

Minutes of the Veneta City Council

July 11, 2005

Council
Present: Mayor Tim Brooker, Darrell Carman, Thomas Cotter, and Marion Esty

Absent: Fred Miller

Others: Ric Ingham, City Administrator; Sheryl Hackett, City Recorder; Margaret Boutell, Community Services Director; Erin Bonner, Finance Officer; Jerry Elliott, City Engineer; and Jeneca Jones, West Lane News

Mayor Brooker called the Veneta City Council to order at 7:04 p.m.

1. **PUBLIC COMMENT:** None

Mayor Brooker introduced Veneta's new Finance Officer, Erin Bonner, to the Council. Erin will begin working for the City on August 1, 2005.

2. **CONSENT AGENDA**

MOTION: Thomas Cotter made a motion to approve the consent agenda.
Marion Esty seconded the motion.

Vote: Marion Esty, aye; Thomas Cotter, aye; Mayor Brooker, aye; and Darrell Carman, aye

The consent agenda as approved included minutes for the June 27, 2005 joint meeting of the Veneta Urban Renewal Agency and Veneta City Council meeting and minutes for the June 27, 2005 regular meeting Council meeting.

3. **DEPARTMENT REPORTS**

a. **FROM MAYOR/COUNCILORS**

Marion Esty (Planning Commission) - Marion said Kay Larson's project is very promising. She said the City's new Planner Mark Stephens presented the staff report and he gave just the right amount of detail to keep the meeting from dragging on. She said the City has a very good Planning Commission that studies their material.

Marion Esty (Park Board) - Marion said she will attend the next meeting since Fred Miller has been unable to. Margaret Boutell told the Council that the new Park Board is doing a great job. The projects they are interested in are ~~developing~~ ^{implementin} a park master plan, acquiring new park land, and increasing the park systems development charge. _(as amended 7-25-05)

Marion Esty (East Veneta Study) - Marion said the group will meet again this week and possibly next Monday.

Thomas Cotter (West Lane Chamber) - The Chamber will be meeting this Wednesday. Terry Hawley from LCC will be making a presentation.

Thomas Cotter (Zumwalt Camping) - Thomas Cotter said there didn't seem to be as many campers this year and everyone was fairly subdued.

Mayor Brooker (Lane County Public Safety) - Mayor Brooker attended the first meeting. He said they received a lot of background information but did not have a lot of discussion. The group will meet again on Wednesday at the Youth Justice Center and they plan to meet every two weeks to try to find ways to resolve some of the long term funding issues. He said the rural communities will probably be the driving force.

4. STAFF REPORTS

a. COMMUNITY SERVICES DIRECTOR

- (1) **Resolution 904 - A RESOLUTION AMENDING ATTACHMENT A OF RESOLUTION 767 ESTABLISHING LAND USE FEES, ADDING A PRE-DEVELOPMENT CONFERENCE FEE**

Margaret Boutell said the only change being made to land use fees at this time is to add a pre-development fee. The amount of the fee was agreed to at the last meeting.

Mayor Brooker said the fee should help developers prepare more complete land use applications.

City Administrator Ric Ingham said at the direction of the Council, staff will be doing an analysis of the City's current land use fees to determine how much of the costs are being recovered. That analysis will be done prior to raising the other fees.

MOTION: Thomas Cotter made a motion to adopt Resolution 904 amending attachment A of Resolution 767 to add a pre-development conference fee. Darrell Carman seconded the motion which passed with a unanimous vote of 4-0.

- (2) Scope of Work for the Effluent Master Plan

Margaret Boutell said in September 2004 the Council talked about how to proceed with development of the piece of land identified in the Reclaimed Water Reuse Plan for spraying effluent. That parcel of land was intended to carry the City through the year 2020; however, the City discovered the parcel had some wetlands. As a result of the discussions last September, the City had the wetlands delineated and the next step will be to do a new plan for the property. Margaret said the City would be allowed to plow and plant poplars because the land has been used for agriculture; however, without adding fill, grading the property, and installing a drainage system

it would be very difficult to maintain a poplar plantation.

In response to a question, Margaret said they are now proposing to leave the eastern portion of the site as wetlands and only mitigate the small areas of wetlands on the western portion of the site by purchasing wetland mitigation credits. The upland portions on the western half of the site would also be used. They can still plant hay on the eastern portion of the property; however, it will not take up as much water. By the year 2020 the City will need to find more land to spray effluent on.

Ric Ingham said the City Council was involved in the discussions about the different alternatives and determined that poplars would take up the most effluent and would require the least amount of property. The City originally understood they would need 77 acres of land but near the end of the project DEQ informed the City it would need 112 acres. The City purchased additional acres but it was determined a lot of the property is wetlands. He said poplars can be planted; however, the maintenance costs are considerably higher if the ground cannot be prepped. The City has several options; (1) plant poplars and purchase the necessary special equipment for maintenance, (2) mitigate the wetlands and purchase wetland mitigation credits, (3) plant some alternative uptake vegetation such as hay, and (4) do a new plan. After discussions with the City Engineer, staff feels the best option to pursue is to redo the calculations to see how much additional land is needed and prepare a new plan and get the project back on track.

Jerry Elliott said the City still has the old lagoon area that can be filled and planted.

Margaret Boutell said the City will be meeting with DEQ and part of the discussions will be about whether or not the City needs as much land based on the actual flow numbers. The original plan was based on estimates.

Mayor Brooker pointed out the fact the Inflow & Infiltration problems have had some impact. Although the problem has not been completely remedied, the work the City has been able to do should help reduce the flow.

City Engineer Jerry Elliott said there are two dynamics involved. He said he has seen less flow than expected; however, the population growth has been faster than estimated.

Mayor Brooker said the worst case scenario will be that the City still needs 117 acres to plant poplars for spraying effluent.

Ric said Jerry Elliott may be able to explore some other options once the calculations are done. He said the 117 acres is for the year 2020 build-out

and the plant is operating more efficiently than originally estimated. The City will need to get approval from DEQ if they want to spray hay or reduce the number of acres. He said the cost for spraying hay is significantly less than poplars; however, it takes a much larger amount of land.

Jerry Elliott said the problem with spraying hay is having a way of getting rid of it. DEQ has some very strict rules about using the hay for animal feed because it receives some human waste.

Margaret said the amount of effluent that can be sprayed depends on how much water the soils can absorb. DEQ has specific regulations about how deep the water can seep into the ground.

Mayor Brooker said part of the poplar plan was to get some return to help cover the cost of maintenance.

The Council was provided with a copy of a proposal from Jerry Elliott for a mixed poplar land use assessment. Jerry Elliott said the assessment will include calculations that show how much more land will be needed or what alternatives there may be. He said he would have that ready for the first meeting in August.

In response to a question from Mayor Brooker, Margaret said the next step would be to present Jerry's findings to DEQ.

Ric said DEQ has become familiar with Veneta and understands the City is in a unique situation in that it is confined by Fern Ridge Reservoir, the Long Tom, and has a lot of wetland issues. He said the City will have a continuous struggle finding land that is suitable for efficient effluent uptake.

In response to a question from Marion, Margaret said the City will not do any mitigation until DEQ approves a plan.

MOTION: Darrell Carman made a motion to direct staff to proceed with the scope of work for the effluent area master plan. Marion Esty seconded the motion which passed with a unanimous vote of 4-0.

In response to a question, Ric said funds for the effluent activities have been set aside in the 2005/06 budget.

MOTION: Thomas Cotter made a motion to approve Jerry Elliott's proposal in the amount of \$3,526 to revise the tables that were part of the original Reclaimed Water Use Plan. Marion Esty seconded the motion which passed with a vote of 4-0.

b. CITY ADMINISTRATOR

- (1) **ORDINANCE 456 - AN ORDINANCE ALLOWING CERTAIN SOCIAL GAMES IN THE CITY OF VENETA, OREGON; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.**
First reading by title only.

Ric presented the social gaming ordinance for first reading. He said no changes were made to the draft that was sent out for review. A letter from Barb Nelson, owner of Crazy Al's, was included in the Council packets. She is in favor of having an outside person obtain a license to run Black Jack games rather than obtaining the license herself. Ric said he has consulted with City Attorney John Wolf who interprets that type of game do not qualify as social gaming. Barb Nelson said she will do some research to see how other cities allow Black Jack. Staff feels Ordinance 456 as written meets the needs of the Veneta community and recommends approving it for first reading with a second reading and final enactment on July 25, 2005. The ordinance would become effective 30 days after that which gives staff time to prepare the application and license paperwork.

MOTION: Thomas Cotter made a motion to approve Ordinance 456 allowing certain social games in the City of Veneta for first reading by title only. Marion Esty seconded the motion.

Discussion: Mayor Brooker said he does not understand Barb Nelson's interpretation of Section 3. In response, Ric said she does not want Crazy Al's to be the one to hold the license; however, the way the ordinance is written.
(that's (as amended 7-25-05))

Vote: The motion passed with a vote of 3-1 (Darrell Carman voted no)

Ordinance 456 was read as follows:

Ordinance 456, an ordinance allowing certain social games in the City of Veneta, Oregon, providing penalties for the violation thereof, and repealing all other ordinances or parts of ordinances in conflict herewith.

The second reading of ordinance 456 is scheduled for July 25, 2005.

- (2) Review Draft Resolution for Social Gaming

Ric said the Council requested the ordinance and resolution for social gaming be kept as simple as possible. Section 1 establishes an application processing fee and annual license fee. There are two fees based on number of tables, 1-5 tables is \$150 and 6 or more tables is \$300. Section 2 has a one-time fee of \$25 to allow social games at a special event sponsored by a charitable, fraternal, or religious organizations with each group allowed to have a maximum of two evenets per calendar year. Section 3 sets the

renewal period and Section 4 requires that establishments post their license and encourages them to establish ^{fair} and reasonable bet limits.

fair (as amended 7-25-05)

In response to a question from Darrell Carman, Ric said the fee of \$25 in Section 2 is intended to be charged for each individual event. The Council asked staff to add language to clarify that language

In response to a discussion about the betting limits, the Council agreed with Darrell Carman said it would be impossible to enforce a specific limit.

Alan Arsenian; 93310 Baker Road; Elmira, OR

In response to a question about who would be eligible to apply for a license for a special event, Alan Arsenian was allowed to address the Council. He said he had inquired about renting the Veneta Community Center and sponsoring a tournament with 25% of the winnings going to a charitable institution. In response, the Council said they are not in favor of individuals being allowed to hold an event at which they would make a profit. Mayor Brooker said that is outside the scope of what they were trying to do.

Mayor Brooker said the ordinance was proposed in response to inquiries from local businesses to provide a type of entertainment that would draw customers to their establishments. He said it was never intended to allow individuals to apply for licenses. Darrell Carman said the state law is very clear that the sponsors cannot take a cut out of the pot; therefore, social gaming cannot be used for fund-raising.

Ric pointed out that under State law, Bingo, Lotto, and Raffles do not fall under the definition of social gaming. He said the intent of Section 2 is to allow organizations to apply for a license to allow social gaming at an event such as the annual Bar-B-Q held by St. Catherine's Church. The purpose of the social game would be to draw additional customers to the event to purchase food, not for the church to get a percentage of the game.

The Council reached consensus to direct staff to check with the City Attorney about broadening the definition of non-profit. They agreed they are not in favor of allowing individuals to obtain licenses which would allow them to sponsor tournaments.

(3) **Resolution 905- A RESOLUTION ADOPTING EMPLOYEE HANDBOOK, AND REPEALING RESOLUTIONS 696 AND 720**

Ric provided the Council with pages of the proposed employee handbook which have been revised since the last meeting and he reviewed the proposed modifications as follows: (1) pages 33 and 34 have a modification recommended by CIS to change the eligibility for health and life insurance from a 20 hour week to a 24 hour week and (2) and page 33, item #4 was to be changed to increase administrative leave accrual from 8 hours per month to 12 hours per month. Ric said the change to

administrative leave accrual was part of the negotiation with a recent new hire and would affect all of the exempt employees who do not get over-time pay for their attendance at evening or weekend meetings. He said non-exempt employees get paid time and a half for overtime. Currently all employees are allowed to accumulate a maximum of 240 hours of sick leave. Employees that do not use sick leave are allowed to accumulate up to 40 hours of personal time once they reach the 240 hour limit. If the personal time is not taken, anything over that 40 hours is lost. Another change would be to allow all employees to buy out 40 hours of personal time or administrative time once a year. hours (amended 7-25-05)

In response, Mayor Brooker said he didn't have a problem with allowing employees to buy out that time; however, he would like employees to be encouraged to take the time off instead. He said he feels it is very important for employees to take time off from work.

MOTION: Marion Esty made a motion to adopt Resolution 905 adopting the Employee Handbook. Thomas Cotter seconded the motion which passed with a vote of 4-0.

Mayor Brooker said (amended 7-25-05) he would like the employee handbook reviewed periodically. Ric recommended annually to keep up with changes in the law. He said the best time would be at the end of each calendar year instead of during the budget and construction season.

Ric complimented the personnel committee for their work. He said staff feels good about the new handbook.

- (4) Chamber of Commerce request for amending the scope of work for the Rural Tourism Marketing Program

Ric said the funds for the Rural Tourism Marketing Program come from the County room taxes and are intended to be used to draw tourists to the area. The City Council adopted a Work Plan for the funds. The Chamber of Commerce is asking the Council to approve a modification of the work plan and to authorize allocating \$743.00 from item 3, regional advertising, to cover the cost of an ad in the Convention & Visitor Association of Lane County (CVALCO) relocation guide. Ric said the Chamber has experienced a lot of changes and the scope of work needs to be brought back on track so it can be closed out by the end of October. The Chamber has also requested the scope of work to be modified by using the remaining \$950 in item 6 to support the promotion of the Fern Ridge Country Trail and to use the remaining \$601 in item 4 for a visitor map to be used to update the City's business relocation brochure packet. Ric said about 12 to 15 businesses in the immediate Fern Ridge area are taking part in the Fern Ridge Country Trail which invites visitors to local farms and wineries.

Mayor Brooker said he is pleased to see more activity from the Chamber and he commended them for looking at ways to better utilize the funds. He said he feels their requests are appropriate.

MOTION: Thomas Cotter made a motion to authorize the proposed expenditures and to modify the work plan as requested. Darrell Carman seconded the motion.

Discussion: Mayor Brooker thanked everyone for their hard work. James Dean told the Council that Ric has been an integral part of the progress the Chamber has made in the last few months.

Vote: The motion passed with a vote of 4-0.

5. OTHER

Ric said he had discussions today with a representative from Northwest Natural Gas who expressed some interest in bringing a natural gas line to Veneta. He said they are interested in seeing how many businesses, government agencies, and schools would be interested because those are the users they depend on. The representative said the line would probably be brought in from the Alvadore area. It may require the City to participate in some special public works loans to make it happen. If the trenches are dug it may open up other opportunities such as installing fiber optic lines or effluent lines for spray irrigation.

In response to a question from Thomas Cotter, Ric said the City was required under the Homeland Security Act to meet some specific criteria for security. Margaret Boutell provided that information. Thomas Cotter asked that the Council be given a copy of the information.

6. ADJOURN

Mayor Brooker adjourned the City Council at 8:37 p.m.



T. J. Brooker, Mayor

ATTEST:



Sheryl Hackett, City Recorder
(minutes prepared by SLHackett)