

Council Present:

Mike Anderson  
Bob Hooker  
A.J. O'Connell

Jack Gradle  
Jean McKittrick  
Jane Vincent

Staff Present:

Mark Shrives  
Roberta Tharp  
Layli Nichols  
Shelley Humble  
Ken Jones  
Steve Dobrinich  
Denise Walters

City Administrator  
City Recorder  
Finance Director  
Airport Manager  
City Attorney  
RARE Intern  
City Planner

Council Absent: Bill McCoy

Press: Creswell Chronicle

Audience: 15

The regular scheduled City Council meeting was called to order by Mayor Bob Hooker at 7:00 PM. Mayor Hooker excused Councilor Bill McCoy.

State of the City Address

Mayor Bob Hooker addressed the Council and audience to present the 2012 Creswell State of the City Address. Mayor Hooker began by thanking the Council, staff, commissioners, committee members and community volunteers who all work very hard at keeping Creswell the best small city in the state. Mayor Hooker spoke of passion and pride within the community. The 4<sup>th</sup> of July Celebration being one of Creswell's biggest passions and sources of pride was so well attended, traffic was backed up on I-5 at the Creswell exit.

Mayor Hooker spoke of programs, partnerships and projects the City worked on during 2011.

- This past summer the city partnered with Willamalane Park and Recreation District and Ray's Foodplace to provide the Movies in the Park program.
- In the spring, the city partnered with Sanipac and Creswell Kiwanis to provide the annual City Wide Clean-up day.
- A new golf course is being developed just outside the city limits of Creswell. The city has been in negotiations with the private developer and the University of Oregon Alumni Association to work out a great economic potential for Creswell. In exchange for the use of the city's grey water from the wastewater plant to irrigate the golf course, the developer has agreed to place the entrance to the course near Creswell. This opportunity has the potential to bring large tournaments to the community that will provide employment and economic development for businesses.

Mayor Hooker said the 2010 census statistics put the poverty level in Creswell at 16.9% and when combining all statistics such as age of population, income, home ownership etc., Creswell is at the same level as the rest of the country.

- Creswell has their 4<sup>th</sup> RARE (Resource Assistance for Rural Environments) Intern this year. The city has formed a partnership with the University of Oregon and AmeriCorps for this program.
- The City has worked to bring social service agencies to Creswell in an effort to assist those in need. In the Social Services office at the Community Center we are able to offer the services of Community Sharing of Cottage Grove, Women's Space, Centro Latino Americano, Senior and Disabled Services and the Relief Nursery.
- In December the city partnered with the City of Cottage Grove to began the "Help to Others" or H2O program through Community Sharing. This program is to assist families needing help with water and sewer bills.

Mayor Hooker also pointed out the partnership between the Creswell School District, Coast Fork Watershed Council and many other organizations throughout Lane County working together to put on the annual Earth Day Celebration. At the 2011 Earth Day Celebration the city accepted the title of Tree City USA.

- In an effort to get students more involved in city government, the CYAC (Creswell Youth Advisory Council) was formed during last school year. RARE intern Steve Dobrinich is working with the high school to reenergize the students and the program for this school year.
- The city in partnership with the School District and Lane County Sheriff's Office just received a \$5,000 Alliance for Community Traffic Safety Mini-Grant. These funds will be used to bring the Sheriff's "Every 15 Minutes" program (A program to raise awareness of drinking or texting and driving) to the high school. It will also provide a bike and pedestrian safety program to the elementary and middle school students.

Mayor Hooker encouraged citizens to volunteer and ended his address with a special thanks to Councilman Bill McCoy and his wife Verlean who have both given so much of their time through volunteering to the City of Creswell and different organizations.

#### 1. Planning Update

City Planner Denise Walters addressed the council to present a brief update on planning projects.

- Comprehensive Plan Update

Ms. Walters provided a table outlining the Comprehensive Plan Update Work Tasks for meeting State requirements and their status. The City had completed a number of the tasks during Phase 1 and 2 of the update when it was determined a Local Wetland Inventory (LWI) was required. Now that the LWI has been completed we need to make adjustments to prior work in order to reflect the new County Coordinated Population. Ms. Walters said the Comprehensive Plan update is a planning tool that looks to the next twenty years. Some of the key components that are being used in planning of the update include the County Coordinated Population Number (Portland State analysis), the approved LWI, and the 2010 Census Data. Lane County recently adopted a coordinated population of 11,060 for Creswell in the year 2030. With the large projected increase in population and the LWI completed and approved by the Department of State Lands we were able to revise the draft buildable land inventory and housing needs analysis to be presented to the council in a workshop in the near future.

- Interchange Area Management Plan (IAMP)

Ms. Walters said the IAMP has been placed on hold until the City completes the update of the Comprehensive Plan. This will allow for the IAMP and the Comprehensive Plan to be consistent with each other using the coordinated population numbers and the expansion of the Urban Growth Boundary.

- Current Planning

With the economy being down in 2011, planning has been slow although we have seen a few new single family dwellings being built in Creswell.

- Total Maximum Daily Load (TMDL)

Ms. Walters told the Council the TMDL is a water quality responsibility of the City and has been working with the Watershed Council and the City of Cottage Grove to achieve our goals and requirements.

- Sign Code Update

Staff has been working on the sign code update but has stalled on three issues:

- High Technology – appropriate standards for brightness and rotation for lit messaging
- Low Technology – appropriate standards for sandwich board signs
- Airport – lack of sign code examples

Ms. Walters said she received confirmation today that she will have help from an intern who has expertise with electronic signage which will help her in bringing an updated sign code and proposal to the Sign Committee.

- Enterprise Zone

Ms. Walters said she has been working with Cottage Grove's Community Development Director who also serves as the Enterprise Zone area manager on the development of a local Enterprise Zone. They have resolved mapping issues but are now trying to determine if Lane County will still be pursuing the zone due to staff changes and work load.

#### 2. RARE Projects Update

RARE Intern Steve Dobrinich addressed the Council to give a brief update on the projects he has been working on.

- Creswell Social Service Office

The Family Relief Nursery from Cottage Grove and Womenspace from Eugene have begun operating out of the Community Center Social Service Office one day a week. They join Community Sharing and Centro Latino Americano to provide services locally to residents in need. He has been working to spruce up the office by hanging window blinds and putting up posters. Mr. Dobrinich said he has been posting fliers, updating the City's facebook page, placing info on the website and the local newspaper to let people know these organizations are available in Creswell to help.

- Willamalane Parks & Recreation District Partnership

Mr. Dobrinich said he is continuing to meet with Willamalane to discuss projects and work on developing a partnership. They are currently focusing on beginning a spring and summer playground program possibly beginning as soon as April.

- Earth Day Celebration

Mr. Dobrinich said he will be coordinating the Earth Day celebration this year and the committee has had their first meeting. They are working to pin down a date for the celebration as Earth Day, April 22<sup>nd</sup> falls on a weekend this year. He said they are planning to have the third, fifth and seventh grade students participating again and the committee is trying to build on the success of the celebration from previous years.

- Emergency Operations Plan

Mr. Dobrinich reported that he is making progress on the Emergency Operations Plan. He recently met with South Lane Fire and Rescue and Lane County Sheriff's office.

**3. Correspondence**

No comments were given on the Correspondence

**4. Public Forum**

Charlene and Martin Neff residing at 444 North 1<sup>st</sup> Street in Creswell addressed the Council with concerns regarding Sanipac's proposed yard debris program. They presented a letter signed by a group of residents to help raise awareness of the forthcoming survey from Sanipac regarding the proposed program.

Jacob Daniels residing at 436 Holbook Lane Apartment B in Creswell addressed the council to encourage them to work together as a team and look to reduce spending on legal fees. Mr. Daniels also commented on Councilor O'Connell's Creation of an Arts & Cultural Director proposal for the City of Creswell by saying "The Council should be focusing on job creation but not by creating government jobs".

**5. Consent Calendar**

Mayor Hooker said he detected an error on the January 9, 2012 draft minutes and asked to have the reference to the tree board on page three be corrected to read Park Advisory Board under that same section.

Jean McKittrick moved Jack Gradle seconded to approve the amended consent calendar to reflect the change in the minutes under the Park Advisory Board section. Voted on and carried unanimously.

**6. Airport**

No Airport Items on the Agenda

**7. Public Works**

**A. Emergency Procurement of Software Package for Waste Water Treatment Plant – Resolution 2012-02 A Resolution of the City Council as the Contract Review Board Declaring an Emergency for Purpose of Excluding a Specific Contract from Certain Public Contracting Requirements.**

City Administrator Mark Shrives said last Thursday the software package that runs the Wastewater Treatment Plant crashed. The cost of a new software package and computer including installation is priced at \$10,136. Mr. Shrives said there are funds available in the sewer fund to pay for the package and he has asked City Attorney Ken Jones to provide information and help with the wording of the emergency procurement resolution.

Bob Hooker asked if this software system was scheduled for replacement in the near future and Mark Shrives said we have been experiencing some issues with our current software and have been looking at some different programs, but with Thursday's crash we need to do something.

A.J. O'Connell asked if this would be covered by our insurance and Mark Shrives said he will look into that but we need to fix our situation as soon as possible.

Bob Hooker moved Jean McKittrick seconded the Council approve Resolution 2012-02 A Resolution of the City Council as the Contract Review Board Declaring an Emergency for Purpose of Excluding a Specific Contract from Certain Public Contracting Requirements. Voted on and carried unanimously.

**8. City Administration**

**A. Administrators Report** – Mark Shrives said he has nothing to report at this time

**B. Award City Hall Contract** –

Mark Shrives reported the bids for the City Hall 2<sup>nd</sup> Floor Improvement Project were opened on February 9, 2012. The bids ranged from \$328,000 to \$366,000 to complete the City Council Chambers, conference room, work room and a small bathroom. Mr. Shrives said in addition to the construction contract he has been meeting with sub-contractors regarding council chambers security and audio/visual systems. The lowest bid of \$328,000 was higher than the \$320,000 he had estimated the work to be. Mr. Shrives said he met with architect Ken Nagao and thinks we need to look at the project and possibly change the solicitation of bids to a base bid with alternates. This will help the project get completed to the level it needs to be with the money that is currently budgeted. Mr. Shrives asked attorney Ken Jones to discuss the process of rejecting all bid awards.

Jane Vincent asked if the project could be postponed until a later date. Mr. Shrives responded saying that is what he is recommending.

A.J. O'Connell asked about the money the Council has spent for architectural services. Mr. Shrives responded by saying we still have the project design and there won't be any additional large expenses other than if we decide to change the bid specifications. The design won't change we would revise the bid to include the Council Chambers as a base bid and other items become alternate bids.

Mr. Jones passed out a memo and said the issue is pretty straight forward out of the City Public Contracting Rules which are patterned off of state law. The City may cancel the bid in accordance with the rules if the Council determines it is in the public's best interest to do so. A notification will need to be sent to the contractors who submitted bids stating the City is rejecting all bids for the City Hall second floor improvements at this time as they do not believe it is cost effective to proceed with the current proposals. The notice must also include that the City will then review the specifications for a better determination of what will meet the City's needs and the contractors will be given an opportunity to compete on any re-solicitation.

Mr. Jones said since the bids were opened by the City, the City would retain all offers as part of the City's solicitation file and they become public records.

A.J. O'Connell asked Mark Shrives when he will be putting this out for bid again and Mr. Shrives said he will have to meet with Ken Nagao who can better determine when the right time may be after the solicitation is revised to include a base bid with alternates.

A.J. O'Connell then asked Ken Jones if the council could reject all bids and shelve the entire project until a firm date can be set for the rebids. Mr. Jones said this project will have to come before the council for action before it can go back out for bid and the council would decide at that time. Mr. Shrives said he should have all the information at the March meeting.

Bob Hooker moved Jean McKittrick seconded the Council reject all bids in accordance with the City's Public Contracting Rules for the City Hall Second Floor Improvement Project. All contractors who submitted bids shall be notified in writing that the prices presented are too costly when considered with other items which are a part of the 2<sup>nd</sup> Floor Improvement Project to justify acceptance of the offer. This motion, if passed, shall constitute the written findings of the Creswell City Council. Voted on and carried unanimously.

**C. Accept Alliance for Community Traffic Safety 2012 Building Safer Schools Mini Grant**  
In September 2011, the City partnered with Lane County Sheriff's Office and the Creswell School District to apply for a \$5,000 Alliance for Community Traffic Safety 2012 Building Safer Schools Mini-Grant. The city received a notice of award for the grant in late January. The Creswell Safe and Sound Project includes three components to target each age group within the Creswell School District. The elementary school component provides safety patrol training and bike patrol. The middle school component focuses on bicycle and school crossing safety and the high school will implement the national "Every 15 Minutes" program which reveals the potentially dangerous consequences of drinking alcohol and phone texting while driving. The matching funds for the grant, \$2,246, are outlined as \$500.00 for children's bike helmets and t-shirts for volunteers donated by the Kiwanis Club, meals and beverages donated by local businesses and community volunteers, and \$1742 for officer overtime paid by the City while working on these programs.

Bob Hooker moved Mike Anderson seconded to approve acceptance of the Alliance for Community Traffic Safety 2012 Building Safer Schools Mini-Grant. Voted on and carried unanimously.

- D.** Resolution 2012-01 A Resolution Appropriating Alliance For Community Traffic Safety (ACTS) Grant Program Funds Within the General Fund

A.J. O'Connell moved Jack Gradle seconded to approve Resolution 2012-01 A Resolution Appropriating Alliance For Community Traffic Safety (ACTS) Grant Program Funds Within the General Fund. Voted on and carried unanimously.

**9.** Clerk's Report

**10.** City Councilor Requests/Future Agenda Item

- A.** Previous Requests
- B.** New Requests

- i.** Councilors to Pay City Attorney Fees – Mike Anderson

Mike Anderson proposed City Council members be responsible for legal fees incurred by the city when said fees are the result are of false accusations. In addition, the second time a councilor is reprimanded he/she should have to pay any city attorney fees involved with the reprimand.

A summary of the statement Mr. Anderson read is as follows:

Every Councilor has an obligation to the city to submit claims of inappropriate behavior by city officials. He must be able to substantiate these claims. If a councilor accuses a public official, then I feel he must follow up and submit his evidence in the following investigation.

About a month ago a donation proposal was presented to the council for consideration. Upon failure of the proposal, Councilman O'Connell made some very serious accusations on his website against the Mayor and City Administrator including violation of Public Records and Meetings Law.

Mr. Anderson felt the independent investigation regarding these allegations was justified. The investigation proceeded with everyone testifying except O'Connell. He passed because he wanted to wait until after the Rose Bowl game.

Mr. Anderson noted with the advent of cell phones and laptops, not responding to testify while out of town is unacceptable. These were serious allegations and he said if Mr. O'Connell cared about the city, he would have made the call.

"I believe your agenda is not for the citizens of Creswell, but for your own political aspirations. These were bogus allegations that never should have happened" concluded Mr. Anderson.

Mike Anderson moved Jack Gradle seconded the City Administrator contact the City Attorney about charging Councilor O'Connell personally with attorney fees involved with the false allegations made public by A.J. O'Connell on his private website.

Mayor Hooker asked if there was any discussion and Jane Vincent said Councilor O'Connell was provided some false information and the investigation should have been presented to the Council for a vote before it took place. She doesn't think there is anyway Mr. O'Connell can be forced into paying the attorney fees and feels there is a fine line between personal feelings and what is written on a website.

Councilor O'Connell feels this proposal is unconstitutional. He feels the council is now fining people for speaking and this would give them the power to bankrupt a council person. O'Connell said he thinks the City Administrator should be the responsible party for paying the attorney fees for initiating the investigation and wonders what the plan is for collecting the fees. Mayor Hooker recommended Mike Anderson withdraw his motion and make a new motion giving staff direction to provide a cost analysis of Mr. Anderson's proposal, as per council rules. Mike Anderson withdrew his original motion.

Mike Anderson moved Jack Gradle seconded to direct the City Administrator to bring back a cost analysis to determine whether Councilor Anderson's proposal to bill individual City Councilors for incurring legal costs to the City is possible. A discussion ensued and Jane Vincent said she was not interviewed for the investigation although she was contacted by Mr. Stoelk but told him she would be checking with her legal counsel before having an interview. On January 5<sup>th</sup> she phoned Mr. Shrives who told her the

investigation was already completed. Councilor O'Connell said he wants everyone to be aware that the investigation cost \$10,000 and if this motion is approved we will be spending additional money on staff time consulting with the attorney. The motion passed with Councilors Anderson, Gradle, Hooker and McKittrick voting in favor and Councilors O'Connell and Vincent opposing.

ii. Creation of Arts and Culture Director Position – A.J. O'Connell

A.J. O'Connell presented for Council consideration a proposal that would create a City Arts and Culture Director Position. The responsibilities for the proposed position would promote, expand and organize the local art and culture scene. Mr. O'Connell said arts and culture improves the overall livability of a community and suggested this position begin as a part time position and down the road move into a full time position.

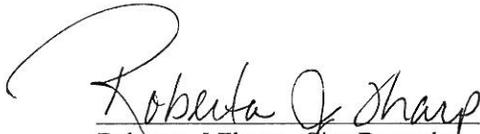
Jane Vincent said she feels the Arts and Culture Director would be a great tie in with the Historical Society. Jack Gradle said he doesn't feel the community would support this idea.

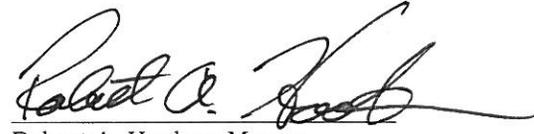
A.J. O'Connell moved that the Creation of Arts and Culture Director Position Proposal be forward to City Staff for a cost analysis. The motion died for a lack of a second.

**11.** Upcoming Meetings  
February 14, 2012 – Special City Council Meeting

**12.** Adjournment

There being no further business to come before the council, Mayor Robert Hooker adjourned the meeting at 7:59 PM.

  
Roberta J Sharp, City Recorder

  
Robert A. Hooker, Mayor