



Coburg City Council
Regular Session
January 9, 2018 – 6:30 P.M.
Coburg City Hall
91136 North Willamette St., Coburg

COUNCILORS PRESENT: Ray Smith, Mayor; Nancy Bell, Patti Gianone, Patrick Kocurek, Chris Page, Steve Stearns, Councilors.

ABSENT:

STAFF PRESENT: Mandy Balcom, Court Administrator; Thomas Boydell, City Administrator; Anne Davies, City Attorney; Brian Harmon, Public Works Director; Anne Heath, Assistant City Administrator; Jeff Kernan, Planner; Larry Larson, Coburg Chief of Police.

GUESTS PRESENT:

RECORDED BY: Dana Shinnars, LCOG

STATE OF THE CITY ADDRESS

Mayor Smith delivered the State of the City address and welcomed everyone to 2018.

Mayor Smith celebrated the completion of the visioning process. He shared that Coburg will have a R.A.R.E. participant to help with the projects that came out of this process. Mayor Smith highlighted that Coburg must focus on making decisions using open, verifiable information. He noted that he hopes to continue reforming the public comment period during meetings in order to encourage dialog with the community.

Mayor Smith thanked Lonna Meston, of Parks and Trees Committee, for her work on the Committee and Commission Handbook, which was adopted by council in 2017. He shared that there was great collaboration and dialog between staff in the last year. He encouraged councilors to ask tough questions and not to be afraid to create opposition.

Mayor Smith noted the need for upcoming investment in equipment and maintenance issues, specifically for streets. He stated that a gas tax will be a consideration to generate this revenue. He shared that he hopes to move forward with plans to establish Coburg Community Foundation, which will open up new opportunities for funding.

Mayor Smith encouraged everyone to become a part of the vision projects in 2018. Thanked Councilor Gianone and Robert Killen, Chamber of Commerce President, for their commitment to the ongoing Coburg visioning projects.

Mayor Smith expressed that he is plans on focusing on goal settling at the council retreat in order to plan for growth. He concluded by sharing he feels that "Coburg government is the community."

Mayor. Smith presented the "2017 Citizen of Year" award to Joe Morneau, who has been an active participant in many community groups, including the Parks and Trees Committee, Coburg Fire Rural Fire Department, and Coburg Grange.

Mayor Smith presented "Coburg Youth Ambassador" to Jameson Bouwman for his energy and insight to engage people in Coburg.

Mr. Boydell presented a PowerPoint on 2017 in Coburg. He outlined the 2017's accomplishments, FY 2017-18 goals, and key efforts underway. He presented that Coburg has improved its financial health over the past two years.

Mr. Boydell recognized Anne Heath, Chris Hansbrough, Alexis Koran as the "2017 Employees of the Year." He noted that the city has gone through tremendous transition and growth this year. He reviewed each recipients' contributions and accomplishments.

Those present were invited to an informal time of fellowship and refreshments.

1. CALL TO ORDER:

Mayor Smith called the Regular Session of the Coburg City Council to order at 7:26 p.m.

2. PLEDGE OF ALLEGIANCE:

Council conducted the Pledge of Allegiance.

3. ROLL CALL:

Ms. Balcom called the roll and announced a quorum was present.

4. MAYOR COMMENTS: Tab 1

Appoint Council President

Mayor Smith asked for nominations to fill the presidency. Councilor Sterns nominated, seconded by Councilor Kocurek, to elect Councilor Gianone, as council president. Councilor Page nominated, seconded by Councilor Gianone, to elect Councilor Bell as council president.

The councilors voted via paper ballot. Councilor Bell received 3 votes, Councilor Gianone received 2, making Councilor Bell president.

5. AGENDA REVIEW:

There were no changes made to the agenda.

6. CITIZENS TESTIMONY

Michelle Sunia provided an update on Coburg Community Foundation. She shared that there will be a community outreach event on February 21, 6:00 at the Coburg Community Charter School cafeteria. She shared that dinner will be provided beginning at 5:45 p.m. and the event will be an opportunity to gather information from the community. She added that they will be hosting another event in April.

Scott Littlejohn and Raymond Hardman of Emerald Broadband introduced themselves as a franchise agreement applicant.

Mr. Boydell shared that Emerald Broadband has service that can support tech companies as well as provide service to Coburg residents.

Mr. Hardman stated they have been working with LCOG and the Regional Fiber Consortium to partner with Westfir, Oakridge, and would like to work with Coburg.

Councilor Gianone asked which services Emerald Broadband provides.

Mr. Hardman responded that they provide internet and phone service. He also shared that Emerald Broadband provides free internet for families enrolled in the national school lunch program.

7. CITY ADMINISTRATORS REPORT: Tab 2

Mr. Boydell presented the City Administrators Report. He noted two important dates: a blood drive at City Hall which occurred on January 4th, and a community dinner planned for February 21st.

Councilor Gianone thanked Chief Larson for the New Year's Eve Ride Home program. She also asked Mr. Boydell if he would be discussing economic development at the retreat.

Mr. Boydell replied that he will be bringing these materials to the retreat.

Councilor Page echoed Councilor Gianone's comment on the New Year's Eve program.

Councilor Sterns asked how many rides were provided on New Year's Eve.

Chief Larson responded that they provided 12 rides to 28 different people.

Mayor Smith asked how many participants attended Parents Night Out.

Chief Larson said that they had 50 participants.

8. CONSENT AGENDA: Tab 3, 4, and 5

Councilor Gianone corrected Resolution 2018-01, Tab 5, the sentence under *Recommendations and Alternatives* to read "...City of Coburg existing *systems* development charges." She also asked about Attachment A and the difference between "Residence" and "Employee" in the table.

Ms. Heath replied that businesses pay SDCs by employee. She clarified that it is one-time charge to businesses.

Ms. Heath shared that she is working on a reference sheet and an overview of what can be paid for with SDC funds.

Councilor Stearns moved, seconded by Councilor Bell, to approve the December 12, 2017 Regular Session Minutes, Park and Tree Committee Members Annual Appointment, and RESOLUTION 2018-01 A RESOLUTION OF THE CITY OF COBURG APPLYING A CONSTRUCTION COST INFLATION FACTOR TO EXISTING SYSTEM DEVELOPMENT CHARGES. The motion carried unanimously, 5:0.

9. DEPARTMENT ACTIONS AND UPDATES

- **Resolution 2018-02**

Mr. Boydell explained that Resolution 2018-02 includes some revisions to court fees, right of way (ROW) fees, and that park structure reservation fees have been added to the schedule. He presented a PowerPoint to provide some detail to these updates.

Councilor Page asked Mr. Kernen if there is a process in place to waive land use fees for special circumstances.

Mr. Kernen responded that there is not, but it is something we can look into.

Mayor Smith opened the Public Hearing at 8:02 p.m.

Councilor Gianone asked if the city conducts the ROW inspection, or if it is contracted.

Mr. Boydell replied that it is usually the Public Works Director.

Mayor Smith closed the Public Hearing at 8:04 p.m.

Councilor Gianone moved, seconded by Councilor Page, as listed, to the adopt RESOLUTION 2018-02 A RESOLUTION ADOPTING CHANGES TO THE COBURG FEE SCHEDULE. The motion passed, 5:0.

- **Resolution A-209-B**

Mayor Smith opened the Public Hearing at 8:05 p.m.

Mr. Boydell noted that he clarified language in Section 3 for franchisees.

Mayor Smith closed the Public Hearing at 8:07 p.m.

Councilor Stearns moved, seconded by Councilor Bell, to waive the second reading of RESOLUTION A-209-B. The motion passed, 5:0.

Councilor Gianone moved, seconded by Councilor Stearns, as listed, to the adopt RESOLUTION A-209-B AN ORDINANCE PROVIDING FOR THE REGISTRATION AND LICENSING OF BUSINESSES OPERATING OR

PROVIDING SERVICES IN THE CITY OF COBURG, COLLECTING A FEE, REPEALING ORDINANCE A-209-A, AND DECLARING AN EMERGENCY TO EXIST, as recommended. *The motion passed, 5:0.*

- **Ordinance A-233-A: Tab 7**

Mayor Smith opened the Public Hearing at 8:10 p.m.

Ms. Boydell said that when staff considered Resolution A-233-A, there was a need for greater clarity and business-friendliness. He added that there is a possibility to negotiate a contract with LCOG to provide administrative services.

Councilor Page asked for the estimated collective revenue from a 5% fee. He explained that while the provider would make an infrastructure investment in the city, they are also gaining profit.

Mr. Boydell answered that the collective revenue would be hundreds to thousands of dollars, but not a substantial amount of money collectively. He added that a company is not guaranteed the fee exemption, they must apply for it.

Councilor Stearns asked who approves the exemption.

Mr. Boydell responded that the application will be reviewed by City Attorney, City Administrator, and the Mayor, who could elect to bring it to the council.

Councilor Stearns asked what percent of the 5% of gross revenue will go to LCOG for administration.

Mr. Boydell replied that the agreement hasn't been written yet, but LCOG would likely take one-third of registration costs and 10% of fees.

Mayor Smith noted that the contract can be negotiated overtime, depending on what is working.

Councilor Stearns asked if it may become more efficient to administer it in house.

Ms. Davies clarified that Ordinance A-233-A does not include the LCOG contract.

Councilor Page asked where in the updates are in the written ordinance. Councilor Gianone agreed that the document is difficult to comprehend.

Mr. Boydell clarified that the main updates were in Sections 2 and 3.

Councilor Gianone asked who would be submitting applications. She also asked if the infrastructure might include something drastic, such as a cell tower.

Mr. Boydell replied that companies will apply for the ability to work in the ROW and streets. He also explained that cell towers are addressed in this ordinance and said that they would be subject to a 3% fee.

Ms. Davies added that there would be a separate process in order to install a cell tower, including procuring a business license.

Councilor Stearns voiced concerns about the lack of construction standards in the ordinance.

Mr. Boydell responded that in the case of Charter Communications, there will also be a franchise agreement.

Councilor Gianone asked if applying for a business license was the first step in the process.

Mr. Boydell explained that it would be a first step as a mechanism move forward with companies like Charter. He said that the franchise agreement and contract work simultaneously.

Councilor Bell asked if the contract allowed companies to start digging up the streets.

Ms. Davies replied that construction in the streets would require a right of way (ROW) permit and review process.

Councilor Stearns advised that the Council look into more specific standards on construction.

Mayor Smith asked Councilor Sterns what standards he recommends and asked if these guidelines belong in Ordinance A-233.

Councilor Stearns explained that standards would depend on the scope of work. He expressed that there needs to be something written in this ordinance to guide companies.

Mr. Harmon explained that this ordinance will help update Coburg's standards.

Mayor Smith commented that no standard for inspections and expressed the need to hold contractors accountable.

Councilor Page asked about 2.02 (3) the definition of open video system.

Ms. Davies confirmed that it is not defined in the document, but it is not permitted.

Mr. Boydell clarified that this ordinance does not regulate work in the county ROW.

Councilor Page commented if a company is using a company ROW, the franchise fee will be charged when the lines link up with city.

Mayor Smith closed the Public Hearing at 9:10 p.m.

Councilor Page moved, seconded by Councilor Gianone, to waive the second reading. The motion passed, 5:0.

Councilor Bell moved, seconded by Councilor Gianone, to adopt ORDINANCE A-233-A, AN ORDINANCE PROVIDING FOR LICENSING OF COMMUNICATIONS PROVIDER, IMPOSING A LICENSE FEE AND RELATED CHARGES UPON COMMUNICATIONS SERVICES WITHIN THE ICTY OF COBURG, DECLARING AN EMERGENCY, AND REPEALING ORDINANCE A-233. The motion carried unanimously, 5:0.

The Council agreed to continue with the agenda.

- **Ordinance A-244: Tab 9**

Mayor Smith opened the Public Hearing at 9:15 p.m.

Mr. Boydell explained that franchise agreement with Charter expired about a decade ago and the company has since restructured. This ordinance will repeal all prior agreements and will update the ordinance to LCOG standards commonly used across Lane County. He pointed out that Sections 7 and 8 go into more detail on construction standards. He said that Charter will provide free service to city hall and increased speed, choices, and availability.

Ms. Jackson, a Charter Representative, shared that the infrastructure improvements, which will be completed later this year, will benefit Coburg residents. She explained that businesses and residential customers can choose between 100 and 300 megabits plans.

Councilor Page asked for more clarification on the infrastructure upgrades.

Ms. Jackson responded that Charter will be pulling fiber on Pearl and Willamette.

Councilor Gianone asked about infrastructure investments that would require structures near residences.

Ms. Jackson responded that there are small structures that are placed under guidance from the city.

Councilor Kocurek asked to an explanation about fiber.

Ms. Jackson replied that fiber is run to the node and coax (a metal core cable) is run to the home. She also mentioned that they offer a reduced price package for free and reduced lunch families and senior citizens.

Councilor Kocurek asked what the vetting process entailed for franchise agreements.

Ms. Davies responded that it included looking at other contracts, other templates used in the region, and understanding the industry.

Mr. Boydell said that he also consulted with Rick Ingrham, in Veneta, and other regional managers on the matter.

Councilor Page asked about the phrase “generally applicable” in Section 2.3.

Mr. Boydell and Ms. Jackson explained that there if there is a conflict with the franchise agreement, then Coburg can refer back to the contract.

Councilor Page commented that it was odd to limit our ability to control ROW.

Ms. Jackson explained that Sec. 626 of The Cable Communication Act was created to protect cable companies. She noted that construction codes would trump any contract.

Councilor Page asked about the authority to approve tree trimming in Section 8.7.

Ms. Jackson clarified that Charter will trim trees in order to protect lines, which are lower than electricity lines.

Mayor Smith stated that trees can pose a safety risk that needs to be mitigated, especially in case of an ice storm.

Councilor Bell asked if Charter would you ask a homeowner if their trees needed to be trimmed.

Ms. Jackson replied that if a tree is on your property, then the homeowner would be contacted. She said that trees in the ROW are able to be trimmed without permission.

Councilor Page asked why a public hearing necessary in Section 13.5 B.

Ms. Jackson responded that this is standard because the company is making a big investment.

Councilor Bell asked about repair requirements if Charter interrupts a street or sidewalk, in Section 8.4.

Mr. Boydell said that Section 8.5 details the requirements for repairing streets or sidewalks.

Mayor Smith closed the Public Hearing at 9:47 p.m.

Councilor Gianone moved, seconded by Councilor Stearns, to waive the second reading. The motion passed, 5:0.

Councilor Gianone moved, seconded by Councilor Stearns, to adopt ORDINANCE A-244, AN ORDINANCE GRANTING FALCON CABLE SYSTEMS COMPANY, II L.P. LOCALLY KNOWN AS CHARTER COMMUNICATIONS A NON-EXCLUSIVE FRANCISE FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A CABLE SYSTEM AND REPLEALING ORDINANCES A-175, A-175-AM AND A-175-B, AND DECLARING AN EMERGENCY TO EXIST. The motion carried unanimously, 5:0.

- **Ordinance A-199-G: Tab 10**

Mayor Smith opened the Public Hearing at 9:50 p.m.

Ms. Davies stated that last fall, the Council approved expanding the UGB for employment lands. She explained that the City needed to adopt an ordinance to update some wording around statewide planning goals. She stated that the county will also be adopting a similar ordinance.

Ms. Davies added that Ordinance A-199-G also changes zoning, which was previously unavailable because the land had not been annexed.

Councilor Gianone asked what had changed.

Ms. Davies replied that nothing factual had changed.

Councilor Gianone asked if will it continue to the state level.

Ms. Davies said that it will not.

Mayor Smith closed the Public Hearing at 9:53 p.m.

Councilor Gianone moved, seconded by Councilor Page, to waive the second reading. The motion passed, 5:0.

COUNCILOR STEARNS MOVED, SECONDED BY COUNCILOR BELL, TO ADOPT ORDINANCE A-199-G, AN ORDINANCE EXPANDING THE COBURG URBAN GROWTH BOUNDARY FOR EMPLOYEMENT LAND AND REPEALING ORDINANCES A-119-E AND A-199-F. The motion carried unanimously, 5:0.

Finance

Ms. Heath directed the councilors to the finance report in the packet. She reported that the city is 10% below budget and tourism budgets are 10% above revenues.

She stated that the auditor will be present at next month's meeting. She recommended that Councilors review information on page 1-A – *Opinion*, page 66, and the Management's Discussion Analysis (MDA).

Ms. Heath shared that the next challenge will be securing funding for future development.

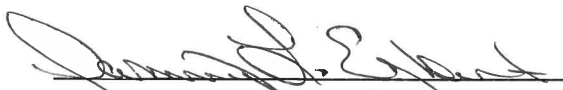
Councilor Stearns moved, seconded by Councilor Page, to adjourn the meeting at 10:05. The motion passed, 5:0.

APPROVED by the Mayor and Council of the City of Coburg this 13th day of February, 2018.



Mayor, Ray Smith

ATTEST:



Sammy L. Egbert, *City Recorder*