

City of Creswell
City Council/Public
Contract Board Minutes
November 9, 2015

Council Present:
Richard Heyman
Dave Stram
Patrick Miller

Adam Pelatt
Jane Vincent

Staff Present:

Michelle Amberg
Roberta Tharp
Cliff Bellew
Shelley Humble
Jim Piper
R. Scott Palmer
Lt. Billy Halvorson

Maddie Phillips
Maia Hardy

City Administrator
City Recorder
Public Works Director
Airport Manager
Finance Director
Municipal Judge
Lane County
Sheriff's Office
Planning
Comm. Dev Director

Council Absent: 1 – Omar Bowles - Excused
Press: 1 - Creswell Chronicle – Scott Olson
Audience: 8

The joint City Council/Public Contract Review Board meeting was called to order by Mayor Dave Stram at 7:03 pm and the Pledge of Allegiance was given.

Oath of Office

Judge Scott Palmer administered the Oath of Office to Patrick Miller.

Public Forum

No comments were given.

Mayor's Report

Mayor Stram excused Councilor Bowles from tonight's meeting due to a family emergency.

Proclamation – Veteran's Day

Council President Adam Pelatt read aloud a proclamation proclaiming November 11, 2015 as day of recognition for all Creswell Veterans.

Proclamation – November as Gratitude Month

Mayor Stram read aloud a proclamation proclaiming the Month of November as Expressions of Gratitude for those who Serve.

Recognition of Officer VanDerson – Memorial Presentation

Sgt. Halvorson and Mayor Stram presented a framed proclamation for fallen officers signed on November 7, 2011. Included in the frame is Officer VanDerson's badge he was wearing when his life ended after being shot while on duty during the bank robbery in Creswell.

Acceptance of Resignations

Councilor Pelatt moved Councilor Vincent seconded to accept the resignation of Councilor Holly Campbell effective immediately. Voted on and the motion carries unanimously.

The Council gave their unanimous consent to accept the resignation of Parks Advisory Board member Linda Warner effective January 1, 2016.

First Community Credit Union has announced they are planning to close in February. Due too much displeasure of the community, they announced they will be holding a town hall meeting in the very near future.

Ms. Amberg reported there is nothing new to report on the relocation of the Oregon State Police coming to Creswell.

Correspondence

Councilor Heyman asked for a brief explanation of what Mr. Mogstad's letter pertained to. Ms. Amberg said this is in response to a complaint that was filed by his neighbor. Mr. Mogstad has a different level of maintenance for his yard that his neighbors do and this has led to many complaints from neighbors over the years.

Consent Calendar

Councilor Pelatt moved, Councilor Heyman seconded to approve the Consent Calendar as presented. Voted on and the motion carries unanimously.

Administrative Report

Administration

Introduction of Lane County Sheriff's Sergeant Chris Doyle

Lt. Billy Halvorson addressed the council and noted that Sgt. Doyle was unable to attend this evening. Sgt. Halvorson is taking a temporary Lieutenant position and Sgt. Doyle will be covering the Creswell contract in his absence.

Deputy Olson has tendered his resignation from the Lane County Sheriff's Office and his last day will be November 30, 2015. Deputy Brian Holliman will be Deputy Olson's replacement. He is a local citizen and has worked with the Sheriff's office for 14 years.

Veteran's Day Ceremony – VFW

Ms. Amberg reported that the VFW would like to close South 1st Street between Oregon Avenue and C Street on Veterans Day for a brief ceremony as they have done in the past. She asked the Council for permission to authorize the closure from 10:30 am – 12:00 pm on November 11, 2015. The council gave their unanimous consent to close the street.

Ms. Amberg reported the bill from the County for the special election held in September has been received. The invoiced amount is \$7,536.71.

Contract Review Board

Public Hearing

Mayor Stram explained that the City Council/Public Contract Review Board will be holding a Public Hearing to receive input on amending the Public Contracting Rules for the City of Creswell. Action on this agenda item will take place following the Public Hearing. At 7:34 pm, Mayor Stram opened the Public Hearing. There being no public testimony given, Mayor Stram closed the Public Hearing at 7:36 pm.

Council Action Items

Resolution 2015-30 A Joint Resolution of the City Council and Local Contract Review Board Opting Out of the Attorney General's Model Public Contracting Rules and Amending Public Contracting Rules for the City of Creswell

Finance Director Jim Piper addressed the Council and explained that the two boards need to review and take action to adopt legislative changes that have been made to the Oregon Public Contracting Code. With the help of City Attorney Ross Williamson, a resolution has been prepared that will let us opt out of the Attorney General's Model Public Contracting Rules and use the model provided by the Local Government Law Group. He continued noting that with these changes, we cannot have rules that are less stringent than the state laws. He reviewed the primary rule changes:

- Photogrammetric mapping and transportation planning service providers to the professions covered by Division 48 (transportation planning services provided on federally funded projects).
- Solicitations for professionals governed by Division 48 must now be based solely upon qualifications, not cost, for contracts with estimated service fees over \$100,000.
- Prevailing wage/BOLI statutes require the payment of the higher of state or federal prevailing wages, for projects where both apply.
- Increase from \$5000 to \$10,000 in the small procurement threshold for goods and service contracts.
- Effective 7/1/2014, public entities no longer may undertake Construction Manager/General Contractor (CM/GC) Contracts pursuant to their own Rules. Instead, all public contracting agencies must follow the Attorney General's CM/GC Model Rules.

Councilor Heyman asked for an explanation as to why we wouldn't use the AG rules. Ms. Amberg noted that we are following the recommendation of the City Attorney using this process. The ORS's get convoluted; they are located in three different areas and are very complex for what we need. This will bring our procurement code into alignment with those areas of the state code we have to comply with while allowing us to continue with our purchasing process in our own code.

Councilor Pelatt moved Councilor Vincent seconded to approve Resolution No. 2015-30, A Joint Resolution of the City Council and Local Public Contract Review Board opting out of the Attorney General's Model Public Contracting Rules for the City of Creswell. Voted on and the motion carries unanimously.

Pay Request – Partial Pay Request #1 for E-C Company for the Installation of the AWOS Weather System Project

Airport Manager Shelley Humble addressed the Council. The tower and the bases for equipment, the fence and the work stations have been installed. She noted that during installation, All Weather, Inc. realized that the placement of the transmitting antenna was too close to the UNICOM frequency antenna and needed to be relocated to the rear of the building. In doing so, the FCC required that we start the process of licensing over. She has already begun this process and hopes the license will be issued and the project complete by December 31st.

Councilor Miller moved Councilor Vincent seconded that council approve partial pay request #1 to EC Company in the amount of \$131,617.63 as presented. Voted on and the motion carries unanimously.

Change Order – Request #1 for EC Company for the Installation of the AWOS Weather System Project
Airport Manager Shelley Humble explained that during the preconstruction meeting the contractors viewed the electrical panel thinking they had enough vacant breaker positions for the upgrade to support the installation of the AWOS. Once the project got underway, it was discovered that there weren't enough breaker positions to accommodate the AWOS system power therefore, a new 60 amp sub panel was installed on the south wall of the electrical equipment building. Ms. Humble noted that even with this change order, the project will still be \$3,000 under budget for materials.

A discussion ensued regarding the holding of retainage on the project and a mathematical error on the agenda item summary. The agenda summary should read \$79,569.96 as the remaining amount for the construction contract instead of \$82,006.78 as stated.

Councilor Heyman moved Councilor Vincent seconded that council approve EC company change order #1 in the amount of \$1,218.41 as presented. Voted on and the motion carries unanimously.

Ordinance 492 – An Ordinance Limiting Right-of-Way to Pedestrian Uses and Repealing Ordinance 432
Maddie Phillips very briefly reviewed the proposed ordinance that was discussed at the October work session.

Councilor Vincent moved and read twice by title, Councilor Pelatt seconded to approve Ordinance 492, An Ordinance Limiting Right-of-Way to pedestrian uses and repealing Ordinance 432. Voted on and the motion carries unanimously.

Ordinance 493 – An Ordinance Repealing Ordinances 431 and 471, and Amending Ordinance 468, and Creating a Parks and Trees Advisory Board

Maddie Phillips briefly reviewed the proposed ordinance that was discussed during the October work session.

Mayor Stram moved and read twice by title, Councilor Pelatt seconded to approve Ordinance 493, an ordinance repealing Ordinances 431 and 471, and amending Ordinance 468, thereby creating a Parks & Trees Advisory Board. Voted on and the motion carries unanimously.

Ordinance 494 – An Ordinance Amending Ordinance 139, an Ordinance Establishing a City Planning Commission and Prescribing its Powers and Duties

Maddie Phillips briefly reviewed the proposed ordinance that was discussed during the October work session.

Councilor Pelatt moved and read twice by title, Councilor Vincent seconded to approve ordinance 494, an ordinance amending ordinance 139 an ordinance establishing a city planning commission and prescribing its powers and duties.

A discussion ensued regarding the meaning of "Creswell area" as stated in the Ordinance. Ms. Amberg noted at the time of the appointment of the commission, the Council would be the decision maker as to whether the applicant lives in the area or not.

Voted on and the motion carries unanimously.

Resolution 2015-31, Corrected and Restated Volunteer Resolution for Policy Year 2015-16, A Resolution Extending the City of Creswell's Worker's Compensation Coverage to Volunteers of the City of Creswell –

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Jim Piper explained that during a workers compensation audit conducted by CityCounty Insurance Services errors were detected in our resolution and we were asked to make the corrections. Mr. Piper noted the corrections were reviewed and recommended by our City Attorney, Ross Williamson.

Councilor Heyman moved councilor Pelatt seconded that the city council approve resolution 2015-31, corrected and restated volunteer resolution for policy year 2015-16, a resolution extending the city of Creswell's worker's compensation coverage to volunteers of the city of Creswell as presented. Voted on and the motion carries unanimously.

Intergovernmental Agreement – University of Oregon Community Planning Workshop
Maddie Phillips addressed the Council to review the October 26th Work Session discussion and have Council take action on entering into an Intergovernmental Agreement with the University of Oregon's Community Planning Workshop to develop a vision for economic development in Creswell. The project will be staffed by one faculty member and three graduate students to engage the community and help staff develop a framework for long-range planning. The project will begin at the start of January and be completed by the end of June. The project will cost the city \$17,000; the University Center will provide a \$3,000 match; making the total cost of the project \$20,000.

Discussions ensued regarding having the professor provide the Council with a presentation prior to entering into the agreement in order to receive a better understanding of what services will be provided. Ms. Amberg noted the funding for this agreement would be paid out of the Comprehensive Plan line item in the budget as this is a component of that plan. Further discussion ensued on completion of the strategic planning being completed prior to inception of this project.

Mayor Stram moved Councilor Pelatt seconded to direct the City Administrator to engage in an Intergovernmental Agreement with the University of Oregon's Community Planning Workshop to complete Creswell's economic development strategy in the amount of \$17,000. Voted on and the motion carries with Councilors Pelatt, Vincent and Mayor Stram voting in favor and Councilors Miller and Heyman voting in opposition.

Approval of Street Closures for 2015 Tree Lighting/Holiday Festival
Maddie Phillips addressed the Council looking for approval of allowing Ms. Amberg to grant permission to the Chamber of Commerce to temporarily close Oregon Avenue on the evening of December 5th for the Chamber of Commerce's annual Tree Lighting Celebration. Through a Temporary Use Permit the Chamber has requested closing Oregon Avenue from 5th Street to 1st Street between the hours of 5 pm to 7pm and 1st Street from Oregon Avenue to C Street from 5pm to 8:30 pm. Ms. Phillips noted she has contacted emergency services such as the fire and sheriff's department regarding the closure.

Councilor Pelatt moved Councilor Vincent seconded to direct the city administrator to write a letter of support granting use of the City Hall Parking Lot for the 2015 Tree Lighting event. Voted on and the motion carries unanimously.

Lt. Billy Halvorson said there will be uniformed deputies at 5th Street and 1st Street to help with traffic flow.

Councilor Pelatt moved Councilor Vincent seconded to direct the City Administrator to grant permission to the Chamber of Commerce to temporarily close Oregon Avenue from 5th Street to 1st Street between 5pm and 7pm and South 1st Street from Oregon Avenue to C Street for the Tree Lighting event on December 5, 2015.

Mayor Stram voiced his concern regarding the closure of Oregon Avenue on a Saturday evening. Lt. Halvorson responded that he will have patrol cars placed strategically placed with their lights engaged so it will be very clear to commuters.

Voted on and the motion carries with Councilors Miller, Pelatt, Vincent and Mayor Stram voting in favor and Councilor Heyman voting in opposition.

Procurement for Janitorial Services (Award of Contract) – Jim Piper
Ms. Amberg asked to have this agenda item pulled for further work and staff will bring it back for consideration at a later date.

Approval of Application/Fees for Naming of Public Facilities – Michelle Amberg
In August the Council adopted Resolution 2015-28 which establishes a policy for naming of publicly owned facilities. The resolution includes that an application must be submitted along with the applicable fees. The Council has directed Ms. Amberg to create that application and fee schedule. This agenda item is a draft of those
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two documents. The fee schedule is designed to cover the costs associated with naming of a publically owned building or installation of a memorial.

Councilor Heyman spoke of his objections to the fee schedule and noted that this takes away from the "Friendly City". Ms. Amberg reviewed the fee scheduled and noted the costs associated with a project of this nature. She summarized that there would be noticing, postage, permit, staff time to process permits, signage and ceremonies that would incur costs. The fees are set to cover the actual cost of the process.

A discussion ensued regarding the application and project process outlined in the Resolution. Ms. Amberg reminded the Council about the organization "Creswell First"; a 501(c)3 organization for projects like this. Ms. Amberg noted this was her first attempt at the application and fee schedule and would be willing to revise it making it a little more user friendly and bring it back to the November work session for further discussion.

Councilor Pelatt recommended the application be forwarded to a committee to work its way through the process. He continued by saying he feels it very appropriate the we have an application process complete with a fee structure and supports bringing this back to the work session for further discussion.

Councilor Pelatt moved, Councilor Miller seconded that the City Council postpone agenda item 7i, Approval of Application/Fees for Naming of Public Facilities to the November work session for further discussion. Voted on and the motion carries unanimously.

Naming Public Facility after Duane Hodges – Councilor Heyman

Councilor Heyman expressed his wishes to have a building or a park or some other city property named after Duane Hodges. Mayor Stram noted that there is a policy that requires an application and applicable fees to be submitted. As per our last discussion, the policy has been adopted and we are still working on the application and fee schedule.

After a very brief discussion, Mayor Stram noted there would be two different ways to approach this request; either an individual applicant or an application submitted by the Council.

Adjournment

There being no further discussion to come before the Council, Mayor Stram adjourned the meeting at 9:38 pm.


Dave Stram, Mayor


Roberta J Tharp, City Recorder