

Minutes of the Veneta City Council

August 8, 2016

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

Others: Ric Ingham, City Administrator; Shauna Hartz, Finance Director; Kay Bork Community Development Director; Kyle Schauer, Public Works Director; Darci Henneman, City Recorder; Alex Lanham, Laurette Garner and Merideth Serrell, Lane Arts Council; Christi Inskip, Lane County Public Health; and 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

Alex Lanham, 90356 Sheffler, Rd., Elmira, OR

Laurette Garner, Springfield, OR

Ms. Garner said the Lane Arts Council summer art program included creating silk screens and ceramic tiles. She said the students would like to present the City Council with two screens to display at City Hall. She said in order to reach more kids about the program, next year they are planning to set up a booth at Territorial Sports Program (TSP) events and use the Lane Fire Authority reader board to advertise the summer art program. They are hoping to have the program at Veneta Elementary next year. She again thanked the Council for the continued support of the program.

In response to questions from Thomas Cotter, Mr. Lanham said the program served about 28 students per session and some of the kids participated in more than one session. He said for the silk drawings the theme for students aged five to eight was "magical animals" and the theme for students aged nine to eleven was the "four seasons". He said students from all over the area attended the sessions including many that are home schooled and a few from the Triangle Lake area.

Merideth Serrell, Eugene, OR

Ms. Serrell said the students made individual silk screens to take home. She also photographed them.

In response to a question from Thomas Laing, Ms. Garner said Lane Arts Council also received donations from the Collins Foundation, Oregon Country Fair, and personal donations for scholarships. She said 33 students were able to attend the sessions on scholarships.

Ingham suggested Mr. Lanham contact City staff in early May to assist with getting the word out about the summer art program.

Mayor Larson thanked them for partnering with the City. She chose two murals that will be displayed at City Hall - one from the younger students and one from the older students.

Mr. Lanham said the City has been assisting with the summer art program since 1996. He thanked the Council for the contributions they've made to our community's youth.

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 Minutes for June 27, 2016, Minutes for July 14, 2016 Special

Meeting, Minutes for July 25, 2016, Accounts Payable - To be Paid – Payable through August 2, 2016, Banner Permit Application from Elmira Booster Club – Country Classic Car Show (previously approved by R. Ingham), Banner Permit Application from Mid Lane Cares for Veneta Harvest Festival, Mid Lane Cares Street Closure and Noise Variance Permits for the 2016 Veneta Harvest Festival.

4. COUNCIL BUSINESS AND REPORTS

a. Business

- (1) Community Center Rental Waiver Request from West Lane Technical Learning Center

MOTION: Thomas Cotter made a motion to waive the community center rental fee of \$430.00 for the West Lane Technical Learning Center fundraising event. Tim Brooker seconded the motion which passed with a vote of 5-0.

- (2) Community Center Rental Waiver Request from S.A.N.T.A. Project

MOTION: Thomas Cotter made a motion to waive the community center rental fee of \$105.00 for the S.A.N.T.A. project. Tim Brooker seconded the motion which passed with a vote of 5-0.

- (3) Request from Veneta-Fern Ridge Chamber of Commerce to Sponsor the 2016 Chili Cook-off

MOTION: Thomas Cotter made a motion to approve \$500 sponsorship from the Rural Tourism Marketing Program to Veneta-Fern Ridge Chamber of Commerce for support of the Chili Cook-off at the 2016 Veneta Harvest Festival. Tim Brooker seconded the motion which passed with a vote of 5-0.

- (4) Request from Mid Lane Cares to Sponsor the 2016 Veneta Harvest Festival

MOTION: Thomas Cotter made a motion to approve \$500 sponsorship from the Rural Tourism Marketing Program to Mid Lane Cares for support of the 2016 Veneta Harvest Festival. Thomas Laing seconded the motion which passed with a vote of 5-0.

b. Council/Committee Liaison Reports

Mayor Larson said she attended Family Fun Night at the pool and it was well attended. She said funds continue to come in from the duck sales for the kiddy pool and Oregon Country Fair (OCF) donated \$1500. She said she visited the community garden and the garden beds look great. She said this week is National Farmers' Market Week.

5. STAFF REPORTS

a. Economic Development Specialist.....Claudia Denton

- (1) Business Assistance Program Adoption

- i. Agenda Item Summary

Denton said a few changes were made but the most significant change was to the title from "Business Assistance Fund" to Business Assistance Program". She said the rules were separated from the application and checklist so they can be updated without repealing the resolution. The resolution will adopt the rules.

In response to a question from Mayor Larson, Ingham said the City has a business license requirement.

In response to a question from Tim Brooker, Hartz said Resolution No. 1203 adopts the Business Assistance Program.

ii. **Resolution No. 1203** - A RESOLUTION ADOPTING THE BUSINESS ASSISTANCE PROGRAM

MOTION: Thomas Cotter made a motion to adopt Resolution No. 1203, a resolution adopting the Business Assistance Program as presented. Laura Ruff seconded the motion which passed with a vote of 5-0.

Denton said this will be her last Council meeting, however, she will attend the August and September meetings of the Economic Development Committee (EDC).

The Council thanked her for all of the hard work she's put into the EDC.

b. Finance Director.....Shauna Hartz

(1) **Ordinance No. 537** – AN ORDINANCE AMENDING VENETA MUNICIPAL CODE TITLE 3 CHAPTER 05. For Second Reading by Title Only and Final Enactment.

Hartz said the Council approved Ordinance No. 537 at the July 25, 2016 meeting for first reading by title only. She said the ordinance addresses how the City disposes of abandoned property in our possession.

MOTION: Thomas Cotter made a motion to adopt Ordinance No. 537, an Ordinance amending Veneta Municipal Code Title 3 Chapter 05. For second reading by title only and final enactment. Thomas Laing seconded the motion which passed with a vote of 5-0.

Ordinance No. 537 was read into the record for second reading by title only and final enactment.

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

(1) Status of the Wastewater Treatment Plant

Schauer said there has been another incident at the ponds since the last time he reported to the Council. However, it doesn't seem to be as bad because he isolated the two ponds. He said the east pond is getting better and it actually has a bug population that is close to normal so we're getting there. The west pond is still struggling and its possible we received another contamination over the weekend. He said our public works crew collected samples and took them to Lane County Hazmat but they could not determine what the substance was. He said for the next few days his crew will move some good bugs from the east pond to the west pond to see if it would stimulate growth. He said he will be meeting with DEQ to discuss several topics. He said we still have not identified what the substance is or where it's coming from.

In response to a question from Mayor Larson, Ingham said we'll start a door to door campaign and also review the Secretary of State's business registration listing to see if any businesses are identified that are not listed in our business registration database.

In response to a question from Laura Ruff, Schauer said we borrowed a sampler from the City of Eugene to allow us to take a sample every hour, which his crew started doing but we don't know how to identify the substance. He said he invited Lane County Hazmat and DEQ to take a look and DEQ is working with him.

In response to questions from Thomas Cotter, Schauer said previously, both ponds received the same influent and he can run them together or individually but we can't stop the flow coming in. He said the east pond is receiving about 5% of the influent and the remaining 95% is going to the west pond. He said he doesn't want to lose the east pond again. He said whatever is coming in is killing everything within two days.

In response to a question from Tim Brooker, Schauer said DEQ issued a special permit because we can't meet our normal permit, but fortunately, our treated effluent can be land applied and

chlorinated. Schauer said it all comes in at the same time and there's no changes on the influent; no high odor, low pH, high pH, color, etc.

In response to a question from Thomas Cotter, Schauer said DEQ is having a hard time telling us what to test for or how to narrow it down to certain chemicals and once identified, how to trace it to the source.

Ingham said our plant is one of three Biolac plants in the state, so it's not like DEQ can offer additional assistance.

Tim Brooker said likely someone is being lazy and doesn't want to haul chemicals to the waste site.

Schauer said there hasn't been any real consistency between the incidents and it seems that the duration between incidents is getting shorter.

In response to a question from Mayor Larson, Schauer said he's not completely convinced that it's happening on the weekend. He said not knowing exactly how long it takes to react makes it really hard to pinpoint when it happens. He said there's nothing natural that can cause what's happening.

In response to a question from Thomas Laing, Schauer said there may be a private firm that can identify the substance but everyone he's talked to so far is somewhat baffled because nothing is showing up in the samples. He said he can monitor the pH levels but the pH isn't changing.

There was a thorough discussion about Lane County doing a hazardous materials take back in Veneta but that likely wouldn't take place any time soon. Because the Council chose not to participate with the County tipping fee, a chemical take back day is an event the tipping fee provides. The discussion also included looking into having a Lane County staff person accept the materials. The next hazardous material take back event is in Florence.

In response to a question from Mayor Larson, Ingham said the Lane County solid waste program is going through some major issues and even if we decided to participate in the tipping fee we still may not see additional services. He said there would have to be some level of guarantee that they would bring back those services if we were to participate in the tipping fee.

d. City Administrator.....Ric Ingham

(1) Adoption of Tobacco Retail Licensing Program

i. Agenda Item Summary

Ingham said Lane County Public Health has been working to get the tobacco licensing program passed for unincorporated areas of Lane County and also has asked cities to consider their own ordinance to adopt the program. He said the attached Intergovernmental Agreement (IGA) with Lane County spells out the functions the County would provide on behalf of the City. (Monitoring, enforcement, and collection of the fee). The ordinance will put in place the regulation of tobacco products to minors which includes electronic devices. He said after the council packets went out, legal counsel suggested some language to be included in the Ordinance.

In response to a question from Mayor Larson, Ingham said this is the next logical step to take to deter our youth from smoking.

Christi Inskip, Lane County Public Health Tobacco Prevention Coordinator said the ordinance does not include any requirements for how retail establishments display or advertise merchandise, but it does include the restriction of retailers within 1000 ft. of any school.

Ingham said existing retailers within 1000 ft. from Veneta Elementary are exempt from that 1000 ft. rule. However, it would apply to any new stores locating within 1000 ft. of the school.

He said the Charter School, West Lane Technical Learning Center (WLTLC), is located in the West Lane Shopping Center and he is concerned about future retail establishments being prohibited from locating in the shopping center because of WLTLC is a tenant there.

Ms. Inskip said that may be an issue. She said the County ordinance includes language that if a school locates within 1000 ft. of an existing retailer, then the retailer is not required to move. She said provided that exemption is in the ordinance, neither would be required to move.

Ingham said this is a unique situation with WLTLC Charter School being in the shopping center. He said a new retailer would not be allowed to move in because it would be within 1000 ft. of the school. He referenced Exhibit A, Section 5.30.030(1)(a) . . . "school" means a public kindergarten, elementary, middle, junior high or high school". He said it could be interpreted that Charter School is not listed. He said it is not a high school because they take in some middle school kids. He said staff could bring this back for Council review, but we could outright exclude Charter Schools from this definition. He said even though we found a good home for WLTLC, it's located in a shopping center which is designated for commercial activities and was never intended as a location for a school.

In response to a question from Thomas Cotter, Ingham said a good example would be if the High Light Garden Store were to move, a new tobacco retailer would not be allowed to locate in the shopping center because WLTLC was there first.

After a thorough discussion, it was the consensus of the Council, that Ingham should discuss this issue with legal counsel and provide feedback to the Council regarding a slight modification to the Ordinance language prior to the second reading and final enactment of the ordinance. If the modifications are significant then the modified Ordinance will be re-read at the September 12th meeting for first reading.

- ii. **Ordinance No. 538** – AN ORDINANCE ESTABLISHING VENETA MUNICIPAL CODE TITLE 5, CHAPTER 30, TOBACCO RETAIL LICENSING. For First Reading by Title Only.

MOTION: Thomas Cotter made a motion to adopt Ordinance No. 538, an Ordinance establishing Veneta Municipal Code Title 5, Chapter 30, Tobacco Retail Licensing. For first reading by title only. Thomas Laing seconded the motion which passed with a vote of 5-0.

Ordinance No. 538 was read into the record for first reading by title only.

- (2) Extension of Charter Communications Microwave Tower Site Lease

Ingham said this lease is for the microwave dish on Bolton Hill that receives a signal from Eugene for the entire Fern Ridge community. He said the City entered into a lease agreement in 2002 and chose to extend the existing lease annually and not modify the lease as we continue efforts to convince them that they should provide fiber at the site. He recommended that we keep modifying the existing language and not go through an entire agreement. He said the monthly rent brings in about \$5000 per year.

In response to a question from Mayor Larson, Ingham said the monthly lease payments go into the General Fund.

MOTION: Thomas Cotter made a motion to approve the microwave lease agreement with Charter Communications for one-year beginning January 2016. Tim Brooker seconded the motion which passed with a vote of 5-0.

MOTION: Thomas Cotter made a motion to amend his previous motion to approve the microwave lease agreement with Charter Communications for one –year beginning January 2017. Thomas Laing seconded the motion which passed with a vote of 5-0.

- (3) Transfer of Verizon Cell Tower Lease to American Tower
Ingham said in the Fall of 2015 Verizon Communications Inc. made arrangements to sublease the majority of their towers to American Tower Co. but the City's lease with Verizon requires the City's consent to complete the sublease transfer. He said American Tower offered a \$6000 signing bonus if we agreed to the sublease which will not alter the terms or conditions of the original Verizon lease. He said he's hopeful this will be a positive change.

MOTION: Thomas Cotter made a motion to approve the agreement with American Tower Company consenting to the transfer of sublease with Verizon Communications Inc. Thomas Laing seconded the motion which passed with a vote of 5-0.

- (4) Questions from Councilors
In response to a question from Thomas Laing, Ingham said upon direction from the council, staff would develop the language to put a gas tax on the ballot but are out of time to get it on the November 2016 ballot. He said we have a new revenue stream since the TUF was enacted on July 1st, which we didn't need to take to the voters for approval. He said we've received no negative comments from residents about the TUF - it's just being paid. He recommended that between enacting the TUF and the recreational marijuana tax, now isn't the time to try for a gas tax. He also said that Bork will be launching an update to the Transportation System Plan (TSP) later this year and that process will identify large capital projects and the work plan will call for a lot of community input about how to pay for those projects.

In response to a question from Mayor Larson, Hartz said enacting a gas tax would generate about \$65,000 annually but that's not enough to cover large projects which we'd save up for. She said the TUF generates about the same amount annually.

Tim Brooker and Thomas Cotter agreed at some point the gas tax should be raised but now isn't the time.

In response to a question from Mayor Larson, Ingham said he, Bork, and Garbett met with Thomas Laing to discuss the request from Post 9448 of the Veterans of Foreign Wars (VFW) about the City donating land for a memorial. He said they identified a number of parcels and the first preferred site is Luther Lane and second would be next to the Applegate Pioneer Museum. He said they are still in the talking stage.

In response to a question from Mayor Larson, Ingham said the graffiti artist was identified as a minor and taken to youth services but at this point, it's doubtful the Lane County District Attorney will press charges.

Thomas Laing said the community garden was vandalized over the weekend.

In response to a question from Mayor Larson, Schauer said he met with Mr. and Mrs. McAdams and they have been made aware of their options regarding the proposed 8th St. LID.

In response to a question from Thomas Laing, Schauer said a certified letter was returned to the City but was likely due to the property selling during that same time.

Ingham said Bork and Schauer met with three of the property owners and provided information about the process.

In response to a question from Tim Brooker, Ingham said we don't have any irrevocable petitions with the 8th St. property owners so it's likely they will all remonstrate which, at the Council's discretion can postpone the project for up to six months.

6. OTHER

Ingham said a farewell for Claudia Denton has been scheduled for Wednesday, August 10th immediately following the Economic Development Committee (EDC) meeting. He said she has done a phenomenal job on getting the EDC up and running and has been a top notch Regional Assistance for Rural Environments (R.A.R.E.) participant. He said two weeks ago, Bork, Garbett and Len Goodwin interviewed five R.A.R.E. potential participants and narrowed it down to two choices. He said they were both highly qualified and Marina Brassfield was chosen and accepted the position. He said on another note, the final Business Connect report should have been on tonight's agenda which was an oversight on staff's part, but staff will provide that in September. He said three subcommittees have been identified: Work Force, Business Infrastructure and, Business Marketing Tools, those subcommittees are being formed and hopefully some action plans will come from the Business Connect report.

Ingham said Schauer has been working with our engineer to update the Wastewater Master Plan which was last updated in 2009. He said the changes aren't radical but staff would like to know if the Council would like it to be presented at a regular Council meeting or hold a work session.

Schauer said he requested the update because the Capital Improvement Plan (CIP) improvements were laid out year by year and we haven't seen a lot of growth, which put the years out of sequence. We'd like to review the CIP and see where the expansions are and if the original plans are still viable, based on growth and other decisions. He said he also recommended we look at the regulatory environment and how that's changed as well. Lastly, he said we should review what our current capacity is and based on that, line out our future options.

In response to a question from Mayor Larson, Schauer said the large Sarto development being proposed caught us by surprise and he asked Civil West Engineering to include that information in the update to see how it would affect the whole system.

After a thorough discussion, it was the consensus of the Council to hold a work session on September 26, 2016 prior to the regular Council meeting.

Ingham said there was an issue at the pool about a family that purchased a family pass but they also bring an aid for one of their children. The family passes are for up to five people but the family in question was wanting the pass to cover six people. The father is inciting that the aid is admitted free of charge but unfortunately, all fees are set by Council, and with only three weeks left in the pool season, staff is suggesting we do some sort of exemption. He said residents bring up similar issues all the time; are we giving veterans and disabled residents some kind of discount. He said we don't feel it's appropriate to put it on the pool manager or Schauer to modify fees. He suggested the pool fees should be reviewed next spring for re-set by resolution.

Laura Ruff said since she injured her arm, she would be happy to rescind her swim pass to the family in question to admit another person with their group. She said her swim pass is kept at the pool and she gave permission for the family to use it.

Ingham said since Lane County does not publish a local voters' pamphlet, our proposed recreational marijuana tax will not be included in the state voters' pamphlet and neither will the Lane Fire Authority merger or the Fern Ridge Library operating levy. He suggested we start a discussion with those other two entities to get something published.

Mayor Larson temporarily adjourned the Council at 8:13 p.m. and opened the Urban Renewal Agency meeting. Mayor Larson reconvened the City Council meeting at 8:16 p.m. and went directly into executive session.

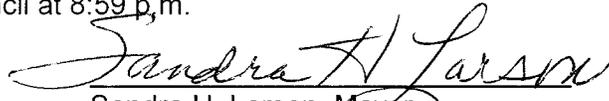
EXECUTIVE SESSION

ORS 192.660(2)(i) – City Administrator Evaluation

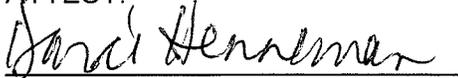
After making no decisions, Mayor Larson closed the executive session and reconvened the regular Council meeting at 8:59 p.m.

8. ADJOURN

Mayor Larson adjourned the Veneta City Council at 8:59 p.m.


Sandra H. Larson, Mayor

ATTEST:



Darci Henneman, City Recorder
(Minutes prepared by DHenneman)