

Council Present:

Omar Bowles
Richard Heyman
Ted Romoser
Jane Vincent

Holly Campbell
Adam Pelatt
Dave Stram

Staff Present:

Michelle Amberg
Roberta Tharp
Cliff Bellew
Shelley Humble
Maddie Phillips
Maia Hardy
Sgt. Billy Halvorson

Ross Williamson
Christy Wurster

City Administrator
City Recorder
Public Works Director
Airport Manager
Planning Technician
RARE Participant
Lane County
Sheriff's Office
City Attorney
Interim Budget Director

Council Absent: 0

Press: 1 – Creswell Chronicle – Scott Olson

Audience: 18

The regularly scheduled City Council meeting was called to order by Mayor Dave Stram at 7:09 pm and the Pledge of Allegiance was given.

Public Forum

Jack Gradle, Creswell resident addressed the Council asking that when the improvements to North 5th Street between Oregon Avenue and West “A” are being designed that the City consider installing more power points in Harry Holt Park. These would come in handy during events like the 4th of July Celebration.

Richard Zettervall, Creswell resident addressed the Council to comment on how the City needs to move forward and encourage citizens to educate themselves on the upcoming water rate issue. He also noted he and his family support the Council in all their hard work on tough decisions and for being good stewards of the City's resources.

Mayor's Report

Mayor Stram thanked Creswell Chronicle editor Scott Olson for his recent article urging the citizens of Creswell to get involved in their community and attend City Council meetings.

Public Hearing – Medical Marijuana Facilities

Mayor Stram noted that the hearing being conducted is to take public input on amending the Creswell Development Code to include Medical Marijuana Facilities. The Council will be making a decision on the proposed ordinance based upon the complete record including the testimony received during the first hearing on February 26th and tonight's public hearing.

Mayor Stram asked if any Council member had any conflict of interest to declare. There being none, Mayor Stram opened the Public Hearing at 7:16 pm to receive testimony on Medical Marijuana Facilities.

Maddie Phillips delivered a staff report and gave an overview of the findings of facts and presented the Planning Commission's recommendations for text amendments to Chapter 18 of the Creswell Municipal Code (CMC) regarding Medical Marijuana Facilities.

- CMC Section 4.1.500 provides legislative changes to the text of Chapter 18 that may be initiated by Creswell City Council
- November 19, 2014 City Council initiated amendments to the CMC during a joint meeting with the Planning Commission on November 19, 2014
- January 16, 2015, the city sent notice to the Department of Land Conservation and Development
- February 5, 2015 the city sent notice to affected property owners
- February 12th and 19, 2015 the City published notice of the Planning Commission and City Council public hearings

- February 18, 2015 the City sent notices to referral agencies in regards to the proposed amendments and public hearings
- February 28, 2015 the Planning Commission and City Council public hearings were noticed

Criteria

Ms. Phillips noted the application meets the criteria as stated in the findings of fact:

- The application is consistent with Statewide Planning Goals
 - Goal 1 – Public Involvement
 - Goal 2 – Land Use Planning
 - Goal 9 – Economic Development
- It is consistent with Creswell's Comprehensive Plan
 - It speaks to economic development in its goals and can be considered consistent with the proposal of development standards of a new industry.
 - It expands the defined use types for General Commercial, Commercial Industrial and General Industrial Zones allowing for increased potential for retail commercial activities
 - Public Comment was taken during both the December 16, 2014 and the January 15, 2015 Planning Commission meetings. Notice was sent to all owners of real property in the affected commercial and industrial zones clearly providing options for public comment. A public hearing was held at the February 26, 2015 Planning Commission meeting as well as at this City Council meeting.
 - Economic Policies – a medical marijuana facility may provide diversification of the economy, create jobs, and with conditions placed on the facility's design and operation, may be substantially less polluting than other, heavier industrial uses
- The property and effected area is presently provided with adequate public facilities, services and transportation network to support the use.
 - The proposed development amendment requires medical marijuana facilities proceed with a Type III Land Use Review: Conditional Use Permit which can assure that each proposed facility either commercial or industrial in nature, undergoes scrutiny by decision-makers to consider any and all impacts on public facilities and networks and takes steps to rectify and/or compensate for said anticipated impacts

Ms. Phillips said at this time due to the scope and scale of the Planning Commissions prevue which is limited to Land Use only, the draft ordinance does not contain time place or manner restrictions.

Ms. Phillips reviewed public comments/concerns received at Planning Commission meetings;

- Limited staffing of Medical Marijuana Facilities will not create many jobs in Creswell and the ten to fifteen jobs created by a facility will not offset the risk to our citizens
- Security Systems – will they monitor facilities
- Public Safety Concerns – Grow operation on Queens Avenue and the smell is offensive and increase traffic volume
- Marijuana is still listed as a federally illegal substance with no medical use and it shares the same characteristics as heroin and ecstasy.
- Concern on violation of federal laws and the impact on federal grants
- The city doesn't have a choice as to whether or not medical marijuana facilities can exist – our legislature has created a law that allows such facilities to open in the State of Oregon

Ms. Phillips went on to remind the Council that the moratorium placed on facilities sunsets on May 1, 2015 and summarized comments from City Attorney Ross Williamson:

- The best thing the Council can do is to limit the scope of where they can locate and what regulations they have for conditional use (we can limit the locations but cannot say no).
- Measure 91 has a provision that allows local governments to place an initiative on the ballot to ban marijuana and become a dry city (but is not able to do so until November 2016 election). Recreational marijuana becomes legal on July 1, 2015.
- Cities across the state are being forced to figure out how to apply the statewide law in their jurisdictions (the proposed text amendment is as strong as the Council can go).
- City of Creswell is not notified where medical grow operations are located.
- The facilities will be located in industrial or general commercial areas with a 1000 foot buffer from schools.

Ms. Phillips reviewed the application process for a Type III Land Use Review.

Councilor Vincent asked if there is an appeal process should the Planning Commission deny an application. Ms. Phillips responded there is in which case the matter will then come before the Council.

Councilor Campbell asked if we could limit the number of facilities in town. Ms. Phillips noted that by state law a facility is restricted by distance from another facility. The 1,000 foot buffer around schools significantly limits the placement area for a facility to locate. There are restrictions on what types of land they can be located on; commercial industrial, industrial, and the resort commercial overlay zoned lands are the only areas available to apply for, residential areas are restricted. She went on to say we cannot limit the number but can utilize other tools that will minimize the number of facilities.

Councilor Romoser asked why we can't just say no to facilities. Ms. Phillips noted Cave Junction is now engaged in a legal action because they said no. They are currently in the middle of an appeal process; and at some point the Council may be able to put a ballot initiative together for the November 2016 election to say yes or no to marijuana facilities.

Councilor Heyman asked what will happen if the amendment gets voted down? Ms. Phillips responded that the City would have fewer restrictions and would be under state limitations; the proposed ordinance is more restrictive than the state levels of restrictions.

Councilor Pelatt noted on the Planning Commission minutes there was a request for additional information on the restrictions for Resort Commercial Overlay. Ms. Phillips noted that as a result of that inquiry the Resort Commercial Overlay was added as a restricted use. Councilor Pelatt asked for the most likely location for placement of a facility. Ms. Phillips noted that given the restrictions of the 1,000 foot buffers, exclusion of residential areas, downtown commercial zone and resort commercial overlay, the only viable area would be along Hwy 99 that are zoned General Commercial or in the strip mall on the east side of the freeway. Mr. Pelatt asked if the Council could address additional buffers within the City. City Attorney, Ross Williamson responded that the Council could expand the buffers but that would be creating no opportunities for businesses to locate. Councilor Pelatt asked about extending the buffer to include the strip mall located in the prior Ray's shopping center as well as the day care located near the Post Office. Ms. Phillips noted the day care facility would fall under the category of Institutional and Civic and explained they could be excluded if the Council chooses too. Councilor Pelatt asked about the tax rate and Mr. Williamson noted the tax rate is a separate issue. Councilor Pelatt asked how much leniency does the Council have in setting the time, place and manner policy. Mr. Williamson noted the Council can be pretty strict as long as there is a rational basis for doing so and you don't run them out of business. Councilor Pelatt then asked about levels of security systems; Mr. Williamson noted security can be addressed in the business regulations and OHA (Oregon Health Authority) already dictates types of security for medical marijuana facilities.

Councilor Campbell asked in regards to grow sites, if marijuana needed to be grown indoors. Ms. Phillips noted that it is her understanding that in order for medical marijuana products to be of an acceptable grade for medical use, the current standards dictate that medical marijuana must be grown inside unless there is some level of testing done on the product to show that it contains what it purports to contain. Councilor Campbell asked if grow sites had restrictions and how are they regulated. Ms. Phillips said they do, the proposed text amendment includes two types of facilities; a dispensary or retail location and the other is an industrial medical marijuana facility. An industrial facility would be classified as an industrial use and be subject to conditional use permitting which is completely different than a retail location.

Mayor Stram said a member of the public approached him with concerns regarding the loss of federal grants. Ms. Phillips said Mr. Williamson's comments on February 26th included that many communities have done exactly what we are proposing to do this evening. They have not been threatened by the loss of federal grants. Mr. Williamson noted he believes it won't jeopardize federal grants.

Public Testimony

Dr. Richard Hanson, Creswell Physician addressed the Council to state his concerns about the issue. He noted that Medical Marijuana goes back to 1964 when it came on the market as a class 2 substance. It was classed alongside Morphine and other heavy narcotics and sold as dronabanal in pharmacies under heavy restrictions from the DEA. Physicians were prescribing this drug primarily for the end stages of the disease AIDS or for chemotherapy dealing with nausea and vomiting. He noted one of his concerns is with children; statistics show that children as young as eighth grade are using marijuana and the numbers increase with age reaching to 21.2 percent using by the twelfth grade. He stated this is a very high risk to the future of our society to see young people using marijuana. Marijuana is addicting, has withdrawal effects and is considered habit forming. He feels it is not enough to restrict facilities within 1,000 feet from the school. He encouraged the Council to say no as much as possible, put in place a lot of restrictions and look to the referendum in November of 2016.. He noted that the city would be running the risk of introducing a business that will be a nightmare for law enforcement,

parents, schools, and the peace and quiet of Creswell. He concluded by saying he feels it has little benefit and the financial benefit in taxation are greatly outweighed by the risk to our society.

Councilor Heyman asked Dr. Hanson when the study was made in regards to children using marijuana. Dr. Hanson said the data cited from was based in 2014.

Written Testimony received from Carol Lowder and Marianne Bohner was included in the Council packet.

There being no other members of the public wishing to testify, Mayor Stram closed the Public Hearing at 8:12 pm.

Mayor Stram called for a brief recess at 8:12 pm and reconvened the meeting at 8:21 pm.

Correspondence

Councilor Campbell asked for a verbal update on the Code Enforcement Report. Ms. Humble provided the following report:

- 233 West A Street – She has been working with a real estate agent who has requested from Fanny Mae to have the property fenced and the structure bulldozed. He is waiting for a reply from Fanny Mae
- 815 Killingsworth – There is not a safety hazard present. There is a lot of toys and a BBQ in the front yard. Last Tuesday when Ms. Humble was by the property there wasn't any garbage in the yard and they have erected a fence.

Mayor Stram thanked Sgt. Halvorson for the revised Calls for Service Report. It is much easier to see what is being addressed by our Sheriff's department.

Consent Calendar

Councilor Vincent asked for an explanation as to why there were so many voided checks this month. Ms. Amberg noted we are in a learning/training process of running checks to pay the bills.

Councilor Pelatt moved, Councilor Vincent seconded to approve the consent calendar as presented. Voted on and the motion carries unanimously.

Administrative Report

Administration

Taste of Creswell Update – Maia Hardy

RARE Participant Maia Hardy addressed the Council noting that many business owners are operating their businesses out of their homes and have no way to market locally. She created the Taste of Creswell event to provide some of those businesses the opportunity of exposure to the local public. Ms. Hardy noted that she feels the event was very successful because it was free to the businesses and filled a need for the home operated businesses. Ms. Hardy noted she is currently working on the annual Earth Day Celebration and Creswell Beautification Day.

Naming Public Owned Buildings

At the February 9, 2015 Council meeting a request to rename the Cobalt Building to honor Duane Hodges was brought forth. After much discussion, the Council directed City Administrator Michelle Amberg to conduct some research and prepare a memo regarding the process the City has used in the past to name buildings, parks and other public property. The memo included four public areas named after persons:

- Harry Holt Park – Longtime resident and founder of Holt International Adoption Agency
- Petitti Pavilion at Garden Lake Park and McCluskey Chambers – both were named after elected officials who served the City
- Hobby Field – Mr. Hobbensiefken donated the first piece of land to be used as an airport

Ms. Amberg also noted there were two additional memorials in town:

- The Veteran's Memorial between the Community Center and Fire Station
- Small memorial park at the Airport sponsored by the Experimental Aircraft Association

Ms. Amberg also explained that Officer Curtis Van Dearson was not mentioned in the memo and there is no memorial in town bearing his name. He was a Creswell Police Officer killed in the line of duty while responding to the robbery of Creswell Community Bank.

Mayor Stram reminded the Council that Councilor Heyman has brought forth a request to name the Cobalt Building after Duane Hodges. The Council will need to make a decision to either move this item forward for action or dismiss it.

Councilor Romoser moved, Councilor Heyman seconded to set the agenda item for Naming of the Cobalt Building to the April meeting. Mayor Stram asked for Council discussion. Councilor Pelatt suggested tabling the agenda item until we have a policy in place that will set the requirements for facility naming. Councilor Campbell noted she likes the City of Seaside's policy that was included in the packet and maybe fashion it to fit Creswell. She also asked to acquire a list of City properties that would qualify to be given a name.

Councilor Vincent suggested that the Cultural Committee meet and rework the Seaside policy to fit Creswell and present it and the naming of the Cobalt Building at the April meeting.

Mayor Stram feels the Council needs a policy on naming of public facilities. He feels there are a lot of folks in our community who are worthy of recognition and have the City has a limited number of facilities in our parks. He feels the Veteran's association should be given the first opportunity to honor the veterans of our community. He would like to get input from the VFW and noted that there is a memorial dedicated to veterans on 1st Street. By having a policy it will help us evaluate who we should honor.

Councilor Heyman feels that it is up to the City to honor veterans not the VFW.

Voted on and the motion carries with Councilors Bowles, Campbell, Heyman, Pelatt, Romoser and Vincent voting in favor and Mayor Stram voting in opposition.

Councilor Romoser moved, Councilor Heyman seconded that we place on the April agenda a discussion/procedure item for naming of public facilities. A discussion ensued on whether a procedure or a policy item should be placed on the April agenda. Councilor Romoser amended his motion to say that a discussion/policy item for naming of public facilities be placed on the April agenda. Councilor Heyman seconded the amendment. Councilor Campbell noted she was in agreement with Councilor Vincent to charge the Cultural Committee to work on a policy and recommendation to bring forth at the April meeting. Discussion continued as to what order on the agenda the items would be listed. The Council directed Ms. Amberg to place this on the March Work Session agenda for discussion. Voted on and the motion carries unanimously.

Mayor Stram issued the following charge to the Cultural Committee:

Cultural Committee is to work with the Administrator and bring information pertinent for a discussion regarding a policy on the naming of Public Facilities to the March 23, 2015 work session. The Council gave their unanimous consent to the charge.

Airport

No report was given

Finance

No report was given

Public Works

No Report was given

Council Action Items

Ballot Initiative – Petition #20-01-2015 – City Charter Amendment Creating Procedure for Future Water Rate Increases

City Attorney Ross Williamson addressed the council to present an overview of Ballot Initiative Petition 20-01-2015, A City Charter amendment filed by Jacob Daniels to create a procedure for future water rate increases.

Mr. Williamson reported that on February 18th Mr. Daniels completed the signature gathering process for his Initiative Petition. Lane County Elections certified the signatures and the returned the petition to the City. We were under the assumption that since the filing was completed by the State's deadline of February 18th, this would qualify for the May ballot. Staff was notified later in the day from the Secretary of State's Office along with Lane County Elections that the Initiative qualifies for the September ballot not the May ballot like anticipated. Mr. Williamson explained the State's February 18th deadline was not for certification of the signatures, but for presenting it to the Council. Mr. Williamson noted he has spoken with Mr. Daniels who accepts the September election date for the Initiative to appear on the ballot. Mr. Williamson continued by informing the Council that under State Law the next step is for the Council to review the Initiative and make one of the following choices:

- Accept the Initiative
- Reject the Initiative
- Or reject the Initiative and file a competing measure

A discussion ensued on the election process and following State Election Law.

Mayor Stram noted he and Councilor Pelatt worked together in preparing a competing measure. Councilor Pelatt presented the draft measure and explained that the goal of the competing measure is to establish a method by which the City Council can gain additional input from the community; but to do so in a way that will not tie the City's hands to an arbitrary number that is not in any way related to the delivery of water. This will give the Council an opportunity to hear from the community as well as include community members on a panel that would research to understand the policy making and provide that information to the Council. It will create a process that will involve more community members in setting water rates. The measure is stated as such that the process will happen on an annual basis.

Mayor Stram continued the presentation by explaining that the initiative filed by Mr. Daniels sets water rates by the CPI (consumer price index). He noted this would limit the increases each year to an average of about 1.5 percent. This concerns Mayor Stram as we have done modeling for Creswell and we have taken out loans to cover the water treatment plant and we are required by the loans to meet certain obligations. The increases set for the next fiscal year will allow the City to become compliant with our own debt.

Mayor Stram continued by highlighting the facts included in the competing measure:

- Water rates will be set as to fully cover the actual costs of providing water service to the community
- A water rate advisory committee shall be established by the Mayor to review and recommend water rates for the upcoming fiscal year. The advisory committee will be composed of six members; three of whom shall be Council members, two citizens of Creswell and one at large position. The City Council shall hold a public hearing prior to the Council's adoption of water rates
- Water rates shall be set by the City Council and there shall be no requirement to submit proposed water rates to the City voters for approval. The water rate increase shall not be limited by financial measures such as the rate of inflation or the consumer price index and will cover full the actual costs of providing water services
- Water rates are charged by the city to the users of the City's water utility system
- The actual costs of providing water service include all the costs associated with providing water services to City water utility customers. Costs include, but are not limited to, infrastructure costs, water permit costs, water supply costs, maintenance costs, personnel costs, and debt service costs.

Councilor Heyman stated that citizens are very upset and he feels this will never pass. Councilor Bowles noted he feels the citizens are upset due to misinformation given as well as the clarity of information. Councilor Pelatt noted this competing measure is very transparent and it includes community members in the process. Councilor Vincent responded that she will be educating the citizens the differences between the measures. Councilor Romoser noted he was very much in support of the competing measure and would like to have the verbiage regarding gallons (Exhibit A) corrected to reflect cubic feet (Utility bills are measured in cubic feet). Mr. Williamson suggested changing the measure to read quantitative measures.

Audience member Pat Miller addressed the Council noting that he is in support of the competing measure but there are citizens who are spreading misinformation and trying to spread mistrust. He feels the document wording should be plain and simple.

Audience member Richard Zettervall commended Councilor Pelatt and Mayor Stram for putting the competing measure together.

Councilor Campbell spoke in support of the measure by saying it is very detailed, a lot of clarity and provides a mechanism to move forward.

Councilor Pelatt moved, Councilor Bowles seconded that the City Council reject Petition #20-01-2015 – City Charter Amendment Creating Procedure for Future Water Rate Increases and file the proposed competing ballot measure as amended to read per cubic foot instead of per gallon. Voted on and the motion carries with Councilors Bowles, Campbell, Pelatt, Romoser, Vincent and Mayor Stram voting in favor and Councilor Heyman voting in opposition.

Resolution 2015-10 – A Resolution Calling for an Election on September 16, 2015, for the purpose of referring to the voters of the city of Creswell Oregon, A Measure proposing an amendment to the city charter related to the setting of water rates.

Councilor Romoser moved Councilor Pelatt second to approve Resolution 2015-10, A Resolution Calling for an Election on September 16, 2015, for the purpose of referring to the voters of the City of Creswell, Oregon, A Measure proposing an amendment to the City Charter related to the setting of water rates. Voted on and the motion carries unanimously.

Appointments to the Creswell Budget Committee

Letter of Resignation from Budget Committee – Susan Sturgess

Councilor Pelatt moved, Jane Vincent seconded to accept the letter of resignation from Susan Sturgess. Voted on and the motion carries unanimously.

Councilor Heyman moved Councilor Romoser seconded that the City Council appoint Michelle Amberg as the Budget Officer and Patrick Miller and Richard Zettervall to the Budget Committee for terms that expire 2017. Voted on and the motion carries unanimously.

At 10:03 pm, Mayor Stram called for a ten minute recess. At 10:14 pm Mayor Stram reconvened the meeting.

With the consent of the Council Mayor Stram moved Agenda item 7 F - Agreement between Community Food for Creswell and the City of Creswell forward on the agenda.

Agreement between Community Food for Creswell (CFFC) and the City of Creswell Amending Section 1.2 of the Building Joint Use Agreement, and additionally Authorizing the City Administrator to Execute the Amendment and all Documents relating to the Installation of Solar Panels on the Cobalt Building.

Michelle Amberg explained that this agenda item amends the renewal term listed in Section 1.2 of the Building Joint Use Agreement between the City of Creswell and Community Food for Creswell (CFFC) by increasing the term from five years to ten years (until 2028). The CFFC was the recipient of a \$40,000 grant from Eugene People's Utility District (EPUD) to install solar panels on the Cobalt building to offset their electrical costs. CFFC would like to receive the full benefit of the solar panel installation's life expectancy (10 years). The grant requires that the recipient be an EPUD customer. The City is the EPUD customer as well as being the owner of the Cobalt Building. Therefore, the City will need to execute all documents associated with the grant award.

Councilor Heyman moved Councilor Vincent seconded that the City Council approve the Agreement between Community Food for Creswell (CFFC) and the City of Creswell Amending Sections 1.1 and 1.2 of the Building Joint Use Agreement, and additionally Authorizing the City Administrator to Execute the Amendment and all Documents relating to the Installation of Solar Panels on the Cobalt Building. Voted on and the motion carries unanimously.

Ordinance 486 – Text Amendment to the Creswell Municipal Code Regarding Medical Marijuana

Maddie Phillips presented a revised map from the comments received earlier this evening during the Public Hearing on Medical Marijuana Facilities. The map outlined the inclusion and exclusion of potential zones where facilities may be located. Ms. Phillips provided a little background as to the allowed/disallowed uses in different zones.

Ms. Phillips noted that the Council will either be approving or denying the Proposed Findings of Fact and then approving as is, approving with corrections or conditions, or denying and/or suggesting an alternative to Ordinance 486 tonight. She continued by advising the Council that this is their opportunity to add any time, place or manner restrictions on Medical Marijuana facilities as they see fit.

Councilor Pelatt suggested adding a 500 to 1,000 foot buffer around all residential zones, identify day cares and pre-schools as schools and provide a buffer around them equal to any other educational facility. Ms. Phillips recommended the addition be placed in the text amendments to the Development Code.

Councilor Vincent recommended the thousand foot buffer include the area churches. A discussion ensued in regards to precluding all places; you may open yourself to retribution or contest claiming that there is no place to lawfully conduct Medical Marijuana business.

Councilor Pelatt asked about city owned facilities or properties such as parks having a buffer around them. Ms. Phillips responded that they do not, but the Planning Commission held a discussion regarding those very same points. The Commission came to the consensus that both parks are sufficiently buffered by physical barriers at Garden Lake Park as well as Harry Holt Park.

Mayor Stram expressed his concern that by extending further restrictions beyond Planning Commission's recommendations, we are essentially saying there is no place in Creswell for a facility to locate. He continued the discussion by noting that the Council has enacted a tax on Medical Marijuana which could be revisited and impose a rate rather than zero. He also noted that an initiative could be placed on the November 2016 ballot to ban facilities in Creswell if that is the desire of the Council.

Mayor Stram asked Councilor Pelatt to restate his recommendations:

- Include to Exhibit B an additional buffer zone around state licensed daycares and pre-schools and classify them the same as schools

A discussion ensued and Ms. Phillips recommended placing the restriction in Section C. Standard for Medical Marijuana Facilities under number 2. Location, part c. and having it read: State Registered Daycare or Preschool facility. Ms. Phillips noted she would like to amend the document so that the word Medical will precede the word Marijuana throughout the document.

- Section C, item 3 (a) Time, Place and Manner; a time requirement that reflects business hours for Medical Marijuana Facilities to be 10:30 am – 8:30 pm, Sunday through Saturday.

Ms. Phillips noted that in previous conversations, Councilor members have asked what other restrictions have other communities placed in their Ordinances under the Time, Place and Manner restrictions. Ms. Phillips provided a list in which Councilor Pelatt added the following recommendations to be considered:

- No onsite consumption or consumption within fifty feet of a facility and no free samples distributed
- No admittance to facilities for persons under 21 years of age and customers shall have a valid Medical Marijuana card to enter facilities
- Public Safety Officers and Inspectors can enter premises at any time
- A criminal background check provided by Creswell’s Public Safety agency at the cost of the applicant

A discussion ensued regarding the requirement of background checks on employees as well as business owners at the cost of the applicant. Ms. Phillips noted that background checks are coming down the pipe and she cautioned the Council about getting down to the details of management. Councilor Pelatt asked to have an update provided to the Council at the June work session.

Councilor Vincent suggested that due to the late hour, the Council adopt the Ordinance and set a tax. The Ordinance can be revised at a later date as needed.

Councilor Heyman noted that he is not in support of the Ordinance as he upholds his vow to support the Constitution and according to the Federal Government, marijuana is an illegal substance. A discussion ensued on how the Council is working toward protecting Creswell; the moratorium on Medical Marijuana facilities sunsets at the end of April and without a policy, Creswell will not have any regulations in place.

Councilor Heyman asked to have placed in the record, his objection to the Ordinance, but for the desire to have proper control within the City he will vote for this Ordinance.

Councilor Pelatt moved Councilor Bowles seconded the Council approve the Planning Commission’s Findings of Fact – Exhibit A as presented. Voted on and the motion carries unanimously.

Councilor Campbell moved and read twice by title, Councilor Pelatt seconded to approve Ordinance 486; Text Amendments to Chapter 18 of the Creswell Municipal Code Regarding Medical Marijuana Facilities as amended above. Voted on and the motion carries unanimously.

Councilor Romoser moved, Councilor Pelatt seconded to table Agenda Item E – Adoption of Resolution 2015-08, A Resolution Establishing Council Rules and Rescinding Resolution 2011-09, A Resolution Establishing Council Rules and Agenda Item G – Adoption of Resolution 2015-09, A Resolution of the Creswell City Council Declaring Audit Findings in the FY 2014-15 Audit and Noting Corrective Actions until the April 13, 2015 City Council meeting. Voted on and the motion carries unanimously.

Mayor Stram with unanimous consent of the Council moved Agenda Items 7 H – Award of Bid – Creswell Airport/Hobby Field, AIP Project #3-41-0083-009 ConnectOregon IV #28703 ORPIN Bid #KC0035-1001-14, Agenda Item 7 I – Pay Request #12 for Task Order No. 7 Professional Engineering Services for the AWOS “A” Weather System and Agenda Item 7 J – Approving Contract for Design work of North 5th Street from Westech Engineering forward on the Agenda.

Award of Bids – Creswell Airport/Hobby Field AIP Project #3-41-0083-009 ConnectOregon IV #28703 – ORPIN Bid #KC0035-1001-14

Airport Manager Shelley Humble noted this is the next step in the AWOS project. The bids received were opened on January 22, 2015. The bid packages have been reviewed by the Engineering firm, Precision Approach Engineering, Inc. and their recommendation is to award the bid to EC Company, the lowest responsible bidder.

	<u>Engineers Estimate</u>	<u>EC Company</u>	<u>PCR, Inc</u>	<u>Signal Const. Corp</u>
Base Bid Schedule	\$155,160.00	\$193,175.60	\$206,089.00	\$231,820.00
Additive Bid Sch. A, Non Aip	6,500.00	3,000.40	2,350.00	3,000.00
Additive Bid Sch. B, Non-Aip	18,000.00	16,230.00	20,000.00	15,000.00
Totals	\$179,660.00	\$212,406.00	\$228,436.00	\$249,820.00

Councilor Campbell requested an accounting of this project back to the beginning of 2012. She would like it to include all the monies that have been spent on this project, to include the expected money received from grants and a projected delivery date of the structure. Ms. Humble noted that once we receive the award of grant money from the FAA, (\$75,000 to cover the additional FAA requirements) we will issue the notice to proceed to the engineering firm awarded to the lowest bidder so they can order the materials. They will have sixty days from the time they receive the materials to complete the project. Ms. Amberg noted that staff would get her a recap of the project within the next month.

Councilor Heyman expressed his concerns and objections in regards to the placement of the AWOS. Ms. Humble explained the goal for the future is to have a non-precision approach at the airport and the placement selected was the one that met most of the criteria. The bid includes everything needed to install the AWOS.

Councilor Pelatt moved, Councilor Campbell seconded that the City Council award the Automated Weather Observation System (AWOS) Improvements Base Bid Schedule A- AWOS A-V, in the amount of \$193,175.60, Additive Bid Schedule A-AWOS II, in the amount of \$3,000.40 and Additive Bid Schedule B- AWOS III in the amount of \$16,230.00 to EC Company. Voted on and the motion carries unanimously.

Pay Request #12 for Task Order No. 7 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.

Holly Campbell moved Adam Pelatt seconded that Council approve Invoice #2865 for Precision Approach Engineering, Inc. in the amount of \$1,866.42 for services performed in accordance with Task Order No. 7 as presented. Voted on and the motion carries unanimously.

Approving Contract for Design work of North 5th Street from Westech Engineering – Michelle Amberg Public Works Director Cliff Bellew addressed the Council noting that this agenda item is to receive Council approval to enter into a contract with Westech Engineering, for the Design Phase of Improvements to North 5th Street between Oregon Avenue and West "A" Street. This project will be a multi-year project to allow significant time for budgeting of funds for actual construction. The Improvement Design of this project will include:

- Design of sanitary sewer improvements including a mainline and manhole
- Design of water system improvements to include mainline and service reconstruction in the North 5th Street right-of-way
- Design of storm drainage improvements which will include new storm drainage piping and catch basins as needed to provide surface drainage from the street
- Design of roadway improvements to bring North 5th street to "Major Collector" standards as described in the City's Transportation System Plan. The improvements would include two new travel lanes, bicycle lane, curb, gutter and sidewalks.

Mr. Bellew noted that the proposed design is to widen 5th street so it will be more open and visible.

A discussion ensued in regards to moving the overhead utility lines to underground. Mr. Bellew noted this would add an additional \$70,000 to the project.

Adam Pelatt moved Omar Bowles seconded that the City Council authorize the City Administrator to enter into a contract with Westech Engineering for the Design Work of Fifth Street Improvement Project not to exceed the amount of \$78,000 budgeted in this Fiscal Year's budget. Councilor Campbell asked if there was any possibility for only one bike lane, and provide on street parking and not remove any trees. Mr. Bellew noted there isn't enough right-of- way to provide that much width. Voted on and the motion carries unanimously.

A discussion ensued to continue the last two agenda items at a Special meeting. Ms. Amberg reminded the Council these agenda items are necessary for budget preparation. Councilor Romoser led a preliminary discussion to poll the Council on their thoughts regarding what amount of coverage/public safety fee for the purposes of using discussion time effectively. Councilor Bowles chair of the Finance Committee stated he is supportive of scenario number 1; three deputies and a half time sergeant at an annual cost of \$641,579.00 placing the public safety fee at \$7.44 per month. Mayor Stram noted as an option on the low end of things he would be supportive of scenario number 3; two and a half-time deputy and a half time sergeant at a cost of \$563,038 placing the public safety fee at \$4.61 per month.

Mayor Stram clarified that the Council needs to establish a new ordinance that will provide them with the authority to assess a Public Safety Fee. The active Ordinance No. 480, which created the Public Safety Fee sunsets on June 30, 2015.

A discussion ensued on the relevancy of, and the length of, and the inclusion of a sunset fee in Ordinance 487 which will allow time for the Policing Study to be completed and decisions made for the future of Public Safety in Creswell.

Councilor Heyman noted he would like to table this discussion and see if there is anyway the money to pay for public safety could come out of the general fund for the next fiscal year. Budget Director, Christy Wurster addressed the Council noting that at a preliminary look at the general fund and its status, it looks like the beginning balance could be at risk if the Council continues to increase the appropriations without additional funding to support the expenditures. In looking at whatever revenue sources are available, it is anticipated that there will not be much growth in the revenue side during the next fiscal year and expenditures will need to be controlled to maintain the existing spending levels and not jeopardize the beginning fund balance or the unappropriated ending balances.

Councilor Pelatt moved and read twice by title, Jane Vincent seconded that the City Council adopt Ordinance 487 an Ordinance Establishing A Public Safety Fee for the Purpose of Funding Public Safety Services Within the City with the inclusion of a one year sunset clause expiring on June 30, 2016. Councilor Romoser noted he is not sure the Council will make the deadlines with a one year sunset clause. Councilor Heyman expressed his lack of support on this ordinance until he can see budget figures. Voted on and the motion fails six to one with Councilors Bowles, Campbell, Heyman, Pelatt, Vincent and Mayor Stram voting in favor and Councilor Heyman voting in opposition. The second reading will take place at the April 13th meeting.

Resolution 2015-07 - A Resolution Establishing Fees and Charges in Accordance with the Provisions of Creswell Municipal Code (CMC) Chapter 13.30

Because Ordinance 487 was not adopted at this meeting, Resolution 2015-07 does not apply and will be presented at the April 13th meeting along with the second reading of Ordinance 487.

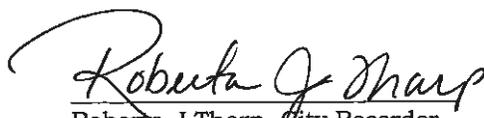
At 12:42 am, Mayor Stram recessed the meeting in order for the Council to enter into the following executive sessions:

192.660 (2)(i) - To review and evaluate the performance of an officer, employee or staff member if the person does not request an open meeting.

Adjournment

At 12:58 am, the Council returned to its regular session and invited the public back into the room. Mayor Stram adjourned the meeting at 12:58 am.


Dave Stram, Mayor


Roberta J Tharp, City Recorder