



AGENDA

CITY COUNCIL

91136 N Willamette Street or by Zoom

541-682-7852 | coburgoregon.org

Tuesday, November 14, 2023 at 6:00 PM

CALL THE CITY COUNCIL MEETING TO ORDER This meeting will be held in-person and through Zoom. To participate by Zoom you will need to pre-register by 3PM the day of the meeting.

PLEDGE OF ALLEGIANCE

ROLL CALL

MAYOR COMMENTS

- [1.](#) Appoint a Councilor as a Voting Member of the Coburg Transportation Safety Ad-Hoc Committee

AGENDA REVIEW

CITIZEN TESTIMONY (*Sign up prior to meeting. Limit 3 minutes.*)

RESPONSE(S) BY CITY COUNCIL

CONSENT AGENDA (*Councilors may remove an item from the "Consent" agenda for discussion by requesting such action prior to consideration.*)

- [2.](#) Minutes September 26, 2023 City Council | Planning Commission Work Session
- [3.](#) Minutes October 10, 2023 City Council
- [4.](#) OLCC Liquor License Application for Coburg Distilling Co. LLC

SPECIAL GUEST Megan Dompe Director of Coburg Main Street

ORDINANCES AND RESOLUTIONS

- [5.](#) **RESOLUTION 2023-17** A Resolution Declaring Surplus Property and Authorizing its Disposal Consistent with Ordinance A-91-C
- [6.](#) **RESOLUTION 2023-18** A Resolution adopting by Reference the 2023-28 Lane County Multi-Jurisdictional Hazard Mitigation Plan

COUNCIL ACTION ITEMS

- [7.](#) Coburg Loop Path Funding
- [8.](#) Pavilion Park Restrooms Purchase

ADMINISTRATIVE INFORMATION REPORTS

- [9.](#) Police Department Quarterly Report
10. Finance Presentation
- [11.](#) Administration Monthly Report

COUNCIL COMMENTS

UPCOMING AGENDA ITEMS

Main Streets Agreement
Franchise Fee Ordinances

FUTURE MEETINGS

November 15	Planning Commission
November 21	Park Tree Committee
November 23 & 24	City Hall Closed - Thanksgiving
November 28	Council Work Session - Water System
December 5	Pioneer Valley Estates Open House
December 7	Pioneer Valley Estates Open House on-line
December 12	City Council

ADJOURNMENT

The City of Coburg will make reasonable accommodations for people with disabilities. Please notify City Recorder 72 hours in advance at 541-682-7852 or sammy.egbert@ci.coburg.or.us

All Council meetings are recorded and retained as required by ORS 166-200-0235.



2023 TRANSPORTATION SAFETY AD-HOC COMMITTEE

Recruitment Closes: November 17, 2023 or Until Filled

The City of Coburg is seeking applications from citizens interested in serving on the Transportation Safety AD-HOC Committee.

Transportation Safety AD-HOC Committee

City Council adopted resolution 2023-15 creating this AD-HOC Committee to seek citizen participation and input regarding transportation system safety issues to assist Council and staff in solutions to improve pedestrian, bicycle and vehicle safety.

The Ad-Hoc Committee is charged with analyzing a variety of pedestrian, bicycle and vehicle safety issues identified and presented by staff, reviewing potential mitigation actions and making recommendations to Council on preferred mitigation actions for staff to pursue.

Transportation safety issues may include:

- Pedestrian crossing/safety on both Willamette and Pearl Street
- Pedestrian/bicycle safety lighting
- Vehicle speed limit reviews for Pearl St and citywide residential
- N Willamette & Van Duyn intersection improvements
- Traffic calming options on N Coleman St

Vacancies: Up to four (4)

Application Deadline: Applications are due by 5:00 pm, November 17, 2023 or until filled. Contact City Recorder, sammy.egbert@ci.coburg.or.us or 541-682-7852

RESOLUTION 2023-15**A RESOLUTION CREATING A TRANSPORTATION SAFETY AD-HOC COMMITTEE**

WHEREAS, the City Council wishes to seek citizen participation and input regarding transportation system safety issues to assist Council and staff in solutions to improve pedestrian, bicycle and vehicle safety, and

WHEREAS, City Council FY2024 Goals include the formation of a Transportation Committee to address transportation challenges in Coburg and planning for update to the Transportation System Plan, and

WHEREAS, City Council recognizes an update to its Transportation System Plan will require a dedication of time and resources beyond the scope of the Transportation Safety Ad-Hoc Committee and wishes to focus initial efforts on immediate safety issues within the existing transportation system.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Coburg

Section 1. The City Council hereby approves the creation of the City of Coburg Transportation Safety Ad Hoc Committee

Section 2. The Committee shall be staffed by the Administration and Public Works Departments.

Section 3. The Committee shall be comprised of a minimum of five and a maximum of seven voting members made up of the Mayor, one (1) City Councilor, one (1) planning commissioner, and up to four (4) citizens. Committee members shall receive no compensation for participation in Committee activities.

Section 4. Applications will be submitted to the City Recorder and provided to the Mayor for appointment with confirmation from Council.

Section 5. The Ad-Hoc Committee is charged with analyzing a variety of pedestrian, bicycle and vehicle safety issues identified and presented by staff, reviewing potential mitigation actions and making recommendations to Council on preferred mitigation actions for staff to pursue. Committee analysis and recommendation shall also include utilization of citizen input provided to the Committee.

Section 6. Expected transportation safety issues to be brought forward to the Ad-Hoc Committee include, but are not limited to:


- Pedestrian crossing/safety on both Willamette and Pearl Street
- Pedestrian/bicycle safety lighting
- Vehicle speed limit reviews for Pearl St and citywide residential
- N Willamette & Van Duyn intersection improvements
- Traffic calming options on N Coleman St

Section 7. The Advisory Committee will cease to function upon the successful completion, recommendation, and presentation of a draft report on recommendations for the specific areas of concern presented by Staff to the Committee. The report will be prepared for presentation to Council by June 30, 2024. If it is deemed necessary that there is additional work of the Committee needed in order to pursue additional changes, or activities or community meetings to receive additional citizen input, the Council by majority vote can extend the completion/termination date of this Ad-Hoc committee up to an additional six months.

Section 8. This resolution is effective immediately upon passage.

Public Meeting Law and Public Record Retention Law must be followed consistent with Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR)

Adopted by the **City Council** of the **City of Coburg**, Oregon, by a vote of 5 for and 0 against, this 10th day of October, 2023.



Nancy Bell, Mayor

ATTEST: 
Sammy L. Egbert, City Recorder



MINUTES

City Council & Planning Commission

Joint Work Session
September 26, 2023
Coburg City Hall
91136 N Willamette Street

COUNCILORS PRESENT: Nancy Bell; Mayor, John Fox, Alan Wells, Cathy Engebretson, Claire Smith

COUNCILORS ABSENT: Kyle Blain, John Lehmann

COMMISSIONERS PRESENT: Jim Bell; Chair, John Marshall, Jerry Behney, Marissa Doyle

COMMISSIONERS ABSENT: Jon Derby, Seth Clark, William Wood

STAFF PRESENT: Adam Hanks; City Administrator, Megan Winner; Planning Director, Sammy Egbert; City Recorder

RECORDED BY: Madison Balcom; Administrative Assistant

CALL TO ORDER

Mayor Bell opened the Joint City Council and Planning Commission work session at 6:00 p.m.

City Council and Planning Commission met in a work session to discuss planning related policies.

I. Food Trucks

Commissioner John Marshall asked if there was a limit on the amount of food trucks that were allowed to be there. Planning Director, Megan Winner responded saying no, as long as they're meeting all other requirements. Councilor Alan Wells mentioned that they have only approved five, and are not expanding beyond that.

Mr. Wells asked how they are operating, asking about water, sewer and electricity hookups. Ms. Winner said they are not using the city's water or sewer services, but are using a temporary electricity source. They also did not pull any construction permits. Mayor Nancy Bell mentioned

that there has been some questions that have come up at council, like how many food trucks they can have at any one time within the community.

Mr. Wells mentioned some issues that could come up, like traffic and parking. Ms. Winner said there are new standards for the amount of trips that are generated using a food truck, however with the climate friendly equitable community rule making there are no longer parking mandates in effect, with few exceptions.

City Administrator, Adam Hanks mentioned how parking has always been a balancing act. He asked for opinions and thoughts on how they want to regulate that. Councilor, Cathy Engbretson mentioned her thoughts on implementing some time requirements. Mr. Hanks mentioned how parking management, infrastructure and inventory is something that the City will have to manage.

II. Housing Trends (ADUs & NSFDs)

Ms. Winner said there has been an increase in Accessory Dwelling Units's (ADU's) and New Single Family Dwellings's (NSFD's) in town. The Wiechert subdivision has picked up and they expect that 2024 and 2025 will look very similar to 2022 and 2023 for NSFD's as far as the number of issued permits. The code changes for ADU's is working as well. Councilor, John Fox asked if the trend were to continue for 2024 and 2025, would they would be maxing out availability for NSFD. Ms. Winner said she doesn't expect it to go up, but just look similar, but that they are running low on supply of residential land.

Councilor Claire Smith asked if there was anything in the code stating that someone who owns an ADU would need to be a resident of that same property. Ms. Winner said that Owner Occupancy requirements were removed as part of the last development code update. Ms. Smith asked what the reasons were for that. Ms. Winner said that they don't want to be a barrier of having more units. Ms. Smith then asked if the state determines whether it becomes an issue or not and if they could reinstate it at that point. Ms. Winner responded saying they could reinstate it if they felt they needed to.

Commissioner Marissa Doyle asked if they could increase the allowed amount of ADU's perproperty. Mr. Hanks said that it depends on what the Buildable Land Inventory tells them about what their shortages are. Ms. Bell said that the ordinance designates the number, and it would have to be reviewed and amended if they were to increase the allowed number of ADU's

Ms. Smith asked if ADU's are allowed to be Airbnb's, and if there is a limit on how many Airbnb's the community is allowed to have. Ms. Winner said ADU's can be used as Airbnb's or short term rentals, and there is not a regulation on how many the city can have. Ms. Smith said there are other communities that are regulating the amount of Airbnb's allowed so it doesn't affect the community negatively. She mentioned how she thought it would be beneficial to look at doing that before it becomes an issue for the city. Mr. Hanks said that he thinks the timing

might be right for that, and that they might want some rules in place before it becomes a problem.

Planning Commission Chair, Jim Bell asked that if someone had more than one ADU's in their backyard, what would be the classification as far as density. Ms. Winner said that their zoning district is traditional residential, which is low density, allows for one ADU. The city does have very small amounts of medium density residential, which is why the first addition to the Coburg Creek subdivision will have 4 duplexes in it.

Ms. Smith asked about how the sewer and water fees for the ADU's are charged, and if they are charged for each individual ADU. Mr. Hanks said that the monthly charges have a rate structure, but full SDC's aren't currently being charged. City Recorder, Sammy Egbert said that it is something they will be addressing when they do their utility fee ordinances to set a very clear policy on it and make it consistent. Ms. Smith asked if it was possible to put a separate water meter on the ADU's and that they would be charged by use. Mr. Hanks said that it is possible, but you could have charges for a second unit without another meter being put in.

Commissioner Jerry Behney mentioned that Serenity Lane had restaurants and a hotel on their wish list, and that Airbnb's would effect that. Ms. Doyle said that the tank size determines how many bedrooms you can have, which limits how many ADU's you can put in. Mr. Fox said how he hopes they embrace the medium-high intensity, like a three-story building, which would add more downtown population. Mr. Hanks thought that will be a key part of the BLI, and Mr. Fox added that it could attract funding.

Mr. Marshall asked how they would handle the parking situation. Mr. Fox mentioned how mass transportation and limited bus service is also part of that. Ms. Winner said that it's important to know that it's not that they won't ever be getting parking, it will just be more of a market demand. John Marshall mentioned his concern on how the residential areas are already dealing with lots of overflow parking into neighborhoods and on street parking, and that if the businesses don't provide parking it will add more to the overflow and make it worse. Mr. Hanks said that from the state perspective one of the most effective ways to increase ridership is to make single occupant vehicle travel and parking difficult to deter that. He said how they want to be looking at the housing mix also, not just the total housing units and BLI.

III. Climate Friendly & Equitable Communities

Ms. Winner explained that they did recently talk to Planning Commission about these efforts. This is a state rule making that Coburg would be able to seek exemption from because of its population. However, because Coburg is part of a Federally Designated Metropolitan Planning Organization (MPO), it's important to participate in the process to be able to voice some issues and provide context that is important to the region. Therefore, they are moving forward with MPO partners and participating in the rule making. She talked about the dates and timeline of the project and also mentioned that DLCDC will be providing some funding to cover staff time for the work of implementing this rule making.

Mr. Bell said that his frustration is that the City has a transportation and land use plan that is not well linked to the external traffic generators of the area. He mentions that part of the traffic concerns are out of their control, and that he feels the Climate Friendly & Equitable Communities seems to be going nowhere. Mr. Marshall said that he thinks that's why it's so important to be part of the MPO. Ms. Bell talked about how they have had some good meetings recently with Regional Solutions, ODOT and County Commissioners, and how there is attention that is being paid to exactly this problem. She mentioned how they have been funded for a study on Freight Routes for 2026, for some sort of bypass.

Ms. Smith mentioned how if the state and community are serious about really changing the amount of greenhouse gasses in the community, businesses that generate lots of traffic should come to the table and offer ways to help minimize that. Ms. Doyle said how the Coburg kids are the first to get on the bus and the last to get off. Ms. Smith said how a lot of those kids will be driven in the morning, and then take the bus home because they get there too early. They mentioned how LTD busses could put a route out here for kids to use that is timelier.

Mr. Hanks said how there was some conversations about the I-5 interchange challenge of getting the upgrade to exit 189, by utilizing transit as a stepping stone to changing the category and dealing with the trip count. Ms. Smith said how when Marathon first opened, there were two or three LTD busses that came through here. Ms. Engebretson offered a thought about how maybe having smaller busses on transit that come through neighborhoods more frequently would be a better option.

Mr. Bell asked if CFEC was an unfunded mandate and Ms. Winner nodded yes. He then said how they are mandating that the cities elect to do this, and providing no money for the kind of transportation systems that could get them to the goal. Mr. Hanks said he wouldn't characterize it that straight forward and explained it as the unfunded mandate to the city probably wouldn't receive any money, but to the bigger picture solutions there is funding whether or not its adequate is different. Ms. Bell said that they do listen and it's important that we keep voicing those concerns.

Ms. Engebretson said how at the Lane Act Committee meetings, they've been asked to state the goals for Coburg relating to transportation, and she has voiced the main two as thru-traffic on Coburg Rd. and the I-5 interchange. Mr. Hanks said how it is gradual, slow and constant and will happen, just not within a quick timespan. They talked about the transportation group and what the next steps will be for that.

IV. Integrated Land Use / Transportation & BLI

Ms. Winner explained how the City is applying for a grant from DLCDC to do an update to the BLI. The most recent one done for Coburg was in 2010, which does not include some significant changes that have taken place. The BLI is an assessment of the supply of land for residential, industrial and recreational use. Ms. Bell asked how soon they would know if they got the grant. Ms. Winner responded about 1-2 months.

Ms. Bell asked how it worked and Ms. Winner said it is GIS data, which looks at parcels, structures, natural and manmade constraints, acreage, etc. Mr. Hanks said he's been involved in some of these before and it requires some field work and spot checking but most can be done pretty efficiently. Mr. Marshall asked if this is just within the current urban growth boundary, and Mr. Hanks said yes. Mr. Marshall asked if it would help identify areas of the urban growth boundaries that need to be adjusted and Mr. Hanks responded saying no, but it will inform but won't specifically touch on it. Mr. Behney and Mr. Hanks touched on the problems between wanting to keep farmland and also wanting to have a walkable city. Ms. Bell touched on the Housing Crisis and the Governors mandates, while also wanting farmland and walkable cities.

V. Sign Ordinance

Mr. Hanks wanted to know what the issues were for Council and Planning Commission. Does the sign ordinance need to be reviewed or updated, is it about the enforcement of the ordinance, is it the language of it, etc. Ms. Bell said she looked at our sign ordinance, which is currently 23 pages and quite comprehensive, and said it is a combination of both on her end. She spoke on how Councilor Lehmann's concern was the sandwich signs, and how they hinge on walking and the sidewalks. Ms. Smith mentioned the idea of looking at our sign ordinance compared to a very restrictive sign ordinance of another city.

Mr. Hanks talked about his take, and how he thought the temporary signs was looser than most, especially the ability to have them on the right-of-ways, mentioned the challenges in effective enforcement, and also how it was a little redundant. Ms. Smith said that one thing that has been on Main Streets agenda was wayfinding signs, and doing it without it becoming visual clutter. Mr. Hanks mentioned how implementing wayfinding signs would most likely change the sign code. Ms. Bell said that some of the permit issuance is also reviewed by the planning commission.

Mr. Hanks voiced how reviewing the sign code would be a good amount of work, but it could be done internally, and possibly an idea for the Council Retreat. Ms. Bell said it would be helpful to compare our ordinance to other cities sign codes in similar size cities. Mr. Hanks offered Jacksonville as a good comparison.

QUESTIONS, DIRECTION TO STAFF, FOLLOW UP INFO & SUGESTIONS

Mr. Fox had a comment about the retreat planning session about reducing the administratively challenging issues to allow increasing of consistently effective enforcement practices.

Ms. Engebretson made a comment about her interest in making updates to the development code, and where they can find a copy of the transportation system plan. She expressed her concern on the subdivision code and how to link the transportation system plan to the land use and development code.

Ms. Bell commented on the fact that the transportation system plan is a little confusing and does need to be redone and linked to each other. Mr. Hanks followed that saying that the benefit of being looped in with the TSP is that the cost share goes down.

Mr. Hanks asked Ms. Engebretson what particularly she was concerned with on the subdivision code. She replied that she thinks we struggle with how new neighborhoods connect in with the street network. She would like to see them to be more spelled out, and make the process smoother and create less problems when new applications.

Mr. Marshall mentioned how the issue may not be the development within the development code, but it's the access to that development and whether or not those streets meet city standards and are up to date to allow them to proceed.

ADJOURNMENT

Mayor Bell adjourned the work session at 7:45 pm.

APPROVED by the City Council of the City of Coburg on this 14th day of November 2023.

Nancy Bell, Mayor of Coburg

ATTEST: _____
Sammy L. Egbert, City Recorder

APPROVED by the Planning Commission of the City of Coburg on this ___ day of _____ 2023.

Jim Bell, Chair

ATTEST: _____
Sammy L. Egbert, City Recorder



MINUTES
City Council Meeting
 October 10, 2023
 Coburg City Hall
 91136 N Willamette Street

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

MEMBERS ABSENT: Kyle Blain

STAFF PRESENT: Adam Hanks; City Administrator, Sammy Egbert; City Recorder, Brian Harmon; Public Works Director

RECORDED BY: Madison Balcom; Administrative Assistant

CALL TO ORDER

Mayor, Nancy Bell called the meeting to order at 6:04pm.

PLEDGE OF ALLEGIANCE

Mayor Bell led the Pledge.

ROLL CALL

City Recorder, Sammy Egbert called roll. A quorum was present.

MAYOR COMMENTS

- Ms. Bell noted that she has appointed City Administrator, Adam Hanks to be the voting delegate for the League of Oregon Cities conference.
- She read a thank you card received from Anne Heath.
- She mentioned that they talked about the bus service to Coburg in the September work session, and that they have a meeting with the LTD Representative for the Coburg/North Eugene area, set up for November 16th.
- She briefly highlighted the future Springbrook changes and the possible upgrades to City and Public services.
- She mentioned that Coburg, between the Public Works and Planning departments, has 24 existing projects and at least 7 new projects as of now.

- She touched on the mandatory reporting mentioned in the packet, that with the passage of House Bill 3071 during the 2021 Legislative Session, all elected officials are required to report suspected child abuse. She said there was a mandatory training that goes along with it.

AGENDA REVIEW

There were no changes made to the agenda.

CITIZEN TESTIMONY

There were no request(s) made to publicly speak. There were no written statement(s) received.

CONSENT AGENDA

1. City Council Minutes from September 12, 2023
 - a. Ms. Bell pointed out a change of “~~Elisa~~” to “Elise”, on page 2.
 - b. Change the unanimous passing from ~~6:0~~ to 5:0, on page 6.

MOTION

Councilor Engebretson moved, seconded by Councilor Fox to approve the consent agenda as amended.

The motion passed unanimously – 5:0.

RESPONSE(S) BY CITY COUNCIL

There were no response(s) made by City Council.

SPECIAL GUEST

There were no special guest(s).

ORDINANCES AND RESOLUTIONS

1. **Resolution 2023-15** A RESOLUTION CREATING A TRANSPORTATION SAFETY AD-HOC COMMITTEE

City Administrator, Adam Hanks talked about how they want to best address, review, prioritize and implement some shorter term transportation safety issues. He said many places use Ad-Hoc committees, which are normally very functional and a good use of time for the community and staff.

He addressed the draft resolution that comprised the formation of the committee, the charge, the issues to address, the deliverables, and the expected completion date. He then went over section 6, which includes the initial list of items, which is expected to take up the six-meeting schedule, from January to June, reporting to Council in July.

He noted that the next steps would be to advertise the citizen openings on the committee over the next 20-30 days, bring back appointments to the committee in the November meeting, and have the first Ad-Hoc committee meeting in January.

Mr. Fox asked about the process. Ms. Bell said they would suggest the motion, discuss it, then vote.

Ms. Engebretson mentioned that she has heard many of the points in Section 6 discussed a lot in Coburg, and she is excited that they will get to move forward on them.

Mr. Fox echoed that, saying he thinks it's a great idea and a great way to get other people involved.

Mr. Wells asked if any of them (City Council members) will be on the committee.

Ms. Bell read Section 3, which says that the committee will be comprised of a minimum of 5 and maximum of 7 voting members, including the Mayor, one City Councilor, one Planning Commissioner, and up to four citizens.

Ms. Smith asked if there is any plan to discuss reducing the neighborhood speed limits.

Mr. Hanks said that was his intension with bullet 3 in Section 6.

Mr. Lehmann commented that he would encourage trying to get 4 citizens on the committee.

MOTION

Councilor Wells moved, seconded by Councilor Fox to adopt the Resolution 2023-15, a resolution creating a Transportation Safety Ad-Hoc Committee.

The motion passed unanimously – 5:0.

2. Public Hearing

Resolution 2023-16 A RESOLUTION ADOPTING ADMINISTRATIVE SURCHARGES, ADMINISTRATIVE FEES AND PLANNING AND DEVELOPMENT CHARGES INCLUDED IN THE 2023 CITY OF COBURG FEE SCHEDULE

Mayor Bell opened the public hearing for Resolution 2023-16 at 6:22pm.

Mr. Hanks presented a report on the administrative surcharges, administrative fees, and planning and development charges and noted that systems development charges and utility rates are not included in this annual fee review process and are each brought forward to Council independently and on a different review cycle.

Some councilors had questions regarding the wording and clarifications in certain sections, which Mr. Hanks and Ms. Egbert helped answer.

They agreed on removing "actual" from the notes section on page 1 of the fee schedule.

There were no requests for public testimony.

Mayor Bell closed the public hearing for Resolution 2023-16 at 6:43pm.

MOTION

Councilor Fox moved, seconded by Councilor Wells to adopt Resolutions 2023-16, a resolution adopting administrative surcharges, administrative fees and planning and development charges included in the 2023 City of Coburg fee schedule.

The motion passed unanimously – 5:0.

COUNCIL ACTION ITEMS

3. Oregon Municipal Handbook – Chapter 30: Abuse Reporting

Ms. Bell commented for Councilors to review that on their own time, and asked if they had any questions. There were none.

Ms. Bell and Mr. Hanks said they would send out the live link.

ADMINISTRATIVE INFORMATION REPORTS

4. Citizen Inquiry Quarterly Report

Mr. Hanks presented a report.

Mr. Lehmann commented that we have a system of compliance driven by citizen inquiry, and also staff observations of non-compliance and enforcement issues. Which leaves if they act or not act on it up to discretion. He said he would like to see a bigger discussion about expectations with non-compliance issues and what degree to take initiative. One example was the pathway that backs up to Bottom Loop, where people have their fence open up to the pathway and drive through it into their yard.

Mr. Hanks said that a larger conversation about enforcement and the resources involved would be a good idea. He poses the question of if there is actually a code that they are violating, which can be challenging to determine in some cases.

Ms. Bell mentioned that the path is a county right-of-way, not a city right-of-way.

Ms. Engebretson asked if that was the multi-modal path that they are driving on.

Mr. Hanks said there is a pathway to compliance, but it isn't as straight forward as other things like noxious vegetation.

Mr. Fox mentioned that the point of multi-modal was never for an automobile except for maintenance. He also asked if the speed bump on Coleman was a Northwest Natural Repair.

Mr. Hanks said no, that was actually a request for a speed bump, which was worked out between the citizen and police, by providing evidence to show that it was not necessary with the overall speeds in that area.

5. Administration Monthly Report

Mr. Hanks directed people to the report which was emailed and in their red folders. He talked about the Springbrook efforts that they are working on. He also stated that there is an opportunity to use iWorQ, an existing Public Works software system for the Citizen Inquiry process.

He touched on the Coburg Loop Path update and said they would be revisiting some of the prior decisions next month, involving a potential change in the local match for the project.

He also mentioned that the franchise agreements are coming out for renewals.

He said he'd be at League of Oregon Cities conference on Thursday and Friday. The voting delegate is for the League of Oregon Cities board members.

Lastly, he talked about the department reports. Ms. Bell commented on how amazed she is with the amount of work that the Police Department and Public Works do.

Mr. Lehmann asked if the street sweeper is back up and running and how often they are going to use it. Public Works Director, Brian Harmon responded saying that it will be the second, third, and fourth Thursdays of the month.

Ms. Bell asked how the falling leaves will impact the street sweeping.

Mr. Harmon said that they just have to go a little slower, but they did buy a machine with a vacuum attachment which they plan on utilizing during leaf pickup season. He mentioned that they had to get a smaller machine because the bigger ones require the driver to have a CDL. Having a smaller machine means they will have to dump it more often.

Mr. Lehmann asked if it takes them all day to do the scheduled routes.

Mr. Harmon said it is an all-day thing as of right now, with the frequent trips to dump and fill up the water tank.

Mr. Lehmann asked if there were any plans for mechanical lights for crosswalks.

Mr. Hanks said yes, they are working on finishing the permit process with the County and purchasing two of the flashing lights for the Willamette/McKenzie crosswalks, planning to have those up this fall.

Mr. Lehmann asked if they were similar to the ones seen in Springfield.

Mr. Harmon said they are very similar to what is by the Fire Station. The only difference is that they will be solar.

Ms. Smith said she thinks that the Ad-Hoc committee should look at how to slow traffic down.

COUNCIL COMMENTS

Mr. Hanks that there are several additional topics that may be added to the future agenda item list, including the Coburg Loop Path, Main Street Contract, Purchasing Ordinance, and Equipment Surplus. He and Ms. Egbert are working on updating a longer-range document updated.

Ms. Bell said that it was exciting to see the start on the Veterans Memorial, which she has gotten some questions on and people seem to be excited about. She said it will all be managed in house, and that the Parks and Tree Committee and Public Works will be doing a lot of work for that.

Ms. Engebretson mentioned that the Scarecrow Festival is coming up this Friday.

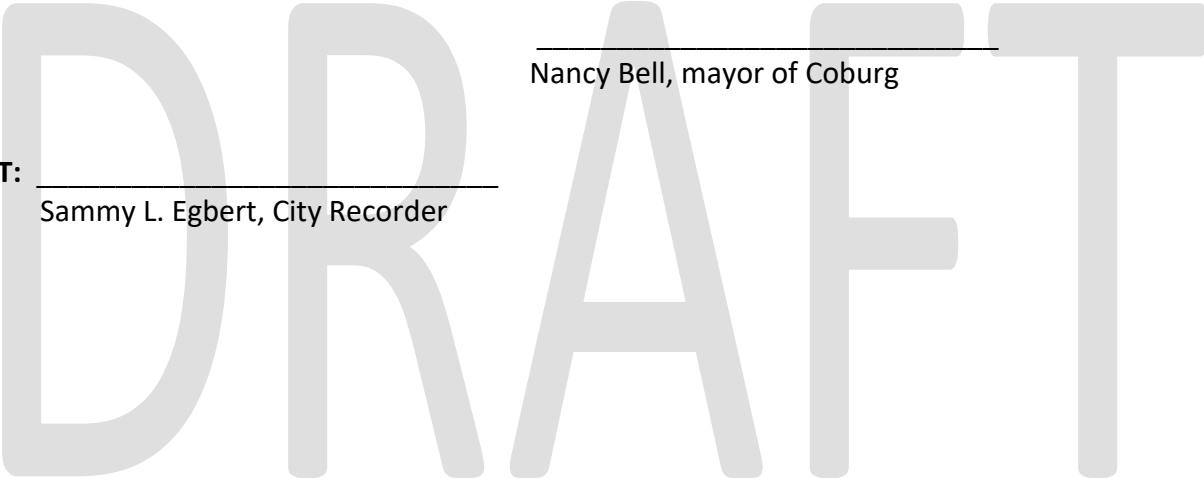
ADJOURNMENT

Mayor Bell adjourned the meeting at 7:26 pm.

APPROVED by the City Council of the City of Coburg on this ____ day of _____, 2023.

Nancy Bell, mayor of Coburg

ATTEST: _____
Sammy L. Egbert, City Recorder





COBURG CITY COUNCIL

ACTION ITEM

OLCC Liquor License Application for Coburg Distilling Company LLC

Meeting Date	Staff Contact	Phone	Email
November 14, 2023	Sammy Egbert, City Recorder	541-682-7851	Sammy.Egbert@ci.coburg.or.us

REQUESTED COUNCIL ACTION

Consider a Liquor License Application from Coburg Distilling Company, LLC.

Suggested Motion

Approval of the Consent agenda means that City Council recommends this license be granted by by Oregon Liquor & Cannabis Commission."

BACKGROUND

A new liquor license application were received on November 8, 2023 from Coburg Distilling Company, LLC. at 32832 E Pearl Street, Coburg, Oregon 97408.

ORS 471.164 requires applicants acquire a recommendation that license be granted or denied from the City Council. The Oregon Liquor and Cannabis Commission (OLCC) may take recommendation that the license be granted or denied into consideration.

Council recommended that a liquor license be granted in 2017. For many reasons Coburg Distilling Company, LLC. ended up only running the distillery and not opening the tasting room as planned and the license expired.

If this license is issued by OLCC the applicant is required to renew annually. This allows for City Council to address concerns that may arise during the year.

RECOMMENDATION AND ALTERNATIVES

1. Recommend this license be granted
2. Recommend this license be denied or request additional time with a statement that the City is considering making an unfavorable recommendation

BUDGET / FINANCIAL IMPACT

N/A

NEXT STEPS

Submit documentation to OLCC based on Council decision.

ATTACHMENT

- A. OLCC License Approval Regulations
- B. Liquor License Application

REASONS WE CAN DENY OR RESTRICT A LICENSE

ORS 471.313 (4)(5) OAR 845-005-0355

The following is a list of problems relating to the **APPLICANT** or **BUSINESS** that OLCC can consider to refuse or restrict a license:

- Applicant has a habit of using alcohol or drugs to excess
- Applicant makes a false statement to OLCC (must be related to a refusal basis)
- Applicant has been convicted of local, state or federal laws that are substantially related to the fitness of holding a liquor license
- Applicant has demonstrated poor moral character
- Applicant has a poor record of compliance when previously licensed by OLCC
- If the business or applicant has a history of serious and persistent problems and we believe similar activities will occur at this location. The problems can include:
 - ✓ obtrusive or excessive noise, music or sound vibrations
 - ✓ public drunkenness
 - ✓ fights or altercations
 - ✓ harassment
 - ✓ unlawful drug sales
 - ✓ alcohol or related litter

OLCC is not able to consider the following issues when deciding to issue a liquor license:

- Lack of parking
- Increase in traffic
- Too many licenses in a specific area (saturation)
- Entertainment type - nude dancing, gambling, live bands, etc.
- Increased noise
- Zoning issues
- Failure to pay local taxes, fees, etc

LIQUOR LICENSE APPLICATION

Page 1 of 4

Check the appropriate license request option:

- New Outlet | Change of Ownership | Greater Privilege | Additional Privilege

Select the license type you are applying for.

More information about all license types is available [online](#).

Full On-Premises

- Commercial
- Caterer
- Public Passenger Carrier
- Other Public Location
- For Profit Private Club
- Nonprofit Private Club

Winery

- Primary location
- Additional locations: 2nd 3rd 4th 5th

Brewery

- Primary location
- Additional locations: 2nd 3rd

Brewery-Public House

- Primary location
- Additional locations: 2nd 3rd

Grower Sales Privilege

- Primary location
- Additional locations: 2nd 3rd

Distillery

- Primary location
- Additional tasting locations: (Use the DISTT form [HERE](#))

Limited On-Premises

- Off Premises
- Warehouse
- Wholesale Malt Beverage and Wine

LOCAL GOVERNMENT USE ONLY

LOCAL GOVERNMENT:

After providing your recommendation, return this application to the applicant WITH the recommendation marked below

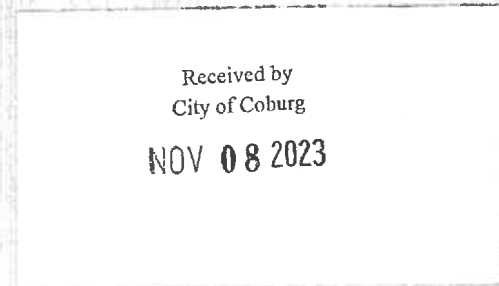
City OR County name: (not both)

Coburg

(Please specify city OR county)

Date application received: *11/8/2023*

Optional: Date Stamp Received Below



- Recommend this license be granted
- Recommend this license be denied
- No Recommendation/Neutral

Printed Name

Date

Signature

Coburg Distilling Company

Trade Name

LIQUOR LICENSE APPLICATION

Page 2 of 4

APPLICANT INFORMATION

Identify the applicants applying for the license. This is the entity (example: corporation or LLC) or individual(s) applying for the license. Please add an additional page if more space is needed.

Name of entity or individual applicant #1: Coburg Distilling Company, LLC	Name of entity or individual applicant #2:
Name of entity or individual applicant #3:	Name of entity or individual applicant #4:

BUSINESS INFORMATION

Trade Name of the Business (name customers will see):

Coburg Distilling Company

Premises street address (The physical location of the business and where the liquor license will be posted):

32832 E Pearl St

City: Coburg	Zip Code: 97408	County: Lane
------------------------	---------------------------	------------------------

Business phone number:

Business email:

jesse@coburgdistilling.com

Business mailing address (where we will send any items by mail as described in OAR 845-004-0065[1]):

Po Box 8265

City: Coburg	State: OR	Zip Code: 97408
------------------------	---------------------	---------------------------

Does the business address currently have an OLCC liquor license? Yes No

Does the business address currently have an OLCC marijuana license? Yes No

AUTHORIZED REPRESENTATIVE – A liquor applicant or licensee may give a representative authorization to make changes to the license or application on behalf of the licensee or to receive information about a license or application.

I give permission for the below named representative to:

- Make changes regarding this license/application on my behalf.
 Sign application forms regarding this license/application on my behalf.
 Receive information about the status of this application, including information about pending compliance action or communications between OLCC and the licensee/applicant.

Representative Name:

Phone number:

Email:

Mailing address:

City:	State:	Zip Code:
-------	--------	-----------

LIQUOR LICENSE APPLICATION

Page 3 of 4

APPLICATION CONTACT INFORMATION – Provide the point of contact for this application. If this individual is not an applicant or licensee, the Authorized Representative section must be filled in and the appropriate permission(s) must be selected.

Application Contact Name:

Jesse Williamson

Phone number:

Email:

jesse@coburgdistilling.com

TERMS

- “Real property” means the real estate (land) and generally whatever is erected or affixed to the land (for example, the building) at the business address.
- “Common area” is a privately owned area where two or more parties (property tenants) have permission to use the area in common. Examples include the walking areas between stores at a shopping center, lobbies, hallways, patios, parking lots, etc. An area’s designation as a “common area” is typically identified in the lease or rental agreement.

ATTESTATION – OWNERSHIP AND CONTROL OF THE BUSINESS AND PREMISES

- Each applicant listed in the “Application Information” section of this form has read and understands OAR 845-005-0311 and attests that:
 1. At least one applicant listed in the “Application Information” section of this form has the legal right to occupy and control the real property proposed to be licensed as shown by a property deed, lease, rental agreement, or similar document.
 2. No person not listed as an applicant in the “Application Information” section of this form has an ownership interest in the business proposed to be licensed, unless the person qualifies to have that ownership interest waived under OAR 845-005-0311.
 3. The licensed premises at the premises street address proposed to be licensed either:
 - a. Does not include any common areas; or
 - b. Does include one or more common areas; however, only the applicant(s) have the exclusive right to engage in alcohol sales and service in the area to be included as part of the licensed premises.
 - In this circumstance, the applicant(s) acknowledges responsibility for ensuring compliance with liquor laws within and in the immediate vicinity of the licensed premises, including in portions of the premises that are situated in “common areas” and that this requirement applies at all times, even when the business is closed.
 4. The licensed premises at the premises street address either:
 - a. Has no area on property controlled by a public entity (like a city, county, or state); or
 - b. Has one or more areas on property controlled by a public entity (like a city, county, or state) and the public entity has given at least one of the applicant(s) permission to exercise the privileges of the license in the area.

LIQUOR LICENSE APPLICATION

Coburg Distilling Company

Page 4 of 4

• Each applicant listed in the "Application Information" section of this form has read and understands OLCC 845-006-0362 and attests that:

1. Upon licensure, each licensee is responsible for the conduct of others on the licensed premises, including in outdoor areas.
2. The licensed premises will be controlled to promote public safety and prevent problems and violations, with particular emphasis on preventing minors from obtaining or consuming alcoholic beverages, preventing over-service of alcoholic beverages, preventing open containers of alcoholic beverages from leaving the licensed premises unless allowed by OLCC rules, and preventing noisy, disorderly, and unlawful activity on the licensed premises.

I attest that all answers on all forms and documents, and all information provided to the OLCC as a part of this application, are true and complete.

Jesse Williamson



11-7-23

Print name

Signature

Date

Atty. Bar Info (if applicable)

Print name

Signature

Date

Atty. Bar Info (if applicable)

Print name

Signature

Date

Atty. Bar Info (if applicable)

Print name

Signature

Date

Atty. Bar Info (if applicable)



OREGON LIQUOR & CANNABIS COMMISSION BUSINESS INFORMATION

Please Print or Type

Applicant Name: Coburg Distilling Company Phone: _____

Trade Name (dba): _____

Business Location Address: 32832 E Pearl St

City: Coburg ZIP Code: 97408

DAYS AND HOURS OF OPERATION

Business Hours:

Outdoor Area Hours:

The outdoor area is used for:

Sunday _____ to _____
 Monday _____ to _____
 Tuesday 12pm to 8pm
 Wednesday 12pm to 8pm
 Thursday 12pm to 8pm
 Friday 12pm to 8pm
 Saturday 12pm to 8pm

Sunday _____ to _____
 Monday _____ to _____
 Tuesday _____ to _____
 Wednesday _____ to _____
 Thursday _____ to _____
 Friday _____ to _____
 Saturday _____ to _____

Food service Hours: _____ to _____
 Alcohol service Hours: _____ to _____
 Enclosed, how _____

The exterior area is adequately viewed and/or supervised by Service Permittees.

(Investigator's Initials)

Seasonal Variations: Yes No If yes, explain: _____

ENTERTAINMENT

Check ALL that apply:

- Live Music
- Recorded Music
- DJ Music
- Dancing Nude Dancing
- Live Entertainment
- Minor Entertainers
- Karaoke
- Coin-operated Games
- Video Lottery Machines
- Social Gaming
- Pool Tables
- Other: _____

*Minor Entertainers in an area prohibited to minors need prior approval from the OLCC

DAYS & HOURS OF LIVE OR DJ MUSIC

Sunday _____ to _____
 Monday _____ to _____
 Tuesday _____ to _____
 Wednesday _____ to _____
 Thursday _____ to _____
 Friday _____ to _____
 Saturday _____ to _____

SEATING COUNT

Restaurant: _____ Outdoor: _____ Lounge: _____
 Banquet: _____ Other (explain): Bar Area Total Seating: 10

OLCC USE ONLY

Investigator Verified Seating: _____(Y) _____(N)
 Investigator Initials: _____
 Date: _____

I understand if my answers are not true and complete, the OLCC may deny my license application.

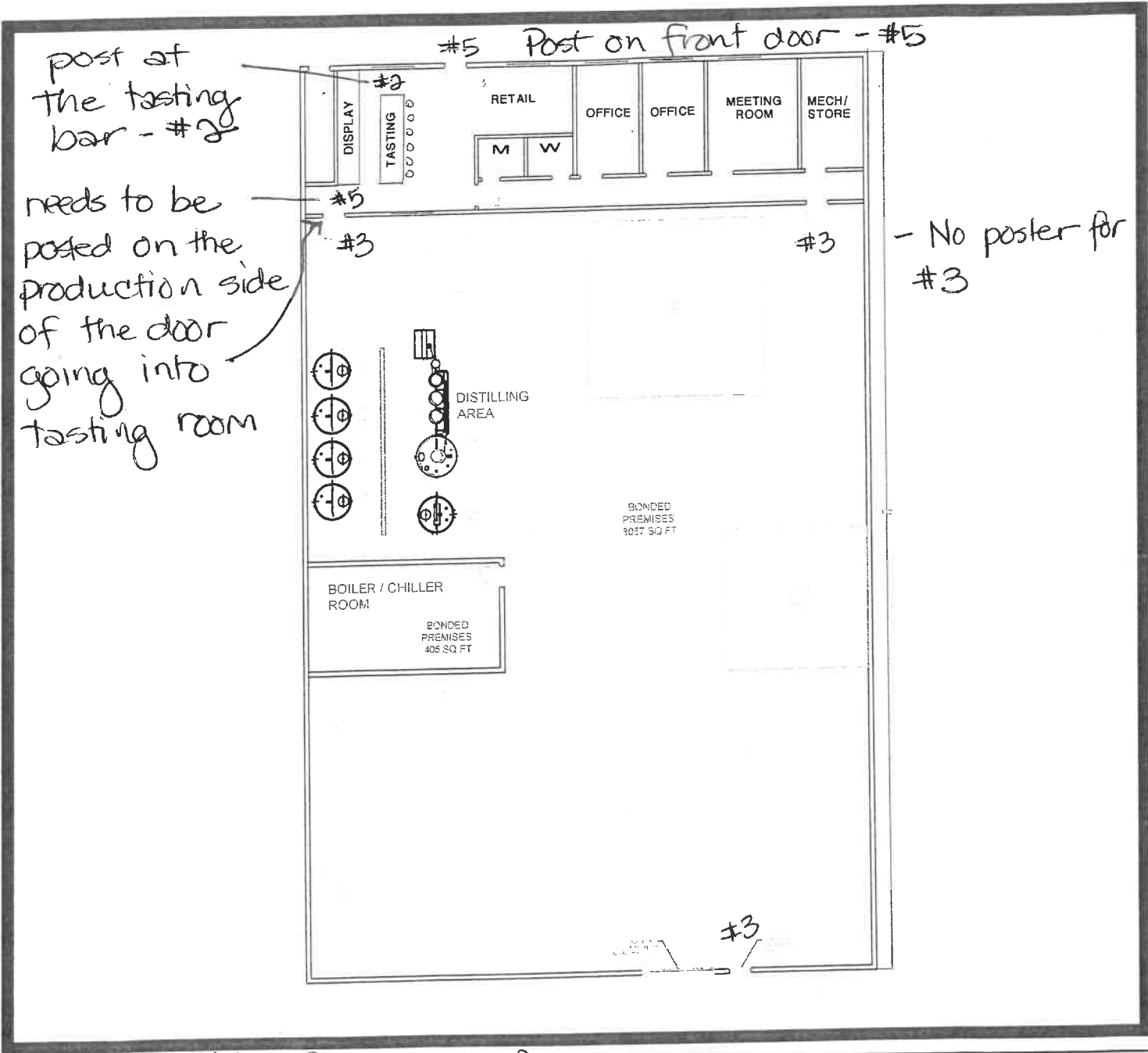
Applicant Signature: _____

Date: 11-8-23



OREGON LIQUOR CONTROL COMMISSION FLOOR PLAN

- **Your floor plan must be submitted on this form.**
- Use a separate Floor Plan Form for each level or floor of the building.
- The floor plan(s) must show the specific areas of your premises (e.g. dining area, bar, lounge, dance floor, video lottery room, kitchen, restrooms, outside patio and sidewalk cafe areas.)
- Include all tables and chairs (see example on back of this form). Include dimensions for each table if you are applying for a Full On-Premises Sales license.



Coburg Distilling Company, LLC
Applicant Name
Coburg Distilling Company
Trade Name (dba):
Coburg, 97408
City and ZIP Code

.....OLCC USE ONLY.....
MINOR POSTING ASSIGNMENT(S)
#5 in Tasting Room, #2 at the Bar
#3 Production Area
Date: 12/5/17 Initials: _____



COBURG CITY COUNCIL

ACTION ITEM

Resolution 2023-17 Declaring Surplus Property and Authorizing its Disposal

Meeting Date	Staff Contact	Phone	Email
November 14, 2023	Brian Harmon	541-682-7857	Brian.harmon@ci.coburg.or.us

REQUESTED COUNCIL ACTION

Declaration of the attached list of vehicles/equipment as surplus property and authorization for the disposal of the vehicle/equipment assets via sale.

Suggested Motion

I move to adopt Resolution 2023-17 A Resolution declaring described vehicles and equipment as surplus property and Authorizing City Administrator as the "Solicitation Agent" to dispose of the property consistent with Ordinance A-91-C.

BACKGROUND

The City of Coburg has a number of vehicles and related equipment that are no longer utilized in the day-to-day operations of the City and have been deemed obsolete by the Public Works Director and Police Chief.

Municipal operations typically require vehicles and equipment that are specialized and often have high initial acquisition costs when purchased new. It is common for smaller municipalities to purchase used vehicles and equipment from larger jurisdictions or state auctions. While this is a financially viable and efficient method of procurement, the by-product is a fleet that is older and eventually has a higher maintenance and repair cost than its overall value, especially relating to the attached auxiliary equipment that is often a component of municipal vehicles. A need often exists to keep older vehicles as back-up inventory, which contributes further to the eventual age of the City's rolling stock.

City staff reviewed the complete inventory of vehicles across all departments, analyzing their current operational value compared to their annual cost of maintenance to remain in usable condition. Vehicles and equipment that were determined to have a higher cost of ownership and maintenance as well as those that were determined obsolete for other operational reasons are shown on the attached list titled City of Coburg Surplus Vehicle and Equipment. Key data about the vehicles were included in the list if it was available as a number of the vehicles on the list are fairly old and pre-date the current sta

Surplus Vehicle and Equipment List						
Year	Make/Model	VIN #	Fund/Dept	Miles	Est Value	Additional Info
1984	International	1HTLBEGL6EHA43504	Unknown	22,006	\$ 5,500	Blue Dump Truck, obsolete due to maint/upgrade costs
1997	GMC Sewer Vacuum	1GDJ7H1J8VJ514164	Sewer	99,693	\$ 10,000	Purchased in 2017 - Aux motor has 7,248 hrs
1999	Dodge 3500	3B6MC3654XM539133	Unknown	114,291	\$ 3,500	Purchased in 2019, obsolete due to maint/upgrade costs
2001	Dodge 3500	3B7KC26651M253479	Unknown	172,290	\$ 3,500	In service with City of Coburg for 20+ yrs
2012	Dodge Charger	2C3CDXAT9CH137817	Police	158,399	\$ 3,000	Fully outfitted patrol vehicle, multiple significant issues
2004	Ford Explorer	1FMZU73K44UA03365	Police	127,116	\$ 3,000	Used for dectetive work
1998	Wood Chipper	N/A	Street	N/A	\$ 1,500	2,088 hours
2021	Ram 2500 Truck Bed	N/A	Water	N/A	\$ 500	New. Came with new trucks, replaced with utility beds
2021	Ram 2500 Truck Bed	N/A	Sewer	N/A	\$ 500	New. Came with new trucks, replaced with utility beds
1991	Case 580B	SN 5297900, 5280916	Unknown	N/A	\$ 2,000	2,236 hours

RECOMMENDATION AND ALTERNATIVES

1. Declare the vehicles and equipment as surplus property and authorize the City Administrator to dispose of the property consistent with Ordinance A-91-C.
2. Do not declare the property as surplus for disposal. The property will remain at the City indefinitely.

BUDGET / FINANCIAL IMPACT

All proceeds from the sale of the vehicles and equipment will be recorded as miscellaneous revenue to the Fund that it was “owned” by. It is expected that total proceeds will be between \$20,000-\$30,000. If it cannot be determined what fund originally purchased or primarily utilized the vehicle, the sale proceeds will be recorded to the General Fund.

PUBLIC INVOLVEMENT

Ordinance A-91-C describes the authorized method of disposal after items have been declared surplus by the Council. Methods include transfer to another governmental entity, auction, bids, liquidation sale, fixed price sale, trade-in and donation.

Staff intends to utilize online auction services in which all surplus items will be individually published on the auction website and thereby made available to the public for bid and purchase.

NEXT STEPS

Upon surplus declaration by Council, staff will take photos, post the items on the online auction site and arrange for pick up and title transfer with the authorized purchaser.

ATTACHMENT

1. DRAFT RESOLUTION 2023-17

RESOLUTION 2023-17

A RESOLUTION DECLARING SURPLUS PROPERTY AND AUTHORIZING THE DISPOSAL CONSISTENT WITH ORDINANCE A-91-C

WHEREAS, the City Public Contracting Ordinance A-91-C, requires the City Council, in its role as the Local Contract Review Board, to formally declare property as surplus approve of the disposals; and

WHEREAS, Ordinance A-91-C Section 8(J) sets the general methods for disposing of Surplus property; and

WHEREAS, the City of Coburg has inventoried its current vehicle fleet and determined the vehicles and related equipment described in Exhibit A are no longer in use and not needed for continued operations of the City.

NOW THEREFORE, BE IT RESOLVED by the City of Coburg

1. Declares as surplus the vehicles and related equipment described as follows:

Surplus Vehicle and Equipment List						
Year	Make/Model	VIN #	Fund/Dept	Miles	Est Value	Additional Info
1984	International	1HTLBEG6EHA43504	Unknown	22,006	\$ 5,500	Blue Dump Truck, obsolete due to maint/upgrade costs
1997	GMC Sewer Vacuum	1GDJ7H1J8VJ514164	Sewer	99,693	\$ 10,000	Purchased in 2017 - Aux motor has 7,248 hrs
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2021	Ram 2500 Truck Bed	N/A	Water	N/A	\$ 500	New. Came with new trucks, replaced with utility beds
2021	Ram 2500 Truck Bed	N/A	Sewer	N/A	\$ 500	New. Came with new trucks, replaced with utility beds
1991	Case 580B	SN 5297900, 5280916	Unknown	N/A	\$ 2,000	2,236 hours

2. Authorizes the City Administrator to disposal of this surplus property in accordance with Ordinance A-91-C as the Solicitation Agent.

Adopted by the City Council of the City of Coburg, Oregon, by a vote of _____ for and _____ against, this 14th day of November, 2023.

Nancy Bell, Mayor

ATTEST: _____
Sammy L. Egbert, City Recorder



COBURG CITY COUNCIL

ACTION ITEM

Resolution 2023-18 Adopting by reference the 2023-2028 Lane County Multi-Jurisdictional Natural Hazard Mitigation Plan

Meeting Date	Staff Contact	Phone	Email
November 14, 2023	Burke Hansen	541-682-7857	Burke.Hansen@ci.coburg.or.us

REQUESTED COUNCIL ACTION

Adoption of Resolution 2023-18.

Recommended Motion

I move to adopt Resolution 2023-18, a resolution adopting by reference the 2023-2028 Lane County Multi-Jurisdictional Natural Hazard Mitigation Plan Version 4.0,

BACKGROUND

The purpose of the Natural Hazard Mitigation Plan (NHMP) is to identify, understand and reduce risks to the community from natural hazards. The plan documents hazards, vulnerabilities, and risks facing local, state, or tribal governments, and prioritizes actions to reduce these risks. Natural hazards required to be addressed in the NHMP include the following:

Drought	Earthquake	Extreme Weather	Flood	Landslide/debris flow
Tsunami	Wildfire	Windstorm	Winter Storm	Volcano

Lane County's NHMP is a multi-jurisdictional, county-wide plan that assesses and outlines mitigation strategies for hazards specific to our geography, including for the eight incorporated cities in the county that choose to be part of the plan: Coburg, Creswell, Dune City, Florence, Lowell, Oakridge, Veneta, and Westfir.

In addition to the cities, three utility partners are also a part of this plan and have incorporated their identified hazards and actions to the plan. They include Blachly-Lane Electric Co-op, Consumers Power Inc., and Emerald People's Utility District.

The overall hazard quantification results for Lane County are shown in the table below.

Hazard	History (WF x 2)	Probability (WF x 7)	Vulnerability (WF x 5)	Max Threat (WF x 10)	Total Risk Score
Winter Storm	20	70	40	70	200
Wildfire	20	56	40	80	196
Flood	20	63	40	70	193
Windstorm	18	49	40	80	187
Earthquake	6	28	45	100	179
Extreme Weather	16	63	30	70	179
Landslide	20	56	40	40	156
Tsunami	8	28	20	80	136
Drought	16	56	10	20	102
Volcano	4	14	10	40	68

The City of Coburg hazard quantification results are shown in the table below.

Hazard Type / Weight Factor (WF)	History WF x 2	Probability WF x 7	Vulnerability WF x 5	Maximum Threat WF x 10	Raw Score	Weighted Score	Weighted Score Rank
Winter Storm	8	9	8	10	35	219	1
Extreme Weather	8	9	8	8	33	199	2
Earthquake	3	4	10	10	27	184	3
Windstorm	8	8	8	5	29	162	4
Flood	2	4	8	5	19	122	5
Drought	0	5	3	7	15	120	6
Volcano	0	2	2	1	5	34	7
Landslide	0	1	3	2	4	30	8
Wildfire	0	0	2	1	3	20	9

Approved local hazard mitigation plans allow local governments to be eligible for hazard mitigation grant funds administered by FEMA through the Hazard Mitigation Assistance program. These programs include the annual Flood Mitigation Assistance program, the Building Resilient Infrastructure and Communities program, as well as the Hazard Mitigation Grant Program that is activated following a federally declared disaster that occurs in the state.

Local hazard mitigation plans must be reviewed, updated, and approved by FEMA every five years to remain eligible for HMA funds.

The Federal Emergency Management Agency (FEMA) has approved the revisions submitted and the MNHMP is now approved pending adoption.

Lane County Board of Commissioners moved to adopt by order the 2023 Lane County Multi-Jurisdictional Natural Hazards Mitigation Plan on October 10, 2023

The City of Coburg Annex is attached and can be found within the overall Lane County NHMP

in Volume II, Section 1 (pg, 211-219)

The complete Lane County NHMP can be found at:

<https://www.lanecounty.org/cms/One.aspx?portalId=3585881&pageId=19017673>

BUDGET

Approval of the plan should result in opening new opportunities for funding projects listed in the plan that relate to natural hazard mitigation, which in many cases also provide short- and long-term operational benefits to City infrastructure and can often be leveraged with other funding sources to accomplish multiple objectives.

RECOMMENDATIONS AND ALTERNATIVES

- Staff recommends Council adoption of resolution 2023-18 approving the County base plan that includes the City of Coburg (Volume II, Section 1)
- Alternative: Opt out of plan. Staff does not recommend this action as it eliminates eligibility for mitigation grant funding and lessens the level of mitigation and adaption preparedness for the community.

PUBLIC INVOLVEMENT

This project was led by Lane County Emergency Management staff supporting the work of the Natural Hazard Mitigation Steering Committee, which includes the City of Coburg Emergency Management Coordinator, Burke Hansen.

Section 6: Planning Process (pg. 176) provides a summary of the involvement of the planning team, stakeholder groups, communities, non-profits as well as public survey results and public comments that all contributed towards the development of this plan.

ATTACHMENTS

- A. Lane County Multi-Jurisdictional Natural Hazard Mitigation Plan – Link is in staff report for electronic version and printed counter copies are available at City Hall
- B. Draft Resolution 2023-18
- C. Volume II, Section 1 - City of Coburg

RESOLUTION NO. 2023-18

A RESOLUTION ADOPTING BY REFERENCE THE 2023-28 LANE COUNTY MULTI-JURISDICTION HAZARD MITIGATION PLAN

WHEREAS, the City of Coburg wishes to maintain and update its hazards mitigation plan, and

WHEREAS, a local government must have a mitigation plan approved in order to receive hazard mitigation grant funds as administered by FEMA; and

WHEREAS, Lane County worked in collaboration with the City of Coburg along with the cities of Veneta, Creswell, Dunes City, Florence, Oakridge, Westfir and regional electric utility companies to develop the 2018-2023 Lane county Multi-Jurisdiction Natural Hazards Mitigation Plan (Plan) and

WHEREAS, on October 10, 2023, the Lane County Board of Commissioners adopted the PLAN;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of **The City of Coburg, Oregon** that:

SECTION 1 Adoption. By reference, the 2023-2028 Lane County Multi-Jurisdiction Hazard Mitigation Plan and Specifically Annex 1 – City of Coburg attached as Exhibit A are adopted

SECTION 2. Effective Date. This Resolution shall take effect on November 14, 2023.

Adopted by the **City Council** of the **City of Coburg**, Oregon, by a vote of ___ for and ___ against, this 14th day of November 2023.

Nancy Bell, Mayor

ATTEST:

Sammy L. Egbert, City Recorder

Section 1: City of Coburg



Version 4.0 (October 2023 – October 2028)

Developed as an annex to the Lane County Multi-Jurisdictional
Natural Hazard Mitigation Plan

Section 1.1: Natural Hazard Mitigation Meetings and Work Sessions

Development of the City of Coburg’s materials for the Natural Hazard Mitigation Plan involved participation by city, public works, school district, county emergency management, fire district, and law enforcement staff. The process followed FEMA’s prescribed model for organizing resources, identifying hazards, evaluating risk, identifying mitigation actions, and prioritizing mitigation projects. For additional details regarding the planning process, please refer to Section 6 of Volume I.

Table 1.1: Planning Team for City of Coburg

Title	Contact number	Agency
Mayor	541-682-7850	City of Coburg
City Administrator	541-682-7871	City of Coburg
Chief of Police	541-682-7853	City of Coburg
Coburg Rural Fire District Chief	541-686-1573	Coburg Rural Fire District
Coburg Public Works Director	541-682-7857	City of Coburg
Emergency Management Coordinator	541-682-7850	City of Coburg

Source: City of Coburg

Individual City Work Sessions

Work sessions with individual cities were conducted following the initial project orientation meeting and intervening months between general planning group meetings. These individual work sessions are displayed in Table 1.2.

Table 1.2: Individual Work Sessions for City of Coburg

Date	Location	Meeting/Work Session Topic
February 22, 2023	City Hall	Distribute existing Annex plan to planning team for input.
March 13, 2023	City Hall	Group reviewed and updated project scopes.
May 4, 2023	City Hall	Meeting with Hannah Shafer for hazard quantification process.

Subject matter discussed during work sessions included an overview of the plan and projects contained in the existing plan. This review resulted in the evaluation and removal of some projects from the original plan. It also allowed the group to decide what remaining projects would be updated with the new costs associated with them. Systems and concepts considered included infrastructure resiliency, safeguarding the transportation network, city planning, floodplain management, public safety, and securing public and private facilities.

Section 1.2: Hazard Quantification

Coburg is most at risk from winter storm, extreme weather, and earthquake. The city faces moderate risk from windstorm and somewhat moderate risk from flood and drought. Coburg faces lower risk from volcano, landslide, and wildfire. Table 1.3 summarizes hazard quantification results, followed by a discussion of Coburg’s local risk profile for each hazard.

Table 1.3: Coburg Hazard Quantification Results

Hazard Type / Weight Factor (WF)	History WF x 2	Probability WF x 7	Vulnerability WF x 5	Maximum Threat WF x 10	Raw Score	Weighted Score	Weighted Score Rank
Winter Storm	8	9	8	10	35	219	1
Extreme Weather	8	9	8	8	33	199	2
Earthquake	3	4	10	10	27	184	3
Windstorm	8	8	8	5	29	162	4
Flood	2	4	8	5	19	122	5
Drought	0	5	3	7	15	120	6
Volcano	0	2	2	1	5	34	7
Landslide	0	1	3	2	4	30	8
Wildfire	0	0	2	1	3	20	9

Source: City of Coburg Natural Hazard Mitigation Team

Section 1.2.1: Individual Hazard Discussions

Nine (9) natural hazards were elevated posing some degree of risk to Coburg. These hazards included all those included in the County’s Base Plan (Volume I) except for tsunami.

Winter Storm

December 5, 2016, a localized sleet storm resulted in 14 traffic accidents on I-5 near Coburg. The series of individual incidents unfolded over a 45-minute timeframe resulting in virtual closure of the interstate for approximately two (2) hours. Minor injuries were reported. Winter storms resulting in snow or ice storms on the floor of the Willamette Valley in Lane County have occurred in 1950, 1968, 1969, 1971, 1989, 1993, 1996, 1997, 2001, 2003, 2004, 2005, 2008, 2010, and 2019. These events generally fall into two (2) categories: events of snow and ice at low elevation due to very cold air trapped at the surface, and regional cold air systems. Most events seeing snow and ice on the valley floor are created by cold air trapped at the surface, with warmer, moister air at elevation. These events often occur as rain events at higher elevations.

Like most cities Coburg contains an extensive network of above ground electrical lines vulnerable to damage from falling limbs and trees during winter storms. Recent history of winter storms has been frequent including notable damage and power loss in 2014 and 2015. The February 2014 storm caused a power outage that lasted three (3) days. Wind is often a contributing factor in winter storms. A warming center has been established in Eugene to provide shelter for vulnerable populations in cold weather. Probability is considered high that patterns of previous occurrences will continue. Overall population potentially affected by winter storm is high since impacts are not geographically contained. Transportation and roadways are vulnerable to closure during winter storms, though the city benefits from primarily level terrain. Maximum threat is high however due to threat of structural damage directly related to winter weather (cold, snow, ice), and difficulty in accessing needed public services. See also winter storm hazard profile in Section 2 of Volume I.

Extreme Weather

Extreme weather is a new natural hazard included in the Lane County MNHMP. Recent occurrences of heat waves in Coburg demonstrate the potential for extreme weather to be a reoccurring and life-threatening hazard. Extreme heat, for example, describes either a singular instance of dangerous temperatures occurring on a given day or a prolonged period of high temperatures over several days, typically if temperatures exceed a heat index of 90 degrees Fahrenheit. Coburg presents increased risk of extreme heat due to its geographic location in the Willamette Valley, where air settles between the Coast and the Cascade ranges and becomes stagnant. In recent years, the valley region experienced temperatures between 90 and 100 degrees. History, probability, vulnerability, and maximum threat are all high due to these factors.

Locally, the city is home to the Coburg Historic District, which is on the U.S. National Register of Historic Places. A significant number of homes and businesses in Coburg are either historic or older and lack adequate or efficient accommodations for an extreme weather event. The city's concern is for residents in homes that cannot withstand either: excessive heat that would make them susceptible to heat stroke and/or excessive cold accompanied with power outages. Along with older homes, there are also two (2) mobile home parks and two (2) RV parks located in Coburg that are also vulnerable during extreme weather events. See Section 2 of Volume I for a detailed history of extreme heat in Lane County as a whole.

Earthquake

Earthquake is somewhat unique as it occurs much less frequently but has potential for significant damage and disruption. From a geographic standpoint, occurrence would presumably affect the entire city uniformly. History of occurrence dates back over long-time scales, with the most recent (minor) event occurring in Sweet Home, which is 37 miles northeast of Coburg. On October 7th, 2022, a 4.4 magnitude earthquake occurred in Sweet Home. Only a few residents in the Coburg/Eugene area felt shaking and no damage or injuries were reported. Considered at a different scale, a Cascadia Subduction Zone (CSZ) earthquake event is a very large, Pacific Northwest regional event, due to a 600-mile-long subduction zone fault line approximately 70 miles off the Oregon Coast. While the source of this earthquake is quite distant to Coburg, the magnitude and scope of this hazard will impact all of Oregon.

Probability of earthquakes is low in any given year. Vulnerability is complex to assess due to varying standards of construction, but newer construction is considered relatively sound. Maximum threat is expected to involve minor-moderate damage to numerous structures. Importance of resiliency of infrastructure is notable. See also earthquake hazard profile in Section 2 of Volume I.

Windstorm

Like winter storms, windstorms can frequently impact above ground electrical lines vulnerable to damage from falling limbs and trees. For Lane County at large, the two-year interval sustained wind speeds range from about 37 to 47 miles per hour (mph), generally too low to cause significant damages. The 50-year occurrence wind speeds range from 62 to 75 mph. These more damaging windstorms can be expected in intervals averaging a few decades. The windstorm in February 2002 snapped 30 to 40 powerlines, impacting residents and businesses in Coburg.

Probability is considered high that patterns of previous occurrences will continue. Overall vulnerability is considered high; roadways are notably vulnerable to closure, like winter storms due to falling limbs, trees, and snapped powerlines. The Columbus Day storm of 1962 can serve as an example for maximum threat, with winds measured at 86 mph in Eugene and presumably similar in Coburg. A windstorm of similar magnitude to the Columbus Day Storm could potentially damage numerous of homes and businesses in city, either by direct structural damage, falling trees, or wind-blown debris. Due to its location on eastern slope of the Coburg foothills the city may have a slight protective factor from extreme wind as compared to fully exposed areas. See also the windstorm hazard profile in Section 2 of Volume I.

Flood

Flood is a geographically contained hazard and widespread impacts in Coburg are unlikely. Neighborhood flooding issues can be found to the south and southwest of the city, though most of the potentially affected land is primarily used as agricultural land. History of flooding is low and future probability is moderate. Overall vulnerability is high as the floodplain boundary is within the corporate city boundary in the southwest corner of the city. This includes the area of Abby Road where several residential homes have been built. Maximum threat scores are somewhat lower than the assessed vulnerability due to elevation changes moving to the north and west, and the land is currently being used for agricultural purposes with fewer impacts to residents. Coburg Bottom Loop Road is frequently inundated per reports from local police and fire departments. This, and other anecdotal reporting, leads to the conclusion that the current (1999) Flood Maps of the area may be inaccurate and in need of updating. See also the flood hazard profile in Section 2 of Volume I.

National Flood Insurance Program

The City of Coburg is a formal NFIP program participant in good standing and considers continued participation as integral to future flood mitigation efforts. Participation consists of adoption and maintenance of Flood Insurance Rate Maps (FIRMs) which define Special Flood Hazard Areas (SFHAs) and maintenance of an ordinance regulating future development in SFHAs. The Flood Insurance Rate Map Community Number for Coburg is **410119**. Compliance with the program is pursuant to the City of Coburg's floodplain ordinance.

Statistics as reported by FEMA on the NFIP Bureau Net for the period of January 1, 1978, through January 1, 2023, are as follows:

NFIP Policies in Force

Policies in Force: **3**
 Insurance in Force: **\$1,250,000**
 Premium in Force: **\$2,274**

Insurance Claim Data

Total Losses: **3**
 Closed Losses: **3**
 Open Losses: **0**
 CWOP Losses: **0**

Total Payments: \$7,301

Data Definitions

Policies in Force – Policies in force on the "as of" date of the report.

Insurance in Force – The coverage amounts for policies in force.

Premium in Force – The premium paid for policies in force.

Total losses – All losses submitted regardless of the status.

Closed losses – Losses that have been paid.

Open losses – Losses that have not been paid in full.

CWOP losses – Losses that have been closed without payment.

Total Payments – Total amount paid on losses.

Drought

Drought is neither life threatening nor presents a direct risk to structures but does involve potential for significant disruption if dramatic water shortages were to develop. Drought can exacerbate wildfire risk as related hazards, and a water shortage would likely affect the entire city uniformly. History and probability are considered relatively low. Vulnerability is relatively low as Coburg is close to two (2) major sources of water, the Willamette and McKenzie Rivers, helping to maintain redundancy to its water supply network. Maximum threat is moderate if an event occurred where all water supply systems go were to become inoperable or water supply unexpectedly ran short. See also drought hazard profile in Section 2 of the Volume I.

Volcano

Volcano is like earthquake in that it occurs very infrequently. Coburg is situated approximately 60 miles from the closest volcano source, far enough to minimize probable impacts to minor ash-fall across the city if wind patterns allow. History, probability, and vulnerability are relatively low, maximum threat is also considered low. See also volcano hazard profile in Section 2 of Volume I.

Landslide

Landslide is considered to have very low history, probability, and vulnerability rankings, as the majority of Coburg is situated on level terrain. Maximum threat is similarly low. Coburg, due to its flat terrain, may be susceptible to liquefaction hazard in the event of an earthquake centered nearby, or more potentially in a CSZ earthquake event. See also landslide hazard profile in Section 2 of Volume I.

Wildfire

Coburg is home to the Coburg Fire Department, a member of the Lane County Fire Defense Board. The wildland urban interface (WUI) is not significant in the city due to the fact it is situated in an agricultural farmland use area. Grassfires do occur, and orchards area located near the city. However, these small fires have not been a significant hazard in the past, leading to the very low historical scoring. Probability, vulnerability, and maximum threat are all similarly low. It must be noted however, there is currently no fire suppression east of I-5, east of the city. See also wildfire hazard profile in Section 2 of Volume I.

New Development in Hazard Areas

There was significant growth in housing units for the most recent five-year period. Areas on west side of the city are designated as Special Flood Hazard Areas (SFHAs) and development was kept out of these areas. Much of the newest construction is in urbanized areas with adequate drainage and floor elevations to mitigate potential flooding impacts. Recent development is also located away from steep slopes with proper construction techniques to mitigate seismic and landslide factors. For new development the potential for wildfire impacts is relatively low and enforcement of building codes makes major wind impacts a generally negligible concern.

Section 1.3: Mitigation Action Items

This section describes mitigation projects identified by Coburg during the planning process. See Section 4 of Volume I for additional information regarding mitigation action item methodology and prioritization.

Mitigation Action Item (a)	Retrofit or replace existing 500,000-gallon water supply tanks for seismic and flood mitigation. Install additional 750,000-gallon elevated reservoir for fire suppression and general resiliency.
Location	TBD
Coordinating Agencies	Coburg Public Works
Implementation Timeframe	18-24 months
Estimated Cost	est. \$10.2 million (Tank Rehabilitation \$2.2 million, 750K Gallon Elevated Reservoir \$8 million)
Potential Funding Sources	HUD-CDBG, OR-SRGP, HMGP, PDM, FEMA PA-106
Hazards Mitigated	Earthquake, Urban Fire
Comments	Seismic rehabilitation – Existing Water Tanks Installation of new elevated reservoir

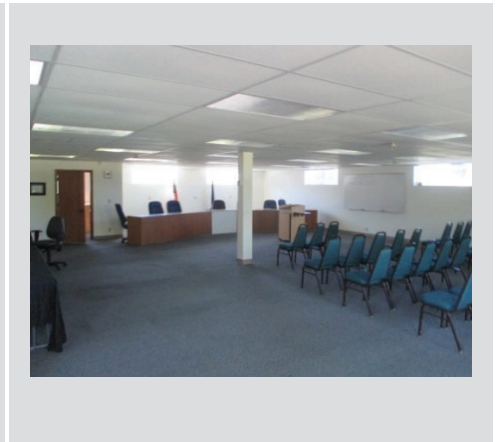


Mitigation Action Item (b)	City Hall Seismic Assessment
Location	City Hall
Coordinating Agencies	Coburg Public Works, City Council
Implementation Timeframe	12 months
Estimated Cost	\$45,000 - \$75,000
Potential Funding Sources	HUD-CDBG, OR-SRGP, HMGP, PDM, FEMA PA-106
Hazards Mitigated	Earthquake (structural damage prevention)
Comments	Assessment for Seismic rating



Mitigation Action Item (c)	Enhancements for Community Emergency Center
Location	City Hall
Coordinating Agencies	Coburg Public Works, City Council
Implementation Timeframe	12-18 months
Estimated Cost	\$200,000
Potential Funding Sources	HUD-CDBG, OR-SRGP, HMGP, PDM, FEMA PA-106
Hazards Mitigated	Extreme Weather, Wildfire Smoke (public safety, heating/cooling center, clean air center)
Comments	Upgrade the air handling units and facility to provide a reliable heating/cooling center, clean air center, and shelter during extreme weather events.

Current Site Photos



Mitigation Action Item (d)	Storm hardening for a community staging area/shelter. City Park upgrades, installation of a restroom to serve as sheltering/staging area in the park.
Location	Coburg City Park (Pavilion Park)
Coordinating Agencies	Coburg Public Works
Implementation Timeframe	12 – 18 Months
Estimated Cost	\$185,000
Potential Funding Sources	HUD-CDBG, OR-SRGP, HMGP, PDM, FEMA PA-106
Hazards Mitigated	Earthquake, Flood, Winter storm, Windstorm, Dam failure, HazMat incident
Comments	Installation of a restroom and providing a staging/shelter area for community.

Current Site Photos



Mitigation Action Item (e)	Stormwater Master Plan
Location	City of Coburg
Coordinating Agencies	Coburg Public Works
Implementation Timeframe	12 months
Estimated Cost	\$60,000
Potential Funding Sources	FEMA HMA
Hazards Mitigated	Earthquake, Flood, HazMat incident
Comments	Deliberate planning enables funding and project opportunities that will help to check stormwater runoff and treat it before it enters nearby waterways. Promotes innovative land use practices and city programs that over time improve water quality. Planning to



increase the planting of appropriate trees, open spaces, wetlands, and vegetated planters benefits the community through cost-effective practices, increasing property values, and increasing revenues from tourism.

Section 1.4: Plan Implementation and Maintenance

In keeping with standard practices to ensure incorporation of overall goals and strategies of the Natural Hazard Mitigation Plan, the City of Coburg natural hazard mitigation team members will be invited to participate in future development or existing plan update committees. Additionally, this Natural Hazard Mitigation Plan will be cited as a technical reference for future updates. Planning documents and mechanisms applicable to this process may include the following:

City of Coburg Comprehensive Plan

Capital Improvement Plans

Emergency Management Plan

City of Coburg Floodplain Development Ordinance

Building Code

Subdivision Code

Erosion Control

Stormwater Management Plan

Additionally, progress to implement this plan will be monitored on an ongoing basis by city staff and administration. The planning process is essential in identifying weaknesses and strengths inherent in the community, and cooperatively enables coordination with various agencies and jurisdictions that might not otherwise occur. Continuing this cooperative and interactive process is exemplified by the planning process. Annual reviews and updates under a 5-year cycle will be pursued. Using these methods, the overarching goal of a stronger, safer, more resilient community can be attained.



COBURG CITY COUNCIL

ACTION ITEM

Coburg Loop Path – Funding Allocation Request

Meeting Date	Staff Contact	Phone	Email
November 14, 2023	Adam Hanks	541-682-7851	Adam.Hanks@ci.coburg.or.us

REQUESTED COUNCIL ACTION

Authorize the additional expenditure of Street Fund monies for the Lane Metropolitan Planning Organization (MPO) local funding match due to additional grant funds being allocated to the project by the MPO to enable the project to be constructed as originally designed and intended.

Suggested Motion

I move to authorize the City Administrator to commit an additional \$25,880.40 of Street Funds from FY23-24 budgeted appropriations to the Coburg Loop Path project to meet the local match associated with the additional grant funds recently allocated to the project.

BACKGROUND

The City of Coburg received funding in 2022 from the Lane MPO for an extension of the Coburg Loop Path from Serenity Lane to Trails End Park, along with street preservation work on North Industrial Way which runs parallel to the proposed Loop Path extension. Project costs estimates have exceeded initial cost estimates several times, with additional funds being successfully requested to keep the project viable.

As additional funding was being requested, a lower cost alternative path design was also developed in anticipation of funding not becoming available. Recent MPO additional funding of \$252,000 allocated to the project now provides the opportunity to return to the original design of the path being completely separated from the N Industrial Way road surface, a much safer and enjoyable experience for pedestrians and cyclists.

The project has always included a 10.27% local funding match, with \$47,500 coming via a land donation from a property owner on N Industrial where a compatible sidewalk path has already been installed. Acceptance of the additional grant funding allocation of \$252,000 requires that the City commit to the additional local match of \$25,880.40.

With the recent additional \$252,000 allocation, the current total cost estimate for both project components is \$1,503,203.20 with a City local funding match of \$154,173.57. The credit associated with the land donation of \$47,500 reduces the out-of-pocket local match to

\$106,673.57, of which \$80,793.17 has been previously approved and budgeted to the project(s).

With an affirmative commitment from the City of Coburg, the project will immediately move forward to complete the required engineering and environmental reviews in anticipation of a March/April bid release and a summer construction timeline.

It is important to also note that the City would be responsible for all actual project costs that exceed the current project estimate and the current contract agreement requires contract award if the highest scoring bid is within 10% of the current project estimate.

RECOMMENDATION AND ALTERNATIVES

1. Authorize the allocation of \$25,880.40 of existing Street Fund appropriations with the understanding that Staff may recommend the utilization of contingency funds from the Street Fund (\$100,000 budgeted) as project estimates for this and other Street Fund capital projects are solidified in the coming months.
2. Do not authorize the allocation of \$25,880.40 and direct staff to work with the project team to implement the alternative design utilizing the N Industrial Way road surface for a portion of the path reducing the project cost so that the additional grant funds and local match are not necessary for the project to move forward.

BUDGET / FINANCIAL IMPACT

The immediate impact of this decision is an additional commitment of \$25,880.40 in the Street Fund. As noted, the Street Fund has several significant capital projects that have yet to go to bid so it is difficult to have complete clarity whether or not project cost estimate overruns will necessitate the utilization of contingency, of which \$100,000 is available in the Street Fund.

It is likely that at least one and possibly all of the streets/transportation projects will extend in the 2024-25 fiscal year which provides an opportunity to review the financial condition of the Street Fund in March of 2024 and determine whether the use of contingency is necessary while also having the benefit of one or more of the projects having been through the bid/award process with projects costs known and able to be mapped out over both fiscal years.

PUBLIC INVOLVEMENT

This project has been in discussion, planning and development for well over a year locally and beyond that in regional transportation funding allocation discussions. The most recent public opportunity to learn and comment on the project was at the June 13, 2023 Council meeting. The project staff report for that meeting provides an excellent project history to date.

NEXT STEPS

Staff will inform the Project Team of the decision of Council and will move forward with either the originally designed project or the alternative design depending on the decision to allocate the additional local match funds. In either case, the intention is for the project(s) to be bid in the spring and constructed in the summer of 2024.

ATTACHMENT

1. June 13, 2023 Council Meeting Staff Report
2. Coburg Loop-N Industrial Way Project Agreement (ODOT, City of Eugene, City of Coburg)

ATTACHMENT 1
Coburg Loop Path Funding Allocation Request



COBURG CITY COUNCIL ACTION/ISSUE ITEM

TOPIC: Coburg Loop Path & Coburg Industrial Way Projects

Meeting Date: June 13, 2023

Staff Contact: Brian Harmon, Public Works Director

Contact: 541-682-7857, Brian.Harmon@ci.coburg.or.us

REQUESTED COUNCIL ACTION

Staff direction on Loop Path and Industrial Way Projects

POLICIES OR CITY COUNCIL GOAL(S) ADDRESSED

City Council Goal #1: Livability, Health, and Vitality

City Council Goal #2: Utilities and Infrastructure Capacity

City Council Goal #4: Responsible Fiscal Stewardship

City Council Goal #5: Strategic Planning

BACKGROUND

The City of Coburg has submitted applications to the Central Lane MPO for discretionary Surface Transportation Block Grant (STBG), Transportation Alternatives (TA), Congestion Mitigation & Air Quality Improvement (CMAQ), Highway Infrastructure Program (HIP), and Carbon Reduction Program (CRP) funding. The City was awarded funding that provided additional funding for the Coburg Loop Path (Serenity Lane to Trails End Park) which was over budget, as well as funding for preservation for Coburg Industrial Way.

Coburg Loop Path –Industrial

The original award for the Coburg Loop Path project was \$628,000 which included a 10.27 City match of \$64,495. The City had a land donation in the amount of \$47,500 leaving the City cash portion to be approximately \$16,996. The requirement of the City was that if the project went over in costs, the City would be responsible for the difference. The City of Eugene became the Certified Agency for this project and the design and engineering work began. At the time that the project hit about 60% completion, the City was made aware that the funding for the project was not enough to complete it due to the increase in the costs of projects and it was recommended that the City seek additional funding. The City did seek additional funding and was awarded an additional \$226,028 was awarded for the project.

Coburg Industrial Pavement Preservation

At the same time that the City applied for additional funding for the preservation of Coburg Industrial Way and was awarded. The total cost of the project was \$545,939 for which the City would need to cover 10.27% or \$56,068. The City of Eugene did step up to be the Certified Agency on the project, and the project was combined with the Coburg Loop project as it was on the same street and it made sense for both projects to take place at the same time.

Project Costs Increase

Shortly after the City was awarded additional funding we were notified that the project was again over budget, and an additional \$303,413 was needed to complete the two projects due to the increase in the costs of construction.

Staff met with the City of Eugene and ODOT to discuss options for the project. If the City were to abandon the Coburg Loop Path entirely, we would lose the match from the land donation. However, if we were to move forward with the original design, the costs would far exceed the funds that the City were initially responsible for.

Alternatives Discussed

It was suggested that the City move forward with the Path Project and consider dropping the preservation of the pavement on Coburg Industrial North. City staff felt that if we were to choose one project over the other, the pavement preservation might be the most important project completed due to the cost of deferral and reconstruction of a road that is used by heavy trucks.

The City staff suggested that perhaps we could step down the construction of the path by creating a path painted two-way bike lane separated from Coburg Industrial Way, rather than building a paved path in the right-of-way. We asked that an estimate be provided for this kind of a change to the project as a whole. The change in project resulted in a projected cost of approximately \$90,000 less than what is available for the total of both projects. Council is reminded that this is an estimate only in a fast moving construction environment, and may not reflect the final cost of the project.

ALTERNATIVE OPTIONS

The following are options that the staff has identified as choices the Council may consider:

1. Go forward with both projects as initially designed. This will require the full project being put on hold. We would wait for the next funding cycle and request more funding for the project. The next funding cycle would be the 2027-30 funding cycle. The earliest that the project could be constructed would be late 2027. The draw back to this is we are deferring pavement maintenance on a heavily used road. Additionally, some of the analysis done for the original path project will most likely be outdated and the cost would increase because they analysis would need to be redone.
2. Move forward to focus on the pavement preservation project with a bike/ped option

painted onto the pavement. However, if not utilizing any part of the donated land as part of the project, the City will forfeit the donation and match.

3. Move forward to complete both projects with the path leaving the road and connecting to the existing path on the donated land, and then jumping back on to the road on the north end with a two-lane bike path painted onto the road on one side of the street. This could include a separation hump from the lane of traffic for increased safety. While at this time, this would be feasible, if the project goes over budget, the City will be responsible for the costs outside of the secured funding.
-

BUDGET

If moving forward with option 2 or 3, the construction would be included in the 2024/2025 fiscal year budget.

If option one is desired, the City would need to put the project on hold, and it would be budgeted in fiscal year 2027 at the earliest with the secured funding.

NEXT STEPS

Council direction to staff will help the staff work with our regional partners to schedule design and construction of the project

ATTACHMENTS

- A. Project Description Pages
 - B. Full Project Budgets for full project, and reduced project
-

REVIEWED BY:

Anne Heath, City Administrator

PROJECT SUMMARY

Project No. _____

Coburg Loop Path, Phase 4 on N. Industrial Way (City of Coburg)

Project Visual:

See also attached 60% engineered drawing.



Project Description:

This application is for additional funds for a previously funded project to design and construct the fourth segment of the Coburg Loop Path. The project proposes a 10" wide hard-surface multi use path extending from easterly end of the existing bike/ped path from Sarah Lane to the end of N. Industrial Way, creating a connection to Phase 3 of the Coburg Loop Path. This segment will also connect to existing bicycle and pedestrian facilities which begin at Pearl Street and travels north to Sarah Lane Path entrance. The project moved forward to the 60% design phase. Due to the increase in costs of the project, the current funding does not cover the costs of completing the project and additional funding is needed for completion of Phase 4.

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Exhibit A – Project Location Map Coburg Loop – N. Coburg Industrial Way



PROJECT SUMMARY

Project No. _____

City of Coburg Paving Preservation North Industrial (Coburg)

Project Visual:



Project Description:

North Coburg Industrial Way serves as a vital link for many regional needs. The street accesses several service and industrial businesses that serve the entire region. This project is meant to preserve the paving that is in place and enhance spot locations from further break down.

The roadway is deteriorating in some locations more than others and with the type and amount of traffic the street facilitates, the roadway continues to deteriorate. This project is meant to preserve the pavement structure that is in place and repair locations that are further deteriorated from the rest of the roadway.

The project begins about 750 feet north of the intersection of Pearl Street and North Coburg Industrial Way, where North Coburg Industrial Way comes into City of Coburg authority, and continues to its northern terminus, at Trail's End Park, almost ¾ of a mile long.

A majority of the project will be "mill and fill", with a few locations that will be treated with dig outs. The prescribed treatment will be to mill off the top 2 inches of existing asphalt pavement and filling it back with new asphalt pavement for the full width and length of the roadway. Along with a few select locations where the roadway has detreated past the pavement structure into the base rock, these locations will be treated by dig out the damaged pavement and base rock to the subgrade and replace the full pavement structure with new base rock and asphalt pavement.

The project will also include new striping for bike lanes, which have not previously been striped before. This new striping will connect the bike lanes at the intersection of Pearl and North Coburg Industrial way to the north end of North Coburg Industrial Way to businesses, providing employees, residents and customers safer access without relying on motor vehicles. The connection will also extend to the Trail's End Park.

Misc. Contracts and Agreements No. 33276
 Cross Ref. Master Certification Agreement No. 30887

A157-G092418

**OREGON DEPARTMENT OF TRANSPORTATION
 LOCAL AGENCY CERTIFICATION PROGRAM
 SUPPLEMENTAL PROJECT AGREEMENT No. 33276
 CERTIFIED AGENCY PERFORMING ON BEHALF OF A NON-CERTIFIED AGENCY**
 Coburg Loop – North Coburg Industrial Way
 City of Eugene / City of Coburg

THIS SUPPLEMENTAL PROJECT AGREEMENT (Agreement) is made and entered into by and between THE STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "State" or "ODOT;" CITY OF EUGENE, acting by and through its elected officials, hereinafter referred to as "Certified Agency;" and CITY OF COBURG, acting by and through its elected officials, hereinafter referred to as "Non-certified Agency," all herein referred to individually as "Party" or collectively as "Parties."

RECITALS

1. By the authority granted in Oregon Revised Statutes (ORS) 190.110, 366.572 and 366.576, State may enter into cooperative agreements with counties, cities and units of local governments for the performance of work on certain types of improvement projects with the allocation of costs on terms and conditions mutually agreeable to the contracting parties.
2. ODOT and Certified Agency entered into Local Agency Certification Program Agreement No. 30887, executed on August 18, 2015 (Local Agency Certification Program Agreement). The Certification Program allows ODOT to certify a Local Agency's procedures and delegates authority to the certified Local Agency to administer federal-aid projects. The Local Agency Certification Program Agreement also allows a certified agency to perform work on behalf of a non-certified agency. The certified agency is a subrecipient of federal funds and will be eligible for reimbursement as the delivering agency. The non-certified agency is a third party and is not eligible for federal reimbursement.
3. Certification status information as of the date of execution of this Agreement:
 - a. Certified Agency is fully certified in the following functional areas:
 - consultant selection (direct appoint, formal and informal processes)
 - design (excluding bridge design)
 - "advertise, bid, and award" for construction contracts
 - construction contract administration

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- b. Certified Agency is not currently seeking certification in the following functional area:
 - bridge design
 - c. Certified Agency has had its Americans with Disabilities Act (ADA)-related design exception and curb ramp inspection processes reviewed and approved by ODOT and FHWA for use on federally funded projects.
4. The purpose of this Agreement is to establish the Parties' terms and obligations to deliver the Coburg Loop – North Coburg Industrial Way Project through the Local Agency Certification Program as a Certified Agency Supplemental Project.
 5. North Coburg Industrial Way, Sarah Lane and Wetland Park are part of Non-certified Agency's street and park systems under the jurisdiction and control of Non-certified Agency.
 6. The Project was selected as part of the Surface Transportation Program – Urban program and may include a combination of federal, state, and local funds.
 7. The Parties recognize that the Local Agency Certification Program Agreement was entered into between ODOT and Certified Agency only, and that this Agreement includes Non-Certified Agency as an additional third party. Accordingly, some terms in this Agreement have been modified to address the rights and obligations of all three parties. The Parties intend these modified terms to supersede any corresponding terms in the Local Agency Certification Program Agreement.

NOW THEREFORE, the premises being in general as stated in the foregoing Recitals, it is agreed by and between the Parties hereto as follows:

TERMS OF AGREEMENT

I. Project Overview

1. The Parties agree that Certified Agency shall perform work for Non-certified Agency in accordance with the Local Agency Certification Program Agreement No. 30887, which is hereby incorporated by reference, and the terms of this Supplemental Project Agreement. Non-certified Agency acknowledges that it is not a Party to Agreement No. 30887 and that Agreement No. 30887 confers no obligations or benefits to Non-certified Agency.
2. The Parties agree to Certified Agency delivering the Coburg Loop – North Coburg Industrial Way project, hereinafter referred to as "Project." The Project includes the design and construction of a shared-use path along the west side of North Coburg Industrial Way from the Sarah Lane connector to Wetland Park. The location of the

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Project is shown on the sketch map attached hereto, marked "Exhibit A," and by this reference made a part hereof.

3. Non-certified Agency grants ODOT and Certified Agency the authority to enter onto Non-certified Agency's right of way as needed to complete this Project.
4. The total Project cost is estimated at \$699,877, which is subject to change. The federal funds for this Project are limited to \$627,999.63. Non-certified Agency shall be responsible for all remaining costs, including any non-participating costs, all costs in excess of the federal funds, and the 10.27 percent match for all eligible costs. Any unused federal or state funds obligated to this project will not be paid out by the applicable funding agency, and will not be available for use by Certified Agency or Non-certified Agency for this Agreement. "Total Project Cost" means the estimated cost to complete the entire Project, and includes any federal funds, state funds, local matching funds, and any other funds. Certified Agency will report the final cost of each phase of the Project at the completion of each phase, as well as the Total Project Cost at the end of the Project, to the ODOT Regional Local Agency Liaison.
5. Parties agree ODOT will perform Project oversight in accordance with the Local Agency Certification Program Agreement, and ODOT will provide Certified Agency and Non-certified Agency with a preliminary estimate for the cost of ODOT's work. Certified Agency and Non-certified Agency understand that ODOT's costs are estimates only and Certified Agency agrees to pay ODOT's actual cost incurred per the Terms of this Agreement.
6. State may conduct periodic inspections during the useful life of the Project to verify that Project is being properly maintained and continues to serve the purpose for which federal funds were provided.
7. The Parties agree that the useful life of the Project is 20 years.

II. Funding

1. The Parties acknowledge that the federal funds are provided under Title 23, United States Code and agree to meet all applicable federal requirements.
2. ODOT considers Certified Agency a subrecipient of the federal funds it receives as reimbursement under this Agreement. The Catalog of Federal Domestic Assistance (CFDA) number and title for this Project is 20.205, Highway Planning and Construction.
3. By signing this Agreement, Certified Agency agrees to comply with the provisions of the Federal Funding Accountability and Transparency Act (FFATA) and is subject to the following award terms:

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- <http://edocket.access.gpo.gov/2010/pdf/2010-22705.pdf>, and
- <http://edocket.access.gpo.gov/2010/pdf/2010-22706.pdf>.

If, in the preceding fiscal year, Certified Agency received more than 80% of its gross revenues from the federal government, those federal funds exceed \$25,000,000 annually, and the public does not have access to information about the compensation of executives through reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 or section 6104 of the Internal Revenue Code of 1986, Certified Agency shall report the total compensation and names of its top five executives to ODOT. Certified Agency shall report said information to ODOT within 14 calendar days of execution of this Agreement and annually thereafter, utilizing the FFATA form attached hereto as Exhibit B.

4. Certified Agency, as a recipient of federal funds, pursuant to this Agreement with ODOT, shall assume sole liability for Certified Agency's breach of any federal statutes, rules, program requirements and grant provisions applicable to the federal funds, and shall, upon Certified Agency's breach of any such conditions that requires ODOT to return funds to the United States Department of Transportation (USDOT) Federal Highway Administration (FHWA), hold harmless and indemnify ODOT for an amount equal to the funds received under this Agreement; or if legal limitations apply to the indemnification ability of Certified Agency, the indemnification amount shall be the maximum amount of funds available for expenditure, including any available contingency funds or other available non-appropriated funds, up to the amount received under this Agreement.
5. If Certified Agency fails to meet the requirements of this Agreement or the underlying federal regulations, ODOT may withhold the Certified Agency's proportional share of Highway Fund distribution necessary to reimburse ODOT for costs incurred by such Certified Agency breach.
6. Information required of pass-through entities by 2 CFR 200.331(a)(1) shall be contained in the USDOT FHWA Federal Aid Project Agreement between ODOT and FHWA for this Project, a copy of which shall be provided by ODOT to Certified Agency with the Notice to Proceed.
7. ODOT will submit the requests for federal funding to the FHWA. The federal funding for this Project is contingent upon approval of each funding request by FHWA. Any work performed outside the period of performance approved by FHWA or outside the scope of work will be considered nonparticipating and paid for at Certified Agency expense.
8. ODOT's Regional Local Agency Liaison or designee will provide Certified Agency with a written notice to proceed for the Project when FHWA approval has been secured and funds are available for expenditure on this Project.

- 9. Certified Agency guarantees the availability of Certified Agency funding in an amount required to fully fund Certified Agency’s participation in the Project.
- 10. Non-certified Agency guarantees the availability of funding in an amount required to fully reimburse Certified Agency for the match, any non-participating costs, and any costs not covered by state and federal funding that Certified Agency expends on behalf of the Project.
- 11. Non-certified Agency may satisfy the matching funds requirement through a contribution of materials, services, and/or real property for the Project. Credit for this contribution will only be allowed upon prior approval by State’s Active Transportation Section, Program and Funding Services Manager prior to the start of the Project and after review for compliance with State’s procedures for donations and contributions.

III. Invoicing and Payments

- 1. Certified Agency shall make all payments for work performed on the Project, including all consultant and contractor costs, and invoice ODOT for one-hundred percent (100%) of its costs. ODOT shall reimburse approved Certified Agency invoices at the pro-rated federal share of 89.73 percent. Certified Agency is responsible for 100% of all costs beyond the federal and state reimbursement including the 10.27 percent match for all eligible costs, any non-participating costs, and all costs in excess of the federal or state funds.
- 2. Indirect Cost Rate:
 - a. Certified Agency shall invoice ODOT using the current, approved indirect cost rate on file with ODOT.
 - b. As required by 2 CFR 200.331(a)(4), the indirect cost rates for this project at the time the agreement is written are:

Public Works Administration	0.00%
Engineering	12.08%
SDC Capital Projects	16.38%
Maintenance	380.14%
Regional Sewage Treatment	10.68%
Wastewater Collection	31.18%
Stormwater Management	25.77%
Wetlands	15.96%
Aviation	54.21%
Professional Services	131.37%
Fleet Services	130.99%
Road	28.06%
Parks and Open Spaces	30.44%

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These rates may change during the term of this Agreement upon notice to ODOT and ODOT's subsequent written approval.

- c. If the approved rates change during the term of this Agreement, Certified Agency shall invoice ODOT using the current indirect cost rates for the Project on file with ODOT at the time the work is performed. If Certified Agency does not have approved indirect cost rates on file with ODOT at the time the work is performed, Certified Agency shall invoice ODOT using a zero percent (0%) rate.
3. Certified Agency shall invoice Non-certified Agency for the federal match share, any non-participating costs, and all costs expended for the Project not reimbursed by ODOT. Upon receipt of Certified Agency invoice(s), Non-certified Agency shall reimburse Certified Agency for the federal match share, any non-participating costs, and all costs expended for the Project not reimbursed by ODOT. Failure of Non-certified Agency to make such match payments to Certified Agency may result in ODOT withholding of Non-certified Agency's proportional allocation of State Highway Trust Funds until such costs are paid.
 4. Non-certified Agency and Certified Agency agree that any disputes arising on this Project regarding Certified Agency's invoices or Non-certified Agency payment of invoices identified in the preceding paragraph are to be resolved between the Non-certified Agency and Certified Agency only, except to the extent otherwise provided in Section III, Paragraph 3 above.
 5. ODOT will invoice FHWA and Certified Agency for ODOT's Project costs, and Certified Agency agrees to reimburse ODOT for the federal-aid matching state share and any non-participating costs as determined in accordance with Section III Paragraph 3, above, upon receipt of invoice. Failure of Certified Agency to make such payments to ODOT may result in withholding of Certified Agency's proportional allocation of State Highway Trust Funds until such costs are paid.

IV. Certified Agency Obligations

1. Certified Agency Work on this Project:

- a. Certified Agency shall perform the following functional areas in which Certified Agency is fully certified and as authorized by the Local Agency Certification Program Agreement:
 - consultant selection (direct appoint, formal and informal processes)
 - design (excluding bridge design)
 - "advertise, bid, and award" the construction contract
 - construction contract administration

2. **Independent Contractor Requirement:** Certified Agency shall perform the services under this Agreement as an independent contractor and shall be exclusively responsible for all costs and expenses related to its employment of individuals to perform the work under this Agreement including, but not limited to, retirement contributions, workers' compensation, unemployment taxes, and state and federal income tax withholdings.
3. **Contractor and Subcontractor Indemnification:**
 - a. To the fullest extent permitted by law, and except to the extent otherwise void under ORS 30.140, Certified Agency shall require its contractor(s) and subcontractor(s) that are not units of local government as defined in ORS 190.003, if any, to indemnify, defend, save and hold harmless the State of Oregon, Oregon Transportation Commission and its members, Oregon Department of Transportation and its officers, employees and agents from and against any and all claims, actions, liabilities, damages, losses, or expenses, including attorneys' fees, arising from a tort, as now or hereafter defined in ORS 30.260 (hereafter, referred to individually and collectively as "Claims"), to the extent such Claims are caused, or alleged to be caused, by the negligent or willful acts or omissions of Certified Agency's contractor or any of the officers, agents, employees or subcontractors of the contractor. It is the specific intention of the Parties that State shall, in all instances, except to the extent Claims arise solely from the negligent or willful acts or omissions of State, be indemnified from and against all Claims caused or alleged to be caused by the contractor or subcontractor.
 - b. Any such indemnification shall also provide that neither Certified Agency's contractor and subcontractor nor any attorney engaged by Certified Agency's contractor and subcontractor shall defend any claim in the name of the State of Oregon or any agency of the State of Oregon, nor purport to act as legal representative of the State of Oregon or any of its agencies, without the prior written consent of the Oregon Attorney General. The State of Oregon may, at any time at its election assume its own defense and settlement in the event that it determines that Certified Agency's contractor is prohibited from defending the State of Oregon, or that Certified Agency's contractor is not adequately defending the State of Oregon's interests, or that an important governmental principle is at issue or that it is in the best interests of the State of Oregon to do so. The State of Oregon reserves all rights to pursue claims it may have against Certified Agency's contractor if the State of Oregon elects to assume its own defense.
4. **Cargo Preference Act:** Certified Agency shall ensure compliance with the Cargo Preference Act and implementing regulations (46 CFR Part 381) for use of United States-flag ocean vessels transporting materials or equipment acquired specifically for the Project. Strict compliance is required, including but not limited

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to the clauses in 46 CFR 381.7(a) and (b) which are incorporated by reference. Certified Agency shall also include this requirement in all contracts and ensure that contractors include the requirement in their subcontracts.

V. Americans with Disabilities Act Compliance:

1. **General:** Certified Agency and Non-certified Agency agree to comply with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 as amended (together, “ADA”) as identified in Paragraph 1 of the **General Provisions** section of the Local Agency Certification Program Agreement.
2. **ADA Design Standards, Construction Specifications, and Inspections:** Certified Agency agrees to comply with the design and construction standards and the design exception documentation and approval requirements agreed to in the **Standards** section of the Local Agency Certification Program Agreement. In addition, with respect to ADA-related design standards, design exception approvals, construction specifications, and inspections, Certified Agency agrees to comply with the following:
 - a. For project locations on or along the Oregon State Highway System (state highway), Certified Agency shall apply ODOT’s current ADA-related design standards, construction specifications, and design exception documentation and approval requirements for design, modification, upgrade, or construction of Project sidewalks, curb ramps, shared use path, and pedestrian-activated signals, as applicable to the Project, including using the ODOT Highway Design Manual, ODOT Design Exception process, ODOT Standard Drawings, ODOT Construction Specifications, and current ODOT Curb Ramp Inspection form. Certified Agency further agrees to utilize ODOT standards to assess and ensure Project compliance with the ADA, and to document ramp inspections per subsection (c.)(i.) below. Design exceptions on State-owned facilities must be approved by State. For project locations on or along State-owned portions of the National Highway System (“NHS”) design exceptions must be approved by State and/or FHWA.
 - b. For project locations **not** on or along a state highway, including locally-owned portions of the NHS, Certified Agency shall apply its own ADA-compliant design standards, construction specifications, design exception documentation and approval process, and inspection documentation process, as approved by State and FHWA for use on federally funded projects.
3. **ADA Inspection Forms:** Prior to issuing the Second Notification, per Oregon Standard Specification 00180.50(g) or Certified Agency’s approved equivalent, Certified Agency agrees to submit to State the following:

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- a. For all curb ramps designed, constructed, upgraded, or modified for this Project on or along a state highway, submit completed ODOT Curb Ramp Inspection Form 734-5020 to the address on the form as well as to State's Regional Local Agency Liaison. The completed form is the required documentation from Certified Agency that each curb ramp meets ODOT standards and is ADA compliant. ODOT's fillable Curb Ramp Inspection Form 734-5020 and instructions are available at the following website:

<http://www.oregon.gov/ODOT/HWY/CONSTRUCTION/Pages/HwyConstForms1.aspx>
 - b. For all curb ramps not located on or along a state highway, Certified Agency shall complete and keep on file Certified Agency's ODOT- and FHWA-approved ADA curb ramp inspection form (or other approved document) to show that each Project curb ramp meets Certified Agency's curb ramp standards and is ADA compliant or conforms to Certified Agency's approved ADA design exception.
4. **State inspection:** Certified Agency shall promptly notify State of Project completion and allow State to inspect Project sidewalks, curb ramps, shared used path, and pedestrian-activated signals, as applicable to the Project, located on or along a state highway prior to acceptance of Project by Certified Agency and prior to release of any Certified Agency contractor.
 5. **Work Zone Access:** Certified Agency shall ensure that temporary pedestrian routes are provided through or around any Project work zone in accordance with the applicable ODOT or Certified Agency Standards, as set forth in subsections (1) through (3) above. For any work zone on or along the state highway, any such temporary pedestrian route shall include directional and informational signs and include accessibility features equal to or better than the features present in the existing pedestrian facility. Certified Agency shall also ensure that advance notice of any temporary pedestrian route on or along the state highway is provided in accessible format to the public, people with disabilities, and disability organizations at least ten (10) days prior to the start of construction in accordance with ODOT standards and processes.
 6. **Reimbursement:** Unless Certified Agency has an approved design exception, State will only reimburse Certified Agency for work that meets the applicable ODOT or Certified Agency standards as set forth in subsections (1) through (3) above, regardless of whether the work is on a State-owned, Certified Agency-owned, or Non-certified Agency-owned facility.
 7. **On-going Maintenance Obligation:** Certified Agency and Non-certified Agency shall ensure that any portions of the Project under their respective maintenance jurisdiction are maintained in compliance with the ADA throughout the useful life of the Project. This includes, but is not limited to, Certified Agency and Non-certified Agency each ensuring that:

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- a. Pedestrian access is maintained as required by the ADA,
 - b. Any complaints received by Certified Agency or Non-certified Agency identifying sidewalk, curb ramp, shared used path, or pedestrian-activated signal safety or access issues are promptly evaluated and addressed,
 - c. Any repairs or removal of obstructions needed to maintain Project features in compliance with the ADA requirements that were in effect at the time of Project construction are completed by the Agency in whose maintenance jurisdiction the repair or removal is needed, or abutting property owner pursuant to applicable local code provisions,
 - d. Any future alteration work on Project or Project features during the useful life of the Project complies with the ADA requirements in effect at the time the future alteration work is performed, and
 - e. Applicable permitting and regulatory actions are consistent with ADA requirements.
8. **Survival:** Maintenance obligations in this section shall survive termination of this Agreement.

VI. Term and Termination

1. The term of this Agreement shall begin on the date all required signatures are obtained and shall terminate upon completion of the Project and final payment or ten (10) calendar years following the date all required signatures are obtained, whichever is sooner.
2. This Agreement may be terminated by mutual written consent of all Parties.
3. ODOT may terminate this Agreement effective upon delivery of written notice to Certified Agency and Non-certified Agency, or at such later date as may be established by ODOT, under any of the following conditions:
 - a. If Certified Agency or Non-certified Agency fails to provide services called for by this Agreement within the time specified herein or any extension thereof.
 - b. If Certified Agency or Non-certified Agency fails to perform any of the other provisions of this Agreement, or so fails to pursue the work as to endanger performance of this Agreement in accordance with its terms, and after receipt of written notice from ODOT fails to correct such failures within ten (10) days or such longer period as ODOT may authorize.

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- c. If Certified Agency or Non-certified Agency fails to provide payment of its share of the cost of the Project.
 - d. If ODOT fails to receive funding, appropriations, limitations or other expenditure authority sufficient to allow ODOT, in the exercise of its reasonable administrative discretion, to continue to make payments for performance of this Agreement.
 - e. If federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the work under this Agreement is prohibited or if ODOT is prohibited from paying for such work from the planned funding source.
- 4. Any termination of this Agreement shall not extinguish or prejudice any rights or obligations accrued to the Parties prior to termination.
 - 5. The rights and obligations set out in Sections I.3, I.6, II.4, II.5, III.4, IV.2, IV.3, V.7, V.8, VI.4, VI.5, and VII.1 of this Agreement shall survive Agreement expiration or termination, as well as any provisions of this Agreement that by their context are intended to survive.

VII. Other Terms and Conditions

- 1. Contribution:
 - a. If any third party makes any claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in ORS 30.260 ("Third Party Claim") against a Party with respect to which any other Party may have liability, the notified Party must promptly notify the other Parties in writing of the Third Party Claim and deliver to the other Parties a copy of the claim, process, and all legal pleadings with respect to the Third Party Claim. Each Party is entitled to participate in the defense of a Third Party Claim, and to defend a Third Party Claim with counsel of its own choosing. Receipt by a Party of the notice and copies required in this paragraph and meaningful opportunity for the Party to participate in the investigation, defense and settlement of the Third Party Claim with counsel of its own choosing are conditions precedent to that Party's liability with respect to the Third Party Claim.
 - b. With respect to a Third Party Claim for which State is jointly liable with Certified Agency or Non-certified Agency (or would be if joined in the Third Party Claim), State shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by Certified Agency or Non-certified Agency in such proportion as is appropriate to reflect the relative

- fault of State on the one hand and of Certified Agency and Non-certified Agency on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of State on the one hand and of Certified Agency and Non-certified Agency on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. State's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if State had sole liability in the proceeding.
- c. With respect to a Third Party Claim for which Certified Agency or Non-certified Agency is jointly liable with State (or would be if joined in the Third Party Claim), Certified Agency and Non-certified Agency shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by State in such proportion as is appropriate to reflect the relative fault of Certified Agency and Non-certified Agency on the one hand and of State on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of Certified Agency and Non-certified Agency on the one hand and of State on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. Certified Agency and Non-certified Agency's contribution amount(s) in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if it had sole liability in the proceeding.
2. The Parties hereto agree that if any term or provision of this Agreement is declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the Parties shall be construed and enforced as if the Agreement did not contain the particular term or provision held to be invalid.
3. State certifies and represents that each individual signing this Agreement has been authorized to enter into and execute this Agreement on behalf of State, under the direction or approval of its governing body, commission, board, officers, members or representatives, and to legally bind State.

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4. Certified Agency certifies and represents that each individual signing this Agreement has been authorized to enter into and execute this Agreement on behalf of Certified Agency, under the direction or approval of its governing body, commission, board, officers, members or representatives, and to legally bind Certified Agency.
5. Non-certified Agency certifies and represents that each individual signing this Agreement has been authorized to enter into and execute this Agreement on behalf of Non-certified Agency, under the direction or approval of its governing body, commission, board, officers, members or representatives, and to legally bind Non-certified Agency.
6. This Agreement may be executed in several counterparts (facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.
7. This Agreement and the Local Agency Certification Program Agreement No. 30887, as amended and all attached exhibits constitutes the entire agreement between the Parties on the subject matter hereof. In the event of conflict, the body of this Agreement and the attached Exhibits will control over Project application and documents provided by Certified Agency or Non-certified Agency to ODOT. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind a Party unless in writing and signed by all Parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of a Party to enforce any provision of this Agreement shall not constitute a waiver by that Party of that or any other provision. Notwithstanding this provision, the Parties may enter into a Right Of Way Services Agreement in furtherance of the Project.

VIII. Contacts

1. Drake McKee, Local Agency Liaison, ODOT Area 5, 2080 Laura Street, Springfield, Oregon 97477; phone: (541) 736-9156; email: drake.a.mckee@odot.state.or.us, or assigned designee upon individual's absence, is ODOT's contact for this Agreement. ODOT shall notify the other Party in writing of any contact information changes during the term of this Agreement.
2. Katie Marwitz, Civil Engineer, City of Eugene Public Works Department – Engineering Division, 99 East Broadway, Suite 400, Eugene, Oregon 97401; phone: (541) 501-0380; email: katie.j.marwitz@ci.eugene.or.us, or assigned designee upon individual's absence, is Certified Agency's contact for this

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Agreement. Certified Agency shall notify the other Party in writing of any contact information changes during the term of this Agreement.

3. Jeff Kernen, Planning and Development Manager, City of Coburg, 91136 N. Willamette Street, Coburg, Oregon 97408; phone: (541) 682-7858; email: jeff.kernen@ci.coburg.or.us, or assigned designee upon individual's absence, is Non-certified Agency's contact for this Agreement. Non-certified Agency shall notify the other Party in writing of any contact information changes during the term of this Agreement.

THE PARTIES, by execution of this Agreement, hereby acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

This Project is in the 2018-2021 Statewide Transportation Improvement Program (STIP), (Key No. 21327) that was adopted by the Oregon Transportation Commission on July 20, 2017 (or subsequently approved by amendment to the STIP).

SIGNATURE PAGE FOLLOWS

ODOT / City of Eugene / City of Coburg Agreement No. 33276

Certified Agency, CITY OF EUGENE, acting by and through its elected officials

By J.R.R.
Jon R. Ruiz, City Manager
Date 6/24/19

LEGAL REVIEW APPROVAL (If required in Certified-Agency's process)

By N/A
Certified Agency Legal Counsel
Date _____

Non-certified Agency, CITY OF COBURG, acting by and through its elected officials

By [Signature]
City Administrator
Date 5/20/2019

LEGAL REVIEW APPROVAL (If required in Non-Certified Agency's process)

By [Signature]
Non-certified Agency Legal Counsel
Date 5/20/19

Certified Agency Contact:
Katie Marwitz, Civil Engineer
City of Eugene Public Works Department -
Engineering Division
99 East Broadway, Suite 400
Eugene, OR 97401
Phone: (541) 501-0380
Email: katie.j.marwitz@ci.eugene.or.us

Non-certified Agency Contact:
Jeff Kernen, Planning & Dev. Manager
City of Coburg
91136 N. Willamette Street
Coburg, OR 97408
Phone: (541) 682-7858
Email: jeff.kernen@ci.coburg.or.us

STATE OF OREGON, acting by and through its Department of Transportation

By ~~SEE NEXT PAGE~~
Highway Division Administrator
Date _____

APPROVAL RECOMMENDED

By [Signature]
Certification Program Manager
Date 7/8/19

By [Signature]
State Traffic Roadway Engineer
Date 7-8-19

By [Signature]
Region 2 Manager
Date 7-2-19

By [Signature]
Region 2 Project Delivery Manager
Date 7/2/2019

APPROVED AS TO LEGAL SUFFICIENCY

By Rachel E. Bertoni by email
Assistant Attorney General
Date 4/17/19

ODOT Contact:
Drake McKee, Local Agency Liaison
ODOT Area 5
2080 Laura Street
Springfield, OR 97477
Phone: (541) 736-9156
Email: drake.a.mckee@odot.state.or.us

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Certified Agency, CITY OF EUGENE, acting by and through its elected officials

By [Signature]
Jon R. Ruiz, City Manager
Date 6/24/19

STATE OF OREGON, acting by and through its Department of Transportation

By [Signature]
Highway Division Administrator
Date 7/9/19

LEGAL REVIEW APPROVAL (If required in Certified-Agency's process)

By N/A
Certified Agency Legal Counsel
Date _____

APPROVAL RECOMMENDED

By [Signature]
Certification Program Manager
Date 7/8/19

Non-certified Agency, CITY OF COBURG, acting by and through its elected officials

By [Signature]
City Administrator
Date 5/20/2019

By [Signature]
State Traffic Roadway Engineer
Date 7-8-19

LEGAL REVIEW APPROVAL (If required in Non-Certified Agency's process)

By [Signature]
Non-certified Agency Legal Counsel
Date 5/20/19

By [Signature]
Region 2 Manager
Date 7-2-19

By [Signature]
Region 2 Project Delivery Manager
Date 7/2/2019

Certified Agency Contact:
Katie Marwitz, Civil Engineer
City of Eugene Public Works Department -
Engineering Division
99 East Broadway, Suite 400
Eugene, OR 97401
Phone: (541) 501-0380
Email: katie.j.marwitz@ci.eugene.or.us

APPROVED AS TO LEGAL SUFFICIENCY
By Rachel E. Bertoni by email
Assistant Attorney General
Date 4/17/19

Non-certified Agency Contact:
Jeff Kernan, Planning & Dev. Manager
City of Coburg
91136 N. Willamette Street
Coburg, OR 97408
Phone: (541) 682-7858
Email: jeff.kernan@ci.coburg.or.us

ODOT Contact:
Drake McKee, Local Agency Liaison
ODOT Area 5
2080 Laura Street
Springfield, OR 97477
Phone: (541) 736-9156
Email: drake.a.mckee@odot.state.or.us

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Exhibit A – Project Location Map Coburg Loop – N. Coburg Industrial Way



Exhibit B
Federal Funding Accountability and Transparency Act (FFATA)
Subaward Reporting

(For purposes of this Exhibit, references to “your organization” shall mean “Certified Agency” and references to “ODOT” shall mean “State.”)

The Oregon Department of Transportation (ODOT) is required to fulfill a federal requirement for contracting under the Federal Funding Accountability and Transparency Act (FFATA) Subaward Reporting System (FSRS). FFATA reporting is a requirement for subawards (also known as subrecipients) of federal awards in excess of \$25,000,000. Your organization will enter into an agreement with ODOT where the funding source is a federal grant with a subrecipient relationship. Your organization is required to submit the information below to the Oregon Department of Transportation within fourteen calendar days of execution of the Agreement and annually thereafter, if applicable. (See the following page for further details.)

Legal entity name:

Data Universal Number System (DUNS) number:

Executive compensation

Executive compensation information is also required to determine whether or not the following information must be reported in FSRS:

a. In your organization’s previous fiscal year, did your organization receive 80% or more of its annual gross revenue and \$25,000,000 or more in federal procurement contracts, subcontracts, loans, grants, subgrants, cooperative agreements and federal financial assistance awards subject to the Transparency Act? (Include parent organization, all branches, and all affiliates worldwide.)

Yes No If “yes,” proceed to b. If “no,” no further action is required and submittal of this form is not required.

b. Does the public have access to information about the compensation of the senior executives in your organization (including parent organization, all branches, and all affiliates worldwide) through periodic reports filed under section 13(a) or 15(d) of the Securities and Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986?

Yes No If “yes,” provide a link to the SEC: <http://www.sec.gov> where this information is located and return form to the ODOT contact shown at the bottom of this form.
Provide link here:

If “no,” provide compensation information below.

Names and annual compensation amounts of the five most highly compensated executives:

1.	\$
2.	\$
3.	\$
4.	\$
5.	\$

Business entity contact information (person completing form):

Type name	Title	Date
-----------	-------	------

Return completed form to: Jeff Flowers, Program and Funding Services Manager; Oregon Department of Transportation; 555 13th Street NE; Salem, OR 97301; Jeffrey.A.FLOWERS@odot.state.or.us

Background on FFATA requirements

The Federal Funding Accountability and Transparency Act (FFATA) was signed on September 26, 2006. The intent of the Act is to empower every American with the ability to hold the government accountable for each spending decision. The end result is to reduce wasteful spending in the government. The FFATA legislation requires information on federal awards (federal financial assistance and expenditures) be made available to the public via a single, searchable website, which is www.USASpending.gov.

Definition of compensation

Your organization is considered a subrecipient of federal funds. Unless your organization is exempt, FFATA requires you to report total compensation for each of your five most highly compensated executives for the preceding completed year. Total compensation means the cash and non-cash dollar value earned by the executive during the subrecipient's preceding fiscal year and includes the following: salary and bonus; awards of stock, stock options, and stock appropriation rights; earnings for services under non-equity incentive plans; change in pension value; above-market earnings on deferred compensation which is not tax-qualified; and other compensation as defined in 2 CFR Part 170, Section 170.330(b)(5)(vi).

More detailed information about the FFATA can be found at: <http://edocket.access.gpo.gov/2010/pdf/2010-22705.pdf>

If you have any questions, contact:

Jeff Flowers
Program and Funding Services Manager
Oregon Department of Transportation
555 13th Street NE
Salem, OR 97301
Jeffrey.A.FLOWERS@odot.state.or.us
Telephone: 503-986-4453



COBURG CITY COUNCIL

ACTION ITEM

Selection and Authorization for Purchase of Pavilion Park Restroom Building

Meeting Date	Staff Contact	Phone	Email
November 14, 2023	Brian Harmon	541-682-7857	Brian.harmon@ci.coburg.or.us

REQUESTED COUNCIL ACTION

Motion for approval and acceptance of recommendation from Parks and Tree Committee on new Restroom at Pavilion Park and authorize the City Administrator to make the purchase.

Suggested Motion

I move to accept the color and exterior color recommendations of Staff and members of the Parks & Tree Committee and authorize the City Administrator to purchase the CXT Denali Prefabrication Restroom.

BACKGROUND

City Staff and the City's contract Engineer, with vision, input and recommendation from the Parks & Tree Committee, have recently completed the project design and engineering specifications for the improvements to Pavilion Park. As noted in the final plan set, a number of significant elements of the project are identified as "by owner", meaning they are excluded from the bid and will be completed by City staff or by separate bid/contract process at some point in the construction process. These items include the restrooms and associated septic system, a highly valued new component not currently in existence at Pavilion Park which also is a requirement of the Oregon State Parks and Recreation grant that provides the majority of the project's funding.

In the process of determining what the next step in procurement of the restrooms would be, it was found that the company CXT is a qualified vendor listed on the State of Oregon State Pricing System (OregonBuys). This allows the City to get the lowest cost without going through its own bidding/RFP process, as the State has already completed the necessary bidding requirements on behalf of all state, regional and local governments. CXT was an initial preferred vendor of staff because they make standalone restrooms that have a proven track record for the general public in similar settings.

The recommendation from Parks & Tree Committee is for a two stall model (Denali) with "distressed wood" exterior walls (sand beige color) with stacked rock for the lower 3rd of the exterior wall, "rich earth" or "liberty tan" color for trim, doors, windows, and roof to be cedar

shake look which is actually a concrete finish to look like cedar shake improving its durability and fire rating. Because the color swatches available for review were small, the committee left the final determination on the color combination to City and CXT staff.

The Parks & Tree Committee recommendation was provided to staff via informal polling among the members and coordinated via the Chair, Mary Mosier, since the special meeting called on October 30th was not officially held due to a lack of quorum.

RECOMMENDATION AND ALTERNATIVES

1. Accept the color palette informally chosen by the Parks & Tree Committee and authorize the City Administrator to place the purchase order (180-day delivery timeline) for the CXT Denali restroom.
2. Alter the recommended color palette and authorize the City Administrator to place the purchase order (180-day delivery timeline) for the CXT Denali restroom.
3. Defer the purchase authorization to a future Council meeting date or direct staff to pursue alternative restroom pre-fabricated structures or custom, “stick-built” buildings.

BUDGET / FINANCIAL IMPACT

Throughout the planning and development process, the Parks & Tree Committee has advocated for a two stall restroom given the array of events and activities at Pavilion Park. The original budget associated with the grant award assigned the project a single stall restroom at an estimated \$70,534. The proposed two stall restroom as proposed has a delivered and installed cost of \$118,823.80.

Staff concurs with the committee that a two-stall restroom will provide significant long-term value and would be far more expensive and intrusive to attempt to install a one stall restroom initially and add an additional stall at a future date. City staff are confident that the initial project budget can be adjusted to cover this cost differential through additional City labor on other elements of the project, potential utilization of Parks SDC funds and careful evaluation on all non-grant required elements of the project.

PUBLIC INVOLVEMENT

The Parks & Tree Committee has been intimately involved in every phase of the development of this project to date and were expressly involved in recommending the type of restroom and the color scheme that it felt best fit the space.

NEXT STEPS

If approved, staff will finalize the color selections from the recommended palette and place the order for the restroom. Once formal detail plan sets are provided after the order is accepted, staff will begin preparations for the installation of the septic tank and systems that the restroom will connect to. It is anticipated that the restroom would arrive in mid-May and be installed upon arrival and operational within days of its installation.

ATTACHMENT

1. Two stall restroom (Denali) quote from CXT
2. Photo of proposed restroom with floor plan
3. Pavilion Park Project - Schedule Adjustments memo to Parks & Tree Committee



CXT® Precast Concrete Products manufactures restroom, shower and concession buildings in multiple designs, textures and colors. The roof and walls are fabricated with high strength precast concrete to meet all local building codes and textured to match local architectural details. All CXT buildings are designed to meet A.D.A. and to withstand heavy snow, high wind and category E seismic loads. All concrete construction also makes the buildings easy to maintain and withstand the rigors of vandalism. The buildings are prefabricated and delivered complete and ready-to-use, including plumbing and electrical where applicable. With thousands of satisfied customers nationwide, CXT is the leader in prefabricated concrete restrooms.

1. ORDERING ADDRESS(ES): CXT Precast Concrete Products, 606 N. Pines Road, Suite 202, Spokane Valley, WA 99206

2. ORDERING PROCEDURES: Fax 509-928-8270

3. PAYMENT ADDRESS(ES):

Remitting by check:

CXT, Inc., PO Box 676208, Dallas, TX 75267-6208

Remitting by ACH or wire transfer:

Beneficiary: CXT, Inc.

Beneficiary Bank: PNC Bank, Pittsburgh, PA

Account: 1077766885 ABA/Routing: 043000096

Email remittance details to AR@lbfoster.com

4. WARRANTY PROVISIONS: CXT provides a one (1) year warranty. The warranty is valid only when concrete is used within the specified loadings. Furthermore, said warranty includes only the related material necessary for the construction and fabrication of said concrete components. All other non-concrete components will carry a one (1) year warranty. CXT warrants that all goods sold pursuant hereto will, when delivered, conform to specifications set forth above. Goods shall be deemed accepted and meeting specifications unless notice identifying the nature of any non-conformity is provided to CXT in writing within the specified warranty. CXT, at its option, will repair or replace the goods or issue credit for the customer provided CXT is first given the opportunity to inspect such goods. It is specifically understood that CXT's obligation hereunder is for credit, repair or replacement only, F.O.B. CXT's manufacturing plants, and does not include shipping, handling, installation or other incidental or consequential costs unless otherwise agreed to in writing by CXT.

This warranty shall not apply to:

1. Any goods which have been repaired or altered without CXT's express written consent, in such a way as in the reasonable judgment of CXT, to adversely affect the stability or reliability thereof;

2. To any goods which have been subject to misuse, negligence, acts of God or accidents; or

3. To any goods which have not been installed to manufacturer's specifications and guidelines, improperly maintained, or used outside of the specifications for which such goods were designed.

5. TERMS AND CONDITIONS OF INSTALLATION (IF APPLICABLE): All prices subject to the "Conditions of Sale" listed on the CXT quotation form.

Customers are responsible for marking exact location building is to be set; providing clear and level site, free of overhead and/or underground obstructions; and providing site accessible to normal highway trucks and sufficient area for the crane to install and other equipment to perform the contract requirements. Customer shall provide notice in writing of low bridges, roadway width or grade, unimproved roads or any other possible obstacles to access. CXT reserves the right to charge the customer for additional costs incurred for special equipment required to perform delivery and installation. Customers will negotiate installation on a project-

by-project basis, which shall be priced as separate line items. For more information regarding installation and truck turning radius guidelines please see our website at <http://www.cxtinc.com>.

In the event delivery of the building/s ordered is/are not completed within 30 days of the agreed to schedule through no fault of CXT, an invoice for the full contract value (excluding shipping and installation costs) will be submitted for payment. Delivery and installation charges will be invoiced at the time of delivery and installation.

Should the delivery and installation costs increase due to changes in the delivery period, this increase will be added to the price originally quoted, and will be subject to the contract payment terms.

In the event that the delivery is delayed more than 90 days after the agreed to schedule and through no fault of CXT, then in addition to the remedies above, a storage fee of 1-1/2% of contract price per month or any part of any month will be charged.

**Customer is responsible for all local permits and fees.

6. DELIVERY CHARGE: All prices F.O.B. origin prepaid and added to invoice. CXT operates three (3) manufacturing plants in the United States and will deliver from the closest location on our carriers.

7. PAYMENT TERMS: All orders are cash in advance. At CXT's discretion, credit may be given after approval of credit application. Payment to CXT by the purchaser of any approved credit amount is net 30 days after submission of invoice to purchaser. Interest at a rate equal to the lower of (i) the highest rate permitted by law; or (ii) 1.5% per month will be charged monthly on all unpaid invoices beginning with the 35th day (includes five (5) day grace period) from the date of the invoice. Under no circumstance can retention be taken. If CXT initiates legal proceeding to collect any unpaid amount, purchaser shall be liable for all of CXT's costs, expenses and attorneys' fees and costs of any appeal.

8. LIMITATION OF REMEDIES: In the event of any breach of any obligations hereunder; breach of any warranty regarding the goods, or any negligent act or omission of any party, the parties agree to submit all claims to binding arbitration. Any settlement reached shall include all reasonable costs including attorney fees. In no event shall CXT be subject to or liable for any incidental or consequential damages. Without limitation on the foregoing, in no event shall CXT be liable for damages in excess of the purchase price of the goods herein offered.

9. DELIVERY INFORMATION: All prices F.O.B. origin prepaid and added to invoice. CXT operates three (3) manufacturing plants in the United States and will deliver from the closest location on our carriers. Use the information below to determine the origin:

- F.O.B. 6701 E. Flamingo Avenue, Building 300, Nampa, ID 83687 applies to: AK, CA, HI, ID, MT, ND, NV, OR, SD, UT, WA, WY.

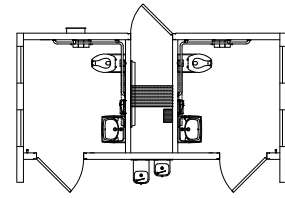
- F.O.B. 901 North Highway 77, Hillsboro, TX 76645 applies to AR, AZ, CO, IA, KS, LA, MN, MO, MS, NE, NM, OK, TX.

- F.O.B. 362 Waverly Road, Williamstown, WV 26183 applies to AL, CT, DE, FL, GA, IL, IN, KY, MA, MD, ME, MI, NC, NH, NJ, NY, OH, PA, PR, RI, SC, TN, VA, VT, WI, WV.

- Prices exclude all federal/state/local taxes. Tax will be charged where applicable if customer is unable to provide proof of exemption.

DENALI – 10' 3" x 17' 2"

Denali with chase has two single user fully accessible flush restrooms. Standard features include simulated board and batt upper and Napa Valley rock lower textured walls, simulated cedar shake textured roof, vitreous china fixtures, interior and exterior lights, off loaded, and set up at site.



Item 8.
800-850-5706
cxtinc.com

*Base Price \$ 82423.80

Optional Sections

Restroom*82423.80 Qty: = 0	Shower*95526.00 Qty: = 0
Family Assist Shower/Restroom Combo*92394.00 Qty: = 0	Storage 78822.00 Qty: = 0
Concession*91350.00 Qty: = 0	

*Includes 4-gallon water heater. Total for Optional Sections \$ 0

Added Cost Options

	Price per unit	Click to select	
Final Connection to Utilities (per section)	\$ 5000.00	<input type="checkbox"/>	0
Custom Wall Texture (per section)	7000.00	<input checked="" type="checkbox"/>	7000
Optional Roof Texture (per section) <input type="checkbox"/> Ribbed Metal	\$ 5500.00	<input type="checkbox"/>	0
Insulation and Heaters (per section)	\$ 19500.00	<input type="checkbox"/>	0
Stainless Steel Water Closet (each) Qty:	\$ 1750.00	<input type="checkbox"/>	0
Stainless Steel Lavatory (each) Qty:	\$ 1500.00	<input type="checkbox"/>	0
Electric Hand Dryer (each) Qty:	\$ 700.00	<input type="checkbox"/>	0
Electronic Flush Valve (each) Qty:	\$ 1500.00	<input type="checkbox"/>	0
Electronic Lavatory Faucet (each) Qty:	\$ 1500.00	<input type="checkbox"/>	0
Paper Towel Dispenser (each) Qty:	\$ 350.00	<input type="checkbox"/>	0
Toilet Seat Cover Dispenser (each) Qty:	\$ 350	<input type="checkbox"/>	0
Sanitary Napkin Disposal Receptacle (each) Qty:	\$ 100.00	<input type="checkbox"/>	0
Baby Changing Table (each) Qty:	\$ 750.00	<input type="checkbox"/>	0
Skylight in Restroom (each) Qty:	\$ 1600.00	<input type="checkbox"/>	0
Marine Grade Skylight in Restroom (each) Qty:	\$ 2450.00	<input type="checkbox"/>	0
Marine Package (excluding fiberglass doors, frames and front window frames) (per section)	\$ 2350.00	<input type="checkbox"/>	0
Exterior Mounted ADA Drinking Fountain w/Cane Skirt (each) Qty: 1	\$ 5600.00	<input checked="" type="checkbox"/>	5600
2K Anti-Graffiti Coating (per section)	\$ 4000.00	<input type="checkbox"/>	0
Optional Door Closure (each) Qty:	\$ 700	<input type="checkbox"/>	0
Fiberglass Entry and Chase Doors and Frames (each) Qty:	\$ 3300.00	<input type="checkbox"/>	0
Timed Electric Lock System (2 doors- does not include chase door) (each) Qty:	\$ 1350.00	<input type="checkbox"/>	0
Exterior Frostproof Hose Bib with Box (each) Qty:	\$ 1200	<input type="checkbox"/>	0
Total for Added Cost Options:			\$ 12600
Custom Options: Extra Crane 8 HR Min \$5,000			\$ 5000
Engineering and State Fees:			\$ 7200
Estimated One-Way Transportation Costs to Site (quote):			\$ 11600
Estimated Tax:			\$
Total Cost per Unit Placed at Job Site:			\$ 118823.8

Estimated monthly payment on 5 year lease 2388.35838

Disclaimer: Please call to confirm selected sections are compatible.

This price quote is good for 60 days from date below, and is accurate and complete.

Todd Weger
Digitally signed by Todd Weger
Date: 2023.10.25 16:40:49 -07'00'
CXT Sales Representative Date

I accept this quote. Please process this order.



Company Name

Company Representative 76

Exterior Color(s) (For single color mark an X. For two-tone combinations use W = Walls and R = Roof.)

- | | | | |
|--|---------------------------------------|---|---|
| <input type="checkbox"/> Amber Rose | <input type="checkbox"/> Berry Mauve | <input type="checkbox"/> Buckskin | <input type="checkbox"/> Cappuccino Cream |
| <input type="checkbox"/> Charcoal Grey | <input type="checkbox"/> Coca Milk | <input type="checkbox"/> Evergreen | <input type="checkbox"/> Georgia Brick |
| <input type="checkbox"/> Golden Beige | <input type="checkbox"/> Granite Rock | <input type="checkbox"/> Hunter Green | <input type="checkbox"/> Java Brown |
| <input type="checkbox"/> Liberty Tan | <input type="checkbox"/> Malibu Taupe | <input type="checkbox"/> Mocha Caramel | <input type="checkbox"/> Natural Honey |
| <input type="checkbox"/> Nuss Brown | <input type="checkbox"/> Oatmeal Buff | <input type="checkbox"/> Pueblo Gold | <input type="checkbox"/> Raven Black |
| <input type="checkbox"/> Rich Earth | <input type="checkbox"/> Rosewood | <input type="checkbox"/> Sage Green | <input type="checkbox"/> Salsa Red |
| <input type="checkbox"/> Sand Beige | <input type="checkbox"/> Sun Bronze | <input type="checkbox"/> Toasted Almond | <input type="checkbox"/> Western Wheat |

Special roof color # _____

Special wall color # _____

Special trim color # _____

Rock Color

- | | | | |
|---------------------------------|---|---------------------------------------|---------------------------------|
| <input type="checkbox"/> Basalt | <input type="checkbox"/> Mountain Blend | <input type="checkbox"/> Natural Grey | <input type="checkbox"/> Romana |
|---------------------------------|---|---------------------------------------|---------------------------------|

Roof Texture

- | | |
|--------------------------------------|---------------------------------------|
| <input type="checkbox"/> Cedar Shake | <input type="checkbox"/> Ribbed Metal |
|--------------------------------------|---------------------------------------|

Wall Texture(s) (For single color mark an X. For top and bottom textures use T = Top and B = Bottom.)

- | | | | |
|---|---|------------------------------------|---|
| <input type="checkbox"/> Barnwood | <input type="checkbox"/> Horizontal Lap | Can only be used as bottom texture | |
| <input type="checkbox"/> Split Face Block | <input type="checkbox"/> Board & Batt | | <input type="checkbox"/> Napa Valley Rock <input type="checkbox"/> River Rock |
| <input type="checkbox"/> Stucco/Skip Trowel | <input type="checkbox"/> Brick | | <input type="checkbox"/> Flagstone |

(Textures not included in CXT's quote are additional cost.)

Door Opener

- | | | |
|---|--|---|
| <input type="checkbox"/> Non-locking ADA Handle | <input type="checkbox"/> Privacy ADA Latch | <input type="checkbox"/> Pull Handle/Push Plate |
|---|--|---|

Deadbolt

Accessible Signage

- | | | |
|------------------------------|--------------------------------|---------------------------------|
| <input type="checkbox"/> Men | <input type="checkbox"/> Women | <input type="checkbox"/> Unisex |
|------------------------------|--------------------------------|---------------------------------|

Toilet Paper Holder

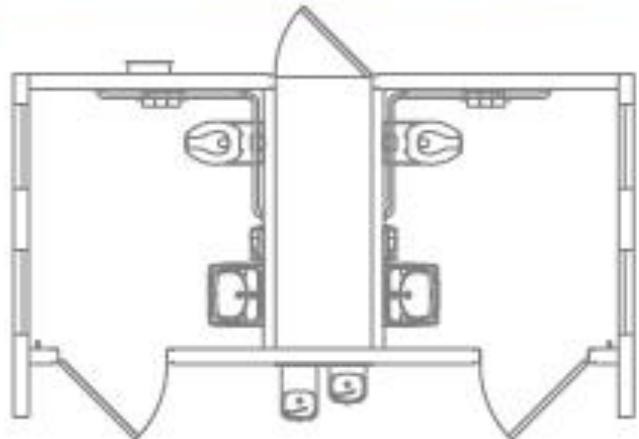
- | | |
|---|---|
| <input type="checkbox"/> 2-Roll Stainless Steel | <input type="checkbox"/> 3-Roll Stainless Steel |
|---|---|

Notes:

DENALI - 10'3" x 17'



- 2 single user restrooms
- 2 ADA toilets
- 2 sinks
- ADA grab bars
- Interior and exterior lights





 **FLUSH RESTROOM**





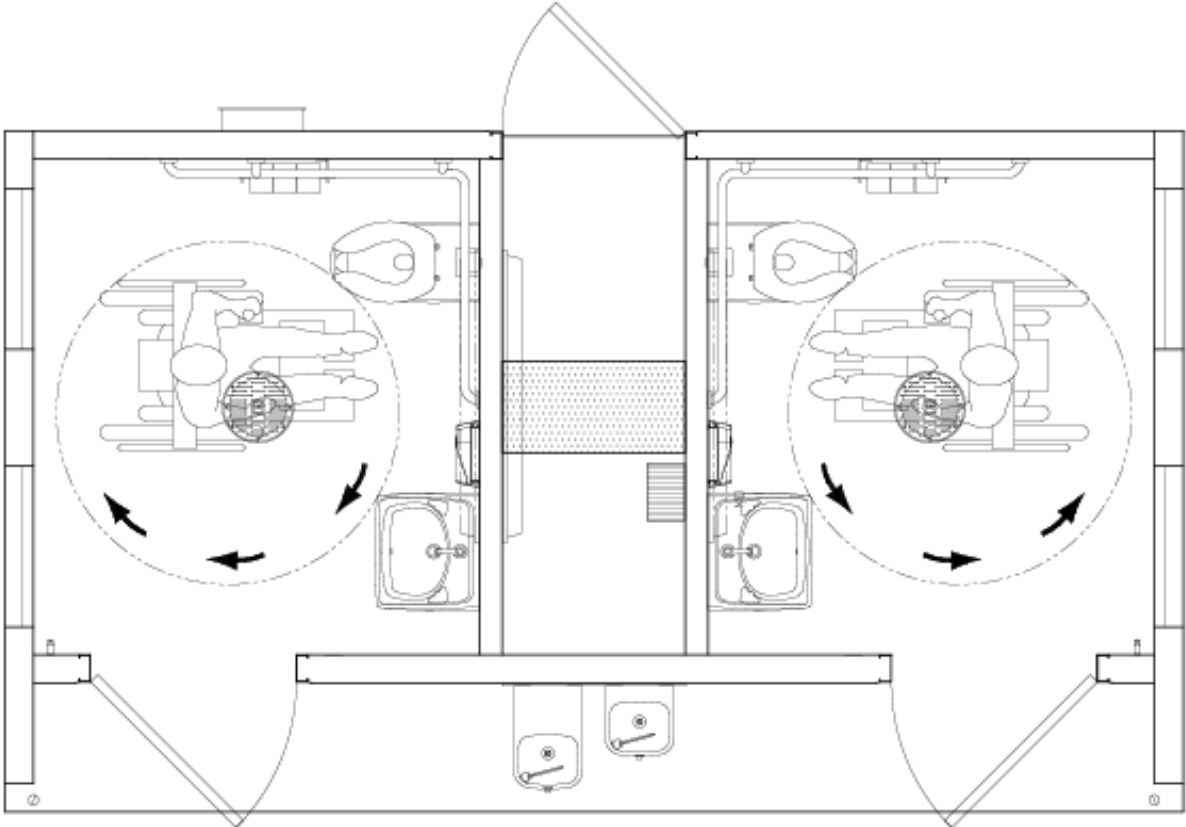

DENALI
STANDARD BUILDING

NOTE: ADDED-COST OPTIONS SHOWN. THESE OPTIONS INCLUDE: SKYLIGHTS, HAND DRYERS & DRINKING FOUNTAIN.

CXT
Concrete Buildings



Standard Floor Plan



Added cost options include drinking fountain and hand dryers.

CXT® restroom, shower, concession, and multipurpose buildings are delivered to your site ready to use and require no construction, concrete blocks or tilt-up panels that increase installation time. Our structures are manufactured with high-strength precast concrete floors, walls and roofs and are aesthetically designed in multiple floor plans, colors, and textures. Our vandal-resistant engineering minimizes abusive wear and maximizes our structures' service life under extreme conditions caused by flood, snow, wind and zone-4 seismic loads.

CXT buildings meet all local and state building codes, and A.D.A. specifications.

SIMPLE TO INSTALL

- Minimal site preparation required
- Pre-plumbed and wired for efficient installation

READY TO USE

- Prefabricated and delivered complete and ready to use
- Can typically be in use on the day of installation

EASY TO MAINTAIN

- Interiors resist abusive wear
- Quickly cleaned with warm soapy water and a brush



CONSTRUCTION

- 4" thick steel-reinforced concrete walls
- 5" thick steel-reinforced concrete roof and floor
- Vandal-resistant components
- Can withstand extreme conditions caused by flood, snow, wind and zone-4 seismic loads

ATTACHMENT 3
Pavilion Park Restrooms Purchase



COBURG PARKS | TREES COMMITTEE
ACTION/ISSUE ITEM

PAVILION PARK UPDATE MEMO

Meeting Date: October 17, 2023

Prepared by: Adam Hanks, City Administrator

Project Status

City Staff and the City's contract Engineer, with vision, input and recommendation from the Parks | Trees Committee, have recently completed the project design and engineering specifications for the improvements to Pavilion Park.

As noted in the final plan set, a number of significant elements of the project are identified as "by owner", meaning they are excluded from the bid and will be completed by City staff or by separate bid/contract process at some point in the construction process. These items include the bathroom and associated septic system, the fountain feature, bike racks, tables, bench and play structure.

Project Schedule

The desired completion of the project had been tentatively set for June of 2024, which provides an approximately six-month construction window to complete both the work that would be bid out through the RFP and the "by owner" elements.

Staff has determined this to be unrealistic for a number of reasons. Continuing to move forward with the existing plan and timeline would have a high likelihood of the project completion date extending well beyond the June 2024 timeline and would disrupt the summer use of the park.

Staff is also concerned that the overall project cost (bid and "by owner" work combined) has a high likelihood of exceeding the grant award being utilized to fund this project.

Scheduling Adjustments

To address both the project budget and completion timeline concerns, staff will be altering the project build out schedule and the order in which the construction will occur by first bidding and constructing the "by owner" elements of the project, which will be done within the original construction window of November 2023 – June 2024.

This minimizes construction conflicts between excavation, utilities and plantings, ensures that

the park will be available for community use for the full summer season, completes several of the project elements required by the grant award and reduces project budget uncertainties. The RFP for the remainder of the project will be issued in July, selection, award and contract approval in September for a construction window of October 2024 – June 2025.

This project phasing plan ensures compliance with the grant award, minimizes heavy season disruption of park availability, increases quality and cost control and improves the final product for the community to enjoy for decades to come.



COBURG CITY COUNCIL

Quarterly Report

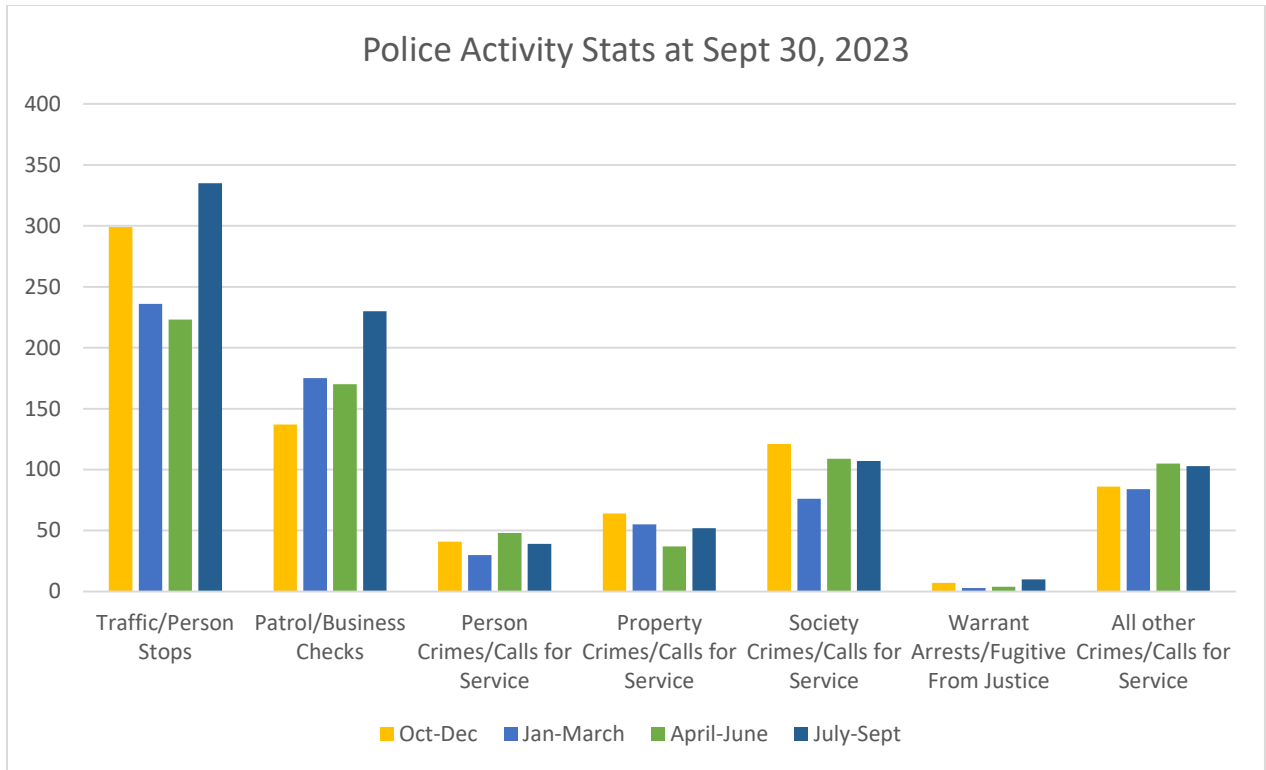
Police Department Quarterly Report

Meeting Date	Staff Contact	Phone	Email
November 14, 2023	Larry Larson, Police Chief	541-682-7851	Larry.Larson@ci.coburg.or.us

Coburg Police Department stats are divided into the following seven categories.

1. **Traffic/person stops** - Traffic stops, person stops, truck inspections.
2. **Patrol/business checks**
3. **Person Crimes/calls for service** - Assaults, rape, sex abuse, all other sex crimes, subject down, fight, menacing, all domestic violence crimes, welfare checks, harassment, runaways, suicidal subject, deceased subject, peace officer hold (POH Mental hold) etc.
4. **Property crimes/calls for service** - Theft, unlawful use of a motor vehicle, unlawful entry into a motor vehicle, alarms, criminal mischief, motor vehicle accident, fraud, criminal trespassing etc.
5. **Society crimes/calls for service** - DUII, reckless driving, unlawful possession of a controlled substance, disorderly conduct, illegal camping, assist public, all dog and animal issues, suspicious vehicle, speeding vehicle, suspicious conditions, abandoned vehicle, traffic hazard, ATL drunk driver, disabled vehicle, city ordinance violations, prowler, etc.
6. **Warrant arrests/fugitive from Justice**
7. **All other crimes/calls for service** - Citizen contact, assist other agency LCSO, OSP, Coburg Fire Department, follow up investigation, vin inspections, training, court, special assignment, stop sign down, etc.

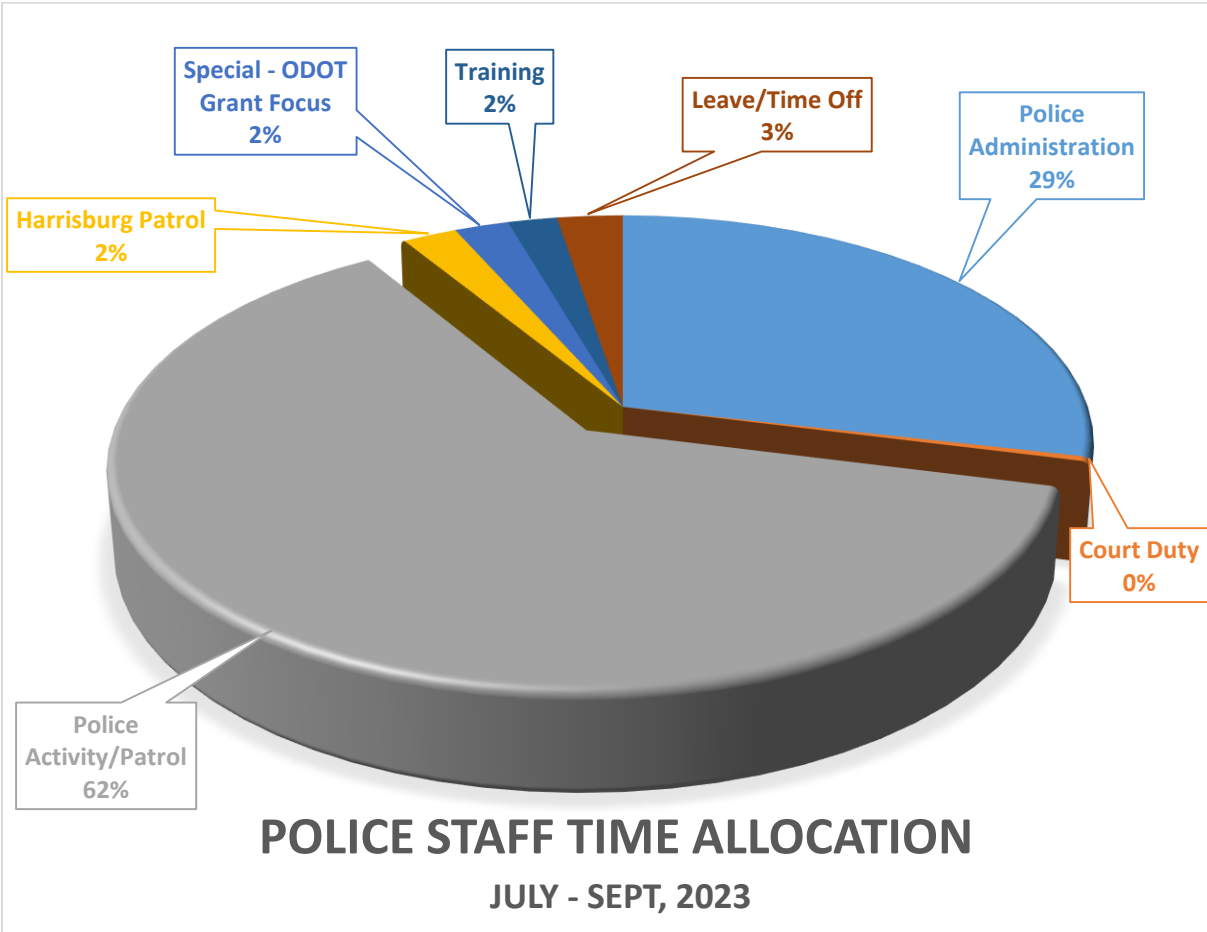
Call Activity Type	Oct-Dec	Jan-March	April-June	July-Sept
Traffic/Person Stops	299	236	223	335
Patrol/Business Checks	137	175	170	230
Person Crimes/Calls for Service	41	30	48	39
Property Crimes/Calls for Service	64	55	37	52
Society Crimes/Calls for Service	121	76	109	107
Warrant Arrests/Fugitive From Justice	7	3	4	10
All other Crimes/Calls for Service	86	84	105	103



Service Call Types July 1, 2023 – September 30, 2023

- | | | |
|-------------------------------|-----------------------------------|--------------------------------|
| Entry into vehicle | Patrol check | Lost Property |
| Traffic stop | Disabled Vehicle | Prisoner Transport |
| Truck Inspection | Follow up investigation | Attempt to locate drunk driver |
| Criminal Mischief Loud Noise | Warrant Arrest | Overdose |
| Illegal Parking | Animal Complaint | Criminal Trespass |
| Welfare check | Theft | Suspicious Conditions |
| Prisoner Transport | Harassment | Dog at Large |
| Unlawful entry into a vehicle | Locate Subject | Death Investigation |
| Court | Vehicle Tow | Disorderly Subject court |
| Suspicious Conditions | Vehicle Pursuit | Incomplete 911 Call |
| VIN inspection | Assist OSP | warrant arrest |
| Training | vehicle fire | disabled vehicle |
| Locate Subject | Open Door | Citizen Contact |
| Assist Fire Department | Dispute | Business Check |
| Alarm | Subject down | dog at large |
| Business Check | Police Officer Hold (Mental Hold) | Alarm |
| Vehicle Impound | VIN Inspection | Motor Vehicle Accident |
| Illegal Camping | DUII | burglary |
| Sex Abuse | Assist Public | |

ACTIVITY	July-Sept
Police Administration	1109
Court Duty	13
Police Activity/Patrol	2417.25
Harrisburg Patrol	83
Special - ODOT Grant Focus	83
Military Leave	0
Training	75
Leave/Time Off	100
TOTAL	3880.25





City Administration Report

November 14, 2023

This report is intended to provide Council with an overview of current activities, project status updates and previews of select upcoming issues and activities of Council and Staff.

Featured Items

1. **Pioneer Valley Estates (PVE) Letter** – As I noted in an earlier report, City staff has been in dialogue with a long-term resident of PVE who has been involved with the issue of the City providing water service to the PVE residents for many decades. A letter from Mayor Bell and I was mailed to all residents of PVE last week providing a summary of the history and current status of the issues and offered an opportunity for an open house for residents to come to City Hall and learn about the City's objectives, listen to resident concerns and requests and ultimately with Council to develop a plan to resolve the challenging water infrastructure issues at PVE. The letter is attached to this report.
2. **November 28th Council Work Session** – City staff continue to work on a number of water system projects and with the completion of the well drilling on Stallings Lane, staff would like give Council an update on the City's Water System projects and discuss how the outcomes of the projects may impact existing financial resources as well as the prioritization of future water system projects. While no decisions are made in work sessions, staff will have several issues to present that will likely need to be formally addressed at the December Council meeting.
3. **Oregon Dept of Transportation (ODOT)** – While this minimally impacts City operations, it is worth sharing that ODOT recently published a "Level of Service Reduction" notice for Region 2 as it may be impactful to Coburg residents and also serves as a reminder on the challenges at the state, county and local level in maintaining service levels in an environment where expenses are outpacing revenues in nearly all operating categories.
4. **Staff Training** – Staff in a number of departments had training opportunities this past month. While a challenge for staffing/coverage, training is essential for individual professional development, peer networking and to gain knowledge of new regulations and best practices and hear about innovative work in other communities as well as an opportunity to focus on things outside of our individual day to day functions.

- 1) **League of Oregon Cities Annual Conference** – I attended the annual LOC conference, which was conveniently held in Eugene this year (Bend next year). There were a number of good sessions. Two in particular that I found worthwhile and pertinent for our work here in Coburg was “How to Maximize Existing Revenue Sources and Look for New Sources” and “How to Find, Successfully Secure and Manage Grants”. Revenues not keeping pace with operating revenues is a theme for cities both large and small and is a topic that we will dive into in the early months of 2024 at our Council Retreat and on into our 2024-25 Budget season.
- 2) **Tyler Technologies-InCode Municipal Court software** – Municipal Court Administrator Mandy Balcom was invited and is participating with a select group of users to beta test Tyler’s newest court software. Mandy has utilized this software in our Municipal Court operations for a number of years and will be able to help Tyler shape the final product that we, and many Municipal Courts, will use in the coming years. The City gains early exposure to the new software and can plan for its eventual implementation much more smoothly and efficiently and have a product that fits our needs.
- 3) **American Planning Association (APA) – Oregon** - Planning Director Megan Winner recently attended the Oregon APA Conference, also conveniently held in Eugene. Sessions included content on gauging social values to allocate funds to mitigate the impacts of climate change, two cities that have successfully established safe parking programs for people experiencing homelessness that need a place to sleep in their vehicles by working with leaders in the faith community, navigating privilege and advocating for equity and housing production implementation plans and strategies.
- 4) **Springbrook User Conference** – Finance Director Greg Peck and Utility Billing Supervisor Sara Athey recently attended the three-day user conference for the financial software system (Springbrook) that the City utilizes for its general ledger, accounts payable, accounts receivable, miscellaneous billing and will soon be adding payroll and an online citizen portal for utility billing.

Greg and Sara attended numerous group sessions as well as a number of one-on-one trainings on specific aspects of the Springbrook software. Springbrook is moving its customers to a newer platform with improved user interfaces as well as AI embedded support features. The time commitment for a training like this is much appreciated as it takes our staff away from their home and family/personal time.

5. Recreational Immunity – CIS Summary Report

CIS, the City’s insurance provider recently published a summary report on a recent Oregon Court of Appeals decision that has a significant potential impact to any and all land owners (public or private) that allow free general public use of their lands. The decision dilutes (and some would say destroys) the legal protections against personal injury claims that had long been in place called recreational immunity. The report is attached. City staff will be utilizing guidance from CIS to review the City’s exposure given this ruling and will update Council after that work has been completed. Initial recommendations for Cities can be found on page 5 of the report.

Department Activity & Statistics

Staff maintains various activity, work order and case log type records that are utilized for a variety of required reporting to other agencies and/or for day-to-day oversight and management of their operations. Some of the data comes from third party software systems and typically not always in a format that is easily summarized or customized.

Staff will continue to refine the statistics and work to provide Council and the community with useful, relevant activity indicators and will also work towards the development of service level indicators that can often better connect the City funds (taxes, rates, fees) with the type and quality of the services provided.

Public Works

Streets/Rights of Way

- **Drainage Project**
 - Crews did some touch up work Shane Ct
- **Maintenance**
- **Tree Trimming**
 - Trimmed arborvitae on Abby walk path
 - Trimmed tree limbs on S Willamette
 - Emergency response to E McKenzie for tree limb that fell onto power line

Water

- **Repairs**
 - Booster pump #3 - Pump is back in service. It does appear that the other two could have some compromise to them as well. Crews are going to working on evaluating those as well.
- **Leaks**
 - Crews fixed a service line on S Harrison S
 - Leak Investigations = 1
- **Distribution System**
 - New Service Installs = 2
 - New water quality sample Station - Macy St.

Sewer

- **Collections**
 - New Service Install = 1
 - Inspections = 5
 - Callouts = 9
 - Tank Pumping = 2
- **Plant Repairs & Major Maintenance**
 - Annual maintenance on the Digester and Biosolids Basin

Parks Dept

- Staff in working with Parks and Tree Committee has selected a restroom and will be moving forward with the purchase per City Council approval
- Crews fixed lights at Johnny Diamond Park
- Crews winterized all the Parks
- Crews are continuing the work on the Veterans Memorial

Miscellaneous

- Locates = 11
- Work Orders = 62
- City Hall Maintenance
 - Hung TV for upstairs conference room
 - Worked on replacing lights inside the building
 - Replaced light in restroom downstairs

Priority Project and Task Lists

1. Drainage on Shane & Rustic **(Street Dept) DONE**
2. Booster pump #3**(Water Dept) DONE**
3. Well #2 leak/Electrical repairs **(Water Dept) DONE**
4. **Sewer Dept**

WWTP	<ol style="list-style-type: none"> 1. Influent meter 2. Perm Pump 3. Maintenance program has started and we look to finish by January
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5. Veterans Memorial **(Parks Dept) ONGOING**
6. Blank logos in panels/ panel upgrades (91020 S. Skinner) **(Sewer Dept)**
7. Infiltration In STEP Systems projects **(Sewer Dept)**
8. Bruce & Water catch basin **(Sewer Dept)**
9. Booster flow meter / Well #1 level Transducer **(Water Dept) DONE**
10. Street tree trimming **(Street Dept) DONE**
11. Street lighting **(Street Dept)**
12. Leaf pickup **(Street Dept) START DATE OF 12-11-23**
13. Annual reports (Tree city USA DEC)
14. Monthly TDML Meeting/ Annual report
15. Water meter swap outs **(Water Dept)**

Planning

- SUB 02-20 & SUB 01-22: Construction continues in the Coburg Creek Subdivision. Public improvements for the first addition are near completion. Final plat recorded at Lane County. No permits for new dwellings issued this month;
- LLA 01-23: Application for lot line consolidation on Willamette St. submitted;

- Two Structural/Plumbing/Mechanical/Electrical permits issued in October;
- Attended regional transportation meetings including:
 - Transportation Planning Committee
 - Safe Lane Transportation Coalition
 - Transportation Options Advisory Committee and Technical Advisory Sub-Committee (of MPC)
- Attended Oregon American Planning Association (OAPA) conference

Municipal Court

October 2023 Activity Measures:

- Citations (Crimes and Violations)
 - New Citations for October 3, 2023 Court Date: 30
- October 2023 Receipts Including Collections,
 - **Total Fines:** \$9,670.31 (total monies taken in for the month, nothing deducted), *compared to \$10,005.30 in October of 2022*
 - **Net Fines:** \$7,050.76 (City share only, NOT including collections), *compared to \$6,618.00 in October of 2022*
- October 2023 Professional Credit Service Collections:
 - **Total Collection Revenue:** \$2,619.55 *compared to \$3,387.30 in October of 2022*
 - **Turned over to collection:** \$7,120.00 *compared to \$920.00 in October of 2022*

Note: Comparisons should only be considered when viewing the year-to-date amounts as court dates are not consistently held on the same dates each month, nor is there consistent cases presented to the court.

Other Information:

- Upcoming Regular Court Session: **November 7, 2023**
Jury trials: **November 16, 2023**
November 29, 2023
- A Jury Trial was held on October 26, 2023. We had 17 jurors report for the selection process. Trial started at 9:00 am and the Jury rendered a guilty verdict at approximately 7:00PM for the charge of Obstructing Governmental or Judicial Administration, which is a Class A misdemeanor.
- Court Administrator attended and presented at the Oregon Court Administrators Association (OACA) Court Conference, Oct 14-17, 2023 in Newport, OR. A partial scholarship was awarded through OACA to attend.

- Attorney, Dustin Anderson was added to our Court Appointed Attorney list in September
- As noted in the staff training item on page one, the Court Administrator is participating in as a beta tester of a cloud-based version of the City’s Municipal Court software system, Tyler Technologies. This will provide a better foundation and stability for court users. The municipal court has an advantage and was chosen for this testing process because of how their system was already set up and running. This process is currently in year one of a three year “go live” project. Being involved in the testing process gives our court a voice that will be heard during the developmental stages of the product. The objective is to validate the functionality of what has already been built and make sure it works and fits all courts. Once live, the program will run completely online with several authentication steps and will no longer be an application based program only accessible through certain computers on the City network.

Police

- Officer registered a sex offender.
- Officer took a report a female suspect stealing packages from a porch.
- Officers arrested an intoxicated male on a felony warrant.
- Officer responded to a report of suspicious suspect.
- Officer registered a felony sex offender.
- Officer recovered found property on Coburg Bottom Loop.
- Officers took a report of a stolen scarecrow.
- Officers took a report of a high-dollar amount theft from a business.
- Officer placed a female on a non-criminal hold.
- Officer took a report for a runaway juvenile; he later returned home.
- Officers responded to a disorderly female juvenile.
- Officer arrested a male for driving while suspended.
- Officer returned a wallet to a male.
- Officer took a report of a hit and run at the truck stop.
- Officer facilitated a civil compromise on a traffic crash.
- Officer arrested a male during an active burglary.
- Officer provided a ride for a student.
- Officers participated in DEA Drug Take-back.
- Officers participated in Trunk or Treat at the Coburg Community Charter School.
- Officers directed traffic for a 5k race.
- Officer responded to a drug overdose.

Upcoming Events:

Shop with a Cop
Department Range

Light Parade
Defensive Tactics

SFST Training



October 27, 2023

Pioneer Valley Estates Resident,

The City of Coburg, through its Mayor, City Administrator and Public Works Director, have recently met with a resident of Pioneer Valley Estates (PVE) who is rightfully interested in engaging in more formal dialogue between the City and PVE residents regarding the existing condition of the water distribution system that serves most of the properties within PVE, which lies well outside of the City limits and is otherwise governed and served by Lane County.

History

The City of Coburg has been responsible for the water system infrastructure and the supply/delivery of water to PVE in a variety of forms since the 1960's, from maintaining the pre-existing well and distribution system to replacing the well with a dedicated transmission line from the City's water system to PVE in 2004. Contractual obligations of the City have been contentiously debated at various points in time, with concerns of adequate level of service from the City and the establishment of "outside city limits" rates to PVE water customers among others.

Current Status

Throughout the time of the City's involvement in providing water to PVE, the distribution system has experienced ongoing maintenance issues (leaks, breaks, etc) and is well past its intended useful life. Lane County is expected to conduct significant pavement overlay work throughout the PVE street system, further necessitating the development of a plan to address the PVE distribution system.

Challenge

The City has a number of water system infrastructure projects currently in process and a number of other projects that must be completed in the very near future to ensure adequate supply, storage and distribution for all customers of the Coburg water system. These projects required the City to obtain highly competitive financing through state and federal funding partners. Additionally, the City incurred debt to construct the transmission line from the City system to PVE to ensure adequate, long term water supply to its PVE customers. Additional debt financing will undoubtedly be necessary to replace the end-of-life PVE water distribution system.

Water system operations, maintenance and debt payments for infrastructure projects all come from one primary source, the customers that receive and utilize water from the City. The ever-increasing costs for infrastructure projects and a limited number of customers paying the bills creates a situation where Council must prioritize projects based on the regulatory, operational and efficiency needs of the overall system.

Next Steps

With an expectation that a number of PVE residents may not have a clear understanding of the history, challenges, disagreements and financial investments made and still required to address the existing distribution system deficiencies, the City is interested in hosting an open house for PVE residents, City staff and the Mayor and Council to begin a dialogue, answer questions, take comments so that all involved are as current as possible on the issues and a plan can then be initiated to address this matter that is clearly of importance to all residents of PVE as well as the City.

Save the Date(s)

Recognizing the challenges of scheduling for 50-60 individuals, the City will be scheduling both an in-person and an online open house.

In Person Open House

December 5, 2023, 5:30-6:30 PM at the Ray Smith City Council Chambers, Coburg City Hall

Online Open House

December 7, 2023 5:30-6:30 PM (Zoom link to be provided on City of Coburg website)

The City is excited to hear from as many individual residents as possible to share thoughts and concerns, answer questions, provide information and gain as much common understanding as possible before developing a formal action plan.

We look forward to meeting and seeing you.

Sincerely,



Adam Hanks
City Administrator



Nancy Bell
Mayor



Real-Time Risk



TIMELY NEWS AND TIPS TO HELP REDUCE RISK

November 2023

OREGON'S HIGHER COURTS END RECREATIONAL IMMUNITY FOR IMPROVED TRAILS

By Kirk Mylander, CIS General Counsel

On July 6, the Oregon Court of Appeals issued an opinion effectively ending recreational immunity for improved trails. Public and private landowners of improved trails are no longer protected from lawsuits. ([Fields v. City of Newport](#)).

Nicole Fields Falls While Walking With a Friend and their Dogs

In *Fields v. Newport* a woman was walking with her friend and their dogs on the beach. She walked away from the beach on an improved trail which was owned and maintained by the city of Newport. The woman came to a wooden footbridge that was wet. She slipped and fell, then filed a lawsuit against the City.

Ms. Fields' suit alleged the City was negligent in maintaining the bridge and not putting up warning signs. Newport responded that it was immune from suit because Fields was using the Ocean to Bay Trail for a recreational purpose, walking with a friend and their dogs while they talked and socialized.

• Oregon's recreational
• immunity provided liability
• protection to landowners
• who open their property
• for recreational activities,
• shielding them from certain
• lawsuits and claims related
• to injuries or accidents that
• occur on their land.

Continued on next page



Real-Time Risk

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The Trial Court Applied Recreational Immunity, Protecting Newport

The trial court agreed with the City, ruling that recreational immunity protects landowners from a lawsuit when they open their property to the public for recreational purposes without a fee. Because of recreational immunity the trial court granted summary judgment, which ended the case early in favor of Newport .

The trial court determined “there are no genuine issues of material fact in dispute” and that under state law, the plaintiff was “using the trail for recreational purposes” by “walking her dog on a trail to the beach with a friend,” and thus the City was entitled to recreational immunity from any liability.

Plaintiff Fields appealed the trial court’s ruling, arguing that the trial court could not conclude that her “**principal purpose**” (as required under state law) in walking on the trail was recreational as long as she claimed that the subjective intent in her mind was something else.

The Oregon Court of Appeals Strikes Down Recreational Immunity

The Oregon Court of Appeals decided that there is a factual dispute between Plaintiff Fields and the City as to whether her use of the trail was recreational, or whether her primary purpose was instead for “accessing the beach.” In other words, the Court of Appeals held that the trial court needed to hold a jury trial to determine whether the plaintiff’s principal purpose on the trail was accessing the beach, or to recreate while using the trail with a friend and their dogs while they “socialized.”

Either way, recreational immunity no longer stops a case at the beginning (an “immunity” from suit), because any plaintiff can claim their “principal purpose” was not to recreate.

Real-Time Risk

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Local Governments Requested that the Oregon Supreme Court Restore Recreational Immunity — But the Court Refused to Hear the Case

The City of Newport asked the Oregon Supreme Court to overrule the Court of Appeals and restore recreational immunity. Other members of the local government community in Oregon also asked the Oregon Supreme Court to review the *Fields* case and reverse the Court of Appeals. The City of Medford, the League of Oregon Cities, the Association of Oregon Counties, the Special Districts Association of Oregon, and the Oregon Recreation and Park Association all joined Newport in asking the Oregon Supreme Court to reverse the Court of Appeals:

“A decision from the Oregon Supreme Court is necessary here. The Court of Appeals created an exception that swallows the rule by finding a question of fact exists on whether socializing with a friend, walking dogs, and enjoying a scenic trail to access the beach is recreational or not.”

The City asked the Supreme Court to reverse the Court of Appeals because of the damage the Court of Appeals opinion will have on the public’s access to recreational land. If the Court of Appeals opinion were to stand, the City argued, then “Landowners must decide if making their land available for recreational purposes is worth the risk of effectively losing access to the immunity by having to litigate through trial whatever subjective beliefs an injured plaintiff asserts their principal purpose was.”

Unfortunately, that is where things stand today. On Oct. 5, 2023, the Oregon Supreme Court officially declined to review the Court of Appeals’ decision in *Fields*. This action, called “review denied” functions as a de facto endorsement by the Oregon Supreme Court of the Oregon Court of Appeals’ decision striking down recreational immunity.

At the heart of the dispute is whether a trial court can decide at the beginning of a case whether or not a plaintiff’s “primary purpose” when entering land was recreational or not recreational.

Subjective Intent is Too Subjective for Recreational Immunity to Function as the Legislature Intended

The Court of Appeals did not base its decision on what *Fields* was actually doing on the City of Newport’s trail. Instead, the Court of Appeals turned to a dictionary for assistance with the word “walking.”

The Court of Appeals found that walking with a dog could sometimes be a recreational activity, but was not necessarily always a recreational activity. The Court of Appeals said that even when walking and socializing, *Fields*’ “principal purpose” could have been “to go to and from the beach” which the Court did not consider to be recreational.



The Oregon Supreme Court Building,
Gary Halvorson/Oregon State Archives

Real-Time Risk

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If, the Court reasoned, Fields was thinking that her “principal purpose” was to “access” the beach where she would begin to “recreate” with her dog and her friend, then recreational immunity does not protect the City (or any landowner). The key, according to the Oregon Court of Appeals, is the plaintiff’s subjective intent ***not her objective activities at the time***.

Unless the Legislature steps in, from now on when a person using the city’s path claims that their subjective intent was not primarily to recreate, then recreational immunity does not apply at the beginning of a suit. Instead, the municipality (or private landowner) will have to defend the lawsuit all the way through a jury trial, so the jury can decide what the plaintiff was thinking about their “primary intent.”

Legally, this transforms recreational “immunity” from a legal rule that stops a lawsuit at the outset, and turns it into a defense that a city, county, school district, or private landowner can only try to use at trial. Recreational immunity is no longer a true immunity.

Is Anything Left of Recreational Immunity?

The protection from lawsuits that landowners relied on in deciding to open their land to the public is now likely gone for all trails. It may be gone for any property that someone can claim they “were just passing through”.

The Oregon Court of Appeals and Oregon Supreme Court have repeatedly issued rulings that have the effect of striking down some, or all, of the Legislature’s recreational immunity statute. The good news, though, is that the Oregon Legislature has repeatedly stood behind Oregon’s policy of encouraging private and public landowners to open their property to the public for recreational activities like hiking, mountain biking, kayaking, hunting, fishing, rock climbing, and accessing the beautiful coastline.

Once again, the League of Oregon Cities and the Association of Oregon Counties are ready to bring a bill to the Legislature in 2024 to restore recreational immunity. But the support of individuals and local governments is needed. The people of Oregon who enjoy recreational access to a wide range of properties, especially including trails to access climbing areas, the coast, rivers, streams and lakes, need to contact their local legislator and their local city or county officials to express their desire to restore recreational immunity.

Your CIS risk management consultant is available to assist you as you plan, evaluate, and mitigate the heightened risk as a result of the *Fields v. City of Newport* ruling.

Visit CIS’ Recreational Immunity FAQ at cisoregon.org/Reclmmunity for more information.



Real-Time Risk

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RECOMMENDATIONS FOR CITIES AND COUNTIES

1. **Improved trails that are used to access a recreational area should be closed.** This especially includes trails, walkways and stairs used to access bodies of water, such as the ocean, lakes, rivers, streams and reservoirs.
2. **Consider closing unimproved trails,** because the subjective intent of the user can now nullify recreational immunity, which means if someone is injured on an unimproved trail, the city or county may find itself facing a costly jury trial to determine the injured person's intent in using the trail.
3. **Speak with your City Attorney or County Counsel** about how *Fields v. Newport* could negatively affect your other recreational offerings to the public. For instance, someone who trips in a park can now say their primary purpose in using the park was not recreation, but rather they were simply passing through the park to access some other area in your jurisdiction.
4. **Download and utilize this audit** for property you decide to leave open because it is not conducive to a claim from someone "just passing through", to ensure your facility is protected as much as possible from liability claims.
 - a. Consider requiring people to sign a form affirming they are using the property only for recreational purposes if your organization can afford to post someone at that location (at a skate park, for example).
5. **Contact your legislator** and any of the following organizations you are affiliated with: the League of Oregon Cities, the Association of Oregon Counties, the Special Districts Association of Oregon, or the Oregon Recreation and Park Association; express your desire to keep property free and open to everyone in Oregon for recreational activities.

If you have any questions, please contact your Risk Management Consultant:

Northwest Oregon Coast and Columbia River Gorge

Margaret Ryan
mryan@cisoregon.org

Willamette Valley and Central Coast

Katie Durfee
kdurfee@cisoregon.org

Southern and Central Oregon

Laurie Olson
lolson@cisoregon.org

Eastern Oregon

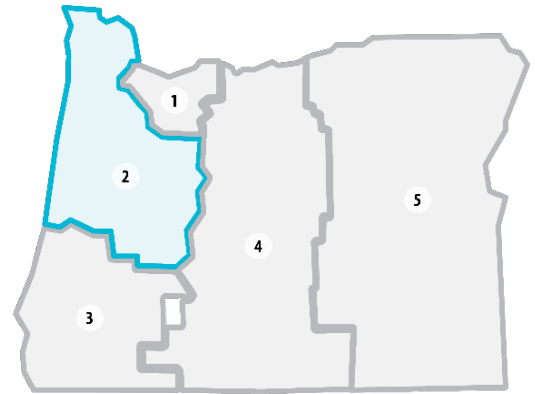
Lisa Masters
lmasters@cisoregon.org



Level of Service Reduction: Region 2

We have long relied on gas tax revenue to maintain the transportation system, but that revenue is declining. More Oregonians are buying hybrid and electric vehicles and using less gas. Meanwhile, the cost of doing business is increasing. ODOT can no longer maintain the system at the level Oregonians need and expect.

In response to this structural funding issue, we are reducing our expenses and services. We must prioritize our efforts and focus on safety. Drivers, cyclists, freight haulers, pedestrians – everyone who relies on our system – will experience a reduction in the service ODOT provides and a decline in the condition of the transportation system.



Region 2 serves northwest Oregon. Our crews operate out of 25 communities, maintaining 2,272 road miles, and 1,018 bridges.

Implementing our 2023-2025 budget

For our next budget, we implemented a 5% cut across all programs funded with state dollars. Within maintenance, we cut our services and materials an additional 15% to account for inflation and our reduced buying power. We are reducing service in three primary areas:

- Low-volume road maintenance.
- Roadside maintenance.
- Winter maintenance.

Additionally, we are reducing our use of overtime, reserving it for emergency events and storms. As we reduce the amount of proactive maintenance work we fund, we expect an increase in potholes, pavement ruts, and plugged and failed culverts.

ROADSIDE MAINTENANCE

We will reduce the volume and frequency of clearing and cleaning work in these areas:

- Mowing grass, spraying weeds and vegetation.
- Litter and debris pickup.
- Graffiti removal.

In Your Area

We'll mow, spray, and trim trees less often. This may decrease visibility and increase the risk of wildfire starts, wildlife collisions and weed growth.

We are removing litter less frequently so you can expect to see more debris along highways.

PAVEMENT MAINTENANCE

We are reducing pavement maintenance for low-volume roads – highways averaging less than 3,000 vehicles daily. We are deferring pothole and chip seal projects, and we are not repainting edge lines.

In Your Area

In Region 2, roughly 30% of the north valley's state highways are low-volume roads. System users can expect rougher roads, with more potholes and deeper ruts. If conditions deteriorate enough, we may reduce speeds to give people more time and opportunity to navigate rough stretches of highway.

Edge lines will fade over time, particularly around curves. Drivers will need to rely on the centerline for lane locations. **We will not restripe faded edge lines** on the following highway segments:

- OR 202 from Williamsport RD to OR 47.
- OR 47 from Clatskanie to U.S. 26 at Buxton, and from U.S. 26 to Banks.
- OR 103 from OR 202 at Jewell to U.S. 26 at Sunset Highway State Park.
- OR 53 from U.S. 26 to U.S. 101 at Nehalem Bay.

- OR 221 from OR 18 to OR 153.
- OR 233 from OR 99W to OR 221.
- OR 153 from OR 18 to OR 221.
- OR 22 from U.S. 101 to OR 18.
- OR 130 from OR 22 to U.S. 101.
- OR 214 from Silverton to OR 22.
- OR 194 from OR 223 to Monmouth.
- OR 223 from OR 22 to Falls City RD. (excludes Dallas).
- OR 229 from U.S. 101 to Siletz.
- OR 180 from Eddyville to Blodgett.
- OR 226 from U.S. 20 to Scio.
- OR 34 from Philomath to U.S. 101.
- OR 501 from OR 34 to Lobster Valley/Hazel Glen.
- U.S. 20 from Sweet Home to OR 126.
- OR 36 from OR 99 to Mapleton.
- OR 242 from OR 126 to Sisters.
- OR 126 from Aufderheide DR to U.S. 20.
- OR 429 from OR 58 to Crescent Lake RD.

Reducing pavement maintenance and eliminating edge line restriping on low-volume roads allows crews to address critical maintenance activities on primary routes.

WINTER MAINTENANCE

This winter, we are reducing the amount of sand and deicer we apply to state highways. We will focus our efforts on key highways, hills, curves and known trouble spots.

In Your Area

With fewer seasonal employees, our crews will prioritize key routes, including I-5, U.S. 26, U.S. 20, OR 22 and OR 126. Our crews will plow, and sand other highways, including OR 99 and OR 6; however, sanding and plowing will occur less often.

We encourage travelers to prepare for the possibility of extended delays and varying degrees of traction as they navigate roads. Extended closures and chain restrictions for areas outside the valley are likely. With smaller budgets for staff and the materials needed to plow, sand, and deice, the potential for traffic jams and crashes increases. Incidents will take longer to clear.

We strongly recommend travelers carry a fully stocked emergency kit, including a phone charger, and refuel or recharge their tanks often.