

City of Creswell  
Council Minutes  
March 10, 2008

The regularly scheduled City Council meeting was called to order by acting Mayor Tim Demanett and the pledge of allegiance given.

Council Present:

Bill McCoy  
David Case  
Mike Ufford

Robert Millam  
Tim Demanett

Staff Present:

Jamon Kent  
Shelley Humble  
Roberta Tharp  
Roy Sprout  
Layli Nichols  
Megan Banks  
Denise Walters  
Carrie Connelly

Interim City  
Administrator  
Airport Manager  
City Recorder  
Public Works  
Finance Director  
Lane Council of  
Governments  
Lane Council of  
Governments  
City Attorney

Council Absent: 1 Ron Petitti

Press: 1

Audience: 14

**1. Airport Visioning Proposal – Consultant Jim Johnson**

Consultant Jim Johnson addressed the Council briefing them on the basic description of his airport visioning proposal and how the airport will be different tomorrow than it is today. Mr. Johnson says the visioning process will be completed in an eight steps beginning with a meeting of the stakeholders as early as April 7<sup>th</sup> and ending the process by presenting it to Council for final approval at the June 9<sup>th</sup> City Council meeting. Mr. Johnson estimated the cost of the Airport Visioning Project to be approximately \$6,000.00 plus direct expenses. Bob Millam moved Mike Ufford seconded to enter into a contract with Mr. Johnson for the Airport Visioning Project not to exceed \$6,000.00 as presented. Voted on and carried unanimously.

A discussion ensued with Mr. Johnson stating the approved \$6,000.00 would cover his time only and not the direct expenses such as mailings etc. Bob Millam moved Bill McCoy seconded to amend the approved motion from \$6,000.00 to \$7,500.00 to include the direct expenses for Consultant Jim Johnson to complete the Airport Visioning Project. Voted on and carried unanimously.

David Calder who resides at 34606 East Cloverdale Road addressed the Council asking that homeowners who reside outside the city limits of Creswell but are affected by the noise of the skydivers need to also have a say in this process. Acting Mayor Tim Demanett suggested Mr. Calder see city staff for a questionnaire.

**2. Special Presentation – 2007 Year End Planning Summary – Megan Banks & Denise Walters from Lane Council of Governments (LCOG)**

Denise Walters from LCOG gave a brief summary on the planning projects during 2007 within the City of Creswell. Ms. Walters said during the past year the trend has shifted from residential to more commercial site reviews.

Megan Banks from LCOG addressed the Council and presented a summary of Planning and Large Scale Capital Improvement Projects that are already underway or are anticipated to begin in 2008. Ms. Banks list ranged from grants to projects proposed by private donations.

**3. Land Use Fees Update – Denise Walters – Lane Council of Governments.**

**A. Resolution 2008-02 –A Resolution Amending Resolution No 2005-21 and Declaring an Emergency for the City of Creswell – Land Use Fees Update – Denise Walters – Lane Council of Governments**

Acting Mayor Tim Demanett opened the Public Hearing on Resolution 2008-02 – A Resolution Amending Resolution No. 2005-21 and declaring an Emergency for the City of Creswell on Land Use Fees. Mr. Demanett polled the Council for possible conflicts, there being none he proceeded with the public hearing. Denise Walters from LCOG addressed the Council with a comparison of land use fees from five small cities in our area and a schedule of the proposed Land Use Fees for Creswell. Ms. Walters said land use fees are established to cover processing costs for development applications incurred by city staff and the more complicated the process is the more expensive it gets. Denise Walters also stated that some of these permits are very new to the city staff such as annexation due to the Boundary Commission no longer existing, therefore the actual cost to process those applications is unknown and will need to be reviewed after processing a few of them to be sure the fees cover the costs involved. There being no other public testimony Acting Mayor Tim Demanett closed the public hearing. Bill McCoy moved David Case seconded that the City Council adopt Resolution No. 2008-02, A Resolution amending Resolution No. 2005-21; and declaring an emergency for the City of Creswell. Voted on and carried unanimously.

**B. Resolution 2008-03 – A Resolution Classifying Certain Fees and Charges as not subject to the limitations of Article XI, Section 11b of the Oregon Constitution (Measure 5)- Denise Walters Lane Council of Governments**

Denise Walters from LCOG said Measure 5 states that a unit of local government imposing a fee may adopt a resolution classifying that fee as being an incurred charge rather than a tax subject to Section 11b, Article XI of the Oregon Constitution and that being the purpose of this resolution. David Case moved Mike Ufford seconded to approve Resolution No. 2008-03, A Resolution classifying certain fees and charges as not subject to the limitations of Article XI, Section 11b of the Oregon Constitution (Measure 5). Voted on and carried unanimously.

**4. TMDL Plan Adoption – Total Maximum Daily Load – Denise Walters- Lane Council of Governments**

Denise Walters from Lane Council of Governments addressed the Council presenting a brief overview of the TMDL presentation by Denise Kalakay, LCOG Senior Planner at the January 7<sup>th</sup> City Council meeting and Pamela Wright from the Department of Environmental Quality (DEQ) at the February 11<sup>th</sup> City Council meeting. Ms. Walters said the City of Creswell is a designated management agency for meeting the state's TMDL and must have an implementation plan adopted before April 1, 2008. The implementation plan describes how the city will work to reduce temperature, bacteria, and mercury pollution in the Coast Fork sub-basin of the Willamette River. Bob Millam moved Bill McCoy seconded to approve Resolution No. 2008-04, A Resolution adopting the City of Creswell's Total Maximum Daily Load (TMDL) Implementation Plan. Voted on and carried unanimously.

**5. Comprehensive Plan Update Status – Megan Banks Lane Council of Governments**

Megan Banks from LCOG provided a brief overview on the status of the comprehensive plan update. Mrs. Banks said phase I of the update has been completed and the Council authorized Phase II in August 2007 with the intent of completing the process by July 2008. Megan Banks said she is proposing a to participate in a local wetlands inventory (LWI) project which she will address in the next agenda item, but said that projects completion date is not until June 2010 and feels it would be best to complete the comprehensive plan update after receiving the data from the LWI if approved. Mrs. Banks indicated there were other tasks within the comprehensive plan update that can be worked on while waiting for the completion of the LWI project.

**6. LWI Resolution & Match – Local Wetlands Inventory – Megan Banks Lane Council of Governments –**

Megan Banks of LCOG gave a brief presentation on a potential project funded by the state's Department of Land Conservation and Development (DLCD) Technical Assistance grant program to conduct a Local Wetlands and Riparian Inventory (LWI) for Creswell and nine other cities located in the southern portion of the Willamette River basin. Mrs. Banks said the project will locate, map and classify wetlands and riparian areas inside the urban growth boundaries (UGB) as well as potential growth areas outside the UGB. Ms. Banks said this will provide the developer more certainty as to what their property contains and will help tailor development plans to what is actually contained in the property. If approved the project will likely begin in April 2008 and not be completed until June 2010, and the each of the participating cities would be responsible for a total match of \$5,500.00 which includes \$3,000.00 cash and \$2,500.00 in-kind over two fiscal years.

Mike Ufford moved Bill McCoy seconded City Council support the LWI Project and authorizes resources to be spent on the project. Voted on and carried unanimously.

#### **7. Quick Response Update – Megan Banks Lane Council of Governments**

Megan Banks from LCOG gave a very brief update on the quick response project she presented to the Council at the February meeting. Mrs. Banks said the project located north of Oregon Avenue will happen but not through the Quick Response program as presented but is looking for a forth coming amendment to the Interchange Area Master Plan to extend the time line and provide a consultant to deal with a more specific level of land use in that area. Megan said it is an amendment to the existing scope of work she currently has and will keep the Council informed as she receives information.

#### **8. Water Rights Update, Water Master Plan and Ordinance 316 – Ron Staehlin**

At the request of Bill McCoy, City Engineer Ron Staehlin of Southwood Engineering gave Council a brief overview of the city's water rights. Mr. Staehlin put together a summary of the Water Rights for the City of Creswell on a spreadsheet showing the city's water sources, application, permit and certificate numbers, dates of priority and the amount of water in each water right. Mr. Staehlin explained the date of priority is very important due to the fact if there is a shortage of water they start with the most recent date in cutting back on water rights. Mr. Staehlin said he would like to see the Council address the lack of certificates for water rights on the City's water sources and apply for certificates even if the City doesn't use them. Discussion ensued about the importance of obtaining water rights certificates for the future water supply for the city and making that a priority. Mr. Staehlin said the next step would be to sit down with a water rights examiner, and then put together what ever it takes to meet and work with water resource department to see what they have in there records and proceed from there with their recommendations. Mr. Staehlin said there are expenses involved in obtaining water rights. Finance Director asked if Mr. Staehlin could provide the Council with a cost estimate for this project and if it is not possible to undertake this fiscal year possibly budget for it during the 2008-09 fiscal year.

Water Master Plan Update– Mr. Staehlin gave a brief update on the Water Master Plan completed in 2004 which was designed on a growth rate projection for a twenty year period at 3.2%. The projected population for Creswell in the year of 2025 is estimated to be 7,480 and would require 5.5 cfs (cubic feet per second) of water rights; this figure includes Foster Farms who has since relocated. Mr. Staehlin reminded the Council the Water Treatment Plant has gone out for bid and the opening will occur on April 3, 2008. The new water treatment plant is designed to serve approximately 6800 people at 5 cfs and can be expanded if need be. The current storage capacity for water stands at 1.22 million gallons and in order to be able to serve the projected 7,480 residents in the year 2025 we would need at least a three million gallon storage facility, which is included in the design for the new water treatment plant.

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

Acting Mayor Tim Demanett gave an update on Mayor Petitti's health, noting that he is continuing treatment, and is looking forward to his return to Council. Mr. Demanett also noted, he would like for Interim City Administrator Jamon Kent to contact Oregon Department of Transportation in regards to getting the street lights on the new I-5 overpass turned on for safety reasons.

#### **10. Correspondence**

- A.** Lane County Sheriff – Contract Report for December 2007
- B.** Lane County Sheriff – Calls for Service Report – January 2008

## **11. Public Forum**

Paula Koger, residing at 648 West Oregon Avenue Creswell addressed the Council with the possibility of digging deeper wells to obtain purer water for the citizens of Creswell. City Engineer Ron Stahelin responded saying there have been experimental wells drilled and water tested only to find the deeper you drill the worse water quality you find.

Urban Moore residing at 25 South 5<sup>th</sup> Street, Creswell addressed the Council requesting the north access to the airport be repaired for use as an emergency entrance. Mr. Moore said over the past weekend an accident from the freeway left Melton Road impassable for quite some time and if emergency vehicles were needed to respond to the airport they wouldn't have been able to.

## **12. Consent Calendar**

- A.** Approval of January 7, 2008 City Council/February 11, 2008 Work Session/February 21, 2008 Special Meeting Minutes
- B.** Approval of Bills – February 2008

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

## **13. Airport**

### **A. Request for Payment – Fuel Pumps at Airport – Shelley Humble & Layli Nichols**

In June of 2007 the Council approved the purchase of fuel pumps from Northwest Pump and Equipment with reimbursement to the Airport fund from Western Petroleum in an amount not to exceed \$13,000.00. Airport Manager Shelley Humble reported the fuel pumps have been installed and is requesting payment of invoices from Northwest Pump & Equipment in the amount of \$11,194.56. Finance Director Layli Nichols explained there is not any financial impact to the city however this does have a budgetary impact to the Airport Fund. Ms. Nichols explained the City must pay the invoices, showing the expenditure under the Capital Outlay Appropriation, when the reimbursement is received from Western Petroleum, this revenue must be receipted as such, and not coded against the expenditure line item to show a net of \$0.00. The results of this payment of invoices being a resolution changing appropriations within the Airport fund. Bob Millam moved Bill McCoy seconded to approve Northwest Pump and Equipment Invoice No. 1562686-00 in the amount of \$2,070.75, Invoice No. 1541378-00 in the amount of \$8,398.00, Invoice No. 1571197-00 in the amount of \$226.89, Invoice No. 1541385-00 in the amount of \$498.92 for a total of \$11,194.56. Voted on and carried unanimously.

### **B. Resolution 2008-07 – A Resolution Changing Appropriations within the Airport Fund – Layli Nichols**

Bill McCoy moved Bob Millam seconded to approve Resolution 2008-07, A Resolution Changing Appropriations within the Airport Fund as presented. Voted on and carried unanimously.

### **C. Final Pay Request to Century West Engineering – Shelley Humble**

Airport Manager Shelley Humble reported this is the final pay request for updating the Airport Master Layout Plan and with payment will close out the AIP Grant. Bob Millam moved Bill McCoy seconded to approve Century West Engineering pay request, invoice #230801 in the amount of \$1,274.78 as presented. Voted on and carried unanimously.

### **D. Forest Service Helicopter Training – Shelley Humble**

Airport Manager Shelley Humble presented a request from Siuslaw National Forest Helicopter Manager, Larry Chacon for permission to conduct Forest Service Training at Hobby Field. Mr. Chacon is requesting permission from the Council to use the apron at the airport and the area west of the runway to provide helicopter sling load training for the Forest Service as they did previously 2005 and 2007. Discussion ensued about inviting the Future Farmer's of America students from the high school to observe, and asked Shelley if she would report back to the Council on how the event went if approved. Bob Millam moved Bill McCoy seconded to approve the Siuslaw National Forest Service helicopter training at hobby field. Voted on and carried unanimously.

**14. City Administration**

**14 G – Picnic Shelter at Holt Park**, was heard out of order with consent of the Council.

Bob Millam, Chair of the Parks Advisory Board reported the committee has met with a group from the Creswell Presbyterian Church that have raised \$13,655.00 towards a picnic shelter to be placed at Holt Park in honor of the church's 100 year celebration. Matt White residing at 515 Pebble Beach Drive Creswell and also a member of the committee for the Holt Park Picnic Shelter addressed the Council asking for the cities help with the completion of phase I of the project in time for the 4<sup>th</sup> of July celebration this summer. Mr. White said the committee would like for the city to be responsible for the permit fees, leveling the site and helping with the concrete costs. The picnic shelter committee is still seeking bids from contractors for construction of the structure and should have a couple more by the end of the week. Discussion ensued about additional costs needed to complete the first phase and estimates on the amount the committee is short, as well as what is currently in the budget and what is planned for those dollars. Bill McCoy moved David Case seconded to direct city staff to work with the Picnic Shelter Committee to complete phase I of the Picnic Shelter in Holt Park and not to exceed \$2,000.00 to complete the project. Voted on and carried unanimously.

**A. Extend Leave of Absence Request for Mayor Petitti**

Acting Mayor Tim Demanett said he would like to extend Mr. Petitti's leave of Absence request until the end of his term if needed. Discussion ensued. Bill McCoy moved David Case seconded to extend Mayor Petitti's leave of absence up to the end of his existing term depending on his condition. Voted on and carried unanimously.

Bob Millam moved Bill McCoy seconded to elect Tim Demanett as President of the Council. Voted on and carried unanimously.

**B. Burn Ordinance 453 – An Ordinance Regulating Open Burning within the City Limits of Creswell and declaring an emergency – Jamon Kent**

The purpose of this ordinance is to adopt Lane Regional Air Protection Agency open burning regulations and prohibit commercial and industrial open burning within the city limits of Creswell. Clarification was given that this ordinance serves only within the City limits of Creswell, and the Fire Department as well as Lane Regional Air Protection Agency would enforce violations. Bill McCoy read Ordinance 453, An Ordinance Regulating Open Burning within the City Limits of Creswell and Declaring an Emergency, twice by title only, and moved to adopt Ordinance 453. Bob Millam seconded. Voted on and carried unanimously.

**C. Gas Tax for May Ballot**

Interim City Administrator Jamon Kent said the Council reviewed the information on a city Gas Tax in 2007 and it was decided then to be placed on the next general election ballot to let the voters decide if they would like to fund street maintenance with a gas tax. Mr. Kent said with the reduction in revenue for maintenance and preservation as a result of sunset on rural school funding and the discontinuation of City/County Road Partnership funds the proposed solution to street maintenance funds would be a local gas tax. The city currently has about 20 miles of streets that they maintain with a state gas tax which is capped at twenty-four cents per gallon and transportation system development fees. The issue before the council is educating the public about the purpose of the tax and deciding when to place the issue on the ballot. Mr. Kent stated it is possible to have it placed on the May ballot but the Council would be responsible for educating the public about the tax or wait until the November ballot allowing time to inform and educate the citizens. After much discussion the consensus was to place this issue on the November ballot, educating the public as well as challenging them for alternative ideas for funding street repairs.

**D. SDC Recommendation for Creswell Middle School**

Interim City Administrator Jamon Kent said he has reviewed with legal counsel the request to reduce or eliminate the transportation system development charges (SDC's) for the new middle school under Ordinance 417 and Resolution 2006-05. Mr. Kent said with the information provided by the School District the new middle school is designed to house 155 more students, of those approximately 58 of the students would be driven to school in a car other than walking or riding a bus. Staff used these numbers in the SDC calculation formula found in Resolution 2006-05 which resulted in a reduction to charge \$58,338.45 down from the original \$329,960.88 for the transportation system development charge. Bob

Millam moved David Case seconded to support the System Development Fees for the Creswell Middle School as calculated by staff as presented. Voted on and carried unanimously.

**E. Liquor License Application – Elizabeth Erickson, South African Wine Imports LLC**

Elizabeth Erickson a local citizen has submitted a home occupation and liquor license application for review and approval by City for her home based business, South African Wine Imports. Ms Erickson will be importing and selling wine from South Africa, which will be stored and distributed off the premises of her home, but the her office will be located in her home. The home occupation application was reviewed and approved by Planner Denise Walters, and a background check was completed by the Lane County Sheriff's Department.

Mike Ufford moved Bob Millam seconded to approve the Liquor License Application for Elizabeth Erickson of South African Wine Imports LLC as presented. Voted on and carried unanimously.

**F. City Council, Planning Commission and Airport Commission vacancies**

Acting Mayor Tim Demanett extended the application deadline for thirty days for all three positions in an effort to attract additional interest. He directed staff to advertise these positions again and bring this back to Council at the April 7<sup>th</sup> meeting.

**G. Picnic Shelter at Holt Park**

With the Council's consent this was heard as 14 A

**H. Garden Lake Park Applegate Trail Plaque- Bob Millam**

Bob Millam parks committee chairman presented to the Council on behalf of the Creswell Historical Society the idea of placing a commemorative historical marker near the entrance of Garden Lake Park to mark the passage of Levi Scott on the Applegate Trail in 1846.

Mike Ufford moved Bill McCoy seconded to support the garden lake trail plaque as presented. Voted on and carried unanimously.

**I. Ethics Report Form – Added to the Agenda by Jamon Kent**

Attorney Carrie Connelly explained that new ethics laws require members of a governing body to file a Statement of Economic Interest on a quarterly basis, versus the previous laws which only required an annual filing. Ms. Connelly passed out a sample of the ethics report form and stated the first filing is due April 15, 2008. She will be providing the filing form to each councilor at the beginning of April.

**15. Public Works**

**A. Water Meter Install Fee Increase – Resolution 2008-06 – A Resolution Amending Resolution 2006-30 and updating water meter installation fees – Roy Sprout & Layli Nichols**

Public Director Roy Sprout reported with the purchase of the new utility software it was necessary to purchase compatible handheld recording devices for reading meters. The new handhelds have the capability for remote radio read meters and would like to start installing these meters in new construction and also budget annually for a gradual change out of existing meters. Mr. Sprout said the \$180.00 increase in the water meter installation fee would cover the cost difference from the manual read to the remote radio read meter. Layli Nichols said this system is very accurate and will reduce the possibility of human error as well as cut down on the time it takes to read the meters.

Bill McCoy moved Mike seconded to approve Resolution 2008-06, a resolution amending Resolution No. 2006-30 to increase water meter hookup charges. Voted on and carried unanimously.

**B. Bike / Ped Path Project -Acting Mayor Tim Demanett**

Acting Mayor Tim Demanett said he would like to identify a project to budget for the fiscal year 2008-09 using the bike-ped path funds. Mr. Demanett presented two ideas for projects one which has been previously discussed, a bike ped path from the Creslane Elementary School east to Holt Park along A Street, or connecting Oregon Avenue to the new I-5 overpass. Finance Director Layli Nichols said there is approximately \$46,000.00 in the bike ped path fund, these monies are state highway street tax dollars and if the city doesn't use the funds to complete a project within the next few years this money will have

City of Creswell  
Council Minutes  
March 10, 2008

to be paid back to the state with interest. Mr. Demanett asked staff to pull the documentation the city had from previous meetings and committees where the path from Creslane Elementary to Holt Park had been discussed and bring to the April or May meeting. Ms. Nichols suggested having Ron Stahelin from Southwood Engineering update estimates he generated previously for this project.

**C. Pay Request for CH2MHill – Roy Sprout – Jamon Kent**

Bob Millam moved Bill McCoy seconded that Council approve pay request for CH2MHill Invoice No. 3641402 in the amount of \$118,484.18 as presented. Voted on and carried unanimously.

**16. Clerk's Report** February 2008

**17. Upcoming Meetings**

Airport Commission – March 13, 2008

Planning Commission for March has been cancelled

Tim Demanett would like the Finance committee schedule a meeting to talk about allocating funds for property recently purchased.

Parks advisory board is scheduling a meeting later this month.

**18. Adjournment**

There being no further business to come before the council, Acting Mayor Tim Demanett adjourned the meeting.

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Tim Demanett, Mayor

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Roberta J Tharp, City Recorder