

## Minutes of the Veneta City Council July 23, 2007

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

Absent: Sharon Hobart-Hardin

Others: Ric Ingham, City Administrator; Margaret Boutell, Community Services Director; Darci Henneman, Assistant City Recorder; Taunya Jones, Project Coordinator; Carol Smith, Joan Mariner, Mona Linstromberg, Devon Trottier and Jeneca Jones; West Lane News

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Mayor Brooker called the Veneta City Council meeting to order at 7:05 p.m.

### 1. PUBLIC COMMENT

**Carol Smith, 24880 Suttle Rd., P.O. Box 327, Elmira, OR**

Ms. Smith asked why the City is paying for a bike path on Suttle Road when it's a County road. There is no safety need and Lane County has no funds for such a bike path on both sides of the road. She said the bike path will only encourage theft along Suttle Road. She is concerned that property would be taken from land owners for the bike path. She asked the City to delete the Suttle Road Trail from the Trail Project.

**Joan Mariner, 25712 Cochran Ct., Veneta, OR**

Ms. Mariner supports the City and the Trail Project. She acknowledges other residents' concerns with safety and theft issues but she felt having the bike path may discourage theft on Suttle Road. She said with the high price of gasoline, biking should be encouraged. She felt the Safe Routes to Schools should be tied into the Trail Project and asked Councilors to approve the Trail Project.

**Devon Trottier, 24733 Dogwood Lane, Veneta, OR**

Ms. Trottier said for the last five weeks, three times a day, on Saturday and Sunday, a water truck has been removing water from the City's water tank. The driver of the truck told Ms. Trottier Ed Stapleton had an agreement with the City to allow the removal of the water. Ms. Trottier called the City and spoke with "Ann", who indicated to Ms. Trottier that Ed Stapleton had done this before and that Mr. Stapleton had purchased Dan Burkhart's house on Dogwood Lane. Ms. Trottier told the Council the water was supplying two residences on Central Road. She asked why he is able to take water, even if he is paying for it, to a residence outside Veneta City Limits. She said she is penalized for using excessive amounts of water.

In response to a question from Marion Esty, Ms. Trottier said filling the water truck several times a day effects her water pressure.

Mayor Brooker asked staff to look into this matter. Ric indicated tonight was the first he had heard of this matter.

**Mona Linstromberg, 87140 Territorial Rd., Veneta, OR**

Ms. Linstromberg referred to the "Resolution to Support Sustainable Management of Oregon's Public Forest" which former West Lane County Commissioner, Anna Morrison is pushing for endorsement from municipalities in Lane County. Ms. Linstromberg said

the Resolution sounds similar to the claim of Measure 37 supporters. She said Ms. Morrison was voted out of office and is heavily supported by the timber industry. Ms. Linstromberg gave Councilors a map showing several Measure 37 claims in Lane County, several of which are in the Fern Ridge area. She asked Councilors to review this Resolution carefully before making any decision to support it.

She suggested as a way to generate revenue, the county add to the tax rolls approved Measure 37 claims granting waivers of land use regulations. Earlier this year Ms. Linstromberg requested Councilors to endorse the Governor's bill to "fix" Measure 37. She was told it would need to go through the League of Oregon Cities and is not easily done. She would like to know how her "Governor's Bills" differs from Anna Morrison's "Resolution"?

In response to a question from Ms. Linstromberg, Mayor Brooker suggested she contact staff for information on passing a Resolution.

**Rick Schneider, 24888 Suttle Rd., P.O. Box 455, Elmira, OR**

Mr. Schneider asked why the proposed bike path for Suttle Road needs to loop down Highway 126 and connect to Territorial Road. He said Highway 126 has ample room for a bike path on both sides of the highway. He said a 40 ft. easement will encroach on several front yards on Suttle Road. He said he would have to move if the Suttle Road bike path comes to fruition. He felt only the City of Veneta and the Oregon Country Fair would gain from the Suttle Road bike path, not Elmira residents. He said the neighbors he talked to knew nothing of this proposed bike path and said it should have been brought to Suttle Road residents prior to the conception of the bike path.

**Ron Johnson, 247237 Suttle Rd., Elmira, OR**

Mr. Johnson is opposed to the Suttle Road bike path. He said Lane County took over maintenance and ownership of Suttle Road from the State of Oregon in 1989. He said the City of Veneta doesn't have any jurisdiction to install a bike path on Suttle Road. He said bike riders are wanting more rights and safety but don't pay for any of the road improvements.

**2. CONSENT AGENDA**

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

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

The consent agenda as approved included minutes for June 25, 2007, minutes for the Joint Work Session of City Council and Planning Commission for July 9, 2007, minutes for July 9, 2007, bill payables for June/July 2007, the civic calendar for August, 2007, and a request for a temporary liquor license from St. Catherines of Siena, Catholic Church.

**3. DEPARTMENT REPORTS**

**a. Mayor/Councilors**

Marion Esty told the Suttle Road residents that Bill Fleenor is our County Commissioner and he accepts phone calls and holds a coffee hour at 10:00 a.m. on Thursdays at Robbie's Window Box Café. He is also appearing from 10:00 a.m. to 12:00 p.m. on Saturday, July 28, 2007 at the Florence

Event Center if anyone is interested in speaking with him.

4. **STAFF REPORTS**

- a. Community Services Director, Fern Ridge Trail System Proposal (Taunya Jones)
- (1) Taunya Jones addressed the public comments on the Suttle Road bike path. Celia Berry, Department of Lane County Parks, informed Taunya of the Suttle Road residents' concerns. Ms. Berry told Taunya that the existing right-of-way is wide enough to accommodate the bike path and little or no additional private property would be needed to complete the paths. Taunya said, if funded, this would be a County project, not a City of Veneta project. No county funds for this project are being diverted from any other sources. She said the County just began looking at the feasibility of the project and will not begin to implement the project until Lane County representatives discuss the issue with Suttle Road residents.

At the July 9, 2007 Council meeting, Councilors reviewed a near complete draft of the Fern Ridge Trail System Conceptual Plan. They requested Taunya make the necessary revisions and additions to the map and document for Councilors approval at tonight's meeting. Language was added to the introductory chapter to clarify the purpose of the conceptual plan within the long term planning process. An addition to Chapter Two identified equestrian trails as a potential recreation opportunity at a future date. The map revisions included the removal of one project (Applegate Hiking Path) and the addition of one project (Territorial Bike Route). The Oregon Department of Transportation (ODOT) was included in Chapter Five as a potential partner. Taunya included questionnaire data in Appendix A, the projects were prioritized in Table 2; and a discussion of the prioritization was also included.

Staff requested Councilors to officially endorse the Fern Ridge Trail System Conceptual Plan.

In response to a question from Ms. Smith, Taunya said her report is in copies of the July 23, 2007 City Council packet located in the lobby of City Hall and the Veneta Public Library. Ms. Smith could also review the report on the City's website. Copies are 30 cents per page if Ms. Smith would like her own copy.

Mayor Brooker said the changes Councilors recommended and requested have been made to the report and saw no reason not to endorse the Plan. He said this is the first phase of the Plan, which will require quite a bit more planning.

**MOTION: Thomas Cotter made a motion for the City Council to endorse the Fern Ridge Trail Vision and Strategies. Darrell Carman seconded the motion.**

Marion Esty wanted to emphasize this is a plan and is not permanent. She appreciated residents' input but detailed discussions will take place with residents.

Mayor Brooker said there will be many discussions held with all residents affected by the Trail Project throughout the area.

In response to a question from Ms. Smith, Mayor Brooker said staff held an open house to discuss the Trail Project. He said the City is at the stage of initiating a plan of what we'd like to see in the future. We're not at the stage yet to hold discussions with property owners in the effected areas. He said the City isn't funding any project.

Darrell Carman said if it gets built at all, it will be by the County, not the City.

Mayor Brooker Agreed.

In response to a question from Ms. Smith, Mayor Brooker said the City is spending funds to put together a Trails Program that links the entire area, not just the City, with hiking and recreation activity trails. This will benefit all residents, within the City and surrounding areas. He said several partners will need to come together in order to complete the Trail Project, (i.e., Army Corp of Engineers, Oregon Country Fair, City of Veneta, and Lane County). He said the City is only endorsing the Trails Project at this time.

**MOTION: VOTE 4 to 0, motion passed.**

- (2) Request for Proposal (RFP) Process for Wastewater and Water Facility Plans (Margaret Boutell)

Margaret said amendments to the Wastewater and Water Facility Plans are budgeted in this fiscal year. She researched the idea of hiring a consultant for this work. The City can: 1) Directly appoint the City Engineer for these projects; or 2) Begin the RFP process to hire an engineer. The City Engineer can also submit an RFP.

The original plans were done by Jerry Elliott 10 years ago when he was with Systems West Engineers, Inc. Since that time he has changed firms and is now with Weber-Elliott Engineers. Staff recommended Councilors direct staff to proceed with an RFP process for selecting a consultant to amend the City's Wastewater and/or Water Facilities Plans.

Darrell Carman felt Jerry Elliott is knowledgeable with our plans and would be the logical choice.

Thomas Cotter agreed, by hiring Jerry Elliott the City could take advantage of his knowledge of the City's plans and wouldn't incur the expense of the RFP process. He felt Jerry Elliott would be competitive with his price and Councilors should appoint him as the consultant for the amended plans.

Mayor Brooker felt this is an advantage for the City to be fiscally responsible to residents to require an RFP. He wants to see a measurement of how much a plan like this really costs. He said it couldn't hurt to get

more information. He invited Jerry to submit a proposal but felt the RFP process should be sought.

In response to a question from Darrell Carman, Margaret said advertising and staff time would be approximately \$2000 to \$2,500. The plan amendment would be approximately \$100,000.

In response to a question from the audience, Margaret said an RFP stands for Request for Proposal. The City will be asking engineers to submit proposals to update the plans.

In response to a question from Darrell Carman, Mayor Brooker said the City hired Jerry Elliott as the City Engineer but this is an opportunity to expand the City's horizons and to take advantage of what else is out there.

Thomas Cotter agreed with Mayor Brooker on some points, however he said Jerry Elliott could start right away and knows the City's systems. Asking another consultant to come in and start fresh with no background would only take more time. He said the City may hire Jerry in the end. He felt the RFP process is a waste of time and money.

**MOTION: Darrell Carman made a motion to appoint Jerry Elliott as a consultant to amend the City's Wastewater and/or Water Facilities Plans with a provision that any proposal he submits can be rejected. Thomas Cotter seconded the motion, which failed with a vote of 2 to 2. (Mayor Brooker and Marion Esty voted no).**

In response to a question from Mayor Brooker, Marion Esty said she voted no because the needs of the community are changing and felt it was a good idea to stay cautious because there are many different issues to consider.

**MOTION: Mayor Brooker made a motion to direct staff to proceed with an RFP process for selecting a consultant to amend the City's Wastewater and/or Water Facilities Plan. Marion Esty seconded the motion, which failed with a vote of 2 to 2. (Darrell Carman and Thomas Cotter voted no).**

Mayor Brooker said the matter would be postponed until the August 13, 2007 City Council meeting.

- (3) Total Maximum Daily Load (TMDL) Update (Margaret Boutell)  
Margaret provided the Councilors with a spreadsheet of draft strategies the City of Veneta could propose as part of their Total Maximum Daily Load (TMDL) Implementation Plan. The Plan is required to describe the strategies the City will implement to reduce temperature, bacteria and mercury pollution in the Upper Willamette sub-basin of the Willamette River. The City, as a Designated Management Agency (DMA), is required to comply with the Willamette Basin TMDL order to meet pollutant load allocations for the Upper Willamette sub-basin as approved by the US Environmental Protection Agency (EPA) in September, 2006. The Plan is required to be completed and adopted by March 2008.

The spreadsheet is an important part of the Plan and states what the City is planning to do to address the issues. The Plan will be reviewed by the Department of Environmental Quality (DEQ) and annual reviews of the spreadsheet will be conducted. Margaret said bacteria in the upper basin (where Veneta is located) comes partly from pet and animal waste. Lane Council of Governments (LCOG) received a grant for dog waste pick up receptacles and gave the City a few to use in our parks.

Staff met with representatives from LCOG, DEQ and the Long Tom Watershed Council (LTWC) to review and refine these strategies. Many of the strategies listed are suggestions that DEQ and LCOG provided to assist communities in addressing TMDLs. Staff requested Councilors to approve or suggest refinements to the draft strategies for the City's TMDL Implementation Plan.

Margaret said any project involving property over one acre is required by the state to have a 1200C Permit. The only thing not covered are lots smaller than one acre. She said the City could require the builders apply for the 1200C Permit (if applicable) and provide them information about erosion control. Margaret suggested having some kind of erosion control requirement for builders. But how do we enforce it? This would be a seasonal enforcement and training in erosion control prior to enforcing it would be required.

In response to a question from Darrell Carman, Margaret said we could ask the contract building inspector if he would be willing to add erosion control enforcement to his services.

Margaret said the proposed time line is 2008 for determining the feasibility of having an erosion control program. She said mercury was another pollutant that needs to be addressed. Mercury is in the ground and soil naturally. Less erosion containing sediments being washed down rivers means less mercury levels in the rivers and streams. Implementing the stormwater best managements practices anti-erosion and sedimentation control will help. Water temperatures also need addressing in the plan. She said riparian areas were created next to the wetlands. The Long Tom Watershed Council (LTWC) suggested the City partner in a stream enhancement project with the LTWC applying for the grant for the project.

Marion Esty stated at a previous Planning Commission meeting, homeowners in certain areas of the City have voiced their concern about the area's water quality.

Staff asked Councilors if they had any suggestions for the draft strategy. She said the Plan will be reviewed by DEQ and/or LCOG and will come back to the Council for approval.

Marion Esty wanted to confirm that an open house or public hearings with the Planning Commission and City Council would be held to notify residents about the water quality plan.

In response to a question from Darrell Carman, Margaret said DEQ and EPA conducted a lengthy study on TMDLs, which is on their websites. She said Long Tom Watershed Council (LTWC) has conducted water testing and sampling in our area in the past. She said the water samples will come out of the Long Tom River and local tributaries. The City of Veneta will not be required to take water samples. Margaret said following these steps fulfills the City's requirements. There is a total standard for all communities in the basin. She said the DEQ or EPA will decide whether or not the individual community plans will make a difference or if more action is required. If they determine at a later date, the TMDLs are not meeting reduction goals, then they will outline a new proposal for all communities to follow.

Ric said it's important to note this is a federal mandated program. No benchmarks are attached to specific items, (i.e., temperature below the wastewater plant). The City will not be held accountable for that specific data. This is a global look at the issue, if all communities are trying to create minimal impact, then collectively, we can have a larger positive impact on the Willamette Basin.

Jim Bruvold said the EPA has given the Oregon DEQ the authority to measure water quality. Based on those measurements, the Upper Willamette Basin fails to meet the standard of the Clean Water Act. As a method of meeting compliance, the TMDL was created as a measurement. The DEQ felt the best way to approach the problem is if everyone on the Willamette Basin makes an effort to create their best management practices to address the pollution problems. There will be no fines involved. He said every community is required to submit a plan to comply with the DEQ standards.

In response to a question from Thomas Cotter, Margaret said it's up to each community to submit their own plan and enforce it. She said the City could impose fines on residents who don't pick up animal waste or who are dumping waste in the storm sewer.

In response to a question from Councilors, Jerry Elliott said TMDL stands for "total maximum daily loads", meaning how many pollutants the Willamette River can handle on a daily basis. He said the long term goal of DEQ is to guide communities in keeping the water free of pollutants now rather than later. He said amendments to the regulations can be made.

Margaret said staff has met with DEQ representatives and they will not require us to monitor the water quality. If some goals aren't met they won't be slapping our hands.

Mayor Brooker said the DEQ will likely suggest the Long Tom Watershed Council (LTWC) will be conducting the water tests and not the City. He said it's worth the process to apply this plan, the LTWC and DEQ will tell all involved whether or not it's working.

Margaret said it's difficult to measure and if the measurements aren't done before and after the Plan is implemented, how do we know if our efforts are in vain. She said the City is already making efforts to minimize the TMDLs.

**MOTION:** **Thomas Cotter made a motion to approve the draft strategies for the City's Total Maximum Daily Loads (TMDL) Implementation Plan. Marion Esty seconded the motion, which passed with a vote of 4-0.**

- (4) Fern Park Update (Margaret Boutell)  
Margaret said Mayor Brooker signed closing papers on the property adjacent to Fern Park and it is now traded for the Bolton Hill property which was a City surplus property. She will make a copy of the key if anyone would like to look at the house. The ceiling has fallen to the floor in some parts of the house. She said plans are in the works for the Public Works crew to tear down the outbuilding in back and haul it off along with any contents. She said the Fire District may use the building for rescue training and after October 15, conduct "a burn to learn" on the remaining building. She said asbestos testing will be done and abatement will need to be discussed.

In response to a question from Mayor Brooker, Margaret said Ralph Johnson Park is on the Park Board's next agenda.

Marion Esty asked Margaret to notify the deputies that the building is vacant.

In response to a question from Darrell, Margaret said the building is somewhat clean and some parts may be salvageable.

Ric said water and sewer are at the site and there may be a possibility of placing permanent restrooms with additional SDC cost to the City.

- (5) Pine St. Change Order (Jerry Elliott)  
Jerry Elliott spoke about the water line at Pine St. He said during construction, a very shallow water line pipe was scraped. He said the street grade could be changed to allow for the pipe to stay, however the pipe is asbestos, which is illegal. He said a professional asbestos consultant needs to be hired to remove the pipe and properly dispose of the asbestos piping. He said the cost of that and replacing the pipe would be \$32,792.00. He suggested having it removed and replaced rather than leaving it and going around it.

Margaret said the contractor is waiting to hear whether they can continue working. They stopped working because the asbestos pipe was discovered. If they are not allowed to continue and remove the pipe, they will leave the job site and charge \$1200 for a redeployment fee at a later date.

Jerry said that cost may be negotiable. He said the grade of the street could be changed from a 2.5% to a 6% in order to protect the pipe at any

level. He said the side slope would need to be changed but he wouldn't recommend it. He said if the City cannot fund the \$32,792.00, the pipe could stay in the ground but the construction costs would still be between \$15,000 and \$20,000 with an odd and undesirable road slope.

Margaret said \$26,500 in contingency was budgeted for this project, which would help replace the water line. She said the water fund could be used for some of the cost and some contingency budgeting could be re-appropriated for this project.

Jerry Elliott said the project began July 1<sup>st</sup> but he's not sure how much has been spent at this point. Significant change orders have not been requested and the contract hasn't been exceeded.

In response to a question from Thomas Cotter, Jerry said the swale will stay even after the pipe is removed and replaced.

Ric said if the project were divided into thirds and \$11,000 in water contingency were drawn, that would leave \$4,000 to \$4,500 for future change order items to be completed. He said the asbestos pipe should be removed.

Mayor Brooker said Pine St. needs to be completed but he is concerned something else may come up and the City won't have the funding for it.

In response to a question from Darrell Carman, Jerry said the pipe was originally installed as a dead end pipe to the north end of the old Pine St. He said one end was installed in 2001 and the other end in 2006 but the middle section of the pipe was installed in the 60's and needs to be removed and replaced.

**MOTION: Thomas Cotter made a motion to approve the change order for removal and replacement of the existing water line for the Pine Street Improvement Project. Marion Esty seconded the motion.**

In response to a question from Mayor Brooker, Ric said staff will make the recommendations to the Mayor as to where the contingencies will come from. Councilors agreed.

Margaret said a resolution will need to be adopted for money coming from other funds.

**MOTION: VOTE 4 - 0, motion passed.**

b. City Administrator, Ric Ingham had no additional items to discuss.

**5. OTHER**

Ric said that Margaret Boutell submitted her letter of resignation. She will be here through the month of August and then will be taking a job with Jefferson County, Oregon.

Mayor Brooker temporarily adjourned the Veneta City Council at 8:35 p.m. and opened the Veneta Urban Renewal Agency meeting.

Mayor Brooker adjourned the Veneta Urban Renewal Agency at 9:22 p.m. and opened the Executive Session of the Veneta City Council at 9:22 p.m.

6. **EXECUTIVE SESSION**

- a. ORS 192.660(2)(e) - Real Estate Negotiations
- b. ORS 192.660(2)(h) - Current litigation or litigation likely to be filed.

After making no decisions, Mayor Brooker closed the Executive Session of the Veneta City Council and reopened the City Council meeting at 9:32 p.m.

**MOTION: Thomas Cotter made a motion to authorize payment of \$600 for additional marketing costs for the Farmers' Market from the Rural Tourism Funds. Marion Esty seconded the motion, which passed with a vote of 4-0.**

**MOTION: Thomas Cotter made a motion to authorize an offer of \$355,000 for the Territorial Sports Program ballfields. Marion Esty seconded the motion, which passed with a vote of 4-0.**

Ric thanked Margaret for her efforts in obtaining the Territorial Sports Program fields. Marion Esty thanked Kyle for trimming the trees on Territorial Road at Shalimar Mobile Home Park.

7. **ADJOURN**

Mayor Brooker adjourned the City Council at 9:44 p.m.

  
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T. J. Brooker, Mayor

ATTEST:

  
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Darci Henneman, Assistant City Recorder  
(minutes prepared by dhenneman)