

Council Present:

Jacob Daniels  
Bob Hooker  
A.J. O'Connell

Jack Gradle  
Jean McKittrick  
Jane Vincent

Staff Present:

Mark Shrives  
Layli Nichols  
Shelley Humble  
Ross Williamson  
Aly House

City Administrator  
Finance Director  
Airport Manager  
City Attorney  
Deputy Sheriff

Council Absent: Mike Anderson - Excused

Press: 1 - Creswell Chronicle

Audience: 15

The regularly scheduled City Council meeting was called to order by Mayor Bob Hooker at 7:04 PM and the Pledge of Allegiance given.

**Public Hearing – Building Department LLC Rate Increase**

Bob Hooker opened the public hearing regarding the Building Department LLC's fee increase for building permit and plan review services. There being no public comments, Bob Hooker closed the public hearing.

**Resolution 2012-21 A Resolution Establishing and Increasing Building Code Fees For the City of Creswell and Rescinding Resolution 2003-31**

Bob Hooker asked for council discussion regarding the increase of fees for the building department. Jane Vincent said she feels now is not the time to raise fees, she thinks that we should wait. Jacob Daniels asked what would happen if we don't raise fees and wonders if anyone has a copy of the last resolution. Mark Shrives responded by saying the Building Department could choose not to renew the contract for services with the city if the increase is not approved, and that the packet comparing fees was handed out to the council before he was appointed to fill the council vacancy. A.J. O'Connell said that he feels the fees are too steep and that we should be able to negotiate a fairer price for people who are trying to help develop our community. He would like for the council to deny the request. Jane Vincent said that she feels it is important to point out that the other cities the Building Department covers are some of the larger cities in the state of Oregon. She feels that we are not in comparison with them because of their size. Mark Shrives pointed out that the Building Department also has contracts with the cities of Coburg, Veneta, Cottage Grove and Florence. A.J. O'Connell asked if the Building Department breached the subject of reduced fees for households that want to build solar panels. Mayor Hooker said he feels the comparison in size of cities the Building Department serves isn't the question, it still costs so much per hour for someone to do an inspection. A.J. O'Connell noted that different cities have different land use and development fees. Jacob Daniels said that he gets concerned when fees go up because those fees are passed on to the consumer. Charlicie Kaylor addressed the council and responded to some of the concerns between residential and commercial rates. She noted that the counties the Building Department serves which were pointed out last time she addressed the Council, also serve small communities. Ms. Kaylor said in addition to the Lane County cities already mentioned, the Building Department serves Lowell, Oakridge, and Dunes City and they are asking the same fee for each city they serve. She noted that the code is a statewide code which is enforced all over the state. She said that the average increase in cost for a single family dwelling (starter home) is about \$250 or the cost of a microwave. Ms. Kaylor said in response to the concern what the Building Department would do should the fee increase fail, they would probably lower the level of service they provide to the community. They currently serve Creswell five days a week and contractors in general are happy with that level of service. In response to the concern regarding the hourly fee, Ms. Kaylor said that they do not charge the hourly fee unless there are special circumstances where they have been to a particular site a multitude of times and the service provided is outside the scope of the normal city business. A.J. O'Connell asked if the Building Department would be receptive to postponing any action tonight to have further discussion with the City of Creswell regarding an acceptable amount of fee increase. Ms. Kaylor said this would be a council decision.

Jacob Daniels moved Jean McKittrick seconded to adopt Resolution 2012-21 A Resolution Establishing and Increasing Building Code Fees for the City of Creswell and Rescinding Resolution 2006-31. The motion passes with Councilors Daniels, Gradle, McKittrick and Mayor Hooker voting in favor and Councilors O'Connell and Vincent voting in opposition.

Mayor Hooker announced that Councilor Anderson's absence from the meeting this evening is excused.

#### **Update from Lane County Sheriff Deputy Aly House**

Lane County Deputy Aly House addressed the council and spoke regarding nuisance abatement and related ordinances. Deputy House said since Ordinance 473 was passed in June she has had to address the situation once. The Ordinance permitted her to have amicable and pleasant conversation with the person, and he was able to address his issues in a timely manner and avoid further problems. Deputy House said with respect to the abatement that occurred and successfully rectified, the occupants now have garbage service, and the dangerous structure and abandoned vehicles have been removed from the property and the unsafe occupancy of a storage unit has ended and been reverted back to storage. Deputy House said the Ordinance has been very helpful and thanked the Council for passing the camping ordinance which helps the Sheriff's keep our City streets safe.

#### **Correspondence**

Jane Vincent asked to pull agenda item 3G - the attorney correspondence regarding the July 13<sup>th</sup> meeting. Ms. Vincent said that she felt that the meeting was illegal because of how it was publicized. She does not feel that even though it was published that it was published in a form that wasn't adequate notice to the community. Ms. Vincent also said that the contract with Audio Video was not signed until July 18<sup>th</sup>, but a check was issued to them on July 16<sup>th</sup> and does not understand why the check was written for that amount. A discussion ensued that the Council approved the bid on July 13<sup>th</sup> and a check was issued on July 16<sup>th</sup> but Mr. Shrives did not sign the contract until July 18<sup>th</sup>. Mr. Shrives said the check that was issued was for materials to get started on the project. Ross Williamson said this kind of discussion is exactly what should happen at council meetings. He said that this is exactly what his memo was intended to kick start and commended the Council. He also said that the fact of the matter is that the law requires certain steps to happen for a meeting, and the city staff complies with law. If you would like to do more than what is required, then that discussion should happen with city staff. Jane Vincent asked what Mr. Williamson perceives as acceptable. He responded by saying that his perception is that of statute that says provide reasonable notice. Ms. Vincent feels that everyone looks in the Chronicle for published notices. She does not feel that posting on the reader board constitutes fair notice. A.J. O'Connell said that the meeting in question was not in any print media. He feels that the meeting was not noticed in either paper and that it should have been. Mr. Williamson said we need to take into consideration of special meetings. Further discussion ensued and the council gave their consensus for staff to place this on the agenda for discussion at the September meeting.

#### **Public Forum**

Ed Gunderson who resides at 593 A Street, Creswell addressed the council to request direction to city staff to publish notices in the Chronicle. Notices are difficult to find in the Register Guard, and the Chronicle is less expensive. One other thing is that there have been allegations of city staff and council slandering other councilor members, businesses and residences and would like some resolve to this.

John O'Connell who resides at 98 Nth 7<sup>th</sup> Street, Creswell spoke in regards to adding Pfc. William Lyle Bauer's name to the Creswell memorial. William Bauer graduated from Pleasant Hill High School and was a Vietnam Veteran who died in action. Mr. O'Connell said if it is a matter of cost, he will write a check, and his graduating class of 1965 from Pleasant Hill High School would like to attend a ceremony. He feels it is important to do this.

Jurgen Ramil who resides at 32518 DeBerry Road, Creswell, spoke in regards to the Public Forum portion of Council meetings. He has spoken a couple of times and no one has ever contacted him after a meeting for further discussion on his comments. Mr. Ramil also stated he finds it hard to read the reader board and has to pull into the library parking lot in order to be able to read the notices.

Shelley Humble who resides at 525 Spruce Court, Creswell spoke on behalf of the Chamber of Commerce. Ms. Humble, co-president of the Chamber, said she would ask professional to professional for Councilor O'Connell to rescind or revoke his Future Agenda Item Request proposals, (Naturalization Oath and Torch Relay) as the Council is not the appropriate forum. The city is only a co-sponsor of the 4<sup>th</sup> of July

Celebration. The event is organized by the Chamber of Commerce and the Fire Department and these proposals should be presented to those boards for approval.

#### **1. Consent Calendar**

Jack Gradle moved Jean McKittrick seconded to approve the Consent Calendar as presented. Voted on and carried unanimously.

#### **Airport Fun Days**

Airport Manager Shelley Humble addressed the Council and handed out flyers for the First Annual Airport Fun Days. She said they are hoping to bring aviators into our community and have a good turnout of the local general public. The weekend event begins Friday night with the arrival and registration of flyers and the events begin on Saturday morning. Ms. Humble said they are hoping to have sixty plus planes that will participate and local businesses as well as the airport businesses have donated some great prizes. Councilor Daniels and Vincent volunteered to help at the Fun Days.

#### **Public Works**

There were no agenda items for Public Works

#### **City Administration**

##### **Administrator's Report**

Mark Shrives reported that the volleyball net for Harry Holt Park has been ordered and should be here within a week. The security cameras have been installed at Harry Holt Park and we are working out some issues with the internet connection, but it looks as though this is all coming together.

##### **Emergency Operations Plan Update**

Mark Shrives reported that RARE Intern Steve Dobrinich is currently on summer break but put together this update on the Emergency Operations Plan he has been working on. He will pick up the project again when he returns in September. Jane Vincent commented that she feels Steve has a wonderful outline and very well done. A.J. O'Connell stated he would be willing to help.

#### **Resolution 2012-22 – A Resolution Adopting A New Rate Structure For Solid Waste Disposal Services Proposed by Waste Connections (Sanipac) For the City of Creswell and Rescinding Resolution 2010-06**

Jean McKittrick moved Jack Gradle seconded to approve Resolution 2012-22 A Resolution Adopting A New Rate Structure For Solid Waste Disposal Services Proposed by Waste Connections (Sanipac) For the City of Creswell and Rescinding Resolution 2010-06 as presented. Mayor Hooker asked for discussion and Jane Vincent commented that she has seen this in the council packets a lot lately and Mayor Hooker explained that they had proposed the yard debris program and the council asked them to revamp their proposal and this is the final time. A.J. O'Connell said that he cannot approve an increase at this time without having something in place to assist low income families. Jacob Daniels said he has visited with apartment and mobile home park owners who state they will in turn pass the increase on to the consumer. Voted on and the motion fails 3-3 with Councilors Gradle, McKittrick and Mayor Hooker voting in favor and Councilors Daniels, O'Connell and Vincent voting in opposition.

#### **Ordinance 474 – Re-establish Water Reserve Fund – Second Reading**

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. Mayor Hooker asked for discussion and Jane Vincent said that she is having a hard time agreeing with the fact that if an ordinance does not get passed unanimously the first time how can you bring it back the second time. Voted on and motion passes 4-2 with Councilors Daniels, Gradle, McKittrick and Mayor Hooker voting in favor and Councilors O'Connell and Vincent voting in opposition.

#### **Ordinance 475 – Re-establish Sewer Reserve Fund – Second Reading**

Jean McKittrick moved and read twice by title, Jacob Daniels 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. There being no discussion the motion was voted on and passes 4-2 with Councilors Daniels, Gradle, McKittrick and Mayor Hooker voting in favor and Councilors O'Connell and Vincent voting in opposition.

**Oregon Health Authority (OHA) Grant Opportunity**

Mark Shrives addressed the council to present a grant opportunity Denise Walters has come across. The Oregon Health Authority Grant will allow Creswell to partner with the City of Cottage Grove on a Drinking Water Source Protection grant. Mr. Shrives said this comes at minimal cost and public works time to the city and will help the city to meet TMDL (total maximum daily load) and Comprehensive Plan requirements. The maximum grant award is \$30,000.00. The OHA describes the overall intent of the program as: Drinking water source protection involves taking positive steps to manage potential sources of contamination and prevent pollutants from entering, reaching or contaminating sources of public drinking water. Jack Gradle moved A.J. O'Connell seconded that the City Council support participation in the Oregon Health Authority Drinking Water Protection Grant Application and Project in partnership with other entities; and authorize the City Administrator to sign all related documents. Voted on and carried unanimously.

**Nagao Pacific Pay Request Invoice 12-170**

Jacob Daniels moved Jean McKittrick seconded to approve invoice number 12-170 for Nagao Pacific Architecture and Planing P.C. in the amount of \$2915.00 for services on the City Hall project as presented. Mayor Hooker asked for discussion and Jane Vincent said she would like it put on record that one of the major reasons she votes no on the City Hall 2<sup>nd</sup> floor project is because it isn't needed at this time. Voted on and the motion passes 4-2 with Councilors Daniels, Gradle, McKittrick and Mayor Hooker voting in favor and Councilors O'Connell and Vincent voting in opposition.

**Nagao Pacific Pay Request Invoice 12-171**

Jacob Daniels moved Jean McKittrick seconded to approve Invoice number 12-171 for Nagao Pacific Architecture and Planning P.C. in the amount of \$1,000.00 for services on the City Hall project as presented. Voted on and the motion passes 4-2 with Councilors Daniels, Gradle, McKittrick and Mayor Hooker voting in favor and Councilors O'Connell and Vincent voting in opposition.

**Thelander Smith Construction – Change Order No. 1 – City Hall 2<sup>nd</sup> Floor Project**

Jean McKittrick moved Jack Gradle seconded to approve change order number 1 in the amount of \$0.00 for Thelander Smith Construction LLC for the City Hall 2<sup>nd</sup> Floor Project as presented. Voted on and motion passes 5-1 with Councilors Daniels, Gradle, McKittrick, O'Connell and Mayor Hooker voting in favor and Councilor Vincent voting in opposition.

**Thelander Smith Construction – Change Order No. 2 – City Hall 2<sup>nd</sup> Floor Project**

Jack Gradle moved Jacob Daniels seconded that the Council approve change order number 2 in the amount of \$560.20 for Thelander Smith Construction LLC for the City Hall 2<sup>nd</sup> Floor Project as presented. Mayor Hooker asked for discussion and Jane Vincent asked Mark Shrives to explain the change order. Mr. Shrives said it was discovered that the actual as built are approximately six inches off; when they drilled down to install the plumbing, they hit a beam and had to move it over. They recommended that we do not install the water heater upstairs as shown in the plans as they found a hot water pipe and can hook into it. The porta-potty rental stems back to change order number 1 as the contractors were under the assumption they would have access to the building during off business hours. Voted on and the motion passes 4-2 with Councilors Daniels, Gradle, McKittrick and Mayor Hooker voting in favor and Councilors O'Connell and Vincent voting in opposition.

**Thelander Smith Construction – Pay Request No. 2 – City Hall 2<sup>nd</sup> Floor Project**

Jacob Daniels moved Jean McKittrick seconded that Council approve pay request number 2 for Thelander Smith Construction LLC in the amount of \$49,771.83 as presented. Voted on and the motion passes 4-2 with Councilors Daniels, Gradle, McKittrick and Mayor Hooker voting in favor and Councilors O'Connell and Vincent voting in opposition.

**a. Appointment – City Council Representative to Citizen Involvement Committee**

Mayor Hooker said he would like to appoint Jacob Daniels to fill the vacancy on the citizen involvement committee. Mr. Daniels respectfully declines the appointment as he said he has enough on his plate at this time. Mayor Hooker said he will postpone the appointment for this position.

**b. Appointment – City Council Representative to Airport Commission**

Mayor Hooker postponed the appointment for this position.

**Clerk's Report**

No comments were given.

**City Councilor Requests/ Future Agenda Items**

**Previous Requests**

**User Fee for Pilots at Airport – Mike Anderson**

This item was tabled until the next meeting due to the excused absence of Councilor Anderson.

**5 Year Plan – Goal Setting Session – Mike Anderson**

This item was tabled until the next meeting due to the excused absence of Councilor Anderson.

**New Requests**

**2013 Naturalization Oath Ceremony at 4<sup>th</sup> of July Celebration – A. J. O'Connell**

A.J. O'Connell presented his Naturalization Oath proposal for next years 4<sup>th</sup> of July celebration. He asked the Council to amend the proposal to have the City buy the new sworn in immigrants and their families breakfast at the celebration. He would like to see this as an opportunity to partner with the Chamber with the celebration.

Shelley Humble said she thinks the proper procedure for this would be to present this proposal to the Chamber of Commerce who organizes the event first and then bring it back to the council for support. Mr. O'Connell said he is not slighting the Chamber and sees this as an opportunity. Mayor Hooker and Jacob Daniels both replied that they agree with Ms. Humble that this should be presented to the Chamber first. A.J. O'Connell said he would like to find out what an event like this would cost before going to the Chamber.

A.J. O'Connell moved Jane Vincent seconded to move forward to city staff for a cost analysis the 2013 Naturalization Oath Ceremony sponsorship at the 4<sup>th</sup> of July celebration. Jack Gradle asked Attorney Ross Williamson if he had a conflict by being a Chamber member and he responded that he did not unless it was a personal benefit. Mayor Hooker asked for discussion and Jacob Daniels said he thinks it is a good idea but needs to come through the proper channels. Mayor Hooker said he thinks it would make more sense to see if the Chamber is even in favor of doing a ceremony before staff spends city time doing a cost analysis. Mr. Daniels asked Mr. O'Connell if he would consider withdrawing or tabling the naturalization proposal so we could have communication with the chamber first. A.J. O'Connell said he would entertain under council rules a motion to postpone which only requires three councilors to give us thirty days to speak with the Chamber.

A.J. O'Connell withdrew his motion for the cost analysis of the Naturalization Ceremony and asked if two other councilors will join him in postponing this until the September meeting. Councilor Vincent and Daniels said they would join him in the postponement. Mayor Hooker cautioned Mr. O'Connell that he is addressing the Chamber as a private citizen and not a city councilor.

**2015 Special Olympics Torch Relay – 4<sup>th</sup> of July Parade – A. J. O'Connell**

A.J. O'Connell presented his Special Olympic Torch Relay proposal to the Council. In 2015 the Special Olympics will be held in LA in late July or early August. Just like the regular Olympics they have a torch relay that travels through the host country. He would like to amend his proposal to have the torch pass through Creswell when possible not necessarily on the 4<sup>th</sup> of July. He is asking the City make a formal request to have the torch relay pass through Creswell. He would like the City to move forward as early as possible to increase the chances. By removing the 4<sup>th</sup> of July parade from his proposal; it would eliminate the Chamber and the Fire Department from discussion.

A.J. O'Connell moved Jane Vincent seconded to move forward to city staff the 2015 Special Olympics Torch Relay for a cost analysis with the 4<sup>th</sup> of July provision removed from the proposal. Voted on and carried unanimously.

**Shifting Appropriations of Election Funds to purchase Hydraulic Ram – A. J. O'Connell**

A.J. O'Connell presented his proposal to the Council to shift appropriations from the 2012-13 budget election line item and use the funds to purchase a hydraulic ram and brand new cutters for the South Lane Fire District. This piece of equipment would be used primarily on the Creswell equipment for the Creswell community. He has been in contact with Phil Hughes and the Fire Chief from South Lane Rural

Fire District and has their support. He would like to use the money that was budgeted for election purposes during the 2012-13 fiscal year to be used to purchase this life saving equipment.

Mayor Hooker said he is a very big fan of the SLF&R however; he is disappointed that Councilor O'Connell is working behind the scenes without the Council's knowledge. The Fire Department is a separate entity from the City and as a taxpayer, I would be very irritated if they took my tax dollars that I pay to the City of Creswell and buy something for another district that I pay taxes too. Mayor Hooker asked the Finance Director if we always budget money for elections and Ms. Nichols said we always budget at least \$2,000.00 and the purpose of that is in the event that there is a special election held because it would be on our dime regardless of the reason.

Mr. O'Connell said he understands these are two separate entities; but this would be a gift to the fire department. Councilor Vincent said there is a tremendous amount of people that are upset with how the City's money is being spent right now and she feels that life-saving equipment should be considered. She also feels that we would be negligent if the Council didn't even think about it.

Jacob Daniels said he has a conflict of interest as he is a member of the South Lane Fire District Board. Jack Gradle said the only way he would support this would be if the community stepped up and helped out.

A.J. O'Connell moved Jane Vincent seconded that the Council move the Shifting Appropriations of Election Funds to Purchase a Hydraulic Ram and Cutters for the Creswell Unit Proposal to staff for a cost analysis. Voted on and the motions fails 2-3 with Councilors O'Connell and Vincent voting in favor and Councilors Gradle, McKittrick and Hooker voting in opposition. Councilor Jacob Daniels abstained.

At 8:50 p.m., Mayor Hooker called a three minute recess before entering into executive session.

#### **Executive Session**

The regular meeting was closed so that the Council could 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.

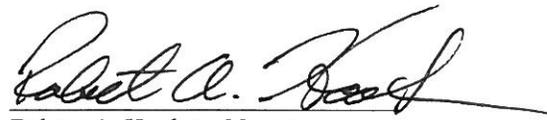
#### **2. Reconvene the Regular Meeting**

The regular meeting reconvened at 9:24 p.m.

#### **Adjournment**

There being no further business to come before the council, Mayor Robert Hooker adjourned the meeting at 9:24 pm.

  
Roberta J Tharp, City Recorder

  
Robert A. Hooker, Mayor