

Minutes of the Veneta City Council
October 8, 2007

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

Absent: Sharon Hobart Hardin

Others: Ric Ingham; City Administrator, Sheryl Hackett; City Recorder, Carrie Connelly; Legal Counsel, Darci Henneman; Assistant City Recorder, Grant Smith, Linda Boothe, Tami Sakany, Herb Vloedman and Jenece Jones, West Lane News

Mayor Brooker called the Veneta City Council meeting to order at 7:11 p.m.

1. PUBLIC COMMENT

Grant (Link) Smith, 25275 Jake St., Veneta, OR

Mr. Smith and his wife are currently opening the drive through coffee kiosk in the Renee's Fern Ridge Shopping Center (Cup of Joe). They are set to open in a week. They had a positive experience working with the City but some City requirements aren't consistent with the needs of small business start-ups. They were issued a temporary use-permit but assessed \$10,000 in System Development Charges (SDCs). He asked why is he expected to pay that amount and still not have a permanent use-permit. He is concerned after he pays the SDC charges his temporary use-permit could be revoked. He said a permanent use permit would not likely be revoked. He also felt the \$3,200 of the SDC for transportation costs doesn't apply to him. He said Veneta residents will be visiting his business on their way to another place. He feared there may be additional costs beyond the \$10,000 SDCs he has already been assessed. He hoped the rules will be looked at and the intent for those regulation will be researched.

Linda Boothe, 25127 E. Hunter, Veneta, OR

Ms. Boothe spoke on behalf of the Fern Ridge Chamber of Commerce. She thanked the planning staff and Planning Commissioners for improving the Hillside Development Standards and allowing comments on those issues. She doesn't want Veneta to be known as a place that's hard to do business. She said the \$10,000 SDCs charged to the Smiths is excessive. She said the \$3200 of that \$10,000 for transportation SDCs is also excessive. Cup of Joe is hooked up to Harold's Market for electricity and water. Cup of Joe will be using approximately 10,000 gallons of water per year. She said members of the Fern Ridge Chamber of Commerce will continue to voice their opinions to the City Council on SDCs and how they effect business owners.

Tami Sakany, President, Fern Ridge Chamber of Commerce, 24949 Highway 126, Veneta, OR

Ms. Sakany provided an update on the pool proposal the Fern Ridge Chamber of Commerce (Chamber) sent to Kyle and Ric. She said the Chamber is eager to work with the City on common goals. She said the Chamber proposed they take the lead in coordinating a volunteer project to dig up and remove the existing swimming pool. She said the Chamber is committed to making this happen in Veneta. She said Pape' Caterpillar is donating the hammer to break up the concrete and Braun Excavating would donate a backhoe and truck to haul off the concrete. The project should be completed by the end of the second week of November before heavy rains begin. The Chamber

proposed to have equipment dropped off on Friday. She said it would be a good time for the City to initiate the bond measure. She asked the Councilors and staff to think about what size of hole should be left and should the fence be removed and replaced at a later date? She's not sure how the Chamber would work with the City on the liability issues.

Tami also spoke in support of Judy and Link Smith's concerns of a temporary use-permit. She said it sounds unreasonable to people that the Smiths are being assessed \$10,000 in SDCs but still only hold a temporary use permit. She said the Smith's would like to make a long-term commitment to the area. Tami said either the City should offer to reimburse the costs or issue a permanent use permit.

Herb Vloedman, 25115 Luther Ln., Veneta, OR

Mr. Vloedman spoke on behalf of Judy and Link Smith. He said their business "Cup of Joe" adjoins Mr. Vloedman's business. He felt it would be in the City's best interest to unravel some red tape. He said the Smiths have only been granted a temporary use-permit because the original site plan for the site cannot be located. They have a small stand-alone building in the parking lot of a building that pre dates the City of Veneta. He understood that SDCs are designed to facilitate costs in the long-term. He said the SDC formula doesn't really match the business "Cup of Joe" provides. He said the required full payment of SDCs from a business that isn't even open yet nor does it hold a permanent use permit is not right. He said "Cup of Joe" is not a designation business. Therefore the transportation SDCs shouldn't be so high. He thanked the Council for their time.

Darrell Carman requested staff to prepare a summary report for Council review.

Ric said staff had extensive discussion on this matter. He said a change in the SDC Ordinance has been looked at to see how they can get the SDCs modified for the Smiths.

2. **CONSENT AGENDA**

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

The consent agenda as approved included minutes for September 24, 2007, Bills Payable for September 2007 and the Public Works Activities Report for September 2007.

In response to a question from Thomas Cotter, Jerri Moore said the September Bills Payable, "system improvement expansion" was for the radio system on Dogwood Lane which involved purchasing new radio equipment.

Ric said since the water expansion project, the automatic radio link from the Public Works yard to the Dogwood Lane water tank had not be working properly and the water tank was constantly overflowing. Shutting off the valve required a Public Works employee to manually shut off the valve. Because the nearest Motorola representative is in Northern California, different radios were purchased with the ability to be serviced in Eugene. Ric said the expense was budgeted and authorized for replacing the automatic radio link from the Dogwood Lane water tank to the Public Works yard.

In response to a question from Mayor Brooker, Ric said we are no longer using Motorola products because they have been problematic.

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

In response to a question from Thomas Cotter, Ric said the number of service calls for Public Works was higher than usual due to brown water and the start of phase I of the Southwest Area Plan (SWAP).

In response to a question from Marion Esty, Ric said the monthly service calls average about 100. He said most of the calls were in the Perkins Rd., Territorial and Cheney area.

3. DEPARTMENT REPORTS

a. FROM MAYOR/COUNCILORS

(1) Stacy Cornelius provided her Parks and Recreation Program Update during the work session.

b. COUNCIL/COMMITTEE LIAISONS

(1) Marion Esty attended the October 1, 2007 Planning Commission meeting. She said the meeting was well handled and Brian provided good information. She said both items on the agenda were recommended. Marion Esty felt Len Goodwin's experience with the City of Springfield was very helpful. She said it was unfortunate that not all the Planning Commissioners have been consistently attending monthly meetings. She said there have been two absences for the last few meetings and it isn't always the same Commissioners. She announced the LCOG dinner will be held on January 24, 2008. She said the location has not yet been decided.

4. STAFF REPORTS

a. FINANCE DIRECTOR JERRI MOORE

(1) **Resolution 957 - A RESOLUTION TRANSFERRING APPROPRIATIONS FOR THE 2007-2008 FISCAL YEAR**

Jerri Moore presented Resolution 957. She said it is a minor resolution for transferring a small amount of funds within the Planning Fund. She said the fund transfer is from Contingency to Capital Outlay. She said there was an entry in the September, 2007 Bills Payable Report for the new copy machine. She said Resolution 957 is needed because the portion appropriately allocated to the Planning Fund exceeded what was budgeted for Capital Outlay.

MOTION: Thomas Cotter made a motion to approve Resolution 957. Darrell Carman seconded the motion, which passed with a vote of 4-0.

b. CITY ADMINISTRATOR RIC INGHAM

(1) **Resolution 958 RESOLUTION AUTHORIZING LANE COUNTY TO ASSESS BENEFITTING PROPERTIES UNDER THE JURISDICTION OF THE CITY OF VENETA FOR IMPROVEMENTS TO BOLTON HILL ROAD**

Ric said Resolution 958 is the beginning of many items from Lane County as we move forward with the Bolton Hill Road construction project. He said Lane County will start the design phase which includes a Local Improvement District (LID) for assessment of the area. He said no City property is effected at this point but there may be an overlap of county and city assessments. The County requested the partnering entities pass an ordinance allowing the County assessment to take place. Resolution 958 will allow Lane County to move forward with the assessment portion of the LID for Bolton Hill Road project.

MOTION: Thomas Cotter made a motion to approve Resolution 958. Marion Esty seconded the motion, which passed with a vote of 4-0.

- (2) Regional Fiber Consortium
Letter from Russell D. Poppe, Legal Counsel
Ordinance 474 AN ORDINANCE PROVIDING FOR AN INTERGOVERNMENTAL AGREEMENT TO ESTABLISH A REGIONAL FIBER CONSORTIUM FOR THE OWNERSHIP AND OPERATION OF A FIBER OPTIC SYSTEM; REPEALING ORDINANCE NO. 412.

Ric said Ordinance 474 authorizes the City to enter into a new intergovernmental agreement. There were two fiber consortia within Lane County; one covering southern Lane County and one covering northern Lane County. The two entities would like to dissolve and combine their assets into one consortium. This would allow the City to partner with the other agencies and fiber optic partners. At this point we have not received any direct benefit of their fiber optic activities nor are there any liabilities associated with their existing or future activities. Ric doesn't know if we'll ever benefit from the consortium but we'd like to add our assistance and be a partner in the newly formed consortium.

In response to a question from Mayor Brooker, Ric said approving the ordinance will authorize the adoption of a new intergovernmental agreement (IGA) which will include a portion of the previous bylaws.

MOTION: Thomas Cotter made a motion to approve Ordinance 474 for first reading by title only. Marion Esty seconded the motion.

In response to a question from Darrell Carman, Ric said the cities participating in the Intergovernmental Agreement are listed at the beginning of the document.

In response to a question from Mayor Brooker, Ric said the second reading and final enactment of Ordinance 474 will allow the City to enter into the IGA.

MOTION: Vote passed 4-0.

Ordinance 474 was read for first reading by title only.

(3) Coordinated Population Discussion

Ric said Darrell attended the LCOG meeting in Oakridge. A public hearing was held to adopt the proposed population numbers and was continued for future public comments. Ric said in October, 2006 Councilors requested staff to work with LCOG to begin the coordinated population process. LCOG staff started the process and over the last few months came up with a general agreement on what numbers would be used. The numbers were brought back to Councilors in May 2007 and Mayor Brooker signed the letter requesting LCOG to adopt the number as part of the new coordinated population process. Lane County gave LCOG authority about 20 years ago to complete the coordinated population process. He said now the Lane County Board of Commissioners is requesting the public hearing process be extended to allow more opportunity for public review and comment. Ric said the City did not hold a public hearing on the numbers. He said the item was on two separate Council agendas and people were allowed to comment as part of the public comment session of the Council meetings but a public hearing was not held. He said some of LCOG's staff is requesting cities to go back and hold public hearings so the Board of Commissioners would not question how much outreach and public review was conducted. Ric is somewhat baffled that after 20 years the Board of Commissioners have decided to change the process. He said the Lane County Executive Committee directed staff to hold a series of outreach public hearings prior to their December 2007 meeting. These meetings are in addition to the normal process. At that point they would ratify the adopted number in order to continue the process. Ric did not have a recommendation. He said Councilors and staff completed due diligence on this process but there may be merit in going through the public hearing process. He said a Comprehensive Plan review process would be required if the City desired to use the adopted number for land use decisions. He said we can use the adopted number in the development of public utility plans.

Mayor Brooker said the question is whether to hold an additional public hearing for ratification of the adopted population numbers.

Ric said the deadline for submittals for the Request for Proposals (RFPs) on the water and wastewater plan is October 11. He said the entire facility planning process will be put on hold. The hearing process could be simple or go in a dozen directions. He said a short delay would not adversely effect the water plans.

In response to a question from Darrell Carman, Ric said LCOG's December meeting had been targeted for LCOG's adoption of all the population numbers.

In response to a question from Thomas Cotter, Mayor Brooker said conducting a population study has already been approved by the City Council. Mayor Brooker said if holding a public hearing will allow the City to use the adopted population numbers, we should do so. He didn't want anything to hold up the RFP process on the water facilities.

Marion Esty felt our population numbers are stable. She said Council provided public comment sessions on the subject. She said if people wanted to comment, they would have done so. She felt we shouldn't delay the projects based on the population numbers.

Mayor Brooker suggested the Council send a letter to our County Commissioner stating Councilors' views on taking this late action after we've already been given the adopted numbers and initiated the RFPs for the facility plans. He said we should also decide if there is any value in conducting a public hearing.

Darrell Carman said LCOG will be holding a public hearing and anyone wanting to comment should attend the LCOG meeting. He felt the City doesn't need to hold a public hearing because we've already made our decision as a City government. He said it's in LCOG's hands at this point. He said barring any odd outcome, LCOG will be making their decision at their December, 2007 meeting.

Ric said LCOG would like to get as much feedback as possible prior to their December 2007 meeting. He said Councilors reviewed their discussion at the October 2006 Council meeting and again in May 2007 based on the last request from the LCOG board. He said if and when we were to modify the Comprehensive Plan, the Board of Commissioners will have to approve the use of the adopted numbers.

In response to a question from Darrell Carman, Ric wasn't sure whether the Board of Commissioners were questioning that Oakridge was an inappropriate venue for a public hearing or if the Commissioners were questioning whether LCOG is the right entity to conduct the coordinated population process.

Darrell Carman said the County gave LCOG the task of conducting the coordinated population process. Ric said, and they can take it back.

Mayor Brooker said the Council should send a letter to LCOG before their December 2007 meeting encouraging them to adopt the numbers. He said there is no need for the City to go through a public hearing process.

In response to a question from Darrell Carman, Ric said he didn't

know if it was "legal" to use the numbers prior to ratification. He said at the end of each census, the Oregon Economic Analysis provides counties with their projected population numbers. Each county needs to decide among the municipalities how to live within the set number. He understood that LCOG would ratify on behalf of all the coordinated population numbers, whether Lane County has to do an additional ratification, he isn't sure.

In response to a question from Mayor Brooker, Ric said LCOG ratifying the numbers would make the last year's process worth while.

Thomas Cotter said the letter should go to all of the Lane County Board of Commissioners.

Mayor Brooker said a letter could go to all the Commissioners but it is appropriate to send one to our Commissioner because we're gone through this process several times. He felt this last minute process is causing a considerable amount of hardship for the City. He suggested staff prepare the letters for his signature. All Councilors agreed they wouldn't need to wait for another meeting for Mayor Brooker to sign the letters.

5. OTHER

Ric referred to Marion Esty's comment there had been problems with having a full quorum at the Planning Commission meetings. Ric said Planning Commissioner, Keith Hartley indicated to Brian he will be stepping down as a Veneta Planning Commissioner. Ric said Brian is working on getting Mr. Hartley's resignation in writing. Ric said he would like to get the vacancy filled as quickly as possible. He asked Councilors to declare his seat vacant.

In response to a question from Thomas Cotter, Ric said it would require a motion.

MOTION: Marion Esty made a motion to declare Planning Commissioner Keith Hartley's Commission seat vacant. Darrell Carman seconded the motion.

In response to a question from Thomas Cotter, Ric said the City Council can declare Mr. Hartley's seat vacant based on Mr. Hartley's verbal resignation.

MOTION: vote of 4-0.

Ric said City staff had conducted a three to four week hiring process for the Community Service Director position. He said the number one candidate declined the position. Staff then reviewed the next tier of candidates and conducted extensive record checks. He said staff came to the conclusion those candidates would not be a good long-term fit for the City. He offered the position to Brian Issa which he accepted. The City will start the process of hiring an Assistant City Planner. Ric felt Brian would do a great job in his new position.

Mayor Brooker said Brian has progressed very well as an associate planner and

should do well as the City's community service director.

In response to a question from Darrell Carman, Ric said he had a lengthy discussion with other city managers, he said there are currently five community service director positions open throughout the state and several have been opened twice. Ric said advertising the position a second time would probably result in the same outcome. Ric said having the opportunity to bring someone into the position should be utilized. He said LCOG offers a high level of technical assistance in the way of planning assistants and long term planning. Ric said because things have slowed down a little for Brian the transition should go smoothly.

Marion Esty said it was an excellent opportunity for Brian Issa.

Ric said Sharon Hobart-Hardin and Linda Boothe offered to dedicate the mural. Mayor Brooker will present certificates of appreciation at the Bi-Mart mural site on October 22, 2007, at 5:30 p.m. He said the mural committee requested the City recognize the students involved in the project. Ric said the public works crew will set up tables and a canopy for the event.

Tami Sakany said the tree ordinance went well and commended Councilors and staff on a job well done.

6. ADJOURN

Mayor Brooker adjourned the City Council at 8:15 p.m.



Tim Brooker, Mayor

ATTEST:



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