

City of Creswell
Council Minutes
June 12, 2006

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
Cathy Morgan	Ron Petitti
Tim Demanett	Ron Hanson

Council Absent:

Bob Millam

Staff Present:

Mark Shrives	City Administrator
Roy Sprout	Public Works Director
Shelley Humble	Airport Manager
Megan Banks	City Planner
Ken Jones	City Attorney
Roberta Tharp	Utility/Court Clerk II

Press: 2

Audience: 24

1. Public Hearing
 - A. Adoption of Fiscal Year 2006-2007 City Budget

Mayor Petitti called the Public Hearing for the adoption of the 2006-2007 City Budget to order, and opened the floor for public comment.

City Administrator Mark Shrives stated the budget was presented to the Budget Committee on May 22, 2006. The Budget Committee recommended approval of the budget as presented with a correction of a typo error.

There being no further comments, Mayor Petitti closed the public hearing.

1.A.1 Resolution No. 2006-13, a Resolution Adopting the Budget, Making Appropriations and Levying Taxes.

Ron Hanson moved Cathy Morgan seconded to approve 2006-13, a Resolution Adopting the Budget, Making Appropriations, and Levying Taxes. Voted on and carried unanimously.

1.A.2 Resolution No. 2006-14, a Resolution Electing to Receive State Revenues

Tim Demanett moved Cathy Morgan seconded to adopt Resolution 2006-14, a resolution electing to receive state revenue sharing funds. Voted on and carried unanimously.

1.A.3 Resolution No. 2006-15, a Resolution Regarding State Revenue Sharing Funds

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Bill McCoy moved Ron Hanson seconded to adopt resolution No. 2006-15, a resolution regarding state revenue sharing funds. Voted on and carried unanimously.

1.A.4 Resolution No. 2006-16, a Resolution extending the City of Creswell's Worker's Compensation coverage to Volunteers of the City of Creswell

Cathy Morgan moved Tim Demanett seconded to adopt Resolution No. 2006-16, a Resolution extending the City of Creswell's Worker's Compensation coverage to Volunteers of the City of Creswell. Voted on and carried unanimously.

1.A.5 Ordinance 436, an Ordinance Establishing a Parks Development Fund

Tim Demanett moved Nathan Marple seconded to adopt Ordinance No. 436 an Ordinance Establishing a Parks Development fund. Voted on and carried unanimously.

1.A.6 Ordinance 437, an Ordinance Establishing a Transportation Enhancement Fund

Cathy Morgan moved Ron Hanson seconded to adopt Ordinance No. 437, an ordinance establishing a Transportation Enhancement Fund. Voted on and carried unanimously.

1.A.7 Intergovernmental Agreement between Lane County and the City of Creswell for Police Services

Bill McCoy moved Tim Demanett seconded to accept the intergovernmental agreement between Lane County and the City of Creswell for police services, in an amount not to exceed \$315,599.00. Voted on and carried unanimously.

Edwin Bush who resides at 564 Blue Jay Loop, stated that he received a letter from the County notifying him they would no longer respond to his security system alarm and was looking for suggestions on ways to protect his home.

- B. Blue Jay Loop Annexation, Case No. ANNEX 2006-04, a request by the City of Creswell to bring approximately 3.8 acres located along Blue Jay Loop west of the Central Oregon and Pacific Railroad tracks in the north area of Creswell into the Creswell city limits. The affected properties include assessor's map 19-03-14-21, portions of tax lots 1600, 5100, 5200, 5300, 5400, 5500, 5600, 5700, 5800, 6200, 6300, 6400, and 6500. The application will be reviewed under Sections III.C.1, 2, 9 and 10 of the Creswell Comprehensive Plan, Statewide Planning Goal 14 (Urbanization) and any applicable sections of the Creswell Development Code.

Mayor Petitti called the Public Hearing to order regarding Annexation 2006-04 (Blue Jay Loop), and opened the floor for public comment.

City Planner Megan Banks explained the proposed annexation area is a strip of land running north/south on the westerly border of the Creswell Gardens subdivision developed by Hayden Homes. The property owners of the affected area have been receiving two property tax bills, as the proposed annexation area has been determined to be out of Creswell City limits at the time of final plat recordation. The City initiated the annexation, in order to facilitate reconciliation of the issue. Mrs. Banks further explained the proposed area already has the required utility services, and complies with all state and local planning goals. Property owners were mailed notices and agreements, of which eleven have been signed and returned. Two notices came back return to sender, and two have not yet been returned. Included in the annexation

proposal is a vacated road right of way just west of the Hayden Homes property lines, and east of the railroad, which would restore ownership of this parcel to the original property owner.

Anthony Horvath, owner of 656 Blue Jay Loop is concerned that most of the property owners think they are getting the 20 foot strip behind the fence & landowners will start spending money on it and developing it when they won't truly own it.

City Administrator Mark Shrives explained the issue is confusing as the subdivision land was not properly subdivided and the city also vacated a piece of property that didn't belong to them. He also stated that at this point the city is just trying to facilitate this annexation and there isn't any city property involved with this. There are two issues; 1) when Hayden Homes was platted approximately 4 feet of property was left in the county and, 2) the 20 feet behind that is not city property, it has private ownership.

Edwin Bush of 564 Blue Jay Loop states that some of residents were getting 2 tax bills and mortgage companies would only pay on one, so as a result people were getting foreclosure notices on their properties.

Bill Clark of 696 Blue Jay Loop stated that brush is growing over his fence and he is just waiting for this process to happen so he can make his property presentable.

Mrs. Banks clarified that upon Council approval, the City would submit the annexation request to the Lane County Local Government Boundary Commission for final approval.

There being no further comments, Mayor Petitti closed the public hearing.

B (1) Resolution No. 2006-17, a Resolution Supporting the City Initiated Annexation of Territory to the City of Creswell

Bill McCoy moved Tim Demanett seconded to approve resolution No. 2006-17 as presented. Voted on and carried unanimously.

2. Special Presentations

A. Oregon Department of Transportation Mobility Presentation - Joe Harwood

Joe Harwood from ODOT gave a short presentation –“Keeping Traffic on the Move – 2006” Mr. Harwood explained there are numerous road projects in Lane County along I-5. ODOT will be working on 9 bridge projects between Creswell and Cottage Grove within the next year, and have kept traffic delays minimal with nighttime and off peak work hours. He also showed slides of the River Drive Bridge demolition, and other future projects.

Ron Hanson asked about the construction delay on the Creswell overpass and Mr. Harwood explained there were issues with relocating some utility lines, and construction should pick up next week. Mayor Petitti pointed out that there were no signs posted for slowing traffic down on either side of the overpass while construction is going on, Mr. Harwood said signs would be up next week on both sides of the freeway.

B. Ford Leadership Training Group – Rock to Rock Project, Shawn Hittenberger

Shawn Hittenberger, on behalf of the Ford Leadership Training Group, along with Sheila Hale, Carol Campbell, and Anna Dolan gave a short presentation on the joint community monument project with Creswell and Cottage Grove. The Rock to Rock project will be an inspirational monument with words and phrases inscribed on it. The monument will be a large rock, split in half with one-half to be placed in Creswell and the other in Cottage Grove, the goal being

inspiration, education, beautification, and connection between the two cities. The group is asking direction from the Council on a location to place this monument. The locations presented to the Council for consideration were: the new community building on 5th Street or the linear park located at the west end of Nieblock. Mr. Hittenburger explained they have one year to complete this project and must stay within their budget. He explained the learning process and praised the Ford Leadership Team. Mr. Shrives suggested the Parks Committee could work with their design team, and Council gave consensus to support of the proposed Rock to Rock Project as presented.

3. Comments from Mayor, City Council and City Administrator

No comments were received.

4. Public Forum

Eddie McClusky of 385 West A Street stated that our town is growing, the population is doubling and the City has annexed a lot of property, but feels our police force is worse than it was 10 years ago. Mayor Petitti responded the City has had a small increase in police coverage this year, and the City currently spends a large portion of property tax revenue on law enforcement. Ron Hanson also responded Council is waiting for the outcome of the public safety proposal issue coming up on the ballot this November.

Ruby Miller of 851 Killingsworth addressed the Council regarding a letter she received from City Administrator Mark Shrives about an incident which occurred on May 11th, involving herself and Lane County Sheriff Deputy O'Neill in which he informed her it was inappropriate to lodge complaints through the Public Works Department, and asked her to lodge any future complaints directly at City Hall. She informed the Council she would be setting up a meeting in order to share her version of events, and invited the Council to attend. Mrs. Miller said she would notify Councilors of the date and time.

5. Correspondence

- A. Letter to Attorney Douglas Minger from City Attorney Ken Jones
- B. Letter of Resignation from Planning Commission submitted by Jeri-Anne Cohen
- C. Survey by Drake University regarding Oregon Planning and Zoning Commissions
- D. Sheriff Department Contract Activity for April 2006
- E. Sheriff Department Contract Activity for May 2006
- F. Letter to South Lane Rural Fire regarding Temporary Refueling Tank
- G. Letter from Mr. And Mrs. Dale Martin regarding Water Rates
- H. Request for Volunteers by Lane County Health and Human Services Public Health Division

Ron Petitti announced the City is looking for a planning commission member to replace Jeri-Anne Cohen who has resigned. He asked if the City would post this position in the newspaper and let the public know that applications would be available at City Hall.

City Administrator Mark Shrives explained that the survey done by Drake University states there should only be two Planning Commissioners at any one time, which share the same profession.

6. Consent Calendar

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

7. Old Business

A. Letter from Mike Stone of ODOT regarding Airport Drop Zone

City Administrator Mark Shrives explained that the letter dated May 25th from Mike Stone states that the Airport Drop Zone permit has been terminated. He has been in contact with Mr. Stone who stated he is willing to work with the City and re-negotiate the permit when the City is ready to move forward.

B. Letter from Mike Harris of the Federal Aviation Administration (FAA) regarding requested Safety Inspection

Paul Preziose of 35787 Enterprise Road addressed the Council and said the state has taken back the drop zone land, and will maintain the land and inventory except what is permitted. The east side of the fence is for Agricultural purposes only, and feels the City should not allow any activity in the airport drop zone until the drop zone issue is resolved,

Doug Minger, attorney for Urban Moore, responded to Mr. Preziose's comments as there are conflicting interests at work here. He also stated any airport that receives federal funding is required by grant assurances that airports to be run in a safe manner. He feels Eugene Skydivers operates safely. Mr. Minger is planning to meet with City Attorney Ken Jones in the near future.

City Attorney Ken Jones said ORS 836.600 to 836.630 discusses local government airport regulations. It provides that local government shall amend their comprehensive land use plan and regulations to be consistent with the rules of airports adopted by Department of Land Conservation & Development under 836.616. The Creswell Airport applies to these rules. Mr. Jones also stated that this is a land use issue and the city's goal is to follow what the FFA tells us is safe and obtain a ruling that the city can follow.

Urban Moore who resides at 25 South 5th Street, Creswell stated he believes Mr. Jones read the FAA rules incorrectly. Mr. Moore stated that different classes of jumpers have different rules.

C. Contract Award for 7th Street Improvements Project

Bids Received are as follows:

Bidder	7 th Street	C Street	Overexcavation	Total
Eugene Sand & Gravel	\$107,035.00	\$78,133.00	\$4,650.00	\$189,818.00
Wildish Construction	109,340.00	75,500.00	6,750.00	191,590.00
Kerr Contractors	118,000.00	90,000.00	3,000.00	211,000.00
Brown Contracting	119,088.00	85,851.86	8,250.00	213,189.86
Morse Bros.	131,059.75	96,573.00	5,925.00	233,557.75

Eugene Sand and Gravel was determined to be the lowest responsible bidder, and City Administrator Mark Shrives recommended awarding the bid made by Eugene Sand & Gravel in the amount of \$189,818.00.

Bill McCoy moved Ron Hanson seconded to award the bid to Eugene Sand & Gravel for the 7th Street Improvement Project in the amount of \$189,818.00. Voted on and unanimously carried.

D. Approval of Curbside Recycle Bins Invoice

City Administrator Mark Shrives explained the City has received a grant from the Department of Environmental Quality, Solid Waste Program and has purchased 2,000 recycle bins, to be used by P & J Disposal, for the purpose of providing recycling service to all customers residing

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within the Creswell City limits. The bins should be distributed next week and the program implemented by July 1st.

Cathy Morgan moved Tim Demanett seconded to approve purchase order #060806 from REHRIG Pacific Company, for the purpose of purchasing recycling bins in the amount of \$12,195.00. Voted on and unanimously carried.

8. Airport

- A. Resolution 2006-18, a Resolution Adjusting the Basic Rental Fees Set Forth in Existing Airport Leases Between the City of Creswell and Individual Lessees of Property Located on the Hobby Field Airport

City Administrator Mark Shrives explained the resolution includes a 2.6% CPI adjustment effective July 1, 2006. Cathy Morgan moved Bill McCoy seconded to adopt resolution 2006-18 as presented. Voted on and unanimously carried.

- B. Pay Request – David Evans and Associates for work on the Airport Water Line Project

City Administrator Mark Shrives asked to table this item.

9. Public Works

- A. Pre-Purchase of Membrane Equipment for Water Improvement Project

City Administrator Mark Shrives said he and Public Works Director Roy Sprout met with Paul Berg of CH2MHILL, last week to discuss the possibility of purchasing membrane filtration equipment during the pre-design phase of the Water Treatment Plant Project. This would allow design to be tailored to a specific product. He said the state has approved funding for the pre-design purchase based on the submittal of draft environmental documents. Mr. Shrives explained this purchase would not require using the formal bid process, and could be advertised as a Request for Proposal (RFP).

Should the council decide to move forward, the RFP would be advertised by June 26th, with proposals due by July 24th, interviews would be held during the week of July 31st and the recommendation for award would be presented at the August 7th City Council Meeting.

City Council gave consensus to advertise an RFP for the pre-design purchase of membrane filtration equipment as discussed.

- B. Pay Request – CH2MHill – Water Improvement Project Engineering

Cathy Morgan moved Ron Hanson seconded to approve CH2MHill Invoice #3553853 in the amount of \$17,729.24 as presented. Voted on and unanimously carried.

- C. Pay Request Inv. 2010487, West Yost & Associates – Legal Assistance

A discussion was held regarding invoices not yet received from West Yost & Associates. City Administrator, Mark Shrives said there should only be one more invoice for the Nieblock project which would be for conducting a one-year warranty inspection. Mr. Shrives also stated that the City may receive a couple more invoices for the wastewater project and legal expenses.

Tim Demanett moved Bill McCoy seconded that the council approve pay request #2010487 for \$1,501.50 for West Yost and Associates. Voted on and unanimously carried.

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D. Pay Request Inv. 2010550 West Yost & Associates – Nieblock Interceptor

Bill McCoy moved, Tim Demanett seconded to approve West Yost & Associates invoice #2010550 in the amount of \$20,594.56 as presented. Voted on and unanimously carried.

E. Pay Request Inv. 2010486 West Yost & Associates – Wastewater Project

Cathy Morgan moved, Ron Hanson seconded to approve West Yost and Associates invoice #2010349 in the amount of \$1,386.00 as presented. Voted on and unanimously carried.

F. Pay Request Inv. 2010664 West Yost & Associates – Wastewater Project

Ron Hanson moved Cathy Morgan seconded to approve West Yost & Associates invoice no. 2010664 in the amount of \$1,530.50 as presented. Voted on and unanimously carried.

10. City Administration

A. Compensatory time payoff – Roy Sprout

City Administrator Mark Shrives explained to the council that compensatory time in the audit shows as a liability to the City. During the budget process this year Mr. Shrives proposed to start clearing the books of this liability. Mr. Shrives stated this compensatory time has built up over the course of several years and Mr. Sprout is currently an exempt employee so this should not be a problem again. The payoff of comp time will be in annual installments over a 5 year period, with the first annual payment made in December 2006 and the final payment in December 2010. This will allow the City to pay over five fiscal years and Mr. Sprout to spread his payments over five tax years. Each of the payments will be 293.90 hours paid at Mr. Sprout's current rate of compensation.

Mr. Shrives stated that the state law requires the city to pay at a current rate of pay and the time was tracked by time cards.

Tim Demanett moved Bill McCoy seconded that the Director of Public Works Roy Sprout, be paid for 1,469.50 hours of compensatory time in annual installments of 293.90 hours per year over five fiscal years with the first payment due in December 2006 and final payment due in December 2010 at the current rate at the time of payment to reduce his compensatory time to zero hours. Voted on and unanimously carried.

B. Compensatory time payoff – Roberta Tharp

City Administrator Mark Shrives explained that the Court Clerk position is a Non exempt position and state law allows only 249 hours on books. Again, this compensatory time show as a liability to the city in the audit. Mr. Hanson stated that with adding the positions that have been proposed this hopefully will not be a problem in the future. The city proposes to pay Roberta Tharp 600 hours of compensatory time over three fiscal years with annual payments of 200 hours per year with the first payment due in December 2006. This will leave 211.53 hours of compensatory time on the books, which is below the 240 hour maximum in state law.

Ron Hanson moved Tim Demanett seconded that the City Court Clerk Roberta Tharp, be paid for 600 hours in annual installments of 200 hours per year with the first payment due December 2006 and a final payment due in December 2008 at the current rate at the time of payment to reduce her compensatory time to 211.53 hours. Voted on and unanimously carried.

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- C. Resolution 2006-19, a Resolution Changing Appropriations within the Sewer Fund

City Administrator Mark Shrives noted there is a typo within the Resolution. He explained the words "Airport Fund" should be replaced with "Sewer Fund" just above the appropriations table. Bill McCoy moved Ron Hanson seconded to adopt resolution 2006-19 as amended. Voted on and unanimously carried.

- 11. Clerk's Report – for the period ending May 31, 2006.

The Council reviewed the Clerk's report for the period ending May 31, 2006.

- 12. Other Business

- A. Joint City Council/ Planning Commission Work Session regarding Code Development (July 20, 2006)
- B. Work Session to Discuss P & J Disposal request for a rate increase (Finance Committee)

City Administrator Mark Shrives received a rate increase proposal from P & J Disposal and has scheduled a Finance Committee meeting on July 13, 2006 at 6:00 PM to discuss this issue and bring back to the August council meeting.

- C. Work Session to discuss sidewalks (Pending)

City Administrator Mark Shrives explained the sidewalk issues would be addressed after completing the Development Code amendments.

Mr. Shrives noted on June 1, 2006, the City completed the purchase of the England's Memorial Building. Mr. Shrives has been meeting with phone & cable companies to set up services at the site in preparation for commencing the hiring process for the new positions created.

A discussion ensued regarding the building located at West Lane and North 5th Street, donated to the City of Creswell by Ross Murry Investments, in order to meet the parks and open space requirements of his Planned Unit Development. Mr. Shrives would like to schedule a time to invite councilors to tour the facility.

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

Ron Petitti, Mayor

Layli A. Nichols, City Recorder