

City of Creswell
Council Minutes
April 7, 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
Denise Walters
Ken Jones
Ron Staehlin

City Administrator
Airport Manager
City Recorder
Public Works Dir
Finance Director
City Planner
City Attorney
City Engineer

Council Absent: Ron Petitti

Press: 1

Audience: 23

1. Quit Claim Deed Between Creswell School District and the City of Creswell

City Planner, Denise Walters from Lane Council of Governments (LCOG) addressed the Council and explained the Planning Commission has reviewed and approved the site plan for the new middle school. During the site review process, clarification of the exact boundary line between the Public Works Shop and Creswell Middle School determined that a quit claim boundary line agreement is needed, with the City transferring the property west of the common boundary line to the school district and the School District transferring the property east of the common boundary line to the City in order to establish a clear boundary and to facilitate the appropriate functions of the properties.

Acting Mayor Tim Demanett opened the Public Hearing for the Quit Claim Deed between the City of Creswell and the Creswell School District. There being no public testimony, Tim Demanett closed the Public Hearing. Bob Millam moved David Case seconded to approve the Quit Claim/Boundary Line Agreement as proposed and represented in Exhibit A. Voted on and carried unanimously.

2. Access Easement Between City of Creswell and Creswell School District

City Planner, Denise Walters from LCOG addressed the Council stating as a result of the Quit Claim Deed approval between the City of Creswell and the Creswell School District an access easement is also needed for the northwest corner of the City Property where the public works shop is located to provide for the ingress/egress and safety needs of both the City and School District. Mike Ufford moved Bill McCoy seconded to approve the access easement as proposed and presented in Exhibit A. Voted on and carried unanimously.

3. Public Hearing: Ordinance 454– An Ordinance Establishing A Procedure for Submitting and Processing Claims Arising under the provisions of Oregon Revised Statues 195.305 and 195.310 to 195.336, As Amended by Ballot Measure 49, Effective December 6, 2007; Repealing Ordinance No. 420 Establishing Procedures Under Ballot Measure 37; and Declaring an Emergency

City Planner, Denise Walters from LCOG addressed the Council and explained this ordinance establishes a procedure for submitting and processing measure 49 claims. City Attorney Ken Jones said this ordinance repeals the process the City had in place for processing Measure 37 claims and outlines the new procedure for submitting and processing Measure 49 claims. Acting Mayor Tim Demanett opened the Public Hearing on Ordinance 454. There being no public testimony Tim Demanett closed the Public Hearing.

A. Ordinance 454– An Ordinance Establishing A Procedure for Submitting and Processing Claims Arising under the provisions of Oregon Revised Statutes 195.305 and 195.310 to 195.336, As Amended by Ballot Measure 49, Effective December 6, 2007; Repealing Ordinance No. 420 Establishing Procedures Under Ballot Measure 37; and Declaring an Emergency

Bob Millam read Ordinance 454, An Ordinance establishing a procedure for submitting and processing claims arising under the provisions of Oregon Revised Statutes 195.305 and 195.310 to 195.336, as amended by ballot Measure 49, effective December 6, 2007; repealing Ordinance No. 420, establishing procedures under ballot Measure 37 and declaring an emergency, twice by title only, and moved to adopt Ordinance 454. Bill McCoy seconded. Voted on and carried unanimously.

B. Resolution 2008-08 – A Resolution for Establishing a Fee for Measure 49 Claims

City Planner, Denise Walters from LCOG addressed Council and presented a resolution for establishing fees for submitting and processing Measure 49 claims under Ordinance 454. Mrs. Walters said the base fee is \$500.00; exactly the same as it was to process Measure 37 claims. If actual processing costs exceed the base fee, the City will bill the applicant for recovery of those costs. City Recorder Roberta Tharp asked to have the Ordinance Number following the first sentence as well as in Section 1 of Resolution 2008-08 read 454 instead of 2008-08 as presented. Bill McCoy moved Bob Millam seconded to adopt Resolution 2008-08, A Resolution for Establishing a Fee for Measure 49 Claims, as amended, replacing “2008-08” with “454” directly after “Ordinance No.” on line 1, and again on line 2 of Section 1. Voted on and carried unanimously.

4. Special Presentations

A. Lane County Sheriff – Activity Report

Sgt Cliff Harrold from Lane County Sheriff Office (LCSO) addressed the Council and audience, introducing Sgt. Scott Denham who is filling in for Sgt. Harrold for a brief period of time as he has been temporarily reassigned to Acting Lieutenant. Sgt. Denham explained there has been recent gang activity in the City and introduced Deputy Jeff Norton, who gave an overview of the local Mongol outlaw motorcycle gang activity. Deputy Norton advised community members to be observant of their surroundings, document any information that would be helpful for law enforcement, but warned not to become involved. Sgt. Harrold said informational tips regarding gang activity should be reported immediately to the Sheriff's Office by contacting LCSO, leaving a tip on the telephone tip line, or filling out a Deputy Contact Request at City Hall any of which can be done anonymously.

B. Well Certification Cost Estimate

City Engineer Ron Staehlin addressed the Council giving a brief overview of a proposal received from Adam Sussman of GSI Water Solutions, Inc. for work done to protect and maximize the surface and ground water rights for the City of Creswell. Mr. Staehlin said GSI Water Solutions has broken their scope of services down into the following tasks:

Task 1: Evaluate the Claim of Beneficial Use (COBU) for the City's Permit (S-50836) which authorizes use of 3.0 cubic feet per second (cfs) from the Coast Fork of the Willamette River for municipal use and obtain a water right certificate. Mr. Staehlin said records indicate in 1997 the City filed the COBU and request for certificate with the Oregon Water Resources Department (OWRD), which has not yet been issued. In most cases this can take several years so Mr. Staehlin recommended the City use OWRD's Reimbursement Authority Program to expedite the process, for an additional fee.

Task 2: Partial Perfection and/or Extension of Permit G-10903 which authorizes the use of up to 2.5 cfs of ground water from 19 wells at Garden Lake and Emerald Valley Well Fields. This task requires going back to look at the water usage in 1992 (the last time any action was taken on this permit) and developing a COBU, submitting it to OWRD and requesting a certificate for the maximum beneficial use. Mr. Staehlin explained that possibly an extension of time would also need to be filed for this permit in order to complete development of any part of this permit that had not been developed by October 1, 1992.

Task 3: The object of task 3 is to obtain a certificate for the water right modified by Transfer T-9825 (2.0 cfs from the Coast Fork Willamette River), once the transfer has been completed. Transfer T-9825 requested to change the point of diversion for a 0.5 cfs portion of Certificate 68532 to the Water Treatment Plant. In order to complete this task the City will need to complete the Water Treatment Plant Project first, and would then have until 2010 to complete the approved changes for this water right and until October 2011 to submit a COBU and certificate request.

Mr. Staehlin reviewed the estimated budget for the water rights services and explained the \$15,000.00 quoted does not include the expediting fees and Mr. Sussman feels everything can be completed within six months with Task 3 being completed once the water treatment project is on-line. A discussion ensued amongst the council as to best time to begin this serious project and how to stay within the means of the budget. Bob Millam moved Mike Ufford seconded to authorize City Administrator Jamon Kent authority to proceed with a contract not to exceed \$15,000.00 based on the modifications of review from the Public Works director Roy Sprout. Discussion ensued regarding raising the limit of the proposed contract to an amount not to exceed \$20,000.00. Bob Millam moved to amend the motion changing the amount of the contract to an amount not to exceed \$20,000.00, Mike Ufford seconded the amendment. Voted on and carried unanimously.

C. Bike – Ped Path Update

City Engineer Ron Staehlin addressed the Council at the request of Finance Director Layli Nichols to provide the Council with information regarding a cost estimate for improving A Street between 5th and 10th Streets for a bike/ped path project. This project was first introduced to Council back in 2004 but was never completed due to lack of funding. Mr. Staehlin's presentation showed anything east of 7th Street would need to be improved with twelve inches of gravel and four inches of pavement and a bike lane added, but west of 7th Street has already been improved and would only need striping for the bike lane. Mr. Staehlin's 2004 cost estimate for this project was \$275,300.00 for improvements between 5th and 7th with an additional \$10,430.00 for striping. Ms. Nichols said in the bike-ped path fund there is approximately \$46,000.00, and estimates at the end of the year in the State Highway Street Fund she is anticipating a balance of \$400,000.00. Discussion ensued regarding generating an improvement district to help with a portion of the cost and possibly only doing a bike path. Council gave consensus to direct staff to research the area close to the schools, the money available and come back with a plan.

D. Family Relief Nursery

Heather Murphy Executive Director from the Family Relief Nursery addressed the Council presenting a brief overview on the Nursery and their mission to strengthen families and prevent child abuse in recognition of April as Child Abuse Prevention Month. The local nursery serves South Lane County and North Douglas County with Creswell consisting of one third of the clients served by the Family Relief Nursery. The local program opened in 1994 and currently provides bus service from Creswell for their clients, but hopes to open a satellite office in this area in the near future.

E. Appreciation Plaque for former Councilor - Alan Brown

Acting Mayor Tim Demanett presented Alan Brown an appreciation plaque for his service to the community as a City Councilor from January 2007 to February 2008. Mr. Brown thanked the citizens for electing him to the position of City Council noting his resignation is due to his new job which does not allow him to be present during Council Meetings.

With consensus of the Council, item 10D Request from Chamber of Commerce and C2A2 was moved up on the agenda.

10D C2A2 Request for Street Closure

The Creswell Chamber of Commerce in conjunction with C2A2 (Creswell Community Action Alliance) have received a Tourism Special Projects Grant from Lane County Parks to promote tourism in our community. Carol Campbell addressed the Council requesting permission to close two blocks of Oregon Avenue from 1st Street to 3rd as well as two blocks of 2nd Street between B Street and C Street on July 31, 2008 between the hours of 5:00 PM until 10:00 PM to host a family street dance. Mrs. Campbell said this event will fall the night before the Cowboy Music Festival begins and C2A2 has encouraged business owners along Oregon Avenue to spruce up their buildings.

Bob Millam moved Bill McCoy seconded to support the Chamber of Commerce and the C2A2 Committee and approve the street closure for the Family Street Dance to be held July 31, 2008 as presented.

5. Comments from Mayor, Councilors, and City Administrator

Bob Millam said the Parks Committee needs to schedule a meeting to look at budgeting money for the picnic shelter being constructed in the park. Mr. Millam also reported Sheila Hale is working on a project to bus children on South Lane Wheels to Willamalane Parks and Recreation Pool for summer swimming lessons at the cost of about \$30.00 per child.

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Mike Ufford asked if there were any comments from the public regarding the removal of the trees at the park for the picnic shelter.

Tim Demanett updated the Council regarding the I-5 overpass, Oregon Department of Transportation is currently in litigation and will complete project when the litigation process is complete.

Tim Demanett reminded the Council that the centennial anniversary of our city is fast approaching and a committee needs to be formed to plan a celebration. Mr. Demanett also reported David Christopher from Cascade Hardware had two of his suppliers donate paint for the museum. Mr. Demanett would like for staff to put a financial report together for their own police force, and would also like for the Sheriff to increase patrol on Oregon Avenue. Mr. Demanett also introduced an idea to the Council to hold a Mayor's Charity Gala, invite business owners to showcase their business and donated the proceeds to the local food pantry.

David Case asked for the Council to enter into an executive session to discuss confidential material distributed shortly before the meeting. Council gave consensus to enter into executive session toward the end of the meeting.

6. Correspondence

- A. Lane County Sheriff – Contract Report for February 2008
- B. Lane County Sheriff – Calls for Service Report – March 2008
- C. Letter submitted by Urban Moore

7. Public Forum

Urban Moore who resides at 25 South 5th Street, Creswell Oregon addressed the Council citing concerns about the skydiving issues at the Airport and also presented a letter from USPA (United States Parachute Association) outlining a telephone conference about skydiving issues.

Paul Preziose who resides at 35787 Enterprise Road Creswell Oregon asked why the City was not involved in the telephone conference with Mr. Moore as the City does own the airport.

Brian McBeth who resides at 33938 Martin Road Creswell, Oregon addressed the Council regarding Jim Johnson's Airport Report.

Bill Hastings who resides at 269 North 5th Street, Creswell Oregon addressed the Council asking for resolution to the skydiving issues at the airport.

Whitney Harder who resides at 25 South 5th Street Creswell, Oregon addressed the Council asking them to be more pro-active with the FAA (Federal Aviation Association).

8. Consent Calendar

- A. Approval of February 11, 2008 & March 10, 2008 City Council Minutes
- B. Approval of Bills – March 2008

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

9. Airport

A. Request for Payment to David Evans & Associates

Bill McCoy moved Bob Millam seconded to approve payment of invoice number 242849 in the amount of \$908.80 and invoice number 245044 in the amount of \$1,711.00 to David Evans & Associates for Engineering work on Fire Suppression Waterline Extension. Voted on and carried unanimously.

B. Fire Suppression Update

Interim City Administrator Jamon Kent gave the Council an update on the FAA (Federal Aviation Administration) AIP (Airport Improvement Program) funding. Mr. Kent reported after speaking with Dave Roberts of the FAA that Congress has re-appointed seventy five percent of the expected non-discretionary funding, reducing the City's AIP amount from \$540,000.00 to \$460,000.00. Mr. Roberts also feels in May Congress will release the remaining twenty five percent funding to bring the City's AIP allotment back to the expected \$540,000.00. Mr. Kent also explained the City has placed in the budget \$27,000.00 for the AIP match which means at this time there is \$427,460.00 available for the construction of the Fire

Suppression Line. Mr. Kent said the advertisement for bid of this project will go out on May 5th with bid opening at the end of May, and believes the FAA will want to participate in the review process.

10. City Administration

A. Request for Lease of Land

Interim City Administrator Jamon Kent said he has received a proposal to lease the City's newly acquired property east of the airport from Harrold's Dairy LLC. Mr. Kent said Harrold's Dairy previously held a lease with Oregon Department of Transportation for the purpose of grazing livestock on this property and would now like to enter into a lease with the City. The proposed lease is for the purpose of planting and harvesting hay for silage, and would no longer permit livestock to graze. Mr. Harrold has proposed to lease this property at \$50.00 per acre of the 26.3 acres available for farming annually or \$1,315.00 per year. Discussion ensued to include the property taxes for the land in the lease contract. Council gave consensus to direct staff to prepare a lease, have it reviewed by legal staff, and bring it back to the Council for approval.

B. Appointments of Vacancies

ii. Airport Commission Vacancy

The City of Creswell advertised a vacancy on the Airport Commission and received ten applications. In accordance with Ordinance 309 the appointee must be a regular user of Creswell Hobby Field and fill the vacancy until December 31, 2011 the expiration date for this term. Acting Mayor Tim Demanett asked for recommendation from the Council, and a discussion ensued regarding the applicants. After consideration and discussion Acting Mayor Tim Demanett recommended appointing Jerry Norcia to fill the vacancy on the Creswell Airport Commission until the term expires December 31, 2011. Voted on and carried unanimously.

iii. City Council Vacancy

The City of Creswell advertised a vacancy on the City Council left by the resignation of Alan Brown and received three applications for that position. The applicant appointed to the City Council must have resided within the City for at least one year immediately before appointment and fill the vacancy until the term expiration of December 31, 2010. Acting Mayor Tim Demanett said that of the three applicants, Jack Gradle current planning commission member has asked to remain on the Planning Commission and Mr. Bergman has withdrawn his application. Acting Mayor Tim Demanett recommended the Council appoint Bob Hooker to fill the vacancy on the Creswell City Council until the term ends December 31, 2010. Voted on and carried unanimously.

iv. Planning Commission Vacancy

When Keith Morgan's Planning Commission term ended December 31, 2007 he tendered his resignation of appointment. The City of Creswell advertised a vacancy on the Planning Commission and received two applications. The appointee for this position must reside within the City Limits of Creswell in accordance with Ordinance No. 139, an Ordinance Establishing a City Planning Commission and Prescribing its Powers and Duties. Acting Mayor Tim Demanett appointed Gary Ludeke to fill the Planning Commission vacancy with the term ending December 31, 2011.

C. Gas Tax Plan

As a result of the loss of Secure Rural Schools funding, which was filtered down to Creswell via the City County Road Partnership Agreement with Lane County, the Council has determined by majority vote to place a gas tax measure on the November 4, 2008 general election ballot for the City of Creswell. Interim City Administrator Jamon Kent informed the Council the filing deadline with the County Elections office is September 4, 2008 and distributed a timeline for tasks to be completed in order to have this on the ballot. Mr. Kent also reminded the Council of legal advice at the April 7, 2008 meeting, once the process is officially started for placing a question on the ballot city staff may not assist or participate in public awareness programs with regards to the ballot measure leaving the Council with that task. Discussion ensued as to the best possible way to educate the citizens of Creswell by holding community meetings and speaking to local groups such as the Kiwanis Club.

D. C2A2 Request for Street Closure

With consensus this item was heard under Section 4 of the agenda.

E. ComSpan Fiber Option

Interim City Administrator Jamon Kent said ComSpan Communications based in Roseburg, Oregon has approached the City inquiring about a franchise agreement to provide Fiber via triple play voice, data, and television services to the residents and business owners of Creswell. ComSpan Communications currently concentrates on providing services to small communities and holds franchise agreements with Veneta, Bandon, Coquille, and Myrtle Point. Mr. Kent explained ComSpan is willing to put in the infrastructure, pay the franchise fees, compete with Centurytel and has even leased office space within the City. Discussion ensued amongst the Council with consensus being to have a ComSpan representative attend a Council meeting to give a presentation and direct staff to contact two of the cities who currently receive services from ComSpan for a referral.

11. Public Works

A. Water Quality Report

Public Works Director, Roy Sprout said he has received a letter from the State Drinking Water Program who is in the process of issuing us an administrative order due to the arsenic levels in the water although they know we are working on a solution to the problem and upgrading the Water Treatment Plant.

B. Water Treatment Plant Update

Public Works Director Roy Sprout said the Water Treatment Plant Project is right on track, and the issue with the land ownership has been resolved and the bid opening is scheduled for April 17, 2008. Interim City Administrator Jamon Kent said the Title Company says a small portion of the property the water treatment plant sits on belongs to the County so Mr. Kent has contacted the County and has asked them to relinquish that piece of property to the City.

C. Pay Request for CH2MHill for Engineering Services at Water Treatment Plant

Mike Ufford moved Bill McCoy seconded to approve pay request for CH2MHill, Invoice No. 3645381 in the amount of \$30,319.94, as presented. Voted on and carried unanimously.

12. Clerk's Report - March 2008

Acting Mayor Tim Demanett called for a two-minute recess before entering into executive session per ORS 192.660 (2) (h)

Acting Mayor Tim Demanett closed the executive session and reconvened the regularly scheduled City Council Meeting.

13. Upcoming Meetings

April 17th Planning Commission
April 21st Bid Award
May 15th - Airport Commission

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

Tim Demanett, Mayor

Roberta J Tharp, City Recorder