

City of Creswell
Council Minutes
February 12, 2007

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

Council Present:

Nathan Marple Bill McCoy
David Case Ron Petitti
Alan Brown Tim Demanett
Bob Millam

Staff Present:

Mark Shrives City Administrator
Roy Sprout Public Works director
Shelley Humble Airport Manager
Layli Nichols City Recorder

Council Absent: Bob Millam
 Bill McCoy

Press: 1

Audience: 16

1. Elect Council President

Nathan Marple nominated Tim Demanett, Alan Brown seconded the nomination. No additional nominations were received. Voted on and carried unanimously.

2. Public Hearing, Ordinance 442 – Creswell Development Code

A. Staff Report and Findings of Fact

Megan Banks of LCOG addressed the Council to discuss the process of adopting the new Creswell Development Code. An advisory committee of community members, staff, and the Fire Marshall worked to develop the draft. The model development code for cities under 10,000 was used to develop a finding of consistency. On January 18, 2007 the Planning Commission decided that there should be some minor changes to the proposed code regarding residential property. This issue would be handled as an amendment to the draft presented to Council.

Mrs. Banks presented a summary of the proposed changes including: multiple residential zones, a more extensive list of uses within the residential zone, more options for developers to meet design standards, infill standards, a longer list of allowable uses within the commercial zone, changes to parking lot standards, design standards for commercial buildings, more uses within the industrial zone, flexibility of uses within the industrial zone, more standards to prevent conflicts between uses, clarification to public facilities, changes to the airport overlay zone, and a new riparian overlay zone. There are more options for people to meet development design standards, infill standards, focus on safe streets, and there were some changes to administrative procedures such as creating three separate types of variances which depend on the complexity and type of request.

B. Adopt Ordinance No. 442

Mayor Petitti opened the public hearing regarding Ordinance 442. There being no public testimony received, Mayor Petitti closed the public hearing.

Tim Demanett read the Ordinance twice by title only and moved to adopt Ordinance 442. David Case seconded the motion and it was voted on and carried unanimously.

3. Special Presentation

A. Future of Old Library Building – Shawn Hittenburger & Marge Williamson

Marge Williamson of 33705 Harvey Road addressed the Council regarding the old library building located at: 195 South 2nd Street. She said that when the library moved, she was commonly asked what would happen to the old building. She has sent a pre-application to have the structure included on the National Historic Registry, and feels confident it will be approved. Becoming a national historic site would open up grant monies for maintenance and preservation.

Mrs. Williamson discussed the history of the structure and feels it is important to preserve the heritage. She noted the structure was the first school building, when there were only about 50 families living in the area. The upstairs was used as meeting space, which burned in 1876, but the structure continued to be used as a school. It was moved from its original site by horse and used as a Baptist Church. In 1926 the building was purchased by the Civic Improvement Club and she believes the kitchen was added at this time. The Civic Improvement Club was comprised of about 50 women. The club had 16 active committees, the most popular of which was called the Sunshine and Friendly Neighbors Committee. In the flu season of 1919, the Club passed out pneumonia packets to help. They petitioned townspeople to pick up trash and provided receptacles, asked residents to plant flowers in their front yards for neighbors to enjoy, started a milk fund and a hot lunch program at school, built a shed at Harry Holt Park, and their most obvious interest was the Creswell Library. The Club organized and created the library at its current location. The Club deteriorated in 1980 as membership dwindled, and the City was deeded the property.

Shawn Hittenburger of 31961 Camas Swale Road addressed the Council as a member of the Creswell Civic Improvement Club 2, and distributed a work plan for the civic organization. He reviewed the plan with the Council which included gaining approval for the National Historic Registry, gaining non-profit status for the newly formed club, restoring the building, and ultimately to request a transfer of ownership from the City to the Club. The Club is not requesting any funding from the City, it anticipates securing funding through community participation and grants. Discussion ensued regarding the work plan presented and how grant monies would need to be handled as long as the City still owns the property.

Alan Brown moved Nathan Marple seconded to support the concept and work plan of the Creswell Civic Improvement Club 2 as presented. Voted on and carried unanimously.

4. Comments from Mayor, Councilors, and City Administrator

David Case read a prepared statement, sharing concern regarding recent actions of the City Administrator and the Mayor from openly sharing opinions with public and the press. He feels that councilors should have individual opinions and should voice them. Each councilor has their own views, and should not feel that they should always be unanimous in their vote or beliefs. He will not allow anyone to tell him when he can, or cannot speak out as a private citizen or as an elected city councilor, especially when it is something that needs to be shared. He is further pleased to share that he feels his openness and frankness has encouraged the City of Creswell and citizens to become more involved with a solution to the fire district situation.

City Administrator Mark Shrives said councilors should be receiving a statement of economic interest in the mail, which is due no later than April 15, 2007.

5. Old Business

A. Finalize Community Involvement Committee Membership

City Administrator Mark Shrives said additional applications were received for the Community Involvement Committee. He said at the last meeting Council approved a membership of 10, which was changed to 9 at the Council Retreat. Ron Petitti recommended going to 10 members, Tim Demanett agreed. Tim Demanett moved David Case seconded that the Community Involvement Committee include 10 members from the council and community at large. A short discussion ensued and Tim Demanett moved David Case seconded to amended the motion to include the Committee be comprised of two City Council Members, two Planning Commission members, the Mayor and five citizens at large. Voted on and carried unanimously.

Alan Brown moved Nathan Marple seconded to appoint Kathy Thompson and Jim Mercer as the final two members of the Community Involvement Committee. Voted on and carried unanimously.

B. Discuss South Lane Rural Fire District and City of Creswell Intergovernmental Cooperation Issues

1. Clarification Regarding letter to Editor in February 1, 2007 Creswell Chronicle

Mayor Petitti said included in the packet was a letter sent to the Creswell Chronicle in order to clarify that the letter to the editor sent by Mr. Case reflected his views individually, and not the views of the Council as a whole, as the Council has not addressed the issues included in the letter from Mr. Case.

2. Fire Code Enforcement Services

Mr. Petitti asked for comments from the council regarding the letter included in the packet from South Lane County Fire & Rescue addressing fire code enforcement services. David Case asked what recommendation the fire district made specifically in terms of costs for services. Mr. Petitti said no recommendation has been made, as the fire department is trying to assess whether the City would be willing to pay for these services. Mayor Petitti would like the Public Safety Committee to review this issue and report back to Council. A short discussion ensued to discuss whether fees could be assessed and collected for Fire Marshall Services.

Public Safety Committee Chair, Tim Demanett said he would like to meet as soon as possible to address this issue. A committee meeting was scheduled for February 20, 2007 at 6:00 p.m. at the Creswell Community Center.

Ron Petitti said there are two other issues he would like the committee to address, one is the 9-1-1 dispatch, he spoke before the fire board last week, expressing his concern with switching dispatch services to Cottage Grove. He was contacted today by South Lane Fire to give them a written copy of his concerns, which he will.

The second issue Mr. Petitti would like the Public Safety Committee to address is the ratings listed in the ISO Report, which reduced the fire insurance ratings for the City. The results listed in this report could ultimately affect the cost of homeowners insurance for the residents of the fire district. Fire Board Chair Mike Fleck sent a letter to the Community Litigations Analyst as the first step to attempt to retain the districts current ratings.

A discussion ensued regarding the issues with the ISO Rating and 9-1-1 dispatch services. Tim Demanett said for the next few weeks the Public Safety Committee would be meeting very regularly to address these issues. David Case said he feels the Committee should also discuss

the substation on Camas Swale Road. Ron Petitti asked to take public forum out of order and hear it now. Council gave consensus to move Public Forum to the next item on the agenda.

PUBLIC FORUM

Urban Moore of 25 South 5th Street, addressed the council regarding the downgrading of the insurance rating effective date. Ron Petitti said that they are given a rebuttal time to try and change the rating. Mr. Moore asked what the estimated impact is, and Ron Petitti said it is impossible to tell what the impact would be. David Case said that the fire district has an opportunity to appeal the rating and nothing would be affected immediately.

Don Furrer of 82350 Howe Lane addressed the Council and said he is glad to see the Council involved. Ron Petitti said South Lane Rural Fire Protection District is its own entity, and the City has never been involved with decisions made by the fire district. The Council hoped the fire department would resolve their issues, and they have not. Mr. Petitti is in agreement that it is time for the Council to become involved with the decision which would directly affect the City.

Thomas Carroll of 82361 Davisson Road addressed the Council and said he appreciates David Case writing the letter to the editor and signing his name as a councilor. He would like to know where all councilors stand on the issue. He feels volunteerism is down due to the merger. He wonders if citizens are getting what they pay for, and is concerned with what would happen if there was a fire at the school, motel, or Emerald Valley. He said he feels the actions which brought the situation to this point are almost criminal, and would like to do whatever it takes to get the fire department back to what it was five years ago.

Ron Petitti noted that there are two board seats up for election, and Thomas Carroll said he intends to run for one position. Mr. Petitti said at the last election no candidates who ran were from Creswell. He said when there was a vacancy to fill no one was interested in running for the board.

C. Garden Lake Park Project with Coast Fork Watershed Council

City Administrator Mark Shrives said that the Coast Fork Watershed Council received a grant for approximately \$100,000 to remove non-native vegetation and replace vegetation at Hill Creek and Garden Lake Park. After the project is completed the City would be responsible for maintenance and watering new plantings at the park. Formal acceptance of the grant and project scope is required because the City will incur ongoing maintenance costs, and Garden Lake Park is owned by the City of Creswell.

Tim Demanett moved Alan Brown seconded to approve the grant received by the Coast Fork Watershed Council for improvements to Garden Lake Park. Voted on and carried unanimously.

D. Project Playground Resolutions – Accepting Grants

Finance Director Layli Nichols reviewed the resolutions for project playground. Tim Demanett commented that the playground is getting a lot of use, but it is very dark at night. Nathan Marple suggested that lights be mounted on the top of the comfort station. Public Works Director Roy Sprout said that there are limited options, but he would look into the issue.

David Case moved Alan Brown seconded to approve Resolution 2007-02 as presented. Voted and carried unanimously.

City of Creswell
Council Minutes
February 12, 2007

David Case moved Alan Brown seconded to approve Resolution 2007-03 as presented. Voted on and carried unanimously.

Ron Petitti said that Oregon Department of Fish and Wildlife (ODFW) said there is a grant available for an aeration fountain for the pond at Garden Lake Park. ODFW is willing to apply for the grant on behalf of the City, but there would be an ongoing cost in the form of power to run the aerator. Mr. Petitti did confirm that it is a 1 horsepower single-phase pump, and discussion ensued regarding the potential cost to the City for maintenance and operation of the pump. It was discussed to approach the power company to see if they would be willing to make an ongoing contribution to the City, in order to reduce the cost of operating the pump.

Council gave consensus to pursue the grant, determine the cost of operating the pump, and requesting the power company make an ongoing donation of the cost to the City.

6. Correspondence

- A. Letter from Portland State University regarding Population Estimates
- B. Creswell School District Information – upcoming agenda
- C. ODFW Youth Fishing Event
- D. Oregon Local Leadership Institute presents Governing 101
- E. Letter from Department of Human Resources regarding Plan Review Exemption
- F. Sheriff Department Activity Reports for January 2007

City Administrator Mark Shrives said he needed Council approval for item 6-c. He also included a flyer for a class called governing 101, and highly recommended attendance for those who have not previously taken the course.

Mr. Shrives noted the plan review exemption discussed at the last council meeting was approved and received from the state. Council would need to set a fee for the City Engineer to charge for the service, and said he would bring it back to the next council meeting.

7. Public Forum

Taken out of order

8. Consent Calendar

- A. Minutes from January 8, 2007 City Council Meeting
- B. Approval of Bills

Tim Demanett moved Nathan Marple seconded to approve the consent calendar with the addition of two check registers distributed at the meeting. Voted on and carried unanimously.

9. Airport

- A. Pay Request from David Evans and Associates

Tim Demanett moved David Case seconded to approve David Evans and Associates Invoice dated January 9, 2007, in the amount of \$1,059.33 as presented. Voted on and carried unanimously.

- B. Minutes from May 30, 2006 Airport Commission Meeting

The Council reviewed the minutes of the May 30, 2006 Airport Commission meeting.

10. Public Works

- A. Pay Request – CH2MHill

Alan Brown moved Tim Demanett seconded to approve CH2MHill Invoice 35837391 in the amount of \$12,861.89 as presented. Voted on and carried unanimously.

City of Creswell
Council Minutes
February 12, 2007

B. Pay Request – CH2MHill

Tim Demanett moved Alan Brown seconded to approve CH2MHill Invoice 3587284 in the amount of \$12,412.11 as presented. Voted on and carried unanimously.

C. Reclaimed Water Transmission Pipeline Agreement for Compensation for Air release Valve Assemblies

Mark Shrives said that back in 2003 the City entered into agreement with property owners to compensate them for an amount per acre that they would be unable to use due to sewer manholes placed on their property during the wastewater facility upgrade project. The payment plan needs to be updated to \$200 per manhole retroactively to 2005. To become current Council would need to approve retroactive payments for 2005 and 2006 and then an annual payment would be made to each affected property owner hereinafter. Tim Demanett asked if the relief valve issue has been resolved. Public Works Director Roy Sprout said that the issue has been resolved.

Mr. Shrives said annual payments would total \$1,200.00. Tim Demanett asked how long the agreements are for. Mr. Shrives said that they would be perpetual.

Nathan Marple moved Tim Demanett seconded to approve the agreement between the City of Creswell and affected property owners for reimbursement of crop loss due to the placement sewer manhole covers as presented and subject to legal review. Voted on and carried unanimously.

11. City Administration

- A. Repeal Ordinance 410
- B. Repeal PCINW Ordinance for Fiber South
- C. Renumbering of City Ordinances

City Administrator Mark Shrives asked to table items 11a, b and c. Council gave consensus to table these items to the next council meeting

D. Request for Statement of Support of the Guard and Reserve

Ron Petitti asked Alan Brown to read the statement of support. Councilor Brown read in whole the Statement of Support of the Guard and Reserve.

E. Approval of CH2MHill Task Order No. 1 for Floodway Analysis for the Subdivision Reserve at Emerald Valley

City Administrator Mark Shrives explained the task order is to complete part of a peer review for the Emerald Valley Reserve PUD. The purpose of the peer review is to validate the no rise flood analysis conducted by the developer's engineer. The City would be reimbursed for the expense. Tim Demanett moved David Case seconded to approve Task Order No. 1 with CH2MHill for Floodway Analysis for the Reserve at Emerald Valley PUD, in an amount not to exceed \$7,500. Voted on and carried unanimously.

12. Financial Statement – January 2007

Council reviewed the combined financial statement for January 2007.

City of Creswell
Council Minutes
February 12, 2007

13. Other Business

A. Work Session to discuss sidewalks – Pending

City Administrator Mark Shrives said the Council should hold a work session to discuss Harvey Road improvements. Council gave consensus and the work session was scheduled for January 26th, at 6:00 p.m.

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

Ron Petitti, Mayor

Layli A. Nichols, City Recorder