



## MINUTES

### Coburg CITY COUNCIL

Regular Session

October 13, 2015

Coburg City Hall

91136 North Willamette St., Coburg

COUNCILORS PRESENT: Jae Pudewell, Mayor; Ray Smith, Council President; Sharyl Abbaspour, Jerry Behney, Patrick Kocurek, Don Nelson, Steve Stearns

STAFF PRESENT: Petra Schuetz, Sammy Egbert, Milo Mecham, Ann Heath

RECORDED BY: Robin Adair

1. **CALL THE CITY COUNCIL MEETING TO ORDER:** Mayor Pudewell called the City Council meeting to order at 7:15 p.m. He stated for the record that the meeting is being recorded.
2. **PLEDGE OF ALLEGIANCE:** All present joined in the Pledge of Allegiance.
3. **ROLL CALL:** Roll was called and all Councilors were present.
4. **MAYOR COMMENTS:** Mayor Pudewell spoke on ex parte' contact, exactly what it means when making decisions and the importance of transparency.
5. **AGENDA REVIEW:** Mayor Pudewell said Tab 5 will be covered before Tab 4. The employment agreement for the City Administrator has been postponed until November. Ms. Schuetz requested moving Tab 7 up on the agenda to follow Tab 5.
6. **CONSENT AGENDA:**
  - Minutes August 24, 2015 (Tab 1)
  - Minutes September 8, 2015 (Tab 2)
  - Minutes September 14, 2015, Special Meeting (Tab 3)

Discussion: Councilor Smith brought up two corrections and one clarification on the August 24<sup>th</sup> minutes. On the first page it lists him as present at the meeting and also absent from the meeting. For the record ***Councilor Smith was present at the August 24<sup>th</sup>, 2015 meeting.***

On page 2, the motion for the Consent Agenda says the vote passed unanimously with a 5:1 vote. **'Unanimously' will be struck from the motion.** Page 5, top of the page where it starts with ADA language, Councilor Smith said he wanted it stated for the record **he disagreed with the statement that Ms. Schuetz made saying "changes made aren't permanently damaging to the structure; bars can be removed so SHPO doesn't generally consider that a negative impact".**

*Councilor Nelson, seconded by Councilor Smith, moved to accept the minutes from August 24, 2015, as amended. The vote passed 6:0.*

*Councilor Smith, seconded by Councilor Abbaspour, moved to accept the minutes from September 8, 2015. The vote passed 6:0*

*Councilor Nelson, seconded by Councilor Stearns, moved to accept the minutes from September 14, 2015. The vote passed 6:0.*

**7. PUBLIC TESTIMONY:** Mayor Pudewell explained the process and stated each person will have three minutes to speak.

Jill Carter, 32648 Christian Way, Coburg. Ms. Carter expressed her concern that Councilors are going back and forth on this when a decision has already been made. It has already been determined the Matthews House is not an appropriate place for a dispensary. She added, in her opinion had Councilors listened to their constituents and took a vote this never would have happened. She said just because a majority of people in the state voted to legalize marijuana doesn't mean it's wanted in Coburg. She asked Councilors to read Chris Page's letter submitted 10-12-15, it has a lot of merit to it.

Chris Page, 91036 S. Skinner Street, Coburg. Mr. Page submitted a letter to Council during executive session which he referenced. He spoke of the timeline of events from both the Planning and Council meetings where this subject was discussed. The August 24<sup>th</sup> meeting had been scheduled for over a month. If someone could not be present they could send in written arguments which Ms. Richey did not. He stated that citizens were present and gave statements, and the applicant chose not to be present at the Council meeting in which the decision to deny the application was made. She sent her realtor to speak for her and wasn't happy with the outcome so she filed an appeal. Now, she wants Council to withdraw their decision and open this back up. Everyone had a chance to show up and speak, he said, I was there, Friends of Historic Coburg were there; if it was so important to Ms. Richey, why wasn't she. To delay this decision is just going to penalize everyone that was present. Mr. Page added he is okay with the City Council selecting *Option 2*, so long as none of the parties are granted additional opportunities to make arguments or present evidence. Mr. Page said, should Ms. Richey be given the opportunity to submit more argument, under ORS 197.763 (7) the Friends of Historic Coburg and myself have the same opportunity.

Andrew Stamp, 4248 Galewood Street, Lake Oswego, Oregon. Mr. Stamp stated he is a Land Use Attorney and is representing Charee Richey. Mr. Stamp stated he looked at the record and findings, which are only about 2-3 sentences and can beat those at LUPA, in which case this issue will be back before Council in 6-8 months for another hearing. He stated he is here to ask for a new hearing or new findings, preferably a new hearing since his client did not represent herself well previously. He said he can present a professional case to Council that will meet approval and as it stands right now, it's legally deficient. He told Councilors his client would be willing to take a temporary approval; 6-12 months and come back and have a new hearing after she has been operating. If the fears of the community came true, it would say she didn't meet the standard and you could deny her. She is confident though, the fears of the community will not materialize. Mr. Stamp ended by saying, we ask you to bring this matter back from LUPA with withdraw consideration and let us have a new hearing.

Charee Richey, 3003 W. 11<sup>th</sup> Ave, #237, Eugene. Ms. Richey stated she has never had the opportunity to address Council and expressed that she wants to make herself available to any questions Councilors may have. She said at the time of the August meeting she was taking care of business in California and was told she didn't need to be present at the meeting.

Charlie Coury, 91176 N. Harrison, Coburg. Mr. Coury started by saying he didn't think the City Attorney was serving the City well in advising them to withdraw their decision. He added, Councilors made a courageous decision when they voted to deny the dispensary and he feels the City should let the attorneys handle this and let LUPA make the decision. Mr. Coury stated to Ms. Richey, "Why are you forcing yourself here when the whole community is against you being here".

Sharon Walker, 91151 Triple Oaks Drive, Eugene. Ms. Walker said, when this whole thing about the Matthews house started citizens were held to a strict policy on time. Why does one side have to be held to time when the other party gets another chance? All the time that has been invested and money spent; why again are we talking about this. The applicant missed their opportunity to speak. She added that she is speaking for others that also feel this way.

Linda Kocurek, PO Box 8525, Coburg. Ms. Kocurek told Councilors that Miss Richey has been given ample opportunity to speak and missed her chance to give input when she sent her realtor to speak on her behalf. She ended saying to Councilors, please do not reopen this case.

Ryan Thomas, 1398 Rainbow Drive, Springfield, Oregon. Mr. Thomas stated when he received a copy of the staff report for, SR-02-15, the wording did not reflect what the finding said. The applicant did not meet the criteria. Mr. Thomas recommended correcting the wording and said he does not feel a new hearing should be granted. *Option two* would allow Council to more accurately state what the denial was based on.

Steven Wilhite, 91070 Oak Crest Road, Eugene. Mr. Wilhite stated he is amazed we are talking about this, it is a political decision. Federal law is against this kind of activity. The only reason Oregon can consider sales is because the National Administration has decided not to enforce

the law. We are talking about allowing a destructive business only because Federal Government has not enforced the law. He said he looked on the internet and Ms. Richey has had a tough time in California. She does not have good banking and no standing with FDA. Mr. Wilhite said he sees no reason to proceed with putting a dispensary here. He ended saying Ms. Richey would be welcomed on Blair Street, it would suit her and Coburg doesn't want her.

Frank Walker, 91151 Triple Oaks Drive, Eugene. Mr. Walker said a decision was made by you, *Councilors* – you made a ruling based on facts presented to you. You the elected members of City Council overruled the Planning decision. You ruled based on arguments and facts presented to you and you should stand by the decision you made. Ms. Richey's attorney is asking for a do-over and is hoping he can stop it here so he doesn't have to worry about losing in LUPA. Mr. Walker ended telling Councilors if they reverse their decision they will lose the trust of a lot of the citizens in Coburg.

There was one email received in favor of the dispensary, submitted by: [RitesRight@gmail.com](mailto:RitesRight@gmail.com). The email stated the people of Oregon voted to legalize marijuana. People should not have to go to another town to buy it. It said the rights of the people are being violated since marijuana has become legalized and Government, Authority, Officials and People may not place law or vote into law, a law that controls an individual's right to choose.

**Citizen Testimony concluded.**

## **8. DEPARTMENT ACTIONS & UPDATES:**

### **City Administration**

Department Highlight. This month featured the Justice Department. Judge Wilson spoke of how he came to be a judge in Coburg. The difference between municipal and circuit court, some crime cases and praised the good job the court staff does. Judge Wilson ended by saying he'd appreciate the City giving any technology available to help Mandy Balcom do her job and he hopes they will give her some software upgrades.

SR-02-15 (Tab 5). Consideration of withdrawal of Decision in Richey Appeal (Medical Marijuana). Mr. Mecham reported on this. He reviewed the withdrawal process and reviewed with Councilors four-options they have. Withdrawal is the process established by LUPA to allow a city to take back the decision if there are reasons why the city might want to revisit the decision. Mr. Mecham said this is a two part decision, 1) withdrawal, 2) how to treat the withdrawal. Mr. Mecham stated he recommends *Option 3* because at the August 24<sup>th</sup> meeting several Councilors expressed concern that the applicant was not present at the hearing to speak.

### **Options:**

1. Not withdraw the decision. The appeal to LUPA would move forward.
2. Withdraw the decision but do not reopen the record and do not grant the applicant any further chance to appear before the Council.
3. Withdraw the decision and set a time for a rebuttal hearing on the matter,

4. Withdraw the decision and set a time for a new hearing. At this hearing the applicant and any other participant would be able to raise any issue concerning the application, and offer new evidence regarding the application.

Council Discussion: Mayor Pudewell reminded Citizens and Councilors that this is a decision about process.

Councilor Kocurek asked what the time limit is to file for withdrawal and Mecham said it should happen tonight. The notice of appeal has been filed and the City has to file record within 20 days. We asked for an extension to have this question before Council. If you don't decide tonight we could ask for another extension, but Mecham didn't think there would be an agreement to do this. He added it is his recommendation the decision be made tonight.

Councilor Stearns asked, if we withdrawal with rebuttal only, we only look at evidence of what is on record and Mecham said that is correct.

Councilor Nelson said it has been said here we had four hours in the meeting and reached a conclusion and that we were hurried to make the decision and didn't have all the facts or we didn't read them properly. He stated he sees no compelling reason for this Council to change their mind. He said he studied this thing and listened to everyone, all the pros and cons, and the decision made took a lot longer than four hours. Mecham responded that he doesn't disagree and his recommendation to withdraw is not based on suggestion Councilors did not fully consider their decision. Mecham added the findings submitted did not reflect the full range of discussion we had.

Councilor Smith said he agreed with what Mr. Thomas said, we did not get enough time to put together a good statement of why we denied it. He said he is in favor of doing this to strengthen their stand. He added that he will not change his mind.

After more councilor discussion on the options, Mayor Pudewell entertained a motion.

*Councilor Smith, seconded by Councilor Abbaspour, moved to accept Option 2 and that the August 24, 2014 decision in SR-02-15 be withdrawn and that staff be directed to revise the findings to address all criteria and reflect all the issues raised by the Council in the August 24, 2015 hearing, for review by the Council at the its next regular meetings. Discussion: Councilor Nelson asked, this doesn't give us a rebuttal option and Mayor said that is correct it doesn't change the decision, the decision can be revised. **The vote passed 6:0.***

City Administration Monthly Update (Tab 4). Ms. Schuetz reported on some City highlights.

A parks equipment grant in the amount of \$75,000 was approved for Norma Pheiffer Park. Anne Heath will be the Project Manager. They are hoping to start the project in December. Councilor Behney asked if equipment could be used at both parks but Schuetz said no, grants are specifically written for a site.

The TGM Grant in the amount of \$30-40,000 for development code update has an approval pending; just need Mayor Pudewell to write a letter clarifying our Resolution. They would prefer us to get through the UGB process first.

Ms. Schuetz gave a brief update on, Coburg Loop Project Funding, Phase 4.

Urban Growth appeal. Lane County Planning Commission approved the recommendation to the board and the first reading is scheduled for October 23<sup>rd</sup> at 1:30 p.m. The second reading is scheduled for November. Mr. Pudewell said he has been told Thousand Friends plan on appealing to the Commission. Schuetz said she has heard that too and there is a good possibility they will. Thus far they have not shown up at the meetings.

Councilor Behney referenced the Public Works section of the report (page 5) and asked if the submitted report is sufficient or do they want more? Councilor Smith said it looked good and voiced thanks for the report.

Mayor Pudewell wanted to note that Roberts Road is better since the paving, Schuetz added the paving occurred from a grant from the state.

Emergency Succession Plans for Department Heads (Tab 6). Ms. Schuetz reported. This is a plan to cover certain positions in the absence of the person who does the job. This is also a good opportunity to cross train. Schuetz submitted a template with her succession plan for Councilors to review. All Councilors liked it and thought it was a good idea to have for all departments. There was additional Council discussion on Emergency Response Plan, which h Coburg does have. Councilor Stearns reiterated the importance of this and talked about a Crisis Development Plan at his employment. He added it would be good to get community involvement.

Ms. Schuetz said Larry Larson will be conducting training on active shooter. She also told Councilors about the upcoming Shakeout event the City will be participating in. It's an earthquake drill.

ePermitting IGA, (Tab 9). Ms. Schuetz said with this an online system people can apply, pay and receive building permits 24/7. There is also automated inspection scheduling.

Councilor Stearns asked what the City receives from the report (what information). Schuetz said everything is automatically documented in the systems and reports can be ran on responsiveness, actions, etc. It would give us access to more information and there is no cost for this. Tracking and data collection would be available which we do by hand now. Schuetz indicated in the packet it shows which reports are available. She added the advantages are efficiency, level of service and it saves the City time. The downside is the time it will take to set this up. The time it takes staff to migrate the information into the new system could take 4-6 months.

Councilor Stearns asked if we have a complicated project and someone applies for a permit, when does staff get involved and Schuetz said this will not change our planning policy; all criteria will still be looked at and a decision will be made following planning codes.

Sammy Egbert said every permit has to be checked off by the Planner and they will get an email with a daily task list.

*Councilor Stearns, seconded by Councilor Smith, moved to accept the E-Permits System.*

*Discussion: Councilor Behney asked, once we start this system can we stop if we are unhappy*

*and Schuetz said yes. Councilor Nelson added we are the minority who still processes by hand.*

*Councilor Kocurek asked how much data we will migrate over and Schuetz said we'd start with 2016 and move forward. If some future project allows us to add archives she may consider that.*

***The vote passed 6:0***

### **Public Works**

Water Master Plan Update (Tab 7). Damien Gilbert reported. The master plan is approaching 10 years old. The update will be similar to the previous master plan update but will include updating modeling to reflect system buildout that was not consistent with the recommendations, changes in growth projections, and increased urgency of need to service to the east side of I-5. The plan will be focusing on:

1. Water source. We only have one and if there were to be contamination or the well failed, the City would be in trouble. There needs to be another source.
2. Need for storage, elevated storage. The master plan is to construct a reservoir.
3. Water across I-5.

A sub-contractor specializing in water will be working on the project also. As discussed Damion said he added the task of preparing design standards and details for water infrastructure installation on future developments. The standards and details will be for trenching, services, fire hydrants, blow-offs, valves, and thrust blocks.

There was general discussion between Councilors and Damion on the Master Plan.

**Finance**, reported by Anne Heath, (Tab 7). The report covers two months because July was not covered. The City is operating as expected and still spending as little as possible and is in good shape going through the JASON period. Heath commended Managers on the good job they are doing watching their expenditures.

Heath answered Councilor Nelson's question from the previous meeting asking about the City Hall Payment and amortization schedule. Heath sat down with the bank and was told the interest is calculated on the loan daily and depending on how many days are in the month and how many days it takes to pay the bill can change this. One suggestion would be to have an automatic payment that comes out on the same day each month. This would help but still wouldn't match completely. Heath said she pays this as soon as she receives the bill and is able to obtain signatures on the check. She added, we didn't start payback on the date the

amortization schedule started on. Heath said we knew in advance this was going to happen so we are a little bit behind on the amortization schedule.

Heath informed Councilors they have received a bid for the upstairs offices. Three construction companies were invited to bid; three did the walk through but only one actually did bid. The bid received specified the contractor did his best to give the City a good deal, his name is Ryan Thomas. There was a bid to do offices and then four other areas were included in optional bids. One was the IT component and another for clear story windows in office additions. Another option is a half wall since there is a workspace in the hallway. The other option was to remove the window between Public Works and Finance to make the finance office more secure. The bid without the IT component and window removal is \$28,100 and \$20,500 was budgeted for the project. About 25-30% of the project would be Public Works and there is nothing in their budget; we would have to find the money in their budget. Bob Butler is sure we can find the extra money in Public Works. Heath said she recommends we go forward with Public Works paying 27% of the cost. An alternative is not to do it this year and put it into next year's budget and use funds we currently have for other City Hall projects; ADA compliance for the parking lot, and code issues at City Hall.

Councilors discussed the need for Police to have their own office as well as Public Works and Planning.

Councilor Smith asked if Department Heads had input on this and Schuetz said yes; they were asked for any specific requests four months ago. Councilor Smith asked if IT is needed and Schuetz said IT just means adding more electrical for the copier.

Councilor Stearns asked about the sound proof walls and special doors for the police office and clear story windows. Heath explained the reason for these. He also asked if finishing work is included and Heath said yes.

Councilor Smith stated he recommends we move forward with Ms. Heath's recommendation and work on a supplemental budget, but we will have to wait until bob Butler returns and can come up with funds. Heath added she didn't think the \$7,600 would be a huge deal to come up with.

Mayor Pudewell stated he doesn't want to move forward until the supplemental budget is in place. Mecham said we could start the project knowing the supplemental budget will be in place by the time we need the money. Heath said she has an email from Butler saying it is doable.

All Councilors were in consensus that we should move forward with the project.

Councilor Nelson had more questions for finance and asked Mayor Pudewell for permission to email Heath and the Mayor said that would be okay.



Councilor Behney asked about Kennedy Consulting, settlement investigation and the final billing, which Ms. Heath explained.

**9. UPCOMING AGENDA ITEMS (part of the agenda):** Mayor Pudewell spoke on the upcoming agenda items.

- Recreational Marijuana Policy Options Continued.
- Gas and Diesel Tax.
- Finance/Audit Committee Report. Waster Master Plan Update Work plan.
- Planning Commission Re/Appointments.
- General Request for Proposals Polic(ies).
- Riparian Ordinance.
- Special Even Fee for Coincident Licenses.
- Review Outstanding RFP's (not on agenda).

Councilor Nelson asked about Planning Commission RE/Appointments, and the eligibility of one member. Ms. Schuetz stated the Planning Commission reviewed the by-laws and didn't feel anything needed changed. There are a couple small changes on the application.

Ms. Schuetz reported that the work is not complete on the Riparian Ordinance, this is from two years ago. This is part of our goals. It has never been adopted.

Councilor Stearns asked if training is going to be offered to the Budget Committee members and Mayor Pudewell thought it was a good idea. Ms. Heath said she and Mecham met and are working on a 2- year projections on waste water and it is important this comes to Council before budget. There will also be some training for Councilors by Heath.

Councilor Kocurek spoke on a future policy potential on frequent pumping fee.

**10. NEW BUSINESS:** There was no new business discussed.

**11. FUTURE MEETINGS AND DATES TO REMEMBER:**

- Heritage Committee – October 21.
- Planning Commission – October 21.
- Parks / Tree Committee – October 21.
- Finance / Audit Committee – October 27.
- City Council Meeting – November 10.

**12. ADJOURNMENT:** The City Council concluded their meeting and adjourned at the hour of 9:48 p.m.

**APPROVED** by the Mayor and Council of the City of Coburg this 10th day of November, 2015.



Jae Pudewell, Mayor

**ATTEST:**

Sammy L. Egbert, City Recorder