

City of Creswell  
Council Minutes  
June 8, 2009

Council Present:

David Case  
Bob Hooker  
Jean McKittrick  
Jane Vincent

Jack Gradle  
Bill McCoy  
Bob Millam

Staff Present:

Mark Shrives  
Roberta Tharp  
Layli Nichols  
Roy Sprout  
Shelley Humble  
Denise Walters  
Ken Jones  
Carrie Connelly  
Raja Shah  
Kyle Roberts

City Administrator  
City Recorder  
Finance Director  
Public Works  
Airport Manager  
City Planner (LCOG)  
City Attorney  
City Attorney  
U of O Rare Intern  
U of O Student

Council Absent 0

Press: 2 – Creswell Chronicle & Register Guard

Audience: 24

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. Presentations**

**A. Ordinance 460 – An Ordinance Amending Ordinance No. 438, An Ordinance Vacating a Public Easement Located in Lots 7700, 7800, 7900 and 8000 of the Shops at Emerald Valley and Providing an Effective Date; and Declaring an Emergency – Denise Walters Lane Council of Governments**

City Planner Denise Walters addressed the council and said Ordinance No. 460 amends Ordinance No. 438 adopted in 2006. After staff review of Ordinance 438, it was found to contain conflicting logic therefore, Ordinance 460 clarifies the logic to vacate these easements because when the development was re-designed the lines moved.

David Case read twice by title and moved Jean McKittrick seconded to adopt Ordinance 460 An Ordinance Amending Ordinance 438 An Ordinance Vacating A Public Easement Located in Lots 7700, 7800, 7900 and 8000 of the Shops at Emerald Valley and Providing an Effective Date; and Declaring An Emergency. Voted on and carried unanimously.

**B. Downtown Plan Update – Kyle Roberts**

City Administrator Mark Shrives introduced Raja Shah and Kyle Roberts to the Council. Mr. Roberts is a student at the U of O who is interested in learning about planning and has been volunteering his time to the City of Creswell helping RARE (Resource Assistance for Rural Environments) Intern Raja Shah update the Downtown Plan.

Mr. Shah said he presented the scope of work on the downtown plan update to the Council at the end of last year. His goal was to take the existing 2001 Downtown Plan, evaluate what has been accomplished since the plan was adopted and make updates to it. Mr. Shah began this project knowing the need already exists for more businesses in the downtown area so he casually interviewed current business owners to get their thoughts and feelings on what types of businesses the City lacks and what can be done to attract new businesses to Creswell. Mr. Shah said the evaluation of the current plan is complete and they have compiled an inventory list of downtown businesses and vacant lots within the downtown core of Creswell. In the next month they would like to have a final amendment report to present to the Planning Commission for review and then to Council for adoption.

Mr. Roberts presented a short powerpoint presentation reflecting his observations and evaluations. Key findings of the research are to form a downtown association, complete Oregon Avenue streetscape enhancement from 3<sup>rd</sup>

Street to 5<sup>th</sup> Street, and repair fragmented sidewalks on the side streets. Mr. Roberts inventoried fourteen square blocks of downtown for information on businesses, vacant buildings and vacant lots by using the County's Regional Land Information Database as well as visiting the sites. Mr. Roberts gathered information on each location such as business type, address, zone type, and square footage and further descriptions.

Mr. Shah said the business inventory is very important for such reasons as to know the breakdown of existing business in the area in order to be able to further analyze what types of businesses are missing in Creswell as well as developers or perspective business owners who are looking to start a business can reference the inventory list to know if a special need already exists or if space and need are available. While interviewing business owners a common theme that arose was the need to find a niche market for Creswell, some examples that came up were outdoor recreation gateway, youth focus, enhancement programs where businesses could sponsor banners, trash cans, and planters in order to give the downtown area a consistent look and feel.

Mr. Roberts said for the final amendments they developed five main categories, Marketing such as specialty shops, Public Space such as town square elements like benches, trees and ornamental fountains and shrubs, historical markers, Transportation, Programs like free wireless internet downtown, and Infrastructure

Mr. Shah said these are just a small portion of amendments they will present to the planning commission and he believes outdoor activity is Creswell's niche.

## **2. Comments from Mayor, Councilors and City Administrator**

Mayor Bob Hooker said we had two essays submitted by students in the middle school age group for the If I Were Mayor, I Would.... Contest sponsored by the Oregon Mayors Association. Mr. Hooker provided the Council with a copy of both essays and asked them to read and e-mail him their choice for first place by 5:00 PM, Friday, June 15<sup>th</sup>. Mr. Hooker said we will invite the students to the June 22<sup>nd</sup> meeting for an awards ceremony.

Mayor Bob Hooker asked Councilor Case if on May 29<sup>th</sup> he sent out an email with an attached letter from the FAA to The Register Guard, to himself, and blind copied only a few of the Councilors. Mr. Hooker said the subject line of e-mail read "Finally the FAA is Standing Strong" and included in the body of the e-mail it said "Good to see them fed up with the City stalling and discriminating against one FAA approved recreational aeronautical activity." Mr. Hooker asked David where he obtained this letter as it is the letter that the Council is to discuss later this evening in Executive Session and was only sent to Mr. Shrives and Mr. Moore. Mr. Hooker questioned Mr. Case as to whether this behavior is in the best interest of the City and suitable for a City Councilor. Mr. Case responded he received this letter from Mr. Moore and sent it out to a few of his peers. A discussion ensued amongst members of the Council regarding who received the e-mail and that the City has attorneys that have been handling litigation on this issue for several years and that is what we pay them to do. Discussion continued with this action being very detrimental to the relationship of the rest of the councilors, and this being a very negative way of doing things, we need to be more positive and encourage the City to make positive advances to go forward with things by working together as one unit.

### **a. Cultural Committee Minutes – Jane Vincent**

Committee Chair Jane Vincent said the Cultural Committee met on April 14<sup>th</sup> to discuss the future of the old school/meeting house located on South 2<sup>nd</sup> Street. The building has been placed on the National Historical Registry but is in great need of some major repairs. A discussion ensued regarding the repairs needed and the possibility of the library board helping with efforts to save and restore the building. Mayor Hooker reminded the committee it would take Council consensus and money would have to be budgeted before engaging in a project of this sort.

City Administrator Mark Shrives said League of Oregon Cities is offering an early registration discount for the October conference so please check your calendars and let us know at the July 13<sup>th</sup> meeting if you will be planning on attending.

Mr. Shrives provided an update on Bald Knob in order to clear up rumors that have been floating around town recently. Every year in June when Bald Knob was operational, they would go about 8 miles out to the river and build a diversion that would divert water into Hills Creek. The water then flowed along the creek providing water to approximately 20 – 30 property owners and into the Bald Knob pond and on into Garden Lake. Since Bald Knob is no longer running, the diversion is no longer being tended to and the water levels have dropped considerably. We have coordinated with Bald Knob about how they have handled this situation in the past and Public Works Director Roy Sprout and a hired contractor have gone out and built a diversion so we can get water flowing back into Hills Creek and Garden Lake Park as a temporary fix for this year. Mr. Shrives said he

is working with Pam Reber from the Coast Fork Willamette Watershed Council in setting up a meeting with all the various players to come up with a permanent solution to this problem for the future.

### **3. Correspondence**

- A.** Lane County Sheriff – Contract Report for April 2009
- B.** Lane County Sheriff – Calls for Service Report – May 2009
- C.** LOC City-State Relations Task Force Regional Meeting Invitation
- D.** Letter from Paul Preziose

### **4. Public Forum**

Nelson Page who resides at 2215 Norwood Street, Eugene, aircraft owner and leases a hangar at the Creswell Airport addressed the Council speaking in opposition of skydiving operations at Hobby Field saying the mix at the airport is a hazardous one. Mr. Page said he is a former US Army Officer, Helicopter Pilot and instructor at the US Army Transportation School in West Virginia where he acted as a safety officer for aircraft training operations. Mr. Page told the Council he appreciates their effort in working towards a resolution to the skydiving issue but urged them to use safety as the primary and main emphasis in decision making process for the Creswell Airport.

Clint Berg, mechanic for Urban Moore's aircraft spoke in favor of skydiving.

Royce Bartel who resides at 82675 Sears Road and aircraft owner and airport user spoke in opposition of a skydiving operation on the Creswell airport for safety reasons.

Steve Searle who resides at 51 Village Drive, Creswell and pilot of aircraft at Creswell Airport addressed the Council citing safety issues and concerns and asked the Council to put safety first for all pilots at Hobby Field.

Urban Moore who resides at 24 South 5<sup>th</sup> Street, Creswell and owns Eugene Skydiving business addressed the Council and stated the airport under grant assurances is required to sponsor all types of aviation activities unless there is a safety issue. Mr. Moore said the May 22<sup>nd</sup> letter from the FAA says their decision has changed therefore he needs to sit down and comprise a safety plan together with the city so he can get back to work.

Ben Hallert who resides at 983 Kintzley Ave. Springfield, OR 97478 and is a pilot at the Creswell Airport addressed the Council speaking in opposition of skydiving at Hobby Field said until a safety plan has been defined, established and maintained, and all parties are committed to following the plan and taking responsibility for the importance of direct safety he has many concerns.

Paul Preziose who resides at 35787 Enterprise Road, Creswell and is a flight instructor at Creswell Airport addressed the Council speaking in opposition of allowing skydiving back on the Creswell Airport. Mr. Preziose cited safety reasons, maintenance issues and licensing violations and asked who would be enforcing the rules should the City allow skydiving back on Hobby Field.

David Oswalt who resides at 40803 Deerhorn Road, Springfield, OR and is a pilot and hangar owner at the Creswell Airport addressed the Council and spoke in opposition of skydiving due to safety concerns for pilots and parachutists.

David Koester who resides at 4240 Hilyard, Eugene and is a pilot and hangar owner at the Creswell Airport addressed the Council asking them to look for common ground as a starting point in this issue and then look at moving forward towards safety and the future of the airport.

Louis Lyon who resides at 915 Marquet Way, Eugene owner of airplane and hanger at Creswell Airport addressed the Council regarding skydiving safety at Hobby Field. Mr. Lyon said he feels skydiving should be allowed but only by first putting a safety plan in place, then following and enforcing the rules of the plan.

Bill Kelly, flight instructor and owner of aircraft who resides at 1498 North 8<sup>th</sup> Street, Springfield said there needs to be rules regarding skydiving, and the rules and safety plans need to be followed, with each individual being responsible.

Urban Moore who resides at 24 South 5<sup>th</sup> Street and owner of Eugene Skydivers addressed the Council once again and said he agrees the safety plan he was using was obsolete and should have been updated, but he was

not in violation of licensing or maintenance requirements. Mr. Moore said he has had the FAA inspect his log books and would be happy to allow anyone who wants to inspect them as long as an FAA Official is present.

## 5. Consent Calendar

- A. Approval of Minutes – May 11, 2009 City Council Minutes & May 26, 2009 Special City Council Minutes
- B. Approval of Bills – May 2009

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

## 6. Airport

### A. Precision Approach Engineering Pay Request – Airport Water Line Project

Jack Gradle moved Jean McKittrick seconded that Invoice #1377 in the amount of \$1260.35 for the fire suppression waterline extension at the Creswell Airport be approved. Voted on and carried unanimously.

### B. H & J Construction Pay Request – Airport Water Line Project

Jean McKittrick moved Jane Vincent seconded that pay request estimate #3 in the amount of \$10,267.39 for H & J Construction for the Airport Waterline Project be approved. Voted on and carried unanimously.

### C. FAA Correspondence

With the Council approval Mayor Hooker asked to hear this item farther down the agenda.

### D. Resolution 2009-15 – A Resolution Adjusting the Basic Rental Fees Set Forth In Existing Airport Leases Between The City Of Creswell And Individual Lessees Of Property Located On Hobby Field.

Bill McCoy moved Jane Vincent seconded to adopt Resolution 2009-15, A Resolution Adjusting the Basic Rental Fees Set Forth in the Existing Airport Leases between the City of Creswell and Individual Lessees of Property Located on Hobby Field Airport. Voted on and carried unanimously.

Mayor Hooker requested a two minute recess before entering into executive session per ORS 192.660 (2) (f) at 8:08 PM.

Mayor Hooker reconvened the regular public meeting at 9:55 PM.

Mayor Hooker said in response to the FAA letter dated May 22, 2009 and the May 28, 2009 meeting between City Administrator Mark Shrives, City Attorney Ken Jones and the FAA, Mayor Hooker moved Bob Millam seconded the Creswell City Council authorizes further action on skydiving safety issues as follows:

1. A letter to the FAA confirming the process that will be used for developing a safety plan and drop zone area.
2. Review, Finalize which includes coordinating with the Glider Safety Plan, a Safety Plan for the airport for skydiving use and a user agreement that would relate to the safety plan.
3. Try to find an independent safety zone evaluator to advise the City as to whether or not there is within airport property a safe drop zone. Review of the safety plan that it would be consistent with that drop zone and what level of skydiving would be allowed in that drop zone.
4. A trial period for the safety plan and drop zone use.

Additionally, review what we had with the Cities Insurance carrier to verify that they would or would not continue to provide coverage to the city if skydiving operations were allowed and or what limitations they would place on that coverage. Voted on and carried unanimously.

Mayor Hooker moved Bill McCoy seconded to direct staff to complete a Freedom of Information Act request to the FAA to get copies of all the information that has been going back and forth regarding skydiving at the Creswell Airport that the city has not seen. Voted on and carried unanimously.

## 7. Public Works

Mr. Shrives provided the Council with project updates:

Water Treatment Plant – Pall Corporation (membrane filter manufacturer) is getting ready to set the start-up schedule with Contractors Incorporated and City Engineer Ron Stahelin in order to meet the required operational date of September 1<sup>st</sup>. Mr. Shrives said the project won't be complete by the first of September but the plant will be producing water with the membrane filter system at that point. Mr. Shrives is currently having discussions with the contractor on extending the contract due to some equipment problems they have endured during the project.

City Hall Project - Mr. Shrives said the City Hall Project is moving along nicely and Phase One should be completed in early August. The telephone system and computers will be installed in September and staff should be settled in the new building by the end of September.

**A. CH2MHill Pay Request (Invoice 3702853) WTP Project**

Bob Millam moved Jack Gradle seconded that council approve the pay request for CH2MHill, Invoice No. 3702853 in the amount of \$26,860.46 for the water treatment plant project as presented. Voted on and carried unanimously.

**B. Contractors Incorporated Pay Request #11 – Water System Improvement Project**

David Case moved Jean McKittrick seconded that pay request #11 for Contractors Incorporated be approved in the amount of \$292,893.00 for the Water Treatment Plant Improvement and Expansion Project as presented. Voted on and carried unanimously.

**C. Harold Primrose Excavating LLC Pay Request #8 Final – Water Line Improvement Project**

Bob Millam moved Jean McKittrick seconded to approve pay request #8 for Harold Primrose Excavating LLC for the Waterline Improvement Project in the amount of \$31,360.00. Voted on and carried unanimously.

**D. Contractors Incorporated Change Order #25– Water Treatment Plant Project**

Bill McCoy moved Jane Vincent seconded that council approve change order #25 in the amount of \$2,706.86 from Contractors Incorporated for the water treatment plant improvement and expansion project. Voted on and carried unanimously.

**E. Contractors Incorporated Change Order #26 – Waterline Improvement Project**

Jean McKittrick moved David Case seconded to approve change order #26 in the amount of \$1,181.23 from Contractors Incorporated for the water treatment plant improvement and expansion project. Voted on and carried unanimously.

**F. Public Road Easement**

Mr. Shrives said in order to move forward with the Harvey Road/5<sup>th</sup> Street Project and allow the County to be compliant with the DEQ's drainage standards; the County has purchased a strip of property from Foster Farms to be used as a right of way to install a bio-swale. When the project is complete, Lane County will dedicate the public road easement to the City of Creswell.

Jack Gradle moved Jean McKittrick seconded to approve the Dedication of Public Road Easement from Foster Poultry Farms. Voted on and carried unanimously.

**8. Administration**

**A. Resolution No. 2009-14, A Resolution Charging Off Delinquent Water/Sewer Accounts**

Finance Director Layli Nichols said the City Auditor has recommended that the delinquent water and sewer accounts sitting on the books that the City has made every effort to collect on with no results should be deemed as uncollectable and written off. Ms. Nichols said these accounts are a result of customers moving out of the area, bankruptcy or the customer is deceased.

David Case moved Jean McKittrick seconded to approve Resolution No. 2009-14, A Resolution Charging Off Delinquent Water/Sewer Accounts as presented. Voted on and carried unanimously.

**B. Ordinance 461, An Ordinance Re-establishing A Water Reserve Fund For The City of Creswell, Repealing Ordinance No. 393 and Declaring An Emergency**

Jack Gradle read twice by title and moved Jean McKittrick seconded to adopt Ordinance No. 461, An Ordinance Re-establishing A Water Reserve Fund For The City of Creswell, Repealing Ordinance No. 393 and Declaring An Emergency. Voted on and carried unanimously.

**C. Ordinance 462, An Ordinance Re-establishing A Sewer Reserve Fund For The City of Creswell, Repealing Ordinance No. 394 And Declaring An Emergency.**

David Case read twice by title and moved Jean McKittrick seconded to adopt Ordinance No. 462, An Ordinance Re-establishing A Sewer Reserve Fund For The City of Creswell, Repealing Ordinance No. 394 And Declaring An Emergency. Voted on and carried unanimously.

**D. Nagao/Hansen Architects P.C. Pay Request – City Hall Project**

Bob Millam moved Jack Gradle seconded that Council approves invoice #8-245 for Nagao/Hansen Architects P.C. in the amount of \$2,567.75 for services on the City Hall Project as presented. Voted on and carried unanimously.

**E. Nagao/Hansen Architects P.C. Pay Request – City Hall Project**

David Case moved Jean McKittrick seconded that Council approves invoice #8-246 for Nagao/Hansen Architects P.C. in the Amount of \$547.00 for additional services on the City Hall project as presented. Voted on and carried unanimously.

**F. Essex Construction Pay Request #8 – City Hall Project**

Jean McKittrick moved David Case seconded that council approve pay request #8 for Essex General Construction Inc. in the amount of \$131,458.06 as presented. Voted on and carried unanimously.

**G. Essex Construction Change Order 21 – City Hall Project**

Jack Gradle moved Jean McKittrick seconded that council approve construction change order #21 for Essex General Construction Incorporated in the amount of \$2,322.59 for the City Hall Project as presented. Voted on and carried unanimously.

**H. Essex Construction Change Order #22 – City Hall Project**

Bill McCoy moved Jack Gradle seconded that council approve construction change order #22 for Essex General Construction Inc., for the City Hall Project in the amount of \$1,087.37 as presented. Voted on and carried unanimously.

**I. Essex Construction Change Order #23 – City Hall Project**

David Case moved Jean McKittrick seconded that council approve construction change order No. 23 for Essex General Construction Inc. for the City Hall Project in the amount of \$760.44 as presented. Voted on and carried unanimously.

**J. Essex Construction Change Order #24 – City Hall Project**

Jack Gradle moved Jean McKittrick seconded that Council approves construction change order #24 for Essex General Construction Inc., for the City Hall project in the amount of \$2,201.99 as presented. Voted on and carried unanimously.

**9. Clerk's Report – April 2009**

**10. Upcoming Meetings**

- A.** June 9th Budget Committee Meeting – 6:30 PM
- B.** June 11, 2009- Public Safety Committee Meeting – 7:00 PM
- C.** June 22<sup>nd</sup> Budget Hearing – 6:30 PM
- D.** August (Date TBD) Work Session – City Council/Airport Commission

**11. Adjournment**

There being no further business to come before the council, Mayor Robert Hooker adjourned the meeting at 10:12 PM.

---

Robert A. Hooker, Mayor

---

Roberta J Tharp, City Recorder