

City of Creswell
Council Minutes
December 12, 2005

The joint meeting of the Creswell City Council and the City of Creswell Public Contract Review Board was called to order by Mayor Ron Petitti and the pledge of allegiance given.

Council Present:

Ron Petitti	Tim Demanett
Cathy Morgan	Bob Millam
Bill McCoy	Ron Hanson
Nathan Marple	

Council Absent:

Staff Present:

Mark Shrives	City Administrator
Layli Nichols	Finance Director
Shelley Humble	Airport Manager
Roy Sprout	Public Works
Megan Banks	LCOG/City Planner
Ken Jones	City Attorney

Press: 2

Audience: 10

Appointment of Nathan Marple to the Creswell City Council replacing Alan Bennett.

Mayor Petitti administered the oath of office to Nathan Marple, who agreed to accept the appointment of City Councilor, replacing Alan Bennett who has moved out of the city limits. Mr. Marple's term will end December 31, 2006.

The regularly scheduled council meeting was called to order by Mayor Ron Petitti.

1. Public Hearings

A. Case No. ANNEX-2005-06, a request by EGR & Associates, on behalf of Sierra Development LLC

a. Resolution No. 2005-27 – A resolution supporting the property owner-initiated annexation of territory to the City of Creswell

Nathan Marple, City Councilor stated a conflict of interest, as he is the Principal in this development. Megan Banks, City Planner, addressed the council and explained the property location and zone designation. Ms. Banks noted this property extends to the Urban Growth Boundary (UGB) and the proposal is for 40-45 single-family residences. She noted this is a portion of a larger parcel with 10 acres remaining outside the UGB and remaining as it is at this time. Ms. Banks stated this property meets all criteria of the comprehensive plan and the statewide planning goals and is working with the applicant to finalize the agreement at this time.

Mayor Ron Petitti opened the Public Hearing. With no comments received, the Public Hearing was closed. There were no council comments. Bob Millam moved that Resolution 2005-27 be adopted

subject to a completed annexation agreement (including applicant and City signatures). Ron Hanson seconded. It was voted on and unanimously carried, with Nathan Marple abstaining.

B. Case No. ANNEX-2005-07, a request by EGR & Associates, on behalf of Jason Bennett

a. Resolution No. 2005-28 – A resolution supporting the property owner-initiated annexation of territory to the City of Creswell

Megan Banks, City Planner, addressed the council and explained the property location and zone designation of this property. Ms. Banks noted this property is zoned residential and the goal of the applicant is for 8-10 single-family residences. She noted this application meets all criteria of the comprehensive plan and statewide planning goals.

Mayor Ron Petitti opened the Public Hearing. With no comments received, the Public Hearing was closed. Mayor Petitti then asked for council comments. Mayor Petitti suggested moving the wording “Water Master Plan” from section 1.1, page 12 of the annexation agreement to 1.2 page 12 of the annexation agreement. Mark Shrives, City Administrator, stated this may be able to be moved upon the County’s Construction Improvement Plan (CIP). Bill McCoy moved the Resolution 2005-28 be adopted subject to a completed annexation agreement. Bob Millam seconded. It was voted on and unanimously approved.

Special Presentation – Update to System Development Charge Master Plan Study (Megan Banks)

Megan Banks, City Planner, presented the Creswell System Development Charge (SDC) Project Timeline as Revised. She noted that the projects are separated out seasonally and is currently working on transportation and parks. Ms. Banks stated she would be back in January with the draft methodologies and rate structures.

2. Comments from Mayor, Councilors, and City Administrator

There was a welcome back to Alan Bennett, former City Councilor, as an audience member.

3. Public Forum

a. Request for Appearance to Show Cause – Mr. Bart Yarush, 146 South 5th Street

Mark Shrives, City Administrator, stated he had received numerous complaints from a neighbor regarding the smell of household garbage at 146 South 5th Street. Lane County Sheriffs Officer Pat O’Neill responded and contacted the owners and asked that the garbage be removed immediately and hauled away on a more regular basis. When complaints about the smell continued, Officer O’Neill returned to the property and conducted a more thorough investigation which resulted in taking photos and issuing a violation letter regarding disabled vehicles and nuisances affecting public health. Officer O’Neill stated that the trash had been cleaned up since the issuance of the letter, but the vehicles had not been moved.

Mr. Yarush, in attendance, addressed the council. Mr. Yarush said his neighbor, Fred Burke, has caused him problems for the past 18 years. He stated he feels it is his own business to restore cars in his back yard and that he dumps his garbage once a month. Mr. Yarush submitted pictures of his complaining neighbor’s lot and feels to be fair, the city should be requiring the same of Mr. Burke. Mayor Petitti then asked about the vehicles in the yard. Mr. Yarush stated he is putting a motor in his wife’s car and his son is restoring a vehicle. Mayor read the Creswell ordinance regarding disabled vehicles. Mayor Petitti explained this ordinance is enforced on a complaint basis and City Attorney Ken Jones reiterated the complaint basis issue. City Councilor Ron Hanson asked how long the vehicles had been inoperable

on the property. Mr. Yarush stated the Duster had been there about a year, his wife's car less than a year and the third car belonged to Johnny Johnston. City Councilor Nathan Marple asked if the complaint was filed solely on the trash issue. Officer O'Neill stated that it was filed based on the trash. Discussion ensued regarding the pictures Mr. Yarush submitted. Mayor Petitti suggested looking at Mr. Yarush's yard again and give him time to come into compliance and would like to establish a time frame regarding the disabled vehicles. Ron Hanson stated a time frame of 45 days. It was noted that the garbage issue has been taken care of and Mr. Yarush has agreed to empty his garbage every two weeks. Mayor Petitti recommended 45 days to render the vehicles operable and asked Officer O'Neill to inspect the garbage issue. Ron Hanson moved to allow Mr. Yarush 45 days to come into compliance with the discarded vehicle ordinance and if not compliant, to proceed with the abatement process. Bill McCoy seconded. It was voted on and unanimously approved.

B. Al Satterly, Roseburg, OR. stated he wants to buy Hangar G-3 at the Creswell Airport to open an Avionics Repair Shop and needs approval from the City of Creswell to do so. He stated the business is aircraft radios and navigational equipment and it would tie into Viper Aviation repair. Ron Hanson moved to approve the request of Al Satterly pending receipt of a letter of intent as outlined and subject to any building permits and inspections required and authorizing transfer of said lease. Cathy Morgan seconded. It was voted on and unanimously carried.

4. Correspondence

- a. Letter to Ron Plooger from Mark Shrives
- b. Legislative Alert
- c. Lane County Sheriff – Creswell Contract Activity for September 2005
- d. Lane County Sheriff – Creswell Contract Activity for October 2005
- e. Proposed Four County Telecommunication Extended Area Service (EAS) Region - Mark Shrives will be looking into this, he stated it appears to be a pretty good idea and suggested he could attend meetings if necessary. Mayor Petitti stated it would be advantageous to investigate this.
- f. Letter from Creswell Chamber of Commerce – Mayor Petitti asks for the City's participation in creating a new city map. He stated it would need to be included in the budget process for next year and would like to keep this item as an issue and continue to talk with Chamber President Alan Brown on how to proceed.

5. Consent Calendar

- a. Minutes of November 22, 2005 City Council Meeting – Item removed, will be handed out January 2006 meeting.
- b. Approval of Bills for Payment
- c. Franchise Extension Agreement with Falcon Cable Systems Company (locally known as Charter Communications)
- d. Cooperative Improvement Agreement between the City of Creswell and Oregon Department of Transportation

Ron Hanson moved, Cathy Morgan seconded, to approve the consent calendar as presented. It was voted on and unanimously carried.

6. Old Business

- a. Resolution Request by City Councilor Alan Bennett

Mark Shrives, City Administrator stated he is working with LCOG (Lane Council of Governments) regarding the demographics of wards and zones in our community. Mayor Petitti stated he would be inviting Fire Chief Dan Olson to the next council meeting for an update on the Fire District.

7. Airport

a. Pay request for David Evans and Associates (Airport Waterline Extension)

Mark Shrives, City Administrator stated this would be the last invoice for a while. He has asked the engineer to cease work at this time, as the fire line extension is too expensive to complete right now. Mayor Petitti asked what the original estimate was, \$900,000, and was informed the city has \$250,000 right now and will be receiving \$150,000 in 2007. Discussion ensued and Airport Manager Shelley Humble stated that in avionics, foam should be used as a fire suppressant. It was suggested that the airport use closed reservoir systems or wells for an alternative at this time. Councilor Tim Demanett asked if the airport went with a foam suppressant truck, would there be funds available from Homeland Security. Mrs. Humble stated there is a new organization being formed with ODOT (Oregon Department of Transportation) and she is looking for funding grants. Cathy Morgan moved to approve invoice #182285 in the amount of \$2,061.75 to David Evans and Associates. Ron Hanson seconded. It was voted on and unanimously approved.

8. Public Works

a. Pay Request, Eugene Sand and Gravel for Nieblock Interceptor Project

Bob Millam moved, Tim Demanett seconded, to approve pay request #4 for Eugene Sand and Gravel in the amount of \$114,972.91, as reviewed and approved by the City's Engineer, Director of Public Works, and City Administrator. It was voted on and unanimously carried.

b. Contract Change Order – Nieblock Interceptor Project

Mark Shrives, City Administrator, stated the Contract Change Order by Eugene Sand and Gravel was necessary due to a substantial portion of rock that was hit early on in the project and noted some credits will be issued due to criteria being changed. Cathy Morgan moved to accept the Contract Change Order in the amount of \$50,550.70 to Eugene Sand and Gravel. Ron Hanson seconded. It was voted on and unanimously carried.

9. City Administration

a. Acceptance of Ford Family Foundation Grant for Project Playground

Mark Shrives, City Administrator, stated the City had received a grant from the Ford Family Foundation in the amount of \$20,000 restricted to Project Playground. He stated the city will handle the funds and will work the Project Playground on disbursement. It was also noted that Project Playground is within \$15-20,000 of their goal. Councilor Tim Demanett asked if the city could extend an invitation to the Ford Family Foundation upon dedication of the improvements. Cathy Morgan moved to accept the grant as presented. Bill McCoy seconded. It was voted on and unanimously carried.

b. Resolution No. 2005-29 – A Resolution appropriating the Ford Family Foundation Grant Funds within the general fund.

Cathy Morgan moved Ron Hanson seconded to approve resolution as presented. It was voted on and unanimously carried.

c. Report of Finance Committee regarding Employee Salary Adjustments

Mark Shrives, City Administrator, explained the Finance Committee asked the City Administrator to review proposed salary increases. He explained that a base salary would be established for each position within the city and a step system would be implemented so each employee would know where he or she are and where they are going in salary. Mr. Shrives stated that a resolution regarding salary issues would be brought back to the council on a yearly basis. It was noted that the salary changes and increases would be retroactive back to July 1, 2005. Councilor Ron Hanson feels most employees are fairly comfortable with the step system. Ron Hanson moved to approve Resolution 2005-30. Bob Millam seconded, it was voted on and unanimously carried. Bob Millam moved, Tim Demanett seconded, to accept the proposed salaries as presented. It was voted on and unanimously carried. Cathy Morgan moved to change the Public Works Directors position to exempt. Bob Millam seconded. It was voted on and unanimously carried.

d. Draft Agreement between City of Creswell and Slayden Construction regarding Change Order dispute/Project Closeout

Ken Jones, City Attorney, stated mediation is set for February 17, 2006. City Administrator Mark Shrives would like to get the grant closed. Mr. Jones would like Council to approve the draft agreement and authorize the City Attorney or Mayor to sign when final. It was noted that Slayden Construction did not want to sign off on any potential claims. Cathy Morgan moved, Ron Hanson seconded, to authorize the City Administrator to enter into an agreement with Slayden Construction to accept Change Order 3A in the amount of \$15,033 without waiving Slayden Construction claim for delay to be finalized through the office of Ken Jones.

10. Clerks Report – None

11. Other Business

a. Work Session to discuss East Side Sewer Service (Pending)

Mark Shrives, City Administrator, stated he is still working with the developer on an annexation agreement.

b. Work Session to discuss sidewalks (Pending)

Mark Shrives, City Administrator, stated he is working on this and still needs to figure out the policy, etc.

Mark Shrives, City Administrator, stated the city had received a Special City Allotment in the amount of \$25,000 for the 7th Street project. Ron Hanson moved, Cathy Morgan seconded, to accept the 2006 Special City Allotment agreement. It was voted on and unanimously carried.

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

Ron Petitti, Mayor

Layli A. Nichols, City Recorder