

Minutes of the Veneta City Council

July 25, 2016

Present: Sandra Larson, Thomas Cotter, Tim Brooker, Thomas Laing, and Laura Ruff

Others: Shauna Hartz, Finance Director; Kay Bork Community Development Director; Kyle Schauer, Public Works Director; Darci Henneman, City Recorder; Joan Mariner, Fern Ridge Review,

1. CALL TO ORDER THE VENETA CITY COUNCIL

Mayor Larson called the Veneta City Council to order at 6:30 p.m.

2. PUBLIC COMMENT

Troy McAdams, 88183 and 88182 8th St., Veneta, OR

Mr. McAdams said he and his wife purchased his wife's grandmother's house in 2002 and a few years later they purchased the lot next door because it was originally a part of her grandmother's property. He said he works three part time jobs and his wife also works but their combined income just barely allows them to make their monthly mortgage payment. If they have to pay \$66,000 they won't be able to keep his wife's grandmother's house. He said they're not sure what to do and how to deal with this. He asked if the City could find another way to fund the sewer project.

Julilah McAdams, 88138 8th St., Veneta, OR

Ms. McAdams said she would like to see the infrastructure funded another way.

In response to a question from Thomas Cotter, Mr. McAdams said his wife has talked with the other five neighbors but has not talked with City staff about payment options.

Mayor Larson said it is unfortunate that there are not more properties to spread the cost but its Veneta's mission to provide sewer to all City residents.

Schauer said he would like to talk with them.

3. CONSENT AGENDA

MOTION: Thomas Cotter made a motion to approve the consent agenda as presented.

Thomas Laing seconded motion.

VOTE: Thomas Laing, aye; Thomas Cotter, aye; Sandra Larson, aye; Laura Ruff, aye; Tim Brooker, aye.

The consent agenda as approved included Accounts Payable - Checks for Approval – Paid through July 14, 2016, To be Paid – Payable through July 18, 2016, Civic Calendar for August, 2016, Banner Permit Application from Kiwanis Club of Fern Ridge for the 2016 Motorcycle Show "N" Shine, Banner Permit Application from St. Catherine for the annual BBQ (previously approved by R. Ingham), Public Works Activity Report for June, 2016.

4. COUNCIL BUSINESS AND REPORTS

a. Business

(1) Lane County Sheriff's Office Activity Report

Sgt. Halvorson said there were 21 incidents at the skate park in June, where deputies had been called, beyond just passing by. He said because school had just released for the summer, he felt it was important for deputies to have a presence there. He said nothing out of the ordinary took place in June. He said property crimes are still high and petty and opportunistic thefts continue; people leaving vehicles unlocked or tools or other valuables left outside. He said Lane County Sheriff's Office (LCSO) received a grant from the State Sheriff's Association through ODOT. He

said those grant funds were used to pay for two extra deputies during the Oregon Country Fair (OCF). He said those extra deputies were also available for calls in City limits. He said there were 14 DUI's during OCF, which is up one from last year. He said the importance of the cooperation between the City, LCSO and the OCF has a lot to do with how things are handled and how little problems stay little.

In response to a question from Laura Ruff, Sgt. Halvorson said the only information he received about the child that accidentally ingested LSD that was dropped on the ground at a private campground, was that he was flown to Doernbecher Children's Hospital and is recovering.

Laura Ruff said she heard that he may have experienced an epileptic seizure. She said its unfortunate that it was connected to the OCF and that's all people will remember.

In response to a question from Thomas Laing, Sgt. Halvorson said he didn't hear an explosion at Veneta Elementary around 10:00 to 11:00 p.m. last night.

- (2) Appointment to Fill Park Board Vacancies (Positions 8 and 9)
With no objections from the Council, Mayor Larson appointed Bailey Frydendall to position 8 and Brianna Bryant to position 7 on the Veneta Park Board.
- (3) Donation Request from Elmira High School Athletic Department
Thomas Cotter said he is hesitant to donate to the athletic fund and not to other clubs or organizations at the high school.

Mayor Larson said we provide assistance for pool activities for all of the local schools. She said she's not sure if we can solicit requests for donations. She said the Council reviews all requests but they have to be brought to the Council.

In response to a question from Tim Brooker, Hartz said we haven't spent any of the 2016-17 fiscal year budget amounts, so the full \$5000 budgeted in the Zumwalt Fund, under Council Discretionary, and \$2000 in the General Fund, under Discretionary are available.

Tim Brooker said the funds are there but we can't single out a specific club.

Mayor Larson said she wonders how much of our donation actually goes to the Athletic Dept.

After a brief discussion, it was the consensus of the Council to table the sponsorship request for now and Mayor Larson, as the School District Liaison, will contact the school. She will inform the Booster Club that the City Council appreciates the request but has decided not to donate at this time and prefers to make a direct donation to the Booster Club.

In response to a question from Hartz, Mayor Larson said the Council is directing staff not to respond to this request because the Council prefers to make a direct donation to the Booster Club once we receive a formal request from the Club.

b. Council/Committee Liaison Reports

Thomas Laing said Leonard George has been appointed to Mid Lane Cares Executive Board. He said Mr. George spent 30 years with EWEB and 10 years with Bonneville Power. He said Mid Lanes' insurance company settled the lawsuit brought by Dr. Marta for an undisclosed amount. He said Deanna will step in as Coordinator/Director and Pat will step down and only work 15 hours a week. He said Mid Lane is discontinuing the Zumwalt project. He said there was a lot of complaining and it didn't bring in a lot of money so Mid Lane will concentrate on the Benefit by the Glass event and the Harvest Festival.

In response to a question from Thomas Cotter, Thomas Laing said Mid Lane sold ice, brownies and cupcakes at Zumwalt Campground during the Oregon Country Fair but they didn't do very well this year. He said the weather was cooler so not a lot of ice was sold. He said the Opportunity Village asked for \$140,000 grant but he did not attend the meeting at the Library.

Mayor Larson said the School Board hasn't met since the Council last met. They elected officers: Twinkle Morton will be Chair and Andrea Larson is Vice Chair. Construction is going on as planned and it sounds like there will be extra funds to be used to make the schools' surfaces look the same and blend the new additions in with the existing buildings. She said she and Bork attended the Joint Committee on Transportation public hearing. She said there were about nine people that specifically talked about Highway 126. She said Len Goodwin did a great job and she and Joan Mariner were on the evening news. She said Ingham did a great job getting people to speak at the hearing. She said Andrea Larson, Joan Mariner, Greg Demers, and Terry Ney were some who spoke at the hearing. She said she attended the Mayor's Conference which every year after the conference, she realizes how fortunate we are to have such a great Council.

5. STAFF REPORTS

- a. Community Development Director.....Kay Bork
 - (1) Presentation of Engineer's Report and Adoption of 8th Street Sewer Improvement LID Resolution No. 1204

- i. Agenda Item Summary

- Bork said if the Council approves the Engineer's Report, they can pass a resolution declaring the City's intent to make the improvement, to form a local improvement district (LID) to fund the improvement, and set a public hearing on the proposed improvement. She said on June 13, 2016 staff provided the Council with the original Engineer's Report dated May 13, 2016 and Council received the June 27, 2016 revised report tonight. The revised report included a modification to the project that reduced the cost to property owners from \$137,000 to \$102,000. A portion of the project that runs along 8th St. to Dunham and to the alley on McCutcheon would be funded by the City and the remainder would be funded through the LID.

In response to a question from Thomas Cotter, Hartz said this LID will follow the same process as the E. Bolton LID. She said once the project is completed, final costs and minimum assessments will be calculated. Property owners will be asked to start making installments payments on the minimum assessment and can defer the remaining assessment for up to 10 years at 8% interest which does not obligate them to make payments during that 10 year period. But they need to start talking with Schauer because there are other things that could reduce the total costs. She said both Bork and Schauer have attempted to meet with Mr. and Mrs. McAdams.

Schauer said this is the first time he has spoken with Mr. McAdam's. He said the Council may recall that Mrs. McAdam's spoke at the June 27th meeting and at that time, he gave her his business card and asked that she contact him but she has yet to do so.

Bork said she sent a certified letter to Mr. and Mrs. McAdams and two other property owners about tonight's meeting and the modified engineer's report but she hasn't heard from any of them. She said if the resolution was adopted, the notice would be published to formally form the LID and another notice would be mailed to the affected residents. She said residents were also notified they can remonstrant at the public hearing. She said if they were to remonstrate, public testimony against the LID would be collected which would delay the LID for six months.

In response to a question from Mayor Larson, Bork said only two-thirds of the affected street frontage or acreage is needed to remonstrate and Mr. and Mrs. McAdams alone have that, which if they remonstrated, would delay construction. She said we do not have any irrevocable petitions.

Laura Ruff said the pavement is so poor, so it doesn't make sense to put a lot of money in the road now if we're just going to tear it up later to put the infrastructure in. She suggested maybe we hold off and patch the road until we possibly see an economy change.

Mayor Larson said upgrading the roadway is part of why we want to do the LID but ultimately sooner or later we need to provide sewer to all City residents.

Bork said its staff's recommendation, if the Council took action, to approve the modified engineer's report.

In response to a question from Mayor Larson, Schauer said typically the entire infrastructure required to serve the LID is located within the service area of the LID, but in this case, we need to run past served properties so that's why the City will pay \$36,000 for the cost of the extra infrastructure which will reduce the property owners' LID costs from \$137,000 to \$102,000.

In response to a question from Laura Ruff, Schauer said it's difficult to say when construction will start but we can say it won't get started until next spring or summer.

Bork said the last project took six months just to get the LID established and about a year to get the final assessment figures and pass the LID ordinance.

ii. **Resolution No. 1204** – A RESOLUTION DESIGNATING PROPOSED WASTEWATER COLLECTION SYSTEM IMPROVEMENTS ON 8TH STREET AND DECLARING THE CITY'S INTENTION TO FORM A LOCAL IMPROVEMENT DISTRICT TO FUND SUCH IMPROVEMENTS

MOTION: Thomas Cotter made a motion to approve the June 27, 2016 Engineer's Report for the 8th Street Sewer Improvement LID. Tim Brooker seconded the motion which passed with a vote of 5-0.

MOTION: Thomas Cotter made a motion to adopt Resolution No. 1204, a Resolution designating proposed wastewater collection system improvements on 8th St. and declaring the City's intention to form a local improvement district to fund such improvements and set a public hearing on the proposed improvement for the second meeting in September, 2016. Tim Brooker seconded the motion which passed with a vote of 5-0.

b. Finance Director.....Shauna Hartz

(1) **Ordinance No. 535** – AN ORDINANCE REPEALING ORDINANCE NO. 515. For Second Reading by Title Only and Final Enactment

Hartz said the purpose of Ordinance No. 535 is to repeal Ordinance No. 515 which will cancel out the action the City took on the marijuana sales tax prior to the state laws coming into effect. She said it was recommended by legal counsel to repeal Ordinance No. 515.

MOTION: Thomas Cotter made a motion to adopt Ordinance No. 535, an Ordinance repealing Ordinance No. 515 for second reading by title only and final enactment. Thomas Laing seconded the motion which passed with a vote of 5-0.

Ordinance No. 535 was read into the record for second reading by title only and final enactment.

(2) Amendments to Title 3 of Veneta Municipal Code Related to Disposition of Personal Property
i. Agenda Item Summary

Hartz said Ordinance No. 537 modifies a part of the code that governs how we handle personal property that the City has taken possession of due to abandonment. For example, a

bicycle that was brought in and not claimed. She said currently the code is somewhat complicated because even though this section addresses abandoned property, it also could be interpreted to apply to all City property - purchased, donated and/or abandoned. She said based on that, legal counsel recommended we'd better separate the type of property that Veneta Municipal Code (VMC) 3.05 applies to. Hartz said as she made those corrections, there were a few other areas that needed some housekeeping. She said she also created a form to make sure we follow all of the required steps.

- ii. **Ordinance No. 537** – AN ORDINANCE AMENDING VENETA MUNICIPAL CODE TITLE 3 CHAPTER 05. For First Reading by Title Only.

MOTION: **Thomas Cotter made a motion to adopt Ordinance No. 537, an Ordinance amending Veneta Municipal Code Title 3, Chapter 05 for first reading by title only. Tim Brooker seconded the motion which passed with a vote of 5-0.**

Ordinance No. 537 was read into the record for first reading by title only.

- c. Public Works Director.....Kyle Schauer

(1) Award of Construction Contract for 2nd & 3rd St Contract Improvements

Schauer said we only received one bid from Wildish Construction Co. of \$487,034.85 for the improvements to 2nd St. and 3rd St. Branch Engineering deemed the bid complete and responsive but it's about 20% higher than the engineer's estimate of \$400,000. He said due to the fact that it was the only bid, its difficult to determine if the engineer's estimate was low or if the bid is higher than typical market conditions. He said the engineer's estimate, based on work awarded earlier this year and last year, seemed accurate. He said the 20% overage calculates to almost \$90,000 and the project is budgeted in the 2016-17 at \$517,000 for construction and engineering. Total cost of the project including engineering is expected to be approximately \$512,000. He said adding a 10% contingency for construction projects (which we typically do) would bring the project estimate at \$560,000 which is more than the \$517,000 budgeted. Staff recommended that the budgeted amount does not support the cost estimate and suggested we reject all bids at this time. He said there are a few options we can do to reduce costs; re-advertise and rebid the entire project next February to try to catch the new construction season and get additional bidders. He said we may see some savings if we do the water project this fall and wait until next spring to do the construction and paving.

In response to a question from Mayor Larson, Schauer said the engineer's estimate calls for the water line to be done first even if the water and paving/asphalt work are done together. He said either way the water line would require a temporary patching.

In response to a question from Tim Brooker, Schauer said he was surprised that the bid from Wildish came in so high even though they are already out here and were awarded the 2016 Pavement Preservation project. He said we can alter the scope of work, but he doesn't recommend it. He said we don't want to cut corners.

In response to a question from Thomas Cotter, Schauer said he doesn't think it would be more than a few thousand dollars to rebid the project and have the engineer prepare another report. He said it could come in higher next year but he felt we've just hit the construction cycle wrong.

MOTION: **Thomas Cotter made a motion that the City Council reject all bids currently associated with the 2nd and 3rd Street Improvement Project and that the project be re-advertised for a bid at a different time. Thomas Laing seconded the motion which passed with a vote of 5-0.**

(2) Added Scope of Work for 2016 Pavement Preservation Project

Schauer said money is available for additional work because the Wildish Construction Co. bid for the 2016 Pavement Preservation project came in almost \$95,000 less than the engineer's estimate. He said with that savings, we could add additional work. Schauer said he requested an estimate for a change order to add asphalt overlay to a section of 9th St. from Parkside through the intersection of Sherwood St. and also a short section of Sherwood St. and all of Dawn Ct. He said this project was scheduled to be done in the next two years of the Pavement Preservation Plan. The estimate for this work came in at \$52,000 with a 15% contingency the contract will not exceed \$60,000 for the additional work. If the Council authorizes the change order for the additional work, the contract with Wildish Construction Co. would be increased to not exceed \$285,000.

MOTION: Thomas Cotter made a motion to enter into a change order to add additional work proposed to the 2016 Pavement Preservation Project not to exceed \$285,000. Tim Brooker seconded the motion which passed with a vote of 5-0.

(3) Status of the Wastewater Treatment Plant

Schauer said the treatment plant continues to struggle. He said the unknown substance first entered the ponds almost six weeks ago. He said he's been working with DEQ on a new permit and they've been chlorinating the ponds but its not typical and no E coli was detected as of last weekend. Last weekend the east pond was getting healthy and continued to improve Monday and was almost normal on Tuesday, but on Wednesday it started to die and two days later, it was dead. He said he believes it comes through on the weekend and by the third day we see total devastation. He said today he believes the west pond is coming around and hopefully we can keep it from turning back. He said public works has checked man holes and the Lane County Hazmat Team volunteered to test a sample. He said they have data bases that reference where specific chemicals are being used. He said he also contacted the City of Eugene and after a lengthy conversation, came up with nothing. He said this plant has been running since 2002 and we've never had anything like this happen before. He said the contaminant that's killing off the plant can be as little as a gallon or two. He said everything on the influent appeared normal.

In response to a question from Thomas Cotter, Schauer said there are very few Biolac systems in Oregon. He said it has been determined by DEQ that it has to be some kind of chemical because nothing naturally occurring in the plant will cause this to happen. Schauer said even if we can isolate it, we may not be able to trace it. He said it appears odorless and colorless. He said if we find out what it is, we may be able to trace it, but it doesn't leave a trail.

In response to a question from Laura Ruff, Schauer said DEQ has given us a letter permit through the end of August and we are in violation but due to circumstances beyond our control, DEQ has only given us a warning letter. He said he's not sure what they will do if the problem continues. He said the problem may just go away and we may never know what caused it. He said he's not ready to say it's intentional, but if we get the word out, a resident may realize that they are causing the problem. He said we would continue to work with DEQ if the problem continues but it's beyond his expertise. He said the City of Eugene Industrial Source Team has been asked to come out and take a tour.

In response to questions from Mayor Larson, Schauer said he's talked with deputies and they are watching for anything out of the ordinary. He also talked with some local businesses and it was determined that chemicals they use aren't capable of causing this kind of problem. We don't have much industry so there's not a lot of areas to look. He said a sheen on the pond is visible again and he's not sure if we got hit again but everything is dead. He said the expenses are adding up: a lot of overtime, irrigating from dawn to dusk, and taking more samples. Schauer said this is new to us but the City of Eugene has an entire department that deals with it. He said in our situation, when the plant dies it releases odor.

6. OTHER

Hartz reminded Councilors to please complete the City Administrator evaluations if they haven't already done so and return them to her.

Henneman reminded everyone to please contact her if they plan to attend the League of Oregon Cities conference.

Thomas Laing said he will be out of town the entire month of September.

Schauer reminded the Council that Friday, July 29th is the Family Fun Night at the pool. He said this is the last pool event for the summer and he invited everyone to attend.

7. ADJOURN

Mayor Larson adjourned the Veneta City Council at 7:50 p.m.


Sandra H. Larson, Mayor

ATTEST:



Darci Henneman, City Recorder
(Minutes prepared by DHenneman)