have found a potential opportunity for this through the Transportation and Growth Management program. There will be no cost to the City. The grant amounts are typically between, \$50,000–\$75,000, but can be smaller. It is at their discretion on how much the City would receive.

***Councilor Smith moved to approve RESOLUTION 2015-14, A RESOLUTION SUPPORTING THE CITY TO APPLY FOR A GRANT WITH THE DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT AND OREGON DEPARTMENT OF TRANSPORTATION, TRANSPORTATION GROWTH MANAGMENT PROGRAM FOR CODE ASSISTANCE. This was seconded by Councilor Behney and passed with a 6:0 vote.***

**Police Department Spotlight** – Police Chief, Larry Larson, who gave a presentation.

Mr. Larson gave an overview of how his department operates with only two full-time police officers and the rest reserves. Mr. Larson also spoke of crime between the dates of June 18<sup>th</sup> and July 18, 2015, and Coburg growth.

Councilors expressed their appreciation of the officers and all they do for the City.

**Police Surplus** – reported by, Larry Larson. See tab 9.

They have two cars they would like to dispose of. These are a 2003 and 2006 Ford Crown Victoria. All cars are stripped of equipment and Coburg name/logo removed before disposal.

***Councilor Abbaspour moved to DECLARE THE LIST OF ITEMS ON THE SAID LIST TO BE SURPLUS AND ALLOW THE PROPERTY TO BE TRANSFERRED TO ANOTHER ENTITY OR DISPOSED OF IN ACCORDANCE WITH STATE AND LOCAL SURPLUS REQUIREMENTS. Councilor Smith seconded this motion which passed with a 6:0 vote.***

**Wastewater Claims (see tab 10) and Status Update (see tab 11)** – report by, Gary Darnielle.

The Coburg Sewer Ordinance (A-200-A) requires all developed properties be connected to the sewer if the line is close enough to connect. There are four properties in Coburg that have not connected. One property listed “Depot House” is going through the planning process and is aware of the requirements to hook up. Both Abbaspour and Nelson think this property is now occupied. Liens can be placed on properties that do not comply and will stay until the owner comes into compliance or the property is sold or the city forecloses.

Phase 4 of the Wastewater Project visited almost 500 properties and did work on these properties. There were some complaints of difficulties with the contractor. All but two of the claims have been resolved. There were two matters that the Contractor iteratively responded to, but did not resolve to the satisfaction of the property owners. There is one other site that did not involve the

contractor's work, but where a claim has been filed. Staff recommends settling these claims without further dispute.

***Councilor Smith moved to AUTHORIZE THE CITY ADMINISTRATOR AND CITY ATTORNEY TO RESOLVE OUTSTANDING WASTEWATER CONSTRUCTION CLAIMS. This was seconded by Abbaspour. The vote passed 5:0:1 with Stearns abstaining.***

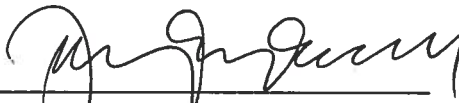
**Others:**

Ms. Schuetz spoke of capital outlay money allocated to do the police office remodel.


Councilor Abbaspour asked about selling tree burrells from cut-down trees, and putting the money towards parks. She was told to bring this back as an agenda item.

With no further business the meeting adjourned at the hour of 9:58 p.m.

**APPROVED** by the Mayor of the City of Coburg this 13<sup>th</sup> day of October, 2015.

  
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Jae Pudewell, Mayor

ATTEST:

  
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Sammy L. Egbert, City Recorder