City of Creswell
City Council Minutes
December 10, 2012

Council Present:

Mike Anderson	Jacob Daniels
Jack Gradle	Jean McKittrick
A.J. O'Connell	Jane Vincent

Staff Present:

Roberta Tharp	City Recorder
Roy Sprout	Public Work Director
Layli Nichols	Finance Director
Shelley Humble	Airport Manager
Ross Williamson	City Attorney

Council Absent: 0

Press: 2 – The Chronicle – Scott Olsen & Lisa DeLeon

Audience: 27

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.

Correspondence
In regards to the Portland State University (PSU) Population Estimate, Jane Vincent asked about the status of the federal road money the city qualifies to receive. PSU's estimate reports Creswell's population is down from the census figure of 5031 in April of 2010 to 4,990 as of July 2012. Finance Director Layli Nichols said Creswell qualified for the federal money after reaching a population of 5,000. She went on to say City Administrator Mark Shrives is checking with ODOT to see if the population estimates put out by Portland State University would affect the City receiving those revenues.

Jane Vincent also commented on Centurylink's ten percent increase notice for internet services. She asked if there was anyway the City could hook-up to the fiber hut behind City Hall. Ms. Nichols said the City had been working with Lane Council of Governments (LCOG) for a number of years on a project called Fiber South Consortium which is now dissolved. Since then, LCOG has been trying to work with some of the smaller cities to light fiber in their area. The hut behind City Hall belongs to and services Cottage Grove. The Creswell school district has already lit their fiber and we are currently working on getting fiber to City Hall, the Library, the Health Clinic and the Fire Department. In the future we would like to work on finding a way to bring it to the general public like Cottage Grove has. A.J. O'Connell asked if there would be any additional services included with the increase and Ms. Nichols replied that not that she is aware of. Centurylink's rates are set with the Public Utility Commission (PUC) not by the council and need to be compliant within their regulations.

A discussion ensued regarding the location of Centurylink's headquarters and their quality of service. Mike Anderson suggested staff talk with them in regards to their level of service. Ms. Nichols said she relay this message to Mr. Shrives.

Public Forum
Anne O'Connell addressed the Council to note her appreciation and the great response from Creswell residents to the local blood drives. During the month of November, Creswell residents set a record for their blood donations to the Lane Blood Center.

Consent Calendar
Layli Nichols noted that staff would like to amend the Consent Calendar to include a revised set of the November 13, 2012 City Council meeting minutes. The set included in the packet had a sentence that was truncated and the revised set corrects that sentence.

A.J. O'Connell commented on the Speer Hoyt bill; the check issued was in excess of $17,000 and pointed out that the median income for a family in Creswell is $34,000 and the city spent half of that in one month on attorneys.

Jane Vincent asked about the number of voided checks on the check register during November. Ms. Nichols said over time we accumulate a number of refund checks that have never been cashed for water bill refunds, key deposits and cleaning deposits. Without any luck in attempting to locate these customers, staff sends that money on to the Division of State Lands as unclaimed property. The voided checks on the check register reflect those records.

Jacob Daniels moved Jack Gradle seconded to approve the Consent Calendar as amended to include the revised November 13, 2012 City Council minutes. Voted on and the motion carried unanimously.

Airport
Pay Request No. 1 – Task Order No. 7 from Precision Approach – AWOS "A" Weather System
Shelley Humble provided the Council with a brief update on the AWOS project. In September we entered into a contract and grant agreement with ODOT for the Connect Oregon IV grant. This grant will pay for most of the AWOS installation. The airport was also able to obtain an AIP (Airport Improvement Program) grant through the FAA which will work as a match for Connect Oregon IV grant. This project is currently in the planning stages; the engineers are designing the AWOS system and hopefully by the end of June the project will be completed and the AWOS installed. Jacob Daniels asked where the AWOS would be placed and Ms. Humble responded the bids have not gone out yet and Precision Approach is working with the FAA and ODA to meet all regulations and requirements pertaining to placement of the AWOS. Ms. Humble said she thinks it may be placed down by the PAPI (Precision Approach Path Indicator).

Jack Gradle moved Jane Vincent seconded that the Council approve Invoice #2466 from Precision Approach Engineering, Inc. in the amount of $3,195.45 for services performed in accordance with Task Order No. 7 as presented. Voted on and the motion carried unanimously.

Public Works
There were not any agenda items presented for Public Works

City Administration
Layli Nichols said there has been some discussion regarding rescheduling the January 7th meeting as it conflicts with the BCS (Bowl Championship Series) Football Game. A poll was taken and it was the consensus of the council to hold the regular City Council meeting on January 7th.

Layli Nichols gave the Council a reminder regarding ethics. A note had been left in each councilor's mailbox in City Hall offering a free portrait. Ms. Nichols said the ethics commission considers the definition of a gift as anything given in excess of $50.00 to someone who has legislative or administrative interest with the Council.

Ms. Nichols also reported that on November 30th, a customer came into city hall to pay a water bill with a credit card that didn't have her name on it. Staff did not allow the customer to sign her name to someone else's credit card. She was very upset and when she left the building she slammed the new ADA door open, breaking the door. Staff is in contact with the insurance company to see if the City can file a claim, and also has arranged for a repairman to provide an estimate for repairs within the next couple of weeks.

Ms. Nichols said during the wind and heavy rains a couple of weeks ago, it was discovered that the windows on the west side of the 2nd floor of City Hall are leaking and have caused some damage to the drywall, insulation and finish work. The two windows are located in what will become the Council Chambers/Court Room. On further investigation from Thelander Smith LLC (contractors working on the 2nd floor project of City Hall) and architect Ken Nagao it was determined the two windows installed by Essex Construction, were not the spec windows. It appears that grout-filled steel window frames were installed in lieu of the specified aluminum frames. Ms. Nichols passed out a letter from architect Ken Nagao that outlined a couple of discrepancies in Essex Construction's work on the City Hall, and included a proposal for Thelander Smith to remove and replace the windows and repair the water damaged finishes. Mr. Nagao provided two options as a course of action in order to find a solution to this problem. Mr. Nagao's recommendation is that the Council authorize the City Administrator to exercise a $17,000 change order allowing Thelander Smith to remove and replace the windows and provide a two year warranty against any leaks. Mr. Nagao's letter pointed out that response time from Essex Construction on other issues involving exterior paint has been ongoing and without resolve. The letter also stated the two year warranty period against water infiltration for the exterior paint and windows has expired, and

any delays the city experiences in resolving this issue will delay the work by Thelander Smith Construction on the second floor.

A discussion ensued with A.J. O'Connell asking if we had contacted our insurance adjuster and Ms. Nichols said we are not sure this is an insurance claim, it may be a construction defect. City Attorney Ross Williamson commented that the City may have a rather large insurance deductible they would have to meet and that Thelander Smith is trying to fix problems created by the first contractor. Jane Vincent asked if we could try to prevent the windows from leaking until this is settled and Ms. Nichols explained that the west side of the building has been tarped but during last night's storm, the tarp came down. Jacob Daniels commented that a $17,000 change order is a lot of money for two windows. Ms. Nichols replied that Ken Nagao and Mark Shrives have been talking with Thelander Smith in regards to replacing the windows and doing what is best for the building. Councilor Anderson noted that some of the $17,000 is for repairs to the damage done to the floor and wall structure by the infiltration. Ms. Nichols commented that the largest part of the cost is for the removal of the windows, they will have to be saw cut out of the building.

A.J. O'Connell commented that we have another change order before us and are not allowing the public to comment on it. He suggested waiting a week and having another meeting allowing time to come up with other options. Ms. Nichols asked the Council if they would like Ken Nagao to attend a special meeting and speak to this matter and Jane Vincent suggested the Council should also wait for Mr. Shrives to return from vacation. Councilor Gradle commented that the longer the Council waits the more water damage there could be. Ms. Nichols said the water is beginning to leak into the server room below.

The Council gave their consensus to hold a Special City Council Meeting on Monday, December 17th at 7:00 pm and have Ken Nagao in attendance to answer their questions on the leaking window and failing paint in order to determine the best way to proceed.

A.J. O'Connell moved Jane Vincent seconded to table the added agenda item number 6 A discussion (2nd Floor Windows) to the Special City Council Meeting on Monday, December 17th at 7:00 pm. Voted on and the motion carried with Councilors Anderson, Daniels, McKittrick, O'Connell and Vincent voting in favor and Councilor Gradle voting in opposition.

Acceptance of Mayor Bob Hooker Letter of Resignation
A.J. O'Connell moved Jean McKittrick seconded that the Council accept the resignation letter as presented by Mayor Bob Hooker's at the November 13, 2012 City Council meeting, leaving the position of Mayor vacant until the term expires on December 31, 2012 and authorizes Council President Mike Anderson to carry out the business performed by the mayor. Voted on and the motion carried unanimously.

Certify November 2012 Election Results
Jane Vincent moved Jacob Daniels seconded to accept the abstracts for the position of Mayor and three Council positions from the November 6, 2012 general election as presented by Lane County Elections. Voted on and the motion carried unanimously.

Pay Request No 6 – Thelander Smith Construction LLC– City Hall 2nd Floor Project
Jacob Daniels moved Jean McKittrick seconded that the Council approve pay request No. 6 from Thelander Smith Construction LLC in the amount of $28,932.88 as presented. Voted on and the motion carried unanimously.

Jane Vincent remarked that in the past she has always voted against items pertaining to the City Hall 2nd Floor project in order of representation for her people, but she also realizes that people deserve to be paid for work they have completed.

Liquor License Application – My Boys Pizza LLC
City Recorder Roberta Tharp passed out an amended Liquor License Application submitted by My Boys Pizza LLC received after the Council packets had been distributed. The amended application excludes and replaces one of the principle members listed on the application. In its original state, the Lane County Sheriff's Office could not recommend approval of the license. However, it is the Sheriff's Office recommendation to approve the amended application submitted by My Boys Pizza, LLC.

Jacob Daniels moved A.J. O'Connell seconded the Council approve the amended Liquor License submitted by My Boys Pizza LLC. Voted on and the motion carried unanimously.

Jacob Daniels moved A. J. O'Connell seconded to authorize Council President Mike Anderson to sign the OLCC application for My Boys Pizza LLC in the absence of Mark Shrives. Voted on and the motion carried unanimously.

Clerk's Report – October 2012 –
Finance Director Layli Nichols asked for comments or questions regarding the October financial statement. There being none, Ms. Nichols reported she is currently working on the 2010-2011 audit. The auditor will be at City Hall on Wednesday and will be working on wrapping this audit up. Hopefully by the end of December we will be sending it to the state. The auditor has mailed an extension request for the 2011-12 year asking to extend the deadline to March 31, 2013. Ms. Nichols said at the last meeting A.J. O'Connell asked what Council could do to assist in the audit process. After giving this some thought for the past month, she responded that she would like council consensus to bring back next fiscal year the consultant we are currently using to help her. Ms. Nichols stated she would specifically like her to help with some of the audit prep work.

A discussion ensued about the process for recommendation on bringing the consultant back for work on future audits. Ms. Nichols said it would need to be included in the budget proposal. Jacob Daniels responded that he would like to wait to see how much this would cost and we could be rushing into this by making a decision tonight. He noted he would like to wait and see how well she performs and thought putting out a proposal; we may get someone more qualified. A.J. O'Connell asked if we could table this discussion until the April meeting once we start the budgeting process for next year.

Mike Anderson said he came across some interesting facts this past month. He said staff has received some bad press lately in regards to audits and the filing of extensions. He presented copies of approved extensions filed by the city auditor for the years 2003/2004 through 2008/2009. He reported that when the City changed auditors and moved is the time that we got behind on the audits. He feels staff is working hard to get caught up.

City Councilor Requests/ Future Agenda Items

Previous Requests

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

Mark Shrives submitted a memo in the council packets stating he was still waiting on the Lane Independent Living Alliance Report that will allow him the necessary tools to work up a cost analysis for this proposal. He also reported that based on Council discussion at the November meeting, there may be additional discussions related to other activities at Garden Lake Park.
A.J. O'Connell asked to have this proposal tabled until the January meeting.
Mike Anderson said he has learned that the City has an ADA process in place for people who are disabled and want to visit Garden Lake Park. He explained they can make special arrangements to pick up a key to the park and obtain a pass to drive out to the dock. Mr. Anderson commented that the road isn't very good and possibly we should check into improvements.

New Requests

Oregon Ducks Bowl Game Wager – A. J. O'Connell

A.J. O'Connell proposed that the Council enter into an Oregon Ducks Fiesta Bowl Game Wager with the City of Wamego, Kansas City Council. Wamego is comparable to Creswell in relation to Eugene, and about the same size with a population of 5,000. The wager would work as follows: If the Oregon Ducks win the Fiesta Bowl, the City Council of Wamego, Kansas will have to wear an Oregon Duck hat throughout their next meeting. If the Kansas City Jayhawks win, the Creswell City council will have to wear a Kansas Jayhawks hat throughout their next meeting. The team who ends up wearing the hats will need to send a picture of their Council donning the hats during their meeting to the other City Council. A.J. O'Connell asked the council for consensus to authorize Mark Shrives to contact Wamego Mayor and propose the wager.

Jacob Daniels said we should be using private funds, not taxpayer dollars for this and offered to donate to the purchase of some hats.

Ross Williamson said due to the time constraint, the council should authorize one of its members to speak on behalf of the Council in order to enter into this agreement/wager and let it be removed from Council business. This will prevent staff from spending anytime or funds on this proposal.

Jacob Daniels moved Jane Vincent seconded to authorize A.J. O'Connell to be the Creswell City Council representative for a Fiesta Bowl Game Wager with the City of Wamego Kansas. Voted on and the motion carried with Councilors Anderson, Daniels, McKittrick, O'Connell and Vincent voting in favor and Councilor Gradle abstaining. Mr. Gradle's term expires December 31, 2012.

Adjournment
There being no further business to come before the council, Council President Mike Anderson adjourned the regular meeting at 7:57 PM.

Dave Stram, Mayor

Roberta J Tharp, City Recorder