

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
Steve Dobrinich
Denise Walters
Carrie Connelly

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

Council Absent: Bill McCoy

Press: Creswell Chronicle

Audience: 21

The regular scheduled City Council meeting was called to order by Mayor Bob Hooker at 7:03 PM. Mayor Hooker excused Councilor Bill McCoy from this meeting.

Enterprise Zone Presentation – Denise Walters & Howard Schsesser

City Planner Denise Walters and Community Development Director Howard Schsesser of City of Cottage Grove addressed the Council to present a brief overview and a Resolution of Consent for the Cottage Grove, Creswell and South Lane County Enterprise Zone. The current Cottage Grove South Lane County enterprise zone is due to expire soon, so Creswell along with Cottage Grove and Lane County will be applying jointly for re-designation of the enterprise zone and acknowledge Cottage Grove as the zone manager. The Enterprise Zone will be considered an economic development tool that will help the City attract more industry. The zone applies to most industrial type businesses but a provision was included for hotels, motels and destination resorts. Businesses can receive three (3) years of tax relief on site improvement value provided they maintain a certain level of employment among other criteria.

Ms. Walters said the Enterprise Zone will mirror the urban growth boundaries and also include a few lots in the county's jurisdiction near Saginaw. It will also include a portion of the old Foster Farms facility and two lots on the north side of Hwy 99 that are zoned rural industrial. These additional lots were included because that is where the types of businesses are that would qualify for the benefits of the enterprise zone.

Ms. Walters said there is an application process for the Enterprise Zone that it is due to the state by June 8, 2012. The application process carries some pretty specific criteria which relates to unemployment rates and income levels.

A discussion ensued regarding commercial uses not being eligible in the enterprise zone and how it is aimed primarily at industrial development with the provision for hotels and motels.

Further discussion ensued regarding buildable land exhaustion, the need to expand our UGB and maintaining our infrastructure. Ms. Walters said the only lots eligible for benefits of the enterprise zone are the industrial zoned and some of the commercially zoned properties. The enterprise zone would be good for ten (10) years and there is a process to amend the boundaries if we have an expansion of the UGB that brings in more industrial lands. Mark Shrives added that anytime there is development within the city, the developer is the responsible party for connecting the infrastructure to city services.

City Attorney Carrie Connelly pointed out that this is an economic stimulus but it doesn't sidestep any land use protections that the City already has in place, there are no exceptions to land use processes, procedures or limitations.

Mr. Schesser said the Enterprise Zone is a joint effort of a committee that consists of Denise Walters from Creswell, Glenda Poling from Lane County and himself. When a person wants to get authorized for the Enterprise zone, it requires a meeting of the local jurisdiction. He does not see this as a competition between the entities; he sees it as a joint venture.

Jean McKittrick moved Jack Gradle seconded that the City Council adopt Resolution Number 2012-04, A Resolution of Consent Authorizing the Application for Designation of the Cottage Grove and Creswell, South Lane County Enterprise Zone. Voted on and the motion passes (4-2) with Councilors Anderson, Gradle, McKittrick and Mayor Hooker voting in favor and Councilors O'Connell and Vincent voting in opposition.

City Hall 2nd Floor Project – Ken Nagao

Architect Ken Nagao addressed the Council to present the bids received for the Second Floor Improvements of City Hall and his recommendation for Notice of Intent to Award. There were seven bids from general contractors for the project and six of those bids submitted their "First Tier Subcontractor Disclosure Statements". Bridgeway Contracting LLC, the highest bidder did not submit the required information. The reduced scope of work for this project includes the Council Chambers, toilets, storage and the corridor. It is Mr. Nagao's recommendation to award the contract to Thelander Smith Construction LLC out of Cheshire, Oregon as they were the lowest responsible bidder.

A discussion ensued regarding the process and criteria of awarding the contract to the lowest responsible bidder. City Attorney Carrie Connelly advised the Council that they would need to ratify the notice of intent that went out this past Thursday.

The bids were submitted as follows:

Thelander Smith Const.	\$258,400	John Hyland Const.	\$283,918
Heater Construction	\$264,500	2 G Construction	\$292,500
Ordell Construction	\$281,255	Bridgeway Const.	\$302,000
Ryan Thomas Const.	\$283,800		

Bob Hooker moved Jean McKittrick seconded to ratify the notice of intent and award the Second Floor City Hall Improvement Project to Thelander Smith Construction, LLC for the sum of \$258,400. A brief discussion ensued and Bob Hooker amended his original motion, Jean McKittrick seconded the amendment to ratify the notice of intent and award the second floor City Hall Improvement Project to Thelander Smith Construction, LLC in the sum of \$258,400 upon the expiration of the protest period. Voted on and the motion carries (4-2) with Councilors Anderson, Gradle, McKittrick and Mayor Hooker voting in favor and Councilors O'Connell and Vincent opposing.

Correspondence

Mark Shives included a written memo to the Council regarding an update to the FY 2009-10 and FY 2010-11 City Audits. The memo stated the city was behind in completing and filing their audits with the Secretary of State's (SOS) office and cited a change of auditor as the reason for falling behind. The prior auditor retired after serving Creswell for 25 years. In 2010 the city went through an RFP process and in October hired a new auditing firm leaving only two (2) months to complete the FY 2009-10 audit.

Jane Vincent spoke of her concerns regarding the delinquent status of the City's audit. A discussion ensued regarding the budget process for the upcoming FY 2012-13 and passing a budget without being current on the audit. Finance Director replied that the city has an obligation to pass a budget in order to be able to function beginning July 1st and it is the City's intention to finish the 2009-10 audit within the next couple of weeks by making a couple of required adjustments and completing and submitting the management, discussion and analysis to the auditor.

Further discussion ensued regarding the process and procedure differences between the prior auditor of 25 years and the new auditor, and how they have to familiarize themselves with the city's financial books, contracts, projects and practices. Creswell is one of eleven cities in the State of Oregon that is currently two years behind in filing their audits. Mr. Shives said he has filed for an extension with the SOS's office and City Attorney Carrie Connelly added that the SOS is currently overwhelmed with the number of cities and special districts that they are monitoring. The SOS is on a three year catch-up; so if you are three years behind in your audits, they start paying attention.

Further discussion ensued regarding the contractual agreement with Maxwell and Company and auditors comments from previous audits. Layli Nichols said the comments we receive regarding segregation of duties and inventory, we will continue to receive until our city grows enough to employ a larger staff. GASB (Governmental Accounting Standards Board) requirements make it very difficult for small cities to meet their requirements.

Public Forum

Richard Heyman who resides at 380 Magnolia Drive, Creswell, Oregon addressed the council to speak in opposition of the City defending itself in the FAA Part 16 complaint.

Natalie Marshall who resides at 145 N 2nd Street, Creswell Oregon addressed the Council to request code enforcement for a violation of garbage buildup creating a health hazard at 233 A Street. Ms. Marshall said there are residents living in travel trailers and campers on the property, trash is piled up in the yard, there is yelling and screaming during the night and it is becoming a real health hazard. She passed out photos illustrating the condition of the property.

Consent Calendar

A J O'Connell moved Jean McKittrick seconded to approve the consent calendar as presented. Voted on and carried unanimously.

Airport

Resolution 2012-05, A Resolution Repealing the Airport Pre-Payment Discount Enacted on January 8, 2001.

Jack Gradle moved Mike Anderson seconded the Council approve Resolution 2012-05, A Resolution Repealing the Airport Pre-Payment Discount Enacted on January 8, 2001 as amended. Voted on and carried unanimously.

Public Works

There were no Agenda Items for Public Works

City Administration

Administrators Report – Mark Shrives

Mark Shrives said he spoke with Scott Johnson from Sanipac who has requested some additional time as they are looking at a few other options for the proposed yard debris program and will attend the June City Council meeting to present them.

RARE Update – Steve Dobrinich

RARE (Resource Assistance for Rural Environments) Intern Steve Dobrinich addressed the Council to provide a brief update on the developing partnership between the City, Willamalane Parks and Recreation District and the Creswell School District. Mr. Dobrinich coordinated a meeting with Todd Hamilton (School Superintendent), Jason Genck (Willamalane), Mark Shrives and himself to work on the guidelines and mission statement for the creation of an ad hoc committee for youth recreation programming in Creswell. At the meeting, a mission statement for the committee was developed: To improve access to recreation opportunities and after school programs while increasing the level of local engagement among students, parents and the overall Creswell community.

The membership of the committee would consist of three city councilors, three school board members, and a school principal from the Creswell district, Todd Hamilton, Jason Genck, Mark Shrives and Steve Dobrinich. The scope of work for the committee involves around answering five different questions:

- How do we move forward with the Cobalt building?
- Who is our audience or who are these programs going to serve?
- Who are our partners (community groups)?
- How do we fund these programs?
- What are the next steps?

Mr. Dobrinich will bring the ad hoc committee recommendation back to the Council in June for formal adoption.

Ordinance 473 An Ordinance Amending Ordinance No. 446, And Declaring An Emergency

City Attorney Carrie Connelly reported that she was asked by staff to develop a tool to help address enforcement of violations that occur within the public right-of-ways. The City has been dealing with an

increasing number of individuals who are living in trailers and motor homes parked on City Streets and in public right-of-ways. Under the current code, contract deputies and the code enforcement officer are authorized to issue a 48 hour notice to move the vehicle which is then re-erected in another location in town and the process begins all over again. Ms. Connelly said this amendment to Ordinance 446 expands the existing prohibition on camping from within a City park to any publicly-owned property including parks, plus any sidewalk, street, alley, lane, or public-right-of-way. It also provides broad definitions for camping and campsite which were omitted from the existing offense.

A brief discussion ensued regarding homelessness, there are four open cases on the code enforcement report relating to camping and improper use of public-right-of-ways the city is currently dealing with, and this amendment being used as a tool to enforce and protect the public-right-of-ways.

Mike Anderson moved Jack Gradle seconded to approve Ordinance No. 473, An Ordinance Amending Ordinance No. 446; and Declaring An Emergency. A.J. O'Connell moved Jane Vincent seconded to amend the motion to be retroactive to three months from now to convene a committee of experts to address the problem of homelessness. The motion to amend the original motion was voted on and failed (2-4) with Councilors O'Connell and Vincent voting in favor and Councilors Anderson, Gradle, McKittrick and Mayor Hooker voting in opposition.

Mayor Hooker noted that the Council needs to vote on the original motion and asked Councilor Anderson to restate the motion and read Ordinance 473 twice by title.

Mike Anderson moved and read twice by title, Jack Gradle seconded to approve Ordinance No. 473, An Ordinance Amending Ordinance No. 446; and Declaring An Emergency. Voted on and the motion passes (4-2) with Councilors Anderson, Gradle, McKittrick and Mayor Hooker voting in favor and Councilors O'Connell and Vincent voting in opposition.

Ordinance 473, An Ordinance Amending Ordinance No. 446; and Declaring An Emergency will need to be brought back before the Council at the June meeting to be in compliance with the City Charter.

Potential Abatement of Property located at 233 "A" Street – Shelley Humble/Mark Shrives

Mark Shrives said this potential abatement is the property that was referred to during the Public Forum section of tonight's meeting. This issue has been being dealt with by the Code Enforcement Officer and the Lane County Sheriff's Office. Should the Council direct staff to proceed with the abatement, as outlined in the Ordinance's

A discussion ensued regarding the abatement and appeal process which was explained by City Attorney Carrie Connelly.

Jean McKittrick moved Mike Anderson seconded that staff be directed to proceed with the abatement of the nuisance located at 233 "A" Street; and with the recovery of abatement and administrative costs as provided in Section 8.05.200 of the Creswell Municipal Code. Voted on and the motion passes (5-1) with Councilors Anderson, Gradle, McKittrick, Vincent and Mayor Hooker voting in favor and Councilor O'Connell opposing.

Clerk's Report – No report was given

City Councilor Requests/Future Agenda Item

Previous Requests

Mayor/Councilor Training Options – Jane Vincent

Mark Shrives passed out an additional training option that he received today from Chip Coker of Community Mediation Services. Other training options included in the council packet were from League of Oregon Cities and Tim Hicks, Conflict and Dispute Resolution, University of Oregon.

Jane Vincent said she has reviewed each of the options and would like to recommend Tim Hicks due to his background and some of the topics he covers in his program would be beneficial to the Council in areas where we need help.

Further discussion ensued regarding communication between Councilors, the need for mediation rather than training, and in January 2010 the Council went through an all day training session with two of our city attorneys.

Jane Vincent moved A.J. O'Connell seconded to use mediation to correct problems that the City Council has in communication through Tim Hicks facilitation. Voted on motion failed (2-4) with Councilors O'Connell and Vincent voting in favor and Councilors Anderson, Gradle, McKittrick and Mayor Hooker voting in opposition.

Bicycle Lane Visibility Improvements – A.J. O'Connell

City Planner Denise Walters addressed in a memo to the Council the two components of the Bicycle Lane Visibility Improvement Proposal.

- Continue bike lane striping through intersections on Oregon Avenue from 3rd Street to Emerald Parkway.

The memo reported that based on the Oregon Bicycle and Pedestrian Plan and the 2010 Safety Handbook for Oregon 's Local Road and Streets, bicycle lane safety standards for intersections center on signage rather than striping.

- Paint bright-green fill into bike lane at the corner of Oregon Avenue and South Front Street and Oregon Avenue and Northbound I-5 Interchange.

Staff contacted the Oregon Department of Transportation (ODOT) for assistance on bicycle lane standards and striping/painting for state facilities; and for clarification on the use of green paint/colored bike lanes. ODOT indicated that green paint as seen in areas of Eugene are on local streets and are to indicate areas where the bike lane and travel lanes merge or cross, as when a right-turn lane crosses a bike lane. In general, painted bike lanes should only be used to indicate special circumstances, due to the cost associated with painting and maintenance and for consistency (motorists do not expect bike lanes to be painted, so a painted bike lane should mean something special).

A discussion ensued regarding Public Works restripes the bike lanes every year and ODOT not being supportive of having their roads painted.

A.J. O'Connell proposed to focus more on Oregon Avenue from Front Street west and feels if we placed bike signage along the street, the trees would block the view of the signs. It is also his feeling that where the bike lane on Oregon Avenue meets Highway 99 falls under the category of special circumstances.

A.J. O'Connell moved Jane Vincent seconded that the Council forward the Bike Lane Visibility Improvement Proposal from Oregon Avenue and Front Street west to Third Street to staff for a cost analysis. The motion fails (2-4) with Councilors Vincent and O'Connell voting in favor and Councilors Anderson, Gradle, McKittrick and Mayor Hooker voting in opposition.

New Requests

Curtis Van Derson Scholarship – A.J. O'Connell

A.J. O'Connell submitted a request to the Council for the contribution of \$500.00 to the Curtis Van Derson Memorial Scholarship. Officer Van Derson was the officer who lost his life in the line of duty during a bank robbery in Creswell. This scholarship would go to a High School senior who has an interest in criminal justice and/or law enforcement.

The Council requested more information on this proposal such as how many people have indicated they are interested in participating, what facility is handling the scholarship fund, how many people have actually given money to this scholarship, is there a tax identification number and how will this scholarship be administered? Councilor O'Connell said the Creswell Scholarship Committee at the High School will be in charge of this scholarship, and they have received \$300.00 total in donations from three individuals from the community. Mr. Van Derson's family is in full support of this and Councilor O'Connell said he would like to see the city budget a \$500.00 donation to this scholarship annually.

Several of the Councilors indicated they would have a hard time using tax payer dollars for a scholarship but volunteered to donate personally.

A.J. O'Connell moved Jane Vincent seconded that the council appropriate \$500 to the Curtis Van Derson Memorial Scholarship on an annual basis. Voted on and the motion fails (2-4) with Councilors Vincent and O'Connell voting in favor and Councilors Anderson, Gradle, McKittrick and Mayor Hooker voting in opposition.

Upcoming Meetings

- May 21, 2012 – Budget Committee Meeting
- June 11, 2012 – Regular City Council Meeting
- June 18, 2012 – Budget Hearing

Adjournment

There being no further business to come before the council, Mayor Robert Hooker adjourned the meeting at 8:46 pm.


Roberta J Tharp, City Recorder


Robert A. Hooker, Mayor