

Council Present:

Mike Anderson
Bob Hooker
Jean McKittrick

Jack Gradle
Bill McCoy
A.J. O'Connell

Staff Present:

Mark Shrives
Roberta Tharp
Layli Nichols
Roy Sprout
Shelley Humble
Christy Monson
Steve Dobrinich
Karen Parker
Jennifer Gardiepy

City Administrator
City Recorder
Finance Director
Public Works Director
Airport Manager
City Attorney
RARE Intern
A/P Court Clerk
Receptionist

Council Absent: Jane Vincent - Excused

Press: Creswell Chronicle

Audience: 23

The regular scheduled City Council meeting was called to order by Mayor Bob Hooker at 7:00 PM. Mayor Hooker excused Jane Vincent from this meeting and Mark Shrives introduced Jennifer Gardiepy, the new receptionist at City Hall to the Council.

Mayor Hooker announced that a revised agenda has been passed out. The revision to the agenda is the addition of item 6 B, elect a Council President.

1. Correspondence.

Mayor Hooker asked if there was any discussion in regards to correspondence and A.J. O'Connell asked if we would be seeing more of the Takewing complaints in a future meeting as a specific agenda item. Mark Shrives said this is just information only, and anything discussed would need to be done in an executive session due to the potential for litigation. A.J. O'Connell asked how to go about scheduling an executive session to discuss the complaints. City Attorney Christy Monson said the Council would definitely need more information from Attorney Carrie Connelly who has been handling the Takewing issues. Mr. Shrives said the complaints filed do not fall under the Airport Rules and Regulations and the Council will need to determine if they want to move forward with discussions on the issue. Ms. Monson said according to the Council Rules, a city Councilor would need to get consensus of the Council to have item placed on an agenda.

A.J. O'Connell asked to have the Council polled for consensus to move the Takewing complaints forward into a future executive session. Mayor Hooker polled the Council and the consensus was in opposition of moving the Takewing complaints forward into an executive session at a future meeting.

2. Public Forum

Guy Dixon – 82885 Clayton Road, Creswell, addressed the Council to speak in support of skydiving at Hobby Field and feels that the skydiving businesses contributed to generating revenue for other Creswell businesses.

Brent Klabo – 795 West A Street, Creswell, addressed the Council to speak of concerns regarding the bagging of leaves for pickup by Public Works. He stated in prior years he has raked them into the street but this year he was asked to bag the leaves. Mr. Klabo also stated the City sent him an invoice for \$150.00 for the removal of his leaves in the street. He said he will make an appointment to meet with Mark Shrives to address his concerns further.

3. Consent Calendar

Bill McCoy moved Jean McKittrick seconded to approve the Consent Calendar as presented. Voted on and carried unanimously.

4. Airport

A. Notification of FAA Part 16 Complaint filed by Eugene Skydivers/Urban Moore
Mark Shrives distributed a copy of the FAA Part 16 complaint filed by Urban Moore of Eugene Skydivers and noted that the Council will be discussing this in executive session.

5. Public Works

No Agenda Items for Public Works

6. City Administration

A. Administrators Report

Mr. Shrives said he did not have anything to report at this time.

B. Council Committee/Council President/Commission/and Board Appointments/Re-appointments

A.J. O'Connell remarked that not every Councilor was assigned a committee to serve on. He said he has reviewed Ordinance 414 and it does not state that the Mayor has to appoint every Councilor to a committee, although he has concerns that this is a freedom of speech issue. Mayor Hooker responded that for the past year Councilor O'Connell has made it very clear he does not want to work with the Council and in following Ordinance 414 he has made his committee selections.

Mayor Bob Hooker appointed the 2012 City Council Committees as follows:

Transportation

Jack Gradle*
Jane Vincent
Mike Anderson

Cultural

Jane Vincent
Jean McKittrick*
Bill McCoy

Finance

Jean McKittrick*
Bill McCoy
Mike Anderson

Administration

Jack Gradle
Bill McCoy*
Mike Anderson

Public Safety

Mike Anderson*
Jack Gradle
Jane Vincent

Econ Dev

Jean McKittrick
Bill McCoy
Mike Anderson*

Council President

Bob Hooker moved Jean McKittrick seconded to nominate Mike Anderson to serve as the Council President for 2012. Voted on and carried unanimously.

LCOG Representative – Bob Hooker
LCOG Alternate Representative – Mike Anderson
Regional Fiber Representative – Mark Shrives
LACT Representative – Bob Hooker
Alternate LACT Representative – Mark Shrives

Planning Commission Appointments

Mayor Hooker re-appointed Alan Pointer and Gary Ludeke to the Planning Commission. Their terms expire December 31, 2015.

Airport Commission Appointments

Mayor Hooker recommended Bill McCoy be reappointed to the Airport Commission to serve as City Council Representative for 2012. Councilor O'Connell said he would like to be considered to serve as the Council representative to the Airport Commission. Mayor Hooker also recommended Alan Pointer to be reappointed to the Airport Commission to serve as the 2012 Planning Commission Representative. A brief discussion ensued with Bob Hooker noting that Ordinance 309 states the Airport Commission is appointed by the Mayor with Council approval. Mayor Hooker announced he is still waiting to hear back from the airport user incumbent regarding reappointment for a new term that will end December 31, 2015.

Bob Hooker moved Jean McKittrick seconded to reappoint Alan Pointer as the Planning Commission representative to the Airport Commission for 2012. Voted on and carried unanimously.

Bob Hooker moved Jean McKittrick seconded that Bill McCoy be reappointed as City Council Representative to the Airport Commission for 2012. Voted on and carried unanimously.

Park Advisory Board

Mayor Hooker said there are three vacant positions and recommends not filling those positions at this time until the City Council can re-evaluate the duties of the Park Advisory Board. Mayor Hooker polled the Council and the consensus was to not appoint anyone to the Park Advisory Board at this time.

Tree Board

Mayor Hooker recommended Bill McCoy to be reappointed as the 2012 City Council Representative to the Tree Board. A.J. O'Connell said he would like to be considered as the City Council Representative to the Tree Board and nominated himself. The nomination to appoint A.J. O'Connell as City Council Representative to the Tree Board died for lack of a second.

Bob Hooker moved Jack Gradle seconded to appoint Bill McCoy as the City Council Representative to the Tree Board. The motion passes with Councilors Anderson, Gradle, Hooker, McCoy and McKittrick voting in favor and Councilor O'Connell voting in opposition.

C. New ADA Center Partnership – Creswell Community Access Initiative (CCAI) Proposal LILA (Lane Independent Living Alliance), a non-profit 501(c) 3 group that is ran by and for people with disabilities has approached the City in regards to forming a partnership and including the Chamber of Commerce. LILA's mission is to enhance the independence of persons with disabilities while breaking down the barriers to their full participation in community activities and services. The CCAI program is an opportunity for Creswell to benefit directly from the activities of the NW ADA Center and its state anchors for increased tourism and business from persons with disabilities and organizations that serve them. The CCAI would allow LILA to visit local businesses, city buildings, parks and community events to survey and assess their ADA compliance and accessibility and provide low cost recommendations to improve the site for persons with disabilities at no cost.

The businesses that meet Blue Path accessibility criteria will be posted on the Blue Path web site and encouraged to display the Blue Tooth Logo and acknowledge membership on their individual web sites. Following the completion of the survey and modifications the ADA will provide presentations and trainings to Creswell and its citizens regarding ADA standards and service to persons with disabilities.

Jack Gradle moved A.J. O'Connell seconded that Council approve participation in the Lane Independent Living Alliance Community Action Initiative Proposal and Partnership. Voted on and carried unanimously.

7. Clerk's Report - None

8. City Councilor Requests/Future Agenda Item

A. Previous Requests

i. Naming City Council Chambers Proposal

Mike Anderson moved Jack Gradle seconded that the Council approve naming the new City Council Chambers after former Mayor Eddie McCluskey and have an open house after the project completion. Voted on and carried unanimously.

B. New Requests

C. Re-submitted Requests

Repeat request for Winter Coats by Councilor O'Connell – No action is required as this request was defeated previously by the City Council and is not eligible for reconsideration until June 12, 2012.

A.J. O'Connell said this request for Winter Coats is different from the prior request. He said the request is for a different dollar amount than the previous request and targets a different group of people. Mayor Hooker polled the Council to see if they wanted to review the \$3,000.00 Winter Coat Program. The consensus of the Council was not to move the \$3,000.00 Winter Coat Program forward.

Mayor Hooker adjourned the regular meeting at 7:29 PM to enter into an Executive Session under ORS 192.660 (2)(f) To discuss confidential information with City Attorney followed by a second Executive

Session under ORS 192.660 (2)(h), To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

Mayor Hooker reconvened the regular City Council meeting at 8:53 P.M.

Bill McCoy moved Jack Gradle seconded to gain Council consensus per section 4 of the City Council Rules to add to the City Council Agenda that the Council take action issuing Mark Shrives the authority to use funds to hire an aviation attorney. Voted on and carried unanimously.

Bob Hooker moved Mike Anderson seconded the Council give Mark Shrives the authority to use funds not to exceed \$25,000.00 to hire an aviation attorney and start the process of answering the FAA Part 16 Complaint. The motion passes with Councilors Anderson, Gradle, McCoy, McKittrick and Mayor Hooker voting in favor and Councilor O'Connell voting in opposition.

Mike Anderson moved Jean McKittrick seconded to gain Council consensus per section 4 of the City Council Rules to add to the City Council Agenda that the Council direct City Attorney Christy Monson to read the December 2011 Investigation Summary into the record and waive the attorney client privilege. Voted on and carried unanimously.

City Attorney Christy Monson read aloud a summary of the December 2011 Investigation conducted by Mr. Craig Stoelk of the Local Government Personnel Institute and provided legal recommendations. The investigation was authorized by City Administrator Mark Shrives under the authority of Section 33 of the City Charter as well as Section 9 of the current Council Rules. Mr. Stoelk interviewed Mayor Bob Hooker, City Administrator Mark Shrives, Councilors Anderson, Gradle, McKittrick and Food for Creswell volunteer community member Jenny Carmichael. The investigation stemmed from allegations made by Councilor O'Connell on his ajforcreswell.com website of possible illegal meetings in violation of Oregon's public meeting laws and possible improper use of public authority by the Mayor and the City Administrator to influence the testimony of a community member. The allegation on Councilor O'Connell's website for Illegal Public Meetings read "It was clearly obvious that the Mayor had orchestrated a dissenting vote in advance of the meeting simply because I was the one presenting this." Christy Munson summarized Mr. Stoelk's finding on this allegation as: There is no evidence to indicate that city councilors have orchestrated their votes, violated Oregon's public meetings laws or are conspiring or agreeing in a pre-arranged manner to vote a certain way. She said Mr. Stoelk asked pointed questions and followed up with detailed inquires about how the councilors make their decisions, when and if they meet outside of council meetings and the topic of their discussions outside of meetings. None of the questions led to any information that would lead a reasonable person to believe that Oregon's public meetings laws were violated or any improper meetings occurred. The findings also stated that it appears the Council has a good working understanding of and respect for the rules regarding public meetings. The second allegation on Councilor O'Connell's website reads "The Mayor and City Manager blackmailed potential supporters of the project threatening to pull their overall city funding should they support these measures ..." This allegation stems from a meeting between Food for Creswell volunteer Jenny Carmichael and Councilor O'Connell regarding the Winter Coats for Low Income Families Project he was presenting to the Council. During Mr. Stoelk's interview with Ms. Carmichael, she admitted to knowingly providing false information to Councilor O'Connell by telling him Mark Shrives told her to decide "which do you prefer, funding for coats or funding (for the food bank). Ms. Carmichael confirmed to Mr. Stoelk that told Councilor O'Connell this to take the pressure off herself in regards to supporting the coat drive. She confirmed the information was false and that she did not feel blackmailed by Mr. Shrives.

Ms. Monson provided the conclusions and recommendations found from the investigation by her office are as follows: There is no evidence to support the allegations of illegal or improper councilor meetings or illegal or improper use of a public officials' authority. There was no evidence showing that the Mayor, Councilors or the City Administrator violated Oregon's public meeting laws, ethic laws or acted improperly. Councilor O'Connell's allegations are unfounded and without merit and for that reason the investigation should be closed.

Ms. Monson told the Council that since they have waived the attorney client confidentially, the City would likely receive public records requests for the investigation report. Her suggestion to assist with the distribution of the report would be to attach it with a public press release.

Mike Anderson said he thinks it only fair to release the report to the public through a press release as false allegations that could damage a person's reputation have been made. He went on to say he feels it is the Council's obligation to make sure the facts are properly presented.

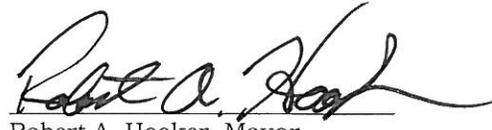
Mike Anderson moved A.J. O'Connell seconded to direct Mark Shrives, City Administrator to prepare and issue a press release which outlines the allegations, the results of the said investigation and provide a dollar amount that this investigation has cost the City of Creswell. Bob Hooker asked Christy Monson to release the cost of this investigation. Ms. Monson said she at this time she only has an estimate which is \$9,000.00. Voted on and carried unanimously.

9. Upcoming Meetings
 - A. January 11, 2012 Creswell Municipal Court
 - B. February 6, 2012 – Special City Council Meeting

10. Adjournment

There being no further business to come before the Council, Mayor Robert Hooker adjourned the meeting at 9:02 P.M.


Roberta J Tharp, City Recorder


Robert A. Hooker, Mayor