

Council Present:

Mike Anderson
Jack Gradle
Jean McKittrick
Jane Vincent

Jacob Daniels
Bob Hooker
A.J. O'Connell

Staff Present:

Mark Shrives
Roberta Tharp
Layli Nichols
Shelley Humble
Ross Williamson

City Administrator
City Recorder
Finance Director
Airport Manager
City Attorney

Council Absent:

Press: 1 - Creswell Chronicle

Audience: 22

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

Correspondence

No comments were given by the Council

Public Forum

Jane Vincent who resides at 708 Kings Row, Creswell stepped away from the council bench to speak as a private citizen in order to provide an update on the Winter Coat Drive. She is working with the Creswell School District to collect coats/financial donations in order to help provide children who are in need of a winter coat. Anyone wishing to donate money for the fundraiser can do so at Siuslaw Bank or there are several businesses around town that will be collecting coats. Ms. Vincent said approximately half of the students in the Creswell School District are in need of assistance of some sort.

John O'Connell who resides at 98 North 7th Street, Creswell addressed the council to publicly thank the Lane County Sheriff's Office for the service they provide to the community and for help recently with elections signs.

Ron Janssen who resides at 400 N Mill Street #5, Creswell, addressed the council to speak favorably of Holt Park. Mr. Janssen continued his discussion stating he feels there is a need for the placement of a speed bump on 5th Street between Oregon Avenue and West A Street. With the North 5th Street improvements, vehicles are traveling at a greater speed and need to be slowed down in that area. Mayor Hooker asked Mark Shrives to follow up with Mr. Janssen.

Consent Calendar

Jane Vincent asked to have the September 10, 2012 minutes pulled from the consent calendar and revised. Under New City Council Requests/Future Agenda Items she would like to have the minutes reflect the actual decision made by the Council in regards to her proposal titled Audio Visual. Mr. Shrives said we will review them with the tape and bring back to the November meeting.

Councilor O'Connell asked about the \$600 disbursement to Baker's Shoes and Clothing and Finance Director Layli Nichols responded that Public Works employees have an annual allowance for required protective gear.

Councilor O'Connell asked for an explanation of charges for Check No. 19197 to Speer Hoyt LLC for legal services. A discussion ensued with Councilor Daniels saying he is disappointed that we are not having an executive session this evening to be briefed about litigation that has been filed. Under Oregon Rules for Civil Procedure we have thirty days to respond to the lawsuit filed against us and if we fail to meet the time limit, the petitioner can file a motion for a default judgment. The discussion continued with Councilor O'Connell asking when an executive session will be scheduled to discuss the litigation. Mark Shrives explained the Council received an e-mail this afternoon from the attorneys that included an

explanation of what is going on and why they are asking for some additional time and reminded the Council they need to stick to the topic of the Consent Calendar. Mr. O'Connell went on to say he received the e-mail but then sees the \$6,000 disbursement from them and maybe he is mistaken but he gets the impression that our attorneys are taking the money and running, and not coming before the Council. Mr. Shrives said the lawsuit was filed less than thirty days ago. Mr. O'Connell went on to say that we are paying our lawyers to do a service and yet were not receiving that service. Mayor Hooker asked Councilor O'Connell if he would like to have his statement put on the record saying that he was making accusations against our legal firm by stating they are not giving us the services we are paying for. Mr. O'Connell responded yes, he would like to have that put on the record. Ms. Nichols explained that the \$6,000 charges from Speer Hoyt were for assistance on items such as public records requests, LID (Local Improvement District) billings, the Part 16 complaint, new charges for research on the new litigation filed, and planning and land use issues. Mr. O'Connell went on say that the attorneys have worked on the lawsuit since it has been filed and feels the Council has been slighted by not having the opportunity to hear from the public on this matter.

There being no further discussion on the Consent Calendar, Jacob Daniels moved Jean McKittrick seconded to approve the Consent Calendar as amended. Voted on and the motion carries unanimously.

Airport

There were not any agenda items for the Airport

Public Works

There were not any agenda items for Public Works

City Administration

Administrator's Report

Mark Shrives reported:

- During September the Creswell Food Pantry served 174 households
- The poles on the volleyball net recently installed at Harry Holt Park have already been bent.

Creswell Recreation Advisory Committee Appointment

In July of 2012, the Council approved the formation of a partnership between the City, Willamalane Parks and Recreation District and the Creswell School District. The city has advertised to fill the four vacant community member positions of the Creswell Recreation Advisory Committee. The ad hoc committee's goal is to develop a strategy for implementing recreation opportunities in Creswell. The city received three applications and Mayor Hooker recommended the council appoint Tiffany Thackara, Lisa Wilnau and Christopher Douglass to fill three of the four vacant positions on the committee. The committee is also asking to have an extension of its duration as set out in Resolution 2012-20 extended to June 30, 2013.

Jacob Daniels moved Jean McKittrick seconded to appoint Tiffany Thackara, Lisa Wilnau and Christopher Douglass to fill the vacant positions on the Creswell Recreation Advisory committee and to extend the duration of the committee until June 30, 2013. Voted on and the motion carries unanimously.

Mike Anderson suggested we look for a high school student to fill the other vacant position. A.J. O'Connell suggested using a CYAC (Creswell Youth Advisory Committee) member. Mark Shrives said he will look into this and present the ideas to the committee.

Pay Request No 4 – Thelander Smith Construction LLC– City Hall 2nd Floor Project

Mark reported Pay Request No. 4 is for the work that was completed in September on the City Hall 2nd Floor Project.

Jacob Daniels moved Jean McKittrick seconded that the Council approve pay request No. 4 from Thelander Smith Construction LLC. in the amount of \$44,850.07 as presented. Voted on and the motion carries 5-2 with Councilors Anderson, Daniels, Gradle, McKittrick and Mayor Hooker voting in favor and Councilors Vincent and O'Connell voting in opposition.

Change Order No. 8 – Thelander Smith Construction LLC – City Hall 2nd Floor Project

Mark Shrives reported that the October 3rd pre-inspection done by the Fire Marshall, of the 2nd Floor City Hall Project revealed some new requirements have been set in place. Mr. Shrives said most of this change

order is to run additional electrical to install some lighting and exit lighting signs that were not originally anticipated.

Jacob Daniels moved Jack Gradle seconded that Council approve Change Order No. 8 from Thelander Smith Construction LLC in the amount of \$4,770.00 for the City Hall 2nd Floor 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 Vincent and O'Connell voting in opposition.

Pay Request (Inv. 40485500) – Simplex Grinnell - City Hall 2nd Floor Project

Mark Shrives reported the two invoices from Simplex Grinnell are for the Security Card Lock System installed in City Hall. The sum of the two invoices is the total amount of the contract the City entered into with Simplex Grinnell.

Jean McKittrick moved Jack Gradle seconded that Council approve Invoice No. 40485500 from Simplex Grinnell in the amount of \$20,679.28 as presented. Voted on and motion passes 5-2 with Councilors Anderson, Daniels, Gradle, McKittrick and Mayor Hooker voting in favor and Councilors Vincent and O'Connell voting in opposition.

Pay Request (Inv. 40493884) – Simplex Grinnell - City Hall 2nd Floor Project

Jean McKittrick moved Jacob Daniels seconded that Council approve Invoice No. 40493884 from Simplex Grinnell in the amount of \$8,016.72 as presented. Jane Vincent said she is voting in opposition to everything that has to do with the 2nd Floor of City Hall is because she feels the moneys could have been used for better purposes. Jacob Daniels said he respectfully disagrees; when a contractor does work and sends you a bill, regardless of whether or not you support the project, you need to pay your bills. Voted on and motion passes 5-2 with Councilors Anderson, Daniels, Gradle, McKittrick and Mayor Hooker voting in favor and Councilors Vincent and O'Connell voting in opposition.

Change Order No. 1 – Simplex Grinnell – City Hall 2nd Floor Project

Mark Shrives reported with the City Hall security system we can program a time for the doors to lock down following meetings scheduled after regular business hours (Council, Planning Commission and Airport Commission). It was discussed during training the possibility of meetings adjourning before the scheduled lock down time. This change order will allow for a keypad to be installed that will override the scheduled time and allow for locking the doors to City Hall prior to the scheduled time.

Jack Gradle moved Mike Anderson seconded the Council approve Change Order No. 1 from Simplex Grinnell in the amount of \$581.94 for the City Hall 2nd Floor 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 Vincent and O'Connell voting in opposition.

Clerk's Report

A clerk's report was not presented.

City Councilor Requests/ Future Agenda Items

Previous Requests – There weren't any previous requests

New Requests

Making Pathway at Garden Lake Park ADA Compliant – A.J. O'Connell

A.J. O'Connell presented a proposal to pave the walkway from the Ron Petitti Pavilion to the public dock at Garden Lake Park making it ADA accessible. The path measures approximately 500 feet and is gravel and uneven. He suggests looking at the Parks Development Fund as the financial resource for this project.

Bob Hooker said he supports ADA compliance but cited environmental concerns. The Parks Master Plan isn't specific but it does say that Garden Lake Park provides formalized public access around the park in the form of a soft surface trail. Mr. Hooker also checked with the City of Eugene for their policies on ADA accessibility to trails within parks and reported they do not have all trails wheelchair accessible and those that are, they use a compacted gravel base instead of paving. He recommended Mark Shrives contact Lane Independent Living Alliance to explore what options the City would have.

A.J. O'Connell suggested that maybe Lane Independent Living Alliance may have grant money available for projects of this sort. Bob Hooker asked Finance Director Layli Nichols how this would project would

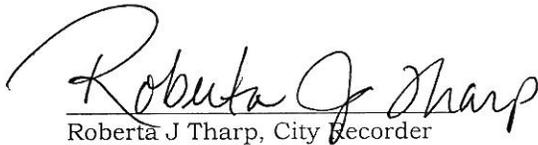
work within the budget process and Ms. Nichols responded that she believes this would fall within the terms of use of the system development charges and budget law; although she would like to read the methodology and report back should council choose to move forward.

A discussion ensued about the future of the other trails at Garden Lake Park and A.J. O'Connell said his goal is to link the Ron Petitti pavilion to the dock. Further discussion ensued regarding the Wetland Mitigation used during the construction of the pavilion and the need to include that in the cost analysis should the project move forward.

A.J. O'Connell moved Jacob Daniels seconded to forward the Making Pathway at Garden Lake Park ADA Compliant Project proposal; paving approximately 500 feet of trail from the Ron Petitti pavilion to the public dock and the considerations brought forward by Mayor Hooker to staff for a cost analysis. Voted on and the motion passes unanimously.

Adjournment

There being no further business to come before the council, Mayor Robert Hooker adjourned the meeting at 7:47 pm.


Roberta J Tharp, City Recorder


Mike Anderson, Council President