

City of Creswell
Council Minutes
December 8, 2008

Council Present:

Bill McCoy
David Case
Jack Gradle

Robert Hooker
Bob Millam
Jean McKittrick

Staff Present:

Mark Shrives
Roberta Tharp
Roy Sprout
Layli Nichols
Shelley Humble
Denise Walters
Raja Shah
Ken Jones
Sgt. Cliff Harrold

City Administrator
City Recorder
Public Works
Finance Director
Airport Manager
City Planner
RARE Intern
City Attorney
Lane County
Sheriff

Council Absent 0
Press: 1
Audience: 8

The regularly scheduled City Council meeting was called to order by Council President Bob Hooker at 7:00 PM.

1. Annexation -Valley Development LLC/Chapman Annexation

City Planner Denise Walters addressed the Council and explained this is the first annexation application the City has had to process since Lane County Boundary Commission dissolved on January 1, 2008. Mrs. Walters said the property owner has requested to annex two tax lots 19-03-13, tax lots 600 and 1302 for a total of 4.22 acres into the city. The requested annexation area, tax lot 600 is developed with one single family residence and the owners are not proposing to develop at this time if approved. Mrs. Walters said staff is recommending the addition of a portion of Tax Lot 1800, Assessor's Map 19-03-13-24, adjacent to and north of Tax Lot 600. Without annexation, the property would continue to be split by the city limits (0.06 acres outside the city and 0.19 acres inside the city) and the owners would continue to receive two tax statements for the single ownership, leaving an islanded area totally surrounded by the city. Mrs. Walters said Eli and Audrey Olsen, owners of the property have granted the city permission to include the 0.06 acres with the proposed annexation which staff recommends approving.

A. Public Hearing

Acting Mayor Bob Hooker opened the Public Hearing

Jane Vincent who resides at 708 Kings Row Creswell, Oregon asked to see a map so she had a better idea as to the location of the 0.06 acre island proposed for annexation.

Barbara Spencer who resides at 83 Sunday Drive addressed the Council with concerns regarding development of the 4.22 acres. Mrs. Walters explained the applicant is only proposing to bring the property into the city limits at this time, if and when they choose to develop the property it will have to go through the proper procedures and come before the planning commission.

Ron Rice of Geomax, Inc., engineering firm representing Valley Development LLC addressed the Council stating they have no objection to tacking on the little sliver of property to their annexation request and feels that staff has accurately represented their annexation application request.

There being no other public testimony Acting Mayor Bob Hooker closed the Public Hearing.

B. Ordinance #458 – An Ordinance Approving the Annexation of Certain Territory to the City of Creswell

Read twice by title Bob Millam moved Jack Gradle seconded to adopt Ordinance 458, modifying and approving annexation of certain territory to the City of Creswell and direct the City Administrator to sign the annexation agreement. Voted on and carried unanimously.

2. Special Presentations

A. Lane County Sheriff Update – Sgt. Cliff Harrold –
Sergeant Harrold was heard under 7E.

3. Comments from Mayor, Councilors and City Administrator

Acting Mayor Bob Hooker passed out the annual review form for the City Administrator to councilors and staff. Mr. Hooker went over the instructions for filling out the review and asked to have them back no later than the January 2009 City Council meeting with the review scheduled for the February meeting.

City Administrator Mark Shrives handed out a spread sheet he has put together of current and future projects. Mr. Shrives said when President Elect Obama is inaugurated in January 2009, there will possibly be a stimulus bill sitting on his desk that will include four to five hundred billion dollars going to state and local governments to help create construction jobs. Mr. Shrives said he included Airport projects, the second half of the City Hall Construction, a new public works building and updates to water and sewer projects on the list. Mr. Shrives sent the spreadsheet to our two senators and representative DeFazio which has been forwarded to Washington.

4. Correspondence

- A.** Lane County Sheriff – Contract Report for October 2008
- B.** Lane County Sheriff – Calls for Service Report – November 2008
- C.** Preliminary 2008 Population Estimate
- D.** Chamber of Commerce Greet & Treat Thank you

A discussion ensued regarding the Preliminary 2008 Population Estimate from Portland State. Finance Director Layli Nichols said this estimate is based on a statistical survey the city fills out annually and should be relatively accurate. The population estimate for July 1, 2008 to be certified from this survey for the City of Creswell is 4710. City Planner Denise Walters said the certified population estimate from Portland State is a very useful tool in planning for the city as it includes only the city limits and not the urban growth boundary.

5. Public Forum

Scott Kinney who resides at 169 South 2nd Street, Creswell asked about the city including a newsletter with the monthly water bills.

6. Consent Calendar

- A.** Approval of Minutes – November 10, November 19, 2008 City Council Minutes
- B.** Approval of Bills – November 2008

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

7. Airport

- A. Pay Request – David Evans & Associates, Inc. (two invoices – two motions)**

Bill McCoy moved Bob Millam seconded that invoice #258858 from David Evans & Associates in the amount of \$6,520.97 be approved as presented. Voted on and carried unanimously.

Bill McCoy moved Jack Gradle seconded that invoice #261406 from David Evans & Associates in the amount of \$2517.67 be approved as presented. Voted on and carried unanimously.

- B. Creswell ExxonMobil Branding Fuel Inspection**

Shelley Humble Airport Manager said Creswell Airport recently received its semi-annual inspection report from ExxonMobile. The inspections are to ensure safe practices are implemented at fueling sites. The City of Creswell received a 90%.

- C. AIP (Airport Improvement Program) Application – Authorization to Continue Fire Suppression Waterline Extension Project**

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Airport Manager Shelley said this item seeks council consensus to continue the Fire Suppression Waterline Project Phase II by authorizing City Administrator to request the remainder of AIP monies available to the City of Creswell Hobby Field. Mrs. Humble said in her conversation with Dave Roberts of the FAA, the estimated available dollar amount (after legislative approval) is \$316,000.00, and the city will need to complete and return an application for Federal Assistance (SF424) by December 31, 2008. Council gave their consensus to submit an application and continue with the Fire Suppression Waterline Extension Project.

D. Response to FAA Letter regarding Skydiving Operations at Hobby Field

City Administrator Mark Shrives said essentially the response to the FAA letter regarding Skydiving is the same as it has been in the past. City Attorney Ken Jones and Mr. Moore's attorney, Doug Minger have met and passed back and forth a safety plan and are pretty much in agreement what the language should be but there is still the same situation of not enough land to jump on.

Discussion ensued regarding the amount of acreage needed and the location of area to jump on. Bob Millam said we have been through this many times and everyone is spending a tremendous amount of money in attorney fees he and would like to go higher up the ladder at the FAA to get a response so this can be put to rest. Mr. Shrives said we don't have any options as this is a chapter 13 complaint and if and when a chapter 16 complaint is filed it will then go to Washington DC. A spelling error was pointed out in the draft copy.

Bob Millam moved Bill McCoy seconded to approve the response letter to the FAA regarding skydiving operations at the Creswell Hobby Field with the spelling correction amended. Voted on and carried unanimously.

E. Lane County Sheriff Update – Sgt. Cliff Harrold (2 A.)

Sergeant Cliff Harrold of Lane County Sheriff's office gave a brief update to the Council. Sgt. Harrold said due to recent budget cuts in the Lane County budget the two Creswell deputies working the Creswell contract prior to May have both been laid off and have been replaced by Deputy Ali House and Deputy Bill Hollis who each bring twenty years of experience with them. Sgt. Harrold said both deputies have patrol cars that have been assigned to the Creswell Contract and are marked Creswell Patrol.

Sgt. Harrold said the gang activity in Creswell earlier this year was a one time thing and the deputies working the Creswell contract have not heard of any other local problem arising with gangs. He said there has been a decrease of graffiti activity and overall we still struggle with property crimes which are a countywide problem.

8. City Administration

A. Old Business - None

B. Parks Advisory Board Vacancies

Acting Mayor Bob Hooker said there is one vacancy left on the Parks Advisory Board and with the recent posting of the vacancy the City received two applications.

Acting Mayor Bob Hooker appointed Cynthia Knight with the consent of the council to the parks advisory board with a term expiration date of 2008 and can be re-appointed in January.

C. Ad Hoc Committee Discussion

RARE (Resource Assistance for Rural Environments) Intern Raja Shah addressed the council to request permission to set up an ad hoc committee with the help of Mark Shrives to find the best use of the Cobalt building. Mr. Shah said he would like to get a good spread of community members from different organizations to assist with this project. Council gave Mr. Shah consensus to move forward with forming the committee.

D. Not Used

E. Underground Right of Way Easement to Pacific Power – Parcel 6900

City Administrator Mark Shrives explained in order for Pacific Power to install underground electrical service to the New City Hall Building, the City will need to approve the granting of an easement.

Bill McCoy moved Bob Millam seconded to grant an underground right of way easement to Pacificorp, on a portion of Lots 6, 7 and 8 in block 6 of Creswell together with a portion of the west 10' of the alley as shown on the plat of Creswell located in the SE ¼ NW ¼ of Section 14, Township 19 South, Range 3 West, Willamette Meridian, Lane County, Oregon. Voted on and carried unanimously.

F. Pay Request #2 Essex Construction – City Hall Project

Mark Shrives said this invoice is for Construction Services provided by Essex General Construction Inc. for the new Creswell City Hall Building.

Bob Millam moved Bill McCoy seconded that council approve the pay request for Essex General Construction Inc. Application No. 2 in the amount of \$82,184.82 as presented. Voted on and carried unanimously.

G. Intellipay Agreement – Online Payments

H. Nxgen Agreement- Online Payments

City Administrator Mark Shrives said the city receives many requests for online bill payment of water and sewer bills and after some research on the subject he is in need of Council direction. It has been the plan of the city to move forward with online payments for quite some time. Our financial software, Caselle, integrates with Intellipay who is the processor of online payments and Nxgen who is the merchant who handles the credit card payments. Mr. Shrives said the issue before the Council this evening involves the Nxgen program, being there are two different ways to handle the merchant side of credit card payments. The revenue neutral program means the city would no longer be the merchant and customers would be charged a convenience fee for paying with a credit card or online. Those processing fees would need to be added to customer accounts that pay with a credit card in person as well, or the city can continue paying processing fees for those customers who wish to pay with credit cards in person or online. Mr. Shrives said it cost the city \$920.00 in processing fees for payments made with credit cards on utility bills.

Discussion ensued regarding the labor saving process this system will provide and how it would be good PR to pick up the processing fees for our customers. Council gave their consensus to proceed with the agreement bringing it back at the January meeting to pay the processing fees for our customers.

I. Nagao/Hansen Architects P.C. Invoices – 8-180 & 8-182

City Administrator Mark Shrives passed out two invoices he received for the City Hall Project to late to be included in the Council packets but is presenting them this evening for approval.

Bill McCoy moved Jack Gradle seconded to approve invoice #8-180 in the amount of \$9,925.00 as presented. Voted on and carried unanimously.

Bob Millam moved Bill McCoy seconded to approve Invoice #8-182 for Nagao/Hansen Architect in the amount of \$2753.75 as presented. Voted on and carried unanimously.

J. Accept and Certify November 4, 2008 Lane County Election Abstract

The November 4, 2008 general election has been certified by Lane County and the abstracts sent to the City of Creswell for acceptance by the Council. The abstracts before the Council are for the Mayor and three Council positions as well as the defeated City Measure 20-141 – Authorize Tax on Motor Vehicle Fuel.

Bob Millam moved David Case seconded to accept the abstracts for the position of Mayor, Three Council positions, and Measure 20-141 Authorize Tax on Motor Vehicle Fuel of the November 4, 2008 general election as presented by Lane County Elections. Voted on and carried unanimously.

Acting Mayor Bob Hooker directed Mr. Shrives to place an ad for interested citizens living within the City limits of Creswell wanting to fill the vacancy left by his election to Mayor, so an appointment can be made at the January meeting.

K. Resolution 2008-26, A Resolution to Obtain a Costco American Express Card

Mark Shrives said the City would like to obtain a Costco American Express card for the purchase of office and janitorial supplies at Costco. Currently employees pay for these supplies out of pocket which many times exceeds \$300.00 and then get reimbursed.

Bill McCoy moved Bob Millam seconded to approve Resolution 2008-26, A Resolution to Obtain a Costco American Express Card as presented. Voted on and carried unanimously.

L. Harvey Road Water Project Agreement

Mark Shrives said on September 11, 1964 the City Council entered into an agreement with the Harvey Road Water Association to provide water to the Association among other many specific items. The Association is in the process of dissolving itself and with the upcoming Harvey Road project, a large portion of this pipeline will be replaced and since the city has taken over the maintenance of the Association Pipeline it makes since the City should officially take over the ownership of the Association's water system. The City will also receive the remaining funds of approximately \$2,000.00 from the association.

David Case moved Jean McKittrick seconded that Council approve and accept the agreement for the assignment of the Harvey Road Water Association Inc. Water System to the City of Creswell. Voted on and carried unanimously.

M. Acceptance of Easement from Centurytel (Not included in Packet)

City Administrator Mark Shrives said this agenda item is not available.

9. Public Works

A. Pay Request – CH2MHill Water Treatment Plant

Bob Millam moved Jean McKittrick seconded that council approve pay request for CH2MHill invoice No. 3678049 in the amount of \$25,134.61 as presented. Voted on and carried unanimously.

B. Pay Request #5 – WTP Improvements and Expansion – Contractor's Inc.

Bill McCoy moved Bob Milam seconded to approve Pay Request #5 from Contractor's Inc. in the amount of \$299,282.00 as presented. Voted on and carried unanimously.

C. Pay Request #2 – Waterline Improvement Project – Harold Primrose Excavating LLC

Bob Millam moved Jean McKittrick seconded to approve Pay Request #2 from Harold Primrose Excavating LLC in the amount of \$106,651.00 as presented. Voted on and carried unanimously.

D. Water Treatment Plant Change Order #12

Mark Shrives explained the well field flow control valve, FCV-2032, is to be changed from discrete control to analog control. The control scheme for the well fields requires modular control of the valve. The change to control the valve via an analog control loop will make the operation more accurate, will make programming easier and allow more flexibility in the future. The cost of this change is \$1,342.78.

David Case moved Jean McKittrick seconded to approve Change Order #12 for a cost of \$1,342.78. Voted on and carried unanimously.

E. Water Treatment Plant Change Order #13

The Specs for the Water Treatment Plant Project list two different manufactures (A & B) for high service pumps. The B named manufacture no longer makes the specified pump therefore the contractor included in their bid pricing a PACO pump they felt was an equal to and was significantly cheaper than the A named manufacture, Cornell Pumps. The engineer has concluded the PACO pump is not an acceptable "equal" or "substitute" pump. An alternative manufacture was reviewed by the engineer and determined to be an acceptable substitute although the pump does not have as good of pump efficiency as the Cornell pump. The Cornell pump which is the City's choice due to the better efficiency at all points on the operating curve and in the long term the additional cost for a Cornell pump will pay for itself through energy cost savings. Mr. Shrives said the bid price for the PACO pump was \$48,390.00, the negotiated price for the Cornell pump is \$102,000.00, the difference being \$53,610.00 and per agreement the contractor and the city would split the cost for a total of \$26,805.00 each. Mr. Shrives said the negotiation with the A named manufacture resulted in a total savings of \$35,000.00 off the desired pump.

Bill McCoy moved Jean McKittrick seconded to approve change order #13 for a cost of \$26,805.00. Voted on and carried unanimously.

F. Water Treatment Plant Change Order #14

Change order #14, Modifications to Wall Type C1 in the membrane building – A change to the wall type C1 Construction in the membrane building is required to accommodate the location of the metal building cross bracing. The cost of this change order is \$1,560.26

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David Case moved Jean McKittrick seconded to approve change order #14 for the Water Treatment Plant Project for a cost of \$1,560.26. Voted on and carried unanimously.

G. Water Treatment Plant Change Order #15

Change Order 15, Riprap placement at the Intake structure – This change order includes re-grading of the slope of riverside both downstream and upstream of the intake and riprap be installed in these locations. The area is unstable and need additional riprap as well as removal of a tree and using riprap under the access way at the intake structure. The contractor has provided a quote of \$15,858.09 and agrees with the engineer it being most cost effective for the city to have this work done on a time and materials basis with a not to exceed amount of \$15,858.09.

Bill McCoy moved Bob Millam seconded to approve change order #15 for a cost not to exceed \$15,858.09 as presented. Voted on and carried unanimously.

- 10.** Clerks Report - None
- 11.** Upcoming Meetings
 - A.** Airport Commission Work Session – December 9, 2008 – 6:30 PM
 - B.** Planning commission Mtg. – December 18, 2008 – 7:00 PM
 - C.** Special City Council Meeting – December 22, 2008 –
Approve Bid for Harvey Road Project

Acting Mayor Bob Hooker called for a five minute recess before entering into executive session.

- 12.** Executive Session –
 - A.** Attorney/Client Privileges – Real Estate – 192.660 (2)(e)(h)

Acting Mayor Bob Hooker reconvened the regular meeting.

- 13.** Adjournment

There being no further business to come before the council, Acting Mayor Robert Hooker adjourned the meeting at 9:12 PM.

Robert A. Hooker, Mayor

Roberta J Tharp, City Recorder