

Minutes of the Veneta City Council

December 12, 2011

Present: Mayor Sharon Hobart, Brittany Boothe, Thomas Cotter, and Sandra Larson

Absent: Marion Esty

Others: Ric Ingham, City Administrator; Brian Issa, Community Services Director; Chris Workman, City Recorder/Human Resources and Risk Management Administrator; Kay Bork, Associate Planner; Kyle Schauer, Public Works Superintendent; Shauna Hartz, Finance Director; Darci Henneman, Assistant City Recorder; Ken Jones, legal counsel; and Pony Gilbert

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

1. PUBLIC COMMENT

Pony Gilbert, 87827 Territorial Rd., Veneta, OR

Mr. Gilbert said he submitted an application to the Veneta Business Assistance Program. He said Ric Ingham and Thomas Cotter have been very helpful thus far and he thought he would make himself available to answer any questions the Council may have.

Mayor Hobart said the Council had no questions at this time.

2. CONSENT AGENDA

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

Vote: Thomas Cotter, aye; Mayor Hobart, aye; Sandra Larson, aye; and Brittany Boothe, aye.

The consent agenda as approved included Minutes for September 26, 2011, minutes for November 21, 2011, Accounts Payable through December 6, 2011, and Public Works Activity Report for November, 2011.

3. DEPARTMENT REPORTS

a. From Mayor and City Councilors

(1) Appointment of Budget Committee Members

Shauna said only three applications were received for the three vacant positions on the Veneta Budget Committee. All three applications were from members who are re-applying for their positions. Mayor Hobart recommended that Calvin Kenney be reappointed to position 3, Keith Weiss be reappointed to position 4, and Robbie McCoy be reappointed to position 5.

MOTION: Thomas Cotter made a motion to accept Mayor Hobart's proposed appointments of Calvin Kenney, Keith Weiss and Robbie McCoy to the Budget Committee. Sandra Larson seconded the motion which passed with a vote of 4-0.

(2) Veneta's 50th Anniversary Steering Committee

Brittany Boothe said the steering committee's last meeting was very successful. Several subcommittees were formed to focus on specific ideas; a birthday party, an art show of some kind, City history, and creating a time capsule. Sandra Larson and Brittany Boothe

are on the art committee. The next meeting will be January 19th and future meetings have also been scheduled. Subcommittees will meet independently and then report to the steering committee. They are hopeful community involvement will grow. The date of the Anniversary Celebration has been set for July 21st.

Sandra Larson said Mayor Hobart suggested a letter be sent soon to businesses and community members, inviting and encouraging them to participate in the anniversary celebration either independently or as a group.

b. City Councilors/Committee Liaisons

Mayor Hobart met with LCOG for selection of outstanding citizen nominees for the annual awards banquet held in mid-to-late January.

Thomas Cotter will attend the Lane Area Committee on Transportation (LACT) meeting on December 14th.

Sandra Larson said the December Park Board meeting was cancelled but members were very busy with the Tree Lighting Ceremony on the 8th which was a great event. She attended the December 5th School Board meeting where she learned that enrollment is up district wide and the audit report was good. The school district's budget will see a 1.6 million dollar reduction over the next year. At the state level, an open admissions policy was passed which will allow students to transfer out of their school districts provided the school he/she wants to transfer to is accepting students. Districts can set limits on how many students they will accept but cannot refuse a student to transfer out if he/she chooses to. This will make it tough to plan the budget.

Brittany Boothe completed the fourth official meeting of the Ford Family Leadership course. Future meetings will implement and record their projects. Her group, Cohort 3, will work on their artistic bike racks to be placed throughout the Fern Ridge community. They had a good turnout for their luncheon over the weekend and they received nearly \$2,000 in pledges. Cohort 3 is well on their way to raise their \$5,000 goal and \$5,000 match from the Ford Family Foundation.

Sandra Larson said Cohort 3 is a very impressive group.

4. STAFF REPORTS

a. Finance Director..... Shauna Hartz

(1) Proposed Utility & Sewer Rate Increases

(a) **Resolution No. 1071 – A RESOLUTION ESTABLISHING SEWER CONNECTION CHARGES AND MONTHLY BASE FEES FOR USERS OF THE VENETA MUNICIPAL SEWER SYSTEM AND REPEALING RESOLUTION NO. 1040**

In late 2009 the City contracted with FCS consulting to conduct a Wastewater SDC and Rate Analysis. FCS recommended increasing the base rate by 8.66% for the last quarter of 2010. After reviewing FCS's recommendation, the Council chose the option to increase the sewer rates every six months until January 2012, then a rate increase every July. Resolution 1071 will allow for a 1% rate increase.

(b) Public Comment
None

MOTION: Thomas Cotter made a motion to approve Resolution 1071 as presented. Sandra Larson seconded the motion which passed with a vote of 4-0.

- (c) **Resolution No. 1072** - A RESOLUTION ESTABLISHING WATER FEES AND RATES FOR USERS OF THE VENETA MUNICIPAL WATER SYSTEM AND REPEALING RESOLUTION NO. 1041

In 2007, the City contracted with Oregon Association of Water Utilities to conduct a water rate study. The results of that study indicated severe rate increases were needed. In December 2008 staff offered the Council three options to generate the needed revenue, reduce water use, and decrease expenses. The Council opted for the Commercial Subsidy (Option C) and Resolution 986 was passed. The Council also approved to increase the water base and use rate by 3% every six months for five years until July 2013.

MOTION: Thomas Cotter made a motion to approve Resolution 1072 as presented. Sandra Larson seconded the motion which passed with a vote of 4-0.

- b. City Recorder/HR and Risk Management Administrator..... Chris Workman
(1) **Resolution No. 1073** – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VENETA ADOPTING PERSONNEL RULES AND POLICIES FOR THE CITY OF VENETA AND REPEALING RESOLUTIONS 953, 981, 1007, 1039, AND 1043

Chris said in 1988 the Council adopted Ordinance 283 adopting a personnel system for the City. Over the last few months Chris worked on updating the Employee Handbook (Handbook) to be adopted by resolution by the Council. The updated Handbook includes the existing policies and procedures as well as new policies on ethics, discrimination, communication, and several other areas.

Changes and additions were made after reviewing the existing Handbook, CIS best practices, and other cities policies. Because so many changes were needed Resolution 1073 was created repealing all previous Employee Handbook resolutions.

Ric said Chris did a good job on working with CIS on the Handbook. Legal counsel reviewed the updated Handbook and had made some recommendations.

In response to a question from Mayor Hobart, Chris said the original changes up to Chapter 5 were presented to staff two months ago and shortly thereafter staff was given an opportunity to review the entire Handbook which included all the changes. Because changes from legal counsel were minimal, it was not presented to staff following the legal review.

In response to a question from Mayor Hobart, Ric said the reference to the City Council and disciplinary action and appeals language was in the original Handbook and was not updated or changed.

Ken Jones said that language is included in order to provide employees with an opportunity for a post disciplinary action review process. Having the Council act as the review board follows the US Supreme Court's guidelines.

In response to a question from Mayor Hobart, Chris said because many employees use Facebook and Twitter outside the office, it was important to protect the City by including language in the Handbook that addresses the specific "Do's" and "Don't" regarding social

media. Also, if in the future if the City decides to have a Facebook page the policy is already written.

Ric said the social media section outlines the policies and procedures that employees can and cannot do on their own personal computers as far as commenting on City business.

MOTION: Thomas Cotter made a motion to approve Resolution 1073 as presented. Brittany Boothe seconded the motion which passed with a vote of 4-0.

- c. Community Services Director.....Brian Issa
(1) **Ordinance No. 502 - AN ORDINANCE AMENDING ORDINANCE 500 REGULATING ANIMALS WITHIN THE CITY LIMITS; AND PROHIBITING THE FEEDING OF GAME ANIMALS AND DECLARING AN EMERGENCY**

In response to a question from Brian, Ken Jones responded that minor changes to Ordinance 502 can be made after it is adopted by the Council as long as it is to correct a typographical error and is not a material change.

Brian said Section 17. Feeding of Game Animals. Should read . . . “attracting or feeding game animals” in order to prohibit the attracting or feeding of any game animals and not just wild turkeys. Staff worked with the Oregon Department of Fish and Wildlife who suggested the City pass a no feed ordinance making it against City regulation to feed or place food outside with the intent to feed wild turkeys. Staff decided it was appropriate to extend that to any regulated game animal, i.e., deer, but does not include birds.

In response to a question from Mayor Hobart, Brian said the penalty would be similar to any other violation of the Municipal Code, up to a maximum of \$500 per infraction.

In response to a question from Brittany Boothe, Brian said there’s a large flock of turkeys from Hunter Rd. to Perkins Rd. in the E. Bolton, Oak Island and Cheney Dr. area. Another flock moved into the Bolton Hill area. Staff said they can readily identify where the food is being put out by where the turkeys are found.

In response to a question from Sandra Larson, Ric said it’s kind of a novelty for residents living in an urban area to have wild animals before they realize it’s a problem.

MOTION: Thomas Cotter made a motion to approve Ordinance 502 for first reading by title only. Brittany Boothe seconded the motion which passed with a vote of 4-0.

Ordinance 502 was read as follows: Ordinance 502, an Ordinance amending Ordinance 500 regulating animals within the city limits; and prohibiting the feeding of game animals and declaring an emergency.

MOTION: Thomas Cotter made a motion to approve Ordinance 502 for second reading by title only and for final enactment. Brittany Boothe seconded the motion which passed with a vote of 4-0.

Ordinance 502 was read as follows: Ordinance 502, an ordinance amending Ordinance 500 regulating animals within the city limits; and prohibiting the feeding of game animals and declaring an emergency.

- (2) Tree City USA Application for Recertification
Brian said the recertification application is required in order for the City to continue with its Tree City USA designation. He asked the Council to approve Mayor Hobart signing the application.

MOTION: Thomas Cotter made a motion to direct Mayor Hobart to sign the Tree City USA application for Recertification. Sandra Larson seconded the motion which passed with a vote of 4-0.

d. Public Works Superintendent.....Kyle Schauer

- (1) Acceptance of the 2012 Special City Allotment Grant for Hunter Avenue
City staff recently applied for a \$50,000 Special City Allotment Grant from the Oregon State Department of Transportation to help construct sidewalks on Hunter Avenue from Territorial to Sixth St. Hunter Avenue is also in need of an overlay of asphalt which was included in the FY 2011-12 budget. The State approved the request but in order for the project to move forward the City Council must accept the award. The project total is \$104,000 and if the Council accepts the grant as proposed engineering of the project could be completed this budget year and construction of the project would be included in the 2012-13 budget with construction starting in the summer of 2012. Staff is recommending the Council accept the \$50,000 Special City Allotment Grant.

Mayor Hobart said this is a wonderful opportunity.

MOTION: Thomas Cotter made a motion to accept the 2012 Special City Allotment Grant for Hunter Ave. Brittany Boothe seconded the motion which passed with a vote of 4-0.

MOTION: Thomas Cotter amended his motion to include approving Mayor Hobart and City Administrator Ric Ingham sign the 2012 Special City Allotment Grant Agreement for Hunter Rd. Sandra Larson seconded the motion which passed with a vote of 4-0.

e. City Administrator.....Ric Ingham

- (1) Communications Site Agreement with Charter Communications
Ric said about eight years ago the City entered into a site lease agreement with Charter Communications for a micro wave feed (at the City's Dogwood Lane site) which provides cable television services to area residents. At that time the Council was told this would be a temporary site until Charter installed fiber optic cable which would allow for additional services. As a way to continue to encourage Charter to follow through with their original commitment, the City renews the lease every one to two years. Based on some concerns voiced from the community about how Charter has conducted business, Mayor Hobart asked Ric to set this aside to address those issues. Staff felt it should move forward with the agreement but Charter changed the renewal language. Ric handed out an updated agreement which included an automatic renewal clause. Mayor Hobart and legal counsel both recommended we decline to enter into the agreement but rather to enter into a six month agreement until an agreement is offered that reflects the correct renewal language the City is requiring.

Mayor Hobart said there are significant changes to the agreement from previous years and she recommended the City decline to enter into this agreement. She proposed allowing Charter to continue using the site for the next six months and authorized Ric to enter into negotiations with Charter to resubmit the agreement within the next six months with the

option that the renewal language is significantly changed back to what it was in previous years.

Ken Jones suggested the motion be amended that if Charter agrees to the modification, to include language that Ric and Mayor Hobart are authorized to sign the agreement on behalf of the City.

In response to a question from Brittany Boothe, Ric said Charter would like the City to lock into a five or ten year agreement. Ric suggested that there is quite a bit of history attached to this and offered to provide the Council with more background information in order to bring new Council members up to speed on this issue.

In response to questions from Sandra Larson, Ric said the City couldn't provide the amount of leverage that was needed to assist the school district with their issue with Charter. Ric said Charter's market share continues to decrease and a two year renewal period could open up options, i.e., Charter could sell our market to a provider that can bring us more advanced services or allow the City additional leverage when it comes to the franchise renewal period. Ric would like to continue negotiations with Charter about why it's important that we have the advanced services that other communities like Junction City or Eugene have. We don't have any leverage if the City signs a five to ten year renewal agreement.

In response to a question from Sandra Larson, Ric said he would provide the Council with additional background information on the Charter matter.

In response to a question from Brittany Boothe, Ric said it was brought to the Mayor's attention to try to engage in conversations with Charter regarding their threat to pull the school district's fiber feed which would greatly affect the community and eventually the City.

In response to a question from Sandra Larson, Mayor Hobart said it was Charter's position that the City's concern was inappropriate. She said unfortunately, because many of our schools are not located within the incorporate city limits of Veneta, the City is not considered a player in the discussions between Charter and the school district and the City is unable to tie that situation in with the current situation the City is dealing with. Tonight's concern is that Charter made significant changes to the Communications Agreement previously sent. The City should try to encourage Charter to follow through with their original commitment.

MOTION: Thomas Cotter made a motion to direct Mayor Hobart and City Administrator Ric Ingham to sign a six month extension to the Communications Site Agreement with Charter Communications and if the Agreement is satisfactory, at that time authorize Mayor Hobart and City Administrator Ric Ingham to enter into a Communications Agreement with Charter Communications. Sandra Larson seconded the motion which passed with a vote of 4-0.

- (2) **Resolution No. 1074** – A RESOLUTION APPROVING THE FINANCING PACKAGE WITH SIUSLAW BANK FOR THE ACQUISITION OF THE FORREST AND BARBARA LARSON REAL PROPERTY

Ric said Resolution 1074 is required in order for Mayor Hobart and him to sign the loan documents at Siuslaw Bank tomorrow. This will be one of the last stages in completing this real estate transaction.

MOTION: Thomas Cotter made a motion to approve Resolution 1074. Brittany Boothe seconded the motion which passed with a vote of 4-0.

- (3) Fern Ridge Chamber of Commerce Utility Bill Waiver
For the last two years the City Council has chosen to waive the monthly utility bill for the Fern Ridge Chamber of Commerce. The Wineries without Walls project has brought people to the Chamber offices but prior to that there was little to no usage. Staff is requesting the Council continue to waive the utility fees for another year.

Mayor Hobart said in this true economic downturn the Chamber is not quite self-sustaining yet but she believes they will get there.

MOTION: Thomas Cotter made a motion to approve the Fern Ridge Chamber of Commerce Utility Bill Waiver. Sandra Larson seconded the motion which passed with a vote of 4-0.

5. OTHER

Ric introduced Kay Bork, the recently hired Associate Planner. Kay started with the City on December 1st and staff is very excited to have her on board. She will be giving the Urban Renewal Agency report following the Council meeting.

Ric said that Ken Jones drafted the Business Assistance Grant agreement for the Moose Lodge.

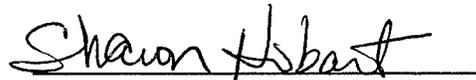
Ken Jones suggested that the Council make a motion to authorize Mayor Hobart and City Administrator Ric Ingham to sign the necessary documents to complete the grant to the Moose Lodge.

MOTION: Thomas Cotter made a motion to authorize Mayor Hobart to sign the Business Assistance Loan/Grant documents for the Moose Lodge #2656. Sandra Larson seconded the motion which passed with a vote of 4-0.

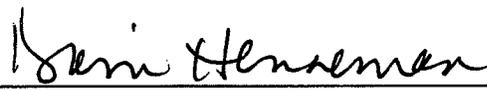
Thomas Cotter mentioned to the Council that Jim Petty passed away on December 3rd. There will be a service on Sunday, December 18th at the Fern Ridge Middle School.

6. ADJOURN

Mayor Hobart adjourned the Veneta City Council at 8:09 p.m.


Sharon Hobart, Mayor

ATTEST:


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