

Minutes of the Veneta City Council
October 9, 2006

Council
Present: Council President Thomas Cotter, Darrell Carman, Marion Esty, and Sharon Hobart-Hardin

Absent: Mayor T. J. Brooker

Others: Ric Ingham, City Administrator; Margaret Boutell, Community Services Directory Sheryl Hackett, City Recorder; Kyle Schauer, Public Works Superintendent; Bruce Nelson, Public Works Foreman; R.A.R.E. Interns Taunya Jones and Amie Collins; Jerry Elliott, City Engineer; Patrick Carpenter; Norman Welch; Cathleen Coulson-Keegan; Joan Mariner; Tami Sakany; Herb & Michelle Vloedman; and Jeneca Jones, West Lane News

1. **PUBLIC COMMENT**

Patrick Carpenter; Veneta Villa; 25115 E. Broadway #6; Veneta, OR

Mr. Carpenter told the Council he has a problem with homeless people who have taken up permanent residence in Veneta. He said one individual in particular, named Fred, has been living in Veneta for three years. He said he used to be able to take walks along the Railroad tracks until the transients moved in. He said he has been beaten up and threatened but has been told by the Sheriff's deputies that nothing can be done. He said Fred hangs around the Dari Mart and buys cigarettes and alcohol for minors. Mr. Carpenter displayed several photographs on a laptop computer for the Council to see. Mr. Carpenter said he identified the camp site on a City map for Brian and it appears the camp is on City property. He asked the City to evict the transients.

In response to questions from the Council, Kyle explained that staff has checked the location of the camp and found it to be on private property. He said one of the transients is a relative of the property owner who has given permission for them to be on the property.

Ric said some of the comments made by Mr. Carpenter are alarming and he will follow-up with the deputies.

Norman Welch; 25181 Cherry Lane; Veneta, OR

Mr. Welch asked again when the City will be removing the wing-wall at the end of Cherry Lane and correct the overflow ditch. He said he is aware the property owner has been working with the Division of State Lands. He said he would like to see the work done before the rainy season begins.

Cathleen Coulson-Keegan; 25130 E. Broadway Avenue; Veneta, OR

Ms. Coulson-Keegan said Key Bank removed several trees over the weekend. She said the trees appeared to be healthy and possible heritage trees. She asked if a tree felling permit had been submitted and if the bank is following City code.

In response, Kyle said staff became aware of the tree cutting this morning. The three trees cut over the weekend were not heritage trees and a permit is not required for that number of trees. The bank planned to remove a fourth tree; however, the tree is a

heritage tree and will now be saved. He said the bank was not aware they would need a permit.

2. CONSENT AGENDA

Sheryl Hackett brought the Council's attention to two typographical corrections, the word "Agenda" at the top of page one of the minutes for September 25, 2006 should be corrected to "Minutes" and the word "of" in the first sentence of item c(1) at the bottom of page 4 of the minutes for September 23, 2006 should be corrected to "off".

MOTION: Marion Esty made a motion to approve the consent agenda. Sharon Hobart-Hardin seconded the motion.

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

The consent agenda as approved included minutes for the September 25, 2006 regular Council meeting and the minutes for the September 25, 2006 joint meeting with the Planning Commission.

3. DEPARTMENT REPORTS

a. FROM MAYOR/COUNCILORS

Ric introduced several new staff members. Bruce Nelson has been hired as the new Public Works Foreman. Amie Collins and Taunya Jones are the new Resource Assistant Rural Environment (R.A.R.E.) Interns from the University of Oregon. Taunya will be working on the trails/recycling project and Amie will be working on the next phase of Veneta's Downtown Development Plan.

b. COUNCIL/COMMITTEE LIAISONS

Marion Esty (Planning Commission) - Several items on the agenda were held over until the November meeting for more information but nothing controversial. Marion showed the Council a landscaping plan drawn by the Hayden Home developers and asked staff to make it available for the Park Board. Margaret Boutell said the landscaping was designed specifically for detention ponds. Sharon Hobart-Hardin said she would appreciate having it available for the Park Board.

Sharon Hobart-Hardin (Park Board) - At their last meeting the Park Board discussed Ralph Johnson Park and reviewed the drawings prepared by the University of Oregon students. Craig Soderberg will be checking into fundraising for that park. The Park Board is especially excited about the project because it will be an enhancement to the Downtown Plan.

Marion Esty (Peer Court) - the new coordinator has plans to expand the program.

4. STAFF REPORTS

a. FINANCE OFFICER

(1) Budget Analysis

At the last meeting, the Council received a financial report through June 30, 2006. At this meeting, Finance Officer Jerri Moore presented the Council with a more detailed report which also reflects the first round of

year-end adjustments that were posted. Jerri explained that another significant adjustment will be made on the expenditure side when the bills are posted from July invoices for services and materials in the month of June 2006. The financial report also included more detailed information on the City's revenue from property taxes, interest collected, franchise fees, and other revenues such as liquor, cigarette, and gas taxes. The report also included more detailed information on revenue from land use fees and SDC fees resulting from recent growth. An analysis of the City's enterprise funds was also part of the report.

The Council complimented Jerri on her report.

Ric explained that the unappropriated ending balance looks larger than it normally would because the City only completed about 30% of its capital projects.

b. **COMMUNITY SERVICES DIRECTOR**

(1) **St. Thomas SDC Appeal**

Margaret presented the Council with a letter from attorney Bill Kloos requesting a postponement of the appeal hearing.

Tami Sakany asked why the City would add Systems Development Charges when the use has not changed. Thomas Cotter said St. Thomas has requested a continuance of their appeal; therefore, it is not appropriate to discuss it at this time. Margaret Boutell said the City followed the adopted methodology in assessing the SDCs

(2) **Building Permit Fees - Public Hearing**

a. **Call to Order:** At 7:42 p.m. Thomas Cotter called the public hearing on the proposed building permit fee increase to order.

b. **Declaration of Potential Conflict of Interest and Ex-Parte Contacts:**
None

c. **Staff Report (Margaret Boutell)**

The City has received a request from the Building Department to increase some inspection fees to cover increases in insurance and field costs and to streamline the fee schedule. The Building Department has provided the required notice to the State.

Currently the fees are established by ordinance. Staff will need to draft an amending ordinance to allow fees to be established by resolution. If directed by the Council, staff can have an amending ordinance and resolution ready for the next meeting.

d. **Proponents**

David Mortier; the Building Department

David said he is available to answer questions. He said some of the changes are intended to simplify the fee structure by combining

some of the fees.

Joan Mariner; Veneta, OR

Joan Mariner said she supports the proposed fee increases. As Veneta grows it needs to compete with surrounding communities for quality development.

e. Opponents:

Tami Sakany; P O Box 334; Veneta, OR

Tami Sakany asked how Veneta's fees compare to Creswell, Junction City, and Cottage Grove. In response, David Mortier said they provide inspection service for Creswell and Cottage Grove and are proposing the same fees. He said the fees are substantially lower than what Lane County charges.

Tami Sakany asked when the fees were last changed. In response, Margaret said the fees that are proposed to increase are plumbing which were established in 1979 and the structural and mechanical fees were last increased in 2001.

Linda Boothe; 25331 Jeans Road; Veneta, OR

Linda Boothe said as a builder she disagrees with some of the fees she has to pay; however, she said she gets her moneys worth from the inspection fees. She said the Building Department provides excellent service and is very easy to work with.

f. Questions from the Council: None

g. Decision on the Issue: The Council directed staff to draft an amending ordinance and resolution to be adopted at their next meeting.

Thomas Cotter closed the public hearing at 8:00 p.m.

(3) Vloedman Nuisance Violation

Margaret said Mr. Vloedman has not yet removed the pile of dirt that has remained on his property after the construction of the self storage units off of Luther Lane. Mr. Vloedman was given a temporary occupancy permit on the condition the dirt be removed within 45 days. The dirt was not removed and at their last meeting the Council declared it an unenumerated nuisance and directed staff to process it as a violation. Mr. Vloedman has since covered the dirt and submitted a site plan application for a second phase of storage units and has stated his intention to use the existing dirt pile for that second phase. The Council was provided with a copy of the grading plan submitted with the site plan application and a letter from Mr. Vloedman.

The issues discussed at the last Council meeting were the unsightly nature of the pile, erosion, and damage to tree roots. Although the pile has been

covered to address the erosion concern, it remains unsightly. The City's tree removal ordinance does allow the City some ability to protect the entrance to the City by requiring trees to be retained as a buffer between the highway and the storage buildings that have bright orange doors and cyclone fencing with barbed wire.

Margaret said if the Council allows the dirt pile to remain, they could also direct staff to negotiate with Mr. Vloedman and ODOT to plant a tree buffer along the existing development.

In response to a question from the Council, Mr. Vloedman said he would like to proceed with the construction of the second phase of his development as quickly as possible. He said he has taken steps from the very beginning to address the City's concerns. He said it has required a lot of extensive work to prepare the topographical maps and the engineering to match the elevations of the existing development, the church to the east, and the ODOT property to make sure it all fits together.

Sharon Hobart-Hardin said she agrees with the point Mr. Vloedman made in his letter that it will cost a lot of money to remove it and then more money to bring it back in. She said given the fact the construction is to take place in less than a year it might make sense to allow it to remain. She said she also agreed with staff that some screening should be done to help beautify the entrance to the City.

Mr. Vloedman said visibility is important for security of his facility because it acts as a deterrent to vandalism. He said plants and shrubs invite vandalism.

In response to a question from Darrell Carman about what grounds the City has for requiring screening, Margaret said the dirt pile is currently in violation of the City code.

Darrell Carman said he would not want to require something that creates a problem for security in the area.

Mr. Vloedman said he has tried to be responsive to staff and had discussions with staff during the initial 45 day period. He said he was diligently working with his surveyors and engineers to resolve the issue. He said he has spent a lot of time cleaning up the site and built the best storage facility in the area.

Thomas Cotter said his preference would be to have staff work with Vloedman to resolve the issues.

Tami Sakany said the West Lane Chamber fully supports Vloedman as a business owner. She said these are the kinds of business owners Veneta needs more of. She said she feels the City is being a little coercive and isn't sure they have legal standing to make them obscure their property.

Darrell Carman said he understands why the property owner may feel that punitive action is being taken. He said the Council should follow its rules or they will end up negotiating with everyone that comes through the door.

Thomas Cotter said he doesn't feel it is punitive for the City to ask people to work with staff to correct a problem.

Margaret Boutell asked the Council for direction on how to proceed with the violation. Mr. Vloedman has submitted an application for a second phase; however, that doesn't mean he doesn't have a violation.

Thomas Cotter said he would like staff to work with Mr. Vloedman to see if a satisfactory solution can be reached.

Marion Esty said she is in favor of taking a positive approach to new businesses and she is willing to allow staff to negotiate a solution with Mr. Vloedman.

Sharon Hobart-Hardin said it is important to look at the intent. She said Mr. Vloedman has made an effort to address the issue which she said is a positive step in the right direction. She said if they had ignored the issue then the City should have proceeded with the violation. Given the fact Mr. Vloedman responded she feels it is appropriate to allow staff to negotiate a solution.

The Council directed staff to negotiate with Mr. Vloedman on the best way to deal with the pile of dirt that has been deemed a nuisance.

Linda Boothe asked the City to keep security in mind when they review developments. She said property crimes discourage owners from keeping their property cleaned up.

(4) Public Works Monthly Report of September 2006

Kyle Schauer said the City has taken possession of the new filters, media, and equipment that will be installed in the Well 10 treatment plant. During the month of September the Public Works crew spent a lot of time on the distribution of biosolids from the wastewater treatment facility. The City contracted to have the biosolids applied to a property three miles outside of town. There have been no complaints. The crew has also been preparing the stormwater system for winter. The City is still getting a lot of animal complaints and after the end of the month Greenhill will no longer accept animals from the City.

c. CITY ENGINEER

(1) Well 10 Award of Bid

Jerry Elliott said he received only two proposals for construction of the Well 10 facility. He provided the Council with the bid amounts and a matrix that summarizes the evaluation criteria used to make a

recommendation. He said both firms have selected the same sub-contractors for mechanical and electrical work. Based on the criteria and the lesser bid amount, Jerry recommended awarding the bid to 2G Construction. He said he will sit down and go over their bid to see if there are any opportunities to reduce the amount.

Ric provided the City Council with some additional financial information, a summary of budgeted vs actual costs for securing a well site that began in July 2003 and a summary of project costs for the development of Well 10 beginning with the 2003/04 Fiscal Year through the 2006/07 Fiscal Year. He said the construction dollars from prior years have continued to be carried over into an unappropriated ending balance. The summary sheet shows a total of \$700,000 is needed to complete the overall construction. If the bid is awarded, Well 10 and the filtration plant should be fully operational by April 2007.

Jerri Moore explained that because of the additional expenditures, a supplemental budget will be required.

MOTION: Darrell Carman made a motion to accept 2G Construction's bid and instruct Jerry Elliott to prepare the award. Sharon Hobart-Hardin seconded the motion which passed with a vote of 4-0.

MOTION: Sharon Hobart-Hardin made a motion to direct staff to prepare a supplemental budget for \$700,000. Marion Esty seconded the motion which passed with a unanimous vote of 4-0.

- (2) Pine Street Status
Jerry Elliott said permits are needed from both the Division of State Lands (DSL) and the Corp of Engineers. He expects to have the permits late this week but, in order to move ahead, the City will also need a permit to be in the wetlands through November 15, 2006. If the City does not get permission to be in the wetlands until November 15th they will need to wait and construct the bridge next June.

d. CITY ADMINISTRATOR

- (1) Charter Communications Franchise Agreement and micro-wave lease

The City's franchise agreement with Charter contains a provision allowing the City to enter into renegotiations at the end of December. Ric said Charter entered into a separate agreement with the City for the micro-wave located at the Dogwood Reservoir on Bolton Hill. At the time the Conditional Use Permit was issued, Charter told the City they would bring fiber optics in within five years. Ric said their lease expired on September 24, 2006 and Charter does not want the City to increase the lease. Ric said most cities in Lane County do not have an executed franchise agreement with Charter. The City can choose to withhold signing a new lease

agreement for the microwave until the new franchise agreement is signed. Charter uses the city right-of-ways to deliver their services and the franchise agreement is a way for the City to manage that. The franchise amounts will not change.

The Council directed staff to work with Charter Communications to negotiate a new franchise agreement.

- (2) The new R.A.R.E. participants were introduced at the beginning of the meeting.

5. OTHER

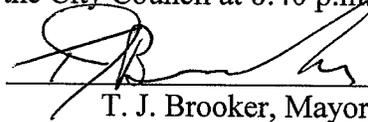
Joan Mariner complimented Ric and Tami Sakany for the article in the Register Guard regarding economic development and community leadership.

a. City Hall Day

Ric encouraged the Councilors to attend City Hall Day "Hometown Voices" being held at Cottage Grove City Hall next Thursday beginning at 4:30 p.m. It's a great opportunity for the Councilors to get to know their current representatives and candidates and let them know about issues important to Veneta.

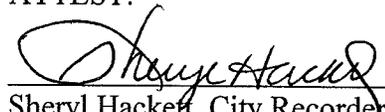
6. ADJOURN

Council President Thomas Cotter adjourned the City Council at 8:40 p.m.



T. J. Brooker, Mayor

ATTEST:



Sheryl Hackett, City Recorder
(minutes prepared by slhackett)