

Council Present:

Mike Anderson
Jack Gradle
Jean McKittrick
Jane Vincent

Jacob Daniels
Bob Hooker
A.J. O'Connell

Mark Shrives
Roberta Tharp
Layli Nichols
Shelley Humble
Steve Dobrinich
Ally House

Ken Jones

City Administrator
City Recorder
Finance Director
Airport Manager
RARE Intern
Lane County
Sheriff's Deputy
City Attorney

Staff Present:

Council Absent:

Press: 1 - Creswell Chronicle

Audience: 19

The regular scheduled City Council meeting was called to order by Mayor Bob Hooker at 7:00 PM and the Pledge of Allegiance given.

Public Hearing – Waste Connections (Sanipac) Rate Increase

Mark Shrives said over the course of this year we have been discussing the yard debris program and rate increase proposal presented by Waste Connections, Sanipac for garbage collection. At the June meeting the Council directed staff to move forward with a public hearing on the proposed 3.2 % rate increase option that does not include a yard debris program. The Council will hear public testimony this evening and will bring back a Resolution to the August meeting.

Mayor Hooker opened the Public Hearing:

John O'Connell who resides at 98 North 7th Street, Creswell, Oregon addressed the Council and spoke in favor of the rate increase. Mr. O'Connell said he is very happy with their service and would use the yard debris program should they offer it.

Richard Heymann who resides at 380 Magnolia Drive, Creswell, Oregon addressed the Council speaking in opposition of the rate increase. He questions their need for a rate increase and doesn't have room for another cart at his home.

There being no further testimony Mayor Hooker closed the public hearing.

ODOT (Oregon Department of Transportation) ACTS Grant Update – Creswell Safe and Sound Project

Lane County Sheriff's Deputy Aly House addressed the Council to give a brief update on the Creswell Safe and Sound Project. Deputy House said she joined forces with the City, Creswell School District and ODOT to work on the \$5,000 mini grant to be used for traffic safety projects. The intent of the grant was to benefit each of Creswell's three schools in some sort of safety project. They divided the project into two programs:

- Every 15 Minutes program for the High School; to provide education on drinking and driving
- Helmet Head Program – providing bicycle safety and helmets to the younger kids

The grant stipulated that it would pay the overtime money for Lane County Sheriff's Officers and were asking for in kind donations from the community to match the grant.

Deputy House said the community support for these programs was outstanding. The reporting for the two programs is as follows:

- Every 15 Minutes
The grant provided \$3760.40
The community donations for matching funds totaled \$20,506.64

- **Helmet Heads**

The grant provided \$1234.50

The community donations for matching funds totaled \$3,206.00

Deputy House said this project has been completed and approved and would like to thank everyone involved.

Correspondence

No comments were given for the provided correspondence.

Public Forum

Jurgan Ramil of 32518 DeBerry Road Creswell, Oregon addressed the council and spoke in support of Councilor O'Connell during the recall effort and the success of the annual 4th of July Celebration.

Jim Hawkins of 1080 Cedar Court Creswell, Oregon addressed the Council to speak in support of food cart vendors. Mr. Hawkins is the owner of Jimmy Dogs, the food cart vendor on Oregon Avenue and Hwy 99 and wanted to introduce himself and invite everyone to stop by and have a hot dog.

Consent Calendar

Councilor Jacob Daniels noted that his name was missing as being present on the June 11th 2012 City Council meeting minutes and asked to have them amended to show he was present.

Jacob Daniels moved Jean McKittrick seconded to approve the consent calendar as amended. Voted on and carried unanimously.

Airport

There were no Agenda Items for the Airport

Public Works

There were no Agenda Items for Public Works

City Administration

Administrators Report – Mark Shrives

- **Food Cart Vendor**

Mark Shrives reported there are currently two food cart vendors in Creswell and the City has received inquiries/complaints regarding those carts. The Creswell Development Code does not specifically address Food Carts but the city is able to issue a Temporary Use Permit (TUP) under section 4.9.100 (A) Sesaonal and Special Events & (C) Temporary Structures. The TUP is limited to once in a calendar year for no longer than 30 days and shall be renewed no more than two times and shall expire no later than 18 months from the first approval. He has asked Ken Jones and City Planner Denise Walters to look into developing a procedure/process that will allow planning staff the ability to address these. Mr. Shrives recommends the Planning Commission discuss, review, hold a public hearing and make a recommendation to the council for consideration of food cart policies and procedures.

Jane asked to be recused from this as her niece owns the food cart next to Cascade Hardware.

A discussion ensued regarding the status of TUP's issued to the current vendors and Mr. Shrives noted the Farmers Market has a TUP and that works well for them as it carries them through their season.

The Council gave their consensus to forward the Food Cart Vendor issue to the Planning Commission for review and work towards presenting a process recommendation to the Council in the near future.

Enterprise Zone

Mark Shrives said for the past three years, Creswell and Cottage Grove have been working together on creating an Enterprise Zone. The city has received notification from Business Oregon that the application has been approved and the Cottage Grove, Creswell and South Lane County Enterprise Zone has been designated until the termination date of June 30, 2023.

Resolution 2012-20 A Resolution Creating the Creswell Recreation Advisory Committee

Steve Dobrinich addressed the Council providing a brief summary on the Cobalt building project and the partnership between the City of Creswell, Creswell School District and Willamalane Parks and Recreation.

Mr. Dobrinich noted that we are at a point in the project where they would like to open up to public discussion by forming a Creswell Recreation Advisory Committee. The purpose of this committee would be to guide future improvement and expansion of existing recreation programs while implementing new opportunities, establish an agreed upon course of action which meets the goals and expectations of all partners, provide a voice for the community on recreation programs focusing on the future and developing an updated strategy for using Cobalt building as a community recreation center.

The committee would consist of three City Council members, three School Board members, up to four community members (three who must live with the city limits of Creswell), one Willamalane representative, Creswell School Superintendent, and one City staff representative and City Administrator.

A discussion ensued regarding the information gathered from a prior survey on the Cobalt building and Mr. Dobrinich noted that they will use that study as a guide.

Mr. Shrives said the time frame for this committee is very limited; with the approval of this resolution the committee has a deadline of January 31, 2013 but they can request an extension if needed.

Mayor Hooker asked Councilors Anderson, Daniels and McKittrick if they would be willing to sit on the Creswell Recreation Advisory Committee and all agreed. Councilor Vincent noted that she hoped Councilor O'Connell was considered because of his YMCA background.

Jack Gradle moved Mike Anderson seconded to approve Resolution Number 2012-20, A Resolution Establishing the Creswell Recreation Advisory Committee, An Ad Hoc Committee of the Creswell City Council, to facilitate a community process which will garner input as to what constitutes best practices for implementing community recreation. Voted on and the motion passes unanimously.

Mayor Bob Hooker appointed the following individuals for representation on the Creswell Recreation Advisory Committee until the term expires on January 31, 2013.

Creswell City Council Members

Mike Anderson
Jacob Daniels
Jean McKittrick

Creswell School Board Members

David Eusted
Tony Marquess
Gary Clark

Willamalane Parks

Jason Genck

Councilor O'Connell asked why he was not appointed to the committee and Mayor Hooker responded that the appointments are his choice and he assembles them with people who he feels can work together.

Council Committee Appointments

Mayor Hooker made the following appointments to the Council Committees in order to fill the vacancies left by the passing of Councilor Bill McCoy. These appointments will fill the positions until December 31, 2012.

Administration: Jacob Daniels
Cultural Services: Jacob Daniels

Finance: Jacob Daniels
Economic/Community Development: Jacob Daniels

Councilor Daniels said he was fine with filling the committee vacancies.

LOC Policy Committees Legislative Recommendations

Mr. Shrives said the League of Oregon Cities asks the Council to fill out an annual survey for their consideration in developing a legislative agenda. The Council was asked to select their top four priorities from the list provided and each councilor gave Mr. Shrives their choices to tally. The top four survey choices are; Transportation, Finance and Taxation, Community Development and General Government.

Mayor Hooker asked if there was any discussion on the four legislative recommendations and there being none, Bob Hooker moved Jean McKittrick seconded the four legislative recommendations that the Council will send to the League of Oregon Cities are: Finance and Taxation, Transportation, Community Development and General Government. Voted on and the motion carries 6-1 with Councilors Anderson, Gradle, McKittrick, O'Connell, Vincent and Mayor Hooker voting in favor and Councilor Daniels voting in opposition.

Approval of Simplex Grinnell Proposal for the City Hall 2nd Floor Project

Jack Gradle moved Mike Anderson seconded to approve the proposal from Simplex Grinnell in the amount of \$28,696.00 for equipment and labor costs related to the City Hall 2nd Floor Project.

Councilor O'Connell asked Councilor Gradle to withdraw his motion and present two separate motions; one involving ADA improvements and the other to include the 2nd Floor Improvements to City Hall.

Councilor Vincent said she can support security improvement but the completion of the 2nd Floor work is not needed at this time.

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

Approval of Audio Visual Presentations for the City Hall 2nd Floor Project

Jack Gradle moved Jean McKittrick seconded to approve the proposal from Audio Visual Presentations in the amount of \$47,846.59 for equipment and labor costs related to the City Hall 2nd Floor Project.

Mayor Hooker asked for discussion and Councilor Vincent asked if there was a need for three tv's on the second floor. Mr. Shirves said the way it was designed will allow the audience to see the presentation along with the Council. This calculation is based on the size of the room which seat 75 people. Councilor Vincent said there are not many people who attend the Council meetings and feels it won't change once the new chambers are finished.

Councilor Daniels said he is opposed at this time and feels it could be addressed in the future once we get more situated.

Voted on and the motion fails 3-4 with Councilor Gradle, McKittrick and Mayor Hooker voting in favor and Councilors Anderson, Daniels, O'Connell and Vincent voting in opposition.

Mayor Hooker said we will have to look at this to see where we go from here on the project. Mr. Shirves said this is part of the Construction project and we will need to see what changes need to be made and bring it back.

Approval of Audio Visual Presentation Invoice No. 3037 for the City Hall Project

This item was pulled from the agenda due to the failure of the Audio Visual Presentations Proposal just heard.

Approval of Amendment No. 1 to Task Order Agreement with Nagao Hanson/Pacific Architects

Jacob Daniels moved Jean McKittrick seconded to approve Amendment No. 1 to task-order agreement dated December 17, 2010 for Professional Services between the City of Creswell and Nagao/Hanson (now know as Nagao Pacific) Architects, P.C. in an amount not to exceed \$12,500.00.

Mark Shirves said December 17, 2010 is the original contract date signed with Nagao Hanson.

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

Ordinance 474 An Ordinance Repealing Ordinance No. 461; An Ordinance Re-establishing a Water Reserve Fund for the City of Creswell, Repealing Ordinance No. 393 and Declaring an Emergency

Mayor Hooker said Ordinances 474 and 475 were discussed at the June meeting and that City Attorney Ken Jones advised us to repeal them as they were replaced by Resolutions 2012-10 and 2012-11.

Jacob Daniels moved and read twice by title, Jean McKittrick seconded to adopt Ordinance 474 An Ordinance Repealing Ordinance No. 461; An Ordinance Re-establishing a Water Reserve Fund for the City of Creswell, Repealing Ordinance No. 393 and Declaring an Emergency. 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.

Ordinance 474 will need to be brought back to the August meeting for a second reading.

Ordinance 475 An Ordinance Repealing Ordinance No. 462; An Ordinance Re-establishing a Sewer Reserve Fund for the City of Creswell, Repealing Ordinance No. 394 and Declaring an Emergency

Jacob Daniels moved and read twice by title, Jean McKittrick seconded to adopt Ordinance 475 An Ordinance Repealing Ordinance No. 462; An Ordinance Re-establishing a Sewer Reserve Fund for the City of Creswell, Repealing Ordinance No. 394 and Declaring an Emergency. 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.

Ordinance 475 will need to be brought back to the August meeting for a second reading.

Amendment Numbers 1 and 2 to the Intergovernmental Agreement with Lane County for Animal Control Services (LCAS)

Mark Shrives said effective July 1, 2012 Lane County has closed LCAS and is no longer in a position to provide Creswell all the services outlined in their contract for animal control until the contract termination date of June 30, 2013. At this time LCAS is only available to provide enforcement and not able to provide the other services contracted. They have asked the Council to amend the contract to delete the services they no longer provide.

A.J. O'Connell moved Jane Vincent seconded to approve amendments No. 1 and 2 to the Intergovernmental Agreement with Lane County for animal control services for the fiscal years 2010-2013 as presented.

Jane Vincent noted that Al and Kathy January do a wonderful job of helping out the community with stray animals.

Voted on and the motion passes unanimously.

Contract with Greenhill for Animal Control Services

Mark Shrives noted the City has been working with Greenhill to obtain a contract for animal shelter services that LCAS used to provide. Until we enter into a contract with Greenhill, the city will hold the animals that we pick up.

Clerk's Report

There were no comments given on the Clerk's Report.

City Councilor Requests/Future Agenda Item

Previous Requests

- Volleyball Net at Harry Holt Park (Pending Security Camera Installation) – A.J. O'Connell

Mark Shrives said the security camera installation at Harry Holt Park should be occurring within the next couple of weeks. The cost analysis on placing a net in the park is roughly between \$300 and \$500 and will be installed by public works.

A.J. O'Connell moved Jacob Daniels seconded the council move forward the Volleyball Net at Harry Holt Park Pending Security Camera Installation Proposal.

A brief discussion ensued regarding the estimate being the full cost of the placement of net and labor.

Voted on and the motion passes unanimously.

- User Fee for Pilots at Airport – Mike Anderson

Mark Shrives reported the cost analysis from the City Attorney to look into the various leases at the Airport and how they would relate to putting a fee on them came back at \$2000 with an additional \$1000 for a follow-up on any additional questions.

Ken Jones reported that this estimate falls on the high side and over the past four or five years he has already reviewed a portion of the material and it may have the information in the files.

A discussion ensued regarding finding a way to not tie the user fee into the leases. Mr. Shrives noted he did not know how to apply the fee without going through the leases as there are a lot of pieces to this puzzle. His first recommendation would be to coordinate with the FAA to determine what their position is

on this matter before the attorney starts looking in to it. Further discussion ensued about tabling this discussion until next month allowing staff the time to make some phone calls.

Mike Anderson moved A.J. O'Connell seconded to table the discussion and direct staff to phone the FAA to check into the legalities of an Airport User Fee bringing it back to the next meeting and not get into the attorneys fees at all. Voted on and the motion passes with Councilors Anderson, Daniels, Gradle, McKittrick, O'Connell and Mayor Hooker voting in favor and Councilor Vincent opposing.

- 5 year Plan for City – Mike Anderson

Jacob Daniels moved Jack Gradle seconded that council adopt item 10a iii a goal setting proposal presented by Mountaintop Insight Consulting. Mayor Hooker called for discussion.

Mike Anderson said the resume presented with the proposal from Mountaintop Insight Consulting is very impressive, but he was looking for something more informal. He would like everyone to write down their five or six of their top goals for the city for the next five years, present them, discuss them and together create a plan to work towards meeting those goals.

Jacob Daniels asked to rescind his motion and Jack Gradle rescinded his second to the motion.

A discussion ensued with the council voicing their consensus to move forward with a goal setting session but not spending so much money. Mayor Hooker asked Ken Jones how the Council should proceed with this. Ken Jones said based on Council Rules, the Council will need to direct staff to come back with alternatives based on the information discussed.

Mike Anderson moved Jean McKittrick seconded the Council direct staff to bring back to the August Council meeting with a list of options for a goal setting session with little to no cost. Voted on and the motion passes unanimously.

New Requests

- Executive Session on Job Performance – Jane Vincent

Jane Vincent said she would like an executive session to discuss the job performance for Mark Shrives. Jane Vincent moved A.J. O'Connell seconded to go into executive session on job performance for Mark Shrives. Mayor Hooker asked for discussion. Mr. Shrives said he would be happy to enter into an executive session for discussion. Councilor Daniels noted he is confused by the proposal and does not think an executive session or public reprimand is necessary. Councilor O'Connell said there are numerous things he would like to discuss.

City Attorney Ken Jones said the executive session cannot be as broad as councilor O'Connell wants it to be, there are state statues that govern executive sessions and the topic needs to be specific. Councilor O'Connell said he would like there to be a process followed by all for executive sessions. Ken Jones read the process for executive sessions from the Attorney Generals Public Meeting Law.

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

- Obtaining a Bond Credit Rating for the City – A.J. O'Connell

A.J. O'Connell presented his bond credit rating proposal. Councilor O'Connell would like the City to obtain a bond credit rating from the three major bond rating bureaus and stated this would work in the same manner as an individual obtaining a credit score. In his research he has found that there are a number of entities in the area that have been rated and thinks this would be a good step to help attract business to Creswell.

A.J. O'Connell moved Jacob Daniels seconded that the council direct city staff to obtain a cost analysis for obtaining a bond credit rating for the City from three major bond credit rating bureaus; Moody's, S & P and Fitch.

Mayor Hooker asked Ken Jones for his legal opinion on the proposal. Mr. Jones stated that in the past he used to prepare official statements when working on a bond counsel and the starting cost was in the neighborhood of \$10,000 twelve years ago. It was his opinion the City would receive a much better rating on the assumed Oregon rate for small government entities than it would ever receive by going in for a rate. Mr. Jones recommended checking with Harvey Rodgers, the City's Bond Counsel as to whether this would be a positive or negative thing for the City.

Councilor Daniels remarked that he is in support of getting a cost analysis for obtaining a credit rating for the city, but would not support should analysis come back showing an expensive rate. He went on to say the City has received so much negative publicity in the press it is his hopes this would prove the city is financially sound and we are moving in the right direction.

Voted on and the motion fails 3-4 with Councilors Daniels, Vincent and O'Connell voting in favor and Councilors Anderson, Gradle, McKittrick and Mayor Hooker voting in opposition.

Upcoming Meetings

- July 11, 2012 Creswell Municipal Court
- August 13, 2012 Creswell City Council Meeting

Adjournment

There being no further business to come before the council, Mayor Bob Hooker adjourned the meeting at 8:31 pm.


Roberta J Tharp, City Recorder


Robert A. Hooker, Mayor