

**CITY OF COQUILLE**  
**CITY COUNCIL MEETING MINUTES**  
**October 4, 2010**

**COUNCIL PRESENT:** Mayor Steve Britton, Councilors E.N. “Corky” Daniels, Loran Wiese, Matt Muenchrath, Bruce Parker, Linda Short, and Fran Capehart.

**STAFF PRESENT:** City Manager Terence O’Connor, Public Works Director John Higgins, Finance Director Chuck Dufner, Officer Webley, City Attorney John Trew and Deputy Recorder Rene Collins.

**PRESS:**

**AUDIENCE:** A roster of those present is on file in the City Recorder's Office

**1. CALL TO ORDER / PLEDGE OF ALLEGIANCE**

Mayor Britton called the meeting to order at 7:00 p.m.

**2. MAYOR’S COMMENTS**

**3. COUNCIL COMMENTS**

Councilor Wiese attended the Duck Game on Saturday and said he had a great time. Councilor Parker sold his tickets because he thought it was going to be a blow out.

Councilor Capehart said that NW Natural Gas and Energy Trust will be presenting a workshop on Oct 13, 2010 from 5:30 to 7:30 and dinner will be provided, reservations are required. Councilor Capehart attend the League of Oregon Cities Conference. At the conference she went on the Springfield field trip and got a lot of ideas to get the businesses and clubs working together; she would like to have a meeting at the Community Building to get some team work going.

Councilor Short showed a publication that the Downtown Association produces yearly which includes a guide to historic Coquille and the local businesses. They print and distribute about 5,000 in the community and she wanted to thank them for promoting Coquille. Councilor Short presented a check in the amount of \$6,000 for the pool, which calculates to 15 free swim days during the summer.

**4. STAFF REPORTS**

Planner Higgins thanked everyone for the cards and said he is feeling better. Sturdivant Park parking lot work started today; they are removing asphalt and it will be blocked off tomorrow just long enough to tape off the area they are working on. People may park on the grass if necessary or use the ramp across the road.

Planner Higgins presented a layout of the area where Ms. Torbeck lives at 787 N Dean Street. The alley is platted to be 10’ wide; the platted property line runs down the center of the alley. A garage and fence that have been there for a number of years are also located in the alley right of way. Ms. Torbeck showed a colored coded map showing where the alley is now and where it should be. Ms. Torbeck feels the City failed to uphold its jurisdictional requirement to make sure the property boundary was adhered to and that property owners did not infringe on the City right of way and others property. The alley was rarely used until the hedge was removed from her property and people are now infringing on her property even more. She would like to have a fence installed and is not sure about the setbacks; Planner Higgins said there is no setback required for her fence. Ms Torbeck said if she puts the fence on her property line there would be a five foot walk way, which may cause problems with the neighbors.

Ms. Torbeck stated she sent a letter to the City with the four following proposals including the possibility of exchanging 250 square feet of property between the City and her. Ms. Torbeck said she wants to work with the City on this issue. Ms. Torbeck said the retaining wall at her house is built on the City’s property. Mayor Britton asked how long the fence in the alley had been there, Ms. Torbeck said it was there when the current owner bought the

house. Mayor Britton asked if we did a lot line adjustment on 8<sup>th</sup> or Dean Street would it cause issues in the future, Higgins said he believes they are a 60' right of way on Dean Street and to develop it to its full width is not likely.

City Manager O'Connor said that this is not a unique situation in the older portions of town, and if you choose to make boundary adjustments by swapping land it could cause a lot of issues. Under land use law the government does not normally lose land by adverse possession in other words we retain the right to the alley way regardless of who built what on it. If the City should decide at some date to exercise their right the property owner has no course but to vacate the City's property. In this case the public has utilized that alley for many years to the extent that it has become a public use way by adverse possession, evidence of that is the hedge that was placed along the Torbeck property. It is the responsibility of the citizen to maintain the property integrity of their lot. The disposing of city right of way or existing property should only be entered into with the understanding and implications at a later date.

Jan Torbeck said in 1999 the City granted the Bensons 17' feet of right of way on Gould Street because the house was built on the property line and on ordinance 135 a street right of way was vacated in 1914 for no apparent reason. Planner Higgins said individual circumstances are that the Benson home was located at a dead end street with a canyon on the south side and the street access could not connect on the other side.

Attorney Trew said the alley has been used long enough to establish adverse possession meaning the City and Citizens get to use it and there is no legal reason to change it. Attorney Trew does not advise giving away any part of the City's right of way and he is not sure the Council has that authority, and she is using property that belongs to the City. Trew said adverse possession means over the time of 10 years or more the alley has been used by citizens. Councilor Muenchrath thought the decision of what to do about the situation was going to be decided by the Planning Department and the City Attorney and a report would be prepared for Council. Mayor and Council concluded that Planner Higgins and Attorney Trew would prepare a response to Ms. Torbeck's request.

Finance Director Dufner reviewed his report on the Sewer Plant financing. The USDA will not allow the city to refinance the 7 million dollar DEQ loan, and the note is 20 years which increased the payments. The final rates may be \$55 instead of \$49, and the loan would be paid off by the time another new plant is required. City Manager O'Connor said the numbers are not final as he is trying to arrange a one stop meeting to review the funding options.

Dufner said the City has credit card accounts with US Bank and they could be changed to Sterling Savings. He would like to find a credit card that gives cash back, most credit cards that offer this option require someone to guarantee the account and he said that he would be willing to do this and see if the City does receive a benefit. City Council agreed it would be worth trying. Jan Torbeck, 787 N Dean, asked if there are any legal statues about an employee signing a personal guarantee and what about the interest charges for having a credit card. Finance Director Dufner said the credit cards are paid in full every month so there are no interest charges and he will check to see if there is a statute about the personal guarantee issue.

## **5. CITY MANAGER'S REPORT**

The City received a citizen complaint against Coos County regarding their use of their emergency generator during the early morning hours. The county was advised that they need to maintain their generator from 7 a.m. to 7 p.m. due to the noise ordinance. County Commissioners agreed to adhere to the noise ordinance; the maintenance and testing will be scheduled on Saturdays at 6:00 p.m.

Planner Higgins has placed signs explaining about the parking at Sturdivant Park due to the paving that will be taking place this month. People can park on the south side of the park on the grass or use the boat ramp across the river.

On July 17, 2010 there was Garden Tour that was a fund raiser for the River Walk which included a reception with wine and cheese, which required a liquor license at the cost \$135.00. Ms. Hurston is requesting a refund of the fee. Councilor Wiese made a motion to refund the \$135. Councilor Daniels seconded the motion; all voted in favor.

City Manager O'Connor said that he attended the LOC conference. This year the government has a 3.2 billion dollar shortfall and this will affect all agencies. He attended a URA workshop and some special districts feel that the URA takes dollars away from other agencies. There has been a peace agreement put in place between the agencies but now the special districts are asking for the URA's to have the same reporting requirements which could drive the administrative costs up. There was a social media workshop in which the Secretary of State Office is of the opinion that all communication of social media falls under the public records rules including cell phones, the only thing exempt is an actual telephone call.

## **6. PUBLIC PARTICIPATION**

Dan Billings asked Mr. Higgins why he did not enforce the noise ordinance for Knife River or the give the citizens of Coquille notice that the paving of HWY 42 would be at night. Councilor Muenchrath said the paving had started and Mr. Higgins had notified Council at the next meeting about the paving being done at night and Council agreed that the paving job needed to be completed as soon as possible. Councilor Muenchrath asked Mr. Billings if he had any suggestions how improve the process; he did not.

## **7. CONSENT CALENDAR**

A. City Council minutes September 20, 2010

Councilor Wiese made a motion to approve the consent calendar. Councilor Daniels seconded the motion; all voted in favor.

## **8. ACCEPTANCE OF PRE-LOAD REMOVAL BIDS**

John Waddill, Dyer Partnership said the engineers estimate for the preload removal project was between \$125,000-\$150,000. The following seven bids were received;

Godfrey & Yeager \$104,300.00  
Durbin Excavating \$121,460.00  
R & G Excavating \$169,710.00  
Johnson Rock Products \$136,243.00  
Rogue Valley Construction \$97,005.00  
Houshour Inc \$126,406.00  
Grimes Construction \$86,586.00

Mr. Waddill said by removing the preload now it will move the construction up by approximately 9 months.

Councilor Wiese made a motion to accept all seven bids presented for the Preload Removal. Councilor Muenchrath seconded the motion; all voted in favor.

It was stated that John Williams who is a subcontractor with Grimes Construction would be doing the work.

## **9. AWARD OF PRE-LOAD REMOVAL BIDS**

Councilor Wiese made a motion to award the contract for the preload removal to Grimes Construction in the amount of \$86,586.00. Councilor Muenchrath seconded the motion; all voted in favor.

## **10. ACCEPTENANCE OF DEAN STREET SEWER LINE REPLACEMENT BIDS**

John Waddill said the engineers estimate was between \$205,000 and \$245,000. The two following bids were received;

Landis & Landis Construction \$220,841.00  
Rogue Valley Construction \$219,527.00

Councilor Wiese made a motion to accept all bids presented for Dean Street Sewer Line Replacement. Councilor Muenchrath seconded the motion; all voted in favor.

## **11. AWARD OF DEAN STREET SEWER LINE REPLACEMENT BID**

Councilor Wiese made a motion to award the contract for the Dean Street Sewer Line Replacement to Rogue Valley Construction in the amount of \$219,527.00. Councilor Short seconded the motion; all voted in favor.

## **12. DISCUSSION REGARDING UTILITY BILL PAYMENT OPTIONS**

Finance Director Dufner said some customers are requesting to pay their utility bills with a credit/debit card or electronically. One company will handle all the transactions and charge the customers a fee. The bank could handle the request by setting up a virtual terminal. The third option is to use a software program called Xpress Bill Pay that

will download the transactions into the city's software daily. The customer goes to the website or calls a number to pay their bill. The setup cost is \$3,000 with a 12 month contract and the fee is \$1.20 per transaction.

Tara Johnson, 921 N Henry, thinks people would use it when they find out that the option is available. Councilor Muenchrath is concerned about spending the City's money on \$1.20 per transaction. Robert Jump announced they are now accepting payment for income tax online and online activity is increasing. Office Webley asked if it could be used for paying parking tickets, Dufner and O'Conner said they believe it could work for the fines. Dufner will gather more information and he will check on scheduling a presentation.

**13. RESOLUTION 15-2010, A RESOLUTION TO DECLARE A 1998 FORD CROWN VICTORIA AS SURPLUS PROPERTY**

City Manager O'Connor said the surplus property is 1998 Crown Vic with over 150,000 miles. The car was donated the Coquille Police Department and they would like to donate it to the Coquille School District.

Councilor Wiese made a motion to adopt resolution 15-2010 to declare a 1998 Ford Crown Victoria as surplus property. Councilor Daniels seconded the motion; all voted in favor

**14. EXECUTIVE SESSION – ORS 192.660 (1) (e) FOR THE PURPOSE OF CONFERRING WITH PERSONS DESIGNATED BY THE GOVERNING BODY TO CONDUCT REAL PROPERTY TRANSACTIONS**

Mayor Britton announced that the City Council would meet in executive session pursuant to ORS 192.660 (1) (e) for the purpose of conferring with persons designated by the governing body to conduct real property transaction and 192.660 (2) (h) to consult with Counsel with regard to current litigation or litigation likely to be filed. It was explained that representatives of the news media and designated staff shall be allowed to attend, but all members of the audience are asked to leave the room. The news media cannot report on the deliberations from the executive session and no decision will be made in executive session.

Mayor Britton opened executive session at 8:47 p.m.

Mayor Britton closed executive session at 8:55 p.m.

**15. ADJOURNMENT**

Mayor Britton asked about where the City was in the process with Code Red. O'Connor said that we have sent information to them and they are waiting for a response from Frontier.

Councilor Short asked what is the next step in the goals setting process, City Manager O'Connor said we need to stop making goals and start working on the agreed upon goals. O'Connor said the next step is to prioritize goals at the next planning session on November 1, 2010.

Mayor Britton adjourned the Council Meeting at 9:00 p.m.

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Mayor, Steve Britton

ATTEST: \_\_\_\_\_  
Deputy Recorder