

City of Creswell
Council Minutes
August 7, 2006

The regularly scheduled council meeting was called to order by Mayor Ron Petitti and the pledge of allegiance given.

Council Present:

Nathan Marple
Cathy Morgan
Ron Hanson

Bill McCoy
Ron Petitti
Bob Millam

Council Absent:

Tim Demanett

Staff Present:

Mark Shrives
Roy Sprout
Ken Jones
Layli Nichols
Kay Bork
Ron Staehlin

City Administrator
Public Works Director
City Attorney
Finance Dir/Recorder
LCOG
City Engineer

Press: 2

Audience: 13

1. Public Hearings

A. Property Owner Initiated Annexation – Frank & Janice Berardi Case No. Annex 2006-06

Kay Bork of LCOG addressed the Council to review the annexation request. Frank and Janice Berardi of 83354 Nth Pacific Hwy, map no. 19-03-11-00 tax lot 04700, have requested to annex their property (approximately 3.7 acres) to within the municipal city limits of Creswell. This property currently has a Lane County zone of Agriculture/grazing/timber 5-acre minimum. This annexation request received Planning Commission approval on June 15, 2006. The application was determined to meet the statewide planning goals, conforms to requirements in the Comprehensive Land Use Plan, and has adequate utilities available. The applicant has not indicated any development goals at this time, and a measure 37 waiver is being negotiated.

Mayor Petitti opened the Public Hearing on the property owner initiated annexation request for Frank and Janice Berardi, Case No. Annex 2006-06

Vicki Hemphill 33322 Idyllwild Road addressed the council and asked Mrs. Bork if there would be sidewalks included with the development. Ron Petitti said the City is not able to control improvements to Hwy 99 as it is owned by the State and out of City jurisdiction.

No further testimony being received, mayor Petitti closed the public hearing.

A.1. Resolution 2006-22 – A Resolution Supporting the Property Owner-Initiated Annexation of Territory to the City of Creswell

Bill McCoy moved Bob Millam seconded to approve Resolution 2006-22 as presented. Voted on and carried unanimously.

B. P & J Disposal Request for Rate Increase

City Administrator Mark shrives said the Finance Committee met with P & J Disposal owners Mark and Andrea Johnson to discuss a rate increase proposal for garbage service.

Mr. Johnson addressed the Council and said rates have not increased since 2002, while the cost of doing business has. They have added employees, the cost of fuel, vehicle and

equipment maintenance has risen, and they are now obligated to provide recycling to each dwelling within city limits due to the population growth in the community. He further explained that this unfunded state mandate has incurred additional personal services cost to their company. Mr. Johnson also explained he would like to be able to pay their employees more than minimum wage to encourage long-term employment with the company.

Mr. Johnson explained current expenses versus current rates do not allow for a capital improvements reserve. They are currently using a 1978 vehicle, and need to replace it in the next few years. By having adequate funding for capital improvements, they would be able to plan for these purchases. He said they are also addressing the issue of doubtful accounts by discussing the option of charging deposits for service, and using a collections agent for unpaid bills.

With the increase in business, there is a need to have a full time staff person in the office, which would require hiring another driver. They are also discussing the possibility of building an annual 2% CPI increase into the proposed resolution that would soften the blow for future increases and assist them in staying current with costs.

Ron Hanson said the Finance Committee reviewed the information presented and while it does mark a sharp increase, their rates have been historically low. Upon review the Finance Committee recommended approval of the increase as presented tonight.

Mayor Petitti opened the Public Hearing on the proposed rate increase for P & J Disposal Service.

Annette Titus of 993 Blue Jay Loop asked what percentage the proposed increase is. Mark Johnson said the proposed increase is 20%.

There being no further testimony received, Mayor Petitti closed the Public Hearing.

B.1 Resolution 2006-23 – A Resolution Adopting a New Rate Structure for Garbage Pickup Service Proposed by P & J Disposal Service for the City of Creswell and Canceling Rates Adopted by the Creswell City Council on April 8, 2002.

Ron Hanson moved Cathy Morgan seconded to approve Resolution 2006-23 as presented. Voted on and carried unanimously.

2. Special Presentations
 - A. Update Regarding Membrane Supplier Interviews

City Administrator Mark Shrives said interviews were conducted last Thursday with the two respondents to the Request for Proposal for membrane filtration components for the Water Treatment Plant Upgrade. Mr. Shrives explained a supplier has not yet been chosen, as questions arose from both interviews and staff is currently seeking more information. He further noted either supplier would be acceptable, and would like to schedule a Council Work Session on August 16th to discuss the impact Foster Farms closure will have on the City's ability to meet debt service requirements should the water project move forward. A Work Session was scheduled for August 16, 2006 at 6:00 p.m. at the Creswell Community Center, in the Conference Room.

- B. Update Regarding Transportation Growth Management (TGM) Grant – Kay Bork of Lane Council of Governments (LCOG)

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Kay Bork of LCOG addressed the Council to discuss the TGM grant. She said the intergovernmental agreements are separate projects, which compliment each other. The interchange management plan looks specifically at the area surrounding the interchange, while the TSP (Transportation System Plan) looks at anything within the urban growth boundary. The City has been awarded a \$120,000 grant, and budgeted \$30,000 for the TSP update and the hope is the TSP can be used as a match for the TGM grant. The interchange project would be completed in approximately 15 months, while the TSP would take approximately 11 months to complete.

Bob Millam moved Cathy Morgan seconded to approve the TGM grant agreement as presented. Bob Millam moved Cathy Morgan seconded to amend the motion to include the TGM grant number 23435. Voted on and carried unanimously.

Cathy Morgan moved Bill McCoy seconded to move forward with the TSP project, and use the expenditure as a match for the TGM grant if possible, as discussed. Voted on and carried unanimously.

C. Discussion/ Direction of Storm Water Master Plan Issues – Ron Staehlin

City Engineer Ron Staehlin addressed the Council to discuss the storm drainage issue on Harvey Road. Over the past five to ten years there has been a lot of development in the area. This development has put a burden on the storm drainage which flows through open ditches owned by Lane County before discharging into Camas Swale Creek. The County is now requiring an upgrade to their storm drain before any additional flows would be allowed.

When Creswell Gardens was developed, a 30" storm drain was constructed from the Subdivision traveling west to Harvey Road, and drained into the ditch on the east side of the street. Two 24" culverts were installed under Harvey Road to transfer the storm water to the west side of Harvey Road. From there, storm water flows north along Harvey Road to a ditch flowing west to Camas Swale. When Sierra Orchard was developed, a 15" storm drain was constructed from the Subdivision along East West Lane to Harvey Road. Hazelwood Terrace, currently under construction, will provide a 24" storm drain and discharge into the ditch flowing west to Camas Swale. Craig Estates, recently approved for construction, requested to discharge storm water into the ditch along Harvey Road and was denied by Lane County. The County is planning to improve Harvey Road in this area and is requiring all storm drainage along Harvey Road to be conveyed by storm drains to the ditch that flows west to Camas Swale. This will require a 42" pipe to convey the combined flows as required by the County. The storm drainage requirements for Craig Estates alone would be an 18" pipe, and the question on the table is who should pay for the improvements to provide the 42" line now required.

Mr. Staehlin reviewed the options for constructing the 42" storm drain costing \$117,000, as follows:

Option 1 Craig Estates Developer pays all costs and establishes a zone of benefit for the undeveloped properties to the south:

Cost to Craig Estates:	\$ 91,600
Cost to properties to the south:	\$ 25,400
Cost to the City of Creswell:	\$ -0-
Total:	\$117,000

Option 2 Craig Estates Developer pays all costs up front or installs the storm drains, if the current design is approved by the County, and establishes a zone of benefit for the undeveloped properties to the south. The City reimburses the Developer for the cost to serve

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the existing subdivisions to the east. Reimbursement would be through SDC's collected from new development.

Cost to Craig Estates:	\$ 24,450
Cost to properties to the south:	\$ 25,400
Cost to the City of Creswell:	<u>\$ 67,150</u>
Total:	\$117,000

In order for these proposals to function, an update of the Storm Water Master Plan of 1984 is required. Council could conduct a mini review of the immediate area, or review the entire master plan. This would provide the City with the means to approve a storm water system development charge, enabling the city to recover expenses for this project, as well as plan for future improvements. A short discussion ensued regarding the master plan update.

City Attorney Carrie Connelly said the City could create a Local Improvement District (LID) to recuperate the cost of improvements. A short discussion ensued regarding an LID versus creation of an SDC. It was noted that if there is no master plan in place there would be no mechanism to use to recuperate costs. Mr. Staehlin said if all of the developable property is included in the master plan, then the SDC would not be restricted to one specific area. The cost for a full master plan study would be about \$20,000, while a mini study of the affected area would be about \$5,325. These figures do not include costs for topography. LCOG should be able to provide the data needed to the City.

If the Council chooses to conduct a master plan update, a draft should be ready by the October 2006 Council Meeting. There is a 60-day comment period, to allow for comments on the methodology, after approval of the master plan before SDC's could be collected. A short discussion ensued regarding whether to conduct a mini plan update or to update the entire storm drainage plan. Mr. Shrivess said if a full master plan update is conducted, then the city could potentially reimburse the Craig Estates developer through a reimbursement district. Ron Hanson said that would be the fairest way to deal with the issue.

Ron Hanson moved Bob Millam seconded to proceed with a full Storm Drainage Master Plan in the amount of \$20,000 as presented. Voted on and carried with Bill McCoy, Bob Millam, Ron Petitti, Cathy Morgan, and Ron Hanson voting yes, Nathan Marple abstaining.

D. Update/ Direction Regarding City Charter – Carrie Connelly

City Attorney Carrie Connelly addressed the council to discuss the proposed Creswell City Charter. She reviewed the letter included in the council packet, which notes the proposed charter is modeled after the League of Oregon Cities model charter. The model charter contains a broad enumeration of powers, and leaves many of the specifics to ordinances. The current City Charter is outdated and many provisions within it are now governed by state law. She would like to have the proposed charter on the ballot for the November election.

Mrs. Connelly reviewed some of the major changes proposed including Chapter 5, dealing with administrative authority, Chapter 6 which discusses quasi-judicial authority as with a land use application dispute, Chapter 7 which governs elections, and sections 24 and 25 of Chapter 7 which discusses terms of elective offices. Mrs. Connelly would like to make sure the proposed charter verbiage is correct. Instead of the very detailed and in some cases unlawful provisions, the proposed charter simply refers to state law. There is a provision added that neither the mayor nor councilor may be employed by the city. Discussion ensued regarding the proposed charter and Mrs. Connelly continued to highlight the significant changes. Section 33 includes Ordinance 410 into the charter rather than having it in the form of an Ordinance. If the measure passes at the November 7, 2006 election, there are several items that will need to be addressed in the form of an Ordinance after the new charter is in place. An example of which

would include city rules governing how the nomination process is handled for elections within the city. City Administrator Mark Shrives suggested a special meeting be held to present the final draft of the proposed charter next Wednesday tied with the previously scheduled work session in order to finalize the document in a timely manner.

E. Building Permit Fee Changes – Shawn Eaton of the Building Dept. LLC

Building Inspector, Shawn Eaton addressed the Council to discuss a proposed change in permit fees. He explained there is a new law which will exclude plumbing from the allowable plan review fee. Mechanical fees will also be restricted in this manner in the future. The Building Department is proposing a change in the manner fees are charged in order to offset the loss of revenue from plan review fees. This shift would include an increase to plumbing, mechanical, and structural permit fees.

The minimum permit fees for these areas would be increased to effectively recuperate the cost of processing permits, administering the program and providing inspection services. Mr. Eaton reviewed the permit fee proposal included in the council packet, using the average new single family dwelling application for a 1,750 sq ft. home, in order to demonstrate how the proposed fee structure would function.

In order to change the permit fees, the Building Dept. LLC is required to give notice to the Building Codes Division 45 days prior to holding a Public Hearing. The Building Codes Division would then send notice to interested parties. After the Public Hearing is held, then a new fee structure can be adopted by Council.

3. Comments from Mayor, Councilors, and City Administrator

A. Appointment of Mike Ufford to the Creswell Planning Commission – Mayor Petitti

Mayor Petitti asked for Council consent to appoint Mike Ufford to the Planning Commission, filling the vacancy created when Jeri-anne Cohen resigned. Council gave consensus for the appointment. Mr. Ufford's term will end December 31, 2007.

Bob Millam commented about the dead trees on Emerald Parkway. City Administrator Mark Shrives said it might be possible to address the issue in the new development code. Ron Petitti said there should be a provision for parkway maintenance in the new Development Code.

4. Public Forum

Vicki Hemphill 33322 Idyllwild Road addressed the Council and said she has noticed houses being constructed along Butte Road without curb, gutter, and sidewalk improvements. She is concerned these areas pose a hazard. She also commented that there is a house on South 10th with the electric pole and guy line right in front of the house in the driveway. Mrs. Hemphill asked if the city was addressing these issues and further inquired if the city is planning open space as city limits expand. Ron Hanson said South 10th is an arterial road and it might be possible to enter into agreement with the county under the city/county road partnership agreement for the improvements to be included on the STIP list. Mr. Hanson said that South 10th Street is a priority; it is a matter of getting to all of the important projects on the list.

Urban Moore 25 south 5th street and Eugene skydivers addressed the Council regarding the "No Trespass" sign the Oregon Department of Transportation (ODOT) will be placing on the drop zone property. He said this is their busy season. He has learned that Eugene Skydivers could acquire the permit with ODOT to continue using the land as the drop zone. Mr. Moore said he expects someone from the City of Creswell to designate a new landing area, citing grant assurances, which he said states the City provide a drop zone. He further stated he is willing to go to any length to recuperate losses he will experience if unable to conduct his business.

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5. Correspondence

- A. Letter dated July 16, 2006 from Janet Rose, 563 Pine Court regarding tree cutting
- B. Letter regarding FY 2007 FAM Grant
- C. Letter dated July 24, 2006 from Andy McClean – South Lane County Fire and Rescue regarding Fuel Tanks at Creswell Airport
- D. Letter dated July 26, 2006 from Mike Stone of Oregon Dept of Transportation regarding Land Trespass
- E. Letter dated July 28, 2006 from Attorney Douglas Minger regarding Eugene Skydivers
- F. Letter dated July 28, 2006 from Oregon Dept of Transportation regarding Connect Oregon grant
- G. Certificate of Appreciation from Creswell Chamber of Commerce
- H. Letter dated August 3, 2006 from Foster Farms regarding discontinuing of operations
- I. Legislative Alert from League of Oregon Cities
- J. Sheriff Contract Monthly Activity Report

6. Consent Calendar

- A. Approval of Minutes of July 10, 2006 City Council Meeting
- B. Approval of Minutes of July 19, 2006 Finance Committee Meeting
- C. Approval of Minutes of July 26, 2006 Special Council Meeting
- D. Approval of Bills for payment
- E. Liquor License Application for China Wok Restaurant

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

7. Old Business

- A. Resolution 2006-24 – A Resolution Changing Appropriations within the General Fund

Cathy Morgan moved Bob Millam seconded to approve Resolution 2006-24 as presented. Voted on and carried unanimously.

8. Airport

- A. Pay Request David Evans & Assoc – for work on Airport Water Line Project

Bill McCoy moved Ron Hanson seconded to approve David Evans & Associates invoice in the amount of \$1,245.75 as presented. Voted on and carried unanimously.

- B. Pay Request Century West Engineering

Cathy Morgan moved Bill McCoy seconded to approve Century West Engineering invoice 234292 in the amount of \$659.21 as presented. Voted on and carried unanimously.

9. Public Works

- A. Change Order No. 3A – Slayden Construction

City Administrator Mark Shrives said attorney Bill Cloran has been working to resolve the continuing issue with Slayden Construction who has entered a claim against the City for issues with the Wastewater Facilities Upgrade. Mr. Shrives said one of the things Council wanted was an agreement which would end all claims to the City, so no further action could be taken after an agreement is reached. Slayden Construction has signed the final pay request, and final change order, which Mr. Cloran is confident the City can process and pay. Mr. Cloran feels

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that by signing these documents, Slayden Construction has in fact released the City from further legal action.

Ron Hanson moved Cathy Morgan seconded to approve Slayden Construction Change Order No. 3 in the amount of \$15,033 as presented. Voted on and carried unanimously.

B. Final Pay Request from Slayden Construction for Wastewater Project

Bob Millam moved Bill McCoy seconded to approve Slayden Construction Pay Request No. 17 (final request) in the amount of \$38,356.25 as presented. Voted on and carried unanimously.

C. Release of Retainage to Slayden Construction

Bill McCoy moved Bob Millam seconded to approve Slayden Construction request to release retainage on work performed for the Wastewater Facility Upgrade Project in the amount of \$246,291.25 as presented. Voted on and carried unanimously.

10. City Administration

A. Contract for Collection Services through Professional Collection Services

City Administrator Mark Shrives asked to table this item in order to work through several issues. He would like to bring this item back to Council October 16, 2006 if possible.

11. Other Business

- A. Attendance at League of Oregon Cities Conference
- B. Need Nomination for Candidacy Filings No Later Than – 8/29/06 by 5:00 pm
- C. Need to schedule City Council Work Session to Discuss Water Project
- D. Work Session to Discuss Sidewalks – Pending

Mayor Petitti called a two-minute recess before entering into Executive Session per ORS 192.660 (2) (f)

Mayor Petitti closed the Executive Session and reconvened the regularly scheduled Council Meeting.

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

Ron Petitti, Mayor

Layli A. Nichols, City Recorder