



MINUTES

Coburg City Council Meeting
September 12, 2023 at 6:00 P.M.
91136 N Willamette Street
Hybrid Meeting in-person or via Zoom

MEMBERS PRESENT: Mayor Nancy Bell, Cathy Engebretson, John Lehmann, Alan Wells, Claire Smith, John Fox

MEMBERS ABSENT: Kyle Blain

STAFF PRESENT: City Administrator Adam Hanks, City Recorder Sammy Egbert, Chief of Police Larry Larson, Public Works Director Brian Harmon

RECORDED BY: Jackie Low, Lane Council of Governments (LCOG)

CALL THE CITY COUNCIL MEETING TO ORDER

Mayor Bell called the meeting to order at 6:01 p.m.

PLEDGE OF ALLEGIANCE

Councilor Engebretson led the Pledge.

ROLL CALL

Ms. Egbert called roll. A quorum was present.

AGENDA REVIEW

Ms. Egbert referred Councilors to their Red Folder:

- Voting and Abstaining Information Sheet. This item will be added to the agenda as item number 8.
- City Administrator's Report. This item will be added to the agenda as item 9.
- An amendment to Exhibit B under agenda item 4.

MAYOR COMMENTS

Mayor Bell acknowledged the anniversary of September 11. Mayor Bell stated there would be a City Council work session with the City Planning on September 26, 2023. She noted the regular City Council meeting was scheduled the second Tuesday of each month and work session

scheduled the fourth Tuesday of each month. Mayor Bell proposed to extend the regular City Council meeting to two monthly sessions and to utilize scheduled time on the fourth Tuesday. Responses were not requested at the time of the meeting.

1. Domestic Violence Awareness Month Proclamation

Mayor Bell read the proclamation.

CITIZEN TESTIMONY

None.

CONSENT AGENDA

2. Finance Audit Committee Members Appointment

3. Minutes August 8, 2023 City Council

MOTION: Councilor Engebretson moved, seconded by Councilor Fox, to accept the consent agenda as presented.

The motion passed unanimously – 5:0.

Mayor Bell noted Terry Dawson, Coleen Marshall, and Elise Landry were appointed to the Finance Audit Committee for two-year terms expiring in June 2025.

ORDINANCES AND RESOLUTIONS

None.

COUNCIL ACTION ITEMS

4. Operations and Operations Storage Building Contract

Mr. Hanks clarified Exhibit B in the red folder was an amended contract with updated language that referred to public improvements code as recommended by legal staff. Mr. Hanks said the staff recommendation was to award the construction contract to Wildish Building Company at a contract price of \$1,324,000. He advised that if the council awarded the contract it would be executed within a week in order to begin pre-construction meetings given the contract completion date of July 26, 2024. He said the contract was pulled from the August agenda due to a protest to the award which was included in the red folder. Mr. Hanks said the packet detailed the procurement process and how selection was made based on the lowest price responsible bidder.

Councilor Lehmann noted lack of communication and timeliness as factors in the process and asked Mr. Hanks for lessons learned.

Mr. Hanks stated protests were not common but not unusual as they serve an educational purpose. Mr. Hanks noted consistency was needed in the City's bid packet in order to be aligned with state law and reduce confusion in the process. He advised legal staff were reviewing the template for inconsistencies and noted the question of how days were defined in the bid packet.

Mayor Bell noted past history with the company who requested the appeal where the level of experience and responsiveness were not met.

Mr. Hanks elaborated that communication in the bid process was held to a standard consistent with state law to be fair and equitable for every bidder.

Councilor Smith asked to clarify how day one was calculated on the bid calendar.

Mr. Hanks said local jurisdictions were allowed to have standards that differed from state law and that the calendar would be reviewed for consistencies. He said the responsible bidder component was supported by legal staff, the City's professional engineering team, and Public Works.

Councilor Engebretson said confusion appeared to have occurred around the scope of the bid based on what the applicant protested. She asked if it was typical to receive line items with no detail of the scope of work to be performed.

Mr. Hanks said this could be considered in process improvements and that the bid process complied with all state statutes and the bid set.

Councilor Fox said he toured the wastewater plant and expressed concern for energy consumption because halogen lights were on 24/7 due to the length of time for the lights to warm up. Mr. Hanks said he would follow up about the lights.

Councilor Wells asked how many bidders were on the project. Mr. Hanks said there were six bidders, and it was a challenge to gain bidders because the project was not as specific or complex.

Councilor Wells asked the square footage of the building. Mr. Harmon said the building is approximately 5,000 square feet.

Councilor Lehmann noted a difference of approximately \$300,000 between the bids due to the ability to obtain materials directly. Mr. Hanks explained he could not speak to bid details and noted bids were by major component and details were included as public record because of the protest.

Mayor Bell noted it was beyond the protest or appeal and council was looking at the contract as it was written with the amendment.

MOTION: Councilor Wells moved to approve the public improvement contract as amended with Wildish Paving Company doing business as Wildish Building Company to construct the Operations and Operations Storage Building, seconded by Councilor Fox.

The motion passed unanimously – 5:0.

5. Bargain and Sale Deed to Remove Access Restriction Strip

Mr. Hanks shared the property in the bargain and sale deed was an access reserve strip which was a common survey control tool to ensure the city maintained the control of how new development accessed right of way. He shared an overview that reserve strips are created to allow the strips to be administratively converted to public right-of-way and the bargain sale deed included language that authorized the city administrator to designate it as a right-of-way. Mr. Hanks advised that approximately 20 percent or less of the strip presented in the packet materials would not be converted back to right-of-way but would be granted back to the developer as a component of lot 35, which necessitated the approval of Council.

Councilor Fox asked for clarification of what the red line represented. Mr. Hanks advised the red and yellow lines represented the entire strip and the red line represented the portion that would return to private property.

Mayor Bell asked if there was another dwelling behind lot 35. Mr. Hanks clarified there was no dwelling and that this would connect to the city right-of-way.

Councilor Wells asked if lot 35 was owned by Weichert. Mr. Hanks said the lot was being created and that once the bargain and sale was complete this would go along with the signature of the survey plot that then creates the lots in phase two.

Councilor Wells asked why action was needed and if it was requested by Weichert. Mr. Hanks said an access control strip was not requested to be removed, but that it is common practice to remove when the plats creating the lots are approved and signed and he was unsure that there was an advantage to keeping the strip of land.

Councilor Wells asked if the strip of land would make the entire parcel privately owned without a buffer between Van Dyne Street and the privately owned lot. Mr. Hanks said he would have to review the subdivision approval and noted this strip creates lots 35, 36, and 37 and non-vehicular public access between lots 35 and 36. Mayor Bell noted the non-vehicular public access connected to Skinner and that final approval documents detailed that would not be converted into a road.

Councilor Wells noted there was a house at the end of Skinner that had the potential to open access to the subdivision with lot 35. Mayor Bell advised Skinner was a city street and new roads would have to be approved according to city ordinance and zoning would not allow the creation of new streets.

Mr. Hanks clarified the red line does not butt up against the right-of-way but against another property. He said the strip was a tool designed for development in progress and when a development was plotted and completed the need for the tool is obsolete.

Councilor Lehmann asked who made this request. Mr. Hanks said the surveyors made this request. Mr. Hanks shared there was no benefit to the city keeping the redline portion of the strip.

Councilor Smith asked for clarification if the strip would become part of lot 35 or if would remain open space. Mr. Hanks said it would become part of lot 35. Councilor Smith asked if council could postpone a decision until the lot is purchased and deed the strip to the owner of the lot. Mr. Hanks advised the city would still have control over making the land and the owner or the city would have to apply for a lot line adjustment.

Councilor Engebretson said she was in favor of moving forward with the proposal since this was standard process. She noted the council needed to have discussion to improve building development code for future councilors.

MOTION: Councilor Fox moved to approve the sale of the access restriction strip north of East Van Dyne Street for zero dollars and authorize bargain and sale deed to be executed, seconded by Councilor Smith.

The motion passed 4:1, with Councilor Wells voting no.

6. Technical Assistance Grant Application Approval

Mr. Hanks said this request was for city staff to apply for a technical assistance grant from the Department of Land Conservation Development (DLCD). He said staff received encouragement from the DLCD representative to apply for this grant cycle to upgrade the city's buildable lands inventory. Mr. Hanks said this tool would benefit planning though current data and analysis.

Councilor Engebretson asked if the city was required to perform buildable land surveys or if this was voluntary. Mr. Hanks said there was no mandate to update by a certain time period and the city was mandated to verify that they met state law regarding land supplies. He said this tool would allow the city to verify this data.

Mayor Bell asked if this tool assisted to develop master plans. Mr. Hanks said it would.

Councilor Smith asked if this tool would help update and identify urban growth boundaries. Mr. Hanks said the tool would provide statistical and improved methodology to answer those questions.

Councilor Wells asked if data could expose that the city did not have enough buildable land if submitted to the state and if the state could mandate the city expand its urban growth boundary. Mr. Hanks said this speculation was probable and it was better to have this information upfront. Mayor Bell asked if buildable land inventory would need to be turned into the state. Mr. Hanks clarified this tool was not a policy making document but would provide background materials to bolster reliable and proactive decision making.

Councilor Fox noted the city was in a unique position of having urban growth constrained by farmlands.

MOTION: Councilor Engebretson moved that the city council support and authorize the submittal of the grant application to the Department of Land Conservation and Development for the 2023-25 technical assistance grant to update the city's buildable lands inventory, seconded by Councilor Fox.

The motion passed unanimously – 5:0.

Mayor Bell asked for changes from the letter of support on page 68. None provided and support letter approved.

ADMINISTRATIVE INFORMATION REPORTS

7. Police Department Quarterly Report

Chief Larson presented the quarterly report for April, May, and June 2023 and noted activity was divided into seven categories. He said it was challenging to make data consistent because activity ebbs and flows with external factors. Chief Larson noted the investigative work of Dan Miller that demonstrated detailed use of time.

Councilor Lehmann asked if there was interest to obtain a drone for Coburg Police Department. Chief Larson said he needed to more research.

Councilor Smith asked if the Fire Department had a heat imaging radar device. Chief Larson said the police department had a handheld device but not a drone device.

Mayor Bell expressed gratitude that 61 percent of time was spent on activity and patrol.

Councilor Smith suggested data be shared with the community through a city newsletter to help educate how police time is spent.

8. Abstention Vote Information

Mr. Hanks shared information about rules of voting and quorum. He said abstention votes were typically used when there was conflict of interest.

Councilor Fox asked if there was council rule that councilors had to explain their no vote. Ms. Egbert advised it was adopted in the rules of governance in 2014. She noted the 2022 charter was specific and would not allow or accommodate for an abstention and was removed. She said the council would have to discuss adding abstention back into council rules. Mr. Hanks clarified language was that councilors should explain their no vote but not required.

Councilor Engebretson shared it was helpful to understand why someone voted no.

9. Administrative Monthly Report

Mr. Hanks noted item six in the report was in progress and asked for feedback from council via email.

Councilor Lehmann asked for an update on the drainage project and completion of the cracked ceiling and steel coating. Mr. Harmon reported the cracked ceiling and steel coating projects were completed with final walk through. He said planning was needed for preservation projects and where they would be located. Mr. Harmon shared the drainage project slowed down due to truck maintenance and a mid-state Vactor was hired to keep the project on schedule. He said the completion date was expected to be October 15. Mr. Harmon reported there was not standing water in areas that had already been completed. He said the Austin and Abby areas were next for the drainage project.

Councilor Fox noted work done by Northwest Natural on Delaney and Coleman was fixed and asked if that was a result of a citizen complaint. Mr. Harmon clarified this was an emergency repair and crews often scab over the area until a subcontractor can fix the area. He said the work was inspected and if it was not up to standard the contractor would be asked to come back out.

Mayor Bell noted the loan to put in the initial main water line to Pioneer Valley Estates would be paid off in 2026 and council had three years to determine next steps. Mayor Bell and Mr. Hanks met with Commissioner Buck, the Lane County Public Works Director, and the Lane County District Manager to discuss Pioneer Estates because the estates are located in the county and that water rates were not servicing the loan.

Mr. Lehmann noted Ann Heath was unsure if that loan was solely for that community and that she would follow up with council. Mayor Bell and Mr. Hanks said their understanding was the loan was solely for that community and Mr. Hanks said he could verify.

COUNCIL COMMENTS

Councilor Engebretson asked to follow up on Terry Dawson's suggestion for citizen members of the budget committee and finance audit committee to serve on both committees. She said based on her experience on both committees they did not meet often and had limited visibility. Councilor Engebretson suggested asking applicants if they would be willing to serve on both committees. Mr. Hanks stated this solution was in compliance with state ordinance.

Councilor Smith asked if there was a council liaison to the budget committee. Mayor Bell advised it was Councilor Wells.

Councilor Lehmann shared a question from previous Councilor Mike Watson inquiring if park use fees were flat rate or sliding scale due to concern of loss of revenue from special events based on fee schedule. Ms. Egbert advised there was a special event application that included a \$200 application fee that was routed through administration, public works, police, and fire who could

assign fees depending on the cost for the departments. Ms. Egbert shared park rentals were limited because of the city's event schedule and the city controls the expense.

Councilor Engebretson asked for an update on the new homeless ordinance. Chief Larson shared activity was centered around the McDonalds because of travel and the police department helped as much as possible. Councilor Engebretson asked if there was an increase in activity since the law changed. Chief Larson advised it was always consistent with homeless persons traveling through Coburg.

ADJOURNMENT

Mayor Bell adjourned the meeting at 8:04 p.m.

APPROVED by the City Council of the City of Coburg on this **10th** day of **October**, 2023.


Nancy Bell, Mayor of Coburg

ATTEST: 
Sammy L. Egbert, City Recorder