

# Minutes of the Veneta City Council

## March 26, 2012

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

Others: Ric Ingham, City Administrator; Shauna Hartz, Finance Director; Chris Workman, City Recorder/Human Resources and Risk Management Administrator; Kyle Schauer, Public Works Superintendent; Darci Henneman, Assistant City Recorder; Dennis Paronto, Barbara Nelson, and Michelle Ossowski, Fern Ridge Review

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

Mayor Hobart thanked Kyle for his 20 years of service to the City of Veneta and presented him with a commemorative plaque. She said Kyle has been instrumental in setting up and preparing for all of the City's events. He has also been involved in several large infrastructure projects for the City and served under four Mayors and three City Administrators. He is the "go to" guy at City Hall.

Kyle thanked Mayor Hobart and staff. He attributed the success of his work to the strong leadership of the Council and City Administrators.

### 1. PUBLIC COMMENT

None

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

The consent agenda as approved included City Council Minutes for February 27, 2012, City Council Minutes for March 12, 2012, Invoices Paid on March 9, 2012, Invoices Paid on March 12, 2012, Invoices Paid on March 20, 2012, Accounts Payable through March 22, 2012, Civic Calendar for April, 2012, Public Works Activities Report for February, 2012, and Council Directive Status Report.

### 3. DEPARTMENT REPORTS

#### a. FROM MAYOR AND CITY COUNCILORS

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

Sgt. Osborne said Lane County is facing a \$12 million budget reduction. This will not affect Veneta's coverage but will affect backup assistance from other deputies as well as vacation coverage. There will be a reduction of 230 beds at the Lane County Jail and overall rural patrol will disappear, leaving five deputies on patrol. As of July 1<sup>st</sup>, response to criminal calls within Lane County will be reduced by 60-70%. Marine, dune and forest patrols will not be affected. Creswell's coverage will also not be affected due to their contract with LCSO.

As of last week, all deputies in the police division had received a reinstatement notice directing them back to the Lane County Jail or a layoff notice effective April 7, 2012 or sometime in May. Deputy Joe Jahn, who is currently on patrol in Veneta, will be reassigned to the jail. Sgt. Osborne told the Council and the audience if they would like to see more patrols to please contact the Lane County Commissioners.

In response to a question from Mayor Hobart, Sgt. Osborne said the road funds will be available for another year. Sheriff Turner is looking at finding a global solution to this problem.

Sgt. Osborne said next year, regardless of the road fund, many of the positions could be terminated: the forest team, four deputies and a sergeant. By September, an additional six deputies will be gone. He said the ongoing issue in Veneta is the many negative activities at Territorial Skate Park. Families do not want to take their kids to the park or let them play on their own. To combat this problem, he and Ric have looked into a Drug Interdiction grant. The funds can be carried over from year to year and also this year the amount doubled to \$10,000. In the past funds had to be used for personnel related training and back-fill overtime while the deputies were training, but now the grant funds can be used to purchase equipment used in anti-drug activities like surveillance equipment. Sgt. Osborne suggested the City could install cameras at the Skate Park to deter the negative activity and also retain the recordings as evidence. The equipment could be recorded to City Hall. He suggested going in with the City of Creswell and purchasing the equipment together to get a good price. Funds could also be used for training.

In response to a question from Sandra Larson, Sgt. Osborne said if the cameras are placed in the right location they should be difficult to vandalize. Hopefully, any attempt to vandalize one of the cameras would be recorded by one of the other cameras.

- (2) Request from Oregon Research Institute to waive the Community Center Rental Fee Mayor Hobart said The Oregon Research Institute (ORI) is conducting an ongoing research project funded by the Center for Disease Control and Prevention. This is a continued program involving a free Tai Chi exercise program designed for older adults to improve balance, strength and reduce falls. To qualify for the class, older adult patients must be referred by their physicians and physical therapists. Currently the 12 patients that are signed up for the program live in Veneta and have been referred by their healthcare providers. The Tai Chi classes will be held twice a week for 48 weeks (96 classes). ORI can pay \$20 per class. They are asking for a reduction of \$22 of the \$42 fee per class.

In response to a question from Sandra Larson, Mayor Hobart said this is the second time ORI has held these classes and requested a reduction of the Community Center rental fee from \$42 to \$20.

In response to a question from Thomas Cotter, Mayor Hobart said ORI can pay \$20 of the \$42 rental fee per class.

**MOTION: Thomas Cotter made a motion to waive a portion of the Community Center rental fee for Oregon Research Institute to conduct 96 Tai Chi classes. Marion Esty seconded the motion which passed with a vote of 5-0.**

b. COUNCIL/COMMITTEE LIAISONS

(1) Park Board Annual Report

Dennis Paronto, Veneta Park Board vice Chair, presented the goals and reviewed the past activities of 2011. He reviewed a list of events the Park Board hosts. The teen night was a fairly successful event; the weather was bad but it was a great experience. He said Teen Night would be better attended if it was in conjunction with another event like the Harvest Festival. Last year the egg hunt had about 100 more kids than the previous year -about 400. Kiwanis partnered with the Park Board for the Easter Egg Hunt and over 40 volunteers participated. This year, the Earth Day event will be a little different. Sandra Larson was the

Council liaison for most of last year until Brittany Boothe came aboard. Fern Park had a tremendous update with a new structure and the Bolton Hill Master Plan was completed. Gail Wilkie resigned along with Daphene Sampson. He said the Park Board would like to be more involved with existing events to create more impact with less people.

Barbara Nelson said the Easter Egg Hunt is scheduled for Saturday, April 7<sup>th</sup>. This is the first event of 2012 for the Park Board. She said planning is moving along well and they are hopeful for nice weather. The Park Board has partnered with Veneta Elementary for an Earth Day event on Friday, April 27<sup>th</sup>. Booths will be set up in the gymnasium for kindergarten, first and second grade students. The Park Board would like to host a summer event like a band night or movie night in conjunction with another event like the Harvest Festival. The Park Board will also host a scavenger hunt for Veneta's 50<sup>th</sup> Birthday Celebration in July and they also look forward to hosting the Tree Lighting Ceremony at the annual Light Parade in December. Ms. Nelson said the Park Board is a great group of people who put many volunteer hours in as Board members and they all appreciate the City Council's support and the Park Board budget.

Mayor Hobart commended the Park Board for working with Veneta Elementary and said the Earth Day event sounds like it's on its way to becoming as successful as the Easter Egg Hunt.

Sandra Larson said she really enjoyed being the Park Board liaison and she was impressed by the hard work of the Board. She also thanked the Board for taking on the scavenger hunt for the 50<sup>th</sup> Birthday party.

Brittany Boothe said she is looking forward to being the Park Board liaison.

#### 4. STAFF REPORTS

- a. City Recorder/HR and Risk Management Administrator.....Chris Workman  
(1) Public Record Request and Policy Clarification

At the March 12, 2012 City Council meeting, Pony Gilbert addressed the Council and asked that his recent public record request be reviewed by the Council. Mr. Gilbert said he would provide documents concerning his records request to the City Recorder, Chris Workman, so they could be distributed to the Council. To date, the City has not received any documents from Mr. Gilbert, but copies of Mr. Gilbert's original request and the City's response to his request were provided to the Council.

Chris reviewed the documents and asked the Council members if they had any questions on the materials provided. Staff is looking for direction from the Council on how they would like staff to proceed.

Mayor Hobart said Chris' letter was very thorough and addressed Mr. Gilbert's issues in terms of what information City staff had. She felt there is no need to amend the City's current records request policy. She did suggest the request for public records form, policy and procedures, should include ORS 192.460(1) which defines a public record. She felt adding another level of to the appeal process wouldn't be helpful and it made sense to her to continue with the current process.

In response to a question from Thomas Cotter, Ric said City staff never got the sense that Mr. Gilbert wanted to overturn staff's decision but that he felt he wasn't getting the information he requested.

Thomas Cotter thought Mr. Gilbert wanted the Council to decide if the current process was adequate and if the Council felt comfortable continuing with that process.

Chris said staff's interpretation of Mr. Gilbert's request was that the City's public records request process should be reviewed; that Mr. Gilbert felt that staff didn't respond timely, that the information provided wasn't concise enough, and that staff didn't work well with him regarding his request. However, Mr. Gilbert's public record request was for documents that were never created.

Thomas Cotter said the actions that took place weren't public record. Mr. Gilbert has used the public records request process to get copies of documents but if the documents don't exist, staff cannot satisfy his request.

Chris said the information provided in tonight's packet was to confirm that the current process being used is adequate. If the Council felt that the documentation existed but staff wasn't providing it to Mr. Gilbert, then staff should direct Mr. Gilbert to the Lane County District Attorney.

In response to a question from Thomas Cotter, Chris said the Council could act as the second appeal level, but then staff would want to create a written procedure for future requesters to follow.

Thomas Cotter asked why, if there isn't a public record to support an event or if the record doesn't exist, would the Council then direct a requester to go to the district attorney to appeal the City's decision.

Mayor Hobart said as Chris pointed out, the City's public records request process follows state public records laws which address how to request true public records. She said normal records request address land use process and litigation which are for true public records. The information that was requested here was not a public record. Including the appeal process to the district attorney would be followed for public record requests for true public records.

Brittany agreed with what Thomas Cotter said but she wasn't sure what Mr. Gilbert wanted the Council to do after the last meeting. Both of staff's response letters were clear and staff is still willing to meet with Mr. Gilbert. She doesn't see the need to change the policy. Her interpretation of Mr. Gilbert's frustration was that he was unhappy with the decision that was made and not with the policy process. Also, she questioned Mr. Gilbert's timeline -he stated he sent his first letter to City staff in 2010, so why did he wait until now to bring this issue back to surface. She felt there was no reason to change the policy.

After a brief discussion it was the consensus of the Council that the current policy and procedures are adequate, in which case Mr. Gilbert will be notified that the Council plans to take no additional action but he can petition the Lane County District Attorney.

b. City Administrator.....Ric Ingham

(1) Pending Changes to 2012-13 Public Safety Contract

At the Council's 2011 Goal Setting Session, Public Safety was the second highest short-term priority. Based on the Council's direction, staff began a series of discussions with Sgt. Osborne and Sheriff Turner on changes to our existing contract that would allow the City to address our Public Safety needs. The results of these discussions were suggested actions to covert two of our four deputies from patrol deputies to a Resident Deputy and a Community Resource Office (CRO). Job descriptions, modifications to our public safety

contract, and a hiring process are all underway and were to be concluded as per this year's Workplan.

On March 12<sup>th</sup> City staff was notified that the pending shortfall at the Sheriff's Office would prevent us from modifying our public safety contract and the hiring of the two new positions. On March 21<sup>st</sup> discussions with Sgt. Osborne resulted in two paths the City could take in lieu of the fiscal cutbacks. One path is to just accept the cutbacks and try to become more proactive in addressing our own public safety deficiencies or take the path that has us modifying the public safety contract by addressing those deficiencies.

Staff believes that we could be effective by hiring our own part-time CRO on a one-year trial basis. In order to do this we would need to reduce our contract from four deputies down to three deputies. Currently deputies provide 80% of the needed 24 hour - seven a day week patrol coverage. A reduction of one office would decrease our coverage to 65%. If the CRO duties were included, that coverage would likely exceed 70%.

Staff could likely see a savings of over \$100,000 by reducing the contract and hiring a part-time CRO. The downside is that we would be reducing our patrol coverage at the same time the Sheriff's office is reducing rural patrols and country-wide coverage. The upside is that we would move forward with addressing some of our deputy turnover issues as well as having our own City employee designed to build a better connection with area youth. The first priority of the CRO would be to engage in activities to reduce the criminal behavior taking place at Territorial Skate Park and return it back to younger kids and families that no longer feel comfortable using the park.

Ric suggested possibly conducting a work session; however, Sheriff Turner should be notified of the City's intentions well before April 7<sup>th</sup>.

Sgt. Osborne said he advised Sheriff Turner about the issues facing the City. He reviewed the coverage the City currently has and 24/7 coverage and if that's reduced by one person it will severely impact the coverage. Rural coverage will virtually disappear.

Sandra Larson commented it was her understanding that when the deputies respond to calls outside the City limits it was reciprocal. Now, if they need help inside City limits, that won't happen. We really need to limit the calls the deputies respond to outside City limits.

Mayor Hobart said she is open to a one-year trial period for the CRO to see how it works, but a year may not be enough time. She felt this would be a very good use of resources to begin working on the City's relationship with our youth. She hears from many people that they don't feel safe taking their children to the skate park. She said one way to help residents feel safer is to work with our youth. She is in favor of hiring a CRO.

Thomas Cotter isn't sure if a CRO would be that effective, plus the City would be liable for all of this person's actions. He had several questions: what kind of training will he have and what kind of enforcement policies will be followed? What would the job classification be? What would he do if he needed assistance and where would it come from? How does the City keep him safe? He is leery of a private person working with our youth. He felt the cameras are a good idea and when the weather's nice, the park looks packed, including parents. He felt this decision shouldn't be made quickly and a lot of money will be spent on one issue.

Ric said the CRO would be somewhat of a hybrid of a school resource officer. This position could be filled with a sworn deputy, patrol officer or probation personnel. He said the intent

is to try to build a relationship with the area youth and try to deter some of the negative activities. This would not be a private police force. Currently, there are four City staff persons that can issue citations and it's not the intent to try to replace deputies.

Thomas Cotter said he is still having a hard time with the concept of how an individual will work in our park.

In response to a question from Thomas Cotter, Ric said the job description would need to be laid out and approved by the Council.

Thomas Cotter felt the Council isn't capable to make the decision and he questioned how it would be enforced. Even if someone is arrested they won't go to jail. It would be a difficult job and it seems like hiring a CRO would take a lot of time and resources away from a deputy on patrol. He suggested the surveillance camera may address the problem.

Ric suggested holding a community forum where parents can discuss their safety concerns and hopefully determine if cameras would be enough of a deterrent. Also, to look at what the reduction of coverage will be and how it will affect our community.

In response to a question from Mayor Hobart, Sgt. Osborne said it would be helpful to have the Council's decision to Sheriff Turner by April 7<sup>th</sup>, but it is completely understandable that the Council doesn't want to make a hasty decision.

Marion Esty said her experience working with the probation department in south central Los Angeles proved that public people working with youth can establish a good relationship. The idea of a CRO is a good one. She said communities are more than willing to participate if given a chance. We should try it.

Brittany Boothe said our parks need to be an asset for everyone to enjoy but personally, she's concerns that a community resource officer isn't the answer. She would like more information, job descriptions, expectations, etc.

Ric said the current Public Safety contract with Lane County expires June 30, 2012 and the City will need to get this program up as of July 1<sup>st</sup>. He said the Council could agree to retain the fourth deputy through the calendar year. There are several large projects happening over the next few months: the budget process, the pipeline and the Service Center. A public forum could be held to get some public feedback in order to get a program in place at the end of the calendar year and have a program up and running by spring/summer 2013. Discussions will continue with Sgt. Osborne and likely there will be issues if rural patrols decrease to one shift.

In response to a question from Sandra Larson, Ric said the surveillance cameras will require electricity to the site, a full time internet feed, and a monitoring station. These are all new costs that we currently don't have. All of that information needs to be packaged by Sgt. Osborne and the terms worked out.

Mayor Hobart said she is a huge supporter but she likes the idea of getting community input and providing citizens with more information.

Thomas Cotter felt it's important to get more information on this subject. He said he doesn't really like the idea of 24 hour surveillance at the park but it could be a deterrent. He would like input from the community and more information from staff to be able to make a more informed decision.

Brittany Boothe would also like more information and felt it's important to give this subject more time in order to make an informed decision.

Sandra Larson said it's important to her that the Council hears public input.

In response to a question from Mayor Hobart, Ric said staff can include this in the upcoming budget.

Shauna said we can always spend less.

After a lengthy discussion, it was the consensus of the Council to include this topic in this year's budget and have a community forum in order to provide input from residents.

## 5. OTHER

### a. Amendment to Murray Smith & Associates Engineering Contract

Ric said more geo tech work needs to be done at the Green Hill and Highway 126 intersection. EWEB thought the meter box was in one location but our engineer thought it was in another location. Second, Kyle requested a change to a vault. Kyle came up with an idea to elevate the vault which will be a considerable savings and improves on how his staff will perform needed maintenance. The PVC pipe was the preferred choice but now, with the price of oil, the engineer suggested bidding for both products, i.e., PVC pipe and ductile iron pipe. Similar bids have been done that reveal possibly hundreds of thousands of dollars in savings.

Thomas Cotter had no questions but voiced some frustration over bids going out and then the City ending up paying more than the original bid.

In response to a question from Sandra Larson, Kyle said ductile iron pipe is a steel pipe lined with concrete and is a standard for water lines. It's a strong, tensile strength pipe able to easily transmit a large amount of water. He said it's very common for the price of pipe to fluctuate. When the original bid went out, PVC was less expensive than ductile iron. Now, with the price of oil, PVC pipe is more expensive than the ductile iron pipe. Staff would like to change the bid documents to allow a bid for ductile iron pipe to be substituted for PVC pipe and allow the contractors to bid it as such.

In response to a question from Mayor Hobart, Kyle said ductile iron pipe is much stronger than PVC pipe, but the products are comparable.

In response to a question from Brittany Boothe, Ric said changes #2 and #3 are at the request of City staff.

In response to a question from Brittany Boothe, Kyle said the engineering involved is not just to change the documents but, because the design is specific to the type of pipe used, changing pipe changes a lot of things like pipe fittings, etc. The pipe installation is different enough to allow for those changes as well. Kyle said \$21,780 is quite a bit for a crossing under the road, but USDA is requiring a lot of testing and boring for that crossing which eats up a lot of the cost.

In response to a question from Mayor Hobart, Kyle said unfortunately, the City had MSA working on placing the pipe on the south side of Highway 126 for many reasons and assumed EWEB was coming west to the point of contact between the EWEB service and the City service. From early in the project they assumed we were building the piece of pipe to get to them and we thought they were building to get to us. Our discussions were always that the junction and

metering vault would be on the south side of Highway 126 but it's not. It will be on the north side of Highway 126.

Ric said EWEB will not move forward with their design as long as the lawsuit is in place. Until there's clear direction from the U.S. Fish & Wildlife Service and USDA on how they plan on proceeding with the lawsuit, EWEB won't spend any money. EWEB hasn't acquired any easements and they are not working at the pace that we thought they would be. He said they've been off the project for the last two months.

**MOTION: Thomas Cotter made a motion to authorize the City Administrator to sign amendments to the MSA water pipeline design contract as specified above. Marion Esty seconded the motion which passed with a vote of 5-0.**

b. Coos Bay Rail Link Annual Fee Amendment

Ric said the City has a license for a water pipeline easement underneath the Railroad track at Huston Rd. City Administrator Jan Wellman entered into the agreement with Rail America, the hedge fund company that owned and operated the rail line before the Port of Coos Bay took over. That agreement listed the annual easement fee of \$430. Last year, Port of Coos Bay increased the annual fee to \$1250. Now that amount has increased to \$1520. He said the original agreement did not include a clause capping that annual fee. Ric said because public funds were used to purchase Rail America, he negotiated a one-time payout with Coos Bay Rail Link to change the contract and remove the City from paying an annual fee. Staff feels this one-time payout of \$4,024.42 is appropriate. If the Council approves the amendment, the City will never see another invoice from Coos Bay Rail Link.

Sandra Larson was concerned with the term "Discounted Annual Fee". She said it's not an annual fee; it's a one-time fee. She suggested the word "annual" be removed because it makes it sound like it's an annual fee.

Ric said if the Council would like, he would request the word "annual" be removed. He asked if the Council would like the modified agreement brought back at the next meeting or if the Council would approve that he or the Mayor sign the agreement based on the suggested changes.

**MOTION: Thomas Cotter made a motion to approve Mayor Hobart sign the amended Licensee Agreement No. 030219 with the Coos Bay Rail Link for the water line. Brittany Boothe seconded the motion which passed with a vote of 5-0.**

Ric reported on the recent snowstorm damage. The backup generator came on at City Hall to provide limited electricity to lights and computers but not heat. Ric called for a partial closure of City Hall because some employees weren't able to make it in. Those who did fielded many phone calls. The Public Works crew did a remarkable job clearing intersections and storm drains. The City lost a few trees but we didn't have the flooding that was forecasted.

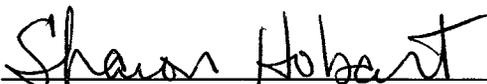
Kyle reported that the City received six inches of snow. The Public Works crew plowed most of streets in town and removed the snow from the roadways to help keep the roads from freezing. Several street trees sustained damage and the limbs were removed and cleaned up. Things are looking much better now. A tree fell in Oak Island Park striking a fence but the Public Works crew repaired the fence today. The City did not have any flooding and the wastewater plant is still running at capacity due to extra water on the ground. Emergency power came on at all of the City facilities. A 100 ft. tree was removed before it fell. Kyle commended his crew for their quick response to the bad weather and all of their hard work.

Mayor Hobart asked Kyle to please pass on her thanks to the Public Works crew.

Shauna wanted to say a few words about Kyle and his many years at the City. She said she has always been impressed with Kyle and his drive to learn as much as he possibly can. He always had a vision of moving up and has effectively run the water and sewer systems for many years. She appreciates his positive and professional communication and his level of commitment to his co-workers and community.

**6. ADJOURN**

Mayor Hobart adjourned the Veneta City Council at 8:55 p.m.

  
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Sharon Hobart, Mayor

ATTEST:

  
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Darci Henneman, Assistant City Recorder  
(Minutes prepared by Dhennehan)