

Council Present:

Mike Anderson
Jack Gradle
A.J. O'Connell

Jacob Daniels
Jean McKittrick
Jane Vincent

Staff Present:

Mark Shrives
Roberta Tharp
Layli Nichols
Shelley Humble
Steve Dobrinich
Ross Williamson
Ken Jones

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

Council Absent: Bob Hooker

Press: 1 – The Chronicle

Audience: 35

The regularly scheduled City Council meeting was called to order by Council President Mike Anderson at 7:00 PM and the Pledge of Allegiance given.

Mr. Anderson read the attached resignation letter from Mayor Bob Hooker.

Creswell Fly-in Presentation

Bill Dewey, President of the EAA (Experimental Aircraft Association) and Larry Lowenkron presented a \$2,013.00 check to the city. The check donated by the Airport Commission represents the proceeds from the Creswell Fun Days Fly-in held in August.

Correspondence

A. J. O'Connell thanked Mr. Shrives for the letter responding to questions presented from Mr. Janssen during October's public forum.

Public Forum

Christopher Douglas, 83904 N Pacific Highway, Creswell addressed the Council to speak about Garden Lake Park. Mr. Douglas said this is his third time in as many years to address the Council on the subject of water levels and hydrangea at Garden Lake Park. He pointed out the parks advisory board has not met since March of 2010 and the Council will need to reappoint members as all terms have expired. He went on to say, the proposed ADA trail from the Ron Petitti Pavilion to the pond should be placed on a list of improvements for Garden Lake Park as there are many other things take precedence over the trail. He stated it would be a pathway to nowhere; as there aren't any fish in the pond.

Jacob Daniels with permission from Council President Mike Anderson asked Mr. Douglas what he would suggest as a fix to the water and vegetation problem. Mr. Douglas responded that he has talked with Jeff Ziller, senior biologist of Oregon Department of Fish and Wildlife who recommended having the ponds dredged or mined for gravel, which would tear up the hydrangea built up on top of the matting that is placed at the bottom of the pond. Mr. Ziller also recommended doing a no cost bid to a gravel mining company for this sort of project. Mr. Douglas noted another possible solution for controlling the vegetation would be to use environmentally safe pellets like they use in bass ponds in the South.

Ron Janssen, PO Box 1116, Creswell addressed the Council to speak about the placement of a speed bump on 5th Street next to the Harry Holt Park. He also stated the light in the park intermittently flashes on and off.

Richard Heyman, 380 Magnolia Drive, Creswell commented on the resignation of Bob Hooker.

Consent Calendar

Councilor Vincent commented that following the October 8th meeting she requested from city staff a copy of the \$6,000.65 Speer Hoyt bill she had inquired about during the meeting. What she received was a redacted bill that showed the \$6,000.65 had been removed and new charges of \$7,197.45 were due. Ms. Vincent said she wanted to see the charges incurred for the Part 16 complaint in order to determine

whether or not the City had spent more money on that line item than what the Council had agreed to. Ms. Vincent asked what the charges on that bill were for and why couldn't she get the information or a copy of that bill.

Attorney Ross Williamson said attorney client bills and narratives are attorney client privileged. He said he would be happy to talk about this subject in an executive session, but the bills between the attorney and the City are not public records or subject to release. A discussion ensued with Councilor Daniels asking who the client is. Mr. Williamson explained the City is the client; the Council represents the city as a body but not as an individual. Councilor O'Connell stated he believes it is Ms. Vincent's concern how the taxpayer's money is being spent and he believes there is a discrepancy in the bills. He went on to say he is confused where attorney client privileges begin and end. Mr. Williamson said he would be willing to work with the finance director to look into this but he thinks Ms. Vincent is looking at two separate bills.

Ms. Vincent said the problem is the \$6,000.65 invoice (August) was paid for on September 21, 2012, check number 19197 and the \$7,197.45 invoice (September)(copy of bill she received when requested) was paid on October 12, 2012 with check number 19275 and the \$6,000.65 charges had been removed. She asked if an executive session could be scheduled for next month to straighten this out. Mike Anderson asked Finance Director Layli Nichols to work with Mr. Williamson in finding a solution to this.

Councilor O'Connell inquired about the \$4158.00 check issued to Maxwell and Company and Ms. Nichols said it was for the field work for the audits.

A.J. O'Connell moved Jack Gradle seconded to approve the Consent Calendar with the understanding that Ross Williamson work with Layli Nichols in finding a solution to the confusion of the Speer Hoyt bills or schedule an executive session during the next meeting as discussed. 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 asked Layli Nichols to address the status of the audits. Ms. Nichols said she is currently working on the final steps of the 2010/2011 audit. The auditors have completed the field work and are working on the final numbers for fixed assets and debt service. Once that is completed they will be creating the first draft of the audit report and work will begin on the MD&A (management, discussion and analysis). After the final audit report is completed, work will begin on the 2011/2012 fiscal year audit. Ms. Nichols said she has asked a consultant to come in and help with some of the year end processes in order to expedite the next audit.

A discussion ensued regarding the possibility of being caught up by the end of the year. Ms. Nichols explained that you cannot begin the next fiscal year's audit until you complete the prior years. A.J. O'Connell asked Ms. Nichols if she would notify the Council should she expect the 2011/2012 audit to continue past the end of the year. Further discussion ensued regarding comments made in the schedule of findings and responses by the auditor regarding segregation of duties. Ms. Nichols responded that while the findings are required comments, it is not possible for a city the size of Creswell to reach an adequate level of segregation of duties. She further noted that most small cities are unable to meet those requirements mostly because of staff size. Maxwell and Company has made several internal control suggestions that the city has already implemented.

A. J. O'Connell asked Ms. Nichols if there was anything the Council could do to help meet the auditor's requests. Ms. Nichols said she is not prepared to answer that question but will give it some thought and include it in her next update.

Pay Request No 5 – Thelander Smith Construction LLC– City Hall 2nd Floor Project

Jacob Daniels moved Jack Gradle seconded that the Council approve pay request No. 5 from Thelander Smith Construction LLC in the amount of \$51,967.70 as presented. Voted on and the motion carries 4-2

with Councilors Anderson, Daniels, Gradle, McKittrick voting in favor and Councilors Vincent and O'Connell voting in opposition.

Pay Request – Nagao Pacific (Invoice 12-180) (Task 1-B) City Hall 2nd Floor Project

Jean McKittrick moved Jacob Daniels seconded that Council approve Invoice 12-180 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 carries 4-2 with Councilors Anderson, Daniels, Gradle, McKittrick voting in favor and Councilors Vincent and O'Connell voting in opposition.

Pay Request – Nagao Pacific (Invoice 12-181) (Task 1-A) City Hall 2nd Floor Project

Jacob Daniels moved Jean McKittrick seconded that Council approve Invoice 12-181 For Nagao Pacific Architecture and Planning P.C. in the amount of \$2,160.00 for services on the City Hall Project as presented. Voted on and the motion carries 5-1 with Councilors Anderson, Daniels, Gradle, McKittrick and Vincent voting in favor and Councilor O'Connell voting in opposition.

Pay Request (Inv. 40504654) – Simplex Grinnell - City Hall 2nd Floor Project

Jean McKittrick moved Jack Gradle seconded that Council approve Invoice No. 40504654 from Simplex Grinnell in the amount of \$581.00 as presented. Voted on and the motion passes unanimously.

Tree Board Appointments

Jacob Daniels moved A. J. O'Connell seconded to appoint Jay Searle and Jean McKittrick to fill the vacant positions on the City of Creswell Tree Board for the term expiring on December 31, 2012. Voted on and the motion passes unanimously.

Clerk's Report

A clerk's report was not presented.

City Councilor Requests/ Future Agenda Items

Previous Requests

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

Mark Shrives said he asked Lane Independent Living Alliance (LILA) to conduct a survey of the park to obtain an overall review of ADA compliance issues and to report on any recommendations they may have regarding the proposed project. The survey has been completed but he is still waiting to receive their report. Once the report is received Mr. Shrives will be able to begin working up the cost analysis that will include planning and engineering costs based on any recommendations made by LILA. He hopes he will have this information by the December meeting.

Jack Gradle suggested that maybe before the money is spent on an ADA accessible path, we should look at working on the water quality of the pond.

A. J. O'Connell asked to move this agenda item forward to the December meeting in hopes of having the report from LILA.

New Requests

There were no new City Councilor Requests to present.

Adjournment

There being no further business to come before the council, Council President Mike Anderson adjourned the regular meeting at 7:41 PM to 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.


Roberta J Tharp, City Recorder


Mike Anderson, Council President