

## Minutes of the Veneta City Council July 25, 2005

Council  
Present: Mayor T. J. Brooker, Darrell Carman, Thomas Cotter, and Marion Esty

Absent: Fred Miller

Others: Ric Ingham, City Administrator; Margaret Boutell, Community Services Director; Sheryl Hackett, City Recorder; Mark Stephens, City Planner; Sgt. Byron Trapp, Lane County Sheriff's Department; Rose Marie Wymore; Masahito Yamazaki; and Jeneca Jones, West Lane News

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Mayor Brooker called the City Council to order at 7:02 p.m.

**1. PUBLIC COMMENT: None**

**2. CONSENT AGENDA**

City Recorder Sheryl Hackett asked that the minutes for July 5 & July 11, 2005 be pulled to make corrections.

**MOTION: Thomas Cotter made a motion to approve the consent agenda with the minutes pulled for corrections. 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 bills paid and payable for June/July 2005, Civic Calendar for August 2005, and the Public Works Monthly Activity Report for June 2005.

Sheryl noted the following corrections: July 5, 2005, page 1, second paragraph under item II. B. correct Dennis to Denise. July 11, 2005 page 1, department report on the Park Board, change "developing a park master plan" to "implementing a park master plan", page 5, last line under discussion of the motion, insert the word "that's" after however, in the second line at the top of page 6 change the word "air" to "fair", at the end of the first paragraph on page 7 change the word 40 "horus" to "hours" and in the first sentence after the motion on page 7, change the word 'aid" to "said"

**MOTION: Thomas Cotter made a motion to approve the minutes for July 5, 2005 and July 11, 2005 as corrected. Marion Esty seconded the motion which passed with a vote of 4-0.**

**3. PUBLIC HEARING - Yamazaki Zone Change**

- a. Open Hearing: Mayor Brooker opened the public hearing at 7:08 p.m.
- b. Conflicts of Interest or Ex-Parte Contacts: No conflicts of interest were declared. Marion Esty said, as the Council liaison to the Planning Commission, she had an ex-

parte contact by being present at the public hearing held by the Planning Commission.

c. Staff Report (Margaret Boutell)

Margaret said the request is to amend the Comprehensive Plan map to change the zone of the property located at 25306 E. Hunter Road from Rural Residential (RR) to Single Family Residential (SFR). If the zone change is approved the property could be developed with a maximum of five lots. Water and sewer is available to serve the property. The five lots would not add a significant amount of traffic to E. Hunter Road which is classified as a major collector.

In response to questions from the Council, staff explained that sewer became available when the Forest Grove Subdivision was developed to the east. The existing home is on the list of properties that will be required to connect to the new sewer line. The laterals have not yet been installed.

d. Public Testimony: None

e. Questions from the Council:

Marion Esty said she felt Brian did a good job of responding to the inquiry about the condition of E. Hunter Road. In response to a question from Darrell Carman about whether or not the zone change was spot zoning, Sheryl Hackett explained that the surrounding properties are designated as Single Family Residential on the Comprehensive Plan map.

In response to a question, Mr. Yamazaki said he hopes to develop the property.

f. Close of Public Hearing: Mayor Brooker closed the public hearing at 7:15 p.m.

g. Deliberation and Decision

**MOTION: Thomas Cotter made a motion to approve the zone change and Ordinance 455 for first reading by title only. Darrell Carman seconded the motion which passed with a vote of 4-0.**

Ordinance 455 was read as follows:

Ordinance 455, an ordinance amending the Veneta zoning map as adopted by the Veneta Land Development Ordinance 417, Article 3, Section 3.03.

4. **DEPARTMENT REPORTS**

a. **COUNCIL/COMMITTEE LIAISONS**

Marion Esty (East Veneta Advisory Committee) - the committee has met twice since the last Council meeting. She said the study has been very comprehensive and worthwhile for Veneta. She feels it will alleviate some of the problems the City has been faced with.

Marion Esty (Community Partnership) - a special budget meeting will be held in August to plan for the next six months. She said without Peer Court the City has not had community service provided by area youth. She said she will make a contact with someone she knows at the County that helps coordinate youth service workers to see if there is a possibility of assigning some to Veneta.

Mayor Brooker (Lane County Public Safety Task Force) - the group agreed that they want to get to the heart of the topic and start talking about possible funding mechanisms at their next meeting. He said they have a lot of work to do to mend bad feelings and mistrust the public has in the system. He said the rural areas are especially committed to finding a way to provide better police coverage.

Ric Ingham (LCOG) - Darrell Carman said he will be able to attend the annual LCOG planning meeting this Thursday in Cottage Grove.

b. FROM MAYOR/COUNCILORS

(1) Report on law enforcement activities - Sergeant Byron Trapp

Sgt. Trapp provided the Council with the 2004 and 2005 Law Enforcement Activity Reports for the Oregon Country Fair (OCF) weekend. The reports include both the Sheriff's Office and Oregon State Police activity. He said there was no significant activity either in the City or general vicinity. The staffing was similar to last year but there were some extra patrols focused around the Veneta/Elmira area provided by a multi-team grant which is reflected by an increase in traffic citations over last year.

Sgt. Trapp said the drug activity was about the same as last year but the DUII activity dropped to half, from 4 to 2. Sgt. Trapp said he is preparing a follow-up report for OCF which will separate out fair related activity from the non-fair related activity. In response to a request by the Council, Sgt. Trapp said he will provide copies of the report to them.

Marion Esty said she has had inquiries from citizens about what type of emergency plan the OCF has. She said Leslie Scott explained to her that they have five emergency exits and distribute maps at the fair.

Sgt. Trapp said LCSO has very little influence over the internal operations of the fair because it is a private, not a public, event. He said they meet with the OCF security staff prior to the fair and all of the public safety personnel were provided with copies of maps which identified five points of contact. He said they only enter the site at the request of OCF and this year there were no occurrences that required their assistance. He credited Neighborhood Watch and the OCF Neighborhood Response Team for their assistance.

Sgt. Trapp said one of their primary focuses is to enforce the "no u-turn" area on Hwy 126 in front of the fair entrance. He said that is not only a safety issue but a requirement of the ODOT permit.

Mayor Brooker said he appreciates the efforts of both the Sheriff's Office and Oregon State Police to assure the safety of the community during the OCF weekend.

Ric said the only concern he had is that the Zumwalt Coordinator felt the level of police coverage was heavier than in the past. In response, Sgt. Trapp said a couple of deputies working the night shift did some foot patrols in two of the campgrounds and he was told the contact with staff was less than friendly. He said he will make sure to address the issue of how to make contacts before next year's event.

In response to an inquiry by Mayor Brooker, Sgt. Trapp said he will talk to their statistician to see if they can separate out the residential addresses from the business addresses on the activity reports.

In response to a question from Ric, Sgt. Trapp said one of the Veneta deputies, Chad Rogers, was assigned to fill the new rural detective position. He said the rural detective will be working on cases, both inside rural cities such as Veneta and in the unincorporated areas, that have suspects or leads. He said the rural detective can also assist the Veneta deputies on cases they are working. Deputy Charles Douglas has been assigned to replace Deputy Rogers in Veneta.

In response to a question from Mayor Brooker, Sgt. Trapp said the Parole & Probation Department wants to get their computer system set up before they start using the office. He said the P&P officer will only be in the office part-time and will schedule office hours for once a week. The rest of the time he will be doing home visits or working in their main office.

In response to a question about the status of the Breathalyzer, Sgt. Trapp said OSP keeps two or three spares in the event one of their machines breaks down. He said one of the spares was brought out to Veneta during the OCF weekend and he hopes to have an agreement to keep it until needed elsewhere. He said OSP will be replacing their current machines sometime after the first of the year but it will take time to get officers trained to use the new machines. He said OSP is supportive of keeping a machine in Veneta because the log sheet shows their officers use it 50% of the time. He said State Representative Floyd Prozansky has volunteered to write a letter of support for keeping a machine in Veneta.

## **5. STAFF REPORTS**

### **a. COMMUNITY SERVICES DIRECTOR**

Margaret Boutell explained to the Council that Ordinances 457 and 458 are the result of the Council discussions about the water shut-off policy. The amendments to the water and sewer ordinances make the ordinances consistent with the current practice of mailing one notice and using door hangers for the second notice. Resolution 900 establishes the fees as previously discussed, increasing the shut-off fee from \$5.00 to \$40.00, changing the late fee from a percentage of the past due amount to a flat fee of

\$5.00, and adding a door hanger deliver charge.

- (1) **Ordinance 457 - AN ORDINANCE AMENDING SECTION 6 OF ORDINANCE 331 REGULATING SEWER USE FEES, AND DECLARING AN EMERGENCY.** First reading by title only. Second reading by title only and for final enactment.

**MOTION: Thomas Cotter made a motion to approve Ordinance 457 amending Ordinance 331 regulating sewer use fees for first reading by title only. Marion Esty seconded the motion which passed with a vote of 4-0.**

Ordinance 457 was read as follows:

Ordinance 457, an ordinance amending section 6 of ordinance 331 regulating sewer use fees, and declaring an emergency.

**MOTION: Thomas Cotter made a motion to approve Ordinance 457 amending Ordinance 331 regulating sewer use fees for second reading by title only and for final enactment. Marion Esty seconded the motion which passed with a vote of 4-0.**

Ordinance 457 was read as follows:

Ordinance 457, an ordinance amending section 6 of ordinance 331 regulating sewer use fees, and declaring an emergency.

- (2) **Ordinance 458 - AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE 332 RELATING TO THE WATER CODE FOR THE CITY OF VENETA, AND DECLARING AN EMERGENCY.** First reading by title only. Second reading by title only and for final enactment.

**MOTION: Thomas Cotter made a motion to approve ordinance 458 amending Ordinance 332 regulating the water code for the City of Veneta for first reading by title only. Darrell Carman seconded the motion which passed with a vote of 4-0.**

Ordinance 458 was read as follows:

Ordinance 458, an ordinance amending section 2 of ordinance 332 relating to the water code for the City of Veneta, and declaring an emergency.

**MOTION: Thomas Cotter made a motion to approve ordinance 458 amending Ordinance 332 regulating the water code for the City of Veneta for second reading by title only and for final enactment. Darrell Carman seconded the motion which passed with a vote of 4-0.**

Ordinance 458 was read as follows:

Ordinance 458, an ordinance amending section 2 of ordinance 332 relating to the water code for the City of Veneta, and declaring an emergency.

- (3) **Resolution 900** - A RESOLUTION ESTABLISHING WATER FEES AND RATES FOR USERS OF THE VENETA MUNICIPAL WATER SYSTEM AND REPEALING RESOLUTION NO. 886.

**MOTION:** Thomas Cotter made a motion to adopt Resolution 900 establishing water fees and rates for users of the Veneta Municipal Water System and repealing Resolution 886. Marion Esty seconded the motion which passed with a vote of 4-0.

The Council had no objections to the sample notice and payment agreement prepared by staff.

- (4) Second Quarter Planning Commission Report (Mark Stephens)

Mark Stephens presented the Planning Report for the second quarter. The report included the number of land use applications processed, both approved and denied, as well as the number of building permits that were issued. The pending subdivisions have a total of 102 new residential lots. At their July meeting the Planning Commission took action on some of the applications that were pending at the end of last quarter. They will be meeting again on August 1, 2005 to take action on some of the others. The planning staff has also been involved in the East Veneta Study and the LCOG Region 2050 project.

In response to a question from Mayor Brooker, Margaret said the end of June was a transition period between Sandra leaving and Mark being hired. She said she the next quarterly report should reflect a decrease in the number of LCOG hours.

In response to a question from Mayor Brooker, Margaret said the next quarterly report will probably have a new category for tracking time spent on LUBA appeals.

Margaret announced that the City just received a Notice of Intent to Appeal the wetland variance approved for the Larson property. The appeal was filed by Neighbors 4 Responsible Growth. The next step will be providing a copy of the record to LUBA.

Mayor Brooker said he would like to meet with Margaret, Mark, and Ric to discuss the appeal.

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.** Second reading by title only and for final enactment.

Ric advised the Council that he discussed the Council's questions about the Social Gaming ordinance and resolution with legal counsel and was advised that the ordinance itself should not be modified. A minor change was made to the resolution. Staff recommends Ordinance 456 for second reading and final enactment.

Mayor Brooker asked the record to show that Darrell Carman submitted a letter in opposition to adopting the ordinance. Darrell Carman read his letter into the record (attached). He urged the Council to vote no on Ordinance 456.

In response, Mayor Brooker thanked Darrell Carman for sharing his opinions and said he agrees with some of Darrell's comments.

**Rose Marie Wymore; 25311 Hunter Road; Veneta, OR**

Ms. Wymore asked the Council how many signatures it would take on a petition to have them repeal the ordinance if it is passed. In response, Mayor Brooker said the Council will listen to anyone who is opposed to the ordinance and their action would depend on how many people expressed opposition. In response to a question from Ms. Wymore about the specific number of people it would take for the Council to reconsider their action, Ric said 7% of the voters is generally the number it takes to get attention.

Mayor Brooker said the Council has only received two written letters of opposition up to this time. In response, Ms. Wymore said most people she talked to were not aware the ordinance was being considered for adoption.

**MOTION: Thomas Cotter made a motion to approve Ordinance 456 to allow certain social games in the City of Veneta for second reading by title only and for final enactment. Marion Esty seconded the motion which passed with a vote of 3-1 (Darrell Carman voting 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.

- (2) **Resolution 906 - A RESOLUTION ESTABLISHING SOCIAL GAME FEES AND BET LIMITS FOR SOCIAL GAMES IN THE CITY OF VENETA, OREGON**

Ric said that at the advice of legal counsel the only change to the draft resolution was in section 2 to clarify the \$25.00 event fee. He said the attorney recommended not making any reference to individuals at this time because there aren't any large facilities that can be rented in Veneta that allow alcohol use. They felt it was best to keep the resolution simple because the ORS statues are very clear. The Council can amend the resolution if they find a need to do so.

**MOTION: Thomas Cotter made a motion to adopt Resolution 906 establishing social game fees and bet limits for social games in the City of Veneta. Marion Esty seconded the motion which passed with a vote of 3-1 (Darrell Carman voting no) 4-0.** (as amended August 8, 2004)

Mayor Brooker announced to the public that the Council will still listen to anyone who opposes the ordinance.

(3) Weber/Elliott Effluent Master Plan Scope of Work

Ric said the Council approved the Effluent Master Plan Scope of Work at their last meeting; however, the plan included some additional analysis in the amount of \$1,200 which did not get approved. He asked the Council for approval to authorize the additional \$1,200.

**MOTION: Thomas Cotter made a motion to approve the scope of work as amended. Marion Esty seconded the motion.**

Discussion: Ric said the scope of work has already been approved but the Council needs to authorize the additional \$1,200.

**MOTION: Thomas Cotter amended his motion to include authorization for the additional \$1,200 for the Effluent Master Plan. Marion Esty seconded the motion as amended.**

Discussion: In response to a question from Mayor Brooker, Ric said the assessment will include a study of the uptake for all the different zones, including the poplars, native vegetation, and hay or grass fields. As a result of the study the City will work with DEQ to determine whether there is a need for more land. He said the management team feels the first step should be adding the acreage from the old sewer lagoon facility.

In response to a question from Darrell Carman, Mayor Brooker said the additional land does not necessarily have to be contiguous because the effluent could be piped or transported by truck. The problem would be an increase in the cost.

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

**6. OTHER**

Ric announced that newly hired finance director, Erin Bonner, notified the City that she has chosen not to take the position. The City now needs to decide how to proceed. Mayor Brooker asked Ric to prepare a list of options for the Council to consider. He said their first objective is to solve the immediate problem by getting someone that can help catch up the City's finances in preparation of the audit

Marion reminded the Council their second meeting in August has been canceled.

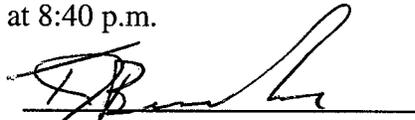
Mayor Brooker thanked Margaret and Mark for doing a good job.

Ric said a staff report for the East Veneta Study will be ready for the City Council soon. Margaret said staff would like to get some feedback from the Council before they are asked to make any final decisions.

Ric thanked Margaret and Brian for their work on the City website. He said they still need bios and photos of the Council.

**7. ADJOURN**

Mayor Brooker adjourned the City Council at 8:40 p.m.

  
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T. J. Brooker, Mayor

ATTEST:

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