



MINUTES

Coburg City Council Meeting

August 10, 2021 7:00 P.M.

Coburg City Hall

91136 N Willamette Street

MEMBERS PRESENT: Mayor Ray Smith, Kyle Blain, Markus Alexander, John Fox, John Lehmann, Nancy Bell.

MEMBERS ABSENT: Patty McConnell.

STAFF PRESENT: Sammy Egbert, City Recorder; Anne Heath, City Administrator; Brian Harmon, Public Works; Megan Winner, Planning and Economic Development; Gary Darnielle, City Attorney; Tim Gaines, Finance Director.

RECORDED BY: Jayson Hayden, Lane Council of Governments (LCOG).

CALL TO ORDER

Mayor Smith called the meeting to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE

Mayor Smith led the pledge of allegiance.

ROLL CALL

Ms. Egbert took roll and a quorum was present.

MAYOR COMMENTS

Mayor Smith explained that the Governor had posted an order for mask mandates on indoor meetings.

CITIZEN TESTIMONY

Mayor Smith introduced local citizen Brad Welk at mailing address P.O. Box 220 Cottage Grove OR. He said he was happy to be part of the City of Coburg and offered to answer questions from the council. In response to inquiry from Councilor Lehmann Mr. Welk shared that his family owned 1.3 acres property with above ground tanks and several buildings.

There was no written testimony.

SPECIAL GUEST(s)

Travis Huff and Steven Romanoff with La Jolla Cove Investors.

Mr. Huff explained that they had transferred title of 3310 Van Duyn to the Umpqua tribe which would bring in an excess of \$1 million per year in tax revenue to the City of Coburg. He said they had paid over \$269,000 in property taxes during the time they owned it and shortly after they took title they had paid \$187,000 and that the prior owner had not paid their taxes and accrued a significant amount of back taxes. He said they had demonstrated a track record of paying taxes when they were due without delay. When they sold the property they were told there were special assessments of \$119,000 including over \$40,000 in interest which they were not told about when they took the land. Mr. Huff said they would have paid this amount had they know about it when they bought the land. Mr. Huff was asking the council for forgiveness of this amount.

Councilor Fox asked if the title company wasn't responsible for sharing this information when the property was purchased and Mr. Huff responded that the taxes were not on the federal report. He added that there was a title defect at the time and they received a rebate of approximately \$80,000.

Councilor Lehmann asked what period of time the interest was first accrued and Mr. Huff said it began accruing December 1st 2015. Councilor Lehmann asked and Mr. Huff confirmed that they did not receive any notification of the accrual of interest.

Councilor Blain asked if Fidelity Title had issued them title insurance when they purchased the property and Mr. Huff responded yes. Councilor asked if Mr. Huff through they should have seen this and Mr. Huff answered yes, and that they had filed a title claim. Mr. Huff wanted for Fidelity to acknowledge they made an error and make them whole. Mr. Huff suggested that the City contact future property owners of interest being accrued.

Mayor Smith thought that the City had done it's work on this matter by filing a lien against the property. He agreed with Councilor Blain that Fidelity Title should be looking at the issue. Ms. Heath added that the City had a long history of attempting to contact but had gotten no response.

Councilor Fox agreed with focusing on Fidelity Title as they had made the mistake and asked what the reason for the rebate was. Mr. Huff answered that they had missed a different tax lien that Fidelity had missed when they took control of the property.

Councilor Lehmann said there were always disclosure statements unless they were waived which would include any liens or judgements and asked if Mr. Huff had ever asked for the disclosure statements. Mr. Huff did not remember.

Councilor Blain asked if they had looked into possible legal ramifications of the prior owners not disclosing this and Mr. Huff responded no, that they were bankrupt and it was not worth pursuing.

Mr. Huff hoped for some understanding and a reduction in the amount owed.

Mayor Smith suggested that they pursue avenues with the title company and come back later for discussion and the Council agreed.

ORDINANCES AND RESOLUTIONS

1. Public Hearing | First Reading

ORDINANCE A-253 AN ORDINANCE GRANTING DOUGLAS SERVICES, INC., LOCALLY KNOWN AS DOUGLAS FASTNET (DFN), A NON-EXCLUSIVE FRANCHISE FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF FIBER OPTICS TELECOMMUNICATIONS SYSTEM

Mayor Smith opened the public hearing at 7:37 P.M.

Ms. Heath explained that this was similar to other franchise agreements they hold with other companies to install fiber to the community. She said that Coburg belonged to the fiber consortium and there had been long discussion to make this happen.

Councilor Lehmann asked what the time scope of the project was to get high speed internet to every house. Mr. Todd explained that underground neighborhoods would take 3-4 years as there was a large demand for broadband that made it harder to get material to build but that aerial would be much quicker.

Councilor Fox asked what percent of Coburg was underground and Ms. Heath responded that most of the old neighborhoods were overhead and they were still trying to determine how much underground was in certain areas. She added that new neighborhoods required empty conduit to be placed.

Councilor Lehmann asked how they prioritized which properties would get access first and Mr. Todd answered overhead neighborhoods would be first and then underground with existing conduit.

Councilor Blain asked what the process was for managing individual units and Mr. Todd said lines could be split up to 32 times.

Councilor Alexander asked how much benefit this provided and Mr. Todd said it depended on the needs and said that fiber was the most future-proof and lowest latency technology out there.

Councilor Fox asked if the cost would be comparable and Mr. Todd said the cost may not go down but the speed would continually go up.

Mayor Smith asked how much demand from businesses there was and Mr. Todd explained that speed was only one component and that this was only one service they provided.

Mayor Smith closed the public hearing at 7:45 P.M.

2. Public Hearing

RESOLUTION 2021-19 A RESOLUTION ADOPTING ADMINISTRATIVE SURCHARGES, ADMINISTRATIVE FEES, PLANNING AND DEVELOPMENT CHARGES INCLUDED IN 2021 FEE SCHEDULE

Mayor Smith opened the public hearing at 7:45 P.M.

Tim Gaines explained that they were reviewing the fee schedule for the City and adding one SDC financing fee. He said the amount of \$1500 was based on actual staff time including setting up financing and recording with the county and the legal review. He explained that they had cleaned up the fee schedule and moved some things around and changed a couple things to reflect flexibility based on actual staff time so they weren't overcharging.

Councilor Fox asked if they went from a flat fee of \$2700 to a range and Mr. Gaines responded yes, based on actual time needed to do each project.

Mayor Smith closed the public hearing at 7:50 P.M.

MOTION: Councilor Blain moved, Councilor Fox seconded a motion to adopt RESOLUTION **2021-19** A RESOLUTION ADOPTING ADMINISTRATIVE SURCHARGES, ADMINISTRATIVE FEES, PLANNING AND DEVELOPMENT CHARGES INCLUDED IN 2021 FEE SCHEDULE. Motion passed unanimously.

3. RESOLUTION 2021-17 A RESOLUTION DECLARING THE PROPERTY LISTED BELOW AS SURPLUS PROPERTY AND AUTHORIZING IT TO BE TRANSFERRED TO ANOTHER PUBLIC AGENCY

Chief Larson explained that a 2009 Crown Victoria police car was surplus and had been driven hard. He wanted to cycle the car out and donate it to the Oak Ridge Police Department, which had been done in the past. He added that this would save money because they did not have to retrofit it and just had to de-stripe it.

Councilor Lehmann asked what this money would be used for but Chief Larson was not sure.

MOTION: Councilor Bell moved, Councilor Lehmann seconded a motion to adopt RESOLUTION **2021-17** A RESOLUTION DECLARING THE PROPERTY LISTED BELOW AS SURPLUS PROPERTY AND AUTHORIZING IT TO BE TRANSFERRED TO ANOTHER PUBLIC AGENCY. Motion passed unanimously.

4. RESOLUTION 2021-18 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COBURG ADOPTING A POLICY FOR APPROVAL AND ACCEPTANCE OF DONATIONS, MEMORIALS, AND PUBLIC IMPROVEMENTS PLACE UPON PUBLIC SPACE

Brian Harmon explained that this was a policy in the making which helped ensure there was a mechanism in place to evaluate what and where anything donated could be placed in public and open spaces including anything from benches, trees, play equipment, art, and funds.

Mayor Smith said this was important as the City had issues with unwanted things being donated and this gave ownership to the citizens to give input when putting things in public spaces.

MOTION: Councilor Blain moved, Councilor Fox seconded a motion to adopt RESOLUTION **2021-18** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COBURG ADOPTING A POLICY FOR APPROVAL AND ACCEPTANCE OF DONATIONS, MEMORIALS, AND PUBLIC IMPROVEMENTS PLACE UPON PUBLIC SPACE. Motion passed unanimously.

COUNCIL ACTION ITEMS

5. Security Monster Contract

Mr. Gaines explained that this was to upgrade the current security access and surveillance. He said the current system was running on Windows 7 which is no longer supported by Microsoft. He and Chief Larson thought the service would really benefit the City.

Councilor Lehmann thought that the previous upgrade 5 years ago would last longer and asked if this would be anticipated to last longer. Mr. Gaines was not sure but said that one goal was to move forward with security on remote sites and wanted it to last as long as possible.

Councilor Bell asked if they had talked to current Monster customers and Mr. Gaines responded yes. He said it was a local company and that they were trying to recycle hardware where they could. Mr. Gaines added that one reference was from the Eugene Police Department.

MOTION: Councilor Bell moved, Councilor Blain seconded a motion to approve a contract with City Hall Security Access and surveillance with Security Monster. Motion passed unanimously.

6. Finance Audit Committee Member Appointments

Mr. Gaines explained that three members were expiring on June 30th and hoped to reappoint all of them. He added that they were currently recruiting for a fourth member who had left the area.

MOTION: Councilor Fox moved, Councilor Alexander seconded a motion to recommend the Mayor appoint Cathy Engebretson, Colleen Marshall, and Terry Dawson to the Finance Audit Committee for a 2 year term expiring June 2023 as recommended by the Finance Audit Committee. Motion passed unanimously.

7. Alley Analysis Added To Staff Work Plan

Ms. Heath explained that staff had done surveys on one particular alley and contacted the owners to invite them to apply for vacation but that there was disagreement within the neighborhood about whether this should happen. She said staff had realized that this was not an effective way and that the encroaching building had actually been permitted in the 1970s but would not be a legal structure today. She noted that this would not be a cost effective way to attack every alley and recommended that they add it to the work plan and appoint a committee or group to work on this. Ms. Heath suggested that moving the alleys into one project and surveying them at the same time would be much more cost effective. She explained there were many complications due to the history of different agencies managing planning, different codes, and changes in historical mapping and recommended for the Council to address this.

Councilor Lehmann asked if the structure would be considered illegal today even though it was permitted in the 1970s and Gary Darnielle said it could probably be considered nonconforming use and could proceed as it is but couldn't expand. He said that when faced with this some cities had added onto existing ordinance and could legally force the owners to move the structure over a period of time. Mayor Smith said this was part of the work they wanted to do with other issues throughout the City and wanted to put this into a work plan and appoint a councilor or two to address this.

MOTION: Councilor Blain moved, Councilor Fox seconded a motion to approve the alley analysis being added to the staff work plan. Motion passed unanimously.

ADMINISTRATIVE INFORMATION REPORTS

8. Citizen Inquiry Quarterly Report

Mayor Smith asked if action taken was still pending and Ms. Egbert answered that they were all closed.

Mayor Smith said they got a lot of citizens inquiry and noted that this was not a complaint form but was a great way for staff to deal with issues.

9. Administration Monthly Report

Mayor Smith said that the ODOT tour they had went very well and thought that the County worked well with the different agencies in achieving transportation goals.

COUNCIL COMMENTS

Councilor Lehmann inquired if the placement of the new flags at the crosswalks on Willamette Street were approved by the City of the County.

~~shared concerns about the crosswalk flags and said he had seen a child grab one of the flags. He said a couple citizens had asked when the City approved this. He suggested a sign or flashing lights and asked if they needed to approve this.~~

Councilor Bell said that with designated crosswalks it was the driver's responsibility to stop when someone was in the crosswalk and believed they may need to acknowledge that this was gifted anonymously.

Ms. Heath said they had contact with Lane county transportation and were aware of the risks. She offered to check to see if the City had legal responsibility.

Councilor Lehmann asked if the dead trees in the right of way would be replaced this fall and Mr. Harmon said that they were not actually dead and he had no plan right now to replant in those areas. Mr. Harmon added that he planned to put concrete over those spots.

Councilor ~~McConnell~~ Bell asked about the no parking areas for the New Coburg Inn and outside Chiefs, noting that big rigs took up one lane of the road and that there were a couple accidents already there. Mr. Harmon said he had a meeting scheduled with the owner of Coburg Inn to look at placing a sign there. Councilor ~~McConnell~~ Bell suggested diagonal parking or compact parking only and Mr. Harmon agreed.

Councilor Fox asked if the special guest had contacted the City about their goals and aspirations and Ms. Heath said yes, and noted that some of their ideas did not fit the zoning code. She said they had discussed a travel center, a hotel, and a dealership.

ADJOURNMENT

Hearing no further discussion, Mayor Smith adjourned the meeting at 8:49 P.M.

APPROVED by the Coburg City Council on this 12th^{4th} -day of ~~October~~September 2021.

Ray Smith, Mayor of Coburg

ATTEST:

Sammy L. Egbert, City Recorder