

Minutes of the Veneta City Council
October 10, 2005

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

Others: Ric Ingham, City Administrator; Margaret Boutell, Community Services Director; Sheryl Hackett, City Recorder; Daniel Watts, Veneta Program Coordinator; Jerry Elliott, City Engineer; Galen Carpenter; Gary Henry; Mona Linstromberg; Sylvia and David Calderwood; Jan Shelton; Al Phillips; and Jeneca Jones

Mayor Brooker called the Veneta City Council to order at 7:00 p.m.

1. PUBLIC COMMENT

Gary Henry; P. O. Box 2592; Eugene, OR 97402

Mr. Henry said he is a builder from Eugene working in Veneta. He purchased 7 lots at 6th and Dunham in an existing subdivision in the original City plat. An existing house on the property was demolished and he has applied for permits to construct new houses on the property. He said he submitted permits in July for two houses and the permits have not yet been issued. He said he has not been getting a response from City staff

Margaret Boutell explained to the Council that the lots have been platted; however, they are not served by City sewer. The developer just recently provided the City with a public utility easement for a sewer line to serve the lots. He said the easement is scheduled for acceptance later on the agenda.

Mr. Henry said he questions why the alley was vacated. He said he is happy to dedicate the easement back to the City but he feels it is an issue of a rubber stamp and should not hold up his building permits.

Galen Carpenter; 88017 Tenth Street; Veneta, OR

Ms. Carpenter said she appeared before the Council two weeks ago about some issues in her neighborhood. She said she thought she was clear about the issues but nothing has happened in the last 14 days to improve the situation. She said the problem has gotten worse. She presented the Council with written lyrics to the music that is being played loud enough for her to hear from any location on her property. She said the problem has been going on for over 4 months. She said she hoped the Council is as offended as she is by the lyrics of the songs. She said it is a matter of public decency and public safety. She said she is aware the City has ordinances that can be enforced and at some point someone needs to be held accountable. Ms. Carpenter excused herself from the meeting, stating she was too upset to stay.

Mayor Brooker advised the council that the City Administrator is working with Sgt. Trapp to address the issues. He said staff is taking her complaints seriously and is trying to resolve the issue but there are some limiting factors. He said deputies have been to the neighboring residence several times but haven't witnessed the same problem as yet.

Sylvia Calderwood; 28104 Spencer Creek Road; Eugene, OR 97405

Ms. Calderwood asked to make a brief statement about LCARAs request for the City to adopt a mandatory rabies reporting ordinance. In response, Mayor Brooker said the subject is on the Council agenda for later in the meeting.

Mona Linstromberg; 87140 Territorial Road; Veneta, OR

Ms. Linstromberg said she also registered a complaint at the last Council meeting and thanked the Council for taking action. She said Margaret is working with the developer of Trinity Terrace to rectify the situation concerning degradation of the Greenway.

2. CONSENT AGENDA

Ric advised the Council that the Neighbors for Responsible Growth have requested that their application for a Temporary Liquor Sales License be removed from the consent agenda. Sheryl Hackett noted a typographical correction on page 5 of the minutes for September 12, 2005 under the Public Works Report the word "meter" should be changed to "media".

MOTION: Fred Miller made a motion to approve the Consent Agenda as amended. Thomas Cotter seconded the motion.

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

The consent agenda as approved included minutes for September 12, 2005 as amended and bills paid and payable for September/October 2005

3. DEPARTMENT REPORTS

a. FROM MAYOR/COUNCILORS

(1) Report on law enforcement activities

Sgt. Trapp said he has spoken with Ric about the Tenth Street neighborhood complaints. He said the night shift deputy has spoken with both parties and has made a point of making regular patrol checks in the area. To-date, none of the complaints he has responded to have met the criteria for a violation. To take action on a noise complaint, it must be taking place at the time the deputy responds to the scene. Sgt. Trapp said he does not know if the deputy has been called out on a noise complaint but he has responded to parking complaints that have not met the criteria for a violation. He said often quality of life issues take a significant period of time to resolve. He said the deputies have to be objective when they apply the law. He said the deputies are aware of the situation and will continue to respond to complaints as they come in. Sgt. Trapp said two things make the situation difficult to resolve, first there has to be a deputy on duty to respond when the activity is taking place and second, the deputy has to witness a violation in order to issue a citation.

Mayor Brooker said he realizes the deputies are limited by having to witness the violations; however, he is concerned about public decency

when he reads the lyrics of the songs that are the subject of the complaint. He said he would appreciate any effort the deputies can make towards making their presence known and resolving the problem.

In response to a request from Darrell Carman for clarification of the non-violation issue, Sgt. Trapp said one complaint was about parking; however, the deputy responded and found the car was parked legally. He said a car can be parked legally on either side of a public street, not just in front of ones own residence. He said that may be an annoyance for a neighbor but it doesn't meet the criteria for a violation. A car that exceeds the time limit for parking on a public street must be tagged before it can be towed.

Sgt. Trapp said there is clearly an ongoing neighborhood dispute that the two parties cannot resolve. He said the deputies will continue to respond to the complaints and hopefully can get the problem resolved.

In response to a question from Fred Miller about whether or not they are successfully curbing any methamphetamine activity, Sgt. Trap said they have not had any level of drug investigations since the shut down of the Interagency Narcotics Enforcement Team (INET). He said drug investigations are nearly impossible for uniformed deputies to do and they do not have any dedicated resources to do that type of investigation.

In response to a question from Marion, Sgt. Trapp said the deputies cannot use the authority of the Parole and Probation Officer specifically as an investigative tool.

- (2) Designate a Voting Delegate for the League or Oregon Cities Annual Business Meeting.

Mayor Brooker appointed Marion Esty to be the City's voting delegate for the League of Oregon Cities Annual Business meeting.

Marion Esty is the only Council member who will be attending the meeting; therefore, no alternate was appointed.

- (3) Designate a Voting Representative for the Lane Electric Cooperative, Inc. Annual Meeting.

MOTION: Thomas Cotter made a motion to designate Mayor Brooker as the City's voting representative for Lane Electric Cooperative. Fred Miller seconded the motion which passed with a vote of 5-0.

- (4) Request from EHS 2006 Graduation Committee for sponsorship of drug free Grad party.

Ric reported that the annual requests the Council has approved for the Zumwalt Discretionary Fund have been the Summer Arts Program for \$1,000, the Easter Egg Hunter for \$300; the Business Expo for \$500, and Safety on Wheels for \$300, for a total of \$2,100. In the past the City has budgeted \$3,000 for the Zumwalt Discretionary Fund. If the request is granted the Council will still have the funds to meet it's past obligations.

MOTION: Fred Miller made a motion to support the 2006 EHS Graduation Committee in th amount of \$300. Darrell Carman seconded the motion.

Discussion: In response to a question about the High School's Japanese exchange program that the Council has supported in the past, Ric said the group will not be going back to Japan. Mayor Brooker said he would also like the Council to continue to support the Applegate Regional Theater. Ric said after this request he would caution the Council to wait until after the audit to award any additional funds.

Vote: The motion passed with a unanimous vote of 5-0.

- (5) Public Safety Task Force Request for Resolution

Ric said a resolution will be brought back to the Council at their next meeting. Based on the information in the executive summary he said he would like the Council to make a couple of decisions and come to a unanimous consensus before the resolution is prepared.

The Public Safety Task Force reached a general consensus on 20 public safety items. All of the items received a super majority vote (10 of 13) except for how to pay for it. The funding options include a property tax levy, establishing special districts, implementing a sales tax or gross receipts business tax. The resolution the Council will be passing will include a funding recommendation.

Marion Esty expressed disappointment that some of the cities that have their own police departments were not attending the Task Force meetings on a regular basis.

Mayor Brooker said the decision the County Commissioners make will affect every community whether or not they participate in the discussions. Mayor Brooker said the County Commissioners are proposing to fund a program that is budgeted for three years. After

three years of performance it will go to the vote of the people for continued funding.

Mayor Brooker said the one funding proposal that came one vote short of having a super majority was one presented for a 1% retail sales tax. In response to a question from Marion Esty as to why Mayor Brooker did not vote in favor of the proposal, Mayor Brooker said he personally does not believe the sales tax is appropriate. He said the Council had not yet given him direction as to how to vote; therefore, he could not represent the Council views. He said he feels the Council needs to discuss the other funding proposals and make a decision as to what funding option they want to recommend.

Mayor Brooker said his recommendation would be a gross business receipts tax, not a sales tax. He said the voters in the State of Oregon have never supported a sales tax. He said if Lane County were the only county in the state to have a sales tax it could impact economic development.

Darrell Carman pointed out that a high crime rate also has a negative impact on business.

In response to a question from Darrell Carman about whether or not the \$24 million proposed budget is enough to accomplish what needs to be done, Mayor Brooker said the original request was for \$35 million. He said the District Attorney and Sheriff support the pared down amount.

The Council agreed to support a resolution. Mayor Brooker said he would like the Council to reach a consensus about a recommended funding option to include in the resolution.

Mayor Brooker said Commission Stewart's funding proposal is for a 1% sales tax and a rebate on property taxes. He said Florence supports that proposal but with a gross receipts business tax instead of the 1% sales tax.

Mayor Brooker asked the Council to decide on whether they want to support a sales tax, a gross receipts tax, or a corporate income tax.

Thomas Cotter said it is a complicated issue for him. He said he is not comfortable with having the focus of public safety being on enforcement. He said it will take more than enforcement to address the drug problem. He said he would prefer a sales tax because it is the most fair way to pay for services that everyone uses, including visitors.

Mayor Brooker asked the Council for two motions, one in support of the public safety proposal and the other in support of a funding mechanism.

MOTION: Marion Esty made a motion to support passing a resolution in favor of the public safety package. Darrell Carman seconded the motion which passed with a vote of 4-1 (Thomas Cotter voting no)

Darrell Carman said he felt the Council need more discussion before voting on a funding mechanism. He said he would prefer a sales tax; however, based on past history he is doubtful the public would vote for it.

Thomas Cotter pointed out the voters haven't passed a property tax either. He felt a sales tax would have a better chance of passing if properly explained.

Darrell Carman said he agrees with Tom that a sales tax is the most fair because it spreads the burden out over everyone that benefits.

Mayor Brooker said he voted against the sales tax because he felt other options had not been explored. He said he agrees a sales tax is the most fair but the voters have never before passed one. He said he feels a business tax is good because Oregon has the lowest corporate income tax in the nation.

Thomas Cotter pointed out that not all businesses are corporations. Mayor Brooker said the proposal is for a gross receipts tax on all businesses. He said the tax would have to be higher than a simple sales tax. He said if the Council decides on a sales tax he could certainly support it.

Fred Miller agreed that a sales tax is most fair because it collects from visitors to the area that use services; however, he said he does not feel it would get passed by the voters. He said he feels the best option is a gross receipts tax.

Marion Esty said she did not feel a sales tax would discourage business.

Darrell Carman said the one thing that could convince voters to vote for a sales tax is the property tax rebate.

Mayor Brooker said Commissioner Stewart's proposal could be adopted with a gross receipts tax instead of the sales tax.

Fred Miller said he wants to support something that the voters will pass. He said he does not think they will pass a sales tax.

Ric pointed out that Fay Stewart's proposal which includes the sales tax will not go to a vote of the people until 2008.

MOTION: Mayor Brooker made a motion directing staff to prepare a resolution in the same format as the one drafted by the Public Safety Task Force with the gross receipts option.

Discussion: Ric Ingham asked if the Council had reached consensus to choose the gross receipts tax option.

The motion by Mayor Brooker was not seconded.

Mayor Brooker asked the Council for a consensus as to which funding option they would like staff to include in the resolution.

Fred Miller, Darrell Carman, Marion Esty, and Thomas Cotter all said they could vote for either the sales tax or gross receipts tax; however, they felt the sales tax would not have a chance of being approved by the voters in 2008.

By consensus the Council agreed to pass a resolution supporting Fay Stewart's proposal, substituting a gross receipts tax for the sales tax.

(6) Rabies Reporting Discussion

Ric advised the Council that the topic of discussion is whether or not to schedule a public comment session on the request by LCARA to adopt a mandatory rabies reporting ordinance. If the Council decides to hear public comments, the stakeholders will be notified.

In response to requests from the audience, Mayor Brooker said he would allow ten minutes for comments from the public at this time.

Sylvia Calderwood said she wanted to point out that the Veneta Veterinarian Clinic offers more hours of operation for tracing rabies tags than LCARA does.

David Calderwood said he just came from a Springfield Council meeting where this issue was discussed and much of the information that was presented was inaccurate. For example, they were told the incidents of rabies in bats has increased over the last few years. He said the information he gave the Council at the last meeting not only shows it has gone down but also that there have been no confirmed cases of rabies in dogs in 30 years with the exception of one imported from Mexico in 1995. He said they were also told that rabies reporting is the norm across the nation; however, a questionnaire was sent to all 52 states and 30 states reported that they do not require it. He said he feels the County has not adequately done their research.

Jan Shelton; 4055 Royal Avenue #134; Eugene, OR

Ms. Shelton said she feels a mandatory reporting of rabies vaccines will result in people making unnecessary choices by either shipping vaccines or disposing of their pets.

Mona Linstromberg; 87140 Territorial Road; Veneta, OR

Ms. Linstromberg suggested holding a public comment session so the Council can hear both sides of the issue.

Al Phillips; 89990 W. Demming Road; Elmira, OR

Mr. Phillips said he has monitored the Task Force since 2002. He said if the limit laws were changed it would eliminate part of the problem. He said he is in favor of having all dogs vaccinated for rabies; however, he cannot support mandatory reporting because it is punitive and violates doctor/client privileges. He said if a person is bit, the information is already available under the present system.

Mayor Brooker thanked the public for their comments. He said LCARA has asked the City to pass a resolution in support of mandatory rabies reporting. They have heard arguments against the proposal but the only documentation they have in support is from Mr. Wellington. The Council needs to decide wither or not to hold a public comment session.

MOTION: Darrell Carman made a motion to hold a public comment session before adopting a mandatory rabies reporting resolution. Thomas Cotter seconded the motion.

Discussion: Marion Esty said she would have to vote against a resolution. Darrell Carman said he would tend to agree; however, he wants to hear the other side.

Vote: The motion passed with a vote of 4-0 (Marion Esty abstained from voting).

In response to a request by Ric for Marion to declare why she was abstaining, Marion said she feels that the public has had adequate notice and has had enough opportunities to comment.

Ric advised the Council that the stakeholders have told him they would like an opportunity to comment.

b. **COUNCIL/COMMITTEE LIAISONS**

Marion Esty (Park Board) - Marion said she is pleased with the energy the new Board has shown.

4. **JOINT MEETING WITH CONTRACT REVIEW BOARD**

- a. Call Contract Review Board to Order: Mayor Brooker called the Contract Review Board to order at 8:46 p.m.
- b. Authorization to dispose of surplus property:
Ric provided the City Council with a list of surplus equipment. He said the equipment is too outdated to be of much use to schools or non-profit groups; therefore, staff is recommending that the items be disposed of through a recycling program that refurbishes them.

MOTION: Fred Miller made a motion to authorize the disposal of City owned property. Marion Esty seconded the motion which passed with a unanimous vote of 5-0.

MOTION: Thomas Cotter made a motion to approve the list of surplus property prepared by staff. Darrell Carman seconded the motion which passed with a vote of 5-0.

- c. Adjourn Contract Review Board: Mayor Brooker adjourned the Contract Review Board at 8:50 p.m.

5. **STAFF REPORTS**

a. **COMMUNITY SERVICES DIRECTOR**

- (1) Public Works Monthly Activity Report for September 2005
Kyle Schauer presented his monthly activity report. He said the new filter media has been installed and he is expecting the test results tomorrow. The required three year lead and copper tests were completed and the results were acceptable. Restoration work on the wetland mitigation site has begun. Residents responded well to notices advising them to clear brush from drainage ditches and right-of-way adjacent to their property. Leaf pick-up will begin the first week of November. There has been a significant reduction in the number of delinquent water notices and shut-offs since the new policy was implemented.
- (2) Acceptance of Public Utility Easements
The following easements were presented to the City Council for acceptance: (1) easement granted by Kay Larson on the east side of Eighth Street as a result of a property line adjustment with the Railroad and (2) a 14' public utility easement granted by Henry, extending west from Sixth Street through a vacated alley, to provide sewer service to lots 1, 2, 3, 10, 11, 12 of Veneta Plat Block 18.

MOTION: Thomas Cotter made a motion to accept the public utility easement on Kay Larson's tax lot 400. Marion Esty seconded the motion which passed with a vote of 5-0.

MOTION: Thomas Cotter made a motion to accept the public utility easement being granted by Henry for a sewer line to serve lots in Block 18 of the Veneta Plat. Marion Esty seconded the motion which passed with a vote of 5-0.

- (3) Park Board Scope of Work - Park SDC
Margaret asked the Council to approve using some of the LCOG planning assistance funds to begin work on updating the park SDCs to help the City achieve the goals in the Parks Master Plan. She said staff and the Park Board can begin work on a list of Capital Improvement Projects. Staff plans to come back to the Council with a supplemental budget to complete the scope of work.

MOTION: Fred Miller made a motion to use some of the LCOG planning assistance contract funds to begin work on the park SDCs. Marion Esty seconded the motion which passed with a vote of 5-0.

Margaret said staff has several items they would like to package together in a supplemental budget.

In response to a request from Margaret, the Council said they would prefer having the second joint work session with the Planning Commission at 5:30 p.m. on November 14, 2005, prior to their regular Council meeting.

b. CITY ENGINEER

(1) Well 10 Update

The well driller checked in with Jerry late this afternoon and said he's drilled about 40 feet, the casing is going down smoothly, and he anticipates hitting water tomorrow. Once the well is drilled the screen will be ordered. Jerry said the project is about a week behind schedule and he is now feeling nervous about the water rights transfer. Jerry said he has a form that needs to be signed by a water rights examiner. The City has retained Harvey Christensen who is also working on Well 9. Mr. Christensen left a message saying the map needs further revisions and he has other projects to do first. Jerry said he will advise Mr. Christensen to focus his attention on the map because the City already has a pending application with the Water Resources Department (WRD). Jerry said he hopes he can get the map certified later this week. If everything stays on schedule it will take until mid-February for the WRD to make their formal ruling. He said there is no guarantee of securing the water rights until they get through the entire process.

Ric said there are a limited number of water rights examiners and having to get the application signed off by one has complicated the process. He said they may need to re-evaluate the June 1, 2005 time

schedule.

In response to a question from Thomas Cotter, Jerry Elliott said they will have a good indication in mid-November of what the risk is based on the preliminary findings that will be issued by WRD.

At the request of the Council, Jerry Elliott said he will check into the cost of purchasing a generator compared to renting one.

(2) Cherry Street Drainage update

Jerry said he met with the third DSL project coordinator and has been advised that DSL has issued the permit for a 30 day public comment and review. As of today only one comment has been received. Jerry said he will respond to the comments as they come in. DSL has to wait a minimum of 3 days after the end of the comment period but has up to 60 days to issue or deny the permit. The earliest the permit can be issued is November 1, 2005 and the latest is December 30, 2005. Oregon Division of Fish and Wildlife only allows work to be done in a stream from April 15 through October 31; therefore, the City will need to apply for an exception to do any work before April of next year.

In response to questions, Jerry said the work involves clearing out debris and lowering the stream bed by removing accumulated sediment. He said the City also needs a permit from the Army Corp of Engineers. Because the city is working directly in a stream, the city will be required to pay a resource impact fee that goes into a pool of money used for mitigation.

(3) Water Rights Transfer update (discussed as part of the Well 10 update)

(4) I & I update

Jerry Elliott said a change order has been issued for the liner which will be installed next week. Both contractor and Paul will keep Kyle in the loop. After the liner has been installed the project will be closed out. There is no additional funding for I & I work in this fiscal year.

(5) In regard to the new filter media, Jerry said they should have the test data by the end of this week. Regarding the Effluent Master Plan, Jerry said the next piece will be to assess existing equipment to determine what they may or may not have to do operationally to prepare for next spring's irrigation. He said before the next planting they hope to have a better delivery system that requires less maintenance.

In response to a question from Mayor Brooker about the water rights for well 9, Margaret said it was to be done by September 30, 2005 but Jerry needs the water rights examiner who has been working on well 9 to do some work on well 10. She said the City has some rights to well 9 which need to be finalized but she does not know exactly when that

will happen.

c. CITY ADMINISTRATOR

(1) Veneta Business Park update

Ric provided the Council with a project fact sheet. He said the momentum has picked back up for a business that plans to relocate in the Veneta Business Park. Staff has been working with legal counsel and the engineers to resolve the outstanding issues. The developers have agreed to pick up the extra costs and hope to have everything completed by the end of the 2006 calendar year.

Mayor Brooker complimented Ric for keeping the project alive. He said the Veneta Business Park will be the cornerstone for Veneta's economic development.

(2) Formation of an Economic Development Committee

Ric introduced Dan Watts, the City's new R.A.R.E. participant. Dan has put together a work plan to get started on a Downtown Development Plan and Economic Development Committee. The City is hoping to get a \$60,000 grant to complete the work and Dan will be the City liaison to LCOG on that project. Part of the work will be to identify public improvement projects and to consider updating Veneta's Urban Renewal Plan. Dan will also be helping with the industrial lands certification process for the Northeast Employment Center.

Dan said he would like to form two committees: (1) a Citizens Advisory Committee to help with the visioning process for the Downtown Plan and (2) an Economic Development Committee to help facilitate that plan.

MOTION: Fred Miller made a motion to approve placing an ad in the West Lane News to solicit citizens for a nine member Economic Development Committee. Thomas Cotter seconded the motion.

Discussion: In response to a question from Mayor Brooker, Ric said the majority of the committee would be made up of Veneta residents; however, some members would be non-residents who are partners in promoting business in Veneta.

Vote: The motion passed with a vote of 5-0.

(3) Downtown Plan update - Citizen's Advisory Committee

Ric said the city is still a couple of weeks away from getting a grant award; however, Dan is aggressively moving forward to getting a committee established so a plan can be finalized before his R.A.R.E. internship is up.

MOTION: Fred Miller made a motion to place an ad in the West Lane News to solicit ten members for a Citizen's Advisory Committee for the Downtown Development Plan. Thomas Cotter seconded the motion which passed with a vote of 5-0.

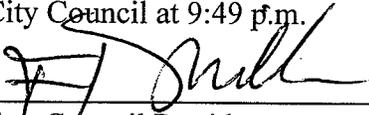
- (4) Final Work Plan
Ric presented the final Work Plan to the Council and advised the Council that staff will keep the council up-to-date on the actions and activities staff takes to implement the plan.
- (5) Emergency Management Plan update
Ric said a funding source has not been identified but the City will have ongoing discussions with Marty Nelson, Lane County Fire District No. 1, and Linda Cooke, the County Emergency Response Coordinator. Mayor Brooker asked staff to check with the League of Oregon Cities to see if there are any Homeland Security grants available.

6. OTHER

Ric said the Council discussed a visioning process during their goal setting work session. He said the Coordination Group is not meeting on a regular basis. He said Rural Development Initiatives (RDI) developed a strategic plan in 1996. After talking to the Mayor he scheduled a meeting with RDI to discuss what it would take to update that plan. That meeting will be held on November 16, 2005 and other stakeholders will be invited to attend.

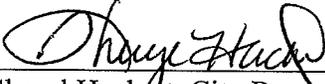
Mayor Brooker said he would like the City to engage the Chamber and get them more involved.

- 7. ADJOURN:** Mayor Brooker adjourned the Veneta City Council at 9:49 p.m.



Fred Miller, Council President

ATTEST:



Sheryl Hackett, City Recorder (prepared by SLH)