

City of Creswell  
Council Minutes  
June 9, 2008

The regularly scheduled City Council meeting was called to order by Council President Bob Hooker and the pledge of allegiance given.

Council Present:

Bill McCoy  
David Case  
Mike Ufford

Robert Millam  
Robert Hooker

Staff Present:

Mark Shrives  
Roberta Tharp  
Roy Sprout  
Layli Nichols  
Ken Jones  
Jim Johnson  
Sgt. Cliff Harrold

City Administrator  
City Recorder  
Public Works  
Finance Director  
City Attorney  
Consultant  
Lane County Sheriff

Council Absent 1 – Tim Demanett

Press: 2

Audience: 33

City Attorney Ken Jones distributed a letter from Mayor Tim Demanett announcing his resignation citing his relocation outside of the city limits of Creswell in the near future leaves him ineligible for filling the position of Mayor.

Mr. Jones who is filling in for City Administrator Mark Shrives for the first part of the meeting said the City Charter will need to be reviewed and a list of options prepared regarding the next steps to take in replacing Mr. Demanett. Bob Millam moved Bill McCoy seconded to accept the resignation of Tim Demanett as Mayor. Voted on and carried unanimously.

**1. Special Presentation – Sgt. Cliff Harrold – Lane County Sheriff Update**

Sgt. Cliff Harrold of the Lane County Sheriff's Office gave the Council a brief update on the impact of the recent Lane County budget reductions to the Sheriff's Department. Sergeant Harrold said one of the two Creswell deputies were laid off during staff reductions but has been replaced and schedules have been changed to five-eight hour shifts from four-ten hour shifts. Sergeant Harrold said with the reduction of staff for the county it may mean longer wait times for Sheriff's response especially on the graveyard shift as well as the lost contributing staff such as dispatch which will create a large impact on services. Sergeant Harrold said he now has five programs to run including the Creswell Contract therefore the amount charged to the Creswell Contract for Sergeant Services has been reduced but there will also be a reduction in his abilities to supervise the deputies leaving him to be in Creswell one day a week.

**2. Special Presentation – Holt Park Picnic Shelter Dedication – Jenny Carmichael**

Acting Mayor Bob Hooker read a letter addressed to the Council from Jenny Carmichael a member of the Creswell Presbyterian Church. The letter thanked the City of Creswell for working with their committee to help them build the Picnic Shelter at Holt Park. Mrs. Carmichael's letter said Metal Clad Builders has been paid in full (\$13,795.00), and the City paid for the cost of permits, completed the site preparation and donated the gravel. The approved building permit shows a valuation of \$30,384.00 and effective immediately the Creswell Presbyterian Church is transferring ownership of the picnic shelter to the City of Creswell.

**3. Comments**

Acting Mayor Bob Hooker said he found himself sitting in the position of Council President rather rapidly. Mr. Hooker said he has the City of Creswell at heart, does not have a personal agenda and wants to move forward. Mr. Hooker passed out copies of the Council rules and explained how he will enforce the rules as the bottom line.

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Bob Millam welcomed Mr. Hooker to the position of Council President.

Bill McCoy welcomed Mr. Hooker to the position of Council President and stated he would like updates from Mr. Shrives on a few projects and would like to present those when he gets here.

David Case welcomed Mr. Hooker to the position of Council President and asked staff to look for other options to police protection after hearing about the budget cuts and staff reductions for Lane County from Sgt. Harrold.

**4. Correspondence**

Dorothy Schick who resides at 3565 Mill Street Eugene, Oregon and is business owner of Flying D Enterprises at the Creswell Airport Hobby Field addressed the Council to ask for more communication at the Airport specifically in regards to the recent spraying of chemicals on the property at the north end of the runway.

**5. Public Forum**

1. Jerry Norcia who resides at 33937 East Martin Road, Creswell, thanked the Council for appointing him to fill the vacant position on the airport commission and asked about the fuel situation at the airport. He asked the Council to look at other options for fuel providers such as a personal fuel handler at the airport.
2. Urban Moore who resides at 25 South 5<sup>th</sup> Street, Creswell addressed the Council asking to meet regarding the airport drop zone and other options to the fuel situation at the Airport.
3. Brian McBeth who resides at 33938 Martin Road, Creswell passed out correspondence he wanted to give to the Council but missed the packet deadline. Mr. McBeth expressed concerns regarding the Airport Visioning Project, construction moratorium at the Creswell Airport and with the completion of the Water Line Project he would like to see a study be done for growth at the Airport.
4. Dorothy Schick who resides at 3565 Mill Street Eugene and owner of Flying D Enterprises business at the Creswell Airport Hobby Field expressed concern about communication between staff and airport users.
5. Steve Wolf who resides at 3280 Stoney Ridge Road, Eugene and business owner at Creswell Airport Hobby Field, expressed concern about the fuel situation at the Airport.
6. Kathy Hirtz who resides at 3280 Stoney Ridge Road, Eugene and business owner at Creswell Airport Hobby Field expressed concern about the fuel situation at the Airport and the prevention of this happening in the future.
7. Mike Crowley who resides at 2565 Gateway, Springfield OR addressed the Council about concerns with the fuel situation and suggestions on making the airport a profitable business. Mr. Crowley also asked who he should forward complaints to regarding parachutists dropping through the clouds last weekend.
8. John Asbury who resides at 1401 24<sup>th</sup> Avenue, Sweet Home, OR and is a Creswell Airport user addressed the Council about lines of communication especially between business owners and airport management as well as the chain of command for complaints.
9. Darrin Humble owner of Viper Aviation 83501 North Melton Road at Creswell Airport addressed the Council and said part of the problem at the Airport is chronic complainers.
10. Paul Preziose who resides at 35787 Enterprise Road Creswell and is a Creswell Airport user addressed the Council and said he was at the airport when the fuel shortage notice went out and he suspects it wasn't noticed earlier due to the fact that there would be a run on fuel.
11. Brian McBeth residing at 33938 Martin Road urged the Council to reject the proposed budget.
12. Bill Kelly who resides at 1498 N 8<sup>th</sup> Street, Springfield OR and is a Creswell Airport user addressed the Council proposing the Council be removed from making any decisions at the airport and let the Airport Commission manage the airport.

**6. Consent Calendar**

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

**7. Annual Intergovernmental Agreements**

- A.** Contract Amendment with Lane Council of Governments to establish a 2008-09 Planning Assistance Contract with Lane Council of Governments in an amount no to exceed \$80,000.00 for general planning services for the Fiscal Year 2008-09.

Finance Director Layli Nichols said this is an annual amendment to the original contract between City of Creswell and Lane Council of Governments to provide planning services to the City. For the Fiscal Year 2008-2009 the agreement has been increased by \$5,000.00, from \$75,000.00 to \$80,000.00 to include office time at City Hall for City Planner Denise Walters to answer inquiries from the public.

Bob Millam moved Bill McCoy seconded City Council approves upon appropriations contract amendment #4 to the General Planning Assistance Contract between Lane Council of Governments and the City of Creswell, in an amount not to exceed \$80,000.00 as presented. Voted on and carried unanimously.

- B.** Intergovernmental Agreement with Lane County for Police Services FY 2008-09.

Each year the City renews a contract for police services with Lane County Sheriff's Department. The proposed contract maintains the level of services provided at 2 full time deputies and 1 third time sergeant, plus overtime as may be necessary throughout the year. Bob Millam moved Bill McCoy seconded to approve the Intergovernmental Agreement with Lane County for police services for the fiscal year 2008-2009 in the amount of \$367,076.00 as presented. Discussion ensued regarding police services taking up about seventy percent of our tax budget and the fact that Creswell and Veneta are now sharing the cost of dispatcher and record keeping services. Voted on and carried unanimously.

**8. Airport – heard out of order, see below**

**9. City Administration**

- A.** Councilor Appointment

Acting Mayor Bob Hooker asked the council members if they have had time to review the five applications for the position of City Councilor included in their Council packet. Bob Millam moved Bill McCoy seconded to appoint Jack Gradle to fill the vacancy on City Council. Discussion ensued with David Case nominating Darren McMahon and cited his community service and involvement as a good selling point for filling the position. The nomination for Darren McMahon died for a lack of a second and was deemed moot as there was already a motion on the floor to appoint Jack Gradle. Voted on and carried with Bob Hooker, Bob Millam and Bill McCoy voting for the appointment of Jack Gradle and David Case and Mike Ufford opposing. David Case asked staff to retain the applications on file in order to fill the next position.

- B.** Youth Legacy Program – Grant Opportunity

Finance Director Layli Nichols said the Youth Legacy Grant Opportunity Program is run through Oregon Parks and Recreation Department in conjunction with the 150<sup>th</sup> Birthday of the State of Oregon and is seeking applications to get children and young adults outside and enjoying local and state parks and to reconnect kids with nature. Megan Banks from Lane Council of Governments (LCOG) will put the application together, submit it and if successful in obtaining the grant the City would receive \$50,000.00. Mrs. Banks estimates the cost to the City for her time would be \$1,500.00 to \$2,000.00 and the applications are due by July 11<sup>th</sup>. Ms. Nichols said if the Council approves LCOG to work on the grant application the city can move money from the general operating contingency into Materials and Services for Parks by resolution at the budget hearing. Further discussion ensued on the odds of obtaining the grant. Bob Millam moved Bill McCoy seconded to direct LCOG to apply for the Youth Legacy Program Grant through Oregon Parks and Recreation Department. Voted on and carried unanimously.

Acting Mayor Bob Hooker called for a five-minute recess.

Acting Mayor Bob Hooker reconvened the regular City Council meeting.

- 8B.** Airport Visioning Project – Jim Johnson

Consultant Jim Johnson presented to the Council a draft copy of the Airport Vision Statement and Operational Plan for the Creswell Airport Hobby Field and briefly went through the document explaining the process he used to complete the project. Mr. Johnson said he met with a variety of stakeholders of the Airport looking for shared themes among the comments from individuals and different groups, based on the shared themes he wrote a draft visioning statement and goals and mailed it out to the stakeholders for review and comment. The revised visioning statement and goals we then mailed out in the Utility Bills

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to all water users in Creswell asking for comments. Mr. Johnson said after the comment period of the general community he wrote the operational plan which is more specific and recommends strategies and tasks to make progress on each of the goals and achieve the vision. Suggestions were also made on how best to monitor progress on the tasks outlined in the plan. Mr. Johnson said this is the draft version of the Vision Statement and Operational Plan for the Creswell Airport Hobby Field for the Council to review and revise after which, he will produce a final draft for Council Approval.

Bob Millam said this is a good step forward, a work in progress. Mr. Johnson concluded by saying he made sure the goals were represented in the vision statement and asked Council to concentrate on each of the recommended tasks and give them to the responsible party to implement. David Case asked to have the final draft placed on the July agenda and Mr. Shrives suggested the airport commission look at it first.

**8A. Airport Water Line Bid Opening Update**

City Administrator Mark Shrives said there were eight contractors who submitted bids for the Water Line Project at the Airport to bring the water line to the edge of the Airport property. Mr. Shrives said there is a sixty-day award timeline, with documents due back to the Federal Aviation Administration (FAA) on June 17<sup>th</sup>. The FAA will review the documents and could possibly award the grant money sooner if the City meets all applicable criteria.

Bill McCoy asked Mark Shrives for an update on Bald Knob Mill since the fire they had. Mr. Shrives said he attended a meeting last week to talk about the direction Bald Knob wants to go. Mr. Shrives said their goal is to rebuild and they discussed the options including the expansion of Cottage Grove's enterprise zone and the process required to do that. Mr. Shrives said the building isn't the real issue as much as it is the damage to the large equipment and he has met with The Building Department officials that said the city could potentially waive twenty-five percent of permit fees

Bill McCoy asked for an update on the City Hall Project and Mr. Shrives said he has met with the architect and things are moving along as staff should be moved out of the current City Hall by late summer.

**9C. Federal Aviation Administration Letter- Heard out of order, see below**

**10. Public Works**

**A. Pay Request from CH2MHill for the Water Treatment Plant**

Bill McCoy moved Mike Ufford seconded to approve the pay request for CH2MHill Invoice No. 3653769 in the amount of \$16,661.30 as presented. Voted on and carried unanimously.

City Administrator Mark Shrives said at the budget meeting on June 4, 2008 the fuel shortage at the Airport was discussed. A notice explaining the situation went out to all airport users as well as to NOTAM (Notice to Airman) to notify transient pilots of the fuel shortage at Creswell Airport Hobby Field and provided information regarding other airports that may be able to supply fuel. Mr. Shrives said he has been looking into different options to solve this matter.

A lengthy discussion ensued regarding budget laws and Finance Director Layli Nichols said we have transferred the Airport Contingency money already leaving a balance of \$305.00 in that fund. Ms. Nichols said there are a variety of reasons why the Airport fund no longer has money left in it: the cost of fuel has risen dramatically, and Legal Services had eaten up about \$60,000.00 of the funds when only \$2,000.00 was budgeted for that line item. Ms. Nichols also said to order fuel within the remaining fiscal year would require a supplemental budget and being this close to the end of the Fiscal Year the noticing requirements for budget law would not be able to be met before June 30<sup>th</sup>.

The discussion continued with talk of loans from the general fund to an enterprise fund being repaid before the end of the fiscal year, bringing in fuel from outside sources but that would require suspending or change the airport rules and checking with the Fire Marshall first.

Acting Mayor Bob Hooker call a five minute recess.

Acting Mayor Bob Hooker reconvened the regular Council meeting.

City Attorney Ken Jones said he has come up with a recommendation to the fuel crisis at the Airport. Mr. Jones said he would recommend two steps:

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1. The first step would be to transfer \$25,000.00 of appropriation from Capital Outlay in the Airport Enterprise fund to the Materials and Services in the Airport Enterprise Fund. That will provide you within the enterprise fund enough appropriation to purchase fuel. Mr. Jones said this must be approved by the Council by resolution.

2. The funding would be an intra-fund loan between the general fund and the airport enterprise fund. The statute requires that when you do this kind of loan, the fund loan must be paid back by the end of the fiscal year or June 30, 2008. The theory being by then we would have the fuel sales money to repay the loan. If the loan is not repaid by June 30<sup>th</sup> 2008, it must be included in the budget to be repaid within the next fiscal year or by June 30, 2009.

City Administrator Mark Shrives said subject to the auditor's approval of the loan, he feels we could order the fuel and have it delivered within a day or two.

Bill McCoy moved Bob Millam seconded, resolved that the Council moves to approve transfer \$25,000.00 of capital outlay appropriation from the airport enterprise fund to Materials and Services in the airport enterprise fund, subject to approval by auditor. Voted on and carried unanimously.

Bob Millam moved David Case seconded Intra fund loan this is a loan of resources from the city's general fund to the airport enterprise fund in the amount of \$25,000.00 to be spent on fuel purchases further its resolved that the Intra fund loan be repaid from the airport enterprise fund prior to June 30, 2008. It is further resolved that if repayment is not made by June 30, 2008 repayment will be budgeted and included in the budget ending June 30, 2009 subject to auditor approval. Voted on and carried unanimously.

City Attorney Ken Jones recommended to the Council if the City finds from the auditor that this will not work the City should schedule a special Council meeting within a twenty four hour notice to address this issue again.

**9 C FAA Letter** (heard out of order)

City Administrator Mark Shrives said he received a letter on June 2, 2008 from Joelle Briggs who is the Regional Compliance Program Manager for the Federal Aviation Administration (FAA) in Seattle as a follow up to the letter from correspondence sent from Senator Gordon Smith's office. Ms. Briggs requests that the City either submit a summary and analysis of why skydiving is unsafe at Hobby Field or an operational safety plan that establishes mitigating procedures for skydiving at Hobby Field to the Seattle Airports District Office.

Mr. Shrives said he asked the City Attorney Ken Jones to review the Airport skydiving files and prepare options and issues that need to be discussed before the Council discusses what direction they will take in answering Ms. Briggs request.

City Attorney Ken Jones said there are two things that have never changed that he finds interesting: if you read the letters from the FAA no one has ever said it is safe to jump at Hobby Field and the FAA did not retract or rescind their original letter that says as long as we do not have additional property for jumping, the narrow area is not safe for a drop zone. Mr. Jones said there was an appeal filed under part 13 regarding grant assurances, those same issues would be addressed in a part 16 appeal if one were filed but the FAA did not choose to move the issue forward on the part 13 complaint. As per a telephone conference between three FAA employees, Mr. Shrives and Mr. Jones, the FAA has requested the Council review the un-adopted safety plan and review the obstacles the City sees in the landing zone and provide that information to the FAA for their review and consideration.

Mr. Jones said although he doesn't recommend it, the City could do nothing, ignore it and if someone does file a part 16 complaint with the FAA let it go through the process costing the City approximately \$20,000.00. Mr. Jones said he also does not recommend that the Council immediately allow skydiving as the FAA rules are always subject to a safety plan.

A discussion ensued about the liability issues of skydiving without a safety plan in place, insurance issues, grant issues, reviewing the skydiving issues again and making good choices for the City.

Acting Mayor Bob Hooker asked the Council for suggestions to look into the situation or maybe appoint a couple of councilors to sit down and look at a safety plan. City Administrator Mark Shrives suggested the

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attorneys Ken Jones and Doug Minger, Attorney for Urban Moore of Eugene Skydivers to sit down and discuss what we have for a safety plan and see what they would recommend as a place to start.

Acting Mayor Bob Hooker with the consent of the Council gave staff direction to allow the City Attorney Ken Jones and Doug Minger, Attorney for Urban Moore of Eugene Skydivers to sit down and review what we have as a safety plan with the goal being to eliminate the areas where there is not any disagreement, leaving a starting point to areas needing to be worked on.

The Council directed staff to advertise for the planning commission vacancy and place a deadline on application submittal of July 2, 2008. Acting Mayor Bob Hooker said he would like to leave the Mayoral position vacant until the election because as Council President he could take care of the duties of the Mayor without being sworn in. The remaining councilors gave their consent.

**11.** Clerks Report – none

**12.** Upcoming Meetings

**A.** June 17, 2008 – Budget Hearing

**B.** June 24, 2008 – Bid Opening Water Plant Amendment

**13.** Adjournment

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

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Bob Hooker, Acting Mayor

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Roberta J Tharp, City Recorder