



**Coburg City Council
Regular Session
April 9th, 2019 – 7 P.M.
Coburg City Hall
91136 North Willamette St.**

COUNCILORS PRESENT: Ray Smith, Mayor; Markus Alexander, Nancy Bell, Patti Gianone arrived at 7:14 pm, John Lehmann, Councilors

COUNCILORS ABSENT: Kyle Blain, Chris Page Councilors

STAFF PRESENT: Mandy Balcom, Court Administrator; Anne Davies, Attorney; Sammy Egbert, City Recorder; Tawnya Ellis, Accounting; Brian Harmon, Public Works Director; Anne Heath, City Administrator; Jeff Kernan, Planning; Larry Larson, Police Chief

RECORDED BY: Raymond Stevenson, Administrative Assistant

1. CALL TO ORDER

Mayor Smith called the Regular Session of the Coburg City Council to order at 7:11 p.m.

2. PLEDGE OF ALLEGIANCE

Council conducted the Pledge of Allegiance.

3. ROLL CALL

Ms. Egbert called the roll and announced a quorum would be present once Councilor Gianone arrives. Councilor Gianone arrived at 7:14 pm

4. MAYOR COMMENTS

Mayor Smith commented on the completion of the FEMA training by City staff. Mayor Smith advised that the event season is coming up and that it will make for some big changes for the city, he also commented on the City Council work session, the Planning Commission and Parks and Trees Committee attended stating that it went well. Mayor Smith also talked about the John Morgan Planning Class that various members of Council, Planning Commission and City Staff attended recently. Mayor Smith discussed how much work the staff had put in on the nuisance ordinances that would be presented during the session and how the ordinances would be passed as an emergency and a second hearing would be waived due to the urgency of the ordinances needing to go into effect before the new enforcement period.

Councilor Lehmann asked if changes needed to be made to the ordinances this evening if they could still pass on a first reading

Ms. Davies advised that changes made in April could be approved for the first reading however the ordinance would not be finalized until May.

5. AGENDA REVIEW

Ms. Egbert highlighted the following changes to the agenda that were located in the red folder:

- Revision on Tab 7 Page 5 Section 1 Definitions 1.10 Repeat Offender
- Revision on Tab 6 Page 9 Section 8 Penalties

6. CITIZENS TESTIMONY

None

7. RESPONSE BY CITY COUNCIL

None.

8. CONSENT AGENDA

Minutes February 20, 2019 City Council Regular Session: Tab 1

- Page 2, 3rd paragraph reads “recent meeting between Congressman Defazio”and it should read, recent meeting between Congressman DeFazio staff

Minutes March 12, 2019 City Council: Tab 2

- Page 1 under “Councilor Present” add Councilor John Lehmann.

Minutes March 20, 2019 City Council Work Session: Tab 3

- Page 3 fourteenth paragraph strike ~~UFB~~ replace with UGB

Councilor Gianone moved, seconded by Councilor Bell to approve the Consent Agenda with corrections. The motion was passed unanimously 4:0

9. SPECIAL GUEST

None

10. DEPARTMENT ACTIONS AND UPDATES

City Administration

City Administration Monthly Update: Tab 4

Ms. Heath gave the monthly City Administrator updates for the City Council.

Ms. Heath wanted to talk about the City paying to relocate sewer lines due to Kennedy Jenks not accommodating Mr. Terry Dawson's request to place the sewer lines somewhere other than where the Kennedy Jenks had placed the lines. The reason that Mr. Dawson made the request for the lines to be placed in another location was that he was going to be expanding his business to where Kennedy Jenks wanted to put the lines. Now the lines are in the way of Mr. Dawson's remodel and need to be moved at an expense to Mr. Dawson despite his diligence to avoid the problem.

The Council was in consensus that yes, the city would pay \$2,600 for the sewer lines to be relocated due to the recognized and verified error on Kennedy Jenks not being accommodating to Mr. Dawson's initial request to place the lines in the ground where he was planning on remodeling in the future.

Councilor Alexander inquired about the visioning process goal setting.

Ms. Heath advised that Councilor Gianone could provide more information as she was not present for the meeting but her understanding was that the group was not convinced to go through with the goal setting process and that they wanted to get the word out to the community of all of the successes more. Ms. Heath expressed her concern, that may not be enough, if the city was looking for funding to tie a work plan to the goals and a lack of goals will make the process more difficult.

Councilor Gianone advised that what happened at the meeting was that the group was surprised at what was happening in the city and the visioning process has informed the city of the successes despite of the lack of goals.

Mayor Smith agreed with Councilor Gianone that the information is beneficial however there are opportunities for goals and would like to see goals especially in the economic development aspect and Councilor Gianone advised that she would like to be involved in the economic development portion despite not living in the city anymore.

Councilor Alexander asked Mr. Harmon about water utility and the pre-construction meeting for the water main on Van Duyn and still being on schedule. Mr. Harmon advised yes. Councilor Alexander also asked Mr. Harmon about the back pay for the RV Country dumping station. Mr. Harmon advised he has not had time to sit down with utility billing and evaluate the situation.

RESOLUTION 2019-10 A RESOLUTION APPROVING THE REVISED CITY OF COBURG INDIRECT COST ALLOCATION PLAN AND METHODOLOGY ALLOCATION: Tab 5

Ms. Heath introduced the cost allocation method to Council and how it works.

Councilor Lehmann asked about the historical overhead allocation analysis on page 16. Ms. Heath and Mayor Smith explained the figures and how the historical allocation was done to Councilor Lehmann.

Councilor Gianone had questions about how the allocation process works and where the figures came from. Ms. Heath explained the process and the figures to Councilor Gianone.

Councilor Lehmann moved, seconded by Councilor Alexander to adopt RESOLUTION 2019-10 a resolution approving the revised City of Coburg indirect cost allocation plan and methodology allocation. The motion was adopted 3:0:1, with Councilor Gianone abstaining due to not understanding the process enough to vote.

Mayor Smith **OPENED** the Public Hearing at 8:15 pm and held the first reading of:

ORDINANCE A-249 AN ORDINANCE ESTABLISHING NOISE STANDARDS; PRESCRIBING PENALTIES; AND DECLARING AN EMERGENCY Tab 6

Ms. Heath gave the staff report on the ordinance and its origin.

Ms. Davies suggested that Ms. Heath do the staff report for both ORDINANCE A-249 and ORDINANCE A-108-J then open the public hearing then close the hearing, as there is no public present for comment, deliberate and then vote on both ordinances separately.

Mayor Smith determined that there was no one present wishing to provide testimony and **CLOSED** the Public Hearing at 8:20 pm

Mayor Smith **OPENED** the Public Hearing at 8:20 pm and held the first reading of:
ORDINANCE A-108-J AN ORDINANCE DEFINING NUISANCES; PROVIDING FOR THE ABATEMENT; PROVIDING PENALTIES REPEALING ORDINANCE A-108-I; AND DECLARING AN EMERGENCY Tab 7

Ms. Heath gave the staff report on the ordinance and its origin.

Mayor Smith determined that there was no one present wishing to provide testimony and **CLOSED** the Public Hearing at 8:26 pm
DISCUSSION ORDINANCE A-249:

Councilor Lehmann had a question about ORDINANCE A-249 regarding proximity of noise nuisances regarding animals. Requesting an amendment that if you can hear an animal adjacent to your property or greater outside it is a nuisance.

Mayor Smith determined there was no objection to the request

Section 8. PENALTIES

Ms. Davies recommended the following changes be made to the Penalties section of Ordinance A-249

1. ~~After 10 days following the written notice, and an appeal has not been filed, then the City Administrator or designee may order a citation be issued for the violation of this Ordinance.~~ **Violation of this Ordinance shall** constitute a Class C infraction. In addition to the imposition of any fine for the conviction for the violation of any provision of this ordinance, the Municipal Judge may also require a person convicted of violating this ordinance to pay for all or part of the court costs, the City's attorney fees in prosecuting the case, and such other reasonable costs which the City has incurred in the case, including but not limited to any abatement costs the City has to recover.
2. Repeat offenses under this Ordinance shall be subject to increased fines. As used in this Section, "repeat offense" means a second (or any subsequent)-violation of the same requirement or provision of this Ordinance committed at any time after the last violation occurred. Each subsequent violation will increase to the next classification level, with the maximum being a Class A ~~violation~~ **infraction**.

Mayor Smith noted there was no objection to the recommended change in Section 8 of ORD A-249

Mayor Smith entertained a motion to waive the second reading of **ORDINANCE A-249 AN ORDINANCE ESTABLISHING NOISE STANDARDS; PRESCRIBING PENALTIES; AND DECLARING AN EMERGENCY Tab 6**

*Councilor Bell moved, seconded by Councilor Gianone, to waive the second reading for **ORDINANCE A-249 AN ORDINANCE ESTABLISHING NOISE STANDARDS; PRESCRIBING PENALTIES; AND DECLARING AN EMERGENCY. The motion was adopted unanimously 4:0***

*Mayor Smith entertained a motion to adopt **ORDINANCE A-249 AN ORDINANCE ESTABLISHING NOISE STANDARDS; PRESCRIBING PENALTIES; AND DECLARING AN EMERGENCY as amended***

*Councilor Lehmann moved for, seconded by Councilor Alexander to adopt **ORDINANCE A-249 AN ORDINANCE ESTABLISHING NOISE STANDARDS; PRESCRIBING PENALTIES; AND DECLARING AN EMERGENCY as amended. The motion was adopted unanimously 4:0.***

DISCUSSION ORDINANCE A-108-J

Ms. Davies made the same recommendation noted below for the penalties section of Ordinance A-108-J

8.5 Penalties

8.5.1 ~~After 10 days following the written notice, and an appeal has not been filed, then the City Administrator or designee may order a citation be issued for the violation of this Ordinance~~ **Violation of this Ordinance** shall constitute a Class C infraction unless otherwise specified in section 3. In addition to the imposition of any fine for the conviction for the violation of any provision of this ordinance, the Municipal Judge may also require a person convicted of violating this ordinance pay all or part of the court costs, City's attorney fees in prosecuting the case, and such other reasonable costs which the City has incurred in the case, including but not limited to any abatement costs to the City has been unable to recover.

8.5.2 Repeat offenses under this Ordinance shall be subject to increased fines. As used in this Section, "repeat offense" means a second (or any subsequent) violation of the same requirement or provision of this Ordinance committed at any time after the last violation occurs. Each subsequent violation will increase to the next classification level, with the maximum being a Class A ~~violation~~ **infraction**.

Mayor Smith noted there was no objection to the recommended changes in Section 8 Penalties in ORD A-108-J

Mayor Smith entertained a motion to waive the second reading of **ORDINANCE A-108-J AN ORDINANCE DEFINING NUISANCES; PROVIDING FOR THE ABATEMENT; PROVIDING PENALTIES REPEALING ORDINANCE A-108-I; AND DECLARING AN EMERGENCY Tab 7**

Councilor Gianone moved, seconded by Councilor Lehmann, to waive the second reading for ORDINANCE A-108-J AN ORDINANCE DEFINING NUISANCES; PROVIDING FOR THE ABATEMENT; PROVIDING PENALTIES REPEALING ORDINANCE A-108-I; AND DECLARING AN EMERGENCY. The motion was adopted unanimously, 4:0

Mayor Smith entertained a motion to adopt ORDINANCE A-108-J AN ORDINANCE DEFINING NUISANCES; PROVIDING FOR THE ABATEMENT; PROVIDING PENALTIES REPEALING ORDINANCE A-108-I; AND DECLARING AN EMERGENCY as amended

Councilor Gianone moved, seconded by Councilor Alexander to adopt ORDINANCE A-108-J AN ORDINANCE DEFINING NUISANCES; PROVIDING FOR THE ABATEMENT; PROVIDING PENALTIES REPEALING ORDINANCE A-108-I; AND DECLARING AN EMERGENCY as amended. he motion was adopted unanimously 4:0

Court

Ms. Balcom presented to the Council a request to increase Judge Williams' per hour rate.

Councilor Alexander moved, seconded by Councilor Bell to approve the increase in Judge Williams' per hour rate from \$100/hour to \$150/hour. The motion was approved 3:1:0 with Councilor Lehmann voting no. Tab 8

Planning

RESOLUTION 2019-09 A RESOLUTION AUTHORIZING THE CITY OF COBURG TO SUBMIT AN APPLICATION FOR A RESOURCE ASSISTANCE FOR RURAL ENVIRONMENTS (RARE) PROGRAM PARTICIPANT FOR THE 2019-2020 YEAR Tab 9

Mr. Kernan proposed submitting an application for a RARE participant for calendar year 2019-2020.

Councilor Bell moved, seconded by Councilor Lehmann to approve RESOLUTION 2019-09 authorizing the City of Coburg to submit an application for a RARE participant for the 2019-2020 calendar year. The motion was approved unanimously 4:0

Finance

Ms. Ellis went over the monthly financial update as of February with Council and Answered general questions.

Ms. Ellis went over the Budget Committee reappointments for Sharon Taylor and Linda Kroeger.

Councilor Gianone moved, seconded by Councilor Bell to approve the reappointments for Sharon Taylor and Linda Kroeger to the Budget Committee to 3 year term that expires 6/30/2021. The motion was approved unanimously, 4:0

RESOLUTION 2019-11 A RESOLUTION EXTENDING CITY OF COBURG WORKERS' COMPENSATION COVERAGE TO VOLUNTEERS OF THE CITY OF COBURG FOR POLICY YEAR 2019-20

Ms. Ellis presented staff report on RESOLUTION 2019-11 to Council.

Councilor Lehmann moved, seconded by Councilor Alexander to approve RESOLUTION 2019-11 A RESOLUTION EXTENDING CITY OF COBURG WORKERS' COMPENSATION COVERAGE TO VOLUNTEERS OF THE CITY OF COBURG FOR POLICY YEAR 2019-20. The motion was approved unanimously, 4:0

Police

Mayor Smith said the Council would conduct the first reading **ORDINANCE A-163-Q AN ORDINANCE ADOPTING THE OREGON CRIMINAL CODE, OREGON UNIFORM CONTROLLED SUBSTANCES ACT, OREGON LIQUOR CONTROL ACT, AND THE OREGON MOTOR VEHICLE CODE; REPEALING A-163-P**

Chief Larson presented staff report on ordinance A-163-Q and noted 2nd reading and public hearing is scheduled for May 15, 2019

14. ADJOURNMENT

Mayor Smith adjourned the meeting at 9:53 p.m.

APPROVED by the Mayor and Council of the City of Coburg this 14th day of May, 2019.



Mayor, Ray Smith

ATTEST:

Sammy L. Egbert, City Recorder