

The regularly scheduled council meeting was called to order by Mayor Ron Petitti and the pledge of allegiance given.

Council Present:

Ron Hanson	Cathy Morgan
Bob Millam	Bill McCoy
Alan Bennett	Tim Demanett

Council Absent: 0

Staff Present:

Mark Shrives	City Administrator
Layli Nichols	Finance Director
Megan Banks	City Planner
Shelley Humble	Airport Manager

Press: 2

Audience: 20

1. Public Hearings

- a. Hearing regarding proposed Resolution No. 2005-21, which would increase existing land use application fees to reflect increased City costs in processing such applications.

City Administrator Mark Shrives and City Planner Megan Banks noted the City Council last raised all planning fees in 2002. Mr. Shrives and Mrs. Banks reviewed the current fee schedule and looked at costs the city is paying as opposed to the processing costs incurred. He explained the application review process costs much more than the fees collected and as a result the general fund is subsidizing the planning department. He further explained the proposed rate schedule would charge a basic fee for the average amount of time spent per application and charge by the hour for those which exceed the minimum. Mayor Ron Petitti opened the public hearing. No comments were received. Mayor Petitti closed the public hearing.

- b. Ordinance No. 430, an Ordinance amending the Creswell Comprehensive Plan, adopting the Economic Opportunities Analysis, Associated Preliminary Urbanization Study, and Economic Policies.

Megan Banks, City Planner stated the city council and the planning commission had a work session last month and had been given a presentation then. She noted that nothing new has been presented since that time. Mayor Ron Petitti opened the public hearing. No comments were received. Mayor Petitti closed the public hearing.

2. Comments from Mayor, Councilors, and City Administrator

Mayor Ron Petitti stated he had received a letter from the SMART (Start Making a Reader Today) Program and Governor Ted Kulongoski requesting the month of September to be declared as SMART month, bringing awareness to this program within our schools. Mayor Petitti declared September 2005 as SMART month. Mayor Petitti also wants to let the Council and audience know about a training

seminar sponsored by the Ford Family Institute to be held on September 30, 2005, October 1, 2005, and October 7, 2005. This training will be held in Cottage Grove and noted that it was held last year and had received excellent reviews. Mayor Petitti said to contact himself for more information.

### 3. Special Presentations

- a. Requirement for Veterinarians to report rabies inoculations – (Mike Wellington of Lane County Animal Regulation Authority)

City Administrator Mark Shrives received a letter from Mike Wellington, Program Manager for LCARA (Lane County Animal Regulation Authority) to approve a resolution consenting to the application of Lane County Ordinance No. 19-04 within the city limits, as adopted by Lane County. This ordinance would require a veterinarian to report to the County the issuance of rabies vaccinations. Mr. Wellington noted this program is used throughout the country and provides information to authorities by tracking animals that have been inoculated. He noted it is the law for animals to be vaccinated and have rabies inoculations. Discussion was held regarding owner information being vulnerable and Mr. Wellington assured the City, the County had taken precautions to protect private information. This ordinance would generate good revenue for the city, is good for pets, and could help the City with spay and neuter clinics. Mr. Wellington referred to a letter from Dr. Sheri Schlorman, DVM, Creswell Veterinary Hospital, regarding her concerns. Dr. Schlorman's letter stated her clients do not want their personal information available to anyone who requests it, some have more dogs than are allowed by code and they risk losing them (as has happened in the city of Eugene), and that they can afford to have their animals inoculated for rabies, but cannot afford to have them licensed. Mr. Wellington said the fees for licensing in Lane County are \$15 per year for an altered animal, \$35 for unaltered. Discussion was held regarding what LCARA revenue is used for and Mr. Wellington said it is used for enforcement and care of lost, stray, and injured animals. City Councilor Ron Hanson asked how many licenses are issued by the city per month at this time, and Finance Director Layli Nichols said she did not have those statistics but would be able to bring them to the next council meeting.

Dr. Sheri Schlorman, DVM, Creswell Veterinary Hospital, 345 W. Oregon Avenue, Creswell, stated many people would choose not to have rabies inoculations if this information is sent to Lane County. She noted that approximately 100 dogs per year would not be vaccinated if she had to report this information. Dr. Schlorman noted, per her experience, that there is a very high price to pay, i.e.: euthanization, if by her reporting, her clients were told they could not have all of their animals due to regulation. Dr. Schlorman stated she is a proponent for licensing but does not feel it is fair to require her to do this. She feels a veterinarian should not be a policing agency for licensing. Dr. Schlorman asked the City Council not to adopt the code.

David Calderwood, Creswell, stated he is a dog breeder and in opposition to this ordinance. He has each dog tested and inoculated and licensed by Lane County. Mr. Calderwood stated that Senate Bill 556 brought to the legislature in late spring and did not pass for lack of support. He stated this is a health issue involving rabies and there has not been a case of rabies in 27 years. He feels public safety not an issue here but revenue is always an issue. Mr. Calderwood questioned the privacy of the database and stated that revenue will go up until the animal owners find out the county knows how many animals they have, and then the revenue will go down because the animal owners will not license their animals for fear of losing them.

Bob Still, 83076 N. Bradford Road, Creswell, provided a copy of a letter written by his wife, Lorraine Still. In her letter, Mrs. Still stated her opposition to the application of Lane County Ordinance #19-04

in the City of Creswell. She noted that from public health and safety standpoint, it is more important to vaccinate your animals from rabies than it is to license them. She urges the City Council to not adopt the resolution.

Discussion was held and the Council gave consensus to table this item to the regularly scheduled Council Meeting in October. The Council asked to be provided more information regarding current licensing within the City.

b. Preliminary Urbanization Study for Creswell (David Helton – EcoNorthwest)

David Helton, EcoNorthwest, gave a Power Point presentation showing the potential Urban Growth Boundary (UGB) expansion with a Comprehensive Plan update for community growth. EcoNorthwest conducted an economic analysis and recognized commercial and industrial land needed in the City of Creswell. He noted the City is updating its Comprehensive Land Use Plan and the Region 2050 Plan calls for substantial growth in the Creswell area. Industrial and commercial development sites are needed to meet the City's goals for development. Mr. Helton said LCOG (Lane Council of Governments) asked EcoNorthwest to do a preliminary urbanization analysis and look at state requirements that set priorities for the UGB expansion. He noted the types of land being looked at are urban reserves, exception land, marginal land, farmland, and forestland. He also noted there are seven factors to consider for a UGB expansion which include accommodating growth, need for housing and employment, orderly provision of public facilities, efficiency of land use, environmental energy, economic and social impacts, retention of agricultural land, and compatibility of urbanization with agricultural land. Mr. Helton showed the council what areas are being evaluated and stated these areas are being defined based on being contiguous to the urban growth boundary. In addition, the study included assumptions of how much growth the City would like to plan for. He said the amount of land in any UGB expansion cannot exceed the amount needed for housing, employment, and public uses. All areas except Emerald Valley East and Southeast can accommodate development. The North, Southwest, and Airport East are suited for employment uses. Any expansion should anticipate the eventual merging of wastewater systems. Areas lower than the wastewater treatment plant may require pumps. Development on Creswell Butte may require a reservoir or other system for pressure. It was noted that efficiency of land uses refers to areas contiguous to existing development. All of Creswell's areas meet this definition of efficiency. The Northwest and West are most suitable for residential uses. The areas in the flood plain or wetlands have a potential for the most environmental impact. The expansion of lands actively farmed has a potential for economic impacts. Exceptions land has a potential for social impacts. All of Creswell's expansion areas are mostly composed of soils Class IV or better. Northwest, West, Southwest, and Central have the lowest-priority soil classes. Emerald Valley East, Airport East, North, and Southeast have largest area with Class I or II Soils. Urban uses can impact the nearby agricultural operations and the Southwest, Southeast, Emerald Valley East and Central areas appear to have the fewest compatibility impacts. Mr. Helton stated in summary that there is no obvious or easy decision and each area involves trade offs. Mr. Helton stated the next steps are: to establish principles for urban development, quantify the need for land, examine specific parcels using criteria and factors of Oregon's Land Use system, use the public process to select preferred alternatives for the UGB expansion, and make decision at the local level based on the findings. City Councilor Bill McCoy asked about Measure 37 claims. City Administrator, Mark Shrives, stated that all annexed property owners are signing a Measure 37 waiver. City Councilor Ron Hanson asked about the schedule to continue looking at the expansion of the UGB. City Administrator Mark Shrives said he would like to put money in next year's budget work on UGB expansion.

c. Planning Commission Work for Calendar Year 2004 (Megan Banks/Keith Morgan)  
Keith Morgan, Planning Commission Chair presented the Planning Commission Work Calendar 2004 Year-End Summary. City Administrator, Mark Shrives, stated they have had a very engaged commission this year and have been involved in many areas. Mayor Ron Petitti thanked the Planning Commission for all of their hard work.

4. Public Forum

Lane County Commissioner Faye Stewart said he would be holding a Public Town Hall forum to discuss public safety, on September 13, 2005 at the Creswell Community Center from 6:00 p.m. to 8:00 p.m. He also noted he would be open to any other concerns that the citizens of Creswell had.

5. Correspondence

- a. Letter from Lane County Public Works - Modernization Projects for the 2008-2011 Statewide Transportation Improvement Program.
- b. 80<sup>th</sup> Annual League of Oregon Cities Conference
- c. Information from League of Oregon Cities regarding Hurricane Katrina
- d. Information from League of Oregon Cities regarding Student Poster and Essay Contest
- e. Letter from Sheri Schlorman, DVM Creswell Veterinary Hospital

6. Consent Calendar

- a. Approval of Bills for Payment
- b. Approval of Minutes of July 12, 2004 City Council Meeting
- c. Approval of Minutes of September 27, 2004 City Council Work Session
- d. Approval of Minutes of October 11, 2004 City Council Meeting
- e. Approval of Minutes of January 10, 2005 City Council Meeting
- f. Approval of Minutes of February 7, 2005 City Council Meeting
- g. Approval of Minutes of August 8, 2005 City Council Meeting
- h. Correction of reconciliation error (Will be distributed at meeting)

It was noted item H on the agenda would be presented at the next meeting.

Bob Millam moved Bill McCoy seconded to approve Consent Agenda Items A through G as presented. Voted on and carried unanimously.

7. Old Business

- a. Update on Land/Building Donation

City Administrator Mark Shrives said the Parks Committee met regarding possible uses for the building owned by Mr. Ross Murry located at 33697 East West Lane. Mr. Murry's intention is to donate the structure and a portion of land to the City in order to meet the open space requirement for his proposed development. Discussed was the need for an environmental assessment of the site, which Mr. Murry is currently conducting. Irrigation and landscaping would be completed before the City would take ownership of the property. A discussion ensued regarding the street access and Mr. Shrives asked if the City should accept Mr. Murry's proposal and plan for future use once the structure has been donated to the City. Alan Bennett moved Ron Hanson seconded, that staff continue discussions with Mr. Murry regarding donation of the building located at 33697 East West Lane. Voted on and carried unanimously.

- b. Engineer Contract for Water Project

City Administrator Mark Shrives said CH2M Hill Inc. had been awarded the engineering contract for the

City's Water System Improvement Project. Mr. Shrives referred to the agreement included in the council packet and noted the packet included the scope of work to be performed and the contract. Mr. Shrives reviewed the proposal and discussed items he felt were missing and related costs. He noted the original proposal did not include a tank at the Grasslands site, and CH2M Hill felt confident they would be able to install a tank on the site. Mr. Shrives stated the total proposal, including potential change orders was approximately \$1.18 million, and felt the costs are not out of line and he was comfortable with the proposal. Mr. Shrives stated several items were negotiated out of the contract and the final draft of the contract was attached. It was noted the application had been preliminarily accepted by the funding agency but final funding award is delayed until an environmental assessment is conducted by the Department of Environmental Quality. The engineering contract would not be signed until October 15, 2005. Mr. Shrives asked the council to approve the contract for professional engineering services between CH2M Hill, Inc. and the City of Creswell as presented, noting any additional design features previously discussed would be presented to the Council for approval in the form of change orders. Ron Hanson moved Tim Demanett seconded, to approve the engineering services contract for the Water System Improvement Project with CH2MHill in an amount not to exceed \$1,169,000 as presented. Voted on and carried unanimously.

#### 8. Airport

##### a. Update Regarding Ongoing Issues at Creswell Airport

Airport Manager Shelley Humble gave a Power-point Presentation and hand out regarding the ongoing issues at the Creswell Airport. The purpose of the presentation was to present and discuss: safety concerns and complaints at the airport, update the Council on the Airport Commission progress regarding the Airport User Agreement, update the council regarding potential liability issues with ODOT leased property, present the Risk Assessment to the Council, and ask for City Council direction. Mrs. Humble stated the safety concerns were skydivers jumping through clouds, skydivers crossing over an active runway below minimum altitude, skydive aircraft diving into the flight pattern, skydive aircraft using an abbreviated flight pattern, skydivers and pedestrians crossing runway in front of aircraft, skydivers swooping between hangers outside the drop zone, and drop zone accuracy. She noted she is working with the Airport Commission to implement rules and regulations to make it safe for everyone that uses the airport. She then showed visual approach to Runway 33 and visual review of jumpers and landing showing unsafe conditions and complaints. Mrs. Humble gave a brief update on the User Agreement a short history of the incidents that brought this to the council. She then handed the presentation over to Michael Harris, General Aviation Operations Supervisor, Northwest Mountain Region, Flight Standards Division, and Portland, Oregon. Mr. Harris stated their three main priorities in order of importance are: accidents, complaints and investigations, and certifications. Mr. Harris stated they are making Creswell a priority. He handed out an FAA brochure explaining how to file a complaint noting aircraft identification is critical. Mayor Ron Petitti asked if there are ongoing investigations at the Creswell Airport. Mr. Harris stated there is but did not verify the amount. The presentation was then handed back to Mrs. Humble who explained the Drop Zone Liability issues and introduced Creswell Airport's insurance agent, Ryan Birt of Northwest Insurance Group and liaison to City County Insurance Services. Mr. Birt explained the State is requiring the City to carry drop zone insurance listing ODOT as additional insured, and has been unable to locate anyone willing to carry insurance of this type. He further explained he would be asking each skydiving operator to acquire similar coverage listing the City of Creswell as additional insured for their usage of the drop zone, but is uncertain how this could be implemented. The presentation then moved forward with Mrs. Humble explaining usage fees/costs for skydiving activities. There was a lengthy discussion with Dave Roberts, (FAA); regarding grant assurances stating the City of Creswell Airport should be charging a user fee for

skydiving activity at the airport. It was noted the city is not compliant on this issue. City Administrator Mark Shrives asked for direction from the Council and feels the City should consider the liability issues now that the state is requiring liability insurance. Mayor Ron Petitti asked where the city is at on the User Agreement at this time. Mr. Shrives stated the draft is complete and is asking for review from two separate agencies. It will then go back to the Airport Commission for approval and then recommended to the council for implementation. It was noted that the safety plans for the skydiving operations were included in the packet. Mrs. Humble explained the City has an obligation to adhere to grant assurances or any grant monies received would have to be paid back to the grantor(s). Mayor Ron Petitti then opened the floor for public comment.

Urban Moore, 25 S. 5<sup>th</sup> St., Creswell, owner of Eugene Skydivers, went through the PowerPoint presentation point by point. He commented on each safety concern and noted that he is only responsible for his business, and not responsible for the actions of the jumpers. He stated that Drop Zone accuracy is better than it used to be and would like to know exactly what portion of the airport is Drop Zone. He again stated he believes the user of the area is responsible for his own action. Ron Hanson, City Councilor, asked Mr. Moore if he has been considering other sites. Mr. Moore said he is looking at other sites outside of Creswell. Tim Demanett, City Councilor, asked Mr. Moore where his clients come from. Mr. Moore stated he has a diversified client base and stated cities around Oregon.

Dave Wright, Wright Bros. Skydiving, Creswell, noted that jump pilots fly more than most other pilots, and does not feel skydiving causes any more problems than any other aviation issue. Mr. Wright feels this brings business to the community and stated that skydiving is no more of a danger than any other aviation activity.

Whitney Harder, 25 S. 5<sup>th</sup> St., Creswell, stated she moved to Creswell for the skydiving operation, and feels all operations of airport should be investigated, not just skydivers. Ms. Harder noted there are 33 employees at Eugene Skydivers and 90% of them live in the City of Creswell. She feels this is a personal vendetta and thinks it needs to be looked at legally, statistically and for community benefits.

Richard Jeffries, 82499 Butte Road, Creswell Airport Commission stated this is not a personal vendetta at all. Mr. Jeffries noted he is a pilot and is interested in everyone showing respect to fellow pilots by seeing divers fly safely, following flight patterns, and being respectful.

Jess Severson, address unstated, skydiver since 1979, and private pilot since 1980 said he has a lot of interest in both sides of the coin. He asked where it is in the city's best interest to have the City involved in the ODOT property. He noted that prior to the city's involvement; the skydivers had the agreement with ODOT for the property. He noted that skydiver planes fly 60-70% of the flight time at the airport and feels the city should back out of the ODOT property and would not have the liability risk.

Wade Garton, 31510 Camas Swale Road, stated he is a high-school student and chute packer for Eugene Skydivers. He stated that skydiving brings in 600-700 people through the summer to eat and sleep in Creswell. He feels that this is a good environment for this community.

Ryan Birr, insurance agent, stated that ridding Creswell of the drop zone lease agreement does not absolve the city of liability issues. The city would still have liability because of aircraft on city property. Mark Shrives asked Mr. Birr if ODOT tells the city they want coverage, and the city then tells the user we want coverage, is there insurance available for this? Mr. Birr stated it would be hard to determine

liability and provide indemnification, and then how would we pay for indemnification. It was noted that typically the City would make tenants responsible for liability.

There was further discussion and Mrs. Humble stated it would take another work session to complete and draft the safety plan. Mark Shrives, City Administrator stated there would need to be further discussion with Ken Jones, City Attorney, and Ryan Birr, insurance agent.

#### 9. Public Works

##### a. West Yost & Associates – Pay Request Nieblock Interceptor

Ron Hanson moved Cathy Morgan seconded to approve pay request for invoice #2009160 in the amount of \$16,035.94 for West Yost and Associates as presented. Voted on and unanimously carried.

##### b. West Yost & Associates – Pay Request Wastewater Project

Ron Hanson moved Cathy Morgan seconded to approve pay request for west Yost and Associates invoice #2009159 in the amount of \$9704.61 as presented. Voted on and unanimously carried.

##### c. Pay Request – Eugene Sand and Gravel for Nieblock Interceptor Project

Bob Millam moved Bill McCoy seconded to approve pay request #1 for Eugene Sand and gravel in the amount of \$342,935.85 as presented. Voted on and unanimously carried.

#### 10. City Administration

##### a. Ordinance No. 430, Adoption of EOA and Urbanization Study

Cathy Morgan moved and read Ordinance twice by title, Ron Hanson seconded to approve Ordinance No. 430. Voted on and unanimously carried.

##### b. Resolution No. 2005-20, A resolution consenting to the application of Lane County Ordinance 19-04 inside the City Limits of the City of Creswell to require the filing of rabies vaccination certificates with the County Health Administrator

Bob Millam, City Councilor stated there is a lot of controversy on this subject. He stated he understands the animal control agencies need to generate funds to operate but is not convinced this is the right way to do this. He stated that in reality, we would be asking for veterinarians to enforce a program for other agencies to collect money but as far as the controversy and organizations against it, he would like to have more information. Ron Hanson, City Councilor, would like to hear from city staff on how many licenses are issued on an annual basis and how many complaints the city handles. It was noted the City Ordinance states no more than three dogs unless the owner is kennel licensed. There was a brief discussion regarding the handling of complaints the city receives. Layli Nichols, Finance Director, explained the city process. It was noted that if the City of Creswell does lodge an animal it requires paperwork for rabies vaccination and licensing before the animal is released back to the owner. Ron Hanson stated he appreciates Lane County Animal Control because the City does not have space for this. He requested continuing this issue with more information. Tim Demanett stated he feels a veterinarian should not be put in the middle of this issue. The discussion was tabled until the October 2005 council meeting.

##### c. Opportunity to Recycle Requirements for Cities over 4000 in population

Mark Shrives, City Administrator, stated the city population in Creswell has grown to over the 4000 mark and cities of this size must not meet recycling requirements. He noted there are nine requirements and the City of Creswell has to meet three of them. Mr. Shrives stated recycling is not an organized process and has applied for a grant to cover the cost of recycling bins and help meet the requirements of the program.

##### d. Action on Application to Name a Road

Cathy Morgan moved Bob Millam seconded to accept the application submitted by Mr. Steve Macauley

to name a road located in Berryvale Tracts, Talitha Lane. Voted on and unanimously carried.

e. Acceptance of Easements

Ron Hanson moved Bob Millam seconded to accept the two easements as presented. Voted on and unanimously carried.

f. Ordinance No. 431, An ordinance creating an advisory board to develop plan for, and maintain parks, open space, and recreation facilities and programs for the City of Creswell; repealing Ordinance No. 189; and declaring an emergency.

Mark Shrives, City Administrator, stated that the Ordinance has been updated and the City Attorney has reviewed it. Cathy Morgan read the title twice and moved Ron Hanson seconded. Alan Bennett wanted to amend Section 2 of the Ordinance to read "Said Board shall be appointed by the Mayor and approved by the Council, and shall consist of nine (9) members, one of whom shall be a City Councilor. The motion stands amended, and the second stands amended. Voted on and unanimously carried.

g. Resolution No. 2005-21, A resolution amending Resolution No. 2004-9, repealing resolution no. 2005-7 which established a residential fence permit, and declaring an emergency for the City of Creswell.

Mark Shrives, City Administrator, stated that this would state paying a base fee and anything over the base time would be charged at an hourly rate. This would be billed to the person doing the project on a monthly basis. The fee would be a condition of approval and before receiving the final plat the bill would have to be paid. Ron Hanson moved Cathy Morgan seconded to approve Resolution 2005-21 as presented. Voted on and unanimously carried.

h. Resolution #2005-22, a resolution classifying certain fees and charges as not subject to the limitation of Article XI, Section 11b of the Oregon Constitution (Measure 5).

Mark Shrives, City Administrator, stated this cannot be considered a tax and the wording in the Resolution states this is not a tax. Cathy Morgan moved Alan Bennett seconded to approve Resolution 2005-22 as presented. Voted on and unanimously carried.

11. Clerks Report – Unaudited June 30, 2005 Financial Statement

12. Other Business

- a. Work session to discuss library and neighborhood watch buildings (September 26, 2005)
- b. Signs

Mark Shrives, City Administrator stated that the new Bagel Shop has a pole and sign outside the business that does not meet any sign codes. He noted they have been notified and Mr. Shrives is ready to enforce this issue. The Council agreed to have Mr. Shrives handle the problem.

13. Adjournment

There being no further business to come before the council, Mayor Petitti adjourned the meeting.

---

Ron Petitti, Mayor

---

Layli A. Nichols, City Recorder