

# Minutes of the Veneta City Council

## March 28, 2011

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

Others: Ric Ingham, City Administrator; Sheryl Hackett, City Recorder; Shauna Hartz, Finance Director; Brian Issa, Community Services Director; Carrie Connelly, legal counsel; Zac Moody, Associate Planner; Kyle Roberts, R.A.R.E. Intern; Darci Henneman, Assistant City Recorder; Steve Tuchscherer, David Calderwood; Craig Horrell and Travis Johnson of Hayden Homes; and Joan Mariner, Fern Ridge Review

---

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

### 1. PUBLIC COMMENT

#### **Joan Mariner, 25912 Cochran Ct., Veneta, OR**

Ms. Mariner thanked Kyle Roberts R.A.R.E Intern for his thorough work on possibly allowing backyard chickens.

#### **David Calderwood, 28104 Spencer Creek Rd., Eugene, OR**

Mr. Calderwood requested to be included on the agenda distribution list. He spoke about the animal ordinance but did not have time to review the entire document. He was appointed by Jay Bozievich to look into animal licensing and codes around the country. He also works with Karen Gaffney with Lane County Animal Services (LCAS) to get cities to set consistent fee schedules and stricter leash laws.

### 2. 2009/2010 AUDIT REPORTS

Steve Tuchscherer presented the 2009/2010 Audit Report. He acknowledged the difficult task that Shauna stepped up to considering that some records were not up to date and the need to finish connecting to a new accounting system. He said she's done a great job and the City's finances are in good hands. He continued with a review of the 2009/2010 audit report and management letter.

#### Internal Controls:

The focus of this letter was to outline processes in the future that could improve internal controls. Internal controls are designed and implemented to reduce risks – the risk of making erroneous decisions due to incorrect financial information, losing assets, incurring unnecessary liabilities, being non-complaint with a grant program, and missing opportunities. In order to minimize these risks, a well-designed and implemented set of internal controls must exist. Mr. Tuchscherer focused on the most important of the internal controls which is monitoring. Often times there is an under emphasis on monitoring the policies and procedures in place are effectively implemented and carried out.

#### GASB Statement 54 – Fund Balance Categories:

The requirements of this Statement are designed to improve financial reporting by providing fund balance categories and classifications that are easily understood. Replacing the *reserved* component of fund balance with a *restricted* classification will create consistency between information reported in the government-wide statements and information in the governmental fund financial statements and avoid confusion about the relationship between reserved fund balance and restricted net assets. Fund balance disclosures will provide information about the City's policies and processes (with constraints imposed) when using its resources and how those constraints may be modified or eliminated. GASB 54 makes some clarification of the governmental fund type definitions which will reduce uncertainty about the default fund balance categories will be reported in the respective fund types.

#### Audit Committee:

Because of the complexities of internal controls, the audit process, and the audited financial statements, Mr. Tuchscherer recommended the City form an Audit Committee. He felt very soon all local government will be required by the Secretary of State to form an Audit Committee, and most national and regional governmental accounting organizations are recommending all local governments form an Audit Committee.

In response to a question from Mayor Hobart-Hardin, Mr. Tuchscherer said currently very few cities have audit committees but it is recommended that all governments appoint a three member audit committee consisting of staff and City Council.

Mayor Hobart-Hardin thanked Mr. Tuchscherer for audit report which she said the management letter was easy to follow and understand.

### **3. 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; Sandra Larson, aye; Brittany Boothe, aye.**

The consent agenda as approved included Minutes for March 14, 2011, Accounts Payable through March 22, 2011, and the Civic Calendar for April, 2011.

### **4. DEPARTMENT REPORTS**

#### **a. FROM MAYOR/COUNCILORS**

- (1) Law Enforcement Update, Sgt. Osborne, LCSO  
Sgt. Osborne did not attend tonight's meeting.
- (2) Appointment of New Park Board Members (Positions 4 and 5)  
Three applications were received. The current Park Board members holding positions 4 and 5 reapplied for their respective positions. Mayor Hobart-Hardin said because two very large events are currently being planned by the Park Board she felt it was in the best interest of the Board to reappoint those positions to their current members. Dennis Paronto was appointed to position 4 and Marie Pickett was appointed to position 5.
- (3) Request from Oregon Research Institute for fee waiver and use of the Community Center

The Oregon Research Institute requested the use of the community center to conduct an ongoing research project funded by the Centers for Disease Control and Prevention which involves a free Tai Chi exercise program designed for older adults to improve balance, strength, and reduce falls. To qualify for the program, older adult patients have to be referred by their physician or physical therapist. Currently they have 10 patients who live in Veneta and are being referred by their healthcare providers. The classes will be held twice a week for 24 weeks, by an Oregon Research Institute certified instructor. Mayor Hobart-Hardin felt this was a good idea that attendees would not have to drive to Eugene to attend the classes.

In response to a question from Brittany Boothe, staff wasn't aware of any Community Center scheduling conflicts.

**MOTION:** Thomas Cotter made a motion to approve waiving the normal community center rental fee for Oregon Research Institute to hold Tia Chi classes from April 12, 2011 to September 22, 2011. Brittany Boothe seconded the motion which passed with a vote of 5-0.

b. COUNCIL/COMMITTEE LIAISONS

Marion Esty said at the last Senior Services Planning and Budget Committee meeting Veneta received a positive reputation for being a welcoming community.

5. STAFF REPORTS

a. FINANCE DIRECTOR.....SHAUNA HARTZ

(1) Appointment of Citizen Budget Committee Members

Shauna said seven applications were received for the three vacant positions. After reviewing the applications Mayor Hobart-Hardin proposed the following appointments: William (Billy) Curtiss, position 1; Jamie Garner, position 2; and Calvin Kenney, position 3.

Mayor Hobart-Hardin looks forward to a great budget year and she thanked Shauna and the new members for applying.

**MOTION:** Thomas Cotter made a motion to accept Mayor Hobart-Hardin's appointments to the Budget Committee. Marion Esty seconded the motion which passed with a vote of 5-0.

b. CITY RECORDER .....SHERYL HACKETT

(1) **Ordinance No. 500** – AN ORDINANCE REGULATING ANIMALS WITHIN THE CITY LIMITS; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; REPEALING ORDINANCE 379; AND DECLARING AN EMERGENCY. First reading by title only. Second reading by title only and for final enactment.

On March 14, 2011 the City Council reviewed a draft Animal Control Policy and revised Animal Control ordinance and directed staff to finalize the ordinance and bring it back for adoption by emergency at the March 28, 2011 meeting. Sheryl reviewed the recommendations and changes from legal counsel. Staff recommended the Council adopt the ordinance to include those changes and recommendations.

Thomas Cotter said the Animal Control Policy was very well done.

In response to a question from Mayor Hobart-Hardin, Sheryl said the Animal Control Policy states that the City may enter into a contract with a veterinary to provide medical attention to an injured animal but currently there is no such contract.

**MOTION:** Thomas Cotter made a motion to approve Ordinance 500 for first reading by title only. Marion Esty seconded the motion which passed with a vote of 5-0.

Ordinance 500 was read as follows: Ordinance 500, an ordinance regulating animals within the city limits; providing penalties for the violation hereof, repealing ordinance 379; and declaring an emergency.

**MOTION: Thomas Cotter made a motion to approve Ordinance 500 for second reading by title only and for final enactment. Marion Esty seconded the motion which passed with a vote of 5-0.**

Ordinance 500 was read as follows: Ordinance 500, an ordinance regulating animals within the city limits; providing penalties for the violation hereof, repealing ordinance 379; and declaring an emergency.

- (2) **Resolution No. 1045** – A RESOLUTION ADOPTING AN ANIMAL CONTROL PROCEDURE MANUAL FOR THE CITY OF VENETA

As directed by the City Council at the March 14<sup>th</sup> meeting, staff prepared Resolution 1045 adopting an Animal Control Manual which currently the City does not have.

In response to Mr. Calderwood's previous question, Sheryl said when responding to a complaint, if the animal control officer finds a dog is not licensed the owner is given a warning and 10 days to comply. If the owner does not comply a citation is issued. Hopefully the process will increase license compliance within the City.

Thomas Cotter said the manual is very thorough and he appreciated all the animal control enforcement forms included in the packet.

**MOTION: Thomas Cotter made motion to approve Resolution 1045. Sandra Larson seconded the motion which passed with a vote of 5-0.**

- (3) **Resolution No 1046** – A RESOLUTION ESTABLISHING DOG LICENSING AND OTHER ANIMAL CONTROL FEES AND FINES FOR THE CITY OF VENETA; AND REPEALING RESOLUTION NO. 1013

Sheryl said Resolution 1046 includes a new violation prohibiting exotic animals within City limits, an updated bail schedule, and addresses barking and nuisance dogs.

**MOTION: Thomas Cotter made motion to approve Resolution 1046. Marion Esty seconded the motion which passed with a vote of 5-0.**

- (4) Code Enforcement Update

Sheryl said in April 2009 the City Council adopted the code enforcement policy which includes a provision for a Voluntary Compliance Agreement (VCA) that residents agreed to enter into with the City. At the last Council goal setting session there were 10 problem properties. Since then four of the largest offenders have been cleaned up and are staying that way. Voluntary compliance seems to be the most effective way to address nuisance properties. Two properties that did not sign a VMC are back on the list. Staff is monitoring four other properties and so far these property owners are complying with the agreement.

c. COMMUNITY SERVICES DIRECTOR.....BRIAN ISSA

- (1) **Ordinance 501** - AN ORDINANCE TO TEMPORARILY DEFER COLLECTION OF SYSTEM DEVELOPMENT CHARGES PURSUANT TO ORDINANCE 452; AND DECLARING AN EMERGENCY. First reading by title only. Second reading by title only and for final enactment.

Through approval of Ordinance 490 in October, 2009 the Council chose to implement a program for temporary deferral of SDCs for new construction in an effort to continue new home construction and community development. The response to the program was positive and three builders took advantage of the program which expired January 1, 2011.

On February 2, 2011 Hayden Homes (Hayden) submitted a request to extend the program and asked that the program be adjusted to make the program more useful. The original program required that a lien be placed on the property until the SDCs were paid but the presence of a lien interfered with Hayden's financing during the sale of the home. Currently Hayden is planning on building 10 units at a time (their annual inventory) in order to keep construction costs down. The previous deferral ordinance limited the number of homes in deferral to four per builder. Hayden has also requested the ordinance be adopted by emergency so as not to delay the summer construction season.

Staff worked with Hayden representatives, their attorneys and the City attorney and determined the deferral program could be reworked to accommodate Hayden's needs.

Brian reviewed the changes with the Council and prepared Ordinance 501. Staff believes the revised ordinance does not create significant risk or additional administrative work for the City and it will significantly reduce up front costs for homebuilders during this economic downturn. Hayden paid all attorney costs associated with developing this ordinance. Staff recommended enacting the new ordinance for two years.

In response to questions from Thomas Cotter, Carrie Connelly said requiring builders to carry bonds as collateral for unpaid SDCs is a significant alternative to placing a lien on the property.

In response to questions from Thomas Cotter, Zac said Hayden Homes currently has six building permits meaning they can only submit four additional permits in compliance with the 10 home limit. When homes are sold and SDCs are paid they can continue to build but there cannot be more than 10 homes per builder in the deferral program at one time.

Craig Horrell and Travis Johnson of Hayden Homes attended the meeting and said the market has completely flipped. Before the economic downturn the housing market was 80% custom homes and 20% inventory and homes were usually built one or two at a time. Now 80% of Hayden's homes are inventory and 20% are custom homes with several inventory homes being built at the same time.

In response to a question from Thomas Cotter, Brian provided the SDC break down.

**MOTION: Thomas Cotter made a motion to adopt Ordinance 501 for first reading by title only. Sandra Larson seconded the motion which passed with a vote of 5-0.**

Ordinance 501 was read as follows: Ordinance 501, an ordinance to temporarily defer collection of system development charges pursuant to ordinance 452; and declaring an emergency.

**MOTION: Thomas Cotter made a motion to adopt Ordinance 501 for second reading by title only and for final enactment. Marion Esty seconded the motion which passed with a vote of 5-0.**

Ordinance 501 was read as follows: Ordinance 501, an ordinance to temporarily defer collection of system development charges pursuant to ordinance 452; and declaring an emergency.

- d. RARE INTERN.....KYLE ROBERTS  
(1) Background and Policy Discussion Allowing Backyard Chickens

A resident spoke at the public comment session of the October 25<sup>th</sup> Council meeting and requested residents living in the Veneta City limits be permitted to have backyard chickens. The Council then directed staff to look into the issue by researching how other Oregon cities' codes address the keeping of chickens within City limits. Thirteen city codes were reviewed including Creswell, Junction City, and Cottage Grove. Generally the codes either determined the number of chickens allowed would be based on lot size or a set number of chickens per household regardless of lot size.

Kyle said according to his research, allowing backyard chickens benefits communities and has not created problems. Based on findings, staff recommended the City allow residents to raise chickens in all residential zones but limited to single family housing and not multi-family. If the Council approves a chicken ordinance the Land Development Ordinance will need to be amended which is a time intensive process and will include publishing notices and staff research.

Staff recommended the Council direct staff to find out whether a separate ordinance could be written or if the Land Development Ordinance needs to be amended to include backyard chickens within City limits.

Mayor Hobart-Hardin thanked Kyle for a very thorough report.

Brian said an amendment to the Land Development Ordinance to include backyard chickens may take six, nine months to finalize. We need to determine a basis for the number of chickens allowed and suggested keeping it as simple as possible, i.e., the number of chickens (over the age of six months) shall not exceed one for each 1,000 sq. ft. of property.

After a thorough discussion, it was the consensus of the Council to direct staff to move forward with the backyard chicken ordinance.

**MOTION:** Thomas Cotter made a motion to direct staff to add the proposed changes to the next round of amendments to the Land Development Ordinance and to draft a separate ordinance allowing backyard chickens. Marion Esty seconded the motion which passed with a vote of 5-0.

In response to a question from Sandra Larson, Ric said staff will work on getting the ordinance enacted before the Land Development amendments are finalized.

**MOTION:** Vote of 5-0.

- e. ASSOCIATE PLANNER.....ZAC MOODY  
(1) Bolton Hill Sports Complex Master Plan

At the November 8, 2010 City Council meeting staff presented the Council with a background and purpose statement of the Bolton Hill Sports Complex (BHSC) master planning process. Staff requested Council approval and formation of the BHSC Committee which included two Veneta Park Board members, four Territorial Sports Program (TSP) members and City staff. Once approved staff began the planning process and hired David Dougherty of DLA Landscape Architects to develop the conceptual design and assist with the planning documents. The BHSC Committee held three meetings and held a public open house. An estimated 15-20 people attended the open house and provided input on the location of the playground, security and lighting of the complex. Staff presented the proposed BHSC plan to the Park Board on March 2 and the TSP Board will review it the first week of April.

More than likely this 2.5 million dollar project will not begin before 2012. Zac reviewed the stages of the project and asked if the Council had any questions. Staff is recommending the Council direct staff to bring the BHSC Master Plan back to the Council for adoption at the April 11<sup>th</sup> meeting with changes recommended by Territorial Sports Program and the City Council.

Mayor Hobart-Hardin said the BHSC has a potential to bring in revenue for Territorial Sports Program and said a top notch facility should be built but how are we going to get there. She asked if the City will contract with the grant writer to pursue grant funds.

Zac said the City would be the applicant when applying for grant funds and the project management team would work together to look at what grants are available. More than likely it will be next year before we see any park grant funds.

Brian said there's no other way to accomplish these goals other than in phases. Because we have a population of over 5,000 the City will need to come up with 40% in matching funds as opposed to the previous 20% matching funds when our population was below 5,000.

Mayor Hobart-Hardin is concerned how much staff time the City can contribute to this project.

Ric said it should be a shared responsibility when it comes to fundraising, resources for grant writing, and securing grant writers and grant funding and fundraising are key elements to this project. He does see the City taking the lead with some larger state or federal grants while at the same time asking TSP for

their 501C3 status to apply for non-profit grants. We need to have their buy in and that's a challenge because they're all volunteer board and they don't have a lot of board capacity to take on such a large project. The City has other major projects going on which limit how much staff we can dedicate to the project. It's hard but he doesn't see the City being out in front like we were with the acquisition grant.

In response to a question from Thomas Cotter, Zac said final design engineering will be a preliminary step and will include installing the conduit for lighting and plumbing for irrigation, once all that's in the fields will be resurfaced. Solar lighting or reclaimed irrigation elements that could be added in the final design.

**MOTION: Thomas Cotter made a motion to direct staff to bring the Bolton Hill Sports Complex Master Plan back to the Council for adoption at the April 11, 2011 meeting with changes recommended by Territorial Sports Program representatives and the City Council. Marion Esty seconded the motion which passed with a vote of 5-0.**

f. CITY ADMINISTRATOR.....RIC INGHAM

Ric said the City has a lot going on in April. The Lane Transit District Park N Ride dedication will be at 1:00 p.m. on Friday, April 29<sup>th</sup>. Arbor/Earth Day will be held on Waldo Lane and West Broadway on Saturday, April 30<sup>th</sup> with a dedication of the West Broadway area at 2:30 p.m.

Saturday, April 16<sup>th</sup> the Park Board will meet to stuff plastic eggs for the Easter Egg Hunt on Saturday, April 23<sup>rd</sup>.

As a follow up, Ric said Mr. Ed Waggoner is not wanting to meet with staff but would prefer his tree permit denial issue be brought to a full Council; staff directed Mr. Murphy to West Lane Fitness in Veneta to possibly hold his youth karate classes at their establishment rather than the Community Center; and staff is working on Mr. Johnson's issue regarding changing his reader board at the Dairy Queen to an LCD panel which the City code does not allow.

Mayor Hobart-Hardin thanked Ric for following up on these matters.

**5. OTHER**

Sheryl thanked everyone for the get together. She said Veneta is really fortunate to have such a great City Council and City staff.

Ric said the Distinguished Service Awards will be held at Crow High School on Thursday, March 31<sup>st</sup> beginning at 7:00 p.m.

**6. ADJOURN**

Mayor Hobart-Hardin adjourned the Veneta City Council at 8:50 p.m.

  
Sharon Hobart-Hardin, Mayor

ATTEST   
\_\_\_\_\_  
Darci Henneman, Assistant City Recorder  
(minutes prepared by Dheneman)