

Minutes of the Veneta City Council

November 10, 2014

Present: Sandra Larson, Thomas Cotter, Victoria Hedenstrom, and Thomas Laing

Absent: Brittany Boothe

Others: Ric Ingham, City Administrator; Shauna Hartz, Finance Director; Kay Bork Community Development Director; Kyle Schauer, Public Works Director; Katie Babits, Management Analyst; Darci Henneman, Assistant City Recorder, Sgt. Billy Halvorson, LCSO; Lauren Sommers, Legal Counsel; and Joan Mariner, Fern Ridge Review

1. CALL TO ORDER

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

2. PUBLIC COMMENT

None

3. CONSENT AGENDA

MOTION: Thomas Cotter made a motion to approve the consent as presented. Thomas Laing seconded motion.

VOTE: Thomas Laing, aye; Thomas Cotter, aye; Sandra Larson, aye.

The Consent Agenda as approved included:

- Minutes for October 7, 2014 Joint Meeting of the Veneta City Council and Planning Commission
- Minutes for October 13, 2014 Work Session
- Minutes for October 13, 2014
- Minutes for October 22, 2014 Town Hall Meeting
- Accounts Payable - Checks for Approval – Paid through October 16, 2014
- To be Paid – Payable through November 5, 2014
- Civic Calendar for December, 2014
- Public Works Activity Report for October 2014
- Annual Light Parade and Banner Permits.

4. COUNCIL BUSINESS AND REPORTS

a. Business

- (1) Proclamation in Honor of Veterans of Foreign Wars (VFW) Jack Kelley Post 9448
Mayor Larson read the proclamation and declared November 11, 2014 to be Jack Kelley Post 9448 and the Ladies Auxiliary Recognition Day.
- (2) Lane County Sheriff's Office (LCSO) Activity Report for September & October 2014
Sgt. Halvorson reviewed the monthly reports for September and October. He said property crimes significantly dropped in October – down from 42 in September to 27 in October. Personal crimes also dropped from 27 in September to 15 in October. He said he's not sure why.

In response to a question from Thomas Laing, Sgt. Halvorson said neither he nor Sgt. Carver have been contacted by any of the residents who attended the Town Hall Public Safety meeting. Nor has he heard from the informal, self-proclaimed neighborhood watch group. He said he will talk more about the Town Hall meeting recap later in tonight's meeting.

In response to a question from Mayor Larson, Sgt. Halvorson said not all civil service calls will result in a case number. He said a civil service call could be for assistance to another agency like the Dept. of Human Services (DHS).

In response to a question from Thomas Laing, Sgt. Halvorson said the EPD SWAT team responded to a personal dispute and the deputies ended up making a warrant arrest. He said

EPD had assisted because they had been looking for the individual related to another crime in Eugene. He said the incident was uneventful.

(3) Funding Request from Elmira High School Graduation Committee

In response to a question from Thomas Cotter, Hartz said the current fiscal budget includes \$5000 in the Council Discretionary of which to date no funds have been spent. She said the Council has been consistent over the past several years with a \$500 donation to the Elmira High School grad night event.

MOTION: Thomas Cotter made a motion to donate \$500 from the Council Discretionary Fund to the 2015 Elmira High School grad night committee. Thomas Laing seconded motion which passed with a vote of 3-0.

(4) Funding Request from Fern Ridge Middle School for a Field Trip

Mr. Barsotti, Principal at Fern Ridge Middle School, said the group of parents and teachers have a vision to have academic field trips for each grade level. He said last year the 8th grade class had a pool party at the Veneta Community Pool and he thanked the Council for waiving the pool rental fee. He said the students had a lot of fun racing handmade cardboard boats in the pool. He said the 6th grade class went to H.J. Andrews Forest but the 7th grade class has yet to go on a field trip. Mr. Barsotti said after talking with other teachers, he realized Fern Ridge Middle School is one of a few schools that reads a Shakespeare play every year. He said a small group of parents, teachers, and himself would really like to take the 7th grade class to Ashland to see the Shakespeare play "Much Ado About Nothing". He said they need to fundraise \$5500 for the entire 7th grade class, 120 students, to attend. He said one parent volunteered to write grants. He thanked the Council for the opportunity to make the request.

Mr. Rodemack said he teaches Language Arts at the Middle School which includes the renaissance period. He said many 8th grade students enjoy acting. He said because the Middle School doesn't have band classes, he finds himself teaching art, music, and drama but he doesn't have the range to really show the kids what professionals can do. He said attending the play would give the students a live experience.

In response to a question from Thomas Cotter, Mr. Barsotti said the 7th grade class will put on a talent show and a silent auction which in past years raised about \$2000 annually.

Mr. Barsotti said they would like see the trip to Ashland be an annual event for every 7th grade class.

Mayor Larson suggested the donation from the City could also be used as match funds to leverage grant funds.

MOTION: Thomas Cotter made a motion to donate \$500 to the Fern Ridge Middle School 7th grade class for a field trip to Ashland in the Spring of 2015. Thomas Laing seconded the motion which passed with a vote of 3-0.

(5) Community Center Rental Waiver Request from VFW Post 9448

MOTION: Thomas Cotter made a motion to waive the Community Center rental fee for the Veterans of Foreign Wars Post 9448 on the 3rd Tuesday of each Monday for the period of one year. Thomas Laing seconded motion which passed with a vote of 3-0.

(6) Community Center Rental Waiver Request from Girl Scout Troop 20177

Ingham said staff reviewed the calendar for the Community Center and confirmed there are three dates (one in November, 2014 and two in December 2014) that the center is not available. He said staff will notify the applicant that the community center is not available on those dates.

MOTION: Thomas Cotter made a motion to waive the Community Center rental fee for the Girl Scout Troop 20177 on Mondays through June 15, 2015. Except for the dates the Center is already rented. Thomas Laing seconded motion which passed with a vote of 3-0.

b. Councilor/Committee Liaison Reports

Thomas Laing said Mid Lane Cares met last Tuesday. He said they are using Quick Books software for the budget and have completed the grant writing schedule for the entire year. He said an appreciation event was held at Deep Woods. Also, Pat Coy has resigned as Chairman and Dennis Paronto will be stepping in as Chairman. Thomas Laing handed out the new schedule for the upcoming year.

Mayor Larson said she attended the last School District Board meeting. She said the Board held an executive session regarding real estate transactions. Mayor Larson said the school report cards went out and Elmira High School was the only school in the district that received an above average scoring.

5. STAFF REPORTS

a. City Legal Counsel.....Lauren Sommers

(1) Establishing a Tax on the Sale of Recreational Marijuana

Ingham provided a brief update on Resolution No. 1159. He said Ms. Sommers attended tonight's meeting in order to answer additional questions the Council may have. He said Resolution No. 1159 is based on Council feedback from previous meetings. He said staff provided an updated resolution with just some minor changes. He said since the Council approved the ordinance, direction was given to staff to draft a resolution to pass a recreational tax rate with a tax rate from 0% to 25%. Staff drafted the resolution at 15% and provided tax information from other Oregon cities.

Thomas Cotter said he wants to make sure the tax isn't set too high. And he's hoping the rate can be changed if it's found to be too restrictive. He said he would feel more comfortable with the rate at 10% versus 15%.

Ms. Sommers said Lane County followed the state by passing a flat rate on growers which is 50% of the state's tax rate. She said as an example 50% of the state's rate of \$35 an ounce; sending \$17.50 to Lane County (per ounce). She said the City would then tax the ultimate product by taxing the purchaser.

Mayor Larson said we can't get revenue if we don't have the facilities. She said she's been in opposition to a recreational tax all along, however, she did vote for the tax and she is more in favor of 10% rather than 15%.

After a brief discussion, it was the consensus of the Council to approve Resolution No. 1159.

i. **Resolution 1159** - A RESOLUTION OF THE CITY COUNCIL ESTABLISHING TAX RATES FOR THE SALE OF MARIJUANA AND MARIJUANA-INFUSED PRODUCTS IN THE CITY OF VENETA

ii. Public Comment

None

MOTION: Thomas Cotter made a motion to change the amount of the tax for non-registered dispensaries to 10% rather than 15%.

MOTION: Thomas Cotter withdrew his previous motion.

MOTION: Thomas Cotter made a motion pursuant to Ordinance No. 515, the City Council of the City of Veneta establishes a tax rate of 10% of the gross taxable sales amount paid by a purchaser to a seller of marijuana and marijuana-infused products that is not a dispensary registered by the Oregon Health Authority pursuant to ORS 475.314. Thomas Laing seconded the motion which passed with a vote of 3-0.

Mayor Larson said she is concerned that one of the main purposes of legalizing marijuana was to eliminate the black market. She said if all levels of government go after their share of the taxes it seems like it defeats that purpose. She said because of the high costs, the State of Washington isn't selling as much as they had planned.

MOTION: Thomas Cotter made a motion to approve Resolution No. 1159, establishing tax rates for marijuana in the City of Veneta. Thomas Laing seconded the motion which passed with a vote of 3-0.

b. Community Development Director.....Kay Bork

- (1) Discuss Option for a Reduction of Transportation System Development Charges (SDCs) for Non-Residential Development

Bork said in 2009 and again in 2011 the City Council passed a resolution to temporarily reduce transportation SDCs for non-residential development in the hopes to provide incentives for commercial development. She said the most recent resolution, Resolution No 1067, expired in 2013.

In response to a question from Thomas Cotter, Bork said a Council motion tonight would be to direct staff to prepare a resolution for adoption at the next meeting. She said the resolution will be very similar to Resolution No. 1067.

MOTION: Thomas Cotter made a motion to direct staff to prepare a resolution providing for the temporary reduction of transportation system development charges for non-residential development and to include a sunset clause. Thomas Laing seconded the motion which passed with a vote of 3-0.

- (2) Local Improvement District Information Overview/E. Bolton Project History

Bork said this is a two part presentation. She said she will provide the LID background process the City has done and Hartz will provide the financial options as well as the pros and cons for each option. Bork said there is additional information that was not provided in the packets. She explained what an LID is and said that after reviewing the packet materials, Carrie Connelly, legal counsel, provided information that there is another option to finance the project, similar to an LID referred to as a reimbursement district or zone of benefit which she briefly explained to the Council.

Bork suggested holding a Council Work Session to discuss this further.

After a thorough discussion, it was the consensus of the Council to direct staff to schedule a work session to provide more details on the options available to address sewer infrastructure on E. Bolton Rd.

c. Finance DirectorShauna Hartz

- (1) E. Bolton Financial Options

Hartz presented three options for paying for the sewer infrastructure. She said the zone of benefit option would parallel the City's pros and cons. She said if the Council chose to pay the

\$350,000 upfront it would allow us to begin the engineering phase now in order to meet the 2015 building season. She said even though the project cost is \$350,000 that doesn't mean we will pass that all on to residents. She said if all existing homes are connected the City will receive \$12,000 in annual revenue. Hartz then presented the pros and cons for the property owners. She said the LID process is lengthy because it takes time to determine if we have enough remonstrances. She said a zone of benefit is a little quicker but either way there is increased values to the properties.

After a thorough discussion, it was the consensus of the Council to hold a work session.

Ingham said the detailed information received from Ms. Connelly after the packets went out would be part of the work session. He said because there is only one Council meeting scheduled in November and December, staff is suggesting holding a work session in December.

Thomas Cotter said he would rather postpone the work session until January.

Ingham said waiting until January could likely kick the bidding process into February/March and that could put the project further past the 2015 construction season. He said Ms. Connelly would attend the work session.

d. Management Analyst.....Katie Babits

(1) 2014 Pool Season Recap

Mayor Larson thanked Babits for a thorough recap of the 2014 pool season.

Babits reviewed the highlights of her pool recap report.

In response to a question from Mayor Larson, Schauer said swimming pools are not profitable facilities.

Ingham said as the pool ages, we'll see more operational costs.

In response to a question from Thomas Cotter, Schauer said all scholarship requests were honored and anyone asking for a scholarship did not get turned down.

Babits said staff is recommending purchasing another vending machine and completing a market analysis on what other communities' fees are to determine if we should or shouldn't increase fees.

The Council had a thorough discussion about pool events and suggestions for increasing participation at the pool.

Thomas Cotter thanked Babits for a great report.

Ingham said the pool is a wonderful asset but we need to understand what the demand is and continue to work on increasing opportunities for the pool.

e. Public Works Director.....Kyle Schauer

(1) Poplar Plantation Update

Schauer provided an update on the poplar plantation. He said Lane Forest Products (LFP) will remove all stumps and materials for a little over \$10,000. He said soon LFP will fall the trees and let them sit through the winter and then chip everything this spring. He said an additional \$5000 will likely be needed to work up the dirt up and replant the area in grass hay.

f. City Administrator.....Ric Ingham

(1) SBA Cell Tower Lease

i. Agenda Item Summary

Ingham provided the Council with background information regarding the SBA cell tower lease. In 1999 the City originally entered into a 25 year agreement with SBA, Inc. to lease a parcel of property in the E. Broadway public works yard to construct a cell tower. In 2003 the agreement was modified to include a larger footprint for the tower. This past winter SBA requested five additional five-year terms taking the lease to 2049. The Council at that time was not comfortable with those terms and directed staff to negotiate a shorter lease. Staff negotiated an extension of the lease for three, five-year terms. Other terms negotiated included a no termination clause for the first 15 years, retaining the 15% increase every five years, and a one-time payment of \$18,000 to the City. However, that one-time payment was actually for \$20,000.

MOTION: Thomas Cotter made a motion to approve modifications to the SBA agreement that extends the lease an additional 15 years and to include the additional terms as outlined in the amendment to communication site agreement. Thomas Laing seconded motion which passed with a vote of 3-0.

(2) Letter of Engagement and Intergovernmental Agreement with Lane Council of Governments (LCOG) for Telecommunication Legal Services

i. Agenda Item Summary

Ingham said for several years Christie Munson at Local Government Law Group (LGLG) provided legal counseling to the City for our tele-communication needs. However, just recently Milo Mecham at LCOG has been providing legal counsel for those same needs. Ingham said at this point, staff felt it would make sense to have Mr. Mecham be our primary legal counsel on tele-communication issues. He said the agreement has been reviewed by Ken Jones of LGLG. Ingham said Mr. Mecham is tracking statewide tele-communication issues and working with the League of Oregon Cities on that same subject. He said Mr. Mecham has absorbed some of his costs through our membership fees with LCOG.

In response to a question from Mayor Larson, Ingham said Speer Hoyt is not a litigation firm and in the past when litigation is needed, they have referred the City to a litigation attorney.

Ingham said the City has several current agreements with LCOG to provide various services to the City. He said LCOG prepared the letter of engagement and agreement to allow Mr. Mecham to charge his time to a contract.

In response to a question from Thomas Cotter, Ingham apologized for not providing Mr. Mecham's hourly rate but estimated it at \$120 verses Ms. Munson's hourly rate of \$180.

MOTION: Thomas Cotter made a motion to approve the Intergovernmental Agreement and Engagement Letter with Lane Council of Governments to provide the City with tele-communication legal services. Thomas Laing seconded motion which passed with a vote of 3-0.

(3) Public Safety Town Hall Summary

Victoria Hedenstrom arrived at 9:10 p.m.

Ingham said the City and Sgt. Halvorson did a good job pulling this meeting together and providing residents with information about the financial picture of our contract, how it works, our deputies' response to calls for service, and that we wanted to convey to residents that we spend

quite a bit of time working on public safety. He said he is very impressed with the behind the scenes work that Sgt. Halvorson did as well as what Sgt. Carver did with bringing forward the information on the neighborhood watch program and the online data source program. He said we were excited about starting up the watch programs and the commitment Sgt. Halvorson and the deputies made to establish the wards, do the outreach and work with those concerned neighbors. He said as of this afternoon, no one has contacted LCSO to set up a neighborhood watch program or to request additional services.

Sgt. Halvorson said as an update to the Public Safety Town Hall meeting, neither he nor Sgt. Carver have been contacted by anyone. He said not even to request a Neighborhood Watch sign. He said overall, he felt the meeting was a great experience and opportunity for the City and his department to get that information out. He said he and Ingham have put a lot of effort into this so when folks decide to step up we have the mechanism in place and ready to implement. He said we're a little disappointed we didn't get any response but the plan is to keep kicking it out there and try to solicit residents to take interest.

Mayor Larson suggested putting that information in the newsletter and providing more public information.

In response to a comment from Victoria Hedenstrom, Sgt. Halvorson said no one has taken a step beyond posting comments on Facebook. He said we tried to make it clear cut and simple. He said Sgt. Carver provided pamphlets and information and he tried to make it clear that he could be contacted directly. He said his experience with implementing any type of program is it takes time to get things rolling. He said we need to continue to encourage people to talk to either himself or Sgt. Carver.

Mayor Larson felt some of the people that attended the Public Safety Town Hall meeting may have got the information they wanted and therefore don't have a need to contact Sgts. Halvorson or Carver.

Thomas Laing told Sgt. Halvorson he did a good job at the Public Safety Town Hall meeting.

(4) Questions from Councilors

Ingham said last week he directed Teresa, the City's Code Enforcement Officer to conduct some code enforcement on behalf of the City. He said all residents with a basketball hoop sitting in the street or on the sidewalk were given a door hanger and asked to remove the hoops by November 20th. He said the large free standing basketball hoops require the street sweeper to go around them which doesn't allow the sweeper to remove leaves and other debris that blocks the street gutters from draining properly. He said the basketball hoops can be rolled into the driveway or yard when they're not being used.

In response to a question from Mayor Larson, Ingham said his neighbor almost hits one every time she returns home. He said she has to stop for oncoming traffic because the hoop takes up one lane of travel. He said if the hoops are still in the street after the deadline, public works crews will move them onto private property. He said he's not sure what we'll do if they're back in the street but after the second or third time, those hoops may have to go.

Victoria Hedenstrom thanked whoever was responsible for boarding up the house that fell victim to arson. Ingham said Teresa was following up regularly with the property management company to secure that house.

6. OTHER

Ingham said EWEB announced in the Register Guard that they will be raising their water rates. However the rate increase will not affect the City's rate we pay for the water we purchase from EWEB.

Ingham said the unfortunate fatalities last week in Mapleton finally got the attention of ODOT and the

Governor's office. He said all three requests in the last year to conduct a speed zone reductions of Highway 126 from Eighth St. to Ellmaker have been denied. He suggested moving a few things off the work plan and focus on that for the next week or two.

Bork provided an update on the Baker Lane address. She said the new street signs have been ordered and should be installed by the end of next week. She said an "East Hunter" and "no outlet" signs will be posted at the corner of where the previous "Baker Lane" sign was.

In response to a question from Mayor Larson, Schauer said the house numbers are about four inches long.

Bork reminded the Council to please complete the EOA survey Ms. D'Souza prepared in order for the results to be compiled for the November 19th meeting.

Schauer provided an update on the large pine tree on Legacy Ct. He said it is a very large, healthy tree which appears to be about 85% on private property. He said it would be up to the property owner to remove the tree which will be expensive if they choose to do so.

Bork said there is a City no fee tree permit the owner would be required to complete if they chose to remove the tree.

In response to a question from Victoria Hedenstrom, Schauer said the tree is so large and very healthy, he doesn't feel it's a dangerous tree.

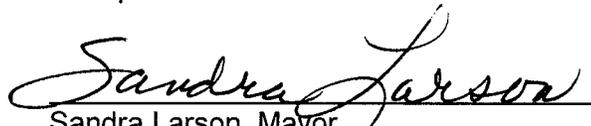
Ingham said Schauer will follow up with the property owner and with the woman that made the request. He said an option would be to work with the neighbors to relocate the mailboxes.

Schauer said he didn't see any damage to the mailboxes which have been in that location for quite some time. On another note, over the next two weeks, he will be working on the job description, with maybe adding specific skills, to fill the position vacated by Chris Meddings.

Ingham said the fourth Joint meeting of the City Council and Planning Commission will be held on Monday, December 8th at 5:30 p.m. followed by the 7:30 p.m. meeting with Lane County Board of Commissioners to discuss the motor vehicle registration fee. He said tonight the Council decided to hold a 5:30 p.m. Work Session on December 15th to discuss finance options for installing sewer lines on E. Bolton and the resulting connection requirements, followed by a regular City Council meeting at 7:00 p.m. and then an Urban Renewal Agency meeting.

7. ADJOURN

Mayor Larson adjourned the Veneta City Council at 9:41 p.m.


Sandra Larson, Mayor

ATTEST:



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