

Minutes of the Veneta City Council

March 14, 2011

Present: Mayor Sharon Hobart-Hardin, Thomas Cotter, Marion Esty, and Sandra Larson

Absent: Brittany Boothe

Others: Ric Ingham, City Administrator; Sheryl Hackett, City Recorder; Shauna Hartz, Finance Director; Brian Issa, Community Services Director; Darci Henneman, Assistant City Recorder; Anthony Clemons, Ed Waggoner, Richard (Dick) Murphy, Linda Boothe, Marsha Bowling, Al Johnson, and Joan Mariner, Fern Ridge Review

Mayor Hobart-Hardin called the Veneta City Council to order at 7:00 p.m.

1. PUBLIC COMMENT

Anthony Clemons, 25165 Cherry Ln., Veneta, OR

Mr. Clemons wanted to comment on the Animal Control Policy that was listed on the agenda. He asked if he should wait until that item came up or if he should comment now.

In response, Mayor Hobart-Hardin said he could make his comment during the public comment session.

Mr. Clemons said because its breeding season now, residents should be able to rent traps for capturing feral cats as soon as possible and not have to wait until the Animal Control Ordinance has been adopted.

Ed Waggoner, 26050 Bud Ln., Veneta, OR

Mr. Waggoner represents Timberline Property Investments which manages approximately 25 rental units in the area. He received a letter dated January 10th regarding a dead or dying (hazardous) tree at 25263 Jake Street that needs to be removed at the owner's expense. The tree is about 125 feet tall and sits between two homes. Mr. Waggoner agreed the tree is a hazard and has been so since construction began. On May 15, 2006 he called Kyle Schauer to discuss removal of this tree along with others at 25300, 25282, 25288 and 25312 and 25263 Jake St. At that time Mr. Schauer denied a request to cut the tree at 25263 Jake St. Mr. Waggoner is concerned the wind will probably bring the tree down on a home. He received permission from the adjoining property owner to remove the tree. The letter he received from the City dated January 10, 2011 is ordering Timberline to incur the cost of removing three trees which will be much more expensive to remove now that the homes are built. He stated again that he wanted to remove the trees back in May of 2006 prior to construction and was denied his request to cut the tree. He didn't apply for a permit at that time because Mr. Schauer told him it would be denied.

Mayor Hobart-Hardin asked Mr. Waggoner to leave his materials with Ric so he can follow up on the matter.

Richard Murphy (Dick), 87892 Eighth St., Veneta, OR

Mr. Murphy is requesting the Community Center rental fee be waived in order to hold youth karate lessons. He provided a certificate of insurance along with his application. He would like to offer the classes through the City. To cover the cost of insurance he suggested a minimal charge for kids within City limits and a slightly higher charge for kids outside City limits.

Linda Boothe, 25127 Hunter Rd., Veneta, OR

Ms. Boothe provided a summary of her survey results. She received 22 responses with the following comments: City Councilors should be available by phone; the water pipeline is needed but how will it be paid for; staff should be reassigned from the Senior Center and all new building/spending projects to pipeline funding options; focus on finishing the library and pool before other projects are taken on; keep our area "country" by the City focusing on streets, water, sewer and public safety; liter on Hope Lane and creating walking/bicycle paths; attract more business/jobs to the area; the new pool is wonderful but the swimming season is too short and more fundraising to complete the kiddy pool.

Marsha Bowling, 90065 West Demming Rd., Elmira, OR

She brought two seniors to request a donation for the 2011 drug and alcohol free grad night celebration at the Dixon Center in Corvallis.

Al Johnson, 24943 Hwy 126, Veneta, OR

Mr. Johnson is the new owner of the Veneta Dairy Queen. A couple months ago Energy Smart, a company that audits energy use and find ways to cut energy costs told him if he used an LED sign rather than his current reader board he would see a 95% savings in energy costs. However, the City does not allow LED lighting.

Mayor Hobart-Hardin asked Mr. Johnson to leave his material with Ric and staff will follow up with him.

2. CONSENT AGENDA

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

Vote: Marion Esty, aye; Thomas Cotter, aye; Mayor Hobart-Hardin, aye; and Sandra Larson, aye.

The consent agenda as approved included Minutes for February 14, 2011, Accounts Payable through March 8, 2011, Public Works Activity Report for February 2011, and Request for New Liquor License, 25585 Hwy 126, Veneta (Liquor Store).

3. DEPARTMENT REPORTS

a. FROM MAYOR/COUNCILORS

(1) Elmira High School 2011 Grad Night Committee Donation Request

Mayor Hobart-Hardin said the City has supported the event for the past three years. She appreciated the written request and suggested a \$500 donation.

Thomas Cotter agreed but wanted to make sure the donation amount is consistent from year to year.

Ric said the Council made a \$100 donation to the 2008 grad night committee. The 2009 grad night committee made two requests; one at the beginning of the school year and again in the spring. The Council honored each request with a \$500 donation. The same process was repeated for 2010; meaning the Veneta City Council donated \$1000 to the 2009 and 2010 grad night events.

In response to a question from Thomas Cotter, Ms. Bowling said they will be taking the seniors to the Dixon Recreational Center in Corvallis.

In response to a question from Mayor Hobart-Hardin, Ms Bowling said fundraising efforts are a bit slow now but they anticipate things to pick up once the weather gets nicer.

MOTION: Marion Esty made a motion to approve a \$500 donation to the 2011 Elmira High School Grad Night. Thomas Cotter seconded the motion which passed with a vote of 4-0.

- (2) Request from Northwestern Martial Arts for fee waiver and use of the Veneta Community Center

In response to a question from Mayor Hobart-Hardin, Mr. Murphy said he would like to offer a Saturday morning class for kids and an evening adult class. Each class would be once a week for two to three hours.

Marion Esty is concerned about potential liability for the City and she would like staff to speak directly with his insurance company about their past record including any previous claims.

Ric said we would make sure Mr. Murphy has proper insurance coverage.

In response to a question from Thomas Cotter, Mr. Murphy said he and his son will teach the classes and they will supply the mats.

Thomas Cotter is concerned about using the Community Center as a gym and whether or not the City should make a long term commitment to Mr. Murphy. He suggested Mr. Murphy contact one of the schools.

Mr. Murphy said he's never had an injured student. He doesn't allow any horse play. He teaches his students to listen to instructions and has very strict discipline in the classroom.

Mayor Hobart-Hardin got the impression that Mr. Murphy is used to dealing with a parks and recreation district and felt he is looking to ask the City to support or get behind the program and she doesn't feel that would be possible at this time.

In response to a question from Sandra Larson, Mr. Murphy said he will provide the City with a website address about his classes and his credentials.

Ric said the City gets many requests to waive the rental fee for the use of the Community Center and the Council has set a precedent when it comes to youth related activities but not for adult classes or activities. The City does not endorse outside programs and all groups must provide their own insurance.

Thomas Cotter said just because there's not a precedent for adult classes doesn't necessarily mean that we can't start. He didn't have a problem waiving the rental fee as long as it's for a non-profit organization, it's understood the City is not endorsing the classes, and that all City requirements and protocol is adhered to.

Sandra Larson said she is willing to support the program but Mr. Murphy should provide the City with his credentials to teach such classes.

Mr. Murphy agreed.

Mayor Hobart-Hardin agreed that we should see his qualifications. She suggested postponing the decision until the next meeting in order to review his qualifications and other materials.

Mr. Murphy said that would be fine. Prior to starting his classes he would have a meeting and provide a demonstration then he will distribute a flyer throughout the community and place an ad in the Fern Ridge Review about the classes.

MOTION: Thomas Cotter made a motion to postpone this agenda item until the next meeting or the meeting thereafter or when the information the Council requested is provided. Marion seconded the motion which passed with a vote of 4-0.

Ric asked Mr. Murphy to call him so that he could verify a few things on his application. Mr. Murphy agreed.

b. COUNCIL/COMMITTEE LIAISONS

- (1) Sandra Larson attended her first Park Board meeting and the subcommittees reported their activities. The Fern Ridge School District is planning to place two property tax measure on the May ballot; a two year local option levy of \$900,000 per year and a \$15 million bond which is virtually the same as the bond which failed last November.

Mayor Hobart-Hardin was unable to attend the first Lane Area Commission on Transportation (LACT) meeting but Ric did. She asked him to provide an update.

Ric said it was the second organizational meeting of the formation process. They haven't really taken any action on behalf of ODOT or the Transportation Commission. They went through the process of selecting the next round of Stakeholders and locked in the meeting schedule for the next several months.

Marion Esty attended the last Fern Ridge Community Action Network (CAN) meeting. She said they discussed many possible activities as well as what's happening with other organizations. CAN is hosting a public "Community Conversation" in June and a free health clinic in May.

4. STAFF REPORTS

- a. COMMUNITY SERVICES DIRECTOR.....BRIAN ISSA
 - (1) Request for Authorization to Contract for Design of Water Pipeline

After advertising a RFP for design, the City selected Murray Smith & Associates (MSA) as the most qualified firm to provide the pipeline design; and solicited a detailed scope of work and costs proposal. Over the last three weeks, City staff and the City Engineer have been reviewing the proposed contract document and have negotiated a contract that is agreeable to all parties and is ready for Council authorization. The Preliminary Engineering Report (PER) included estimate of \$995,000 for design and \$1,092,000 for construction services. The current estimate from MSA is \$673,542 for design and construction but does not include the cost of a full time Resident Project Representatives (RPR) to provide on site inspection services. The City may choose MSA to provide this service but it is not currently in the contract. In order to control costs staff is working with the City Engineer to separate this service from the contract. The expected cost for the RPR is approximately \$200,000. Brian provided the Council with a detailed cost analysis and breakdown of MSA's design cost estimate.

In response to a question from Marion Esty, Mayor Hobart-Hardin said she was comfortable with the timeline of the pipeline project.

In response to a question from Thomas Cotter, Brian said in order to get through the USDA process the simplest way to get the project done is to construct the pipeline down the middle of the roadway except for the section of Highway 126 in the Eugene City limits.

Mayor Hobart-Hardin said constructing the pipeline in the roadway drastically reduces any environmental impact associated with this project.

Philip Smith of MSA said there may be more options west of the wetlands and wildlife refuge but at the time rural utilities insisted there be no environmental impact on the wetland and wildlife refuge areas.

In response to a question from Marion Esty, Mr. Smith said the pipeline will be deep enough so that traffic will have no adverse impact.

In response to a question from Sandra Larson, Mr. Smith said the original PER was very general and included many customary allowances. It did not include details of the final estimate until the scope of work was finalized in detail and quotes from sub consultants and contractors were received.

In response to a question from Sandra Larson, Brian said the cost of an RPR could be the same if we contracted with any third party. The City Engineer felt this cost could be lowered by using someone from his office.

In response to a question from Mayor Hobart-Hardin, Brian said MSA did a good job of detailing the scope of work which included things that may be outside the boundaries of the contract.

Mayor Hobart-Hardin thanked Brian for a thorough report.

MOTION: Thomas Cotter made a motion to authorize the City contract with Murray Smith Associates (MSA) for design of the Water Pipeline. Sandra Larson seconded the motion which passed with a vote of 4-0.

b. CITY RECORDER.....SHERYL HACKETT

(1) Animal Control

a. Draft Ordinance No. 500 – AN ORDINANCE REGULATING ANIMALS WITHIN THE CITY LIMITS; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; REPEALING ORDINANCE 379

Sheryl said the City has an Animal Control Ordinance, adopted in 1997 but does not have a procedural manual to effectively enforce the ordinance. While staff was drafting a manual many inconsistencies were found in the Animal Control Ordinance. The current ordinance did not address some situations that City staff has been confronted with which currently call for additional staff time. Adopting a policy will not only assure more consistency in enforcement of the code but should reduce the amount of staff time being spent by establishing clear policies and guidelines.

The draft ordinance and procedural manual was prepared by staff and sent to legal counsel for review. Sheryl reviewed legal counsel's changes with the Council and asked if they had any questions.

In response to a question from Thomas Cotter, Sheryl said the definition of "exotic animals" is listed on page two of the ordinance and also follows the Oregon State Statute.

In response to questions from Sandra Larson, Sheryl said in circumstances where a dog is found attacking another animal it may need to be shot rather than euthanized so the word "destroy" is more appropriate for those situations. Sheryl said the Land Development Ordinance currently allows backyard chickens in certain zones only. If the Council decided to allow backyard chickens in all zones the Land Development Ordinance would be updated. The Animal Procedure Manual addresses all animals, including chickens.

Sandra Larson said the word "pregnable" should be corrected to "impregnable".

Mayor Hobart-Hardin said Mr. Clemons had a good idea that the feral cat traps should be made available as soon as possible.

Ric said because the March 28th Council meeting will be Sheryl's last meeting, the Animal Control Ordinance could be done by emergency and the associated resolutions could also be adopted at that time along with the Procedural Manual.

b. Draft Animal Control Procedure Manual

Sheryl reviewed legal counsel's revisions to the manual with the Council and asked if they had any questions. She also reviewed the feral cat trap rental agreement and agreed it should be available as soon as possible but that it also required review from legal counsel. Staff needs Council direction on how to proceed with the Ordinance, Procedural Manual, and the feral cat trap rental agreement.

In response to a question from Thomas Cotter, Sheryl said if a person rents a trap from the City and catches a non feral cat it must be immediately released as well as feral cats that have already been neutered which will be identified by a notch or a tattoo on their ear.

In response to a question from Sandra Larson, Sheryl said there is no rental fee for the trap but a refundable deposit is required to ensure the trap will be returned to the City. If the trap is not returned the deposit will be retained by the City to cover replacement costs of a trap.

After a brief discussion it was the consensus of the Council to direct staff to finalize the Ordinance and Procedural Manual to include legal counsel's recommendations. The Council will adopt the Ordinance (by emergency); the Procedural Manual and accompanying resolutions, and the feral cat trap rental agreement at the March 28th City Council meeting.

Brian said Kyle Roberts will provide the Council with an update on the possible backyard chicken ordinance.

- c. CITY ADMINISTRATOR.....RIC INGHAM
(1) Ford Family Foundation Grant for Fern Ridge Service Center
Ric said the Ford Family Foundation approved a \$250,000 grant as matched funds for the Fern Ridge Service Center. In order to release funds a Grant Agreement needs to be signed by Mayor Hobart-Hardin and the City Administrator. Ric provided a copy of the agreement for review and asked the Council to direct staff on how to proceed.

MOTION: Marion Esty made a motion to direct Mayor Hobart-Hardin to sign the Ford Family Foundation Grant Agreement for the \$250,000 grant for the Fern Ridge Service Center. Thomas Cotter seconded the motion which passed with a vote of 4-0.

5. OTHER

Ric said in keeping with the good news about the Service Center the Economic Development Department, now referred to as the Oregon Business Council requested a full CDBG application for the Service Center. Over the next couple of weeks staff will be working on conducting another CDBG public hearing and then submitting a draft application for the second quarter. They will then review the draft and provide comments and allow the City to modify the application for a final submittal by the June 30th deadline.

The federal government is running in a non-appropriations mode which does effect CDBG funding. We will have to see what kind of an impact that has on this year's state award.

Mayor Hobart-Hardin said because not all of the federal funds were awarded last year there is a carry-over.

Ric said about nine million dollars was carried forward. Unfortunately, when compliance issues surround water and wastewater projects, they generally take precedence over community facility projects.

Ric reminded the Council to please return the large zip lock bags that Council packets are delivered in.

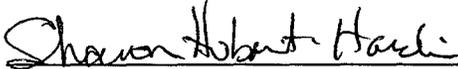
Shauna said the City Auditor will make a presentation of the FY 2009/2010 at the next Council meeting.

We have received six applications for the Municipal Court judge position. Staff has selected three applicants to interview.

In response to a question from Thomas Cotter, Ric said the wind storm that came through on Sunday had very little impact on the City.

6. ADJOURN

Mayor Hobart-Hardin adjourned the Veneta City Council at 8:30 p.m.


Sharon Hobart-Hardin, Mayor

ATTEST:


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