

Council Present:

Dave Stram
Holly Campbell
Jacob Daniels

Brent Gifford
Adam Pelatt
Jane Vincent

Staff Present:

Michelle Amberg
Robertta Tharp
Layli Nichols
Denise Walters

City Administrator
City Recorder
Finance Director
City Planner

Council Absent: 0

Press: 2 – Creswell Chronicle and Lane Today

Audience: 9

The City Council work session was called to order by Mayor Dave Stram at 6:02 pm and the Pledge of Allegiance was given.

Public Forum

John O’Connell, Creswell resident addressed the Council to speak about the City’s process of filling a City Council vacancy. He recommended the Council follow the City Charter when appointing members to the Council. Mr. O’Connell also addressed the raising of water rates and the additional public safety officer added mid-year to the contract as well as his opposition to the Moratorium on Medical Marijuana for Creswell.

Omar Bowles, Creswell resident and head of Creswell Neighborhood Watch addressed the council to speak on Public Safety. He attended the Public Safety Committee meeting in which he volunteered to conduct a brief informal survey on his Neighborhood Watch Facebook page. Mr. Bowles provided the results from his survey and comments received:

- Eighty one (81) people completed the survey
- 49.37% thought the current level of coverage – three deputies was enough while 13.92% did not and 36.71 wanted to add more coverage
- 81.25% thought the City should maintain sheriff coverage of three deputies
- 62.50% would be willing to pay monthly on the utility bill for public safety while 28.75 said no
- 69.14% would be willing to pay \$8.00/monthly to maintain coverage of three deputies and 20.99% said no

Mr. Bowles feels the best way to receive community support on this issue would be to educate citizens. Explain the utility bill and how that can cover all different types of utilities, not just water and sewer services and could include a public service fee; educate them on the area covered (city limits) under the Sheriff contract; and take public input.

Council Vacancy Process

Public Input regarding the Processes used to fill a vacant seat on the City Council
Mayor Stram reviewed the process outlined in the City Charter for filling a vacancy on City Council. He then asked if any members of the audience would like to speak on this process and there being none Mayor Stram called for a brief recess at 6:17 pm.

Mayor Stram reconvened the work session at 6:37 pm and announced he would be adding for discussion the Visioning Process to the agenda.

Vision Process

Mayor Stram reminded the Council of their vision assignment; each member of the Council should ask five members of the community “Why should your children live in Creswell in the year 2040?” Councilors should be prepared to share their answers at the April 21st work session.

Michelle Amberg updated the members of the Council on the work Maddie Phillips, RARE intern has been doing on the Visioning Process this past month; Ms. Phillips has been working with the schools, she accompanied a

group of third grade students to Creswell's Historical Museum for a look into the past. Ms. Phillips has also begun working with a group of high school students on visioning for the future.

Water Rate Study

Councilor Pelatt, Chair of the Public Works and Transportation Committee reported the committee has met with the FCS Group (company contracted to perform the Water Rate Study) and during the meeting it was determined additional research and gathering of further information needs to be completed for them to provide a more comprehensive plan. The FCS Group has agreed to make their presentation to the Council at the April 21, 2014 work session. The draft study reviewed by the committee contained three options. The committee asked for some further depth and provided them with additional items to look at. Mr. Pelatt reported the committee asked them to provide a more comprehensive view of the surrounding communities with the same infrastructure. Committee member Councilor Gifford remarked he was impressed at their strategic forethought and what will be the best for our community in ten to fifteen years.

A discussion ensued regarding paying for the service and maintenance to the system; either we pay now or we pay later. Discussion continued on Capital Improvements and Mr. Pelatt said they are looking at them but this was only a ten year study and those facilities having a lifespan longer than ten years are not included.

Mr. Pelatt reported the study focuses on the collection, treatment and distribution of the City's water, it also includes limited infrastructure. Ms. Amberg noted this study does not include wastewater, it is water only and within the next few years we will be looking to do an update to the waste water master plan as well as a rate study.

The next step is the April 21st presentation by the FCS Group. The Council will make a decision regarding water rates at the May 12th meeting. The committee recommends receiving public input.

In response to a question asked by Councilor Vincent, Ms. Amberg noted we should begin referencing our bills as a utility bill. She went on to explain the bills could include various fees for a variety of services or utilities. Ms. Amberg also noted the utility bills were mailed out today so the opportunity of including a notice in them for receiving public input at the April 21st meeting doesn't exist.

Councilor Pelatt responded to Mayor Stram's question that it is imperative Council makes some sort of decision regarding the water rates at the May meeting in order to meet budget deadlines for next fiscal year. Mayor Stram asked if the committee would be meeting with the FCS Group prior to the April work session and would it be possible to have a draft copy of the study prior to the meeting, and Mr. Pelatt stated that would be his preference. Ms. Amberg reported additional meetings may require additional contract amendments.

Ms. Amberg commented it is her feeling the committee has been presented with a power point presentation and not a working document. She has spoken with them in regards to this matter and she is willing to ask them to provide a draft document rather than another meeting. She feels this would be very helpful for everyone.

A discussion was held in scheduling a special Council meeting to take public input.

DeBerry Landfill

The City owns a five acre piece of property on DeBerry Road which in the past was operated as a landfill. Adjoining property owner, Mr. Hunt recently approached the City expressing interest in purchasing the property in order to fulfill a lot limit to divide their property between their children for inheritance. Mr. Hunt requested permission to have a Phase I Environmental Assessment performed on the property and consent by the City was granted. Mr. Hunt had the assessment completed by EGR Engineering and has hired land use consultant, Norman Waterbury, LLC. Neither the City nor the DEQ (Department of Environmental Quality) have ever received a complete copy of the assessment conducted by EGR Engineering, but included in correspondence from Mr. Waterbury was Section 8.0 Opinion of the report's executive summary. The summary stated there were environmental conditions that may or may not exist with the DeBerry Road Property; exposed waste, voids in the landfill that permit the direct exposure of rainfall to the waste, creation and subsequent migration of leachate (water that comes in contact with waste). The summary went on to recommend things that could be done to remediate any physical risks: Installation and sampling of three groundwater monitoring wells to determine if contamination of local groundwater is happening, and remove or rebury exposed waste and with eighteen inches or more of soil. Mr. Waterbury encouraged the City to work with the Hunts in dealing with the issues and pointed out this issue is a potential liability for the City.

Michelle Amberg introduced Mary Camarata from the DEQ to present an opportunity in helping the City solve this issue. Ms. Camarata also serves on the Governors Regional Solutions Team and is a Brownsfields Coordinator (works with properties that are perceived to have contaminations). Ms. Camarata was initially contacted by Mr. Waterbury looking for funds to help with a solution to the issue. Since this property belongs to the City, Ms. Camarata contacted Ms. Amberg to discuss the opportunity of funding for an additional study on the landfill.

She explained DEQ has a solid waste orphan account and when tipping fees are assessed at a landfill, a certain percentage is set aside for issues such as this. She went on to say the DEQ would provide the first \$100,000 with no obligations, if you need to do clean up, you would be charged and once you meet a certain level the remainder funding comes from the DEQ. Ms. Camarata and Ms. Amberg discussed during their February 25th meeting, the landfill liability which could possibly always be in existence. Ms. Camarata explained if we do a perspective purchaser agreement (PPA) it would take away the liability, and spells out who cleans up what.

Ms. Camarata asked the City make a commitment decision before the 2015 Legislation session so the money could be earmarked. DEQ would hire contractors to perform the assessment and provide a report.

Discussion ensued about the risk to the City. Ms. Camarata recommended the City try or ask the DEQ to commission a copy of the Phase 1 study that will describe the current situation. The \$100,000 will only cover the assessment of the property.

Ms. Amberg stated this property is not contiguous with city property and will not be used for anything else. City Planner Denise Walters reported the Urban Growth Boundary will not be expanding to the west that far out of town.

Further discussion ensued about placing a notice on the deed should the City ever sell the property.

Mayor Stram reviewed the recommendations of Ms. Camarata; obtain a copy of the Phase 1 Environmental Assessment, have staff complete a site review and move on to a Phase 2 from DEQ. Councilor Campbell asked about a time frame for the process. Ms. Camarata explained there are two ways to proceed: the City could enter into an agreement with DEQ, hire your own consultant, perform an assessment and report back to DEQ; or take the \$100,000 grant, let DEQ be the contractor and write the specs and share their report with the City. Her best estimate for a time frame is three to four months.

Ms. Amberg reported she has checked with City Attorney Ross Williamson about obtaining a copy of the Phase 1 and that he hasn't been successful in doing so and feels it may involve money. Mayor Stram stated he and Ms. Amberg will go together to visit with the Hunt's to try to obtain a copy of the Phase 1 Environmental Assessment.

Public Input:

John O'Connell – his wife accompanied High School Environmental Classes on visits to this site and he feels it is truly a dump. He cautioned the Council on taking the DEQ opportunity because of the unknowns that may be uncovered.

Martha McReynolds, Jr. – She is employed by a company who completes the research on Phase 1 assessments and is asking about vapor intrusion. Ms. Camarata said this would be determined by sampling. Ms. McReynolds said regardless of whether the property is sold to the Hunts or not, the City is on the hook as the DEQ knows about the site. She feels the grant is the golden path to having the property issue resolved.

Jack Gradle – Cautioned the Council clean up fees can be very expensive.

Councilor Campbell asked what the ramifications could be. Ms. Camarata said the assessment would reveal a feel for the property. She said DEQ would not make the City do clean up right away, the worst case is ground water contamination. The wells in that area are very deep and the direction of water flow is away from most of the homes in the area. The DEQ would do as much as they could for the \$100,000. The report could come back with any number of possibilities and the Hunt's may say they will take on the responsibility.

Councilor Vincent asked if staff could take pictures so the Council could see what they are dealing with. Ms. Camarata cautioned there could be sinkholes.

City Council Travel/Training Reimbursement Policy

Mayor Stram reported each year included in the budget is a line item titled Council Travel, Training and Dues. This line item covers things such as attendance at League of Oregon Cities Conferences, Chamber Banquet, Mayor's Conference, mileage, etc. Mayor Stram said in the past that line item has not covered Council's travel to meetings outside Creswell. Ms. Amberg presented a draft reimbursement policy for Council review and asked for any suggestions of change. Mayor Stram asked and Ms. Amberg recommended stipulating when the meetings are reoccurring, and the Council member has been assigned to attend, prior approval is not required. A discussion was held and Ms. Amberg will include the additional verbiage and bring to the April Council meeting for approval.

Mayor Stram called for a fifteen minute recess at 7:50 pm and reconvened the meeting at 7:59 pm.

Public Safety Recommendation – Third Deputy

Brent Gifford, Chair of the Public Safety Committee reported on March 21st, the committee met to discuss current level of crime and amount of coverage by Lane County Sheriff's office. The committee looked at several options:

- Provide coverage with three deputies
- Revert back to having only two deputies
- Cost of adding additional coverage beyond the three deputies

Mr. Gifford reported Ms. Amberg was able to talk with the committee about start-up and maintenance costs for our own police department. Mayor Stram, Larry Patterson and Michelle Amberg have looked into partnering with Cottage Grove and Veneta for policing services. Cottage Grove is not interested and Veneta is open to sharing a deputy.

Steve Carmichael put together a packet of information from LCSO (Lane County Sheriff's Office) 2013 Calls for Service reports included in Council packets. He used the 15th day of every month and compiled a spread sheet that categorized calls by type and spelled out the length of time spent on investigations. He broke down the calls to reflect the periods of time when there were two and then three deputies. The information shows most of the crimes were committed prior to the third deputy being added to the contract. Mr. Carmichael also included comments from Sergeant Osborne:

- Recent home thefts are from open garages rather than in house burglaries
- There is an increase in financial crimes such as credit card fraud
- With the third deputy there has been a dramatic reduction in juvenile crime and problems
- Citizens are now reporting things as soon as they see them
- Business owners feel safer and appreciate the increased patrolling at night
- Third deputy allows time to follow-up on complaints and work to resolve them

Mr. Carmichael outlined four funding choices for public safety ranging from two deputies and a one-third Sergeant at a operating cost of \$439,769 to three deputies and a one third Sergeant at a cost of \$610,546. Mr. Carmichael's spreadsheet revealed an option of a monthly Public Safety Fee added to the monthly utility bills in order to raise additional funds to cover the costs of public safety. Based on an estimate of 1850 utility bills:

- A monthly public safety fee of \$2.30 would generate \$51,060 annually
- A monthly public safety fee of \$4.25 would generate \$94,350 annually
- A monthly public safety fee of \$7.75 would generate \$172,050 annually

A discussion ensued that of the 1,850 utility bills for Creswell, about one hundred thirty of those do not reside within the city limits and shouldn't be taken into consideration. Further discussion was held in regards to the few residents who have well water and the owners of vacant homes, how would they be billed? Also discussed was overtime pay for deputies.

Councilor Daniels asked about forming a Special District within the County that would cover the 97426 zip code as he has concerns about adding a fee to the citizens.

Audience member Omar Bowles stated he recalls when Sgt. Osborne reported to the Council that should there be a large crime such as a murder or such, Deputy's will respond and overtime will not be charged, it is the day to day crime where the overtime comes in to play. Audience members John O'Connell and Jack Gradle stated they like Councilor Daniels idea although the public needs to be one of the main players to get this started.

Council discussion ensued regarding advantages and disadvantages of a Public Safety Special District and being able to get the most service for our money.

Finance Director Layli Nichols pointed out the school district suffers from compression loss and maybe a conversation with them would be good to see how it would affect them. Ms. Amberg pointed out to have

continuous coverage twenty four hours a day, seven days a week it would take minimum of five deputies, a chief, a sergeant and administrative staff. A Special District would take from three to five years to form. Councilor Pelatt suggested a discussion with South Lane Fire.

Councilor Gifford reported the committee is preparing a Public Safety survey to be placed on the City's website. He went on to ask about the timeframe for implementing a Public Safety Fee. Discussion ensued about noticing a fee and what the definition of fees is, different types of fees, different levels of fees, legal ramifications, attorney approval and Ms. Amberg said there is a lot more discussion that needs to take a place.

Ms. Amberg noted she would like to know what numbers to plug into the budget. Mr. Gifford said the committee now needs to make a recommendation to the council and it will likely be at the April Work Session.

At 8:53 pm Mayor Stram recessed the meeting for a brief break. The meeting was reconvened at 9:00 pm by Mayor Stram.

Medical Marijuana Dispensaries Moratorium

With the recent adoption of House Bill 3460 by Oregon Legislature, the State is now allowing properly registered medical marijuana dispensaries to operate. By adopting a temporary moratorium on medical marijuana dispensaries, it would provide the City one year or until May 1, 2015 to study the issue further and amend codes as needed for things like land use, limitations on hours of operation, location and conditions on the manner in which a dispensary dispenses medical marijuana.

Ms. Amberg distributed a draft moratorium for the Council to review. A discussion ensued regarding the moratorium being used for pharmacies only, not grow sites. Ms. Amberg explained the moratorium would allow the City to determine what sort of regulations we would like to set in place for dispensaries.

Councilor Daniels countered his lack of support on the moratorium as he feels it will look as though Creswell is anti-business should we pass the moratorium. He feels the State has a good grip on the regulations of medical marijuana moratoriums.

Ms. Amberg asked the Council to keep in mind the question of dispensaries being a cash business. Banks are federally insured and those business owners are not allowed as customers of banks as under federal law, marijuana is an illegal substance.

Councilor Pelatt spoke in support of the moratorium to provide the Council time to hear from the public as to whether or not they would like to see dispensaries in their community. He wants the Council to take their time and to research the issues so we do it right for everyone.

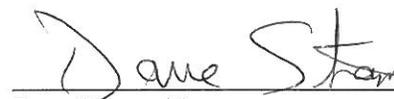
Further discussion ensued about educating the public during the moratorium period as to what they should expect; holding public hearings to learn from the citizens how they feel and what they want; not taking the whole year to make the necessary decisions and find the best way to serve the public.

Councilor Campbell asked to have a deputy from the Sheriff's department attend the April meeting and how will this affect their calls for service.

Adjournment

There being no further discussion Mayor Stram adjourned the work session at 9:30 pm.


Roberta J. Sharp, City Recorder


Dave Stram, Mayor