

City of Creswell  
Council Minutes  
May 08, 2006

Council Present:

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

Council Absent:

Tim Demanett

Staff Present:

Mark Shrives	City Administrator
Layli Nichols	Finance Director
Roy Sprout	Public Works Director
Shelley Humble	Airport Manager
Megan Banks	City Planner

Press: 2

Audience: 21

1. Public Hearing

A. Annexation Request – Case No. 2006-03

Megan Banks addressed the council and reviewed the annexation application submitted by the property owner. The application is for a property located on the south side of Martin Rd, north of Creswell Court, Map No. 19-03-11-00-05801. She noted the request meets the state guidelines and city development code. She stated utilities are available to extend to the property. Mayor Petitti polled the council for conflicts or ex parte connection to the annexation. No conflicts were declared.

Mayor Petitti opened the public hearing on Annexation 2006-03. JR Reynolds of 202 Pebble Beach Drive, property owner, spoke in support of the annexation. Ron Hanson asked if he had a time frame for annexation. Mr. Reynolds said he would like to proceed as soon as possible. There being no further public testimony, Mayor Petitti closed the public hearing.

- (1) Resolution 2006-09 – A resolution supporting the property owner initiated annexation of territory to the City of Creswell

Bob Millam moved Ron Hanson seconded to approve the annexation request as amended to include acceptance upon receipt of a complete application from the applicant. Voted on and carried unanimously.

2. Comments from Mayor, City Council and City Administrator

No comments were received.

3. Public Forum

No comments were received.

4. Correspondence

Mayor Petitti asked if there were any comments regarding the letter submitted by Colin Lyons regarding fees for use of the community center for non-profit groups. Ron Hanson asked what the current policies are and City Administrator Mark Shrives said currently the schools are allowed six free uses per year, Governments receive free use, and all other users pay the regular fee. He suggested revising the Community Center use resolution. A short discussion ensued and Ron Petitti suggested taking the issue to the Parks Committee for review.

City Administrator Mark Shrives suggested forwarding the letters regarding sidewalks on Nth 2<sup>nd</sup> Street to the Transportation Committee for review. Patty Birch owner of 11 Nth 2<sup>nd</sup> Street indicated she purchased the property after the Downtown Enhancement Project had been completed. She noted the east side of the street had been upgraded and suggested it was an omission the west side was not included in the project, but would like to see the issue addressed.

5. Consent Calendar

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

6. Old Business

A. Blue Jay Loop Annexation

City Planner, Megan Banks explained when the Creswell Gardens subdivision was created (Blue Jay Loop), a strip on the east side of the subdivision running parallel to the railroad was not annexed to within city limits. Since that time property owners of the affected tax lots have been paying two property tax bills, one for inside city limits and the other for outside city limits. She explained a determination would be made as to the fate of the vacated road, which is the area in question. There is a 20' strip not part of the plat is currently attached to a large tax lot to the south which is inside the city and east of the area in question. She said the tax assessor informed her that the 20' strip is coded as inside city limits. It will be brought to the Planning Commission, then City Council and finally the Lane County Boundary Commission before the issue is resolved.

B. CH2MHILL presentation regarding Water Improvements

Paul Berg of CH2MHILL addressed the council regarding the Water Treatment Plant improvements. Last month seven alternatives for build out of the project were presented to the Council. Alternative 4, costing \$10.6 million, is preferred by city staff. There was concern that this alternative exceeds the project budget and after the last meeting alternative 4 was reviewed to determine if there were cost saving options that would still meet the project needs. Mr. Berg explained the review process and discussed criteria used for evaluation, such as the various membrane filters available. It was suggested the old building could be used to house support facilities, then pump water from the river to the filter and then to the system, enabling all the water to be treated at one central location. He feels the best approach is to use the water from the well fields and the river, using the Emerald Valley Well Field in the future to provide additional water. He suggested the Emerald Valley Well Field could be bid as an alternate, which is estimated to cost \$300,000. A discussion ensued and Ron Hanson asked what inflation would be for building the Emerald Valley Well Field at a later date and Mr. Berg said that approximately one third of the cost is steel.

Mr. Berg said the projected timeframe for the project is: the biological assessment, then drawings should be submitted to the state and county, once permitting is done mid to late summer, they could work on design through the fall and bid the job early next year. With the proposed plan, the plant would stay as is until the new facility is completed.

C. Financial Analysis of Water Project.

City Administrator Mark Shrives explained the State of Oregon mandates an "affordability rate" for communities who borrow money to complete capital projects. The criteria used for the rate is non-inclusive of the System Development Charges as set forth in the Water Master Plan. Finance Director Layli Nichols gave an analysis of the financial plan for the project and a short discussion ensued. Ron Hanson moved Bob Millam seconded to move forward with alternative 4 as presented by CH2MHill. Voted on and carried unanimously.

D. Construction of new City Hall Building

City Administrator Mark Shrives said there is no money currently to allow us to build city hall yet. The offer to purchase the property located at 125 W. Oregon Avenue has been accepted and is set to close June 1<sup>st</sup>. Mr. Shrives said the city would continue to save for the project, and noted he had researched the cost finding the price per square foot in the ballpark.

E. Resolution 2006-10 - A Resolution recognizing receipt of a \$15,660 Grant from the Oregon Department of Environmental Quality, Solid Waste Program

Cathy Morgan moved Bill McCoy seconded to approve Resolution 2006-10 recognizing a grant awarded to purchase recycling bins as presented. Voted on and carried unanimously.

7. Airport

A. Request for Federal Aviation Administration (FAA) Safety Inspection

City Administrator Mark Shrives said there have been many letters regarding skydiving at the airport. He contacted Mike Grant at the Federal Aviation Administration (FAA) to conduct a safety inspection and report back to the Council. Airport User Paul Preziose of 35787 Enterprise Rd. addressed the council and said the drop zone has been reduced from 40 acres to four acres. He explained there are four classes of jumpers and all but class D jumpers require a larger clear zone than is present. He suggested restricting skydiving activity to class D jumpers until the safety inspection is complete. Mr. Shrives said it is a direct result of the many letters regarding this issue, that he has requested a safety inspection and has asked the FAA to make a determination regarding this issue.

Attorney Douglas Minger, representing Eugene Skydivers addressed the council. He said Mr. shrives sent a letter to the FAA requesting a safety inspection, including a three-page compilation of alleged safety violations by Eugene Skydivers, to which he sent a response to Mr. Shrives. He asked the council to consider the information contained in his letter addressed to the Council and submitted in February 2006, when making a decision. As far as he knows the drop zone, which is still 42 acres, has been subject to an alleged reduction by Oregon Department of Transportation (ODOT), however ODOT has informed him the reduction was at the request of the Airport Manager.

Mr. Minger said he has a copy of a letter from the United States Parachuter's Association (USPA), of which Eugene Skydivers is a member, stating it is not the FAA's responsibility to

determine the appropriate drop zone requirements, but the USPA, and the FAA defers to these guidelines. He would ask in light of the long time duration of this business, that the request by Mr. Preziose be disregarded, until the safety inspection is completed. He noted skydiving is not a hobby but a viable business for Eugene Skydivers. Mr. Shrives recommended the Council take no action until the safety inspection is complete, but noted the airport user agreement should be updated and put in place as it includes the requirement for insurance.

B. Pay Request David Evans and Associates

Cathy Morgan moved Bill McCoy seconded to approve David Evans and Associates pay request for engineering work on the fire suppression line at the Airport, in the amount of \$9,127 as presented. Voted on and carried unanimously.

C. Update on Connect Oregon Grant

City Administrator Mark Shrives said the grant application requested roughly \$620,000, which would allow completion of the water line to the Airport for fire suppression. Lane County Commissioners ranked the projects and ours fell at number seven out of eight submitted. Last week Mr. Shrives, Airport Manager Shelley Humble and Fire Marshall Dan Olson testified to the County Commissioners and as a result our project was moved to number four on the list, meaning there may be a chance of receiving some funding.

D. 2007 Federal Aid to Municipalities (FAM) Grant application

This is a grant the City has requested each year for \$25,000 which requires a 10% match. The first priority for the grant is the fire suppression system, the second is the 100LL pumping station which has been there since 1976, third would be runway improvements and fourth would be replacing a portion of fencing. Cathy Morgan moved Ron Hanson seconded to approve the FAM grant application as presented. Voted on and carried unanimously.

8. Public Works

A. Eugene Sand – Nieblock Interceptor Project, final pay request

Bob Millam moved Cathy Morgan seconded to approve pay request no. 8, the final pay request for Eugene Sand and Gravel in the amount of \$96,356.42. Voted on and carried unanimously.

B. Ordinance 435 – An Ordinance authorizing a loan from the Safe Drinking Water Revolving Loan Fund

City Administrator Mark Shrives said this is the required ordinance for the \$4 million Safe Drinking Water loan for the Water Treatment Plant Project. Cathy Morgan read the Ordinance Twice by title and so moved to accept Ordinance 435 as presented, Ron Hanson seconded. Voted on and carried unanimously.

C. Harvey Road – Lane County Capital Improvement Plan

City Administrator Mark Shrives said he and Mayor Petitti gave testimony to the County Commissioners last Wednesday on the Harvey Road Project. County staff asked if it was possible to move the project to the 2006-2007 fiscal year, and it was noted that design would be difficult to complete by then. The project limits are from the urban growth boundary (North) to Hillegas. Improvements would include widening the road, adding curb,

gutter, and sidewalk. Lane County would assess a Local Improvement District to existing property owners. Ron Hanson asked if there was any discussion for the City to complete the project from Hillegas to Oregon Avenue. Mr. Shrives indicated there was not at this time.

D. Dillard Road house – Wastewater reuse location (33680 Dillard Rd.)

City Administrator Mark Shrives explained there was an existing house at the reuse site when the City purchased the property. Since the purchase the house has been vacant. He said while the site is fairly secure, last summer sheep were found inside, and recently a transient had taken up residence in the house. Public Works Director Roy Sprout and Mr. Shrives discussed ideas for dealing with the house and would like to look into having the house destroyed or removed. It was suggested the house be donated to the fire department for a burn to learn.

9. City Administration

A. Fact Finding Investigation – Local Government Personnel Institute (LGPI)

City Administrator Mark Shrives received two letters regarding allegations regarding Airport Manager Shelley Humble. He said the allegations warranted investigation as a personnel action. He contacted the League of Oregon Cities who directed him to LGPI, which he hired to conduct an investigation regarding the allegations. The report from LGPI determined the allegations to be unfounded. As part of the investigation a search of the City's computer at the airport revealed it was not being used for personal gain. The cost of conducting the investigation was \$4,600 which will be reflected in the Airport Fund. Suggestions made by LGPI include: review the Government Standards and Practices laws with all employees, revision of the employee handbook to include rules for computer use, communicate with staff to clarify between working and volunteer time, and consider setting up a forum to address airport issues. The conclusion of the investigation showed the Airport Manager appears to be a dedicated employee acting under the direction of the Administrator and City Council. Mr. Shrives feels the investigation completed by Dan Bartlett was thorough and noted it was Mrs. Humble's choice to review the findings in a public meeting rather than executive session.

B. Budget Timeline

City Administrator Mark Shrives reviewed the timeline included in the council packet and noted the Committee Meeting would be held on May 22, 2006 at 6:30 p.m., at the Community Center.

C. Services Agreement Amendment

City Administrator Mark Shrives explained the contract with Lane Council of Governments for planning services is based on anticipated activity for the fiscal year. He noted the proposed increase to the contract is mainly due to the Fairways project at Emerald Valley. Cathy Morgan moved Bill McCoy seconded to increase the Planning Services agreement with Lane Council of Governments for a total contract amount of \$120,000 as presented. Voted on and carried unanimously.

D. Resolution 2006-11 – A resolution changing appropriations within the General Fund

City of Creswell  
Council Minutes  
May 08, 2006

Bill McCoy moved Bob Millam seconded to approve Resolution 2006-11 as presented.  
Voted on and carried unanimously

E. PERS Alliance

The League of Oregon Cities has sent a request to all participants for a small stipend to assist with the Public Employment Retirement System (PERS) issues. Mr. Shrives would like to know if the Council is interested in participating, and was given council consensus to participate.

10. Clerk's Report – for the period ending April 30, 2006.

Finance Director Layli Nichols reviewed the combined financial statement for April 2006.

11. Executive Session per ORS 193.660 (2) (h) to consult with legal counsel.

Mayor Petitti adjourned the regular Council Meeting and called for a two-minute recess before entering into executive session.

Mayor Petitti closed the executive session and reconvened the regular Council Meeting.

12. Other Business

- A. Joint City Council / Planning meeting
- B. Finance Committee meeting May 17, 2006
- C. Budget Committee meeting May 22, 2006
- D. Work Session to discuss P&J Disposal rate increase
- E. Work Session to discuss sidewalks – pending

City Administrator Mark Shrives said he would like to apply for an American Express card through Costco for use by Public Works Director Roy Sprout who purchases supplies at Costco, and currently pays out of pocket and seeks reimbursement.

Airport User John Stewart of 98 Sunday drive asked if the complainants of the Airport Manager could be billed for the cost of conducting an investigation in lieu of the Airport Fund, because the allegations were deemed unfounded. Mr. Shrives stated unfortunately, the system does not work in that manner.

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

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Ron Petitti, Mayor

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Layli A. Nichols, City Recorder