



MINUTES

Coburg City Council Meeting

August 9, 2022, at 7:00 P.M.

91136 N Willamette Street

Hybrid Meeting in-person or via Zoom

MEMBERS PRESENT: Mayor Ray Smith, John Fox, Nancy Bell, John Lehmann, Patty McConnell, and Kyle Blaine

MEMBERS ABSENT: Mark Alexander

STAFF PRESENT: City Administrator Anne Heath, Finance Director Tim Gaines, City Recorder Sammy Egbert, Public Works Director Brian Harmon, Chief of Police Larry Larson, and Planner Megan Winner.

RECORDED BY: Trenay Ryan, Lane Council of Governments (LCOG)

CALL TO ORDER

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

ROLL CALL

Ms. Egbert called roll. A quorum was present.

PLEDGE OF ALLEGIANCE

Mayor Smith led the Pledge of Allegiance.

MAYOR COMMENTS

Mayor Smith thanked Councilor Bell for conducting the meeting on July 26, 2022. He noted that he was doing well, regarding his health. Mr. Smith commented on the success of Coburg's recent Car Classic Event. He concluded by reminding all of the continued concerts that were being held in the local park, as well as the upcoming Antique Fair to be held in September.

AGENDA REVIEW

Ms. Egbert referred Councilors to their Red Folder:

- Staff report and a proposed contract with H&J Inc. for work on McKenzie Street. This item will be added to the agenda as item number 8.5.
- An amended ballot title to replace the one included in packet under agenda item 6 regarding the question of a temporary ban on psilocybin service centers and the manufacture of psilocybin .
- Written Citizen testimony from James Hansborough and a petition to delay the approval of Resolution 2022-21. Will be part of the Citizen testimony during agenda item 8.

CITIZEN TESTIMONY

1. Karen Coury Written Testimony

Mayor Smith stated that Citizen testimony will be held during the specific agenda items.

RESPONSE(S) BY CITY COUNCIL

CONSENT AGENDA

1. Minutes July 12, 2022, City Council
2. Minutes July 2, 2022, City Council Special Meeting

Councilor Lehmann noted that he wished for clarification of a comment, located on page six of the July 12, 2022, meeting, in the second paragraph. He said the comment would have been inconsistent with his sentiment on the issue and he wished for it to state; “Mr. Lehmann noted that private commercial owners could be asked to put up the sound walls.”

MOTION: Councilor Fox moved, seconded by Councilor Bell to approve the consent agenda as amended. The motion passed unanimously, 5:0.

ORDINANCES AND RESOLUTIONS

4. Public Hearing | First Reading

ORDINANCE A-200-L AN ORDINANCE AMENDING ARTICLE VII.C OF THE COBURG ZONING CODE TO IMPLEMENT A FORM BASED CODE FOR THE CENTRAL BUSINESS DISTRICT AND IMPLEMENTING OTHER GENERAL HOUSEKEEPING UPDATES TO THE ZONING CODE.

Mayor Smith opened the public hearing at 7:10 pm and held the first reading on Ordinance A-200-L, amending Article VII.C of the Coburg Zoning Code to implement a form-based code for the Central Business District and implementing other general housekeeping updates to the zoning code.

The Ad-Hoc Committee chose to pursue a form-based code and to restrict formula- based businesses within the Central Business District. Some of the amendments include the corrections of basic scrivener errors and other straightforward language changes, the addition of alternative street standards, the addition of a public facilities zoning district section, additional rendering for the highway commercial zoning district, additional mobile food vending standards as recommended by the fire chief, and other changes found in the proposed change matrix. Alternate language to list formula-based businesses under 10,000 square feet as a conditional use instead of a prohibited use within the Central Business District was prepared as directed by Council at the previous meeting.

Ad-Hoc Committee representative Cathy Engebretson presented the Citizens Advisory Committee recommendations, as follows: The recommended changes presented, primarily pertained to Coburg's Central Business District. The downtown area was chosen as the first review, due to the extremely limited existing code. Ms. Engebretson said the new code would be a good balance between trying to require a classic looking Main Street, but also, not overdoing it with so many regulations that would discourage or frustrate development. The theme of the form-based code was to ensure that the core part of Coburg's downtown Main Street retains its historic and unique architectural character.

Public Testimony:

Coburg property owner, Robert Lamont, expressed that he liked the proposed changes. He felt it would help in the growth of Coburg, while benefiting everyone.

Councilor McConnell was still quite concerned that Coburg would end up with a Dollar General chain store.

Ms. Winner reminded her that 10,000 square feet or less would require a conditional use permit, as well as meeting the additional use criteria.

Councilor Fox stated it could be a possibility, that instead of two businesses which took up 10,000 square feet, there could be a beneficial business that was 1500 square feet or 1200 square feet.

Councilor Lehmann inquired of awnings on Main Street. Ms. Engebretson clarified that awnings would be permitted, and she did not believe that they counted towards a building's footprint.

Public Hearing closed at 7:48. Second reading of Ordinance A-200-L is scheduled for September 13, 2022, regular City Council Meeting.

5. Second Reading

ORDINANCE A-163-T AN ORDINANCE ADOPTING THE OREGON CRIMINAL CODE, OREGON UNIFORM CONTROLLED SUBSTANCES ACT, OREGON LIQUOR CONTROL ACT, AND THE OREGON MOTOR VEHICLE CODE; REPEALING CONFLICTING ORDINANCES.

Mayor Smith read Ordinance A-163-T by title for the second reading.

Chief of Police, Larry Larson, explained it was a second reading for the Ordinance A-163-T, which allowed the Coburg Police Department to arrest offenders and sight individuals into the Coburg Municipal Court.

MOTION: *Councilor Blaine moved, seconded by Councilor McConnell to adopt Ordinance A-163-T An ordinance adopting the Oregon Criminal Code Uniform and Controlled Substances Act, Oregon Liquor Control Act in Oregon Motor Group, Motor Vehicle Code, repealing conflicting ordinances. The motion passed unanimously, 5:0.*

6. RESOLUTION 2022-19

A RESOLUTION APPROVING A BALLOT TITLE TO BE SUBMITTED TO THE VOTERS AT THE NOVEMBER 8, 2022, ELECTION, THE QUESTION OF A TEMPORARY BAN ON PSILOCYBIN SERVICE CENTERS AND THE MANUFACTURE OF PSILOCYBIN PRODUCTS.

Staff report presented by Anne Heath.

Mayor Smith noted that if the voters do not pass the vote of the citizens, Coburg would follow state laws.

Motion: *Councilor Bell moved, seconded by Councilor Blaine to adopt Resolution 2022-19. A resolution approving a ballot title to be submitted to the voters at the November 8, 2022, election. The question of a temporary ban of psilocybin service centers and the manufacture of psilocybin products as revised. The motion passed unanimously, 5:0.*

7. RESOLUTION 2022-20

A RESOLUTION TO REFER TO THE ELECTORS OF THE CITY OF COBURG THE ADOPTION OF THE 2022 COBURG CHARTER, AND REPEALING 1992 COBURG CHARTER AND CHAPTER XII SECTION 45 OF THE 1950 COBURG CHARTER.

Ms. Heath presented the staff report. She stated this was a new charter, one that had been rewritten to be read with a clearer understanding, as well as being more user friendly for Councilors and staff. The council rules of order needed to be aligned with the charter. Ms. Heath noted that all previous Charter language will be repealed if adopted by City Voters. She concluded by mentioning that section 45 of the 1950 charter would now be regulated by the state; the city would no longer need to include that in its charter.

MOTION: *Councilor Bell moved, seconded by Councilor Lehmann to adopt Resolution 2022–20 approving the 2022 Coburg Charter and Ballot Title placing a measure to adopt 2022 Coburg Charter and repeal 1992 Coburg Charter and Chapter 12 section 45 of the 1950 Coburg Charter. The motion passed unanimously, 5:0.*

8. RESOLUTION 2022-21

A RESOLUTION CONDITIONALLY ACCEPTING A DEDICATION OF A PORTION OF MACY STREET.

Citizen Testimony:

Coburg resident Frank Fetsko of 91227 North Harrison Street, at the corner of Harrison and Macy, was present to protest the possible road near his residence, upon the sale of the Hoffmans property. Mr. Fesko was concerned with traffic noise, increased traffic and possible vandalism if a road was built. His concerns also included redirection of traffic that would not be beneficial to Coburg, the safety of the children and pets in his neighborhood and the possibility of an historic tree being removed.

April Virkaitis, Coburg resident of 91226 North Harrison, corner of Harrison Street and Macy Street, relocated from Los Angeles, California and has enjoyed the small town feel of Coburg. She was concerned with increased speeding and noise, as well as the continued disregard of a stop sign near her home. Ms. Virkaitis stated there had been an increase of garbage and auto break-ins in the area.

Erin Young and Scott Young signed in to present testimony but were not present when called on.

Mayor reminded everyone that there was also written testimony from Karen Coury and Jim Hansborough.

Kathleen Collins, resident on East Lincoln Street in Coburg, requested that lucrative incentives be offered to those impacted by the street build.

Ms. Heath presented the staff report. She explained that the resolution was to conditionally accept a dedication of a portion of Macy Street to allow for a right of way, for the completion of Macy Street as provided for in the transportation system plan. The resolution was not for the design of the road, as that would come later. The urban growth boundary would include residential lands, currently owned by Bruce Wiechert Custom Homes, which was developing

phase one of a two phase residential development. Phase two was put on hold. The landlocked urban growth boundary had long been of concern to the city. The state required that Coburg have residential lands available for development. Ms. Heath summarized the resolution would be a dedication of 30 feet; 20 feet across with five feet across on either side of the street, as right of way, which was presently owned by the city.

The Councilors questioned Mr. Wiechert on the dimensions of the street, however the design of the street would not be decided upon until a later date. Mayor Smith said he had gotten involved in government, to try and stop the growth in Coburg, but unfortunately it would have to be accepted that there would be growth in the city of Coburg because it was mandated by state law, and they would have to plan for access to residential areas.

MOTION: Councilor Lehmann moved, seconded by Councilor Fox to adopt Resolution 2022-21, a resolution conditionally accepting dedication of a portion of Macy Street. The motion passed unanimously, 5:0.

COUNCIL ACTION ITEMS

8.5 Construction Contract with H&J

Public Works Director, Brian Harmon, discussed the McKenzie Street reconstruction. He explained that the construction window was limited in order to be cognizant of contractors. The contract is for H&J Construction Incorporated. Lowest bids are always accepted, as long as, all of their documentation and post bid documentation, that are the requirements, come back. The McKenzie Street project consists of a small amount of reconstruction on the west side of Willamette with off-street parking, curb, and sidewalk just past the Chief's entrance. The East side to Willamette would have off-street parking, curb, gutter, sidewalk, ATA ramps, and stormwater management. Mr. Harmon concluded by saying a bioswale rain garden area with overflow going into the stormwater system and a new water main would be constructed.

MOTION: Councilor Bell moved, seconded by Councilor Blaine to approve, the construction contract with H&J Construction Inc. for the purpose, of reconstructing McKenzie Street. The motion passed unanimously, 5:0.

ADMINISTRATIVE INFORMATION REPORTS

9. Public Works Annual Water Reports

Brian Harmon stated the nitrate in well two had been slightly elevated, although not at any level requiring any type of treatment or notifications. He stated the reasons for the increase could be, that samples were not taken at correct times or could have just migrated in and the nitrate level rose. Mr. Harmon explained that while both wells run in the summertime, well one takes the lead and runs longer each day. With well two not being used, that could have caused the nitrate to rise. Mr. Harmon assured all that Coburg's drinking water was safe. He discussed the total maximum daily load for different constituents (TMDL). Moving forward, Mercury

would be a contaminant that would be looked at being removed. Coburg has a stormwater system and does not direct discharge into the rivers or streams. He noted that Coburg was in year two of a five-year matrix.

Recess from 9:30 - 9:36 p.m.

10. FINANCE QUARTERLY PRESENTATION

Finance Director, Tim Gaines, discussed the fourth quarter of fiscal year 2022 - June 30, 2022. City revenues were \$5,496,032 or 54% of budget compared to last year at 53% of budget. A transfer was made from the URA of \$375,000 to the sewer department in June.

Reimbursements for number six for the water project arrived late in July for \$263,000. Those proceeds would go to revenues in the prior fiscal year. State fuel tax generated \$98,524. City fuel tax generated \$163,646, exceeding the budget of \$155,000 at 105% of budget. Water fees exceeded budget revenues at 103% of budget. Budget revenues were 91% of the budget at \$5,000,606,769, compared to the previous year at 63% of capital projects of the city in the process. Capital expenditures were paid out, but not reimbursed as of June.

Ms. Heath stated the importance of recognizing Coburg budgeted for street and water projects that were delayed. Those were substantial amounts, creating a \$700,000 gap that Coburg was awaiting reimbursement for.

11. POLICE DEPARTMENT QUARTERLY PRESENTATION

Chief of Police Larry Larson presented the quarterly report for the police department and then the second quarter of the present year, ending June 30, 2022. He noted that 43% of the department's time was spent on traffic and person stops. 19% doing patrol and business checks. It was broken down further into service society crimes; 14% property crimes and 5% person crimes. The following were some of the activities that the department responded to; traffic stops, sex abuse, welfare checks, and a death investigation. Administration consisted of council reports, policies, procedures, updates, and a lot of changes. Service calls can take up quite a bit of time, including filling out the reports, as well as follow ups. All reported time consisted of 50/50, full time sworn officers vs. reserve officers. There were four paid officers, including the Chief and seven in reserves. Full time officers work 173.33 hours. Reserve officers, while not on a regular schedule, work as needed. Chief Larson said that the current scheduling had been working well, but that may change as Coburg grows. He invited all to attend a Mental Health First Aid Training, presented by Patrol Officer Bo Rankin on Thursday September 8, 2022, from 1:00 to 5:00 p.m. at Coburg City Hall. He concluded by saying that his wife and himself, Officer Wilson and his wife, Officer Seneca, Officer Lee and Officer Rupe, took a mental health training class on Emotional Survival for Law Enforcement.

12. ADMINISTRATION MONTHLY REPORT

Mayor Smith asked if there were any questions for Ms. Heath regarding the administrative report. There were none.

UPCOMING AGENDA ITEMS

Ordinance A-200-L Zoning Code Amendments
City Free Schedule Review

FUTURE MEETINGS

August 17, 2022, Planning Commission
September 5, 2022, City Hall Closed - Labor Day
September 13, 2022, City Council Meeting

ADJOURNMENT

Mayor Smith adjourned the meeting at 10:00 pm.

APPROVED by the City Council of the City of Coburg on this 13th day of September 2022.

Ray Smith, Mayor of Coburg

ATTEST:

Sammy L. Egbert, City Recorder