

Minutes of the Veneta City Council
October 22, 2007

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

Absent: Marion Esty

Others: Ric Ingham; City Administrator, Sheryl Hackett; City Recorder, Carrie Connelly; Legal Counsel, Darci Henneman; Assistant City Recorder, and Jeneca Jones, West Lane News

Mayor Brooker called the Veneta City Council meeting to order at 7:06 p.m.

1. PUBLIC COMMENT

Mr. Lee Larsen, 25016 W. Broadway, Veneta, OR

Mr. Larsen said in June 2005 he voiced his concern about the nuisance ordinance not being enforced. He was told if his complaint was documented it would be looked into. He said some yards and fields were mowed but the most egregious ordinance violations have not been dealt with.

He felt the City ignores those who don't take care of their property and runs off those attempting to start a new business in Veneta. He said if homeless people can squat on private property, why can't he open a homeless camp in his front yard. He also asked why there is a problem controlling the speed on W. Broadway.

In response to Mayor Brooker, Mr. Larsen said he did complain to the City but not all of his complaints were dealt with. Mayor Brooker said these things take time. He said currently the City's budget does not allow for code violation enforcement.

Tami Sakany thanked the City Council and City staff for the mural. Mayor Brooker said we should all thank the people involved. He said it's a nice addition to the City's gateway.

2. CONSENT AGENDA

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

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

The consent agenda as approved included minutes for October 8, 2007 and the Civic Calendar for November, 2007.

3. DEPARTMENT REPORTS

a. FROM MAYOR/COUNCILORS

- (1) Law Enforcement Activities Report, Sgt. Harrold (LCSO)
Sgt. Harrold presented his monthly report for September 15, 2007 to October 15, 2007. He said there are plans to bring the speed trailer back. He said there was a positive response from people at the intersection he's been working. Sgt. Harrold said having four deputies has made for better communication during shift changes. He said the Eugene office of the Lane County Sheriff's is relocating and as part of that move, the West

Lane Probation/Parole Officer will no longer have office space. Sgt. Harrold said they are making space in the Veneta City Hall for the parole officer. He requested weekly use of the council room to provide a meeting place for the parole officer and her clients. He said parole officers are privy to information the patrol deputies are not. He said the parole officer has over 200 clients. He felt this is an opportunity for the deputies to get to know her clients. Deputy Randy Eshelman was invited to the rotary meeting Tuesday, October 23, 2007.

In response to a question from Ric Ingham, Sgt. Harrold said Bill Thompson is now the acting captain. He did not attend tonight's meeting. He said Deputy Smith was formerly the Fields' Services Lieutenant and is now in the Special Operations Division. Sgt. Harrold said Deputy Byron Trapp is in the office now and off marine patrol. He said the acting assignment changes should stay in place for a while.

Mayor Brooker said the mural dedication was held prior to tonight's Council meeting. He said it is an asset to the City and thanked Bi-Mart Corporation for their cooperation.

4. STAFF REPORTS

b. CITY ADMINISTRATOR RIC INGHAM

- (1) **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. Second reading by title only and for final enactment.

MOTION: Sharon Hobart-Hardin made a motion to approve Ordinance No. 474 for final enactment. Thomas Cotter seconded the motion, which passed with a vote of 4-0.

Assistant City Recorder Darci Henneman read Ordinance No. 474 for the second reading by title only and for final enactment.

- (2) Draft Local Improvement District Ordinance
Carrie Connelly referred to her letter of October 19, 2007, the first draft of the LID ordinance included in the Council packets and the second draft of the LID that was provided as a handout at tonight's meeting. The second draft of the ordinance consisted of 30 sections. Carrie reviewed the changes with the Council.

In response to a question from Darrell Carman about the definition of undeveloped property, Carrie said **Section 1** (3) (a) is intended to give two choices, either choice would include (b). She suggested breaking it down even further to address the confusion it might create.

Darrell Carman suggested Carrie clarify **Section 1** (3) (a) and (b).

Carrie said the installation cost for water and sewer lines could be based on cost per sq. ft. of benefitted property by dividing the total system cost

by the total improvement district area. Previously the cost was determined by the amount of linear ft. of each property. Sewer line costs would be based on the potential number of connections allowed or the number of houses that could be built. She said another benefit of using the term "benefitted property" would apply to parcels with the front portion of the property benefitting from the system but the rear portion is at a grade that doesn't allow for water and sewer lines to be installed. Those rear portions would not be included in the LID. She said the option of allowing the front 100 ft. of a parcel could also be used as a method to determine "benefitted property".

Carrie confirmed the Council's request to change the deferral language and the previous definition to read "no deferral can be obtained for a parcel containing an owner/occupied single family dwelling with no potential for development as more than one lot". She understood the only time the deferral would be available is for parcels that have the potential of further development. She said the term "undeveloped real property" will only be used in the deferral language.

Councilors agreed but confirmed residents will still have the opportunity to sign a payment plan with the City and the state deferral program would still be available to those who qualify.

Councilors had no questions on **Section 13. (1)(c)**.

In response to a question from Darrell Carman, Carrie said a rental property would not qualify for a deferral. Darrell Carman agreed.

Sheryl Hackett said the deferral could go on for several years if the property was never sold or developed. She said Jerri Moore, Finance Director is concerned if there is no limit on the deferral period the City could potentially carry debt for a property owner indefinitely.

In response to a question from Thomas Cotter, Carrie said limiting the deferral renewal time period would also apply but as a condition of the contract.

Darrell Carman and Thomas Cotter wanted clarification why a property subject to a deferral could not be used as a rental if there was a limit on how many times a deferral could be renewed.

Carrie suggested because deferral funds would be limited, funds should go to people living on their property that don't want to develop it, rather than funds going to a rental property. It should be based on a need ratio. Darrell Carman agreed with Carrie's explanation.

Carrie said she is not advocating either option. The above language was provided for Councils' consideration.

In response to a question from Darrell Carman, Carrie said the owner

occupancy language could be excluded from the ordinance and incorporated into the contract. She said **Section 13. (1)(b)(ii)** requires property qualifying for a deferral be owner-occupied as a single family dwelling. She said (c) defines "owner-occupied". If the property was inherited, the deferral would transfer to the heirs as long as an heir is living in the home.

Thomas Cotter felt it shouldn't matter if property is owner occupied or not because the deferral period isn't going to last that long.

Sheryl wanted to clarify how residency on a vacant lot would be established. Carrie said at the time the property is divided the deferral would terminate.

Carrie said the Council needs to decide how long the City will carry individual deferral debt and who should the City carry the debt for. She asked if the pool of applicants should be broadened as long as the criteria was met. She said the property would need to qualify first before looking at the owner/occupied criteria.

Ric said there will be limited funds. The Council needs to decide if the deferral funds would be available for a property owner that lives in another state.

In response to a question from Darrell Carman, Carrie said a GR or SFR zoning would only relate to "undeveloped real property". She said "undeveloped property" is defined by property that isn't completely vacant and has a potential for development into more than one lot.

Sheryl said one large undeveloped, vacant lot capable of being divided into more than one lot would be considered "undeveloped real property". Carrie said in that situation the zoning would be GR or SFR only. She said under the current language the entire development would be eligible for deferral.

After much discussion the Council agreed there should be a minimum of one assessment per lot but beyond that lots may be entitled to a deferral whether the property is vacant or not.

Carrie will confirm whether the owner of a vacant lot who does not live on the property would qualify for a deferral. She suggested adding language to **Section 13. (1)(b)(ii)** to clarify whether the entire completely vacant parcel would qualify for deferral. Sheryl also wanted to clarify the residency language.

Councilors agreed on the deferral qualification criteria, the distribution method to be used for deferral funds and the time-line for application submittals. The deferral recipients would also be required to enter into a contract with the City to pay the assessment when the deferment is terminated. All contracts would be reviewed by the City Attorney.

Councilors agreed the deferral time period and the deferral renewal criteria should be incorporated into the individual contracts rather than in the Ordinance.

Carrie said there will still be unknowns but felt the previous problems have been addressed.

In response to a request from Mayor Brooker, Carrie said the Councilors would receive the final LID Ordinance draft by the end of this week (October 26). She said that would give everyone enough time to review and finalize the ordinance for first and second reading and final enactment at the November 13, 2007 Council meeting. Carrie said the final draft changes would be highlighted.

(3) Gas Tax Discussion

Ric provided documents that were prepared after the council packets were distributed. The first spreadsheet captured the different sources of street fund/transportation resources and expenses. He said annual appropriated expenditures total is \$259,732. The total un-appropriated ending fund balance available for preservation and capital improvements is \$223,616. Ric suggested leaving 50% in the un-appropriated fund for ongoing projects. He said some resources put towards capital and enhancement projects could include franchise fees, gas taxes and SDCs. He said the current shortfall of six million dollars is needed to bring our City streets from poor/fair condition to good condition.

Ric said in 2004 Jerry Elliott's estimated cost to bring our City streets from poor to fair condition was \$3,501,000. He said the 2007 estimate is \$5,310,300 minus 55% of cash on hand and 25% of projected eligible SDCs would bring the cost to \$3,232,725.

In response to a question from Darrell Carman, Ric said Jerry Elliott's memo outlines how the \$3.2 million would bring our City streets from poor condition to good. He said this is just resurfacing costs and would be an ongoing process throughout the City. He said that figure does not cover sidewalks, property acquisitions, atypical fill/excavation, utility relocation or drainage/stormwater improvements. Ric said the cost of these projects have realistically increased at a 50 to 55% rate. He said the \$3,232,725 figure compounded over a 20 year period, excluding projects that are completed annually, the amount could exceed \$21,500,000. He said the cost would increase significantly if road maintenance isn't done properly or timely.

Ric said a two-cent gas tax would generate \$1,680,000 for the City to use for maintaining our streets. He said this would still leave a \$4 million shortfall.

Ric suggested three options to the Council: 1). If it is the Councils' intent to meet the 2007-08 revenue budget projection, they would have until the November 13, 2007 City Council meeting to enact the additional tax with an ordinance; 2). If Councilors chose to refer the

matter to a vote, staff would need to initiate research into the costs associated with putting the measure on an upcoming election; 3). If the matter was referred to the voters, the earliest it would be on a ballot would be mid-March, 2008, or again in May and September or on the November General Election of 2008.

Mayor Brooker suggested we wait until the November 13, 2007 meeting and see what the outcome of the November 6th election and how the gas tax in Eugene and Junction City fared. He said we need the revenue and it's imperative we get on some kind of schedule in repairing and maintaining our roads. He said other sources of revenue have dried up. Mayor Brooker said a two cent tax will make some headway but there's still a large gap to fill. He recommended enacting a City gas tax.

Sharon Hobart-Hardin is concerned about the stability of the infrastructure in this country. She said it has not been addressed at any government level. She felt enacting the gas tax at this point, will not address the entire problem but it would at least get us started. She said in the event a state tax is enacted, we could rescind the local tax.

All Councilors agreed.

Mayor Brooker directed staff to prepare a two cent gas tax ordinance for the November 13, 2007 Veneta City Council meeting.

Anna Morrison said if the state were to implement a 36 cent gas tax in the 2009 session, the City's portion may not be equal to the City two cent gas tax. She suggested not rescinding our gas tax immediately after a state gas tax passes. She said we won't know what amounts will be given and if the City's portion of a state gas tax will be equal to or higher than the City's proposed two-cent gas tax.

Carrie said a sunset clause would repeal a local gas tax completely but the calculations should be done before making the decision. She said the sunset clause could be phrased to be contingent on what the City's portion of the state gas tax would be.

Mayor Brooker directed staff to exclude the rescinding clause from the ordinance and said it may be included when and if the state passes a gas tax.

In response to a question from Mayor Brooker, Ric said staff would provide the figures to Council to decide whether rescinding the local gas tax would be a good idea.

Carrie suggested including a rescinding sunset clause in the recitals of the ordinance.

All Councilors agreed.

Ric asked the Councilors to make policy decisions on where the funds

should go - would they strictly pay for maintenance capital improvements and enhancement? He said if we don't bring our own money to state projects, we're likely to lose the ability to leverage state funding. He suggested setting aside some of those funds to address upcoming projects. Ric said reworking the intersection of Huston Road and Highway 126 will require funding from us to address the railroad crossing.

In response to a question from Thomas Cotter, Mayor Brooker said as long as the policy is adopted by the Council we can use a percentage of the funds for other projects.

Mayor Brooker said we shouldn't limit ourselves to just maintaining our City streets.

Ric said because Highway 126 is a major contributor to our economic development we should not ignore upgrading it. He said Jeans Road and Huston Road have great impact on City residents. He said they should also be included in a road maintenance program.

All Councilor's agreed.

5. OTHER

Ric said City staff has been working on a nuisance issue at 88127 5th Street, Veneta, which has not been resolved in a timely manner. On October 8, 2007 the property owner and tenant were notified of the existing nuisance and photographs were taken of the property. The deadline for abatement by the property owner was October 18, 2007. On October 19, 2007 the property owner/tenant requested and was granted a one day extension. On October 22, 2007 a re-check of the property was conducted and additional photographs were taken. The property owner/tenant did not clean up the property. At this time staff requested the Council to approve the order for the City to abate the nuisance as required by the City's nuisance code, Section 8.05.170(1).

MOTION: Thomas Cotter made a motion to direct staff to proceed with the abatement process. Sharon Hobart-Hardin seconded the motion, which passed with a vote of 4-0.

Mayor Brooker thanked Teresa Warrick for the documentation on the abatement issue.

Ric presented Kyle Schauer's memo on the ongoing bulk water issues. Kyle's memo addressed residents' complaints made at previous Council meetings about the usage of bulk water by non-city residents. Ric said staff will be prepared to provide some recommendation on this issue at the next budget session. He said outside City residents are charged the same as City residents.

In response to a question from Darrell Carman, Ric said Brian's recalculation of the SDC assessments on the "Cup of Joe" coffee stand are about 90% complete. He said some of the transportation/destination SDCs could be waived. Sheryl said it may qualify for "pass by use" because it is not considered a destination spot. Ric said Brian's memo would be in the next Council agenda.

In response to a question from Mayor Brooker, Ric said the changes made for "Cup of Joe" would not effect the ordinance.

Mayor Brooker said an email was received from Nick Caputo and Julia Currie thanking Mindy Sanford and Inez Brooker for hosting the camping at Zumwalt during the Oregon Country Fair. They wanted to commend them both for all the effort they put into making the camp so enjoyable.

6. EXECUTIVE SESSION

At 8:30 p.m. Mayor Brooker adjourned the Council into executive session under ORS 192.660(2)(e).

Having made no decisions, Mayor Brooker closed the Executive Session of the Veneta City Council and returned to the regular Council session at 8:50 p.m.

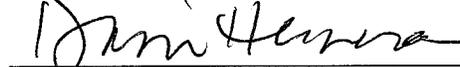
7. ADJOURN

Mayor Brooker adjourned the City Council at 8:50 p.m.



Tim Brooker, Mayor

ATTEST:



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