

Council Present:

Holly Campbell	Jacob Daniels
Brent Gifford	Adam Pelatt
Dave Stram	Jane Vincent

Staff Present:

Michelle Amberg	City Administrator
Roberta Tharp	City Recorder
Cliff Bellew	Public Works Director
Shelley Humble	Airport Manager
Layli Nichols	Finance Director
Madeline Phillips	RARE Intern
Ross Williamson	City Attorney
Sgt. Billy Halverson	Lane County Sheriff's Dept.

Council Absent: 0

Press: 2 - Creswell Chronicle Scott Olson & Carolanne Sudderth  
1 - KEZI (Tim)

Audience: 40

The regularly scheduled City Council meeting was called to order by Mayor Dave Stram at 7:02 pm and the Pledge of Allegiance was given.

**Appreciation/Recognition/Introduction Presentations**

Nora Reynolds – Ms. Reynolds was unable to attend the meeting. Councilor Vincent accepted the appreciation plaque on behalf of Ms. Reynolds for her service as a Councilor presented by Mayor Stram.

Sgt. Doug Osborne – Mayor Stram presented Sgt. Doug Osborne with an appreciation plaque acknowledging his retirement and his service to Creswell and its citizens.

Sgt. Billy Halverson – Doug Osborne introduced Sgt. Billy Halverson to the Council, staff and audience as his replacement as Creswell's Sargent.

**Public Forum –**

Kirstin Lee, Services Director of Runaway and Homeless Youth Services for Looking Glass addressed the Council asking for a time in the near future to make a presentation on the culture, trends and services available for rural runaway and homeless youth to the Council.

Omar Bowles, Creswell resident addressed the Council to speak in support of the passage of Ordinance 480 and Resolution 2014-10 for public safety within Creswell.

Mary Ann Howard, Creswell resident addressed the Council to speak on the refinancing of the Water Treatment Facility. She presented questions to the Council as to what has been done since last year on refinancing; who on the Council is in charge of that project and why is it still listed as a goal from last year. She also would like to see an annual list of goals accomplished.

Fred Rathke, Creswell resident addressed the Council to speak regarding the homeless camp beginning to form at 233 West A Street. He has caught the residents on his property three times stealing from him, he has posted "No Trespassing" signs, trail cameras and is considering selling his home as a result of the activity. At times there are up to fifty people at that residence who have moved in motorhomes and are living in them, the pile of garbage is very large and they are burning it at night, and the grass hasn't been mowed yet this year. The tenants are gutting the house and trying to sell everything they can as the house was recently sold during an auction as a result of foreclosure. He and his family are awakened at night from the screaming of foul language and he is looking for a resolution to this ongoing problem.

Christina Gallegos, Creswell resident addressed the Council to speak in support of the implementing the third deputy with the passage of Ordinance 480.

Jennifer Chishlom, Creswell resident addressed the Council to request that dogs be banned in the children's play area of the park.

Ruby Miller, Creswell resident addressed the Council to speak about a residence on Killingsworth that needs to be cleaned up.

Scott Olson, owner of the Creswell Chronicle addressed the Council to speak about public safety. As a business owner he thinks the proposed \$72 annual fee benefits the community with an additional deputy to help protect properties. He would also like the Council to pursue the opportunity of looking at the cost benefit of creating Creswell's own police force. He would also like to have the police log published in the Chronicle again; the Sheriff's department has removed the call log from their website.

#### **Mayor's Report**

- Mayor Stram announced he was moving agenda item 10 A – Cultural Committee Report/Recommendation on Community Contributions Funding to follow the Consent Calendar.
- Mayor Stram reported that he has asked City Administrator Michelle Amberg to provide a brief report on the status of the property where the Ray's shopping center sits.
- Mayor Stram also announced the deadline application for the City Council vacancy will be Thursday, June 19, 2014 at 5:00 pm. At the June 23<sup>rd</sup> meeting, the Council will be interviewing the candidates and will make an appointment. At the July 7<sup>th</sup> meeting the appointed candidate will take the Oath of Office.

#### **Correspondence**

Councilor Vincent pointed out that there were 22 case numbers drawn on the April 2014 Lane County Sheriff's Calls for Service report.

#### **Consent Calendar**

City Recorder Roberta Tharp asked the Council to amend the May 12<sup>th</sup> minutes, page three to read Resolution 2014-04 instead of Resolution 2014-02.

Adam Pelatt moved Jacob Daniels seconded to approve the consent calendar as amended. Voted on and the motion carries unanimously.

#### **10A – Cultural Committee**

Holly Campbell Chair of the Cultural Committee reported the committee has met, reviewed the applications submitted to receive a grant from the Community Contributions Funding and is ready to make their recommendations to the Council. The committee recommends funding be awarded to the Creswell Library District in the amount of \$500 to be used for art supplies and instructional/educational DVD's and modest exercise equipment. The committee also recommends funding be awarded to Creswell Education Foundation for the Creslane Food 4 Kids Backpack Meal Program in the amount of \$2,800. This program will fund approximately five backpacks which will feed ten children for each weekend during the 2014-15 school year. There are currently thirty eight children who participate in this program who otherwise would not have nourishment on weekends and school holidays.

Holly Campbell moved Jane Vincent seconded the City Council approves funding from the Community Services Fund to be awarded to the following programs:

The Creswell Library District – Creswell Senior Center for certain materials and supplies to expand the recreational opportunities for our senior citizens. The fund award will be \$500.

And to the Creslane Food 4 Kids Program for materials and supplies to benefit elementary school children in need. The fund award is \$2,800. This award shall go to the Creswell Education Foundation as their sponsoring nonprofit.

The Council directs staff to use the Community Services Fund to pay the grants before the end of the fiscal year.

Each awardee shall submit a final report to the City after the funds are expended showing clearly how the funds have been spent and what benefits Creswell residents have received. Voted on and the motion carries unanimously.

### **Airport**

**Precision Approach Engineering Pay Request #10 for Task Order #7** (Invoice #2920) – Professional Engineering Services to assist the City of Creswell Airport in preparing documents for bid for the installation of an AWOS “A” Weather System and to provide construction administration services during the project.

The question of project completion date was raised and Ms. Humble explained we are nearing the end of the design phase. The next step is to acquire a Lane County permit in order to start construction. Earlier in the project it was projected the completion date would be June 30, 2014 but unfortunately have run up against a few snags. Two parties have issued comments at the county level in regards to the permit and the City is working to issue its rebuttal. It is Ms. Humble’s hope the project will be complete by October.

Adam Pelatt moved Brent Gifford seconded the Council approve Invoice #2920 for Precision Approach Engineering, Inc. in the amount of \$4,855.14 for services performed in accordance with Task Order #7 as presented. Voted on and the motion carries unanimously.

### **Public Works**

There were no agenda items for Public Works.

### **Financial Report – April 30, 2014 Financial Summary**

No comments were received regarding the Financial Summary.

### **City Administration**

#### **City Administrator Report- Michelle Amberg**

- **Ray’s Market** – The City has received numerous complaints regarding the travel trailer parked in the parking lot of the empty building at the corner of Emerald Parkway and Melton Road. Ms. Amberg explained that the travel trailer is there at the request of the property management company. The gentleman staying on the property was hired through a St. Vincent DePaul program for Veterans. The program provides a place for a veteran to live and act as a watchman over the property. St. Vincent de Paul’s program also provides garbage service and sanitation. Ms. Amberg is currently looking at the municipal code to see if this is allowed.
- The City has also received many complaints regarding the landscaping at the vacant building. She has been in contact with the property manager who is trying to get someone out there to clean it up. She reminded the Council the Noxious Vegetation Ordinance goes into effect on June 15<sup>th</sup> at which point the City can clean-up the property and bill the owner.
- The City has also received complaints regarding parking of vehicles in the vacant lot. The Sheriff’s department is monitoring the situation, however it is private property and the City does not have any legal jurisdiction over it. The property has been foreclosed on and it is currently slated for auction.
- **Task List** – Ms. Amberg presented her task list containing sixty four different items she and staff are working to complete. A brief discussion ensued regarding providing an updated list on a quarterly basis so Council and the public can keep abreast of what staff has accomplished.

### **Resolution 2014-07 A Resolution Adjusting the Basic Rental Fees Set Forth in the Existing Airport Leases Between the City of Creswell and Individual Lessees of Property located on Hobby Field Airport**

Jacob Daniels moved Holly Campbell seconded that the City Council adopt Resolution 2014-07, A Resolution Adjusting the Basic Rental Fees Set Forth in the Existing Airport Leases Between the City of Creswell and Individual Lessees of Property Located on Hobby Field Airport. Voted on and the motion carries unanimously.

### **Resolution 2014-08 A Resolution Charging off Delinquent Utility Accounts**

Jacob Daniels moved Jane Vincent seconded, the Council approve Resolution 2014-08, A Resolution Charging Off Delinquent Utility Accounts as presented. Voted on and the motion carries unanimously.

### **Social Gaming Renewal Application**

Jacob Daniels moved Jane Vincent seconded to approve the renewal of the Social Gaming Application as submitted by Garnet Sue Starr for the B & B Lounge. Voted on and the motion carries unanimously.

**Resolution 2014-09 A Resolution Authorizing a Permanent Loan Contract between the City of Creswell and Oregon Business Development Department (OBDD), Infrastructure Finance Authority for Water Treatment Plant Improvements, Project Number G06001.**

City Administrator Michelle Amberg explained in January of 2007, the City and IFA (Infrastructure Finance Authority) entered into an interim financing loan contract for the Water Treatment Plant Improvements, Project G06001 in the amount of \$5,825,000. The City applied to IFA to convert the loan for IFA's portion of the final costs of the project from an interim loan to a permanent, direct loan in the amount of \$4,961,702. In May, the City was notified that IFA has pulled our interim loan from a pool of projects waiting for bond to roll into long term debt without going to the bond market. It was anticipated the financing would be rolled over to long term debt in the 2015-16 fiscal year at a rate of 4.25 – 4.5%. The loan offer (refinancing package) from IFA is for a period of twenty five years at an interest rate of 4% per annum.

Ms. Amberg explained the refinancing package is ready to move forward. Councilor Vincent asked about as-built drawings and ownership of the project for the Water Treatment Plant. Finance Director Layli Nichols replied the city is in possession of current as-built drawings for that facility as well as the owners of the property where the treatment plant sits. Further discussion ensued regarding user fees being used for operation and maintenance once the project has been completed. Councilor Vincent asked in regards to the Insurance Damage sections. Ms. Nichols referred the question on to City Attorney Ross Williamson. Mr. Williamson responded he has reviewed the document and explained the contract is very common contract language. Ms. Amberg stated we provide our insurer, CIS (City Insurance Services) with an inventory list annually. The property is insured at a greater amount than the loan amount. The discussion moved to lottery funds; Ms. Nichols explained that some of the funding IFA receives is through the lottery program and they are required to include that verbiage in the loan documents.

Councilor Daniels asked if this would lead to a rate increase. Ms. Nichols responded it would not as we have anticipated the refinance since the inception of the loan. The temporary financing was only for a period not to exceed two years post construction; with the extension of the project on several occasions, the maturity date was also extended. IFA determined to pull the project in house instead of selling it on the bond market.

Mayor Stram asked if this loan would save us interest and Ms. Nichols explained if we wait and go out to the bond market and pay a higher interest rate over the life of the loan; we would be paying more in interest than we would at a lower interest rate by refinancing now. She reminded the Council of the discussion held in the budget committee meetings about the additional payment for buying the loan down will also help with significant savings.

Ms. Amberg commented that should a better interest rate become available through another means, we can always refinance at a lower rate as long as we are eligible.

Holly Campbell moved Brent Gifford seconded the Council adopt Resolution 2014-09 A Resolution Authorizing a Permanent Loan Contract between the City of Creswell and Oregon Business Development Department (OBDD), Infrastructure Finance Authority for Water Treatment Plant Improvements, Project Number G06001 as presented. Voted on and the motion carries unanimously.

**Ordinance No. 480 Establishing A Public Safety Fee for the Purpose of Funding Public Safety Services Within the City; and Declaring an Emergency.**

City Administrator Michelle Amberg presented Ordinance 480 that would establish a public safety fee to fund a third deputy. In 2013, the Council took action to extend the contract with Lane County Sheriff's Department to add an additional deputy to the contract until June 30, 2014. Many discussions and work sessions have been held and with the direction of the Council and work of the City Attorney and extensive research from the Finance Director an Ordinance and Resolution has been drafted for approval. With the passage of the Ordinance and Resolution, it will establish a \$6.00 monthly Public Safety fee that will be added to the utility bill for the purpose of funding additional Public Safety Services (the third deputy) within the City.

Mayor Stram asked and Ms. Amberg reviewed the Charter on how to adopt an Ordinance and a Resolution. Mayor Stram asked for Council discussion:

Councilor Vincent stated she feels the third deputy is definitely still needed. She suggested exploring different options: Vote to approve Ordinance 480 and Resolution 2014-10 and then look at creating a safety district or to have a current study done for the startup of a police department. The last study was done in 2009 and she would like to have one more current. Ms. Amberg noted we did not include a policing study in the proposed budget. Councilor Vincent is concerned the fee would need to increase every year as the contract increases.

Councilor Daniels stated he is a strong supporter of public safety. He feels it only fair the public should get to vote on this issue. He suggested temporarily shifting state revenue sharing funds to pay for policing services and get the City through to the November election where the question of whether or not they are willing to pay for the additional deputy could be posed to the citizens. He went on to say the fee would hurt the poor and those on fixed incomes, it wouldn't be fair for citizens to pay three sets of taxes for policing services; county property taxes, city property taxes and the public safety fee if approved. Councilor Daniels believes the decision should be made at the ballot box. He is not in support of the proposed Ordinance but will continue working towards a resolution to this issue.

Councilor Vincent remarked that as the cost of the annual contract raises, so will the public safety fee.

Councilor Gifford commented that this scenario is a short term answer and will provide us an opportunity to explore alternatives for the best resolution in maintaining public safety. Through his research of the various surveys and speaking with town folk, he has found that an overwhelming majority of the community has revealed they are willing to support public safety through a fee. He went on to explain that this fee is not intended to be permanent and will have to be reviewed annually during budget season and can be revoked if it isn't working.

Councilor Campbell stated she has spoken to many people who are on fixed incomes and they are willing to pay the \$6 fee for the sake of feeling secure. She likes the proposal and the fact that it will allow time to explore other alternatives in finding a permanent solution.

Councilor Pelatt commented that he is opposed to taxation but he is here to do what is best for the community. He has also been speaking to community members who have indicated they are willing to pay a public safety fee. He reiterated Councilor Gifford's comment that this would be a temporary solution until a permanent resolution has been found and is hoping that can be done within the next year. He would really like to see this on the November ballot.

Brent Gifford moved Holly Campbell seconded that the City Council enact Ordinance 480 at a single meeting, and that the City Council approve Ordinance 480 Establishing A Public Safety Fee for the Purpose of Funding Public Safety Services Within the City and Declaring an Emergency. He also moved that the City Council approve Resolution 2014-10, A Resolution Establishing Fees and Charges in Accordance with the Provisions of Creswell Municipal Code (CMC) 13.30. Councilor Vincent asked to amend the motion to include placing this fee on the November ballot. Ms. Amberg explained Councilor Gifford would have to be the person amending the motion or withdraw the motion.

A discussion ensued with Councilor Daniels asking if the Council were to enact Ordinance 480, and the question was placed on the November ballot, how would it affect our budget if the voters did not approve it. His concerns were at that point, the City would have already entered into a contract for public safety with Lane County until the fiscal year ending June 30, 2015. Ms. Amberg replied she is not sure what the Council would be asking to have placed on the ballot; a special district, to move forward with a levy, or place the fee before the voters. She advised the Council they need to have a discussion in regards to the implications of placing service fees vs taxes, or the impact of whatever they decide to place on the ballot.

City Attorney Ross Williamson said he has a point of order for the discussion. He asked the Council to reconsider the motion by breaking it up into three separate motions. The first part of the motion is key to moving forward. Should there be a non-unanimous vote on the first motion, it would require carrying the Ordinance over to another meeting for a second reading where it could still pass without a unanimous vote.

Councilor Gifford rescinded his motion and Councilor Campbell rescinded her second to Councilor Gifford's motion.

Brent Gifford moved Jane Vincent seconded that the City Council enact Ordinance 480 at a single meeting. Mayor Stram asked for any further discussion. Councilor Campbell asked for a timeframe on Ordinance 480. Ms. Amberg explained if the Ordinance is approved, it would take Council action to rescind the Ordinance. She went on to explain there are two items on the table tonight; an Ordinance which establishes a fee and a resolution establishing the amount of the actual fee with annual review at budget time. Ross Williamson commented that the Council does have the option to include a sunset provision in the Ordinance if they so choose. Voted on and the motion passes with Councilors Campbell, Gifford, Pelatt, Vincent and Mayor Stram voting in favor and Councilor Daniels voting in opposition.

Brent Gifford moved Jane Vincent seconded that the City Council approve Ordinance 480 Establishing A Public Safety Fee for the Purpose of Funding Public Safety Services Within the City and Declaring an Emergency. Mayor Stram asked for any further discussion. Councilor Pelatt asked about adding the sunset provision to Ordinance 480. Ms. Amberg said in order to add the sunset provision the motion would need to be rescinded and a new motion stated that included the addition of a sunset clause.

Councilor Gifford rescinded his motion and Councilor Vincent rescinded her second to Councilor Gifford's motion.

Councilor Gifford moved Jane Vincent seconded the City Council approve Ordinance 480, with an amended sunset clause for no more than one year, establishing a public safety fee for the purpose of funding public safety services within the City and declaring an emergency. Ross Williamson asked Councilor Gifford to clarify his sunset date. Councilor Gifford rescinded his motion and Councilor Vincent rescinded her second to Councilor Gifford's motion.

Councilor Gifford moved Jane Vincent seconded the City Council approve Ordinance 480, with an amended sunset clause expiring no later than June 30, 2015, establishing a public safety fee for the purpose of funding public safety services within the City and declaring an emergency. Mayor Stram asked for any further discussion. Mayor Stram asked Councilor Daniels about his comments on placing this on the ballot. In response, Mr. Daniels said the Council would need to have discussions and make a decision as to what they want to put on the ballot, for example a special taxing district that would be limited to property owners inside Creswell's boundaries or to extend it to the 97426 zip code. Those discussions could take time in which the November 2016 ballot would allow us to complete some research. If it were an advisory question to be placed on the ballot, he feels it could be done in time to meet the November elections deadlines. Further discussion ensued what it would entail to have something placed on the ballot and a timeframe. Ms. Amberg pointed out it would depend upon what the Council is asking to have done.

Councilor Daniels commented that the proposed budget has \$150,000 of State Revenue Sharing Funds that could be used out of the General Fund. He suggested entering into a contract with LCSO to provide services from two deputies and a 1/3 sergeant, and include a third deputy for five months. This would allow the Council to place an advisory question on the November 2014 ballot asking the voters if they would be in favor of a public safety fee. At the end of November, should the voters decide they don't want the additional coverage; the contract could expire or be extended. Councilor Campbell asked if at this point in our budget process, is it possible to make these sorts of changes. Ms. Amberg replied Oregon Budget Law does allow for a process, however if the changes exceed a certain threshold, it will need to be revisited by the Budget Committee. Councilor Daniels pointed out that the Budget Committee has recommended the Budget to the Council, but the Council has not approved that recommendation so there is time for change. Mayor Stram pointed out that the community members of the budget committee unanimously approved the budget recommendation, the unscientific survey(s) reveal the public's willingness to support the public safety fee, Councilor's have visited with members of the community who are in favor of the extended level of service and feels it is not in the best interest to make the modifications to the budget and would like to move forward with the Ordinance as presented. His concern with the sunset clause is that given all the work it would take from Council and staff, would we be able to come up with something to present to the citizens for a vote by November. This is something that needs to be well thought out and done in a timely manner and he seriously questions whether that can be accomplished within the next four months and called for a vote on the motion.

The motion was voted on with Councilors Campbell, Gifford, Pelatt, and Vincent voting in favor and Councilor Daniels and Mayor Stram voting in opposition.

Ms. Amberg announced she will schedule the second reading of Ordinance 480 and Resolution 2014-10 to be heard on June 23, 2014 at a special meeting.

**Resolution 2014-10, A Resolution Establishing Fees and Charges in Accordance with the Provisions of Creswell Municipal Code (CMC 13.30)**

This item was not heard as it is the Resolution to set the fee for Ordinance 480 that was not adopted by the Council at this meeting.

**Potential Abatement of Property located at 233 West "A" Street**

Ms. Amberg provided photos of the property in question taken by the Code Enforcement Officer last week and explained as depicted in the photos is in need of abatement. The City has tried to notify the property owners via

certified mail on April 15, 2014 with a "Warning of Violation"; which was returned by the postal service as unclaimed.

Jacob Daniels moved Adam Pelatt seconded staff be directed to proceed with the abatement of the nuisance located at 233 West "A" Street; and with the recovery of abatement and administrative costs as provided in Section 8.05.200 of the Creswell Municipal Code. Discussion ensued regarding the property; the house was recently purchased by a bank through an auction after foreclosure and at some point the property owners may ask the tenants to vacate. Voted on and the motion carries unanimously.

**Grant Approval to the Creswell Chamber of Commerce to Hold the Annual July 4<sup>th</sup> Parade in Creswell**

Jacob Daniels moved Jane Vincent seconded that the City Council waive the thirty (30) day time period and grant a parade permit to the Creswell Chamber of Commerce for a parade to be held on July 4, 2014 in the City of Creswell. Voted on and the motion carries unanimously.

**Reports: Committees, Commissions and Boards**

- **Parks Advisory Board** – Chair Jessica Pelatt reported the committee will meet on June 19<sup>th</sup>. They will have a representative from Dreamland Skate Parks in attendance to answer questions regarding skate parks. The Backyard project has a designer who has provided three potential designs for a community garden they would like to place at the Cobalt Building. The designs will help them determine the kind of supplies needed and costs; the committee will be looking for grants for funding.

**Tree Board**

Tree Board Chair Holly Campbell reported the board continues to meet and work on their Tree Care Plan. Their next meeting is scheduled for Thursday, June 12<sup>th</sup>.

**City Council Business**

**Old Business** – No old business

**New Business** – No new business

**Adjournment**

There being no further business to come before the council, Mayor Stram adjourned the regular meeting at 9:12 pm.

  
Roberta J Tharp, City Recorder

  
Dave Stram, Mayor