

Council Present:

Mike Anderson  
Bob Hooker  
A.J. O'Connell  
Jacob Daniels

Jack Gradle  
Jean McKittrick  
Jane Vincent

Staff Present:

Mark Shrives  
Roy Sprout  
Layli Nichols  
Shelley Humble  
Steve Dobrinich  
Ally House  
Ken Jones

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

Council Absent:: None

Press: Creswell Chronicle

Audience: 28

The regular scheduled City Council meeting was called to order by Mayor Bob Hooker at 7:05 PM and the Pledge of Allegiance given.

**Bill McCoy Appreciation Award**

Mayor Hooker called for a moment of silence in honor of the passing of Councilor Bill McCoy and then presented to his wife, Verlean a bouquet of flowers and an appreciation plaque for his service on the Council which he read aloud to the audience.

**Appointment to Fill Council Vacancy**

With the passing of Councilor McCoy a vacancy was created on the City Council. The City advertised the vacancy and received seven applications from citizens who are interested in serving on the Council. Mayor Hooker asked if Council had reviewed the applications and at this time he would entertain nominations from the Council. Mike Anderson nominated Jacob Daniels and Jack Gradle seconded the nomination. Jane Vincent nominated Roy Robertson and A.J. O'Connell seconded the nomination.

Councilor O'Connell asked Mayor Hooker to allow debate time before calling for a vote. A.J. O'Connell thanked all the applicants and stated he felt it would be only prudent to appoint Roy Robertson to fill the vacancy. He said Mr. Robertson ran for this office during the last election and gleaned the most votes of the applicants who were not elected. He also stated he feels it inappropriate to appoint Jacob Daniels who recently lost a bid during a state election in which Councilor Anderson's company had donated \$600 to his campaign; he also encouraged Mr. Daniels to run for office in November. Councilor Vincent said she is in agreement with Councilor O'Connell.

Mayor Hooker asked if the two nominated candidates would like to speak to the Council.

Jacob Daniels addressed the Council and said that it comes as no surprise that there is a certain amount of disagreement amongst the Council. He has a great love for this community as he grew up here, and chose to return to Creswell to open his law firm instead of settling in Eugene. He does not feel that just because a councilor has supported his campaign that it should not detract from the process, it is a democracy. He is proud to call Creswell his home and would love the opportunity to serve.

Roy Robertson addressed the Council and said that he has lived in Creswell since 1959, graduated from Creswell High School and feels he could help the Council make the right decisions for Creswell and its citizens. He said he has received calls from citizens regarding water and feels there are things that can be done to help them and would appreciate the opportunity to serve on the Council.

Mayor Hooker reminded the Council that the City Charter states that filling a vacancy on the Council is by a majority of the Council votes. Mark Shrives read aloud from the City Charter Section 31 - Vacancies

and Section 32 – Filling Vacancies. City Attorney Ken Jones noted the Charter is clear as to what the policy is.

Mayor Hooker called for a vote; All those in favor of appointing Jacob Daniels to fill the Council vacancy left by Bill McCoy until the term expires December 31, 2012. Voting in favor of Jacob Daniels is Councilors Gradle, Anderson, McKittrick and Mayor Hooker, voting in opposition is Councilors O'Connell and Vincent.

Jacob Daniels addressed the Council to thank them for affording him this opportunity. Mayor Hooker administered the Oath of Office to Councilor Daniels.

### **Sanipac Yard Debris Program Options**

Scott Johnson from Sanipac addressed the Council to present and discuss three options in regards to yard debris.

Mr. Johnson noted that the economy has been tough and costs have increased and in order to battle the headwinds, Sanipac needs to increase rates just to offset costs even with no yard debris options.

- Option 1 – Price Adjustment of 3.2% with No Yard Debris Program – This would equate a \$.55 change for a residential customer using a 35 gallon weekly service
- Option 2 – Price Adjustment of 4.9% with a subscription Yard Debris Program – This option would equate a \$.85 change for a residential customer using a 35 gallon weekly service and an additional \$6.00 monthly fee for subscribing to the Yard Debris Program. The additional 1.7% increase would offset program startup and capital costs.
- Option 3 - Mandatory Yard Debris Program – This option would equate a rate increase of \$3.65 per customer and provide the Yard Debris Program to all customers

Mr. Johnson said the current rate in Creswell is \$17.60 and with the proposed increase to option 1 it will bring it to \$18.15.

A discussion ensued regarding an option where the yard cart is not subsidized by other subscribers who don't use the yard debris program. Mr. Johnson noted that would not be possible as it is necessary to have the rate payers provide at least a small amount of subsidy to provide the option at all. Discussion continued further in regards to raising rates just to meet the increased costs of service. Councilor Anderson said he would like to see an additional option of no change for residents unless they want the extra yard debris service. Councilor O'Connell asked if there were any programs that allow the government to offset the cost to citizens who cannot afford the increase or do they have a program like the cities "Help to Others" where citizens can round up their bill to help others. Mr. Johnson explained that Sanipac does not currently have any programs like that in place.

Mark Shrives said he needs direction from the Council on moving forward with either an option or nothing at all in order to possibly prepare a resolution and public hearing for the next meeting. The council gave their consensus to move forward with option 1- Price Adjustment of 3.2% with No Yard Debris Program.

### **Building Department Fee Increase**

Charlcie Kaylor Manager and Building Official of the Building Department, sister company of Mortier Engineering addressed the Council to propose a fee increase. Ms. Kaylor noted the Building Department has served the City of Creswell since the 1980's for its building needs and enforcement. The building code that the City must enforce is a state wide code although the fees for permits are set by local jurisdictions. The last time an increase to fees was addressed by the Council was in 2007. Many jurisdictions raise their rates according to the CPI, but the Building Department does not, in fact they lag behind a bit and feel it is time to ask for an increase. Ms. Kaylor said included in the proposal are a couple of housekeeping items:

- Streamline fees – Make it easier, more understandable, more logical
- Reflect new technology and law – Solar, Fire Sprinkler Systems, Electronic Car Charging Units

Ms. Kaylor noted that Included in the packet is a comparison sheet with other jurisdictions; they have tried to keep the proposed increase to 11 percent which is the CPI since 2007.

Ms. Kaylor said they are very sensitive to the idea of a starter home and have structured the fees so they will actually be less than they would have been in 2007. They are proposing to increase minimum fees, and feel it is reasonable for Creswell to introduce a two tier approach:

- One for very small projects that keeps the price low
- One that realistically covers the expense of a minimum project

Ms. Kaylor said she is prepared to walk the Council through the process as she has done this many times in many different jurisdictions. She will need direction from the Council as to whether or not they choose to move forward with the rate increases in order for her to meet noticing requirements with the Building Codes Division. A public hearing before the Council will be scheduled so the community can weigh in on the process. It will then be up to the Council to determine the fees.

Jane Vincent said that since 2007, the City of Creswell has lowered the planning and land use fees and feels that the comparison cities provided in the packet are not comparable in population with Creswell. She feels that construction is down and that there is not a good reason to raise the fees. Ms. Kaylor noted the cities listed on the comparison sheet are the cities served by the Building Department and they pay the same fees Creswell does. Mark Shrives said the City implemented a base fee system with land use fees, and now the developer signs an agreement to pay any additional land use fees. The idea behind this concept is to lower the fees for the smaller projects and also to insure that we continued to capture any additional costs on larger projects. The City contracts its planning services with LCOG and needs to cover those costs.

Mike Anderson said he likes the idea of starter homes having a smaller fee base to provide the new homeowner a chance. He feels the comparisons are good because the proposed costs for the most part are still smaller than other cities.

A.J. O'Connell asked if there was anyway to see a fee proposal that doesn't involve the CPI from 2007. He feels that in 2007, the housing market was strong, the country was not in a recession and the CPI was probably pretty high. Ms. Kaylor said that is not the case, the CPI was actually pretty low. Since 2007 the CPI has averaged two to three percent per year and in adding them together it equals eleven percent; and represents an aggregate.

A.J. O'Connell said the City of Bend is working to control urban sprawl so they increased fees. Ms. Kaylor said that would be illegal, according to state statute, permit fees can only be used for administration of the code so you would need to be able to justify it. Mr. O'Connell went on to say he wrote his thesis paper on this subject. He also noted that many of the other areas on the comparison have higher property values than our. Ms. Kaylor noted that the fees are not based on property value, but on valuation of the project. A.J. O'Connell asked if there is a chance to make it more comparable to conventional permit fees and Ms. Kaylor noted that we are limited by state statute as to what we can charge.

Mayor Hooker polled the Council for consensus to move forward with the process of increasing building permit fees. The consensus was 5-2 to move this forward.

Mayor Hooker moved Jack Gradle seconded that the Council move ahead with the fee change proposal from the Building Department with the 11% CPI increase since 2007, bringing this back to the July or August Council meeting with the actual fee increases and holding a public hearing. Voted on and the motion passes 5-2 with Councilors Anderson, Daniels, Gradle, McKittrick and Mayor Hooker voting in favor and Councilors O'Connell and Vincent voting in opposition.

### **Correspondence**

The only comment received from the Council was from Councilor O'Connell who stated that less than a week after the Council voted down his bicycle safety program proposal a bicyclist was hit in front of City Hall. Mr. Shrives informed the Council the bicyclist had not been hit by a car but had hit the curb and fell on his own in the street.

### **Public Forum**

Bradley Goldsberry who resides at 331 Camrin Loop addressed the Council to discuss noxious vegetation. Mr. Goldsberry said there are several lots around him that have grass and weeds that are four feet tall. He feels that this presents a vision clearance issue, detracts from his property values and would like to ask that the date be changed from June 15 to May 1<sup>st</sup> so residents are required to address this earlier in the year. He would also like to have the height reduced of what would be considered noxious vegetation.

Richard Heyman who resides at 380 Magnolia Drive, Creswell, Oregon addressed the council and congratulated Mayor Hooker for being named Citizen of the Year. He also thanked all the Council

members for volunteering their time to sit on the Council. He feels that in order to get their attention, he has to place his articles in the Register Guard since the City no longer subscribes to the Chronicle. He referred to Resolution 2011-19, Section 5-1 Procedures of Council Meetings and read the first part of the first sentence; The current edition of Robert's Rules of Order Revised shall be used as a general guide for conduct of Council meetings and stated that he noticed the Mayor does not follow those rules. Mr. Heyman asked if the 2010 budget has been sent to the State. Mr. Shrives stated yes and the audit for 2010 – 11 will be starting in about two weeks. Mr. Heyman asked if the audit was past due, and Mr. Shrives responded that yes, it was. Mr. Heyman stated the City needs to get out of the habit of sending them in late.

Whitney Harder who resides at 25 South 5<sup>th</sup> Street, Creswell Oregon and local multi- business owner addressed the Council. Ms. Harder said she has just liquidated her videography business that she partnered with Urban Moore of Eugene Skydivers. On July 5, 2012 she will open the doors of her new business, I-5 Skydive. Ms. Harder said she has secured a landing area, has a great staff, pilot, airplanes and everything she needs to get her business off the ground. She has met with Mark Shrives to go over her future plans and what she would like to do for the community. Ms. Harder has 18 years of experience in the skydiving field and has trained some world class athletes. She has partnered with one of those athletes, Jim Renfro to begin this new business. She would like to set up a meeting with the Economic Development Committee to discuss some options and once the FAA has made their decision on the Part 16 complaint she would like to see discussion of dropping at the airport again.

#### **Consent Calendar**

Councilor Jacob Daniels asked Mayor Hooker if he could abstain from voting in the Consent Calendar as he had not attended any of the meetings that the Council was approving minutes for. Mayor Hooker gave his approval for Mr. Daniels to abstain.

Jack Gradle moved Jean McKittrick seconded to approve the consent calendar as presented. Voted on and carried unanimously. Jacob Daniels abstained.

#### **Airport**

Resolution 2012-07, A Resolution Adjusting the Basic Rental Fees Set Forth in the Existing Airport Leases Between the City of Creswell and Individual Lessees of Property Located on Hobby Field Airport.

Jean McKittrick moved Jack Gradle seconded the Council adopt Resolution 2012-07, A Resolution Adjusting the Basic Rental Fees Set Forth in the Existing Airport Leases Between the City of Creswell and Individual Lessees of Property Located on Hobby Field Airport. Voted on and carried unanimously.

#### **Public Works**

There were no Agenda Items for Public Works

#### **City Administration**

Administrators Report – Mark Shrives

- Mark Shrives reported the FY 2009-10 audit is completed and the Auditors are finalizing it and mailing to the State within the week. The 2010-11 audit will begin shortly after the first of July.
- Earlier today, Judge Palmer signed the administrative warrant for the abatement of 233 West A Street. The City will begin moving forward with the abatement next week.
- Mark Shrives said he met with Whitney Harder to discuss the start of her new business. During the discussion he suggested she meet with the City's Economic Development Committee which he would be willing to set-up.

Mayor Hooker noted the Economic Development Committee consists of Jean McKittrick, Mike Anderson and a vacancy left from the passing of Bill McCoy. Mr. Hooker asked if Councilor Jacob Daniels would be willing to assume Bill McCoy's responsibilities for Council Committees and Mr. Daniels said he would.

#### **Ordinance 473 An Ordinance Amending Ordinance No. 446, And Declaring An Emergency – 2<sup>nd</sup> Reading**

Mayor Hooker stated the reason this was placed on the agenda for a second time is because at the first reading, May 7, 2012 it did not pass with a unanimous vote, 4-2 as required by the Charter. According to the City Charter, an Ordinance can be enacted on the first reading if the Council vote is unanimous. If the Council vote on the first reading of a proposed Ordinance is not unanimous, it must be brought back to the Council for a second reading and vote at which time it can be passed by a majority of the vote.

Jacob Daniels moved Jean McKittrick seconded to approve Ordinance No. 473, An Ordinance Amending Ordinance No. 446; and Declaring An Emergency.

Jane Vincent stated she voted against Ordinance 473 at the last meeting because she would like to have it worded that the Ordinance handles each case individually. She said there are often special cases or situations and does not see any changes in the language for the second reading.

Jacob Daniels said if we include the language suggested by Councilor Vincent we would be on a slippery slope, and we need to have an enforceable ordinance otherwise everyone would have a special situation.

A.J. O'Connell said in order for him to vote in support of Ordinance 473, the emergency clause would need to be removed, the Ordinance effective date changed to January 31, 2013, and the Mayor would need to convene a special committee of experts on homeless advocacy who could recommend to the Council regarding this Ordinance and addressing homelessness. He must be a member of that committee and the committee's recommendation must be delivered by the January 13<sup>th</sup> regular City Council meeting.

Voted on and the motion passes 5-2 with Councilors Anderson, Daniels, Gradle, McKittrick and Mayor Hooker voting in favor and Councilors O'Connell and Vincent voting in opposition.

**Pay Request – Nagao Pacific Architecture and Planning PC (Inv. 12-163) – City Hall 2<sup>nd</sup> Floor Project**

Jack Gradle moved Mike Anderson seconded to approve Invoice No. 12-163 from Nagao Pacific Architecture and Planning PC in the amount of \$9,000.00 for services on the City Hall 2<sup>nd</sup> Floor Project.

Jane Vincent asked in reference to the Agenda Item Summary where is the line item in the budget that shows the funds dedicated to the City Hall Project. Mark Shrives said it is in the Capital Improvement Fund. Jane asked if it is the Capital Improvement Fund in the Water and Sewer Fund. Mr. Shrives said funds have been transferred to the General Funds - Capital Improvement Fund for the project; some of the money from water and sewer is deposited within that fund because City Hall supports water and sewer.

Voted on and the motion passes 5-2 with Councilors Anderson, Daniels, Gradle, McKittrick and Mayor Hooker voting in favor and Councilors O'Connell and Vincent voting in opposition.

**Pay Request #1 – Thelander/Smith Construction LLC – City Hall Project**

Jean McKittrick moved Jack Gradle seconded to approve Pay Request No. 1 in the amount of \$6,602.50 from Thelander Smith Construction LLC for the City Hall 2<sup>nd</sup> Floor Improvement Project as presented.

Voted on and the motion passes 5-2 with Councilors Anderson, Daniels, Gradle, McKittrick and Mayor Hooker voting in favor and Councilors O'Connell and Vincent voting in opposition.

**Resolution 2012-09 A Resolution Charging Off Delinquent Utility Accounts**

Jack Gradle moved Mike Anderson seconded to approve Resolution No. 2012-09 A Resolution Charging Off Delinquent Utility Accounts as presented. Voted on and carried unanimously.

**LCOG Contract Amendments**

Jack Gradle moved A.J. O'Connell seconded that the City Council approve contract amendment #1 to the General Planning Assistance contract between Lane Council of Governments and the City of Creswell in an amount not to exceed \$63,200 as presented. Voted on and carried unanimously.

**Clerk's Report**

**City Councilor Requests/Future Agenda Item**

**Previous Requests**

There were no prior requests to review

**New Requests**

Public Meeting on Audits – Jane Vincent

Jane Vincent said she is proposing a public meeting on audits so the citizens can ask questions in regards to what is going on with the audits. Ms. Vincent said according to the State Audits Division, the

Secretary of State's (SOS) office would do a public meeting where the citizens could ask questions, the City would have a chance to explain their position and the SOS would give the States point of view. Jacob Daniels said he is all for transparency and feels that if the public is concerned that maybe some form of public meeting is necessary but doesn't know if it requires the SOS office to come down.

Jean McKittrick noted that Finance Director Layli Nichols explained at the last Council meeting the reasons the audit was late being prepared. Ms. McKittrick said she feels the details were adequately explained at that time and a public meeting is not needed.

Mike Anderson said he agrees with Councilor McKittrick, as he has attended the last three years of budget meetings and there is never anyone in the audience and the meetings are always noticed well. He said public input is important and wishes people would attend the budget meetings. Mr. Anderson also noted that when he has questions, he has always gotten answers; no one has ever hidden things from him and feels there is no reason to hold a meeting.

Jack Gradle agrees with Councilor Anderson and said it would be beneficial for the public to show up at the budget meetings but they never do.

A.J. O'Connell said if the community and media are blowing this situation out of proportion, then what does the Council have to lose. He feels Councilor Vincent wants to have a dialogue between elected officials, city staff and the citizens ensuring the transparency of the issue and thinks that the SOS would be a good facilitator.

Jane Vincent noted that with the meeting not being publicized in the local paper, but the Register Guard instead, she does not think there is a lack of interest, people were not aware of when the meeting took place. She feels Ms. Nichols did present a good explanation of what is happening with the audits, unfortunately the public was not in attendance at that meeting and feels a public meeting would be appropriate.

Jane Vincent moved A.J. O'Connell seconded to move the Public Meetings on Audit agenda item forward for a cost analysis. Voted on and the motion failed (4-3) with Councilors Anderson, Gradle, McKittrick and Mayor Hooker voting in opposition and Councilors Daniels, O'Connell and Vincent voting in favor.

Volleyball Net at Harry Holt Park – A.J. O'Connell

A.J. O'Connell said there is no place in the City Park to play volleyball and the cost of purchasing a net would run around \$250.00. He would like to see it placed in the grassy area between 5<sup>th</sup> Street and the basketball courts.

Mike Anderson said he would be supportive if it was placed in the park at the same time as the security cameras are put up.

Mark Shrives said in the past, the City used to place a volleyball net in the park and asked Public Works Director Roy Sprout to speak as to why it has not been replaced. Mr. Sprout said due to theft and vandalism, the net was replaced on three separate occasions.

Jean McKittrick said she called Dick's Sporting Goods who quoted her \$170.00 for a kit, but also checked with Cascade Hardware who told her it would be better in the long run to purchase everything separately. Ms. McKittrick is also concerned about vandalism.

Jacob Daniels said he follows the same sentiment thus far regarding vandalism.

A.J. O'Connell moved Jacob Daniels seconded to move the Volleyball Net for Harry Holt Park forward for a cost analysis, with installation after the security cameras have been placed in the park. Voted on and carried unanimously.

Amendment to Resolution 2011-19 – A.J. O'Connell

A.J. O'Connell said in light of recent events, he is proposing a resolution to help with city government. This proposal is intended to utilize the standing Council committees that have never been convened. The changes will provide oversight and advisory functions to the Council. The measure provides three levels of changes to the Council Rules:

- Advisory – to address the issue that City staff is overworked
- Investigatory – will allow the Council and committees to conduct their own investigations into matters they see fit without burdening City staff and using taxpayers dollars
- Oversight – provides oversight to provide efficiency and integrity of staff

Jacob Daniels asked if the proposed committees are standing committees. Mr. O'Connell said if this legislation is passed there would have to be changes to the committee assignments.

Jane Vincent asked if this wouldn't be in relation to the Charter where executive sessions can be held to discuss personnel issues. Mr. O'Connell said in this situation he would have been well within his rights to call for an executive session, but feels these changes would be a more amenable measure and transparent to the community. He noted with these changes it would help prevent this from happening again.

Mayor Hooker said his concern is that under these proposals, the City Council would oversee the day to day operations of City government. Mr. O'Connell said that is not the case, the proposal is merely to provide checks and balances.

A.J. O'Connell moved Jane seconded to move forward the Amendment to Resolution 2012-19 Rule changes to provide oversight, advisory and investigatory functions to the Council for a cost analysis. Voted on and the motion fails 5-2 with Councilors Anderson, Daniels, Gradle, McKittrick and Mayor Hooker voting in opposition and Councilors O'Connell and Vincent opposing.

#### User Fees for Pilots at Airport – Mike Anderson

Mike Anderson presented his User Fees for Pilots at the Airport proposal. Mr. Anderson said he has been to two meetings where discussion has occurred for implementing a user fee for pilots. He would like to see the fee be set into place to help offset transferring money from the general fund to the Airport fund every year. In the past ten years, the general fund has transferred \$400,000 to the Airport Fund. At the February 14<sup>th</sup> meeting, some airport users stood before the Council saying they were willing to pay their fair share. A group of pilots and community members have come together to plan a fly-in to help raise funds for the Airport. Mr. Anderson said he is proposing that staff look into the legality of charging a user fee to the people who actually use the Airport and ease the burden of the citizens of Creswell.

Jane Vincent said she attended the same meeting and feels there is no way we should try to ask the airport users to cover the whole \$40,000 per year that is transferred. She feels that Council would need to be checking into base fees and we would need more input from the pilots.

A.J. O'Connell said he thinks there needs to be a serious discussion regarding the salaries of the Airport staff. He feels that there needs to be a user fee but thinks this is about shared sacrifice.

Jack Gradle stated the problems at the Airport were inherited when the City was obligated to take over the Airport. Until the hangar rents that Creswell Airport Inc. holds are released in twenty three years, we will continue to have this problem.

Mike Anderson moved Jacob Daniels seconded to forward the User Fee for Pilots at the Airport proposal to the City Attorney for review. Voted on and the motion passes 5-2 with Councilors Anderson, Daniels, Gradle, McKittrick and Mayor Hooker voting in favor and Councilors O'Connell and Vincent opposing.

#### 5 Year Plan – Mike Anderson

Mike Anderson proposed the Council begin working on a five year plan for the City. He would like Council to schedule a work/goal setting session where they can sit down and look at the Airport, Cobalt Building, the Willamalane partnership, and the audit situation to determine where we want to be in three to five years.

Jane Vincent said she thinks this would be great. She would like to see the councilors forward a list to Mark Shrives before the meeting of things they would like to discuss.

A.J. O'Connell said he thinks it is a great idea but suggested that the Council should wait until the Comprehensive Plan Update is completed. Mr. Shrives said it will possibly be another two years before the Comp Plan Update will be finished.

Mike Anderson moved Jean McKittrick seconded to direct staff to look into the cost of planning a worksession between the Council and staff to plan a three to five year plan for the City's future. Voted on and carried unanimously.

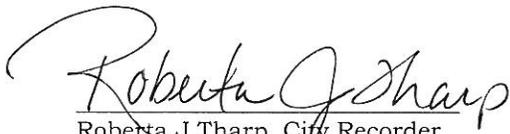
Mayor Hooker reminded everyone that the budget hearing will be held on June 18, 2012. Mark Shrives said that date may change, he is not sure yet but will send out an e-mail.

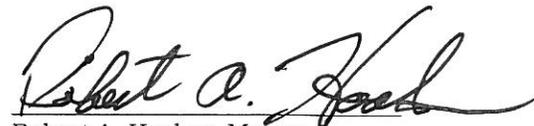
**Upcoming Meetings**

- June 18, 2012 – Budget Hearing
- July 4, 2012 – Annual Celebration & City Hall Closed
- July 9, 2012 – City Council Meeting

**Adjournment**

There being no further business to come before the council, Mayor Robert Hooker adjourned the meeting at 9:01 pm.

  
Roberta J Tharp, City Recorder

  
Robert A. Hooker, Mayor