

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  
Christy Monson  
Dan Reimer  
Steve Dobrinich  
Michelle Furrer  
Karen Parker

City Administrator  
City Recorder  
Finance Director  
Airport Manager  
City Attorney  
Aviation Attorney  
RARE Intern  
Utility Clerk  
A/P, Court Clerk

Council Absent: Bill McCoy

Press: 5 - Creswell Chronicle, Register Guard, KVAL News, KMTR News, Dorothy Schick  
(airport user, recording meeting)

Audience: 130

The special scheduled City Council meeting was called to order by Mayor Bob Hooker at 5:00 PM. and the Pledge of Allegiance was given.

Mayor Hooker announced that the Council will adjourn to enter into executive session and anticipates reconvening the regular meeting at approximately 6:30 PM.

Mayor Hooker adjourned the regular meeting at 5:01:30 PM to enter into 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 Special City Council meeting at 6:37 PM and excused Councilor Bill McCoy.

Mayor Hooker thanked everyone for attending the meeting and provided a few minutes to allow anyone who wants to speak the opportunity to fill out a speaker request form. Mr. Hooker asked City Administrator Mark Shrives to provide a chronology of events that have occurred at the airport over the last several years and to introduce the City's outside legal counsel who has been hired to offer advice to the City Council regarding the FAA Part 16 Complaint filed by Urban Moore of Eugene Skydivers and the potential impacts of the administrative litigation.

Mark Shrives gave a brief overview of history for the Creswell Airport.

- In October of 1963 the city provided land to four private individuals who founded the airport. Over the years the cities involvement with the airport has been through federal grant funds that provided for improvements such as runway expansion, taxi lane and the fire suppression system. In 1999 negotiations with the airport management, Creswell Airport Inc. began, and in 2000 the airport was turned over to the City.
- The skydiving issue began in the early 1990's. Dave Wright of Emerald Valley Skydivers had a verbal agreement with ODOT (Oregon Department of Transportation) to use a parcel of property owned by the state that was adjacent to the airport for skydiving activities. Urban Moore of Eugene Skydivers was able to acquire a Land Use Permit from ODOT for this parcel of land which caused a dispute between the two skydiving operations. Because of the dispute, ODOT asked the city to take over the 1994 Land Use Permit.
- In the spring of 2005 an incident took place that caused the city to look at the issues regarding the ODOT land use permit. It was determined at that time the 1992 Safety plan was outdated.

Several meetings of the Airport Commission were held to work on updating the Safety Plan and to move forward with making skydiving compatible with other Airport activities.

- At renewal time of the land use permit, ODOT asked the city to provide insurance as a new requirement of the permit. The city in turn asked the skydiving companies to provide insurance enough to cover the permit but they were not in agreement to do so and the City let the ODOT permit expire rather than assuming the risks. With the expiration of the ODOT permit came the loss of the drop zone for skydiving. In August of 2006, the FAA sent a letter to the skydivers stating that skydiving was no longer going to be permitted as it was unsafe. This is when the skydiving issue between the City and the skydivers began and communication with the FAA has been full of inconsistencies since.
- In early 2010 the FAA asked the City for a safety evaluation of the Creswell Airport. The City hired an outside consultant to complete the safety evaluation, sent the report to the FAA and has never received a response or any communication from the FAA since except for the notification in December 2011 of a Part 16 Complaint filed by Urban Moore of Eugene Skydivers against the City.

Mr. Shrives reported that since 2000 when the City took over the airport, it has transferred \$377,000 from the general fund to the Airport fund in order keep the Airport operational. Of that amount, \$65,000 has been spent on legal fees and fees for a safety consultant to perform a safety evaluation.

At the January 9, 2012 meeting, the Council directed Mr. Shrives to work with the city's legal counsel to conduct a search for an aviation attorney that could guide the City through the Part 16 Complaint process. That search resulted in the City retaining Dan Reimer of the law firm of Kaplan, Kirsch and Rockwell out of Denver Colorado. Mr. Reimer, Aviation Attorney and Author of the book titled "Airport Law" addressed the council and the audience and gave a brief bio of himself and his firm.

Mr. Reimer told the audience we are here this evening to talk about the future of the Creswell Airport. General aviation airports across the country are struggling and Creswell Airport isn't any different. The city has had to subsidize the operation of the airport from the general fund for many years, as it is financially imbalanced. Mr. Reimer gave three basic options available for communities that are working to determine what to do with their general aviation airports.

- Do Better – Get more creative with marketing strategies; attract interest in their airport, and attract pilots to their airport. Creswell has been pursuing business and marketing plans in recent years, trying to figure out ways to attract interest in the airport for events such as fly-ins or other special events. Other communities have been looking to the private sector to invest in their airports by building hangars and introducing new businesses.
- Doing Nothing – Some Airports are trying to weather the storm and hope that things get better and continue to subsidize their airports through the general funds.
- Doing Less – Some Airports are deferring capital projects and maintenance while others are rolling backwards and eliminating positions or closing the airport altogether.

Mr. Reimer touched on the subject of airport closure to separate facts from fiction.

Creswell has received federal financial assistance from the FAA for capital development and planning projects. In exchange for the grants, the city has committed itself to the federal government through the FAA for grant assurances. Mr. Reimer said the FAA has a total of thirty nine grant assurances; some being very basic assurances; some that are geared specifically towards grant projects; and others that address the operation of an airport. One grant assurance is to maintain the airport and make it available to the public for aeronautical use on reasonable conditions without unjust discrimination. In order to close an airport, the FAA needs to be notified as outlined in the Code of Federal Regulations and the process followed in order for the Airport to be released of grant assurances. Mr. Reimer said there are two options for closing an airport: Stop accepting grants and let the grant assurances you are currently committed to expire or submit an application to the FAA and follow their process.

Mr. Reimer spoke in regards to the Part 16 Complaint filed against the City. The complaint refers to Title 14 of the Code of Federal Regulations, Part 16 which describes a process for individuals who believe that an airport sponsor is in violation of its grant assurances. The process allows for entities to exchange briefs and then an investigation will be conducted to seek a determination from the FAA headquarters office in Washington D.C. as to whether or not the City is in violation of its grant assurances.

Mr. Reimer said he is interested in hearing from the audience to get feedback to see what direction they want the airport to go.

#### Public Comment

Mayor Hooker asked the audience to make sure their cell phones were off, and asked to refrain from yelling and stomping feet, to please show respect for everyone and each speaker will be limited to three minutes.

Bill Hamann, residing at 205 Honkers Street, Creswell Oregon spoke in favor of closing the Airport. Mr. Hamann said he is not interested in supplementing the airport through the general fund any longer, the cost of litigation, and he feels that planes have gotten louder.

George Wojcik, residing at 1697 Curtis Avenue, Eugene Oregon spoke in favor of keeping the Airport open and running. The Airport is an important asset and a gem to the community.

Robert Dobkins, residing at 618 St. Andrews Loop, Creswell Oregon said he does not use the airport but bought his house because of the location and closeness to the airport. He doesn't understand why this issue has gone on for so long or how it became a legal issue. He would like to see the problem resolved.

Larry Lowenkron, residing at 2135 McMillian Street, Eugene Oregon, a member of the Airport Commission but speaking as a user of the Airport and a hangar lessee. He views the Airport as a valuable asset for Creswell and southern Lane County. The airport's presence brings business into the community from out of the area. He purchases gas, shops at the local grocery store and dines out in the Creswell area. It is his feeling that if the City were to close the Airport or reduce services it would cost more than it would to contest the FAA Part 16 complaint. He feels the city has complied with all FAA directions and would prevail to the complaint. Contesting the complaint is the right decision for Creswell.

Jim Origliosso residing at 85419 Jasper Park Road, Pleasant Hill, Oregon, spoke in favor of the airport and commended the Council for the good job they have done and encouraged them to hang with it. He is a CPA and understands the Airport needs to be run as a business although the burdens of the airport financially should not be put on the citizens; those should be borne by the users. He suggested increasing revenues and once this is settled the community will really have a gem.

Ben Hallert residing at 983 Kintzley Avenue, Springfield, Oregon spoke in support of the Airport. He is a pilot at the airport and considers it to be "Creswell's Golden Gate". He commended the City for all they do to keep the airport safe and asked to have it kept open.

Matt Ginsberg residing at 29585 Fox Hollow, Eugene, Oregon has been an airport user since 1993. He supports other business locally and is opposed to closing the Airport. He is sorry about the litigation and will kick in his share of contributions to help keep the airport open and running.

Jurgen Ramil residing at 32518 DeBerry Road, Creswell, Oregon said he was a parachutist in the Army and has forty six years of experience skydiving. He has not seen any safety hazards and thinks everyone should sit down and create a safety plan instead of spending dollars on issues that could have been resolved many years ago. He feels the litigation is a disservice to the community.

Clinton Burg residing at 342 Meadow Lane, Creswell, Oregon and business owner at Hobby Field would like to see the Airport run as a business. Mr. Burg spoke in support of keeping the Airport open and working towards creating a friendly environment where folks will want to volunteer. He also stated he thinks there is some misinformation going around regarding the drop zone and would like everyone to sit down and look at the facts.

Keith Yager who resides at 1582 Corum Avenue, Eugene, OR and leases a hangar at Hobby Field addressed the Council to speak in support of the Airport. Mr. Yager said when he comes to Creswell to fly his aircraft, he also supports other local businesses. He feels the Airport could provide future economic benefits to the community.

Dave Koester who resides at 425 Stonewood, Eugene, Oregon addressed the Council to speak in support of keeping Creswell Airport open. Closing the airport seems cumbersome and the city needs to work towards fiscally balancing the Airport. He is willing to do his part to help.

William Kelly who resides at 1498 North 8th St., Springfield, Oregon addressed the Council to speak in support of keeping the Airport open. Mr. Kelly, owner of About Time Aviation at Hobby Field said he can see both sides of this issue and feels everyone needs to be responsible and abide by the rules and laws and those who don't need to be held responsible for their actions.

Bill Spencer who resides at 32719 DeBerry Road, Creswell addressed the Council and audience by thanking everyone for supporting his local businesses. Mr. Spencer is concerned about Creswell's reputation lately with all the negative media and encouraged everyone to work with a positive attitude for a positive outcome. He also stated that most of the residents within Creswell's city taxing district are not airport users and do not benefit from the airport but would like to see their tax dollars spent on other things within the community.

William Dewey who resides at 3475 Breezewood Avenue, Eugene, Oregon and the local EAA (Experimental Aircraft Association) Chapter President said the EAA introduces aviation to young people and is not in support of closing the airport. The EAA provides aircraft rides to approximately 150 children per year who otherwise would have never experienced this. Mr. Dewey is concerned where people will take their aircraft for storage if the airport closes. Mr. Dewey, a skydiver before becoming a Creswell Airport user, reported he has had a prior incident with skydivers at Creswell Airport when he was taking off in his aircraft.

John Schapp who resides at 1170 McLean Blvd., Eugene, Oregon and a prior parachutist encouraged the Council to work together with the Skydivers to co-exist and create a safe environment for everyone. He also asked the Council to focus funds and resources to help keep the airport operational.

Tony Horvath who resides at 1064 Bradshaw Lane, Creswell and owns a business at the Airport spoke about how the aviation has shaped his life and would like to see resolution to this problem.

Rusty Bartel who resides at 82675 Sears Road, Creswell, Oregon said he earned his pilots license on his seventieth birthday and loves to fly. He also has had a telephone conversation with Dean Hobbensiefken who feels it is a terrible waste to close the airport due to a discrepancy between the airport and the skydivers.

Richard Heyman who resides at 380 Magnolia Drive, Creswell, Oregon addressed the Council with concerns about litigation. Mr. Heyman said he has had a lot of experience in flying, operations, and running airfields. He has had oversight responsibility for airfields that were joint usage between the military and civilians and understands the FAA rules. His suggestion in solving this issue is to have everyone sit down, talk it out and come to a resolution.

Mark Stroble who resides at 96 North 7<sup>th</sup> Street, Creswell, Oregon addressed the Council speaking in support of keeping the Airport open. Mr. Stroble said he has been flying out of Hobby Field Airport since 1987 and began working at an Airport business in 1997. By closing the airport it would greatly impact the community for those who work and use that facility. Mr. Stroble said he has seen both sides of the skydiving issue at the airport and also has had a close call between an aircraft and a skydiver. He said he believes both activities can be compatible at the Airport. He feels this issue started out small and has now mushroomed out of control; we need to resolve the situation with the FAA being the final decision maker.

Bob Hooker read aloud an e-mail received from Steve Dignam who resides at 82313 Bear Creek Road, Creswell, Oregon in favor of continuation of the airport under City of Creswell management and control.

Bob Hooker read aloud a letter from Fred Gernandt, no address given who spoke in support of skydiving and keeping the airport open.

City Council Deliberations

Mayor Hooker asked the Council for discussion:

Jane Vincent said she thinks most of the audience is in favor of keeping the airport open and she thinks mediation is still viable.

Jean McKittrick thanked everyone for attending and said she appreciates all the comments and that the Council will work hard to do their best to accommodate their wishes.

Mike Anderson thanked everyone for attending; he appreciates all the comments and thinks the airport is very important to the present and future of Creswell.

Jack Gradle said he supports the airport and understands the issues regarding liability.

A.J. O'Connell also thanked everyone for attending the meeting and said he will in no way support any action to close the airport or transfer of money for legal fees. He does support mediation in finding a solution to this problem.

Bob Hooker thanked everyone for attending the meeting this evening and appreciates the comments given. Mr. Hooker said there are multiple issues with the airport that have been going on for a long time and the Council is trying to get them resolved. Once the Part 16 Complaint was filed by Urban Moore and Eugene Skydivers, the City is in a position where we have to respond, doing nothing is not an option. This situation will take specialized counsel to handle and it is his feeling that no one wants to close the airport but we need to move forward.

Bob Hooker moved Jack Gradle seconded to authorize City Administrator Mark Shrives and the city's legal counsel to continue working with Aviation Attorney Mr. Reimer and the law firm of Kaplan, Kirsch and Rockwell to vigorously defend the FAA Part 16 complaint provided that the cost of the defense does not exceed \$100,000.00.

Mayor Hooker asked for any discussion:

A.J. O'Connell urged the Council to oppose this motion and sitting down with the complainant to work out a compromise or restructure how the airport is run instead of spending \$100,000.00 on attorney fees.

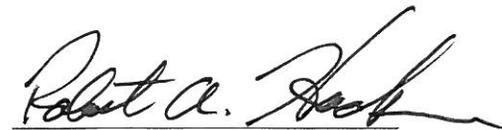
Jane Vincent said she knows we have to answer the complaint but would like to have city attorneys set up mediation before this situation goes too far.

Voted on and the motion passes with Councilors Anderson, Gradle, McKittrick and Mayor Hooker voting in favor and Councilors O'Connell and Vincent voting in opposition.

Adjournment

There being no further business to come before the council, Mayor Robert Hooker adjourned the meeting at 8:00 PM.

  
Roberta J Tharp, City Recorder

  
Robert A. Hooker, Mayor