

Minutes of the Veneta City Council
June 12, 2006

Council: Mayor T. J. Brooker, Darrell Carman; Thomas Cotter, Marion Esty, and Sharon Hobart-Hardin

Others: Ric Ingham, City Administrator; Sheryl Hackett, City Recorder; Margaret Boutell, Community Services Director; Jerri Moore, Finance Officer; Sgt. Cliff Harrold, Lane County Sheriffs Department; Jerry Elliott, City Engineer; Lee Taylor-Loewe; Mona Linstromberg; Norman Welch; Charles Standeford; and Rob Lafferty, West Lane News

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

1. PUBLIC COMMENT

Mona Linstromberg; 87140 Territorial Road; Veneta, OR

Mona said at the recent land use hearing for the Coven property staff laid out the historical land use actions which she said was very informative. She said looking back at the land use actions for the Larson property (tax lot 600) she found one particular part of the proposed final order and the final order of the recent joint approval by the City Council and Planning Commission on the LUBA appeal to be very intriguing. She said Mayor Brooker said the City had made significant streets, sidewalks, water, sewer, and stormwater infrastructure investments in the area to encourage commercial development. She said she is not voicing an opinion about Jack Kelley Drive, she just wants to point out a contradiction. She said she remembered reading in Kay Larson's application that a 40,000 square foot development was necessary to recoup the cost of infrastructure to serve the site. She said Kay Larson has always said not all of the infrastructure is there; however, the findings presented by the City say the infrastructure includes water and sewer. She said she has read about the Jack Kelley Drive project in the Council minutes which indicate that some matching funds were used on either the east or west end. She said she also found it very interesting to read about the complications with the Eighth Street extension. She said the City incurred more costs when they came across some very wet spots and when the street began to sink. She said she believes there will be a very interesting LUBA decision and she hopes the City will go back and correct the misstatements about the infrastructure. She said it would be very helpful in the entire process for staff to summarize the historical records.

2. PUBLIC HEARING ON THE APPROVED 2006/07 BUDGET

- a. Public Hearing in regard to the approved Fiscal Year 2006-2007 Operating Budget for the City.
- (1) Open Heading: Mayor Brooker opened the public hearing at 7:20 p.m.
 - (2) Declaration of potential conflict of interest or ex-parte contacts: None
 - (3) Staff Report (Jerri Moore):
Finance Director Jerri Moore said the required public hearing on the approved 2006-07 budget will complete the budget process for the

upcoming fiscal year. Staff has followed Oregon Budget Law in the preparation of the budget being presented for adoption. Public hearing notices were published in the West Lane News. Two Budget Committee meetings were held at which the 2006-07 Budget Proposal was presented by staff and reviewed by the Budget Committee. The Budget Committee gave their final approval of the budget at their May 16, 2006 meeting. The Notice of Budget Hearing, including a financial summary, an estimate of property taxes to be received and anticipated expenditures and resources by fund as approved by the Budget Committee was published in the West Lane News on June 1, 2006. Oregon Budget Law states that the governing body can make changes to the approved budget as long as those changes to planned expenditures do not exceed 10% of a particular fund's total expenditures. Staff is recommending the Council adopt the budget as approved by the Budget Committee with no changes.

- (4) Proponents for any items in the budget document:
Thomas Cotter thanked the Budget Committee members, staff and Council for all of their hard work in preparing the budget.
- (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 7:15 p.m.

- b. **Resolution 917 - A RESOLUTION ADOPTING THE OPERATING BUDGET FOR FISCAL YEAR 2006-2007; IMPOSING TAXES; SPECIFYING APPROPRIATIONS; AND CATEGORIZING TAXES IMPOSED.**

MOTION: Thomas Cotter made a motion to adopt Resolution 917. Marion Esty seconded the motion which passed with a vote of 5-0.

3. CONSENT AGENDA

MOTION: Sharon Hobart-Hardin made a motion to approve the consent agenda as presented. Darrell Carman seconded the motion.

Vote: Marion Esty, aye; Thomas Cotter, aye; Mayor Brooker, aye; Darrell Carman, aye; and Sharon Hobart-Hardin, aye.

The consent agenda as approved included minutes for May 22, 2006, new liquor licenses for Bonne Chance Bistro and Ixtapa Mexican Restaurant, and liquor license type change for Our Daily Bread Restaurant.

4. DEPARTMENT REPORTS

a. FROM MAYOR/COUNCILORS

Mayor Brooker amended the agenda by moving up the discussion on the law enforcement contract to accommodate the presence of Sgt. Harrold.

Ric Ingham said the attachment at the back of the agreement shows the actual staffing.

Sgt. Harrold said he understands the City is ready to increase staffing by .5 FTE which was to be shared with Creswell; however, Creswell has changed its mind and is not ready to add another half time deputy. Sgt. Harrold said he is working on another way to get a half time deputy assigned to Veneta but will need approval from the Sheriff, which he hopes he can get by late fall. In the meantime he said he has plans to use some overtime to cover gaps in coverage resulting from vacation and training.

Mayor Brooker said it would be very helpful to have some additional coverage during the summer months.

Sgt. Harrold said Oregon Country Fair has decided to have the deputies they pay for circulate around the area this year. He also said he and Ric will be working with ODOT to have the 45 mph speed zone on Hwy 126 extended to the west of the Eighth Street intersection.

Ric said the contract does not include the additional .5 deputy; however, the adopted budget does include 3.5 deputies and .5 Sergeant. Although the additional .5 time position cannot be filled at this time because Creswell backed out, the money was left in the budget so it can be used for some overtime coverage. He said he hopes the .5 FTE can be filled later this year.

MOTION: Thomas Cotter made a motion to approve the law enforcement contract for 2006/07. Sharon Hobart-Hardin seconded the motion which passed with a vote of 5-0.

- (1) Appointment of new members to the Veneta Park Board
Mayor Brooker said he reviewed and discussed the applications with staff and Council and selected two people to fill the vacancies on the Park Board.

Mayor Brooker appointed Lee Taylor-Loewe and Craig Soderberg to the Veneta Park Board.

b. COUNCIL/COMMITTEE LIAISONS

Sharon Hobart-Hardin (Park Board) - the Board is in the process of finalizing goals and recommendations for 2006/07. She said she feels the Council will be impressed with what they are planning. She said she is very happy that Lee Taylor-Loewe has been appointed

Sharon Hobart-Hardin (Strategic Planning) - the last meeting was very well attended. The goals and action plan was discussed and will be unveiled at a community celebration scheduled for June 16, 2006.

5. STAFF REPORTS

a. FINANCE OFFICER

Finance Director Jerri Moore said she has presented three resolutions for adoption. Each year during the budget process the State asks the City to adopt two resolutions, one certifying the City provides four or more services (918) and the one stating the City wants to receive State revenue (919). The third Resolution (921) is an appropriations transfer for the current fiscal year ending June 30, 2006. She said financial information for this year has been slim; but based on the best available information she feels it is necessary to make a couple of transfers, first in the General Fund for contracted services that have run a little over budget and second in the Street Fund for the Pine Street project. She said the purpose of the transfers is to avoid a budget shortfall.

- (1) **Resolution 918** - A RESOLUTION CERTIFYING THAT THE CITY PROVIDES FOUR OR MORE MUNICIPAL SERVICES

MOTION: Thomas Cotter made a motion to adopt Resolution 918. Sharon Hobart-Hardin seconded the motion which passed with a vote of 5-0.

- (2) **Resolution 919** - A RESOLUTION DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES

MOTION: Thomas Cotter made a motion to adopt Resolution 919. Sharon Hobart-Hardin seconded the motion which passed with a vote of 5-0.

- (3) **Resolution 921** - A RESOLUTION TO TRANSFER APPROPRIATIONS

MOTION: Thomas Cotter made a motion to adopt Resolution 921. Sharon Hobart-Hardin seconded the motion which passed with a vote of 5-0.

b. COMMUNITY SERVICES DIRECTOR

- (1) Land Use Planning Fee Increases

Margaret said the City Attorney recommended adding the words "no more than the actual or average" to the second paragraph of the resolution being presented for adoption. She provided the Council with a revised copy of Resolution 915. She said for some applications the base fee is called a deposit. Staff will track time and bill applicants for the actual cost of reviewing applications for which a deposit is being charged instead of a fee. Another change is to combine the engineering and publication deposits into one deposit. The intent of the new fee schedule is to recover the full costs for reviewing and processing applications. Costs for multiple applications submitted for one parcel will be tracked together and not separately. If an applicant applies for several land use actions at one time the deposits and fees will be collected for each application; but, the applicant will not be billed until all of the deposits have been used.

In response to a question about the charge for maps, Jerry Elliott said

generally maps are purchased directly from his office and the City is out of that loop.

Margaret recommended the Council wait at least a year to review the fees to make sure they have adequate time to track enough applications. She said it can take up to four months to process one application from beginning to end.

Darrell Carman said he has been reluctant from the beginning to base the fees on actual staff time. Speaking as a business person, he said he would be uncomfortable with an open-ended fee. He asked what measures the staff has in place to make sure the review process is efficient. He said developers should be given some idea of what their fee will end up being.

In response, Margaret said the City has a lot more history on some types of applications than others, such as site plan reviews. She said the deposits have been based on average costs. She said based on the City's history and comparisons to the Creswell fees she feels comfortable that the deposits are close to what the actual fees will be.

Ric said staff is going to have to track time differently than in the past. He said time cards are public records so developers can ask to see time sheets.

Mayor Brooker said he has some of the same concerns as Darrell and asked staff to take the necessary steps to make sure the process is as efficient as possible.

Margaret said one way a developer can reduce the costs charged by the City would be to do any necessary research instead of asking staff to do it.

Darrell Carman said the one thing he likes about the proposal is that it gives developers an incentive to do a better job.

- (a) **Resolution 915** - A RESOLUTION ESTABLISHING LAND USE PLANNING FEES AND REPEALING RESOLUTION 910

MOTION: Sharon Hobart-Hardin made a motion to adopt Resolution 915. Thomas Cotter seconded the motion which passed with a vote of 5-0.

- (2) Adoption of Water Conservation Ordinance provisions
At the May 22, 2006 Council meeting staff provided a list of water conservation measures that could be adopted. Ordinance 465 is the first step that will allow the City Council to adopt a water conservation resolution. The resolution itself has not yet been drafted. Section 19 of the City's water ordinance already has a provision for restricting water usage in the event of a water shortage. The only change is to add a provision for adopting water conservation measures by resolution.

Margaret said staff plans to come back with a draft resolution at the next Council meeting in July for water conservation, not for a water shortage.

In response to a request by the Council, Margaret said they will add some exemption language to the resolution. She said prior to presenting a resolution for adoption the public will be notified by mail and given a chance to comment.

- (a) **Ordinance 465** - AN ORDINANCE AMENDING SECTION 19 OF VENETA ORDINANCE NO. 38 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: Darrell Carman made a motion to approve Ordinance 465 for first reading by title only. Sharon Hobart-Hardin seconded the motion which passed with a vote of 5-0.

Ordinance 465 was read as follows:

Ordinance 465, an ordinance amending Section 19 of Veneta Ordinance No. 38 relating to the water code for the City of Veneta and declaring an emergency.

MOTION: Darrell Carman made a motion to approve Ordinance 465 for second reading by title only and for final enactment. Sharon Hobart-Hardin seconded the motion which passed with a vote of 5-0.

Ordinance 465 was read as follows:

Ordinance 465, an ordinance amending Section 19 of Veneta Ordinance No. 38 relating to the water code for the City of Veneta and declaring an emergency.

- (3) Introduction of Parks SDC Methodology and Calculations
Margaret Boutell passed out a revised draft methodology for the City of Veneta Parks System Development Charge. The original draft proposed an SDC charge in the amount of \$3,357. That amount has been reduced to \$2,997. The reduction is a result of a change to the persons per household to fit the current census data. The methodology is now ready for public review. The City is required to allow 60 days for the public to review and comment on the methodology and Capital Improvement Plan (CIP) before the adoption which is scheduled for August 14, 2006. The City will hold two public comment sessions, one at the Planning Commission meeting July 5, 2006 and one at the City Council meeting July 10, 2006. A letter was sent today to all known area builders, developers, and engineers. The information will be posted on the City website tomorrow. The only reimbursement fee by future users is for the swimming pool.

In response to a question from Thomas Cotter, Margaret said Systems Development Charges can only be used for the new capital infrastructure. Park land and maintenance are not included. The City will acquire additional park land through the newly adopted park dedication ordinance.

Margaret said future population is based on the Region 2050 estimates. Today is the first day for review and the methodology can be changed before it is formally adopted. Margaret said the SDC could be reduced by eliminating some of the proposed infrastructure projects. Ric said another option would be to make a policy decision to pass a resolution to only charge 80% of the SDC at this time and as the City grows the full fee could be reinstated.

In response to questions from Darrell Carman, Margaret said the future need is based on the State standard used in the Veneta Parks and Recreation Master Plan. She said they cannot charge future users an SDC for existing facilities.

In response to a question from Mayor Brooker, Margaret said the cost estimates are based on recent City projects and costs incurred by other cities for developing the proposed infrastructure.

Sharon Hobart-Hardin advised the Council that the Park Board discussed the calculations and methodology at their last meeting and she wanted it on record that they fully support the proposal. She said the Park Board's job is to implement the Parks Master Plan and this is one way to do it.

c. CITY ENGINEER

(1) Well 10 Contract

Jerry Elliott said he and Ric met with the City Attorney prior to the Council meeting to discuss the bid for the Well 10 connection which includes installation of the pump, 1,100 feet of 12" pipe, construction of an operations shelter and installing electrical conduits and connectors to connect the well to the City's existing water distribution system. Jerry said he called eight (8) contractors to let them know the project was going out for bid; however, the City only received one (1) bid. The bid was from H & J Construction for an amount that is about 40% higher than the estimated cost of the project. Jerry said he reviewed the bid breakdown and most of the higher cost is in the electrical subcontract. The City Attorney has prepared a revised resolution which would allow the City to award the bid to H & J Construction and to negotiate the price and/or to negotiate and award portions of the project to one or more other contractors based on the lowest bid or quote.

Ric said the Council has three options; award the bid under the original resolution to H & J Construction, award the bid under the revised resolution which allows flexibility for negotiating with H & J Construction and/or other contractors for parts of the project, or reject the bid.

In response to a question, Jerry Elliott said the \$349,000 does not include the pump and motor.

Darrell Carman said they seem to keep throwing more money and more time into the project.

- (a) **Resolution 920** - A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF VENETA FOR AN EMERGENCY PUBLIC IMPROVEMENT CONTRACT

MOTION: Darrell Carman made a motion to reject the bid altogether and get the full project back on line. Sharon Hobart-Hardin seconded the motion.

Discussion: Mayor Brooker said he does not understand why they would want to do that because it would mean waiting until fall. He said the purpose of making the connection now was to provide an emergency water supply.

Jerry Elliott said it will take three to four weeks to reassemble the bid documents to include the treatment plant and then they would need to give bidders 4-5 weeks to look at it. New bids could be opened in mid-August. Ric said the time line will not allow the work to begin until after the peak water usage season.

Darrell Carman said they have a responsibility to provide water but they are also responsible for using the City's resources wisely.

Mayor Brooker said he feels they are under pressure to provide redundancy for the water supply.

Ric said the bottom line is if the bid is rejected they need to direct Jerry Elliott to prepare new bid documents. He agreed with Mayor Brooker that the purpose of making the connection now was to have a backup water supply in the event of an emergency. In response to a question, Ric said without sitting down and talking to the contractor they don't know why there was such a discrepancy between the cost estimates and the bid.

Vote: The motion carried with a vote of 3-2 (Mayor Brooker and Thomas Cotter voting no).

Mayor Brooker asked staff to look at other options and report back to the Council.

In response to a question from Mayor Brooker, Jerry Elliott said the proposed work was designed to be dry plumbed to the future treatment facility. That same work will need to be completed as part of the entire project.

d. CITY ADMINISTRATOR

(1) Status of Luther Lane Surplus Property

Ric said he provided the Council with a copy of a letter from ODOT regarding the surplus property at the intersection of Luther Lane and Territorial. In that letter ODOT notified the City they will not declare the property as surplus and sell it. City Attorney Ken Jones is of the opinion that now is the time for the City to be aggressive about getting the property deeded over to the City, based on an agreement gifting it to the City in 1984.

MOTION: Mayor Brooker made a motion directing staff to contact ODOT through the City Attorney to have them honor the 1984 agreement and have the property deeded over to the City. Sharon Hobart-Hardin seconded the motion which passed with a vote of 5-0.

(2) Approval of Lane County Patrol Contract: Action on this agenda item was taken earlier in the meeting.

(3) Veneta Downtown Master Plan Progress Update

The Veneta Downtown Master Plan is nearing completion and the Oregon Downtown Developers Association (ODDA) team and Mary Bosch have planned two public meetings to present the plan and market analysis to the public. The first presentation will be on June 27, 2006 for the Market Readiness Analysis prepared by Mary Bosch and the second presentation will be on July 11, 2006 for the Downtown Master Plan prepared by ODDA. Both meetings will be open to the public.

Thomas Cotter asked that the June 27, 2006 meeting be recorded.

(4) Transportation and Growth Management (TGM) Code Assistance Program support letter

Ric said the City has received a request from the TGM Code Assistance Program for a letter from the Council in support of the City's request for assistance in updating the land development ordinance with the recommended code changes for the Downtown Master Plan. The TGM staff will begin work once they receive the ODDA Downtown Master Plan and the letter of support from the Veneta City Council.

MOTION: Thomas Cotter made a motion to authorize the Mayor to sign a letter from the Council in support of the City's request for the utilization of the TGM Code Assistance Program. Marion Esty seconded the motion which passed with a vote of 5-0.

- (5) Request for Assistance with Community Celebration
Ric said Rural Development Initiatives (RDI) has been working with a group of about 40 stakeholders to develop a Fern Ridge Strategic Plan. The draft plan will be presented at a Community Celebration scheduled for noon on Friday, June 16, 2006 in the Konnie Room at the Fern Ridge Library.

The organizational committee has asked the city of Veneta and Fern Ridge Chamber to share the costs. They have requested the City contribute \$100.

Marion Esty noted a typographical error, the correct spelling for the room at the library is "Konnie".

MOTION: Thomas Cotter made a motion to approve the request by the Fern Ridge Strategic Planning group for \$100 to be used for the Community Celebration luncheon. Sharon Hobart-Hardin seconded the motion which passed with a vote of 5-0.

- (6) Well 10 Land Swap
Ric said he hoped to come back to the Council with a final agreement on what property the City will give McDougal in exchange for the two lots the City is acquiring for the water filtration plan. Both parties have agreed to the property to be swapped; however, McDougal wants an option to purchase some of the remaining City-owned lots in exchange for the easements. The City has made it clear that a new Specific Development Plan needs to be approved before the City sells the remaining lots. The City Attorney is working with McDougal's attorney to come up with some assurance the City can have the lots back if that doesn't happen.

Ric said one of the things the City would like to do is move some of the non-conforming businesses on W. Broadway to an approved industrial area and he wants to make sure the City has property available to do that.

- (7) Needs and Issues Projects
To meet the requirements for some state and federal funding partners, Ric presented an updated list of City projects for the 2006 Needs and Issues Inventory list. In order of priority the list includes #1 Storm Water Master Plan & Drainage Improvements, #2 Acquisition and Construction of Well 11, #3 Downtown Infrastructure Improvements, #4 Acquisition of Territorial Sports Park, and #5 Fiber Optics. He said the Fiber Optics Project has been on the list for 4-5 years but has been moved from the #3

priority to the #5 priority (correction noted). He said having projects on the list could help support state or federal grant applications.

MOTION: Thomas Cotter made a motion to approve the 2006 Needs and Issues Project list as presented. Sharon Hobart-Hardin seconded the motion.

Discussion: In response to a question by Darrell Carman about what the total project cost of \$600,000 for the downtown includes, Ric said it includes sewer lines, a pump station, laterals, and construction of Second and Third Streets to Waldo Lane. He said the costs are not based on an engineers estimates and do not include landscaping or lighting. Darrell said he feels the estimated cost is too low.

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

- (8) Authorization to Proceed with R.A.R.E. Applications
The City presented applications for two possible projects. The University of Oregon contacted staff and asked for full applications for both projects. This year the program only has twenty positions available statewide; therefore, the City only budgeted for one project. Both applications will be submitted and staff will wait to see which one, if any, will be accepted.

Mayor Brooker said he is excited that the University is considering Veneta's applications knowing the City has had a R.A.R.E students each of the past two years.

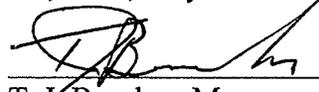
6. **OTHER:** None

7. **ADJOURN**

Mayor Brooker adjourned the City Council at 9:05 p.m. After the meeting it was announced by staff that both the Mayor and President of the Council are unable to attend the June 26, 2006 meeting which has tentatively been cancelled.

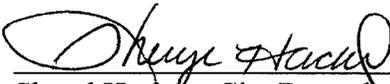
Mayor Brooker called the City Council back to order at 9:08 p.m. to discuss the appointment of a Councilor to act as Mayor in the event of a possible meeting June 26, 2006.

Following the appointment of Marion Esty to act as President of the Council if staff deems it necessary to hold a meeting on June 26, 2006, Mayor Brooker adjourned the Council at 9:09 p.m.



T. J. Brooker, Mayor

ATTEST:



Sheryl Hackett, City Recorder
(minutes prepared by SLHackett)