

Approved January 25, 1995

Joint City Council/County Commissioners Meeting
City of Creswell
December 12, 1994

Regular Scheduled Council Meeting and Lane County Commissioners Meeting was called to order by Mayor McCluskey and Commissioner Jerry Rust.

Council Present:

Sharlene Neff
Michael Dubick
Eddie McCluskey, Mayor

Jean Beck
Martin Heymann

Council Absent:

Kim Hager

Wesley Chapman

Lane County Commissioners Present:

Jerry Rust, Chair
Ellie Dumdi

Marie Frazier

Lane County Commissioners Absent:

Steve Cornacchia

Jack Roberts

Press - 1

Audience - 19

Mayor McCluskey welcomed the commissioners and turned the meeting over to Lane County Commissioners Chair, Jerry Rust who introduced the other commissioners present, Sheriff Bob McManus and other Sheriff's Office Personnel in attendance and Lane County Administrator Bill Van Vactor.

Commissioner Rust asked if there was any members in the audience who wished to comment on anything that was not on the agenda. There were none.

Lane County's Financial Plan & Implications & Alternative Revenue Options

Lane County Administrator, William Van Vactor was present and explained the implications of the projected \$2.5 million revenue shortfall anticipated for Lane County for the 1995-96 fiscal year and alternatives being considered to attempt to remedy the situation. Some of the alternatives being considered by the Lane County Board of Commissioners are:

1. A one year operating levy of \$2.5 million
2. A multi-year serial levy for law enforcement

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3. Differential property taxation
4. Imposing a utility tax
5. Seeking a new tax base

Commissioner Ellie Dumdi explained that if a differential tax is imposed it would mean that citizens in unincorporated areas of Lane County would be taxed at a higher rate than those living in incorporated areas of Lane County for the same level of services provided.

Councilor Sharlene Neff questioned a memo written to the Lane County Board of Commissioners by Lane County Administrator Van Vactor with regard to placing the Cities of Creswell and Veneta on 180 day notice of Lane County's intent to terminate contracts with those cities for police protection.

Lane County Administrator Van Vactor stated that this was not something he liked to do however the County will be required to make some drastic decisions due to anticipated revenue shortfalls. Commissioner Rust stated it is possible that the County would need to terminate their contractual services with the Cities of Creswell and Veneta if the loss of revenues to the County continues. He said cuts would need to be made and that he would vote to place the cities on 180 day notice, as required by the contract, at the December 20th meeting of the Lane County Board of Commissioners.

Mayor McCluskey stated that if the County terminated their contracts with the cities for law enforcement it may cost the County more in the long run. The County would not be receiving the revenue from the Cities and would still be required to dispatch deputies to the rural areas of Lane County from Eugene only more frequently.

Commissioner Rust pointed out that the Lane County Board of Commissioners has a legal obligation to balance the County Budget and they have just so many dollars to deal with. With the projected \$2.5 million loss, drastic measures like the contract issue may need to be addressed.

Police Services

Sheriff Bob McManus introduced the local contract deputies and other members of his staff present in the audience. He turned the meeting over to Creswell's Contract Sgt. George Wojcik who explained the seat belt and child restraint survey which was conducted this year. He explained the survey was done before and after advertising the use of seat belts and child restraints in the newspaper. He was happy to inform the Council that after

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advertising, the City of Creswell was 86.7% in compliance which was well above the 70+ average for participating cities. Sgt. Wojcik presented the City a plaque for being in the 80+% compliance category of cities participating in the international seat belt enforcement program.

Sheriff McManus explained that Lane County's funding has been going down for years and that he has 18 deputies, the traffic team and contract deputies which are supported by the County's General Fund. Three of these deputies work out of the main office per shift. Sheriff McManus said that the City of Creswell and Lane County's contract for police protection has been in place for over 21 years and has worked very well. He said the arrangement had been good for the City and good for the County. He stated that the contract deputies were good deputies with lots of experience who are capable of working alone. He does not feel the Sheriff's Office is over staffed or wasting law enforcement dollars. He feels the contract deputies provide capable, quick backup for deputies in other areas of Lane County when needed. Sheriff McManus said that there has been a steady decline in law enforcement over the last number of years and that priorities need to be made but he is very concerned that law enforcement is not meeting the public needs. He said that in certain areas of Lane County the current response time to a citizen being threatened with bodily harm may be as much as 45 minutes.

Councilor Martin Heymann stated that he felt that some of the social services the County was financing were not as important as law enforcement. He said that he believed patrolling officers deterred more crime than educational programs. He also stated that from conversations with local citizens that they were getting tired of the constant "dinging" for law enforcement and that the County should plan ahead and perhaps plan for a longer levy for law enforcement rather than an annual one just to maintain current levels of service.

Commissioner Dumdi informed the Council that most social service programs were funded through grants and not part of the County's discretionary revenue. She questioned whether the taxpayers would consider a separate tax base for law enforcement. Mayor McCluskey stated he felt they would if other unrelated items were not thrown in with it. Mayor McCluskey stated that law enforcement is also the largest part of the City's General Fund Budget.

Commissioner Marie Frazier questioned Sheriff McManus with regard to his suggestions on what to cut in his department if cuts become necessary other than the contracts in question. Sheriff McManus offered no suggestions but did say he was reluctant to cut

police services as he can not meet the public demands now. He said the contracts are the best value for the dollars spent and that the cities involved would be unable to put a police department together in 180 days. He also stated that the 21+ years of cooperative efforts and credibility was very important.

Councilor Martin Heymann said that the contract deputies are very visible in the contract areas and encouraged the County Commissioners not to cut these contracts before other revenue sources have been attempted.

Short Mountain Landfill

Commissioner Jerry Rust introduced Lane County Solid Waste Management Manager Mike Turner. Mr. Turner gave the Council an update on the Short Mountain Landfill. Mr. Turner stated that earlier this year the County was considering the acquisition of a parcel of land south of the Short Mountain facility on which to spray the leachate coming from the landfill sight. After public meetings were held and further investigation of disposal of the leachate in this manner, the County decided to seek another means of disposal. They are now investigating the possibility of piping it from Short Mountain into Glenwood for disposal. Mr. Turner stated that the landfill is in the process of renewing their permit with DEQ. Some of the stipulations attached to that renewal will be to install a leachate leak detection system and to replace the clay linings of the lagoons with plastic liners by 1996 to prevent leakage from the facility and contamination of nearby waterways.

Mr. Turner stated that Short Mountain began operation in late 1976 and is now operating on old layers of waste. They are now tarping the landfill in an attempt to minimize the leaching effect. When asked about the methane gas operation, he stated that an actual well is dug down through the debris to capture the methane.

Mr. Turner stated that funding at Short Mountain is also a problem. Recently the fees have raised from \$40/ton to \$45/ton. He feels that \$50/ton will be required for the facility to run well. Even at \$50/ton, the Lane County fees would be much less than other metropolitan areas in the state.

Mr. Turner said the County was in the process of updating their Waste Management Plan. The first such plan was done in 1973 and updated in 1980. Both of these were done in house. A consulting firm has been retained to assist the County with the current update due to the stricter requirements and compliance mandates. The State has mandated a 30% recycling goal by 1995 and 40% by 2000. He said that recycling does not pay for itself and that at some point there may be a fee charged for recycling.

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There being no further business to come before the Board of Commissioners, Commissioner Rust adjourned the Lane County Board of Commissioners Meeting and Mayor McCluskey declared a five minute recess before continuing the City Council Meeting.

Public Hearing - LID #10

Mayor McCluskey called the Special Scheduled Public Hearing to order and requested that City Administrator Ron Hanson review the purpose of the public hearing. Mr. Hanson stated that the purpose of the public hearing was to provide the affected property owners an opportunity to comment on LID No. 10. Mr. Hanson stated that there were seven property owners - all seven have been notified by certified mail and each property owners assessment will be \$1,600. This is for improvements made to both sides of West B Street from Front Street to North Second Street for curb, gutters and sidewalks. Two of the property owners have already paid their assessments in full. No written comments have been received and there was nobody in the audience wishing to comment.

Mayor McCluskey closed the public hearing.

Public Hearing - 1995 Community Development Block Grant Program

Mayor McCluskey called the Special Scheduled Public Hearing to order and requested that Peter Thurston, Lane County Community Economic Coordinator, review the purpose of the hearing. Mr. Thurston stated that the City of Creswell is eligible to apply for a 1995 Community Development Block Grant (CDBG) from the Oregon Economic Development Department. He explained that CDBG funds come from the U. S. Department of Housing and Urban Development and intended to provide decent housing, suitable living environment and expanded economic opportunities principally for low and moderate income persons.

Mr. Thurston also stated that funds will be available for the following purposes.

1. Public Works: Publicly owned infrastructure needed to solve a problem affecting an entire community or just a neighborhood, such as water treatment plants, reservoirs, lines; wastewater treatment plants and lines.

2. Housing: Grants to eligible cities or counties to establish revolving loan programs for rehabilitation of evicting housing occupied by owners and renters, including farm worker housing, which benefit low and moderate income people. Grants for

land acquisition and public works necessary for new affordable housing for low and moderate income persons also qualifies.

3. Community Facilities: Acquisition, rehabilitation or construction of facilities needed to serve persons with special needs. May involve shelter for persons such as nursing homes, domestic violence shelters, homeless shelter, group homes for children, individuals with handicaps, and temporary farm worker housing. May also include day care center, senior centers, handicapped access activities and youth centers.

4. Economic Development: Grants for low interest loans to qualified business which pledge to create or retain jobs for low and moderate income persons, stimulating economic development in the community. The low interest loans are repaid to the State. Business which can benefit from this program are limited to manufacturing business which typically provide family wage jobs and destination resort operations which bring new money into the State.

5. Technical Assistance: Grants are available to non metropolitan cities or to counties typically used by small communities which lack the expertise or funds to prepare capital improvement plans, engineering studies, problem surveys such as sanitary sewage problems, housing rehabilitation needs analysis, market analysis, public facilities plans for water or sewer systems.

Mr. Thurston explained that there is approximately \$15 million to be awarded to Oregon non-metropolitan cities and counties in 1995. The following are maximum grant by funding target:

<u>AMOUNT</u>	<u>PURPOSE</u>
\$750,000	Public Works, Community Facilities & Economic Development
\$300,000	Housing Rehabilitation
\$250,000	New Affordable Housing/Regional Strategies
\$ 10,000	Technical Assistance
\$300,000	Handicapped Accessibility

Mr. Thurston stated that one of the following Federal National Objectives must be met:

1. Principally benefit low and moderate income people.
2. Prevent or eliminate slums and blight.
3. Meet an urgent community need.

City Administrator Ron Hanson informed the Council that he had not received any written comments pertaining to the 1995 Community

Development Block Grant Program. There were no members in the audience who wished to comment on the program.

It was the consensus of the Council and Peter Thurston reaffirmed that the City's number one priority for 1994 was the construction of a 1.8 mile water distribution line from the City's water treatment plant on Cloverdale Road to the reservoir on Creswell Butte.

There being no further discussion, Mayor McCluskey closed the public hearing.

Regular Scheduled Council Meeting was called to order by Mayor Eddie McCluskey.

Minutes:

Martin Heymann moved, Mike Dubick seconded to approve the minutes of the Council Meetings dated November 7, 1994 and December 5, 1994 as submitted. Voted on and unanimously carried.

Bills:

Mike Dubick moved, Sharlene Neff seconded to approve the accounts payable. Voted on and unanimously carried.

Mayor & Council Comments:

Councilor Mike Dubick inquired about the hole in the ground at the site of the old Union 76 service station on Oregon Avenue. He feels this is rather unsightly for people coming into Creswell off of I-5 and does not give a favorable image of the city. City Administrator Ron Hanson advised the Council that Arco has an approved building permit from the City and is just waiting until Unical has completed a site cleanup which is acceptable to DEQ.

Councilor Martin Heymann said that there appears to be numerous vehicles which are inoperable or not being moved parked on streets throughout the City and was inquiring as to the status of owner notification to remove them. City Administrator Ron Hanson stated that a new list is currently being compiled and the owners will be contacted.

Councilor Jean Beck stated that she felt the caretaker's grounds at Garden Lake Park had become unsightly and not an asset to the City. City Administrator Ron Hanson stated that he had talked with them in the past about the appearance of the caretaker's area and would do so again.

OLD BUSINESS:

Oregon Avenue Street Trees

City Administrator Ron Hanson stated he and the street committee had met and looked at the trees along Oregon Avenue which are beginning to damage the sidewalks and driveways in the area. It was the consensus of the committee and the Council that the two large trees doing the most damage (one at 3rd and Oregon Avenue and the other at 5th and Oregon Avenue) should be removed and the sidewalk repaired. Mr. Hanson said that he had received an estimate of \$150-\$200 from a landscape firm to assess and make recommendations to the Council at their next meeting on possible alternatives that can be taken to save the smaller trees along Oregon Avenue yet minimizing their damage to adjacent sidewalks and driveways.

Sharlene Neff moved, Mike Dubick seconded to authorize City Administrator Ron Hanson to retain a landscape firm for \$150-\$200 to assess and make recommendations to the Council on possible alternatives that can be taken to save the remaining trees along Oregon Avenue that will minimize sidewalk damage. Voted on and unanimously carried.

Park Improvements

City Administrator Ron Hanson stated that he would have a full report on the proposed park improvements next month. Further cost estimates are still being finalized.

Resolution 94-17 Employee Benefits

City Attorney Kelly Collins explained proposed Resolution 94-17, "Resolution Amending The Employee Policies And Fringe Benefits, Resolution 94-14, For The City Of Creswell Regarding Payment Of Employee Contribution To The Oregon Public Employees Retirement System (PERS) And Declaring An Emergency". He said that it will not nullify any part of Resolution 94-14, which the Council approved on December 5, 1994. He said this will just add to the prior one by stating that the 6% employee contribution the City is picking up is a pre-tax contribution and will require each employee to acknowledge that they have received, read and understand both Resolution No. 94-14 and 94-17 and that they are bound by the terms of the resolutions on or before December 31, 1994.

After discussion, Mike Dubick moved, Jean Beck seconded to approve Resolution 94-17 as outlined above. Voted on and carried with Councilor Sharlene Neff voting no.

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NEW BUSINESS:

1994-95 City Audit - Bruce Montgomery

Bruce Montgomery of Babcock, Johnson & Montgomery, the City's Auditors, was present to review the 1993-94 year end audit. Mr. Montgomery explained the purpose of the audit and that the financial records of the City are in good order and that the Council should feel comfortable about the financial affairs of the City.

Mr. Montgomery stated he had given the City a "Clean" auditors opinion and found the financial records in excellent condition. He commended both City Administrator Ron Hanson and Finance Director Connie Dersham for jobs well done.

Canvas Election Returns - November 8, 1994 Election

City Administrator Ron Hanson reviewed the election abstract from the November 8, 1994 general election. After reviewing, Martin Heymann moved, Jean Beck seconded to accept the election abstract for the November 8, 1994 election from Lane County Chief Deputy Clerk, Annette K. Newingham as presented. Voted on and unanimously carried.

Resolution No. 94-15 Annexation

City Administrator Ron Hanson reviewed proposed Resolution No. 94-15 which is for the consent of the Council for the annexation of the Atwood property at 83227 North Pacific Highway, the Ladd property at 83265 North Pacific Highway and the Bromfield property at 83221 North Pacific Highway into the City of Creswell. The Creswell Planning Commission reviewed these petitions to annex in October and November of 1994 and recommended the Council consent to the annexations. Mr. Hanson stated that the three applications would be submitted to the Boundary Commission at the same time to save the applicants money.

After discussion, Martin Heymann moved, Sharlene Neff seconded to adopt Resolution 94-15 as outlined above and forward the annexation requests to the Lane County Local Boundary Commission for their approval. Voted on and unanimously carried.

Resolution No. 94-16 Delinquent Water & Sewer Charges

City Administrator Ron Hanson explained proposed Resolution 94-16. He stated that every couple of years the City charges off delinquent water and sewer accounts as uncollectible due to customers moving from the area owing the City money for these

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services. Resolution 94-16 deals with uncollectible accounts in 1992 and 1993. Mr. Hanson did advise the Council that if these customers were to move back into the area and request City water/sewer service, they would be required to pay off the delinquent charges (even though they had been charged off) prior to service initiation.

Martin Heymann moved, Sharlene Neff seconded to approve Resolution 94-16, "Resolution Charging Off Delinquent Water And Sewer Accounts". Voted on and unanimously carried.

Ordinance No. 364 - LID #10 Assessments

City Administrator Ron Hanson read proposed Ordinance No. 364, "An Ordinance Providing For The Final Assessment For A Public Improvement Known As Local Improvement District No. 10 - Both Sides Of West B Street From Front Street To North Second Street - Curbs, Gutters And Sidewalks.", by title twice as no one present wished it read in its entirety. Mr. Hanson explained that this ordinance assessed each property owner \$1,600 as their portion of the street improvements and created a lien against the property until paid.

Martin Heymann moved, Jean Beck seconded to approve Ordinance No. 364 as outlined. Voted on and unanimously carried.

Rural Tourism Marketing Funds

City Administrator Ron Hanson reviewed Lane County Rural Tourism Funding which was allocated in 1994. He stated that in 1994 the City had utilized these funds by allocating \$5,000 of the \$10,000 received from this source to the restoration of the Creswell Historical Society Building and the remaining \$5,000 for a part-time Chamber of Commerce employee. Mr. Hanson stated that a fund drive for the restoration of the Historical Society Building has brought in over half of the required \$60,000. He stated that the Chamber of Commerce will fill out the 1995 application for the 1995 Lane County Rural Tourism Marketing Funding but recommended the Council approve the expenditure of the 1995 funds in the same manner as they were utilized in 1994.

Martin Heymann moved, Mike Dubick seconded to proceed with the application for 1995 Rural Marketing Tourism dollars from Lane County to be expended in the same manner as they were expended in 1994. Voted on and unanimously carried.

Liquor License Application - El Patio Restaurant

City Administrator Ron Hanson advised the Council that he had received a restaurant liquor license application from El Patio

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Mexican Restaurant and that a background check had been done.

Councilor Sharlene Neff did not feel the Council should endorse the application as the premises is in an area where a lot of children would be due to a video rental business next door in an enclosed mall. Both businesses would be using the same mall entrance.

Councilor Martin Heymann stated that he would prefer to forward the application on to the Oregon Liquor Control Commission without a recommendation as he does not feel qualified to make a judgement call when an applicant states they have been convicted of an alcohol related offense and have gone through diversion treatment.

Ray Beck, a member of the audience, stated that he felt this business would bring revenue into the City and that the owner would not risk losing his liquor license by allowing his patrons to become intoxicated and unruly.

Councilor Mike Dubick stated that he would like to see something succeed in that space and could forgive a person who made a mistake in 1986 and had had no further alcohol related problems.

Mike Dubick moved, Jean Beck seconded to approve the liquor license application for a restaurant license for El Patio Mexican Restaurant located at 106 Oregon Avenue. Voted on and carried with Martin Heymann and Sharlene Neff voting no and Mike Dubick, Jean Beck and Mayor McCluskey voting yes.

Liquor License Application - B & B Dining & Spirits

City Administrator, Ron Hanson, stated that he had received a liquor license change of ownership application for a Dispenser Class A License for B & B Family Dining & Spirits. He advised the Council that this was the same application that had been submitted for Council consideration at their November 7, 1994 meeting which the Council selected to forward on to the Oregon Liquor Control Commission without a recommendation. The only change in the application was the removal of Jean Freemans's name from the application as a partner. Ms. Garnet S. Starr had attached a letter containing additional personal information and was seeking an application approval from the Council for the change of ownership.

After discussion, Martin Heymann moved, Mike Dubick seconded to forward the application on to the Oregon Liquor Control Commission without recommendation as had been done previously. Voted on and Carried. Councilor Jean Beck voted no.

Executive Session

Mayor McCluskey called an executive session as authorized by ORS 192.660(1)(e) for the discussion of real property transactions.

Holbrook Lane Easement

The Council concurred that in exchange for a water line easement on Holbrook Lane across the Peterson property, the City will extend the City's sewer line up Holbrook Lane approximately 208 feet to service parcel #2 of the Peterson property.

Clerk's Report

The Council reviewed the combined balance sheet report for the month ending November 30, 1994.

Planning Commission Minutes

The Council reviewed the minutes of the November 17, 1994 Planning Commission Minutes.

Their being no further business to come before the Council, Mayor McCluskey adjourned the meeting.

Eddie McCluskey
Mayor

ATTEST:

Connie D. Dersham
City Recorder