

Minutes of the Veneta City Council

April 25, 2011

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

Others: Ric Ingham, City Administrator; Shauna Hartz, Finance Director; Brian Issa, Community Services Director; Kyle Schauer, Public Works Superintendent; Darci Henneman, Assistant City Recorder; Ed Waggoner; Greg Demers; Michael Bryant; and Joan Mariner, Fern Ridge Review

Mayor Hobart-Hardin called the Veneta City Council to order at 6:59 p.m.

1. PUBLIC COMMENT

Greg Demers, 24244 Sertic Rd., Veneta, OR

Mr. Demers was concerned about students walking to St. Thomas Becket Academy and other pedestrian traffic on East Bolton Rd. and asked if and when sidewalks would be installed and the road widened. He nearly hit a person walking along side the road at night. It would be nice if there was something that could be done and he would be willing to work with the City to make E. Bolton safer for pedestrians.

In response, Mayor Hobart-Hardin said in November 2009 a Local Improvement District (LID) was proposed to E. Bolton Rd. residents to provide City sewer and water services which would eventually include widening the roadway and installing curbing and sidewalks. Almost all of the residents affected by the proposed LID were against it because of the cost and asked if the City would postpone the LID project until the economy improved. The Council agreed to postpone the project for one year. In November 2010 the economic forecast was still grim therefore the Council agreed to postpone the project until the economic future looked a little brighter. Mayor Hobart-Hardin said road and sidewalk improvements would be done after sewer lines are installed.

Ric said in November, 2009 the City held an open house for E. Bolton neighbors on a proposed LID. At the following Council meeting many of residents came to the Council and requested that the City delay the project for a year to see where things were. The Council agreed and because of the economic climate the LID is still on hold. Ric said no properties from Territorial Rd. to Pine Street have City sewer service.

Michael Bryant, 25263 East Bolton Rd., Veneta, OR

Mr. Bryant said more people are walking along E. Bolton Rd. which doesn't have wide shoulders or sidewalks. Also traffic seems to be heavier and there's no room for pedestrians and cars. He asked about the LID and suggested the City install a sidewalk on one side of the street for safe walking. Mr. Bryant asked how long do residents have to wait.

2. COSENT AGENDA

Mayor Hobart-Hardin asked to remove the annual liquor license renewals from the agenda. The Council approved the annual license renewals at the April 11, 2011 Council meeting.

MOTION: Thomas Cotter made a motion to amend the consent agenda by removing the Annual Liquor License Renewals from the Consent Agenda. Sandra Larson seconded the motion which passed with a vote of 5-0.

MOTION: Thomas Cotter made a motion to approve the consent agenda as amended. Sandra Larson seconded the motion.

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

The consent agenda as approved included Minutes for April 11, 2011, Accounts Payable through April 19, 2011, the Civic Calendar for May, 2011, and the temporary OLCC Liquor License for Crazy Al's Tavern Fundraising Event.

DEPARTMENT REPORTS

a. FROM MAYOR/COUNCILORS

(1) Law Enforcement Update, Sgt. Osborne, LCSO

Sgt. Osborne provided a Crime Trend Analysis for the City of Veneta which examines the types of crimes reported, locations and suspects involved in order to target enforcement activities in the community. The analysis indicates that over the last three years there has been a slight increase in reported violent crimes against persons, such as assaults and rapes, and the less people related crime of harassment. Property related crimes, burglaries and thefts have remained consistent but there has been an increase in thefts from vehicles which take place mostly with unlocked vehicles or unsecured property. LCSO has done community outreach through the City newsletter and neighborhood foot patrols to urge area residents to lock cars and secure their property. Both Fern Ridge Middle School and Elmira High School generate many calls and the dayshift deputies routinely visit the schools several times each week dealing with issues such as disorderly students and possession of controls substances. The presence of a Lane County Deputy in the schools provides an opportunity to have a dramatic impact on our area youth. Traffic accidents and DUIs are down since 2008. The analysis also indicates that the four deputies are scheduled when most calls occur.

In response to a question from Sandra Larson, Sgt. Osborne said there is no resource officer at the high school available to students. If there was they could also teach portions of classes, anti-drug programs, etc. It's a very valuable program but having a deputy there several hours daily would have a very positive affect on our area youth. The City needs to decide if they want to increase the hours spent at the school which would decrease regular patrols hours.

(2) **Resolution No. 1048** – A RESOLUTION IN SUPPORT OF FERN RIDGE SCHOOL DISTRICT 28J BALLOT MEASURES 20-180 AND 20-181

Mayor Hobart-Hardin said ballot measures 20-180 and 20-181 are both needed. It is to the benefit of our community to provide quality schools for our children.

Sandra Larson agreed it is critical that these measures are passed.

MOTION: Sandra Larson made a motion to adopt Resolution 1048. Marion Esty seconded the motion which passed with a vote of 4-0.

Vote: Thomas Cotter abstained from voting because his wife is a school teacher at Elmira Elementary.

b. COUNCIL/COMMITTEE LIAISON

Brittany Boothe thanked Ric for the Fern Park e-mail update.

Sandra Larson said the Easter Egg Hunt was a wonderful and very successful day. Approximately 400 kids participated in the event. She attended the last School Board meeting where she learned that the Mr. Falcon Pageant raised over \$14,000 for the Mid-Lane Community Partnerships. Two Japanese exchange students are at Elmira High School for a couple of months and through the German Friendship Connection Program, 11 students are visiting our community. Elmira High School has 1500 friends on Face book and enrollment is staying steady for the entire district. The Title I program is changing their status and the way they spend their funds. She said both of the employee unions voted to not to receive salary or benefit increases in the next school year so they can keep the current level of programs and class sizes. The Veneta Elementary auction netted \$17,000.

Mayor Hobart-Hardin said the weather couldn't have been better for the annual Easter Egg Hunt. The Kiwanis, Boy Scouts, Neighbors 4 Responsible Growth, and the Elmira High School Key Club and Honor Society partnered with the Park Board and City to provide a very successful and well planned event. The Lane Area Commission on Transportation (LACT) had a very positive meeting two weeks ago. Four new members were added and designated as stakeholders. She also attended the LCOG budget committee meeting. It was decided to temporarily suspend the West Lane Cities Alliance meetings until further notice.

Marion Esty continues to attend the Senior Services meetings and was very pleased that so many letters came in about the Fern Ridge Service (senior) Center. May 10th will be a "Day at the Capitol" in Salem. There will be many speakers and everyone is invited to attend. There will also be a free lunch.

Ric said there will be a dedication for the Lane Transit District Park N Ride on Friday, April 29th at 1:00 p.m. and the Earth/Arbor Day celebration will be on Saturday, April 30th from 10 to 2:00 p.m.

4. STAFF REPORTS

a. COMMUNITY SERVICES DIRECTOR.....BRIAN ISSA

(1) Timberline Properties' Request for Tree Removal Assistance

Mayor Hobart-Hardin asked Brian to summarize his report.

Brian said this situation is not unique. The previous tree code was unclear and difficult to apply consistently. Efforts to enforce the code during development have resulted in trees left on property lines and other situations where, although the tree was not removed, it was not preserved in any meaningful way because of the lack of protection measures taken during construction. Many trees were preserved under the old code and some are thriving while others have died or are in decline. The new tree code is very detailed and requires that specific conditions be met for a tree to be considered "preserved" and allows both staff and the developer more flexibility in meeting the objectives of the code. Although this situation is unfortunate it arises out of staff's attempts to enforce an ineffective and ambiguous regulation. Granting this request for financial assistance would set a precedent that could cost the City significantly in the future.

Marion Esty was concerned that this is a legal matter and should be handled by legal counsel.

Ric said staff sent a letter to Mr. Waggoner indicating he had 10 days to remove the nuisance tree or file an appeal. Mr. Waggoner did neither one but is seeking financial relief to remove the tree.

Thomas Cotter said the 2006 tree ordinance read that we should try to save as many trees as we could. Five years later the tree needs to be removed and he agrees it should be removed. He felt it's not the City's responsibility to remove the tree or assist in the cost of removing the tree. He agreed it would set a precedent and we can't see the City sharing in the expense of removing trees.

Sandra Larson wondered how many of other trees in the City are in the same predicament.

Thomas Cotter said potentially hundreds of trees may fall in that category and the existing tree ordinance deals with the specifics of this kind of situation. The old code did not allow a healthy tree to be removed and that is where the main difference is. We have a hazardous tree under a nuisance allowance.

Sandra Larson didn't see it that way.

After a through discussion it was the consensus of the Council to deny assistance with the cost to remove the dead tree.

Brian said the amount of exposure the City may have could be significant. There are many trees remaining in Trinity Terrace that are in the same situation. In most instances the developer doesn't want to leave the trees in subdivisions. In Perkins Country Estates we tried to preserve the trees and now some of them are in declining health. The old code read "trees shall be preserved" but it didn't say how to preserve the tree. Now trees can be removed and will include a mitigation process but there's no instance where the City will say "you cannot cut down a tree".

In response to a question from Brittany Boothe, Ric said at the time Mr. Waggoner wanted to remove the tree it wasn't a hazard and the code did not allow for removal of healthy trees.

Brian said now the City addresses trees on a case by case basis.

In response to a question from Mayor Hobart-Hardin, Brian said many things could have damaged the tree before the homes were built, grading, phone lines, etc. No one knows specifically if the tree was impacted by the development that followed or what caused it to become a hazard. In all likelihood the homes built in close proximity to the tree damaged the tree's root system.

Mayor Hobart-Hardin said the tree code took a couple of years to complete and now the City has a sensible tree code to follow. However, participating in funding to remove trees would set a bad precedent for the City.

Greg Demers, 24244 Sertic Rd., Veneta, OR

He referred to his memo and his report that he had a certified forester submit to the City when the tree code was being updated. He understands when Mr. Waggoner made a verbal request to cut the tree, he was told no. He suggested in the future a City staff person can meet with a developer to discuss the situation. There are many trees standing that should be removed. Many people may not be able to afford to have a tree removed so make sure the code provides for specific provisions. This will continue to happen.

Thomas Cotter said the report Mr. Demers provided made a big difference with the code changing and is not unlike the situation on East Bolton Rd. with no sidewalks. Local improvements are expensive. The City can't afford to spend money to assist people to cut down trees.

Marion Esty said she has been a City Councilor for 19 years and sees the problem starting when people buy a house with a tree in the yard and they don't know how fast it will grow. She felt this situation should be looked over before we ratify the entire thing. How will the Council handle it as a City and what kind of organizational funding can we provide to do right by our residents. There are many trees like this in the community and it's not something that's going away.

Sharon Hobart-Hardin felt the City addressed this issue by updating the tree code and in terms of where we're going and how we get there the code answers those questions.

MOTION: Thomas Cotter made a motion to deny financial assistance and require the tree be removed within 10 days. Sharon Hobart-Hardin seconded the motion.

Sandra Larson would like to see the City do something but she's not sure what it would be. She is persuaded to agree.

In response to a question from Brittany Boothe, Brian said the tree was healthy when Mr. Waggoner made a verbal request for a tree cutting permit to remove the tree.

MOTION: Vote of 4-1. Marion Esty voted no.

(2) Inter-Governmental Agreement for Maintenance of the Coos Bay Railroad Right-of-Way

Brian said there is a section of right-of-way (ROW) south of the railroad tracks and west of Territorial Highway which staff believes has historically been maintained by the Dari-Mart as it was previously all one contiguous area. Construction on Waldo Lane and the adjacent bike path has now split this area in two leaving the maintenance of this property in question. Currently the site closest to Territorial Rd. consisted of natural grasses and a few fir trees and maintenance consisted of mowing and invasive species control. With Earth/Arbor Day coming up, staff sees this as an opportunity to renovate and clean up the area with re-vegetation and removing the blackberries. The area will not be irrigated. The proposal would be for the City to take over the mowing of this area and keep down the natural vegetation (blackberries and Scotch Broom) which staff is hopeful will also deter the homeless from camping in the area. Maintaining this area would not create a significant maintenance burden on the City. Staff met with a Port of Coos Bay representative and agreed to the maintenance agreement if the City provided the agreement. The agreement would simply allow the City access to the property and based on a recommendation from legal counsel, does not obligate the City to maintain the ROW to any standard required by the railroad. Staff provided a draft agreement to the Council for review which has not been approved by the Port of Coos Bay.

MOTION: Thomas Cotter made a motion to authorize the City Administrator to sign the IGA with the Port of Coos Bay for maintenance and enhancement of the right-of-way adjacent to the downtown area. Marion Esty seconded the motion which passed with a vote of 5-0.

b. CITY ADMINISTRATOR.....RIC INGHAM

(1) Lane Council of Governments Inter-Governmental Agreements for the Fern Ridge Service Center Grant Administration

The City Council directed staff to submit a Community Development Block Grant (CDBG) to the Oregon Business Development Department (OBDD) for the purpose of funding the Fern Ridge Service Center. Before the application can be considered complete, the OBDD is requiring all grant administration contracts related to the project be executed before submittal of the application. Federal granting agencies require that certain rules and regulations be met prior, during and after the completion of the CDGB funded projects. Because of the technical nature of fulfilling the compliance requirements most federal fund recipients elect to contract with a third party to complete the necessary reviews and compliance activities. Also, third party contract expenses are eligible for reimbursement through the funding source. Based on this information, the complexity of the project, and the grant administration requirements, staff felt it would be in the City's best interest to enter into two Inter-governmental Agreements (IGAs) with Lane Council of Governments (LCOG) for the purposes of providing an Environmental Review, and Grant Administration Services and Labor Standards Enforcement. Staff is recommending the City enter into both IGAs knowing that LCOG has the experience and knowledge to complete the CDBG application process for the City.

Mayor Hobart-Hardin agreed LCOG has the qualified staff to provide this service.

MOTION: Thomas Cotter made a motion to direct the City Administrator to sign both Lane Council of Governments IGAs for the purpose of completing necessary compliance and monitoring services for the Community Development Block Grant being submitted for the Fern Ridge Service Center. Sandra Larson seconded the motion which passed with a vote of 5-0.

5. OTHER

Ric provided a copy of a letter from Gina Haley-Morrell, President of the Fern Ridge Chamber of Commerce (Chamber). The Chamber has been invited to advertise in the Territorial Wine Trail (TWT) brochure, affiliated with the Oregon Country Trails tourism group. The TWT includes all wineries on Territorial Highway from Monroe to Cottage Grove. An annual subscription to be included in the brochure is \$150. The Chamber is requesting financial support from the City Council by making a \$150 donation from the Rural Tourism Marketing Fund to pay the annual subscription cost. The Chamber is hopeful that advertising in the TWT brochure will enhance exposure to their Wineries without Walls campaign that they are currently working on with Kathi Jaworski of Write to Know Consulting. Ms. Haley-Morrell was out of town for tonight's meeting and could not attend in person.

Mayor Hobart-Hardin said advertising in the Territorial Wine Trail could also provide an opportunity to build tourism for the City by involving our markets, farmers and wineries.

MOTION: Thomas Cotter motioned to approve the Fern Ridge Chamber of Commerce's request not to exceed \$150 from the Rural Tourism Marketing Fund. Marion Esty seconded the motion which passed with a vote of 5-0.

Ric provided an update on the City Recorder/Human Resource position which closed on April 18, 2011. We received 12 applications and after an evaluation only three met the minimal criteria. An internal interview committee will be formed and interviews will be held May 6, 2011.

Ric reminded the Council that they should have received their invitation from Lane Transit District for the dedication of the Park N Ride on Friday, April 29th at 1:00 p.m. There will be a reception at Our Daily Bread following at 2:00 p.m. Also on Saturday, April 30th the City is hosting the City's Earth/Arbor Day celebration in the new West Broadway Downtown District. There will be a downtown dedication following at 2:00 p.m.

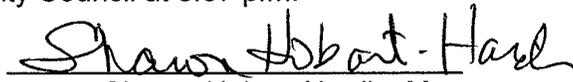
EXECUTIVE SESSION

Mayor Hobart-Hardin called an Executive Session under ORS 192.660(2) (d), real estate negotiations. The Council was adjourned into Executive Session at 8:09 p.m. Having made no decisions, the Council returned to regular session at 8:35 p.m.

Shauna provided the Council members with their Proposed Budget Documents. The first budget meeting will be held at 6:00 p.m. at City Hall on Tuesday, May 3rd. The final meeting will be on May 17th. Shauna will inform the first time budget members that she is willing to do a budget orientation prior to the meeting on the 3rd if there is interest.

7. ADJOURN

Mayor Hobart-Hardin adjourned the Veneta City Council at 8:37 p.m.


Sharon Hobart-Hardin, Mayor

ATTEST;



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