

City of Creswell
City Council Minutes
September 13, 2010

Council Present:

Mike Anderson Jack Gradle
Bob Hooker Bill McCoy
Jean McKittrick Jane Vincent

Staff Present:

Mark Shrives City Administrator
Roberta Tharp City Recorder
Layli Nichols Finance Director
Roy Sprout Public Works Director
Shelley Humble Airport Manager
Denise Walters City Planner
Wes Johnson RARE Intern
Lissa Davis Code Enforcement
 Officer

Council Absent: 1 Bob Millam – Excused

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.

***Agenda Item #1 – Public Hearing on Ordinance No. 466 was heard out of order and follows Agenda Item #6 – Public Forum.**

2. Public Hearing - Ordinance 467 – An Ordinance Amending The City Of Creswell Comprehensive Land Use Plan Diagram and Creswell Development Code Zoning District Map For Certain Land Within The City (Assessor’s Map 19-03-14-12, Tax Lots 200, 400 and 500)

City Planner Denise Walters passed out a revised Agenda Item Summary, disclosed the review criteria and reviewed the technical aspects of testimony in the Public Hearing.

The findings of fact must rely on the City’s currently adopted plans: The 1982 Comprehensive Plan, The 1998 Transportation Plan and the 2005 Economic Opportunities Analysis. Ms. Walters explained the City is in the process of updating the Comprehensive Plan and has used some of the information collected in The Buildable Lands Inventory. The currently adopted Comprehensive Plan and the draft Residential Buildable Lands Inventory indicate the City’s need for more supply of residential lands and more diversity in housing types.

The proposal is to redesignate Assessors Map 19-03-14-12, Tax Lots 400 and 500 from a Commercial Designation to Residential, and to rezone Assessors Map 19-03-14-12, Tax Lot 200 from Low Density Residential to Medium Density Residential and Tax Lots 400 and 500 from General Commercial to Medium Density Residential.

Mayor Hooker opened the public hearing on Ordinance 467 An Ordinance Amending The City Of Creswell’s Comprehensive Land Use Plan Diagram and Creswell Development Code Zoning District Map For Certain Land Within The City (Assessor’s Map 19-03-14-12, Tax Lots 200, 400 and 500).

Mary Bridget Smith, Attorney from Leahy, Van Vactor and Cox LLP, 188 West B Street, Springfield Oregon, representing and speaking on behalf of the applicant spoke in favor of the Creswell Planning Commission recommendation to approve the plan amendment and zone change. Ms. Smith said the plan for this 6.75 acre piece of property is to build multi-family units that will help fill a need in Creswell.

There being no other testimony Mayor Hooker closed the Public Hearing

Jane Vincent moved to postpone adopting Ordinance 467 until the October meeting to allow more time to study the proposal. The motion died for a lack of a second.

Jack Gradle read twice by title and moved, Bill McCoy seconded that City Council adopt Ordinance 467 - An Ordinance Amending the City of Creswell Comprehensive Land Use Plan Diagram and Creswell Development Code Zoning District Map For Certain Land Within The City (Assessor's Map 19-03-14-12, Tax Lots 200, 400 and 500) and the findings of fact for PA-2010-01 as presented. Voted on with Councilors Gradle, McKittrick, Hooker, McCoy and Anderson voting in favor, and Councilor Vincent opposing.

Jack Gradle read twice by title and moved, Jean McKittrick seconded that the City Council adopt Ordinance Number 467 - An Ordinance Amending the City of Creswell Comprehensive Land Use Plan Diagram and Creswell Development Code Zoning Map For Certain Land Within The City (Assessor's Map 19-03-14-12, Tax Lots 200, 400 and 500) And The Findings Of Fact for ZC-2010-01. Voted on with Councilors Gradle, McKittrick, Hooker, McCoy and Anderson voting in favor and Councilor Vincent opposing.

3. Resolution 2010-19-A Resolution Supporting A Grant Application To the Oregon Department of Transportation's Transportation Enhancement Grant Program For South 10th Street And Delegating Authority To The City Administrator To Sign The Application

Bill McCoy moved Mike Anderson seconded that the City Council approve Resolution Number 2010-19, A Resolution Supporting a grant application to the Oregon Department of Transportation's Transportation Enhancement Grant Program for South 10th Street and delegating authority to the City Administrator to sign the application. Voted on and carried unanimously.

4. Comments from Mayor, Councilors and City Administration

Jack Gradle reported he attended the Young Eagle Day at Creswell Airport last Saturday and felt it was a very good event. Airport Manager Shelley Humble said the three participating pilots gave rides to forty seven children.

Mark Shrives introduced and welcomed Wes Johnson the incoming RARE (Resource Assistance for Rural Environments) intern for the 2010-2011 year.

Mark Shrives asked Ryan Dodson, President of CYAC (Creswell Youth Advisory Committee) to introduce him self and members of CYAC to the Council. The committee members present are: McKenna Lutje, Corey Yula and Aaron Porter, U of O Youth Coordinator.

5. Correspondence

There were no comments.

6. Public Forum

Bill Hastings who resides at 269 North 5th Street addressed the Council with concerns regarding the quality of loam placed in his front yard by the contractor during the Local Improvement District No. 15 work was being completed.

***Agenda Item #1**

1. Public Hearing - Ordinance 466 - An Ordinance Providing for the Final Assessment for a Public Improvement Known As Local Improvement District No. 15 - Both Sides of North 5th Street From A Street To The South Side Of Scott Street and A Street From North 4th Street to North 7th Street, Curbs, Gutters and Sidewalks

Mayor Hooker opened the public hearing on Ordinance 466 An Ordinance Providing for the Final Assessment for a Public Improvement Know As Local Improvement District No. 15 - Both Sides of North 5th Street From A Street to the South Side of Scott Street and A Street from North 4th Street to North 7th Street, Curbs, Gutters and Sidewalks. There being no public testimony, Mayor Hooker closed the Public Hearing.

Finance Director Layli Nichols explained written testimony from Bill Hastings who resides at 269 North 5th Street and Dennis and Annette Whittington who reside at 555 West A Street are included in the packet. She will be sending out Bancroft letters giving residents until October 11th to return the applications. The Siuslaw Bank loan will close on October 15th.

A discussion ensued regarding soil that was placed in the right-of-way and Mr. Shrives said the issue at hand here is the Local Improvement District is for the curbs, gutters and sidewalks not the soil. Mr. Shrives explained the City has been in contact with the contractor and they are looking into the soil issue. Further discussion ensued

regarding the City Engineer Ron Stahelin corresponding and working with each property owner to ensure they received what they wanted.

Jean McKittrick read twice by title and moved, Mike Anderson seconded to adopt Ordinance 466 An Ordinance providing for the final assessment for a public improvement known as Local Improvement District No. 15 – Both Sides of North 5th Street From A Street to the South Side of Scott Street And A Street From North 4th Street to Nth 7th Street, Curbs, Gutters and Sidewalks, as presented. Voted on with Councilors Anderson, Gradle, Hooker, McCoy and McKittrick voting in favor and Jane Vincent voted in opposition.

Mr. Shrivess unsure of the wording in the LID Ordinance announced the City will have to put the loan on hold due to the lack of a unanimous approval of the Ordinance. A discussion ensued regarding the LID is only for Curbs, Gutters and Sidewalks not the soil prompted the Council to agree to repeat the voting process.

Jean McKittrick read twice by title and moved, Mike Anderson seconded to adopt Ordinance 466 An Ordinance providing for the final assessment for a public improvement known as Local Improvement District No. 15 – Both Sides of North 5th Street From A Street to the South Side of Scott Street And A Street From North 4th Street to Nth 7th Street, Curbs, Gutters and Sidewalks, as presented. Voted on and carried unanimously.

7. Consent Calendar

Bill McCoy moved Jack Gradle seconded to approve the Consent Calendar as presented. Voted on and carried unanimously.

8. Airport

A. Resolution 2010-20 – A Resolution Accepting Federal Aviation Airport Improvement Program Grant #3-41-0083-007 Amendment No. 2; And Changing Appropriations Within The Airport Fund

Jack Gradle moved Mike Anderson seconded to approve Resolution 2010-20, A Resolution accepting Federal Aviation Airport Improvement Program Grant #3-41-0083-007 Amendment No.2; and Changing Appropriations Within the Airport Fund. Voted on and carried unanimously.

B. Resolution 2010-21 – A Resolution Accepting Oregon Department of Transportation, Connect Oregon III Rural Airports Grant Award; And Changing Appropriations Within The Airport Fund

Bill McCoy moved Jean McKittrick seconded to approve Resolution 2010-21, A Resolution Accepting Oregon Department of Transportation, Connect Oregon III Rural Airports Grant Award; and Changing Appropriations Within the Airport Fund. Voted on and carried unanimously.

C. Resolution 2010-22 - A Resolution Accepting Federal Aviation Airport Improvement Program Grant #3-41-0083-008 Amendment No. 1; And Changing Appropriations Within The Airport Fund

Jean McKittrick moved Bill McCoy seconded to approve Resolution 2010-22, A Resolution Accepting Federal Aviation Airport Improvement Program Grant #3-41-0083-008 Amendment No. 1; and Changing Appropriations within the Airport Fund. Voted on and carried unanimously.

D. Resolution 2010-23 – A Resolution Accepting Oregon Department of Transportation, Connect Oregon III Airports Grant Award; And Changing Appropriations Within The Airport Fund

Bill McCoy moved Jean McKittrick seconded to approve Resolution 2010-23, A Resolution Accepting Oregon Department of Transportation, Connect Oregon III Rural Airports Grant Award; and Changing Appropriations Within the Airport Fund. Voted on and carried unanimously.

9. Public Works

10. Administration

A. Interagency Agreement between the City of Creswell and Emerald People's Utility District (EPUD) Discussion

Jean McKittrick moved Jack Gradle seconded to approve the Interagency Agreement between the City of Creswell and Emerald Peoples Utility District Transferring Ownership of EPUD Lighting to the City of Creswell. Voted on and carried unanimously.

B. Garden Lake Park Trails Restoration Grant & Resolution

i. Oregon Parks & Recreation Grant for Trail Restoration at Garden Lake Park

Bill McCoy moved Jack Gradle seconded to approve RTP Grant Program Agreement RT10(017) Garden Lake Park Trail Restoration Between the City of Creswell and Oregon Parks and Recreation Department. Voted on and carried unanimously.

ii. Resolution 2010-24, A Resolution Appropriating Oregon Parks And Recreation Department Recreational Trails Grant Funds Within The General Fund

Bill McCoy moved Jack Gradle seconded to approve Resolution 2010-24, A resolution appropriating Oregon Parks and Recreation Department Recreational Trails Grant Funds within the General Fund, as presented. Voted on and carried unanimously.

C. I/A – Lane County Public Works for Operational and Bridge Maintenance Services

Jack Gradle moved Jean McKittrick seconded to approve the Intergovernmental Agreement with Lane County Public Works Department for Operational and Bridge Maintenance Services for the City of Creswell. Voted on and carried unanimously.

D. Sign Ordinance (No. 448) Update

Lissa Davis Code Enforcement Officer addressed the Council providing an update on the Sign Ordinance Committee's review of Ordinance 448. A working group consisting of Shawn Hittenberger, owner of Windemere Real Estate, Bob Dugree, owner of Snack Shack, Councilor Jack Gradle and Code Enforcement Officer Lissa Davis has been working to update Ordinance 448 – Sign Ordinance. The group feels they need more time to review the outdated ordinance and recommend an additional 90 days for review. The Council gave their consent to extend the moratorium of sign code enforcement for an additional 90 days during which time staff will include the working group recommendations into the sign code revisions and present to the City Council at the November Council meeting for consideration.

E. Discussion – Audit Selection Process-

Mark Shrives reported he has put out an RFP (Request for Proposal) for a City Auditor. The RFP will run in the Eugene Register Guard and the Daily Journal of Commerce. Proposals are due on or before October 1st and interviews will begin around the 7th. Staff will bring their recommendations to the October 11th City Council and upon approval will issue a note of award on October 12th. Mr. Shrives asked the finance committee, Councilors McKittrick, McCoy and Millam to be involved with the interview process.

F. Discussion – Water Leaks

Mark Shrives reported our current Water Ordinance does not allow staff to adjust for water leaks. The Cities of Cottage Grove and Grants Pass have policies for dealing with adjustments for leaks and outline stipulations for receiving the adjustment. During the past couple of months we have a couple of accounts that reflect rather significant leaks that meet the criteria for adjustment due to it being an underground leak. Mr. Shrives recommended to the Council they set a policy allowing adjustments for leaks that meet certain criteria (such as an underground leak) and the process and paperwork required to receive an adjustment. The Council gave their consensus for staff to bring back an Ordinance to the October meeting that will address water leaks, the criteria for an adjustment and the process and paperwork for determining eligibility for adjustment.

11. Clerk's Report – None

12. Upcoming Meetings

1. September 22, 2010 - Cobalt Building Capital Campaign Committee Meeting – Community Center – 6:00 PM
2. October 11, 2010 – City Council Meeting – Community Center – 7:00 PM
3. October 21, 2010 – Planning Commission Meeting –Community Center - 7:00 PM

Adjournment

There being no further business to come before the council, Mayor Robert Hooker adjourned the meeting at 8:00 PM.

Robert A. Hooker, Mayor

Roberta J Tharp, City Recorder