

# Minutes of the Veneta City Council

## June 13, 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 Roberts, R.A.R.E. Intern; Darci Henneman, Assistant City Recorder; and Joan Mariner, Fern Ridge Review

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Mayor Hobart-Hardin called the Veneta City Council to order at 7:04 p.m.

### 1. PUBLIC COMMENT

None

### 2. PUBLIC HEARING ON THE APPROVED 2011-2012 BUDGET

a. Public Hearing on the approved Fiscal Year 2011-2012 Operating Budget for the City of Veneta

(1) Mayor Hobart-Hardin opened the Public Hearing at 7:04 p.m.

(2) Staff Introduction

Shauna said the Budget Committee approved the 2011-12 budget on May 17<sup>th</sup> and the approved Budget was published in the Register Guard. Tonight's Public Hearing is required to allow citizens an opportunity to make comment on the approved budget. The hearing also provides time for further deliberation by the Council. Staff is proposing a couple of line item changes that do not effect any appropriations. The first one will take place in the Capital Projects-Pipeline Fund by adding a Preliminary Design line item for approximately \$125,000. The Professional Services line item will be reduced by \$125,000 so the total Materials & Services appropriation stays the same. The same process will be applied to the Parks and Recreation Fund by increasing the Park Board Fundraising line item from \$200 to \$1,000 and reduce the Other Professional Services fund from \$2,000 to \$1,200.

(3) Questions from the Veneta City Council  
None

(4) Public Comment  
None

(5) Mayor Hobart-Hardin closed the Public Hearing at 7:07 p.m.

(6) Deliberation (if needed)  
None

### 3. CONSENT AGENDA

**MOTION:** Thomas Cotter made a motion to approve the consent agenda as presented. Brittany Boothe seconded the motion.

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

The consent agenda as approved included Minutes for May 23, 2011, Accounts Payable through June 7, 2011, and the Public Works Activity Report for May 2011.

#### 4. DEPARTMENT REPORTS

##### a. FROM MAYOR/COUNCILORS

(1) Marion Esty is attending the Senior Services meeting tomorrow.

Thomas Cotter attended his first Lane Area Commission on Transportation (LACT) meeting. He said it's difficult to imagine how much work will get done with a group of 27 people.

Ric said he and Thomas Cotter will continue to bring Highway 126 information back to the Council. ODOT Project Manager, Mr. Fricke will outreach to Highway 126 partners and stakeholders, in conjunction with the kick-off meeting planned for the Highway 126 Facility Planning process.

Mayor Hobart-Hardin said Joan Mariner did an excellent job in getting the Community Conversation meeting up and running. Thirty-eight people attended and discussions focused on communication and finding better ways to get the word out. There were a few new faces and there was a lot of interest in volunteering in the future. Heidi from Rural Development Initiatives (RDI) facilitated the session. Twinkle Morton put together a local directory of non-profit organizations, churches, educators, and volunteers.

Joan Mariner said the directory is being updated and will be reprinted soon and hopefully will be printed annually. She said local schools and the library find it a very resourceful tool.

Mayor Hobart-Hardin attended the Wineries without Walls event at the Fern Ridge Chamber on June 8<sup>th</sup> which will provide a wine tasting space for area wineries that do not have their own tasting rooms. Kathy Jaworski did a great job at describing what the program is all about and the event was well organized. About 35 people attended the event including non-Chamber members. This effort is exactly what we need to jump start the community's economic development.

Sandra Larson attended the June 1<sup>st</sup> Park Board meeting. The dedication of the new play structure at Fern Park will be on Saturday, June 18<sup>th</sup> at 2:00 and the Teen Night Concert at Bolton Hill Sports Complex will also be on Saturday, June 18<sup>th</sup> from 6:00 to 9:00 pm. She encouraged everyone to attend. The Fern Ridge School Board held a work session to discuss their fiber optics contract with Charter Communications and what to do with their surplus properties. A suggestion was made to convert Noti Elementary in to some kind of public use facility. Many residents are upset that the building is sitting empty. The School board will also hold a community open house to get feedback from residents on why the bond measures did not pass.

Brittany Boothe said she is glad to be back and said Fern Park looked great.

Sandra Larson said she has taken her granddaughter to Fern Par twice and both times there were several people enjoying the park.

Mayor Hobart-Hardin said every time she drives by several families are enjoying the park.

In response to a question from Marion Esty, who was asked by a concerned parent if a child fell and received an injury, could they sue the City? This person suggested a sign be displayed that the City is not liable for an injury sustained while playing on City owned property.

Ric would follow up with Legal Counsel to confirm if we should have a sign.

##### b. COUNCIL/COMMITTEE LIAISONS

5. STAFF REPORTS

a. FINANCE DIRECTOR.....SHAUNA HARTZ

(1) Resolution No. 1053 - A RESOLUTION ADOPTING THE CLASSIFICATION AND COMPENSATION PLANS OF THE CITY OF VENETA FOR THE 2011-2012 FISCAL YEAR

Shauna said Resolution 1053 will approve a one percent cost of living increase to the wage amounts for all the positions and steps within the City's Compensation Plans. Shauna explained the "THEREFORE" clause refers to the effective date of "June 26<sup>th</sup>, 2011". The date is reflective of the recent changes to the pay periods. The Council has the authority to change the effective date to July 1<sup>st</sup> or July 12<sup>th</sup>.

It was the consensus of the Council that the effective date of Resolution 1053 will be June 26, 2011.

In response to a question from Thomas Cotter, Ric said from a financial standpoint, it would be easier if Resolution 1053 had an effective date of June 26, 2011.

**MOTION: Thomas Cotter made a motion to approve Resolution 1053 adopting the classification and compensation plans of the City of Veneta for the 2011-2012 fiscal year. Marion Esty seconded the motion which passed with a vote of 5-0.**

(2) Resolution No. 1054 – A RESOLUTION EXTENDING WORKERS' COMPENSATION COVERAGE TO VOLUNTEERS OF THE CITY OF VENETA FOR THE COVERAGE YEAR 2011-2012

Resolution 1054 is required to continue covering volunteers with Workers' Compensation insurance figured on an assumed wage. The wage is calculated per hour for events and a flat \$2,500 for the four Boards.

In response to a question from Mayor Hobart-Hardin, Ric said we're doing a better job of getting folks to sign in when they volunteer at City events.

In response to a question from Thomas Cotter, Shauna said examples of our volunteer events include the Easter Egg Hunt and running the campgorund at Zumwalt Park during Oregon Country Fair. The City's volunteers are all classified as "non-public safety". Public safety volunteers are typical in cities with police and/or fire departments.

**MOTION: Thomas Cotter made a motion to approve Resolution 1054 extending Workers' Compensation coverage to volunteers of the City of Veneta for the coverage year 2011-2012. Marion Esty seconded the motion which passed with a vote of 5-0.**

(3) Water Rate Increase  
(a) Public Comment  
None

Shauna said Resolution 1054 will approve a 3% increase to the residential water base and consumption charge effective July 1, 2011. The increase equates to .30 cents per month for the base and seven cents per 1,000 gallon, under Tier one, for consumption. Miscellaneous fees are not changing.

In response to a question from Thomas Cotter, Mayor Hobart-Hardin said the Cup of Joe's pays a commercial water rate.

- (b) **Resolution No. 1055** – A RESOLUTION ESTABLISHING WATER FEES AND RATES FOR USERS OF THE VENETA MUNICIPAL WATER SYSTEM AND REPEALING RESOLUTION NO. 1041

**MOTION:** Thomas Cotter made a motion to approve Resolution 1055 establishing Water Fees and Rates for users of the Veneta Municipal Water System and repealing Resolution No 1041. Marion Esty seconded the motion which passed with a vote of 5-0.

- (4) Sewer Rate Increase  
(a) Public Comment  
None

Shauna said the increase being proposed is part of the decision the Council made in March of 2010. This is a 2% increase to the base charge and a 2% increase to the excess surcharge fee for commercial accounts that use more than 15,000 gallons of water per month.

- (b) **Resolution No. 1056** – A RESOLUTION ESTABLISHING SEWER FEES AND RATES FOR USERS OF THE VENETA MUNICIPAL SEWER SYSTEM AND REPEALING RESOLUTION NO. 1040

**MOTION:** Thomas Cotter made a motion to approve Resolution 1056 establishing Sewer Fees and Rates for Users of the Veneta Municipal Sewer System and repealing Resolution No 1040. Marion Esty seconded the motion which passed with a vote of 5-0.

- (5) **Resolution No. 1058** – A RESOLUTION AUTHORIZING AN INTERFUND LOAN FROM THE CAPITAL CONSTRUCTION-GOVERNMENT FUND TO THE CAPITAL PROJECTS-NEW POOL FUND FOR THE FISCAL YEAR ENDING JUNE 30, 2011 AND CREATING AN APPROPRIATION

Related to the fiscal situation for the current fiscal year, Shauna provided the Council with information back in January about the revenue shortfall for the pool and how staff would address that. Staff is suggesting an inter-fund loan of \$85,000 from the Capital Construction-Government Fund to the Capital Projects-New Pool Fund. This will be an interest free loan and will be repaid from the Capital Projects-New Pool Fund in fiscal year 2011-12.

In response to a question from Thomas Cotter, Shauna said this is related to construction costs only and would not be an annual transfer.

**MOTION:** Thomas Cotter made a motion to approve Resolution 1058 authorizing an Interfund Loan from the Capital Construction-Government Fund to the Capital Projects-New Pool Fund for the Fiscal Year Ending June 30, 2011 and creating an appropriation. Marion Esty seconded the motion which passed with a vote of 5-0.

- (6) **Resolution No. 1059** – A RESOLUTION ADDING A LINE ITEM WITHIN THE TRANSFER APPROPRIATION OF THE CAPITAL CONSTRUCTION-ENTERPRISE FUND AND A RESOURCE LINE ITEM WITHIN THE RESOURCES OF THE CAPITAL PROJECT-WEST BROADWAY DEVELOPMENT FUND FOR THE 2010-2011 FISCAL YEAR

Shauna said in this year's adopted budget staff had budgeted a \$1,295,000 transfer from the Capital Construction Enterprise fund to three different funds, Water, Sewer, and Local Improvements. As it turned out, the West Broadway Redevelopment project was the only project completed in 2010 that was eligible for SDCs. Resolution 1059 would create a line item within the transfer appropriation entitled "To Capital Projects - W. Broadway Fund". A revenue line item in the Capital Projects - W. Broadway would also be created.

**MOTION:** Thomas Cotter made a motion to approve Resolution 1059 adding a line item within the Transfer Appropriation of the Capital Construction-Enterprise Fund and a Resource Line Item within the Resources of the Capital Projects-West Broadway Development Fund for the 2010-2011 Fiscal Year. Marion Esty seconded the motion which passed with a vote of 5-0.

Resolution 1059 would give the Council the option to officially create the Capital Projects Pipeline Fund as included in the Approved fiscal year 2011-12 budget. This is a practice that Veneta hasn't done previously but was recommended by the City Auditor.

- (7) **Resolution No. 1060** – A RESOLUTION AUTHORIZING THE CREATION OF A FUND ENTITLED "CAPITAL PROJECTS-PIPELINE" FOR THE FISCAL YEAR BEGINNING JULY 1, 2011

**MOTION:** Thomas Cotter made a motion to approve Resolution 1060 authorizing the creation of a fund entitled "Capital Projects-Pipeline" for the fiscal year beginning July 1, 2011. Marion Esty seconded the motion which passed with a vote of 5-0.

- b. **Resolution No. 1052** - A RESOLUTION ADOPTING THE OPERATING BUDGET FOR FISCAL YEAR 2011-2012; SPECIFYING APPROPRIATIONS; IMPOSING TAXES; AND CATEGORIZING TAXES IMPOSED

As suggested by legal counsel Resolution 1052 should be adopted after the previous resolutions. The Council can increase or reduce expenditures, change resources and also reduce the tax levy that was approved during the budget process. There are four parts to the budget resolution: 1) Adopt the budget, 2) Make Appropriations, 3) Imposing Taxes using Permanent Rate, and 4) Categorizing taxes and allocations discussed during the budget process. In Part one, \$33,733,749 is the total amount of the budget. This includes appropriated and unappropriated amounts. In Part two the total amount the Council is appropriating (approving) is \$24,054,389 and the difference is the unappropriated amount.

**MOTION:** Thomas Cotter made a motion to approve Resolution 1052 adopting the operation budget for fiscal year 2011-2012; specifying appropriations; imposing taxes, and categorizing taxes imposed. Sandra Larson seconded the motion which passed with a vote of 5-0.

Mayor Hobart-Hardin thanked Shauna for a smooth budget process.

- b. COMMUNITY SERVICES DIRECTOR.....BRIAN ISSA

Brian said the Veneta Community Pool employee manual was created to specifically address lifeguards and pool staff. The manual addresses many things including lap-swim etiquette, spectator rules, breaks/lunch time, cell phone use, shift rotation, scheduling as well as emergency response procedures. CIS provided Brian with a lot of the information for the manuals including templates from the Cities of Tualatin and Tigard.

Mayor Hobart-Hardin said the manual was extremely comprehensive.

In response to a question from Mayor Hobart-Hardin, Brian said only lifeguards have lockers. Staff would like to purchase coin operated stainless steel lockers in the next budget year, which will generate revenue. Brian said staff encourages people to leave cell phones, iPods, etc. at home and to not bring valuables to the pool or leave them on the pool deck.

In response to a question from Mayor Hobart-Hardin, Brian said the pool is closed on Labor Day because it falls after the normal pool schedule. Opening the pool on the 4<sup>th</sup> of July is dependent upon the availability of lifeguards over the holiday. Many people travel so kids aren't in the neighborhood.

The majority of the Council agreed that staff should reconsider keeping the pool open on the 4<sup>th</sup> of July.

Thomas Cotter suggested the pool be open from 1 to 5 or 6 p.m. and if attendance is low the pool would be closed on the 4<sup>th</sup> of July next year.

In response to a question from Sandra Larson, Brian said when a young swimmer ventures in the deep end, they can be asked to swim from one end to the other and if they can't make it they stay in the shallow end. Brian said the lifeguards do a good job of monitoring this.

(1) **Resolution No. 1061 – A RESOLUTION ADOPTING THE VENETA COMMUNITY POOL EMPLOYEE MANUAL**

**MOTION: Thomas Cotter made a motion to approve Resolution 1061 adopting the Veneta Community Pool Employee Manual. Marion Esty seconded the motion which passed with a vote of 5-0.**

Mayor Hobart-Hardin would like staff to look into opening the pool on July 4<sup>th</sup>.

(2) Request for Swim Scholarship Funding

Staff is requesting the Council make a \$500 donation from the discretionary fund for swim passes and lesson scholarships at the Veneta Community pool. Last year Fern Ridge Faith Center donated \$540 to be used this year. The City Council is being asked for an additional \$500.

Mayor Hobart-Hardin said this was a fantastic idea.

In response to a question from Brittany Boothe, Brian said the funds are used for both lessons and swim passes. Scholarships will be limited on a per family basis to spread the funds evenly throughout the community by serving as many kids as possible.

Mayor Hobart-Hardin suggested setting aside \$1,000 for scholarships and if other donations are received, those could be used first.

In response to a suggestion from Thomas Cotter, Brian said a "thank you to Fern Ridge Faith Center" is printed on the scholarship forms.

In response to a question from Thomas Cotter, Brian said scholarships are limited per household. Swimming lesson scholarships will only be available for one session per child.

Thomas Cotter suggested staff bring this back to the Council mid-summer to see where we're at with the scholarships and possibly the Council could decide if they want to make another donation for lessons/swim pass scholarship program.

**MOTION: Thomas Cotter made a motion to allocate \$500 for swim scholarships for the Veneta Community Pool for the 2011 season. Brittany Boothe seconded the motion.**

In response to a question from Brittany Boothe, Brian said the scholarships will be for both lessons and passes.

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

(3) Pipeline Update and Authorization to Sign

Murray Smith & Associates (MSA) has been working to complete all necessary documents required by the USDA-RD for funding the project. There are additional certifications, forms, and opinions needed to initiate the bonding process and check off remaining items prior to the project going out for bid. A list of these required documents was attached, some of which will require approval by resolution and will be brought back to the Council. Staff is seeking Council authorization for the Mayor to sign the necessary forms and agreements to move toward a construction bid.

Ric said the check list will be followed and the items that staff felt may need Council approval will come before the Council for full authorization or by resolution.

In response to a question from Thomas Cotter, Ric said, USDA-RD would need to approve the Council President signing in the Mayor's absence.

Brian said the documents are not time sensitive.

**MOTION: Thomas Cotter made a motion to authorize the Mayor to sign those necessary forms or agreements as listed on the checklist. Sandra Larson seconded the motion which passed with a vote of 5-0.**

c. RARE INTERN.....KYLE ROBERTS

(1) Regulation of LED/LCD Signs Discussion (update)

Kyle provided the Council with an update on the prohibition of LED/LCD signs in Veneta. The issue of LED/LCD signs was brought to the attention of the City Council by a local business owner who wished to replace an existing nonconforming scrolling message sign with an LED display. Based on existing regulations in the Veneta Land Development Code, staff informed the business owner that electronic display signs (LED/LCD) are currently prohibited by the code. The Council directed staff to look further into the issue and see if anything could be done to help the owner replace his existing sign with a more energy efficient option.

At the May 2<sup>nd</sup> Planning Commission meeting, staff provided two possible code interpretations of the current code in relation to LED/LCD sign. The Commission was concerned about things beyond the appearance of movement in the signs and directed staff to look further into the issue. The consensus of the Planning Commission at the May 2<sup>nd</sup> meeting was to continue to prohibit LED/LCD signs and directed staff to provide more information for the next meeting. At the June 6<sup>th</sup> Planning Commission meeting, staff presented key issues pertaining to LED/LCD signs and approaches to regulating these signs. The meeting resulted in the Commission choosing to continue with the current prohibition of LED/LCD until the next round of code

updates. The Planning Commission would like to conduct a Work Session with the Council and the public as a part of the next round of code updates to discuss how the City should address LED/LCD signs. At this point the business owner has two options: he could apply for a variance but it is unlikely it would be granted; or he could request an amendment to the code but the City is not obligated to process such an amendment and staff's Workplan would need to be reorganized to accommodate a code amendment at this time. The Council has two options: Option 1) Direct staff to inform the owner of the outcome of the process and inform him of his remaining options; Option 2) Determine that the issue presents a clear and pressing need and direct staff to begin the code amendment process starting with a reprioritization of the 2011-2012 work plan, which is under development, to include a code amendment for electronic displays.

Staff recommended Option 1.

Mayor Hobart-Hardin was very grateful that staff followed through on the business owner's request. Unfortunately, this is not what the business owner will want to hear. She suggested the City to try to help our businesses and asked staff if there are any other options.

In response Brian said not really. The initial interpretation was made to the Planning Commission on May 2<sup>nd</sup> and it became way too complicated. Currently City code prohibits LED/LCD signs and we would be going against our own code if we were to allowing any variance. We're letting the signs out of the box with no limitations. The variance code as written is very restrictive. The Planning Commission was very clear about their concerns. They didn't say the City should never allow LED/LCD signs but wanted to look carefully at all the issues, track the code, and have a public process to hear what the community wants and all the considerations that go with it.

In response to a question from Mayor Hobart-Hardin, Ric said the business owner would save about \$9,000 annually if he changed to LED/LCD signage.

Brian said financial need is specifically excluded by the code as a legitimate reason for approving a variance.

In response to a question from Sandra Larson, Brian said code definitions need to be cleaned up. Staff waits until there are several code revisions before they take on the updates, (i.e., chicken ordinance, sign ordinances). When there are several things to review, change or add, staff will move into the code amendment process which typically takes a year. LED/LCD signs have not come to staff previously so this currently isn't a priority.

Sandra Larson said staff should explain to the business owner that LED/LCD sign codes are a matter of priority and that the needed changes will be time consuming and should be done right. It's all in the approach.

In response to a question from Brittany Boothe, Brian said the sign he wants to replace is the large free-standing reader board which was moved from the original Dairy Queen site near Countryside Pizza.

Thomas Cotter would like to see this issue solved soon and hold a Work Session with the Planning Commission. It's necessary that the business owner be able to put an adequate sign and the City should let him know what his options are and that the City is working on revising the code. He agreed with the Planning Commission that more information is needed to determine whether the City shouldn't allow LED/LCD signs.

Ric said if a joint Work Session were held it would take place during the code process six to twelve months from now. Starting the process now would require reprioritizing the Work Plan and would take precedence over the Comprehensive Plan updates and jeopardizes funding for

the pipeline. The second option would be to hire a consultant which would be very costly. The last time a consultant was hired to assist with code updates they just provided the lay out and staff did 80 to 90% of the updates.

Brian said this technology is so new and all over the map. With no regulation the sky's the limit and finding the middle ground is going to be tough.

Mayor Hobart-Hardin said following the timeline of six to twelve months is soon enough. She doesn't want to jeopardize the pipeline.

Marion Esty said it's the wrong time to push people around and it may blow up in the City's face if we don't treat him with some understanding and address his request.

Sandra Larson agrees with Option 1 and said it's important that staff make it clear to him that the City isn't just dropping the issue and explain what is on the City's plate for the next six to nine months and that staff will work on it at some point in the future.

Brittany Boothe agreed with Mayor Hobart-Hardin and Sandra Larson she would not want to see us losing money for the pipeline which is a more significant issue. The LED/LCD sign code updates fit in to the six to twelve month time frame and allows for more public input and research. A thorough examination of the code is needed.

After a brief discussion the majority of the Council agreed they didn't want to take the chance of jeopardizing the water pipeline project and directed staff to work with the business owner and explain the progress that has been made and why it's going to be six to twelve months before staff has an opportunity to thoroughly review allowing LED/LCD signs.

- d. CITY ADMINISTRATOR.....RIC INGHAM  
(1) **Resolution No. 1057 - A RESOLUTION AUTHORIZING SIGNERS ON VARIOUS BANKING ACCOUNTS FOR THE CITY OF VENETA, AND REPEALING RESOLUTION NO. 1037**

**MOTION: Thomas Cotter made a motion to approve Resolution 1057 authorizing signers on various banking accounts for the City of Veneta, and repealing Resolution No. 1037. Marion Esty seconded the motion which passed with a vote of 5-0.**

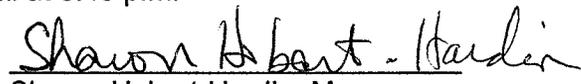
**6. OTHER**

Ric said the Fern Park dedication is Saturday, June 18<sup>th</sup> at 2:00 p.m. and Teen Night concert is Saturday from 6:00 to 9:00 p.m. Brian and Stacy are working hard to get the pool open on Friday. The Park and Ride dedication has been scheduled for Friday July 15<sup>th</sup> at 11:00 p.m. Representatives from ODOT and Lane Transit District will be there. More information about the dedication will be sent out at a later date.

Shauna said the adopted budget document will be coming in the next week or so.

**7. ADJOURN**

Mayor Hobart-Hardin adjourned the Veneta City Council at 8:43 p.m.

  
Sharon Hobart-Hardin, Mayor

ATTEST:



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