

Minutes of the Veneta City Council

March 10, 2008

Council

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

Others:

Ric Ingham, City Administrator; Brian Issa, Community Services Director; Jerri Moore, Finance Director; Darci Henneman, Assistant City Recorder; Joan Mariner, Mona Linstromberg and Jeneca Jones, West Lane News

Mayor Brooker called the Veneta City Council meeting to order at 7:03 p.m.

1. PUBLIC COMMENT

Joan Mariner, 25712 Cochran Court, Veneta, OR

Ms. Mariner asked what the process was for responding to questions at the public comment sessions of the Council meetings. She felt the City doesn't have a specific strategy for responding to public questions or comments. She said people should get a response from staff or Council during the public comment session. She said Devon Trottier asked several times about the bulk water issue. She said Ms. Trottier may have gotten a response but no one else knows the outcome of her inquiry.

Marion Esty suggested the format used for the pool article in the March 6, 2008 edition of the West Lane News should be used.

In response to a question from Marion Esty, Ms. Mariner said she shouldn't have to personally approach a Council member outside the Council meetings to get a response.

Sharon Hobart-Hardin said it's staff's responsibility to respond to specific requests. She said however, it may not be timely but they will get a response. She said it's Councils' job to listen and then staff responds.

Ric said if inquiries are substantial staff should get direction from the Council. He said otherwise staff follows up with a direct response to the resident's comment or question.

Mayor Brooker said staff strives to answer those questions and Council does direct staff when needed. He said for those who do not know the outcome of Ms. Trottier's question regarding the bulk water issue, staff responded to all her inquiries either verbally and/or in writing but she didn't like the response.

Ric said a response from staff would generate more questions from Ms. Trottier and the issue never seemed to resolve itself.

Joan appreciated Ric's response that City staff will work on providing more transparent responses to public comments and questions.

Mona Linstromberg, 87140 Territorial Road, Veneta, OR

Ms. Linstromberg attended the LCOG board meeting on February 28, she was glad to hear that global warming was on the agenda. She hoped Veneta will participate in this committee. She anticipated the Council would continue the tree ordinance. She asked when the deliberations will occur and why it is prolonged. She is hoping there will be an open discussion on the Measure 49 issue. She would like to hear the nuts and bolts of that resolution. She also said the agenda and materials for tonight's meeting was not on the City's website.

In response to a question from Mayor Brooker, Ric said the March 10, 2008 City Council agenda and materials were sent to LCOG mid-morning on Friday, March 7, 2008 for posting to the City's website. Unfortunately, the LCOG employee responsible for posting City information on our website was out Friday and Monday. City staff was unaware of this until Monday. He said Darci spent a portion of Monday morning and afternoon getting LCOG to post the packet on the City's website. Ric said at this time, staff is waiting for Carrie Connelly's final review of the tree ordinance. He said he and Brian decided the material was not ready for this packet. He said staff doesn't want to resume a public hearing and then postpone it until the final review is back from legal counsel. Ric thought the tree code ordinance would be on the next Council agenda.

2. CONSENT AGENDA

MOTION: Darrell Carman made a motion to approve the consent agenda as presented and to include the amendment to the Council Agenda for the first and second reading by title only of Ordinance No. 480. Sharon Hobart-Hardin 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 February 25, 2008, Bills Paid for February 2008, the Public Works Activity Report for February 2008 and an amendment to the regular agenda to add the first and second reading by title only language for Ordinance No. 480.

3. DEPARTMENT REPORTS

a. FROM MAYOR/COUNCILORS

Sharon Hobart-Hardin said the Parks Board has been focusing their efforts on the upcoming Easter Egg Hunt to be held on March 22, 2008 beginning at 10:00 a.m. She said the Easter Bunny will be arriving in the old fire engine truck. Balloons and photos with the Easter Bunny will be offered. She said annual attendance at the event averages 250 to 300 children. She said stuffing Easter eggs begins on Saturday, March 15, 2008 beginning at 11:00 a.m. at the Community Center. She said the kids will keep the

eggs rather than return them for refilling.

Ric indicated the Park Board said the plastic eggs have been recycled to the point that they are getting kind of shabby. He said some eggs have been purchased pre-stuffed. He said staff would confirm the date and time for the egg stuffing event.

Darrel Carman said the Resolution endorsing the populated number was passed at the February 28, 2008 LCOG meeting. He said it was also recommended the county adopt the numbers. He said the vote was 12 affirmative, one negative and four abstaining. He said the meeting was mostly about the coordinated population issue and there wasn't time for much else.

Ric said the distinguished service awards were held March , at Elmira High School. He said the City's Volunteer of the Year award went to Lee Taylor-Loewe. Thomas Cotter received the Man of the Year award and Sharon Hobart-Hardin was the Woman of the Year recipient.

4. STAFF REPORTS

a. COMMUNITY SERVICES DIRECTOR BRIAN ISSA

(1) Measure 49

Brian provided a letter from legal counsel, Carrie Connelly, with instructions for notifying residents with existing Measure 37 claims. Carrie indicated there were several policy decisions the City Council should make. He said Kay Larson was the only resident that had an active Measure 37 claim with the City when Measure 49 was passed. He said her claim is for commercial property and therefore is not covered by Measure 49. Staff mailed her and her attorney the required notice on February 25, 2008. Brian said Carrie also prepared an ordinance to bring the City into compliance with Measure 49 and a resolution authorizing the City to charge a fee for processing Measure 49 claims.

(a) Policy Discussion

In response to questions from Darrell Carman, Brian said Measure 37 claims could be made on residential, commercial or industrial zoned property. He said the intent of Measure 37 was to create relief for those to build on their land. Measure 49 allows residential property development only, not commercial or industrial. Brian said land use regulations prevent forest and farm land owners from developing their land.

In response to questions from Thomas Cotter, Ric said legal counsel provided the City with a complete packet of documents for Measure 49 claims. Ric, as the City Administrator, would act as the decision maker and review the potential claim(s) to see if it meets our ordinance and state regulations. He said the claim will either be denied or accepted by the City Administrator. Ric said

staff and legal counsel suggested a specific person needs to be identified as the decision maker. Ric said staff would provide the Council with a Measure 49 explanation. He said staff will work very closely with legal counsel on this matter.

In response to a question from Sharon Hobart-Hardin, Ric said the City Administrator would be authorized to review and approve or deny Measure 49 claims. If the claim is denied, the claimant could appeal the decision to the City Council.

In response to a question from Mona Linstromberg, Ric said he wasn't sure once a Measure 49 claim is approved if it would then go to the State level for approval. He said the City's legal counsel provided identical Measure 49 packets to all four municipalities they represent.

In response to a question from Marion Esty, Ric said the state would create an appeal board above and beyond the City Council.

In response to a question from Mayor Brooker, Ric said when the City received notice from LCDC of Measure 49, staff went ahead and sent notice to Ms. Larson and her attorney on February 25, 2008. He said we're not sure a Measure 49 claim exists because the Larson's Measure 37 claim was for commercial property and Measure 49 doesn't allow commercial claims. He said the applicant is free to challenge that.

Ric suggested we table this issue for the time being. He felt staff was unable to respond comfortably and knowledgeably to all the questions the Council was directing to staff.

Mayor Brooker requested Measure 37 information. He said before the Council approves Resolution 969, he felt they needed more information. Council agreed.

MOTION: Sharon Hobart-Hardin made a motion to postpone approving Ordinance 480 and Resolution 960 until staff provided more information on Measures 37 and 49 to the Council. Darrell Carman seconded the motion, which passed with a vote of 5-0.

- (2) Bolton Hill Sewer Connections
At the February 11, 2008 Council meeting, staff recommended granting an extension of time (up to 10 years) for property owners to connect to the Bolton Hill Road sewer. The Council made no decision at that meeting. Brian said the current code states each homeowner could request individual extensions

from the Council.

Darrell Carman said after talking with Lee Kelley following the February 25, 2008 Council meeting he decided to rethink his decision on the 10 year extension hook up period. He asked the Council if they could revisit extending the hook up period.

In response to a question from Darrell Carman, Brian clarified a certified septic system installer would inspect the septic systems prior to the City entering into a 10 year hook up extension agreement with property owners.

Darrell Carman felt the City initiated this project because of the County's improvement project. He said had the Bolton Hill Road project not been a road improvement project for the County, it could easily have been another 10 years before the City would do its sewer project. He also felt the septic system criteria should be more specific.

Thomas Cotter agreed the inspection process should be more specific per criteria established by lenders when property is being financed. He said a professional can tell by looking at the ground surface to see if these things are working properly.

MOTION: Darrell Carman made a motion to grant a 10 year extension from the time the assessment is made to connect to the Bolton Hill sewer line. Sharon Hobart-Hardin seconded the motion.

Thomas Cotter said the road improvements to Bolton Hill Road has been on the books for a long time. He said there has been a push in the last five years to get everybody in the City hooked up to City sewer. He felt a 10 year extension is too long. He suggested a five year extension. He said it didn't make sense to spend the funds for service improvements residents won't be hooking up to for 10 years.

Sharon Hobart-Hardin said this is a special circumstance. She said these residents are getting hit from the City for the sewer improvement and the County for the sidewalk improvements in addition to paying for their individual hook up and the cost of dismantling their existing septic systems. She felt 10 years is appropriate because residents will need that time for future financial planning.

Mayor Brooker felt a 10 year hook up extension is excessive. He said it's the City's goal to have clean water and well protection. He was against any kind of extension and felt the hook up period in the original ordinance was sufficient.

However, because there were unique circumstances affecting Bolton Hill Road residents, he suggested the extension hook up period be set at five years.

Marion Esty agreed with Darrell. She said many of our residents are senior citizens and are on fixed incomes who may be facing bankruptcy if they are straddled with the cost of the two projects. She felt the 10 year period is practical and will not pressure people into the improvements.

Ric confirmed for Thomas Cotter that if the Council approved a 10 year extension, residents could wait until the 10th year to initiate the hook up.

Darrell Carman confirmed Brian's second condition of approval should be amended to require specific inspections of the drain field and baffling by a certified septic system installer rather than requiring a letter of approval from an installer.

VOTE: 3 to 2, Mayor Brooker and Thomas Cotter voted no

- b. FINANCE DIRECTOR JERRI MOORE
 - (1) Compensation Plan update
 - (a) **Resolution 961** - A RESOLUTION AMENDING RESOLUTION NO. 951 ADOPTING THE CLASSIFICATION AND COMPENSATION PLANS FOR THE CITY OF VENETA FOR THE 2007-2008 FISCAL YEAR

Jerri said Resolution 961 is required to amend the current Classification and Compensation Plan for the City of Veneta for the 2007-2008 Fiscal Year. She said the resolution is needed because of the reorganization and reclassification of certain staff positions. She said the City received support through the Local Government Personnel Institute in reviewing the classifications. She said the outcome of that review is attached to the Resolution. Jerri requested the Council to approve Resolution No. 961.

MOTION: Sharon Hobart-Hardin made a motion to approve Resolution No. 961. Darrell Carman seconded the motion which passed with a vote of 5-0.

In response to a question from Mayor Brooker, Jerri said Resolution No. 961 is needed to realign the salary range for the City Recorder position based upon revisions of that job description. She said an Associate Planner position and salary range was added under the Community Services Department and incorporated into the Classification and Compensation Plan.

Ric said the City Recorder position received the only salary adjustment. He said we have not re-evaluated the other positions but employees are at the

levels they should be. He said Kyle and Sheryl were brought into the management team. He said all changes were approved by the Local Government Personnel Institute. Ric said the new material will be placed in their boxes to fully explain the complete process.

In response to a question from Mayor Brooker, Ric said a salary survey was conducted on our step process last year in order to be competitive with other cities our size but individual employees have not been reevaluated recently.

MOTION: VOTE, 5-0.

(2) Territorial Sports Field Acquisition Financing update

(a) **Resolution 968** - A RESOLUTION INCREASING APPROPRIATIONS FOR THE 2007-2008 FISCAL YEAR FOR THE TERRITORIAL SPORTS FIELDS ACQUISITION PROJECT

Jerri said Resolution No. 968 is required to secure the last portion of funding needed for acquisition of the Territorial Sports Project ball fields. She said this resolution will provide the City adequate appropriation authority to complete the escrow transaction including closing costs. Jerri said these funds will come from the Capital Construction Fund, interest earned on Recreational Facilities SDCs, not the SDC's themselves, and a portion of the Park Land Acquisition Fees.

In response to a question from Mayor Brooker, Jerri said a discussion with the auditor took place earlier this year in regard to the LID deferral resources. She said the outcome of that conversation remains the same.

MOTION: Darrell Carman made a motion to approve Resolution No. 968. Sharon Hobart-Hardin seconded the motion which passed with a vote of 5-0.

(3) Draft Budget Calendar

Jerri provided a copy of the draft budget calendar for FY 2008-2009 for the City of Veneta and the Veneta Urban Renewal Agency. She asked if everyone agreed with the meeting dates. She said the first Budget Committee meeting will be May 8, 2008. Jerri said she tentatively scheduled a special City Council meeting for June 25, 2008, if necessary, for final adoption of the 2008-2009 budget.

She asked the Councilors if they had any questions on the detailed information on the Planning Fund provided after the February 25, 2008 meeting. Mayor Brooker responded there were no further questions and thanked Jerri for the detailed report.

In response to a question from Mayor Brooker, Jerri said there are currently two vacancies on the Budget Committee. She said she will begin the advertising process soon for filling the vacancies.

- c. CITY ADMINISTRATOR RIC INGHAM
- (1) Letter of Support for Oregon Water Resources Department Grant Application.

Ric provided a letter of support for a grant application to the Oregon Water Resources Department. The grant is to request funding to continue the 1996 initial study that has been delayed that addressed the technical and policy issues associated with the use of water in Army Corps of Engineers reservoirs in the Willamette Basin. Ric also attached material on the Water Supply and Conservation Initiative that would fund the grant. Ric said EWEB, Junction City, Creswell, Coburg and Monroe, have all chosen to be applicants in the regional water initiative. He said regional entities have attempted to secure new water sources around the state. He said our choice is to work with the Army Corp of Engineers to secure water rights from Fern Ridge Reservoir. Staff is requesting the Council authorize Mayor Brooker to sign the letter of support on behalf of the Oregon Water Resources Department.

MOTION: Thomas Cotter made a motion authorizing Mayor Brooker to sign the letter of support for the Oregon Water Supply and Conservation Initiative Grant Application. Marion Esty seconded the motion.

Sharon Hobart-Hardin said this is a great project that should take the City in the direction we need to move toward. She said this is a huge issue that hasn't been faced and she is in support of the project.

Ric said we wouldn't be submitting the application unless we're assured from the Army Corp of Engineers that they would commit the staffing resources necessary to complete the overall scope of the project.

MOTION: VOTE: 5 to 0.

- (2) Proposal from School District to Collect Excise Tax on Building Permits.
Ric said legislation was past allowing school districts to apply an excise tax at a local building permit level. He said the Fern Ridge School District has worked through the process and sent the City a draft of an Intergovernmental Agreement for review. He said he and Superintendent Hernandez are looking at initiating the Excise Tax at the beginning of the next fiscal year. He suggested staff could either review the document and get back to the Council or a small subcommittee could be formed with two Councilors and staff to work through the major issues staff has identified and provide

that information to the City Council. Staff has concerns if the County does not enter into the agreement the tax would only be collected from residents living within the city limits.

In response to a question from Darrell Carman, Ric said it is not mandatory the City enter into the agreement.

In response to questions from Marion Esty, Ric said Cottage Grove and Eugene have entered into an agreement with their school districts. He said the Excise Tax would be collected at the building permit phase and based on square footage.

In response to a question Sharon Hobart-Hardin, Ric said if we chose, we would be the entity collecting the funds as part of the building permit process and then we would write a separate check to the school district. He said some school districts have chosen to pay up to 4% for collecting the tax. He said 1% wouldn't cover the cost of administrative time collecting and processing the tax payments. He said we could also collect the checks and pass them onto the school district. Ric would like to work with the Fern Ridge School District to see that some of their long term capital needs are met. He said he is not sure if the Councilors will see the complete report by the next meeting. He said it may be the at the first meeting in April.

In response to a question from Thomas Cotter, Ric said if the County decided to not enter into the agreement and the City did, the school district will only receive the Excise Tax from homes built within the City limits.

Mayor Brooker said he is very interested in this. He suggested he and Sharon Hobart-Hardin work with staff to form a subcommittee to work through the issues. He doesn't want to add more burden to staff but it may be helpful to get additional ideas on the table. He said the subcommittee could gather information quickly and provide an update to the Council.

5. OTHER

- a. Annual Verified Statement of Economic Interest & Quarterly Public Official Disclosure Reports

Ric requested legal counsel provide a summary of the new changes to the Council before the information is required by the Oregon Government Ethics Commission.

- b. Oregon Country Fair

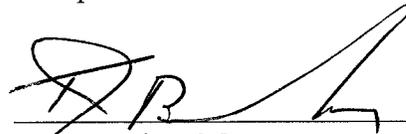
Ric said Mindy Sanford is heading up the Oregon Country Fair Transportation Committee. They have proposed three or four busses to run from Veneta Elementary to the Fair grounds on Friday and Saturday mornings with a break in the day and four busses coming back in the late afternoon. Ric said we will use the Zumwalt bus

contract. A facility request form has been sent to the School District for the use of the Veneta Elementary parking lot as a staging area. He said the cost is less than \$200 for the use of the Laidlaw school busses and would be shared with the Oregon Country Fair. He said there will be a designated bus for each route.

- c. Brian responded to questions from the February 25, 2008 Council meeting. He said Public Works verified the speed signage on Perkins Road is correct. He said the intersection at Huston and Territorial Roads is owned and maintained by ODOT, unfortunately, so are the pot holes.

6. ADJOURN

Mayor Brooker adjourned the City Council at 8:20 p.m.



T.J. Brooker, Mayor

ATTEST:



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