

City of Creswell
 Council Minutes
 September 8, 2008

Council Present:

Bill McCoy	Robert Hooker
David Case	Bob Millam
Jack Gradle	Jean McKittrick

Staff Present:

Mark Shrives	City Administrator
Roberta Tharp	City Recorder
Roy Sprout	Public Works
Layli Nichols	Finance Director
Shelley Humble	Airport Manager
Denise Walters	City Planner
Judge Scott Palmer	Municipal Judge
Ken Jones	City Attorney

Council Absent 0

Press: 1

Audience: 15

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

1. Oath of Office – Judge Scott Palmer

Judge Palmer administered the Oath of Office for new Councilor Jean McKittrick

2. Special Presentations

A. City Hall Bid Award

Architect Ken Nagao addressed the council and said he received seven (7) bids for construction of the new Creswell City Hall. Mr. Nagao said the bids were opened and reviewed with the lowest responsible bidder being Essex General Construction. The bids were submitted with basic bids and also alternate bids that included the Parking Lot, Elevator, Reader Board, and an Emergency Generator. The base bid included with the alternate bids for the reader board and the emergency generator that Mr. Nagao recommends were submitted as follows:

Essex General Construction	\$1,145,380.00	Kielty Construction	\$1,288,636.00
Bineham Construction	\$1,186,866.00	Woodburn Construction	\$1,313,330.00
2G Construction	\$1,221,700.00	Ordell Construction	\$1,366,233.00
Batzer Construction	\$1,254,989.00		

Mr. Nagao recommends the City award the contract to Essex General Construction to include the following work:

Basic Bid	\$1,108,380.00
Reader Board	\$ 16,000.00
Emergency Generator	<u>\$ 21,000.00</u>
Total Contract Sum	<u>\$1,145,380.00</u>

City Administrator Mark Shrives said he has reviewed the bids and said we were able to fit the cost of the reader board and the emergency generator within the current budget and phase two of the project would be to complete the second story, install the elevator and complete the C Street parking lot.

Bill McCoy moved Bob Millam seconded to accept Architect Ken Nagao's recommendation to award the contract to Essex Construction. Bill McCoy amended the motion Bob Millam seconded the amendment to accept Architect Ken Nagao's recommendation to award the contract to Essex Construction in an amount

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not to exceed \$1,145,380.00 which includes the basic bid, the reader board and the emergency generator. Voted on and carried unanimously.

City Administrator Mark Shrives said Mr. Nagao has given him an estimate of \$17,000.00 for the remainder of construction oversight for this phase of the City Hall Project. Mr. Shrives also passed out two invoices received from Nagao/Hansen Architects, one for services performed by Nagao Architects (Invoice #8-143 in the amount of \$35,024.51) and one for invoices the firm received from Mechanical, Electrical and Civil Consultants (Invoice 8-143R in the amount of \$18,436.00) work on the City Hall Project.

Bob Millam moved Bill McCoy seconded to approve the pay requests as presented. Discussion ensued regarding the amendment to include payment amount. Bob Millam moved Bill McCoy seconded to amend the original motion to approve the pay requests from Nagao/Hansen Architects Invoices 8-143 and 8-143R in the amount of \$53,460.51. Voted on and carried unanimously.

B. South Lane Fire Chief

South Lane Fire Chief Dave Nielsen addressed the council to present a review on the South Lane Fire District. Mr. Nielsen commended the city for moving ahead with airport projects such as the waterline that will eventually bring development to the airport. Mr. Nielsen said the waterline being installed will bring an adequate water supply to the edge of the airport, but will not change the ability to develop at the airport at this time although once the waterline is constructed totally around the airport and can supply a minimum of 1500 gallons of water per minute for a two hour timeframe he will support development on the airport again.

Mr. Nielsen commended the City on the City Hall project.

Bill McCoy asked about a plan that was discussed a few years ago where if two hydrants placed on the airport located within 400 feet of any outside wall of any building would lift the moratorium on building. Mr. Nielsen said the waterline needs to be installed and functional first and if the placement of hydrants met the specifications of the plan that would indeed lift the building moratorium.

Airport user Paul Preziose asked Mr. Nielsen about the possibility of development in a small area of the airport if a hydrant is placed in the southwest corner but not allowing the development to go any further until the waterline project is completed. Mr. Nielsen said he would have to refer to the airport Master Plan and may be an option worth exploring.

C. Dale Kuni Road Right-of Way Vacation Ordinance

Ordinance 456 – An Ordinance vacating a portion of Dale Kuni Road right-of-way improved with utilities located in assessor’s map 19-03-13-21 Lots 4600 & 4700; Assessor’s Map 19-03-12-33 TL 2200; Assessor’s map 19-03-13-22 Lot 13200, and providing an effective date.

City Planner Denise Walters said the realignment of Dale Kuni Road was approved as part of the Emerald Valley West Planned Unit Development in August 2000. Ms. Walters said the realignment and construction of Dale Kuni Road has been completed and the old portion of the right-of-way can now be vacated. The vacated right-of-way shall return to the original properties from which the dedication occurred. The area to be vacated does contain utility lines, therefore Ordinance 456 includes a provision that a public utility easement be placed over the entire area to be vacated. Ms. Walters also said the vacation shall not be effective until provision of a public utility easement is completed.

Council President Bob Hooker opened the public hearing on the vacation of a portion of Dale Kuni Road right-of-way. There being no public testimony Council President Bob Hooker closed the public hearing.

Bob Millam moved and read twice by title Bill McCoy seconded the City Council adopt Ordinance No. 456, An Ordinance vacating a portion of Dale Kuni Road Right-of Way improved with utilities located in Assessor’s Map 19-03-13-21 lots 4600 & 4700; Assessor’s map 19-03-12-33 TL 2200; Assessor’s Map 19-03-13-22 Lot 13200, and providing for an effective date. Voted on and carried unanimously.

3. Comments from Mayor, Councilors and City Administrator

Bill McCoy asked Mr. Shrives and Public Works Director Roy Sprout for a cost to install a couple more fire hydrants at the airport and run the fire lines to them? Mr. Shrives said it would be more than just the cost of hydrants and he will look into that and bring it back to next meeting.

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City Administrator Mark Shrives reported the hiring process has been completed for the three positions advertised for staff. Karen Parker was hired as receptionist and has already reported to work, Jenny Walton will begin September 26th as the Accounts Payable/Court Clerk position and Jeremy Townsend will fill the Utility Maintenance 1 position beginning October 1st.

City Administrator Mark Shrives handed out a new public records request form and said as laws have recently changed the City needs to adopt a policy for granting public records requests and will be bringing a resolution to the October Council meeting that outlines the city's policy.

City Administrator Mark Shrives said he has spoken to McDougal Brothers regarding Mr. Heymann's concern pointed out at the August Council Meeting regarding the old portion of Dale Kuni Road at the entrance of Emerald Valley Resort. Mr. Shrives said McDougal Brothers will put up a barrier on the east side of the old portion of Dale Kuni to block traffic from entering that portion of road when exiting the resorts parking lot.

Finance Director Layli Nichols said the city now has their own internet domain and has been working to bring e-mail in house. Ms. Nichols said she has set each councilor up with an e-mail address and as of tomorrow staff will be using these addresses for official city correspondence.

4. Correspondence

- A.** Lane County Sheriff – Contract Report for July 2008
- B.** Lane County Sheriff – Calls for Service Report – August 2008
- C.** Creswell Chamber of Commerce Request – Greet & Treat
- D.** Creswell Chamber of Commerce Thank you – Community Street Dance
- E.** Creswell Library Thank you – Summer Reading Program
- F.** Lane Community College Letter – Bond Measure
- G.** Johnson, Montgomery & LaVassaur, P.C. Letter

Acting Mayor Bob Hooker read aloud a letter from the Chamber of Commerce requesting use of the Community Center for their 3rd annual Greet and Treat to be held on October 31, 2008 from 5:30 to 7:00 PM.. Last year the Chamber used the Cobalt building and cited parking and floor space as obstacles and would like to return to the Community Center. Bob Millam moved Jack Gradle seconded to approve the request made by the Chamber of Commerce to use the Community Center on October 31, 2008 for their 3rd annual Greet and Treat. Voted on and carried unanimously.

Acting Mayor Bob Hooker asked for discussion on the letter from Lane Community College regarding their bond measure that will be on the November ballot. A discussion ensued regarding the 15 year renewal bond for construction and repairs at LCC basically extending what they currently have and costing property owners twenty five cents per thousand dollars of assessed value. The Council asked City Administrator Mark Shrives to bring a resolution of support to the October Council meeting.

City Administrator Mark Shrives explained that new laws require the governing body to examine the engagement letter from the City's auditor in order to begin the audit process.

5. Public Forum

No public comment

6. Consent Calendar

- A.** Approval of Minutes – July 21 and August 11, 2008
- B.** Approval of Bills – August 2008

Finance Director Layli Nichols asked to have item A, the approval of minutes removed from the consent calendar.

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

7. Airport

- A. Pay Request – David Evans & Associates – Water Line Improvements AIP Project No. 3-41-0083-006**

City Administrator Mark Shrives said this is the first invoice for services performed during construction which is part of phase 2 construction of the fire suppression waterline extension. David Case moved Jean McKittrick seconded to approve the David Evans and Associates invoice number 254345 in the amount of \$1206.74 as presented. Voted on and carried unanimously.

Acting Mayor Bob Hooker called for a 10 minute recess. Mr. Hooker reconvened the Council meeting.

B. Through the Fence Access Fee

City Attorney Ken Jones recapped his recent review of materials on Through the Fence (TTF) Access Fees. Mr. Jones said in August 2007 the Airport Commission met and recommended a parity fee of \$59.00 with Interim City Administrator Jamon Kent recommending the Council reduce the fee to \$50.00. In the City Council minutes of October 8, 2007, the Council approved Mr. McBeth's request, the form of agreement and an access fee of \$50.00 per month subject to final legal review. Mr. Jones says from that point on he did not find any other document or materials showing the Council ever rescinded its action. Mr. Jones said he and City Administrator Mark Shrives spoke with Joelle Briggs of the Federal Aviation Administration (FAA) today and asked her to define parity. Ms. Briggs said parity is a Council call and once the Council determines what parity is, and if they want to modify their prior decision then Mr. Jones recommends that by letter the Council set some parameters and definitions. The process would then be if there was an objection by a current airport user, then they would file an objection with the FAA that there is not parity; that someone is getting to good a deal then the FAA will review that. Mr. Jones said the FAA highly recommends the City not entertain any other Through the Fence recommendations. Mr. Jones also said he did check with the FAA and any decision made now would not affect Jerry Norcia's TTF Access Fees until his renewal date in May.

Jerry Norcia who resides at 33937 Martin Road and currently has a Through the Fence Access passed out a letter dated September 4th addressed to Mark Shrives he asked to have this placed in the record. Mr. Norcia stated he feels he is paying more for his access fee than an airport user is paying to use the airport. Mr. Norcia said he doesn't live within the city limits but does pay taxes for the school district, the library district and the fire district which benefits Creswell and he would support using the state fee schedule for his access fees.

Bill Kelly, Airport user who resides at 1498 North 8th Street, Springfield, Oregon spoke in favor of the TTF access fee but urged Council to either reject or not make any decision this evening as he feels the highest proposed option is only about fifty percent of what he pays to be on the airport.

Urban Moore, Airport user who resides at 25 South 5th Street Creswell spoke in favor of Mr. Norcia's proposal stating he is not asking for storage just a reasonable rate to cross the boundaries.

A discussion ensued regarding the meaning of parity and how to define it; according to a letter the City received on April 30, 2008 from Joelle Briggs of the Renton, Washington FAA outlining the acceptable steps the city should take regarding TTF access permits to avoid jeopardizing the Airport Improvement Program (AIP) grant funding, said to establish a fee structure that would be parity with the "on airport" users, which was later defined by Ms. Briggs to Mr. Shrives as being at a rate of 115% of that paid by an on airport user.

Discussion continued among the councilors regarding once the property holding the TTF permit is transferred the permit becomes null and void as a way for the FAA to phase out the TTF accesses. Mr. Shrives said he has tried to research what other airports charge but the criteria for each one is so different from the other the information is not available.

City Attorney Ken Jones said this is a decision of the Council to determine the meaning of parity.

Bob Hooker moved Bill McCoy seconded to rescind the October 8, 2007 City Council decision of charging \$50.00 for a Through the Fence Access Fee at the Airport. Voted on and carried unanimously.

Bob Hooker moved Jean McKittrick seconded to set the fee for Through the Fence Access at Hobby Field Airport at \$61.73 per month and to be adjusted annually with CPI adjustments like the private hanger costs. Voted on with Councilors Hooker, McCoy, Millam, Gradle and McKittrick voting in favor and Councilor Case opposing.

8. City Administration

C. Update on Legacy Grant

City Administrator Mark Shrives said the City is still waiting to hear a decision on the Youth Legacy Grant the City applied for. On September 22nd the successful project will be announced at the Oregon Recreation and Department Association annual meeting held in Bend, Oregon. Mr. Shrives said if Creswell is awarded the grant the project completion date would be June 30, 2009.

D. League of Oregon Cities Conference

City Administrator Mark Shrives reminded councilors who are attending the League of Oregon Cities Conference in October the registration forms are due tonight.

8. Public Works

A. Pay Request – CH2MHILL Water Treatment Plant Invoice

City Administrator Mark Shrives said this invoice is for construction at the Water Treatment Plant. Bill McCoy moved Bob Millam seconded to approve invoice number 3665867 in the amount of \$58,952.33. Voted on and carried unanimously.

B. Project Change Order #4 – Water Treatment Plant Project

City Administrator Mark Shrives said during excavation at the water treatment plant for the membrane building the contractors have ran into tires and other items. This unsuitable material had to be hauled away from the site and replaced with gravel. The cost for the over excavation and additional gravel is \$3679.50, change order request number 4. Bob Millam moved Jack Gradle seconded to approve Change Order Number 4 in the amount of \$3679.50. Voted on and carried unanimously.

C. Pay Request #2 – Contractor's Inc. – Water Treatment Plant

City Administrator Mark Shrives said this invoice reflects the work completed during the month of August. Bob Millam moved David Case seconded to approve pay request #2 from Contractor's Inc. in the amount of \$658,459.00. Voted on and carried unanimously.

D. Approval of Easements for Water Treatment Plant Project

City Administrator Mark Shrives said in order to run water lines from Garden Lake Park well fields to the water treatment plant the City requires some permanent and construction easements. Mr. Shrives said this will require three agreements, two which have been received, C & K Market and Pliska Investments and he is still working on the third. Mr. Shrives said his recommendation is to approve the easements as presented and grant the request from C & K Market to reimburse them \$750.00 for their attorney fees in this matter.

Bill McCoy moved Jack Gradle seconded to approve the easement agreement between the C & K Market, Inc. and the City of Creswell located on lot 27 of Creswell Marketplace. Voted on and carried unanimously.

Bill McCoy moved Bob Millam seconded to reimburse C & K Market \$750.00 for their attorney fees for the easement agreement with the City of Creswell. Voted on and carried unanimously.

Bill McCoy moved David Case seconded to accept the easement agreement between Pliska Investments LLC and the City of Creswell as presented. Voted on and carried unanimously.

9. Clerks Report - None

10. Upcoming Meetings

A. Airport Commission Meeting – September 9, 2008

B. Planning commission Meeting. – September 18, 2008

11. Adjournment

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

Robert A. Hooker, Acting Mayor

Roberta J Tharp, City Recorder