

Minutes of the Veneta City Council
June 13, 2005

Council
Present: Mayor T. J. Brooker, Thomas Cotter (arrived at 7:30 p.m.), Darrell Carman, and Marion Esty

Absent: Fred Miller

Others: Ric Ingham, City Administrator; Sheryl Hackett, City Recorder; Margaret Boutell, Community Services Director; Gino Galiato; James Dean; Heather Hill, Lane County Fire District No. 1; Denny Capps; Al James; Marti Byer; Sgt. Trapp, LCSO; Danny Melhorn; Marlis Moats; Barb Nelson; Alan Arsenian; and Jeneca Jones, West Lane News

Mayor Brooker called the City Council to order at 7:06 p.m.

1. **PUBLIC COMMENT:** None
2. **PUBLIC HEARING ON THE APPROVED 2004/05 BUDGET**
 - a. Public Hearing in regard to the approved Fiscal Year 2005-2006 Operating Budget for the City
 - (1) Open Hearing: Mayor Brooker opened the public hearing at 7:07 p.m.
 - (2) Declaration of potential conflict of interest or ex-parte contacts: None
 - (3) Staff Report (Ric Ingham, City Administrator)
Ric said the budget committee held two public meetings and the publication requirements were met. The public will have the opportunity to comment on the budget and if the budget is approved it will be adopted by Resolution 898 following the public hearing.
 - (4) Proponents for any items in the budget document: None
 - (5) Opponents of any items in the budget document: None
 - (6) Questions from the Council: None
 - (7) Close of Public Hearing: Mayor Brooker closed the public hearing at 7:10 p.m.
 - b. **Resolution 898 - A RESOLUTION ADOPTING THE OPERATING BUDGET FOR FISCAL YEAR 2005-2006; IMPOSING TAXES; SPECIFYING APPROPRIATIONS; AND CATEGORIZING TAXES IMPOSED.**

MOTION: Marion Esty made a motion to adopt Resolution 898 for the operating budget for fiscal year 2005-2006, imposing taxes, specifying appropriations and categorizing taxes imposed. Darrell Carman seconded the motion which passed with a vote of 3-0. (Thomas Cotter and Fred Miller were not present for the vote)

3. **CONSENT AGENDA**

MOTION: Darrell Carman made a motion to approve the consent agenda as presented. Marion Esty seconded the motion.

Vote: Marion Esty, aye;; Mayor Brooker, aye; Darrell Carman aye.

The consent agenda as adopted included page 1-3 of the minutes for the May 11, 2005 joint meeting with Veneta Planning Commission, minutes for the May 23, 2005 City Council meeting, the Public Works Monthly Activity Report, and bills paid and payable for May/June 2005.

4. **DEPARTMENT REPORTS**

a. FROM MAYOR/COUNCILORS

(1) Public Comments: Mayor Brooker postponed the public comment session for Social Gaming until later in the meeting to await the arrival of Councilor Thomas Cotter.

(2) Requests for funding assistance

Safety on Wheels

Lane County Fire District representative Heather Hill said they are planning a second helmet giveaway on July 30, 2005 from 11:00 a.m. to 3:00 p.m. at the skate park. She said the program was very successful last year. This year they are seeking more donations so they can include knee, elbow, and wrist pads to help reduce injuries.

MOTION: Mayor Brooker made a motion to donate \$300 to the Safety on Wheels program. Marion Esty seconded the motion which passed with a unanimous vote of 3-0.

ART Inc.

Marti Byer, Artistic Director for the Applegate Regional Theater, said the group has taught some free classes at the library and Olivet Baptist Church has donated space for acting and audition classes. She said the group held a fundraiser yesterday which was successful. She said they need funding to purchase liability insurance coverage for use of space in various buildings in the community. She said the policy will cost \$500/year and she asked the Council for money to help cover that cost. In response to a question from Marion, Marti said Applegate Regional Theater in the official name of their organization but they are using the abbreviation "ART" for marketing.

MOTION: Marion Esty made a motion to contribute \$300 to the Applegate Regional Theater for the purpose of purchasing liability insurance. Darrell Carman seconded the motion which passed with unanimous vote of 3-0.

Fern Ridge Middle School Equipment Purchase

City Public Works employee Dennis Capps appeared before the Council as a representative of the Long Tom Watershed Council which has been given \$1,000 through the Jane Clair-Edmunds Estate to award as a grant. Denny said Fern Ridge Middle School teacher Al James has a field trip program which has been identified as a worthy recipient of the grant funds. The Oregon Country Fair has donated a \$500 match and he asked the Council to donate the remaining \$500 match. Mr. James will use the funds to help fund the field trip program, including the purchase of some needed equipment.

Al James said he has been teaching at the Fern Ridge Middle School for 22 years and their field trip program is unparalleled in the state. Due to the school district's reduced funding over the past six years, the program now needs to be supported through donations, fund raising, and student fees.

Thomas Cotter arrived at 7:30 p.m.

MOTION: Marion Esty made a motion to donate \$500 in match funds to support the Fern Ridge Middle School field trip program. Darrell Carman seconded the motion which passed with a unanimous vote of 4-0.

b. COUNCIL/COMMITTEE LIAISONS

Marion Esty (Planning Commission) - the Coven Estates Subdivision was denied by the Planning Commission. A decision on the wetland variance is still pending and is scheduled for a joint meeting of the City Council and Planning Commission in July. The Planning Commission approved three other tentative subdivisions.

Marion Esty (Region 2050) - the Open House was a success with about 75 people in attendance.

4. a. (1) Public Comments: Social Gaming

Mayor Brooker said he would like the discussion limited to what kind of games are desired, what types of fees should be charged, and enforcement issues. He said there are specific rules in the ORS statutes that will have to be adhered to. If the City adopts a social gaming ordinance, they will have to be able to enforce it; therefore, the City will need to charge a fee that will cover enforcement and administrative costs.

Danny Melhorn; 24694 Suttle Road; Elmira, OR (Yukon Jacks)

Mr. Melhorn, owner of Yukon Jacks, asked if the Council drafts an ordinance will the public have the opportunity to comment on what is proposed. In response, Mayor Brooker said the Council wants to hear from the public before deciding on whether to draft an ordinance. If an ordinance is drafted it will be available for public review before it is

adopted. In response to Mayor Brooker about what specific games his establishment is interested in, Mr. Melhorn said they would like an ordinance to allow the card game Texas Hold-em. He said Veneta will benefit because the games will keep local people in Veneta and will draw others to Veneta. He said he would prefer paying an annual fee rather than a per game fee. He said his preference would be to not limit the card games to one specific game.

Thomas Cotter said the City has several ordinances from other cities to review.

Marlis Moats; 24967 Hwy 126; Veneta, OR (Charlie Mack's Sports Bar & Grill)

Ms. Moats said she checked the ORS statutes and they are very broad. She agrees with Mr. Melhorn that Texas Hold-em is the popular game right now but she said she would like any games that will help local businesses by keeping their customers in town rather than going to Eugene to play. She said social gaming is a form of entertainment that offers people an opportunity to socialize and keeps them off the streets. She said they already have OLCC inspections so she doesn't think enforcement will be a big issue. She agrees with Mr. Melhorn that an annual license fee would be better than a per game fee. She said she understands the business owners cannot profit from the games themselves; however, they do benefit because the participants will purchase food and beverages.

Barb Nelson; 88186 Fourth Street; Veneta, OR (Crazy Al's)

Ms. Nelson said she has been researching social gaming for a couple of years. She said the establishment has lost a lot of business to customers who are going to Eugene to play. She said a social gaming ordinance will benefit the bar owners because customers will buy food and beverages. She said her preference in games would be Black Jack because she feels it is easier to police because someone, other than the owner, relative, or employee of an establishment, has to "own the bank". She felt Texas Holdem is harder to police. She said owners already have to watch out for their customers to make sure they do not over drink and she does not feel social gaming will cause problems, especially if the punishment is stiff enough to give owners the incentive to keep things under control. She said social gaming will give people a form of entertainment that they are now driving to Eugene, Junction City, or Springfield for. She said she would like to keep those entertainment dollars in Veneta. She said the state of Oregon promotes gambling through the lottery and she asked the Council to give the local businesses the opportunity to show they can be responsible.

Alan Arsenian, 90113 Baker Road; Elmira, OR

Mr. Arsenian said he has been playing Texas Hold-em around the area for several years and when it is played in a bar and tavern it is policed very well by the participants themselves. He said the problems generally arise

when the games are held in private homes. He said if there are too many restrictions or the fees are too high, people will go elsewhere to play. He said regulating the number of tables would be difficult because you don't always know how many people will show up to play. He said restricting play to only Texas Holdem would be too restrictive and difficult because there are so many variations and similar games. He also felt the fee should be annual and not charged by the table or game. He said in the time he has been playing there has not been an instance where the police have had to be called in.

Thomas Cotter brought the Council's attention to a letter submitted by Pat Coy in opposition to adopting a social gaming ordinance.

Mayor Brooker said prior to adopting a social gaming ordinance the Council will ask staff to have the City Attorney prepare a draft for them to review. He said the public will also have the opportunity to review a draft ordinance and provide input. He said the things the Council needs to take into consideration is how an ordinance would be enforced. He said he recognizes the economic impact that it has on local establishments if people are going elsewhere for social gaming.

Mayor Brooker closed the public comment period at 8:13 p.m. and asked the Council to discuss the issue and give staff direction.

Thomas Cotter said he liked the Corvallis ordinance the best because it clearly identified the problems they were trying to avoid. He also liked parts of the Junction City and Eugene ordinances. He said he would like the City ordinance to incorporate ideas from those three ordinances.

Mayor Brooker said if the City adopts an ordinance there should be an established trial period. He said the Corvallis ordinance has a one year periodic review. Marion Esty agreed there should be a trial period of about one year.

Ric said the ordinances are usually fairly general and then specifics such as the types of games allowed are established by resolution. Mayor Brooker said a resolution will be easier to change if needed.

Mayor Brooker asked the Council members if they wanted to direct staff to have an ordinance drafted.

Darrell Carman said he is not in favor of the Council adopting a social gaming ordinance because he thinks the City should be family friendly and promote more wholesome activities than gambling. If the Council does chose to adopt an ordinance he said it should be as simple and fair for everyone.

Thomas Cotter said he is not necessarily for or against adopting a social

gaming ordinance; however, he said it is obvious that there are people and businesses in the community that want it. He said he agrees with Darrell that the ordinance should be simple and easy to enforce. He said if handled properly he doesn't feel there will be a negative impact on the community and will allow the restaurants and bars to profit more.

Marion Esty agrees the ordinance should be simple and that it will not have a negative impact on the community. She said it is very important for the Council to listen to the business community. She said she is very confident that Sgt. Trapp will help the City enforce the ordinance. She again recommended a one year trial period.

Mayor Brooker said he is not necessarily in favor of a social gaming ordinance and he recognizes the economic impact of not allowing it. He agrees that the ordinance should be as simple as possible. He said he feels licenses should have to be renewed annually and subject to a review by the Sheriff's Department.

The Council agreed the ordinance should be simple and the fees should cover the City's staff time for processing applications. The also agreed the ordinance should be reviewed after a one year trial period.

In response to a question, Sgt. Trapp said it would be very difficult for the deputies to distinguish between different types of card games. He said the type of thing that would be more practical to limit social gaming to card games, not allow dice games. He said they could also place a limit on the number of tables allowed.

The Council directed staff to have the City Attorney prepare a draft ordinance for their review with a target date for adoption the end of July.

5. STAFF REPORTS

a. COMMUNITY SERVICES DIRECTOR

- (1) **Ordinance 454 - AN ORDINANCE AMENDING SECTION 6.3., SUBSECTION (a)(4) OF ORDINANCE 420, VENETA'S ORDINANCE REGULATING THE USE OF OUTDOOR LIGHTING; AND DECLARING AN EMERGENCY.** First reading by title only. Second reading by title only and for final enactment.

Margaret said staff drafted the amendment to the street light ordinance at the direction of the Council at their April 25, 2005 meeting. The amendment increases the spacing of street lights from a maximum of 180 feet to a maximum of 240 feet between poles.

MOTION: Thomas Cotter made a motion to approve Ordinance 454 for first reading by title only. Marion Esty seconded the motion which passed with a vote of 4-0.

Discussion: In response to a question from Mayor Brooker, Margaret said the City Engineer is responsible for reviewing the public improvement plans and checking the spacing of street lights.

Ordinance 454 was read as follows: Ordinance 454, an ordinance amending section 6.3, subsection (a)(4) of ordinance 420, Veneta's ordinance regulating the use of outdoor lighting, and declaring an emergency.

MOTION: Thomas Cotter made a motion to approve Ordinance 454 for second reading and final enactment. Marion Esty seconded the motion which passed with a vote of 4-0.

Ordinance 454 was read as follows: Ordinance 454, an ordinance amending section 6.3, subsection (a)(4) of ordinance 420, Veneta's ordinance regulating the use of outdoor lighting, and declaring an emergency.

- (2) **Resolution 899 - A RESOLUTION PROVIDING FOR THE ESTABLISHMENT OF STORMWATER SYSTEM DEVELOPMENT CHARGE IMPROVEMENT AND REIMBURSEMENT FEES.**

Margaret said the Council has reviewed the stormwater system development methodology and Capital Improvement Plan (CIP). Resolution 899 was prepared by the City Attorney and establishes the Systems Development Charge fees. The resolution includes a rate chart, a process for requesting a fee reduction, and a provision for an annual increase based on a national average construction cost index published by Engineering News Record (ENR). The City notified local developers and held public hearings. No public comments were received.

MOTION: Thomas Cotter made a motion to adopt Resolution 899 establishing a stormwater systems development charge improvements and reimbursement fee. Marion Esty seconded the motion which passed with a unanimous vote of 4-0.

b. CITY ADMINISTRATOR

- (1) **Resolution 901 - A RESOLUTION PROVIDING WORKERS' COMPENSATION COVERAGE FOR CITY OF VENETA VOLUNTEERS.**

Resolution 901 is required by CCIS each year. Ric pointed out a typographical error in the last paragraph that references the hourly rate of \$7.25 that needs correcting prior to adoption of the resolution.

MOTION: Thomas Cotter made a motion to adopt Resolution 901 as amended to correct the reference to hourly rate. Darrell Carman seconded the motion which passed with a unanimous vote of 4-0.

- (2) Policy for Sale of Surplus Property
Ric said the City passed Resolution 522 in February 1989 which declared the Tanglewood lots surplus property. The City Attorney has advised staff the resolution is still in good standing. Staff is waiting for legal Council to lay out the process for the sale of the properties. Mr. Callahan had an appraisal done for the lots that were exchanged for the well site and if possible, the city will use those appraisals to determine the value of the remaining lots. Staff will provide the Council with an update and request their approval before initiating the auction process.

- (3) Greenhill Contract for 2005/2006.

Ric said Teresa and the Public Works staff have been diligent in holding down the costs and for the 2005/06 fiscal year to contract cost will remain at \$800/month.

MOTION: Thomas Cotter made a motion to authorize staff to sign the Greenhill contract for the 2005/2006 fiscal year. Marion Esty seconded the motion which passed with a unanimous vote o 4-0.

6. OTHER

In response to a question from Darrell Carman, Ric said he will meet with Fred Miller to have him sign the Council's letter of condolence for Mrs. Blek.

Ric said Milo Meecham from LCOG has been working on the City's Urban Renewal Plan and will be making a presentation for the Council. The Council will be asked to give staff direction on some policy issues. Thomas Cotter and Marion Esty volunteered to be on a committee to help draft some policy.

Ric announced that pool passes were given to the library to support their reading program. He said the pool staff has been hired and the pool will open next Monday. Pool staff is up and operating and will open next Monday. Training the 19th, pool opens the 20th.

Ric announced the Rural Development Initiative will be holding their annual conference June 24th and 25th. The information has been distributed the Council.

Ric said the Assistant Secretary of Defense was in the area last week to meet with the US Army Corp of Engineers. He seemed receptive to helping address the lack of pedestrian access over the dam.

Mayor Brooker said he will be attending a meeting on June 30th to discuss ideas on how the County can resolve their law enforcement crisis. He asked the Council to contact him

with any ideas they would like him to pass on.

In response to a concern expressed by Darrell Carman, Ric said he will follow-up with the County to see if they will put up some detour signs for Clearlake Road at locations that will reduce the need for vehicle to back track.

Margaret Boutell said Mark Stevens has been hired as the City's new planner and he will begin work on Tuesday, June 14, 2005.

Ric announced the finance officer position closed on Friday and interviews will begin as soon as possible. Mayor Brooker asked the Council to give Ric any specific interview questions they would like asked.

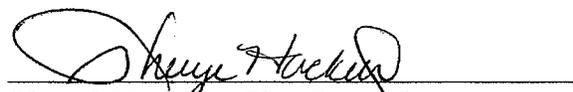
7. ADJOURN

Mayor Brooker adjourned the City Council at 9:25 p.m.



T. J. Brooker, Mayor

ATTEST:



Sheryl Hackett, City Recorder
(minutes prepared by SL Hackett)