

City of Creswell
Council Minutes
May 11, 2009

Council Present:

David Case	Jack Gradle
Bob Hooker	Bill McCoy
Jean McKittrick	Bob Millam

Staff Present:

Mark Shrives	City Administrator
Roberta Tharp	City Recorder
Layli Nichols	Finance Director
Roy Sprout	Public Works
Shelley Humble	Airport Manager
Denise Walters	City Planner (LCOG)
Carrie Connelly	City Attorney

Council Absent 1 – Jane Vincent

Press: 1

Audience: 12

The regularly scheduled City Council meeting was called to order by Mayor Bob Hooker at 7:00 PM and the pledge of allegiance given.

1. Public Hearings

A. i. Planning Fees Update – Denise Walters Lane Council of Governments (LCOG) Resolution No. 2009-11, A Resolution Rescinding and Replacing Resolution No. 2005-21; Establishing Land Use Fees for the City of Creswell

Denise Walters from Lane Council of Governments addressed the Council with Resolution 2009-11, a resolution to amend fees for land use approvals. Mrs. Walters said since the April meeting when this was first presented, staff has had further discussion and proposes to move more of the fees to base fees that will accurately reflect the complexity or simplicity of the application. Mrs. Walters said appeals, comprehensive plan amendments, final plats, vacations, and variances are all proposed amendments to include a base fee rather than a flat fee, and the Parking Demand Analysis will be processed as a Type II Land Use Review. Mrs. Walters handed out a revised fee schedule to reflect the changes for land use applications.

There being no questions from the Council, Mayor Bob Hooker opened the Public Hearing for the Planning Fees Update. There being no public testimony, Mayor Hooker closed the public hearing.

Bill McCoy moved Jack Gradle seconded City Council adopt Resolution No. 2009-11, A Resolution Rescinding and Replacing Resolution No. 2005-21; Establishing Land Use Fees for the City of Creswell.
Voted on and carried unanimously.

ii. Resolution No. 2009-12, A Resolution Classifying Certain Fees and Charges As Not Subject to Limitations of Article X1, Section 11b of the Oregon Constitution (Measure 5).

Denise Walters said Resolution 2009-12 is to classify the land use fees established by Resolution 2009-11 as incurred charges and not taxes as per Measure 5. Resolution No. 2009-11, A Resolution Repealing and Replacing Resolution No. 2005-21; Establishing Land Use Fees for the City of Creswell and Exhibit A Permit Fee Schedule are attached to and incorporated as part of this classification resolution.

There being no questions from the Council, Mayor Bob Hooker opened the public hearing. There being no public testimony Mayor Hooker closed the public hearing.

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Jack Gradle moved David Case seconded the City Council adopt Resolution No. 2009-12, A Resolution Classifying Certain Fees and Charges as not subject to the Limitations of Article XI, Section 11b of the Oregon Constitution (Measure 5). Voted on and carried unanimously.

B. Bryne Memorial Justice Assistance Grant (JAG) – Mark Shrives

City Administrator Mark Shrives handed out a budget narrative to be added to the Bryne Memorial Justice Assistance Grant packet that outlines the total projected first year costs for a code enforcement officer. Mr. Shrives presented this opportunity at the April Council meeting and the Council directed him to complete the application for the grant. Mr. Shrives said he has done a comparison with other cities that have a code enforcement officer and recommends the use of an employment contract not an established position, allowing for 520 hours of work at \$15.00 an hour, along with the federal and state requirements would run approximately \$8,507.24. Other position related requirements and expenses such as a computer, supplies, telephone and vehicle/fuel would run about \$2,000.00 bringing the total for the year up to \$10,507.24. The City will work through the process of evaluating the budget to determine if a permanent position will be established or keeping the position as an employment contract.

Discussion ensued regarding the grant amount of \$17,853.00 and four years to spend it down, and the grant money covering all expenses outlined the first year including the vehicle.

Mayor Bob Hooker opened the public hearing. There being no public testimony Mayor Hooker closed the public hearing.

Bill McCoy moved Jean McKittrick seconded to approve the Bryne Memorial Grant for a code enforcement officer and direct the City Administrator to submit the application as presented. Voted on and carried unanimously.

C. Local Improvement District (LID) – 5th Street Reconstruction Project – Layli Nichols/Mark Shrives

Finance Director Layli Nichols said at the last two meetings the Council has been talking about a proposal for generating a local improvement district for curb, gutter and sidewalk improvements from Scott Street to A Street along North 5th and from 5th Street to 7th Street on West A Street. The public hearing notice was published in the Chronicle identifying property owners and but Ms. Nichols would like to have a continuance of the public hearing to allow for any correspondence received.

After discussion Mayor Bob Hooker called a Special City Council meeting to be held May 26, 2009 at 6:30 PM to continue the public hearing and make a decision on the 5th Street LID.

Mayor Bob Hooker opened the public hearing.

Robert Kozan who resides at 455 North 5th Street Creswell addressed the Council speaking in favor of the 5th Street Reconstruction Project from a safety standpoint. Mr. Kozan said there are many children who walk to school along that section of street that are currently walking in the ditches and alleyways in order to avoid traffic. Mr. Kozan also wanted to know the scope of the plan and the cost per frontage for the proposed improvements along 5th Street. Finance Director Layli Nichols said the cost estimate for his property at 455 North 5th Street is \$2,639.00 and the total cost of the 5th street portion of the project is \$40,571.00. The estimated cost for the A Street portion of the project is \$38,992.00. Mr. Kozan also asked how the project will impact the properties such as extending beyond the right of way limits. Ms. Nichols said the project will be within the existing right of way, and does not believe there is any area that will require the City to acquire additional right of way. Ms. Nichols said there are drawings at City Hall the public is welcome to review and if there are questions she would be happy to answer them.

David Case asked how the homeowners are billed for this. Ms. Nichols explained LID's have a couple of options, the first being to pay in full prior to the actual creation of the LID, although the figures she has this evening are estimates, the actual costs of improvements will be know at the time the contract is awarded. The second option is to enter into a Bancroft agreement with the city, which is a signed promissory note and pay the LID in semi-annual installments over a period of ten years. Ms. Nichols said if the City must borrow money from the bank to support the agreements the interest rate is determined by the bank, if the City is able to carry the notes on their own they will work with the bank to come up with a standard interest rate.

Terry Ritter who resides at 472 Blue Jay Loop asked how long has this project been in planning stages? Mr. Ritter said he purchased his home about four and a half years ago and feels the improvement should have already been paid for by the developer or already included in his mortgage. Mr. Shrives said the Blue Jay Loop side of your property was paid for by the developer because it is in the city limits, but because your backyard abuts Harvey Road the LID was generated by Lane County. Mr. Shrives went on to say there was more than

likely a non-remonstrance agreement in the papers he signed when purchasing his property, stating he would not contest any local improvements should the county choose to improve the street as this project has been in the planning stages for many years. Mr. Ritter said he hasn't received much literature from the County regarding the LID and Mr. Shrives said he would provide him with county contact information tomorrow.

There being no further public testimony Mayor Bob Hooker said the City will continue the 5th Street LID public hearing at the Special City Council meeting scheduled for May 26, 2009, 6:30 PM at the Community Center.

City Attorney Carrie Connelly said she has worked with the city to move them away from the policy of non-remonstrance agreements and towards obtaining the amount estimated to cover the cost of improvements at the time the development is approved. Then the city can sit on that amount until they are ready to begin the project and property owners aren't surprised.

2. Comments from Mayor, Councilors and City Administrator

- a. Cultural Committee Minutes – Jane Vincent
- b. Finance Committee Recommendations – Jean McKittrick
- c. Public Safety Committee Discussion – Bill McCoy

David Case said he is on the mailing list for Safe Routes to School and is aware of money that is available for road improvements and wondered what committee should the information be passed on to? Mr. Shrives said Mr. Case should forward the information on to the chairperson of the Transportation Committee.

Mark Shrives read aloud a press release he received regarding the Siuslaw Bank robbery today. Mr. Hooker said he hoped some sort of recognition can be done for the men who captured the bank robber.

Mr. Hooker asked to postpone the Cultural Committee Meeting recap until the June 8th meeting when Chairperson Jane Vincent is able to attend.

Finance Committee Recommendations

Jean McKittrick said the finance committee met on April 29th to discuss budget recommendations for the budget committee to consider for next fiscal year and gave the following report:

- Personal Services - After review and discussion of the proposed personal service package for the 2009-10 fiscal year the committee recommends a 3.8 percent CPI increase for personal services with no change being recommended for benefits.
- Code Enforcement Officer – After review and discussion the finance committee is recommending the position of code enforcement officer to be included as part of the personal services package for the upcoming year. This position is to be funded initially by grant proceeds in the amount of \$17,853.00 from the Bryne Memorial Grant (JAG).
- Lane County Sheriff's Contract – The committee reviewed the contract for policing services between the City of Creswell and the Lane County Sheriff's department for the 2009-10 fiscal year. The contract reflects a \$10,799.00 increase over the current contract for direct costs related to Sheriff personnel. The committee recommends approval of the proposed contract from Lane County Sheriff as presented.
- City Hall Construction - Ms. McKittrick outlined the three phases of the City Hall construction presenting updated figures for the completion of City Hall as follows:
 1. Phase I consists of the construction of the City Hall shell and the completion of the bottom floor.
 2. Phase II of the City Hall construction is to install the elevator at a cost between \$65,000.00 to \$75,000.00 and complete improvements to the parking lot located on the corner of South 1st and C Streets at a cost of \$110,000.00 up to \$150,000.00. The City has been working to acquire stimulus money to complete the parking lot which would alleviate the cost of improvements if received.
 3. Phase III of the City Hall project is to complete the second floor. The estimated cost excluding extensive casework to finish the second story is \$425,000.00 to \$450,000.00. The awnings for the outside of the building are estimated to cost between \$32,000.00 and \$38,000.00.

The total estimated amount for completion of the City Hall project is estimated to cost \$632,000.00 to \$713,000.00.

- Public Works Facility – The Finance Committee discussed the opportunity to purchase a parcel of property that is fully fenced, and includes existing structures that can be utilized as a public works

shop, a few minor repairs are needed but is move in ready. The staff feels this facility would serve the needs of the public works department for many years to come and is offered at \$1,200,000.00. After much discussion the Finance Committee recommends staff gather more information on the facility in order to present to the Council at a future date.

- Airport Funding – The Finance Committee discussed airport funding, the projected year end fund balance and whether money should continue to be transferred from the general fund to support the airport. The committee recommends the 2009-10 budget include a transfer of money from the general fund to the airport fund if necessary.
- Street Fund Maintenance – A discussion was held regarding the level of maintenance the city will be able to maintain in the future as a result of the loss of the County Road Share Funding. There is no recommendation being made to the Council.

David Case said unemployment in Lane County is over 13%, companies are decreasing benefits and asking management to take voluntary pay cuts to save jobs and feels we need to really think about public scrutiny to the 3.8% CPI and suggested a wage freeze.

Public Safety Committee Discussion

Committee Chair Bill McCoy said the Public Safety Committee met on March 27th and May 6th to discuss the possibility of reviving the Neighborhood Watch Program and to look at how the City's Emergency Preparedness Plan interfaces with Lane County's.

Mr. McCoy said Lane County Sheriff Deputy Bill Hollis attended the May 6th meeting and spoke in support of a neighborhood watch program and offered to work with a group should one be formed, but also pointed out the Sheriff's department has no funds to provide any direct support. The committee reports a Neighborhood Watch Program could provide support to the community in many ways such as community wide patrols, crowd or traffic controls for events or incidents, education to the public on crime prevention and teen drinking as well as graffiti management. Mr. McCoy said Creswell has had Neighborhood Watch programs in the past but they have disbanded due to the lack of active support from the Sheriff's department's budget constraints, the recruitment of new members dropped, and as older members aged they were no longer willing or able to participate. The mobile home park, Creswell Court, on North Pacific Highway is the only current and active Neighborhood Watch group in town. Mr. McCoy said this left the committee with the question "Does the City want to spend the time and money to promote a City wide Neighborhood Watch Program"?

A discussion ensued showing support for the idea of an active Neighborhood Watch Program and getting the City behind this whole heartedly to make Creswell a safe place to live and how the members of the neighborhood watch could work together with a code enforcement officer. The discussion continued regarding startup money to promote the program for background checks, training, communication equipment, office supplies, magnetic vehicle signs, a WEB site, hats, jackets, and time for someone to help coordinate the group. The Council gave consensus to budget \$2,000.00 in the 2009-10 fiscal year for the promotion of a Neighborhood watch program and directed the committee to follow up with Deputy Hollis and Gayle Archer of Lane County Sheriff's Department for information regarding start up requirements and costs that can be provided to the Council.

Mr. McCoy said the second item of business was to look at the City's emergency preparedness plan and how it interfaces with Lane County's. Mr. McCoy said the City has a number of little pieces in a lot of different plans although the first responders in most emergencies are law enforcement officers, fire departments and public works. The City of Creswell Emergency Preparedness Plans includes:

1. Community Emergency Response Team (CERT) – Mr. Shrives is the local contact
2. Securing America's Drinking Water (EPA)
3. City of Creswell Natural Hazards Mitigation Study
4. Oregon Public Works Emergency Response Cooperative Assistance Agreement
5. Hazardous Materials – State Police have jurisdiction on I-5 and have Hazmat response vehicles
6. Lane County Countywide Preparedness Group – Creswell does not currently participate
7. Mr. Shrives is setting up a meeting with Lane County Emergency Manager Linda Cook, South Lane Fire District, School District

Mr. McCoy said the Public Safety Committee recommends creating a document that pulls together all plans with current contact lists for the various agencies and people concerned.

A discussion ensued regarding keeping the Emergency Preparedness Plan Contact List very basic, simple and straight forward and distributing it to the public. Council gave their consensus for the public safety committee to continue forward with the contact list.

3. Correspondence

- A.** Lane County Sheriff – Contract Report for March 2009
- B.** Lane County Sheriff – Calls for Service Report – April 2009

4. Public Forum

Urban Moore who resides at 25 South 5th Street, Creswell spoke in support of David Case and Jane Vincent.

Scott Kinney who resides at 169 South 2nd Street, Creswell asked about the Code Enforcement Officer's duties. Mr. Shrives responded that position will be responsible for enforcing municipal and city code violations.

5. Consent Calendar

A. Approval of Minutes –April 13, 2009 City Council Minutes & April 30, 2009 Special City Council Minutes

B. Approval of Bills – April 2009

Bob Millam moved Jack Gradle seconded to approve the consent calendar as presented. Voted on and carried unanimously.

6. Airport

A. David Evans & Associates Pay Request – Airport Water Line Project

Bill McCoy moved Jack Gradle seconded that invoice #269809 from David Evans & Associates for the Airport Waterline Improvement project in the amount of \$586.84 be approved. Voted on and carried unanimously.

B. Precision Approach Pay Request – Airport Water Line Project

Jack Gradle Moved Jean McKittrick seconded that invoice #1367 from Precision Approach Engineering for the Airport Waterline Improvement Project in the amount of \$391.50 be approved. Voted on and carried unanimously.

7. Public Works

A. CH2MHill Pay Request (Invoice 3699799) WTP Project

Bob Millam moved Bill McCoy seconded that council approve the pay request for CH2MHill, Invoice No. 3699799 in the amount of \$18,635.36 for the water treatment plant project as presented. Voted on and carried unanimously.

B. Harold Primrose Excavating LLC Pay Request #1 – 5th Street Reconstruction Project

Jack Gradle moved Jean McKittrick seconded that pay request #1 for Harold Primrose Excavating LLC for the 5th Street Reconstruction Project in the amount of \$8,554.00 be approved. Voted on and carried unanimously.

C. Harold Primrose Excavating LLC Change Order #1 – 5th Street Reconstruction Project

Jean McKittrick moved David Case seconded to approve change order #1 in the amount of \$1,730.00 from Harold Primrose Excavating LLC for the 5th Street Reconstruction Project. Voted on and carried unanimously.

D. Contractors Incorporated Pay Request #10 – Water Treatment Plant Project

David Case moved Jean McKittrick seconded that council approve pay request No. 10 for Contractors Incorporated in the amount of \$775,585.00 for the water treatment plant improvement and expansion project as presented. Voted on and carried unanimously.

E. Harold Primrose Excavating Pay Request #7 – Waterline Improvement Project

Bill McCoy moved Jack Gradle seconded that pay request #7 for Harold Primrose Excavating LLC for the Waterline Improvement Project in the amount of \$10,922.00 be approved. Voted on and carried unanimously.

F. Contractors Incorporated Change Order #24 – Water Treatment Plant Project

Jack Gradle moved Jean McKittrick seconded to approve change order #24 in the amount of \$2,461.19 from Contractors Incorporated for the water treatment plant improvement and expansion project. Voted on and carried unanimously.

8. Administration

A. Old Business

i. NEDCO (Neighborhood Economic Development Corporation) Regional Housing Center of Lane County Agreement of Support – Mark Shrives

City Administrator Mark Shrives said NEDCO discovered after presenting to the Council at the April 13th meeting, they may not disperse monies for the use of obtaining grant monies. The City of Veneta has agreed to be the applicant for the CDBG grant and is asking for the Creswell City Council's support of NEDCO by identifying the need and supporting them by publicly displaying and distributing Homeownership Center information and to refer people interested in housing to the Homeownership Center.

Bill McCoy moved Jack Gradle seconded that council agrees to support NEDCO as the Regional Housing Center for Lane County. Voted on and carried unanimously.

B. Housekeeping

i. Amend Motion to Contractors Incorporated Change Order #15 (WTP Project) from the January 12, 2008 meeting – Mark Shrives

David Case moved Jean McKittrick seconded to amend the January 12th 2009 motion to modify change order #15 from Contractors Incorporated by changing the approved amount from \$11,958.08 to \$11,968.08 a difference of \$10.00 as presented. Voted on and carried unanimously.

C. Budget Committee Appointments – Layli Nichols/Mark Shrives

Finance Director Layli Nichols said the following citizens have been recommended and have agreed to serve on the budget committee for a period of four years, Pete Nelson, Bob Campbell and Martin Heymann.

Bob Millam moved Bill McCoy seconded to approve the budget committee appointments as presented. Voted on and carried unanimously.

D. Franchise Discussion – Information Only – Mark Shrives

City Administrator Mark Shrives said Charter Communications who holds the franchise for cable television for the City of Creswell has filed for bankruptcy. In the bankruptcy hearing Charter Communications who is restructuring asked permission from the Judge to be allowed to pay their franchise fees and Mr. Shrives reported the City of Creswell has received theirs.

City Administrator Mark Shrives said in response to recent inquiries from councilors he has written a letter to P & J Disposal notifying them of their delinquent status on the garbage franchise fees. Andrea Johnson, co-owner of P & J Disposal was in last week and paid \$5,151.00 on the arrears and stated they will pay the January, February and March fees, a total of \$5116.00 in June. They estimate the April, May and June fees due in July will be approximately \$5,296.00. Mr. Shrives said he will continue to monitor and remind them as deemed necessary.

E. Ordinance 459 – An Ordinance Amending Ordinance 446, Section 9.05.450 (Violation of Park Rules) and Adding Section 9.05.455 (Exclusion from Park).

Finance Director Layli Nichols said lately there have been a number of incidents happening such as minors smoking, drinking and graffiti spray painted on the comfort station at Harry Holt Park. Two local resident deputies approached the City with a copy of a Park Ordinance that the City of Veneta has adopted for their parks and asked if we could do the same sort of thing as it would help them get a handle on some of the activities that are occurring. Ordinance 459 has the same verbiage adopted by the City of Veneta that includes a section on park exclusion that will enable the officers to exclude the violators of park rules from the park. City Administrator Carrie Connelly said her office reviewed this Ordinance when the City of Veneta adopted it.

David Case read twice by title and moved Jack Gradle seconded to approve Ordinance 459, An Ordinance Amending Ordinance 446, Section 9.05.450 (Violation of Park Rules) and Adding Section 9.05.455 (Exclusion from Park). Voted on and carried unanimously.

Mayor Bob Hooker moved Jean McKittrick seconded to appoint the City Administrator to post signs stating this ordinance in the park. Voted on and carried unanimously.

Bob Hooker moved Bill McCoy seconded to amend his original motion that the City Administrator is hereby named as the City Council's designee for issuing orders to post limits of use in City Parks. Voted on and carried unanimously.

F. Essex Construction Change Order #18 – City Hall Project

Bill McCoy moved Jack Gradle seconded that council approve construction change order #18 for Essex General Construction Inc. in the amount of \$2,085.03 for the City Hall Project as presented. Voted on and carried unanimously.

G. Essex Construction Change Order #19 – City Hall Project

Bob Millam moved Bill McCoy seconded that council approve construction change order #19 for Essex General Construction Incorporated in the amount of \$1,071.08 for the City Hall Project as presented. Voted on and carried unanimously.

H. Essex Construction Change Order #20 – City Hall Project

David Case moved Jean McKittrick seconded that council approve construction change order #20 from Essex General Construction Inc. in the amount of a credit of \$1,523.75 as presented. Voted on and carried unanimously.

I. Essex Construction Pay Request – City Hall Project

Jack Gradle moved Jean McKittrick seconded that council approve pay request No. 7 for Essex General Construction Inc. for the City Hall Project in the amount of \$149,637.47 as presented. Voted on and carried unanimously.

J. Nagao/Hansen Architects Pay Request Invoice #8-228 – City Hall Project

Jack Gradle moved Jean McKittrick seconded that council approve invoice #8-228 for Nagao/Hansen Architects P.C. in the amount of \$2,685.00 for services on the City Hall Project as presented. Voted on and carried unanimously.

K. Nagao/Hansen Architects Pay Request Invoice #8-229 – City Hall Project

Bill McCoy moved Jack Gradle seconded that council approve invoice #8-229 for Nagao/Hansen Architects P.C. in the amount of \$1,383.25 for additional services on the City Hall Project as presented. Voted on and carried unanimously.

L. Resolution 2009-13, A Resolution Establishing Fees for City Services and Rescinding All or Portions of Resolutions 93—03, 93-15, 2003-16, 2004-09, 2005-07 and 2005-18.

Finance Director Layli Nichols said during the process of review to Land Use Fees it was discovered there were fees on the fee schedule that necessarily didn't pertain to land use fees and needed to be removed from that schedule. The best way to do this was to consolidate all fees charged for administrative services to be included in one Resolution. Ms. Nichols said the fees in Resolution 2009-13 are not new fees, but a codification of existing fees outlined in numerous resolutions.

Mayor Bob Hooker asked for public any public comment.

There being no public comment, Jack Gradle moved Jean McKittrick seconded to approve Resolution 2009-13, A Resolution Establishing Fees for City Services, and Rescinding All or Portions of Resolutions 93-03, 93-15, 2003-16, 2004-09, 2005-07 and 2005-18 as presented. Voted on and carried unanimously.

9. Clerk's Report – March 2009

10. Upcoming Meetings

- A. Airport Commission Meeting – May 19, 2009 – 6:30 PM**
- B. Planning Commission Meeting – May 21, 2009 – 7:00 PM**
- C. Airport Commission Work Session – May 28, 2009 - 4:00 PM**
- D. May 26th Special Meeting –Public Hearing for the 5th Street Reconstruction Project– 6:30 PM**
- E. June 9th Budget Committee Meeting – 6:30 PM**
- F. June 22nd Budget Hearing – 6:30 PM**

11. Adjournment

There being no further business to come before the council, Mayor Robert Hooker adjourned the meeting at 8:47 PM.

Robert A. Hooker, Mayor

Roberta J Tharp, City Recorder