



## **MINUTES**

Draft

### **Coburg City Council**

Regular Session

May 10<sup>th</sup>, 2016 – 7:00 P.M.

Coburg City Hall

91136 North Willamette - Coburg

**COUNCILORS PRESENT:** Ray Smith, Mayor; Sharyl Abbaspour, Jerry Behney, Patrick Kocurek, Chris Page, Steve Stearns.

**COUNCILORS ABSENT:**

**STAFF PRESENT:** Petra Schuetz, Anne Heath, City Attorney Milo Mecham, Bob Butler

**GUESTS PRESENT:** Ron Crawford Alliance Insurance

**RECORDED BY:** Cara Mico, LCOG

#### **1. CALL TO ORDER**

Mayor Smith called the meeting of the Coburg City Council to order at 7:00 p.m.

#### **2. PLEDGE OF ALLEGIANCE**

The Council conducted the Pledge of Allegiance.

#### **3. ROLL CALL**

The LCOG Recorder called roll and Mayor Smith stated that a quorum was present.

#### **4. SPECIAL GUEST**

Ron Crawford from Alliance Insurance thanked the City for his years of service and announced that he was retiring. Mayor Smith presented him with a cake and the City Council took a moment to recognize his dedication to the City of Coburg.

#### **5. MAYOR COMMENTS**

Mayor Smith discussed his work with citizens to improve communication during public meetings. He emphasized that Council consensus was important as was an open dialog including opposing views. He added that while public testimony was limited to three minutes per Council bylaws, he would be open to increasing that with Council consensus.

## 6. AGENDA REVIEW

- Public comment was received from Eugene Truck Haven AKA Truck and Travel.
- Resolution on Tab 7, the Ordinance reference was incorrect and staff made correction.
- The sewer fee analysis was included for Council reference.
- The Water System Master Plan was added for information.

## 7. CONSENT AGENDA: Tab 1

- Minutes Approval for the April 12, 2016 City Council Meeting.

***Councilor Behney, seconded by Councilor Abbaspour, moved to approve the consent agenda. There was no discussion, none opposed, and no abstentions. The consent agenda passed unanimously.***

## 8. CITIZEN'S TESTIMONY

John Anderson, 32910 East Pearl Street, Coburg, Oregon. Truck and Travel was a family-owned business which opened in 1976. They pay \$45,000 in gas taxes to the City of Coburg annually and Mr. Anderson spoke in opposition to the proposed diesel tax explaining that it would be a detrimental blow to their business. The gas business negotiated product cost and trucking businesses have programs which provided truckers with the location of the most cost effective fueling stations and gas cards shut off for non-optimal locations.

Jim Anderson, 32910 East Pearl Street, Coburg, Oregon. Mr. Anderson said that the Multnomah County fuel tax exempted commercial trucking in order to increase area truck business. Truck and Travel employs over 90 people with \$3 million in payroll. The business also paid \$25,000 in wastewater fees and he said that an additional local diesel tax would be detrimental to their business.

Michelle Sunia, 91205 Rustic Court, Coburg, Oregon. Ms. Sunia said that she was part of the Ford Family Foundation leadership team that secured funding for the new playground structure. She said that if the team had known that there was going to be a rental fee for the public structure they would have pursued an alternative project. She explained that the shelter was constructed to provide a multiuse booth, a stage, and shade for local citizens to use throughout the year. The primary use of the structure needed to be for the residents of Coburg and she expressed concern that the structure was reserved through the summer and wasn't available for use.

Claire Smith, 32790 East Maple Street, Coburg. Ms. Smith asked about the available structures for rent, neighbor outreach, and limits on the days and hours the structures were available for rent. She asked the Council if the park, which belonged to the entire community, would exclude those that couldn't afford to pay the fee, and asked if it was cost effective to collect the fees and wanted to know what the money would be used for.

Jodie Kelley, 32680 Christian Way Coburg. Ms. Kelley submitted a complaint regarding the potholes. She said that while potholes were primarily a functional issue they were also an aesthetic issue. She added that they City had made progress in terms of vacant buildings and did not want to see the potholes become a deterrent to moving to Coburg.

## 9. DEPARTMENT ACTIONS AND UPDATES

### A. City Administration Monthly Update – Tab 2

- Ms. Schuetz updated the Council regarding the parks and open space survey work being conducted by graduate student Dana Nichols, which would be mailed to citizens in utility bills. Ms. Nichols would be soliciting feedback at a community workshop hosted in the Norma Pfeiffer Park on Thursday, May 12<sup>th</sup>, 2016 from 5 – 7 p.m. Her work would end midsummer.
- The Red Cross Business Leaders Resilience Forum would be held on May 13<sup>th</sup> at the downtown Eugene library. The forum would focus on community leadership during disasters.
- The Coburg Closet Clutter Clear-out garage sale was scheduled for Saturday, May 14<sup>th</sup>, 9:00 a.m. - 4:00 p.m. The Chamber of Commerce event would help local schools. Councilor Abbaspour was leading the coordination of the event which would be held in the City Hall parking lot.
- The Budget Committee had held the first meeting on May 4<sup>th</sup>, 2016. The second Budget Committee was scheduled for May 17<sup>th</sup> at 6:30 p.m.
- City Hall would be closed on Memorial Day, May 30<sup>th</sup>.

### **Council Comments and Questions**

- Councilor Abbaspour said that Closet Clutter items which didn't fit in the parking lot could be donated directly to the school.
- Councilor Page asked about the CIS Bonus training discount and whether or not they had met the deadline. Ms. Schuetz said that they had not and that there were no extensions or exceptions, although she had requested both.
- Mayor Smith discussed the Parks Master Plan Update and said that input should be solicited from a variety of citizens. Ms. Schuetz said that the survey would also go out to the schools for student input and staff had considered mailing the survey to residents within the fire district but it was determined that that would be too costly and that the primary respondents needed to be City tax payers.
- Councilor Page said that Coburg Conversations was a good event and gave credit to the Councilors involved. Mayor Smith added that Robert Killen and the Chamber of Commerce deserved credit for a job well done.

### **B. Local Motor Fuel Tax Feasibility Update – Tab 3**

Councilor Abbaspour commented that she learned a great deal from the public commentary regarding the commercial motor fuel industry. Mayor Smith said that the Council would need to make a decision about the formation of a subcommittee by the July meeting. Councilor Behney said that he was unaware of the intricacies of fuel distribution in trucking. Councilor Stearns asked if it was possible to isolate noncommercial diesel sales from commercial diesel sales. Mr. Anderson said that there would be a cost to track it but that it could be done. Councilor Behney supported the formation of a motor fuels tax subcommittee.

Mayor Smith asked about the makeup of the subcommittee. Councilors Page and Behney volunteered to represent the Council. Patty Giannone, an audience member volunteered for the subcommittee as well. Councilor Behney suggested inviting a business reliant on diesel fuel stations to participate. Councilor Abbaspour said that Colleen Marshall from the budget committee had expressed interest in the diesel tax. Ms. Egbert offered to provide information regarding the makeup of the prior subcommittee formed to address the diesel fuel tax issue. Mayor Smith said he would like 1-3 members of the public to sit on the subcommittee. Councilor Behney asked if the subcommittee could include the Andersons. Mr. Mecham said that because the tax directly financially impacted their business they could not sit on the subcommittee but could serve as consultants. Mayor Smith requested that proposed member names be

submitted by May 17<sup>th</sup> after which point he would appoint members.

### **C. Parks Reservations – Tab 4**

Ms. Egbert said that staff was in the process of making changes to the facility use application. She discussed the Norma Pfeiffer park play structure and the summer rental schedule. The fee structure had been developed for economic development reasons and to limit liabilities. There were about 15 reservations already for the new structure. As part of the process, staff was proposing to change rental fees. Previous fees were \$25-50 and, after researching what other jurisdictions charged staff recommended using \$60 as a starting point. Ms. Egbert said that requiring a form for reserving municipal parks was standard. Councilor Abbaspour asked how fees would be used. Ms. Egbert said that the gazebo was rented out regularly, and the fees go to maintenance of the park. Councilor Page asked for clarification about renting Norma Pfeiffer North. Ms. Egbert said that it would cost \$60 for a four-hour block. Ms. Schuetz said that staff could consider segmenting the fee based on income. The goal was to reduce the unofficial reservation of space during times when people weren't actually using the park structures. She added that while the process wasn't fee driven, Public Works had essentially ended up with an unfunded mandate to maintain the new structure and there was an associated cost.

There was an assumption based on the case law provided in the agenda packet that cities would face increased liability for injuries occurring in parks. A second goal of the reservation process was to increase the acknowledgement of park rules through the use of a waiver and posted rules and ordinances at the park so that the responsible party was aware of the safety issues related to injuries and unmarked boundaries. The waiver was intended to help administratively rather than create a burden. If the City Council was interested amending park ordinances Ms. Schuetz recommended requesting that the parks committee take on that task.

### **Discussion and Questions**

Mayor Smith said that he was concerned about the reservation of public spaces and the lack of access for low-income residents. Councilor Stearns was concerned about the transition between reservations. Councilor Abbaspour mentioned that the park was often unofficially reserved all day when people set up first thing in the morning for parties that wouldn't take place until noon. Councilor Behney asked about the 15 reservations in place, Ms. Egbert said that they were likely all local and were for birthday parties, graduation parties, and family reunions. Mayor Smith asked staff about their recommendations and alternatives. Councilor Abbaspour liked the idea of nonresidents paying more.

Mr. Mecham said that a recent change in recreation laws potentially increased the City's liability and that the associated expenses would increase because parks would need to be posted with warning and ordinance signs. He added that there was a double value in asking that park users sign a waiver; users would be required to acknowledge the rules as well as hold the City harmless for injuries occurring on park property.

Councilor Page asked about rules and was surprised that people could drink beer or wine in parts of the park. Ms. Egbert said that the City had the ability to post no alcohol signs. Ms. Schuetz said that the rule had been revisited many times and supported. There was a discussion about recreational marijuana laws.

Councilor Page was concerned about the cost of renting the park. Ms. Heath said that \$60 was reasonable and would cover any damage done to the property. Ms. Schuetz said that they made

comparisons to neighboring jurisdictions and it was lower than most. Ms. Schuetz said that a waiver was to identify when a party started and ended. There was a \$1 million case recently where citizens rented a park for party, were injured after the party, and sued the city.

Councilor Abbaspour asked if the City would charge schools. Ms. Egbert said that schools would likely be exempt. Ms. Schuetz said that the fee would be simplified.

Councilor Kocurek asked about the condition of the parks after parties. The Public Works Director said that residents were largely respectful and cleaned up the trash but that the bins were full following events.

***Councilor Behney, seconded by Councilor Stearns, moved the second recommendation "If there are concerns or recommendations to change the existing park use, rules or special events or nuisance ordinances, then it is recommended that both the Parks Committee and Planning Commission be directed by City Council to provide a recommendation for amendments."***

Mayor Smith asked for clarification regarding the need for the Parks Committee to provide input. Ms. Schuetz said that the revised form was a consolidation of all existing park rules and ordinances, and that if the Council wanted to change an existing ordinance then that would need to go to the Parks Committee. The issue at hand was one of liability and she said that even if the City decided that a \$1 reservation was enough, the issue needed to be addressed in some manner.

Mayor Smith said that as he understood it, the motion would be to move forward but that the Parks Committee could make recommendations. If there was no recommendation from the Parks Committee, then the motion would stand. Ms. Schuetz recommended putting a time limit on the process since the signs needed to be ordered and posted. The Parks Committee would meet on the 18<sup>th</sup> and if ordinances were to change, signs would also have to change and she did not want to reorder signs. Ms. Smith, a member of the Parks Committee, said that she would be happy to put it on agenda and added that the intent was not to change the ordinance but rather to consider fees and rentals time frames. Councilor Page recommended directing to the issue of fees to the Parks Committee.

***There was no further discussion on the motion, there were no abstentions and the motion passed unanimously.***

#### **D. Public Works Water Master Plan Update Tab 5**

The Water Master Plan consultant would visit with the Public Works Director and develop a first draft of the plan within 6 weeks for the Council to review. The plan would include a list of potential projects such as increased storage opportunities and a third well, and would serve as a capital improvement plan.

#### **E. Public Hearing for Resolution 2016-05**

The Public Hearing for resolution 2016-05, a resolution setting wastewater service fees for fiscal year 2016-2017 and providing for rate adjustments, was opened at 8:45 p.m.

#### **Staff Report**

Wastewater rates pay for system operating costs and debt but don't cover expenses. The proposal was to have a series of increases over 30 years to make enough money to pay costs and not use the URA reserve. There were two options; a large, immediate rate increase or smaller increase over time. The

assumptions that lead to the \$5 rate increase included a pumping fee and growth from the Coburg Inn, potential subdivisions, and RV park increases. The potential hotel on the east side was not factored in to the rate increase.

#### **Public Testimony**

There was no public testimony.

#### **Questions from Council**

Mayor Smith said that he had spoken with the County Tax Assessor regarding assessed values of parcels in Coburg North and had been informed that at least one property had experienced a 50% increase in value. The County would be reassessing substantial value increases soon and that could offset some of the needed rate increase. He had also recommended that the County prioritize the hiring of additional assessors. The County had plans to hire 2 additional assessors but 12 were laid off in 2011. Mr. Mecham clarified that not all of Coburg north was within the URA boundary and recommended proceeding with the proposed rate increase. Councilor Abbaspour said that the assumptions used to calculate the necessary rate increase were fairly conservative in that they predicted no growth. She agreed that Council should adopt the rate increase and reevaluate the rate in the future. Mayor Smith concurred. Mr. Mecham added that the proposed rate assumed a pumping fee and general fund transfer. If the transfer and pumping fee were not implemented the rates would have to be increased to \$7. Councilor Behney said that he was comfortable with \$5.1 increase. Councilor Kocurek asked about the \$50,000 transfer from the general fund. Mr. Mecham said that the council had agreed to address the sewer fund debt with General Fund transfers and that the budget for the sewer fee was based on the assumption that the transfer would occur.

There was a discussion regarding public input. Councilor Stearns said that he wasn't going to vote for the increase. Councilor Abbaspour stated that past rate projections were based on inaccurate assumptions and that the rate needed to be adjusted to cover the actual cost to maintain the system. Councilor Stearns asked if there was a way to expedite the reassessment of property values within the URA and Mayor Smith replied that it was occurring as quickly as possible. Councilor Behney said that the City had \$27 million in infrastructure which needed to be maintained and there was a cost associated with that. Mr. Mecham said that the plant was well run and was adequate for the City. Councilor Stearns clarified that he didn't question how the plant was run. Mayor Smith said that there was bound to be headaches and added that the hope was that development increased.

Ms. Schuetz said that there would be a pre-application meeting for the east side hotel soon which could provide a large contribution to SDCs. Councilor Abbaspour said that it was exciting what was happening in Coburg and that none of it would be possible without the wastewater system. There was a discussion of the environmental improvements attributed to the new system.

The Public Hearing closed at 9:24 p.m.

***Councilor Abbaspour, seconded by Councilor Behney, moved to adopt resolution 2016-05, a resolution setting wastewater service fees for fiscal year 2016-2017 and providing for rate adjustments. The motion passed with 4 in favor and one opposed.***

#### **F. Public Hearing for Resolution 2016-06**

The Public Hearing for resolution 2016-06, A resolution setting wastewater pumping fees opened at 9:26 p.m.

#### **Staff Report**

The wastewater rates had been set with the assumption that the tanks would be pumped once every five years, but some of the tanks had to be pumped more frequently. The problem was largely in the commercial/industrial district with businesses like Truck and Travel needing to be pumped 4 times more frequently than projected. The unanticipated operating cost was using the reserve more quickly than ideal so staff was proposing to include a fee and credit system. The basic pumping fee would be based on the fee charged by contractors to pump and dispose of the waste.

Councilor Stearns said that the system fees were based on performance and that the citizens of Coburg were being asked to pay for a system that was designed incorrectly. He suggested holding the engineering firm or the tank manufacturing company accountable for system flaws. Mr. Mecham said that he didn't disagree with the basic premise but said that the problem wasn't an engineering issue or a problem with the pump but rather the tanks were being overused, he added that 90% of the issue was with commercial systems. Ms. Schuetz asked if there was an alternative which could require that commercial users increase tank capacity when changes of use occurred. The Public Works Director said that the size of the tanks was irrelevant to the need to pump the system. He added that increasing the residential tank size to 1500-gallon tanks with baffles could help. Ms. Schuetz said that they could administratively change the design standards to reflect that. Mr. Mechum said that the fairest way to cover the cost was to charge for the increased pumping and said that staff could apply the fee to commercial users.

#### **Public Testimony**

There was no public testimony.

Mayor Smith closed the Public Hearing at 9:54 p.m.

#### **Discussion**

Mayor Smith noted that the time was past 9:30 p.m. and asked if the Council wished to continue the meeting. There was general agreement to continue.

Mr. Mecham clarified that the Council wanted to revise the resolution to exempt residential units. The Public Works Director said that the rate could be applied to anyone with a calculated bill. Mr. Mecham said that a single family dwelling was equivalent to 1 EDU. The Council requested that the Public Works Director evaluate contractor pumping costs more closely.

#### **G. Planning Commissioner Appointment – Tab 9**

***Councilor Stearns, seconded by Councilor Abbaspour, moved to appoint William Wood to Planning Commission, Position 4 consistent with the unanimous Planning Commission Recommendation. The motion passed unanimously.***

#### **H. Finance**

There was very little budgetary concern and the City was mostly operating within budget although some

expenses were over and that was largely related to development, which increased both revenues and expenses. Ms. Heath would provide a supplemental budget to reflect that. There was a discussion of the audit process and Ms. Heath said that there was an issue with the police inventory missing receipts but having signed statements, and that police guns would not be included as capital assets.

**I. Ordinance A-239 second reading – Tab 10**

An Ordinance creating a Master Planned Development Overlay Zone pursuant to Article X.V of the Coburg Zoning Code Ordinance A-200G, and amending the Coburg Overlay Zones Map at assessor's map 16-03-33-23, tax lots 03000, 03200, 03400, 03500, 03600, 03700.

***Councilor Page, seconded by Councilor Abbaspour, moved to adopt Ordinance A-239 An Ordinance creating a Master Planned Development Overlay Zone pursuant to Article X.V of the Coburg Zoning Code Ordinance A-200G, and amending the Coburg Overlay Zones Map at assessor's map 16-03-33-23, tax lots 03000, 03200, 03400, 03500, 03600, 03700. There was no discussion, no abstentions, and no opposition. The motion passed unanimously.***


**11. ADJOURNMENT**

Mayor Ray Smith adjourned the meeting at 10:10 p.m.

**APPROVED** by the Mayor and Council of the City of Coburg this 14th day of June, 2016.

  
Ray Smith, Mayor

ATTEST:

  
Sammy L. Egbert, City Recorder