

City of Creswell
Council Minutes
June 23, 2008

The Special Scheduled City Council meeting was called to order by Acting Mayor Bob Hooker and the pledge of allegiance given.

Council Present:

Robert Millam
Bob Hooker
Mike Ufford
Jack Gradle

Staff Present:

Mark Shrives	City Administrator
Ken Jones	City Attorney
R. Scott Palmer	Municipal Judge
Roy Sprout	Public Works
Shelley Humble	Airport Manager
Layli Nichols	Finance Director

Council Absent: 2 – Bill McCoy, David Case

Press: 2

Audience: 4

1. City Council Oath of Office – Jack Gradle, by Creswell Municipal Court Judge R. Scott Palmer

Municipal Court Judge, Scott Palmer addressed the Council and gave the oath of office to newly appointed member Jack Gradle. Mr. Palmer welcomed Mr. Gradle to the Council.

2. Budget Hearing

Acting Mayor Bob Hooker opened the public hearing for the City of Creswell Budget proposed for the 2008-2009 budget year. Mr. Hooker noted City Administrator Mark Shrives has left to copy an email received late on Sunday by absent councilor David Case. After reading the letter, and no comments were received, Acting Mayor Bob Hooker Closed the Public Hearing

3. Annual Resolutions

A. Resolution 2008-16 – A Resolution Adopting Budget, making appropriations and levying taxes

Bob Millam moved to approve Resolution 2008-16 as presented. Jack Gradle seconded. Voted on and carried unanimously.

B. Resolution 2008-17 – A resolution electing to receive state revenues

Bob Millam moved Jack Gradle seconded to approve resolution 2008-17 as presented. Voted on and unanimously carried.

C. Resolution 2008-18 – a resolution regarding state revenue sharing funds

Jack Gradle moved Bob Millam seconded to approve Resolution 2008-18 as presented. Voted on and carried unanimously.

D. Resolution 2008-19 – a resolution extending the city of Creswell’s workers compensation coverage to volunteers of the City of Creswell

Bob Millam moved Jack Gradle seconded to approve Resolution 2008-19 as presented. Voted on and unanimously carried.

E. Resolution 2008-20 a resolution adopting salary ranges for the 08-09 fiscal year

Bob Millam moved Jack Gradle seconded to approve Resolution 2008-20 as presented. Voted on and carried unanimously.

4. City Administration
A. Gas Tax update

City Administrator Mark Shrives distributed a draft gas tax informational letter to be included with the June water billing. Mr. Shrives noted there are 315 city blocks within the City of Creswell. Within the life cycle of city streets, we should be trying to maintain 6.3 city blocks per year. It costs about \$1,000 per block to perform routine maintenance, which is about \$315,000 annually. Just looking at the budget might be confusing, unless you were aware that the \$755,000 in Capital Outlay reflects three years' savings, two of which included City County Road Partnership funding, as well as having done no other major improvement projects. A short discussion ensued regarding the proposed letter and it was noted that a town hall meeting has been scheduled for July 7, 2008. Mr. Shrives stated that the Council should choose what amount of tax should be included in the letter, so Creswell residents would know what to expect to see on the ballot. After receiving information from a local fuel vendor, it is estimated that the 2 vendors sell 6 million gallons of fuel per year.

Bob Millam said that it is his recollection that Council discussed having a three (3) cent tax. Mr. Hooker and Mr. Ufford agreed. Jack Gradle said it may also be easier for constituents to accept that amount. Council gave consensus to move forward with the three (3) cent tax.

B. Approval of IGA between the City of Creswell and Lane Council of Governments for the Legacy Grant Application Preparation

Bob Millam moved Jack Gradle seconded to approve the IGA between the City of Creswell and LCOG, for grant writing services for the Legacy Grant as presented. Voted on and carried unanimously.

5. Airport
A. Response to May 29, 2008 Federal Aviation Administration Letter

Mr. Shrives said the letter he received did not have a deadline on it, but has learned there is a 30-day response requirement. Mr. Shrives noted that in the draft response, there are four letters identified which address the safety issue with skydiving on the existing property. The second half of the response was to address the safety plan. City Attorney Ken Jones referred to enclosure 8, the landing zone agreement, in the council packet information. Mr. Jones noted that there are three things: Mr. Minger's letter, the proposed safety plan, and the safety plan which is a result of the Airport Commission's and City Council's work. Lastly a draft document created by Mr. Jones, identifying the major issues contained in the proposed plan. The document itself should apply to all skydivers, the area designated for skydiving (exhibit A), the annual skydiving fee of \$2,400 proposed by the Airport Commission and runway incursion, which is to say whether people are allowed to walk across the runway, and what rules would apply to incursion.

Mr. Jones further commented on the insurance issues. City County Insurance has recommended that jurisdictions globally raise their coverage from \$3 Million to \$5 Million as a result of the Clark v. OSHU case, in which the Oregon Supreme Court changed its view of how the Tort Claims Act should be applied.

Insurance is, as a result, part of this issue. The users of the jump zone should then provide insurance for the City, naming the City as an additional insured. The City's insurance carrier should then review these documents prior to drawing final documents to ensure that the City has adequate coverage. The agreement that had been presented to the City's insurance carrier included property which is no longer available to the City. The FAA has continued to encourage non-simultaneous use, which is to say that activities such as take-off's and landings should not occur at the same time as skydiving.

Lastly, Mr. Jones recommended the City contact the Division of Land Conservation District (DLCD), as part of the Comprehensive Land Use Plan update currently being conducted. This update process requires addressing parachute landing areas and a determination should be received from DLCE on the proposed jump site area and or landing area issues. Mr. Jones said that determination should be made by DLCD, not the City.

Bob Hooker said after reviewing the options, he would like to respond with some input from Mr. Jones and Mr. Shrives. A lengthy discussion ensued regarding which of the presented options to choose for responding to the FAA letter. Mr. Jones suggested that all proposed safety plans be submitted to the FAA for comment. Mr. Minger, attorney for Urban Moore of Eugene Skydivers apologized for the scheduling conflicts which prevented him from being able to meet with the City Attorney to discuss the safety plan.

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Mr. Hooker said there would not be time for that to occur now, in order to meet the deadline for a response to the letter.

Council gave consensus to direct staff to finalize the letter, choosing option 2A, 2B, and presenting 3 safety plans to the FAA for comment, noting the attorney's should still meet to discuss the safety plans as time allows. Mr. shrives noted that essentially the council is reviewing this evening, what will be submitted as the final document to send to the FAA.

6. Upcoming meetings

A. July 7, 2008 – City Council Meeting

7. Adjournment

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

Robert A. Hooker, Acting Mayor

Roberta J Tharp, City Recorder