

Council Present:

Omar Bowles
Richard Heyman
Dave Stram

Holly Campbell
Adam Pelatt

Staff Present:

Michelle Amberg
Robertta Tharp
Cliff Bellew
Shelley Humble
Jim Piper
Ross Williamson
Sgt. Billy Halvorson

City Administrator
City Recorder
Public Works Director
Airport Manager
Finance Director
City Attorney
Lane County
Sheriff's Office

Council Absent: 1 -- Jane Vincent

Press: 1 - Creswell Chronicle – Scott Olson

Audience: 16

The regularly scheduled City Council meeting was called to order by Mayor Dave Stram at 7:03 pm and the Pledge of Allegiance was given.

Mayor Stram excused Councilor Vincent due to illness.

Public Forum

Jack Gradle, a Creswell citizen addressed the Council and spoke in regards to the POW/MIA flag bill signed by the Governor.

Linda Warner, a Creswell citizen addressed the Council to on behalf of and in support of the request by Charity Haunts (Amanda Wilder) to use the Cobalt Building for a Halloween fundraiser for community non-profits. Ms. Wilder will donate thirty percent of its profits back to the Cobalt Building. She encouraged the Council to waive the fess for this activity.

Steve Carmichael, a Creswell citizen addressed the Council to speak about the two September ballot measures on water rates. Their group has been putting together materials to promote the Council's ballot measure 20-234. He invited the Council to join them tomorrow evening in Holt Park beginning at 6:00 pm to pick up lawn signs and brochures that support ballot measure 20-234.

Mayor's Report

Recognition of Ted Romoser's Service to the City of Creswell

Mayor Stram presented Mr. Romoser with an appreciation plaque for his service to the City as a City Councilor.

Accept Tom Surface's resignation from the Parks Advisory Board

A letter of resignation was not submitted and he will continue his work on the Parks Board.

Mayor Stram encouraged everyone in attendance to support Creswell's Ballot Measure 20-234 which will require five new steps when setting water rates:

- A Water Rate Commission that will be appointed annually
- Review the rates based upon an approved methodology
- Hold Public Hearings to take citizen input
- Make recommendations to the Council on the Water Rates
- Rates would be set on an annual basis

Mayor Stram continued that this process will create a whole new level of decision making. He urged the Council to get out in the public and help educate them on this ballot initiative.

Mayor Stram commented that in Saturday's Register Guard, there was an article title "Will we be ready?" based on the article in the New Yorker titled "The Really Big One". He encouraged the Council to acquire copies of these articles so the Council can hold serious discussion regarding safety in our community.

Correspondence

In reviewing the Lane County Sheriff's Calls for Service Report for the month of July, Councilor Campbell asked if it would be possible to receive a three month/six month recap of calls to see if we are seeing an increase or decrease of crime in Creswell. Sgt. Halvorson responded that there are seasonal spikes and a six month report would capture more of a broader spectrum and he suggested providing an annual report to chart out the trends.

Councilor Heyman asked for clarification as to how staff addresses code enforcement issues. Ms. Amberg noted that the code enforcement program is complaint driven.

Consent Calendar

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

Administrative Report

Administration

Policing Study

Ms. Amberg provided an update on the Policing Study. She has received an email from Portland State University that the Policing Study is very close to being completed. They are entering all edits and are hoping they can complete it by the end of the week.

Councilor Bowles reported that the Public Safety Committee is waiting for the final version to be released and is eager to get this out to the public as soon as possible. In his opinion, he feels it is a very good report. He noted that it will take time for the Council to review the document and work towards making adjustments.

Wastewater Facilities Plan Status

Ms. Amberg reported that the City Engineer, Westech Engineering, Inc. has been working on a Wastewater Facilities Plan. Provided in the packet is a letter from Westech that describes the need for and the purpose of the plan. Ms. Amberg asked the Council to review the letter and if there were any questions, we could invite them to a future work session to give a presentation.

A discussion ensued as to whether or not they will be completing a rate study. Ms. Amberg noted that this would be part of the Wastewater Master Plan.

After further discussion, the Council determined that we are half to two-thirds of the way through this study and Westech should be ready to present it to the Council by December. Mayor Stram noted that he will be issuing a charge to the Transportation/Public Works Committee later in the meeting to assist with the update to the plan. If the Committee feels there is a need for a presentation prior to the completion of the study, they can recommend it to the Council to make it happen.

LCSO Update on Creswell Patrol Vehicles – Sgt. Billy Halvorson

Sgt. Halvorson addressed the Council and passed out a recent picture of the Sheriff's vehicle. They were just released from Rainbow Graphics this afternoon from being marked "Creswell Patrol". He noted the markings help the vehicles stand out and makes them easily recognizable.

Procurement Concerns – Jim Piper

Finance Director Jim Piper addressed the Council and explained that he has done some research in regards to the City's Procurement Policies. His findings led him to discover that in December of 2007, City Ordinance 452 was replaced with the Attorney General's Model Rules under the Oregon Public Contracting Code (ORS 279). He provided a memo for the packet outlining small and intermediate procurements and included a table summarizing thresholds for contracting.

Mr. Piper in response to Councilor Heyman's inquires noted that we are under a fully executed branding agreement with World Fuel to purchase and sell Phillips 66 brand aviation fuel. The agreement was executed on November 6, 2011 and it appears to be no end date in the contract. He continued by reporting that Mr. Bellew contracts three vendors annually to get price quotes for the chemicals at the Water Treatment Plant. Annual chemical purchases exceed the \$10,000 threshold, but do not exceed the \$150,000 threshold to require sealed bids. Brenntag provides bulk tanks at no cost to the City with the exclusive purchase of Brenntag's chlorine. Mr. Piper said he gets the impression the process the City uses is informal but assured the Council that nothing underhanded is going on. He will be running his findings by the auditors and recommends setting a policy in place, training folks and moving forward. He would like to see this happen by January of 2016 in order to help with budgeting for the next fiscal year.

Lane Electric Cooperative

Ms. Amberg explained that the City is a member of Lane Electric Cooperative and we need to designate an elected official as an official voting member to represent the Council.

Councilor Pelatt moved, Councilor Campbell seconded to appoint Councilor Bowles as the designated voting representative. A discussion ensued as to whether the member designated has to receive their power from Lane Electric. Mayor Stram explained that whoever is appointed would be representing Creswell as a member and this is a one-time vote. Voted on and the motion carries unanimously.

Airport

No report was given

Finance

No report was given

Public Works

No Report was given

Council Action Items

Mayor Stram asked to move Agenda Item E – Ordinance No. 488, An Ordinance Prohibiting the Establishment of Marijuana Facilities within the City and Agenda Item F – Ordinance 489, An Ordinance Prohibiting Sales of Recreational Marijuana by Registered Medical Marijuana Dispensaries within the City forward as City Attorney Ross Williamson is present to answer any questions anyone may have.

Ms. Amberg asked to move Agenda Item I – Authorization to Waive Building Use Fees at the Cobalt Building for Charity Haunts Event forward also.

The Council gave their unanimous consent to move the requested agenda items forward.

Authorization to Waive Building Use Fees at the Cobalt Building for Charity Haunts Events

Ms. Amberg introduced Amanda Wilder, representative for Charity Haunts. Charity Haunts is a non-profit that is requesting to use the Cobalt Building for a fundraiser that will benefit the Cobalt Building by organizing and conducting a haunted house type of event for Halloween. The event will be held on October 16-18, and 22 – 31st. Proposed admission will be \$5 with a discount for people bringing a food donation for Community Food for Creswell (CFFC). Charity Haunts will then donate thirty percent of the profits back to the Cobalt Building, the food collected to CFFC and would be responsible for notifying the neighborhood, advertising the event and parking, set up, tear down, clean up as well as insurance and electricity. In return, Charity Haunts is asking the City to forgo the revenue from the rental of the Cobalt Building in exchange for recognition as an event sponsor and publicity for the Cobalt Building.

Ms. Amberg explained that the City charges a fee to use the Cobalt Building and to her this event seems to be a great way to introduce the building to the community. The funds they donate back to the community could be used for the rehabilitation of the building helping it to be a family center. The waiver of the fees would be a sponsorship.

Councilor Heyman asked about parking and Ms. Wilder stated they are working with Fircrest Farms to use their lot for event parking.

Councilor Bowles spoke in support of the idea. He noted that this may be a good opportunity for the high school seniors to volunteer to fulfill their requirement for community service hours.

Councilor Pelatt moved Councilor Campbell seconded that the City Council waive the rental fees for the Cobalt Building from September 1, 2015 through November 3, 2015 for Charity Haunts to hold a not-for profit Halloween related event. Voted on and the motion carries unanimously.

The Council unanimously consented to moving forward in the agenda all items that City Attorney Ross Williamson is here to speak on.

Ordinance No. 488, An Ordinance Prohibiting the Establishment of Marijuana Facilities within the City City Attorney Ross Williamson addressed the Council noting that the Council had directed him to bring two Ordinances regarding Marijuana tonight after much discussion at the last work session.

This ordinance basically put the question of a dry city to the voters. This Ordinance would ban the six types of marijuana licenses that the State Legislature allows and put it to the vote of the citizens at the November 2016 election. Mr. Williamson noted that if Ordinance 488 is adopted, copies of the signed Ordinance will need to be forwarded to the Oregon Health Authority and Oregon Liquor Control Commission in a timely fashion so they will suspend issuing licenses in Creswell.

A discussion ensued on timelines; OLCC (for recreational marijuana) will begin accepting license applications in January of 2016 and it is projected to begin issuing the licenses sometime between June and September.

Mayor Stram asked for information on how Creswell voters voted on the Marijuana issue last November, he believes it was a very close race and passed 51 to 49 percent. Ms. Amberg noted she will get that information to him.

Councilor Bowles suggested that we make it very clear to the citizens that this decision is only good until the November 2016 election when they can decide whether or not to allow facilities in our community. Mr. Williamson reiterated that this Ordinance places Marijuana facilities in a status quo and suspends the state from issuing licenses in Creswell.

Councilor Bowles moved and read twice by title, Councilor Pelatt seconded that the City Council adopt Ordinance No. 488, An Ordinance Prohibiting the Establishment of Marijuana Facilities within the City. Mayor Stram noted by passing this we are going against the vote of our citizens. Councilor Pelatt said folks he talked to were very confused about what they were voting on, and by giving them another chance we would just be making sure we understand what our citizens want. Holly noted she has been approached by citizens who are concerned about having these facilities in town, she likes that this will be put on hold and then have the citizens tell us what they want. Mayor Stram likes that this will provide us another year to watch as communities around us have marijuana facilities. Voted on and the motion carries unanimously.

Ordinance No. 489, An Ordinance Prohibiting Sales of Recreational Marijuana by Registered Medical Marijuana Dispensaries within the City

Ross Williamson noted this is the window of opportunity to sell recreational marijuana from medical marijuana facilities. Beginning October 1, 2015 a medical marijuana facility can sell certain quantities and certain types of recreational products through December 2016. The purpose for this according to the Legislature is to get legal marijuana out in the system and to close down the black market. Cities and Counties can choose to opt out of the recreational sales in those facilities by enacting an Ordinance such as the proposed Ordinance 489. Mr. Williamson went on to explain that should the citizens vote in favor of Medical Marijuana Facilities during the November 2016 election, this will only ban the recreational sales for one month or until December 2016. After December of 2016 we will formally go back to the two types of facilities; medical and recreational.

Mayor Stram moved and read twice by title, Councilor Pelatt seconded that the City Council adopt Ordinance No. 489, An Ordinance Prohibiting Sales of Recreational Marijuana by Registered Medical Marijuana Dispensaries within the City. Voted on and the motion carries unanimously.

Ordinance 490, An Ordinance Regulating Door to Door Solicitors within the City and Repealing Ordinance No. 140, Ordinance of the City of Creswell, Oregon, to Prevent Solicitors, Peddlers, Etc. from going upon private property unsolicited, and repealing Ordinance 244, An Ordinance Amending Ordinance 140, Regulating Peddlers and Solicitors

Ross Williamson explained that the current law on the books is unconstitutional. The Ordinance presented reflects what was discussed during the work session: it limits the time period in which folks can go door to door and allows citizens to place a no solicitation or trespassing sign on their property.

A discussion ensued about citizens' concerns as to whether or not they are being harassed by door to door solicitors. Mr. Williamson noted the Ordinance allows folks to place a No Soliciting/Trespassing Sign at the entry to their property or next to the door. Solicitors have a right to run a business and free speech, and this Ordinance should balance these issues out. Mr. Williamson noted this Ordinance is about as restrictive as we can get. Sgt. Halvorson explained that the enforcement would be like any other Ordinance violation and a citation would be issued.

Discussion continued on the limitation set for the hours of solicitation. Mr. Williamson reminded the Council that by restricting the times too stringently we would be limiting a business owner the time to conduct business and could risk a challenge. He asked the Council to keep in mind after school fundraisers such as cookie sales and magazine sales when setting perimeters.

Councilor Bowles moved and read twice by title, Councilor Campbell seconded that the City Council Adopt Ordinance No. 490, An Ordinance Regulating Door to Door Solicitors within the City and Repealing Ordinance 140, An Ordinance of the City of Creswell, Oregon, to prevent Solicitors, Peddlers, etc. from going upon private property unsolicited and Ordinance 244, An Ordinance Amending Ordinance No. 140, Regulation Peddlers and Solicitors to include an amendment to allow solicitation between the hours of 9 am to 8 pm. Voted on and the motion carries unanimously.

At 8:48 pm Mayor Stram called for a brief recess and at 9:00 pm he reconvened the meeting.

Pay Request #15 Task Order No. 7 – Precision Approach Engineering – AWOS (Inv. 3230) – Shelley Humble

Shelley Humble announced that the AWOS will be installed and certified by the end of November and the closure of the grant should happen by the end of December.

Councilor Bowles moved Councilor Pelatt seconded that Council approve Invoice #3230 for Precision Approach Engineering, Inc. in the amount of \$1,295.73 for services performed in accordance with task order No. 7 as presented. Voted on and the motion carries unanimously.

Approval of Community Service Grants

Ms. Amberg noted the Cultural Committee has reviewed each of the grant applications and recommends awarding grants to each applicant.

A discussion ensued regarding the timeframe of some of the grants being past the project dates. Councilor Campbell noted she has made contact with High School and since the project has not been completed she would like to grant extensions to the timelines for the grants. Mayor Stram asked if the stage for the High School will be covered and available for use by the whole community. Councilor Bowles responded that his understanding of the project is that it is phased and the stage is phase one.

A discussion regarding the location of Family Relief Nursery and the concern in putting toddlers in with school age children. Ms. Amberg clarified that this is a parent outreach program and conducting their classes out of the modular building. Steve Carmichael noted that the legislature has granted money for a Creswell Satellite program of the Family Relief Nursery.

Councilor Bowles moved Councilor Campbell seconded that the City Council approves the following Community Service Grants:

- 1). Creswell Clubhouse - \$1,000 for Scholarships
- 2). Looking Glass Youth and Family Services - \$2,800 for Services to Creswell
- 3). South Lane Family Nursery - \$2,800 for Outreach and Parent Education for Creswell Families
- 4). Creswell High School - \$2,400 for Construction of a Garden Stage

Voted on and the motion carries unanimously.

Resolution No. 2015-26 – Supplemental Budget Changing Appropriations for the Fiscal Year 2015-2016 Budget

Finance Director Jim Piper addressed the Council explaining that this resolution will change appropriations within the Water Fund by reducing the Operating contingency and increasing Materials and Services in order for the City to obtain a review and recommendations of their Water Rate Methodology.

Ms. Amberg noted the city has two possible scenarios:

- Council directs the City Administrator to have Westech Engineering provide a report on the City's water rate methodology and adopt a supplemental budget for changing appropriations (\$30,000) within the Water Fund to cover the costs of the report
- Council directs City Administrator to review the City's water rate methodology and make the recommendations to the Council

Ms. Amberg stated that James Piper has already done a lot of leg work on this project. Mr. Piper stated he spent a day at the infrastructure financing training and feels confident he could complete this project; he would look at this from a very simplified approach.

Councilor Bowles and Campbell both voiced their support of Mr. Piper reviewing the methodology and making recommendations to the Council.

A discussion ensued about having Westech Engineering or an outside person review Mr. Piper's work when completed so the information will be perceived as unbiased. Ms. Amberg mentioned that the Council could have Deb Guillard review the report and make this a very public process.

Mayor Stram noted the recommendations would need to be adopted by the Council by the end of the year to help with budgeting for the next fiscal year.

Councilor Campbell moved to approve Resolution 2015-26, A Resolution Adopting a Supplemental Budget and Making Appropriations as presented. After a brief discussion about not needing to transfer the appropriations in the budget if we direct staff to conduct the review, Councilor Campbell rescinded her motion.

With unanimous consensus from the Council, Mayor Stram directed the City Administrator to have the water rate methodology review completed in house, working with the Transportation and Public Works Committee.

Resolution 2015-27 – A Resolution Authorizing Participation in the PERS Unused Sick Leave Program
Councilor Pelatt moved Councilor Heyman seconded that the Council approve Resolution 2015-27, A Resolution of the City Council to participate in PERS Unused Sick Leave Program. Voted on and the motion carries unanimously.

At the request of Councilor Campbell, Mayor Stram excused her for the remainder of this meeting.

Adoption of the Community Development Coordinator Job Description and Salary Range
Ms. Amberg asked the council for approval of the Community Development Coordinator Job Description and Salary Range. She noted this position was created in the FY 2015/16 Budget. This position will focus on many of the areas previously assigned to the RARE participants and will provide a greater level of continuity for these projects.

Councilor Pelatt moved Councilor Heyman seconded that the City Council adopt the Proposed Community Development Coordinator Job Description and Approve the Salary Range of \$35,188 - \$48,006. Voted on and the motion carries unanimously.

Resolution 2015-28 – A Resolution of the Creswell City Council Establishing a Policy for Naming Publicly Owned Facilities

Ms. Amberg presented the final draft for the policy on naming public facilities.

Councilor Heyman stated he has some objections to the policy:

- Section 3 Naming Criteria - E (6) – Volunteered or worked for the city for ten (10) years or more
- Section 3 Naming Criteria - E (7) – Have they distinguished themselves through military service
- Section 3 Naming Criteria - F (5) – Had exceptionally long tenure with the City of Creswell (at least ten years) or
- Section 3 Naming Criteria – F (6) – There is significant public support for a memorial to the city official or city employee on the occasion of their death or retirement
- Section 4 Procedure – (b) Payment of all applicable fees is required at the time the application is submitted

Mr. Heyman noted he sees nothing magical in ten years of employment. He thought that the fees should be a secondary consideration and shouldn't even be mentioned.

Councilor Bowles spoke up that it is his understanding that a person doesn't have to meet all of the requirements, this policy outlines some of the guidelines, and the fees are for family members who may come forward who want to have a facility named after a family member. Ms. Amberg noted there are costs involved and the City would have to cover the costs and the list is not a list of requirements, they are considerations.

Mayor Stram pointed out that he was unable to attend the work session but would like to reword the policy a little bit. He would like to include the verbiage that the Naming Criteria is some factors to consider, and he feels that the ten year employment requirement is unimportant as someone could be here a very short time and leave a very big impact. The fee portion should be outlined in a schedule. Ms. Amberg noted that she thinks the fees should be based on time and materials, but also included should be application and project fees and they should be set by the Council in a resolution.

The rewording discussion continued and Ms. Amberg suggested changing the wording in Section 3 (3) to read the City Council may (rather than the City Council shall) consider the following when making a determination regarding names which honor individuals or families: etc.

Councilor Pelatt asked if it would work to add the word *or* to the end of each consideration in Section 3 (e). Mayor Stram noted that would satisfy his need to reword section 3 (e).

Councilor Pelatt moved Councilor Bowles seconded that the City Council adopt Resolution 2015-28, A Resolution Establishing A Policy for Naming Publicly Owned Facilities with the amendment of item 3 E to say the City Council "may" consider instead of "shall" consider and at the end of each numerical item in Section 3 the word "or" be added.

Councilor Heyman moved to amend the motion to eliminate the ten year requirement in Sections E (6) and F (5). The motion died for a lack of a second. Voted on the motion and it carries 3-1 with Councilors Bowles, Pelatt and Mayor Stram voting in favor and Councilor Heyman voting in opposition.

Approval for Phase 2 Environmental Assessment on Bald Knob

Since April the City has been working with Amec Foster Wheeler to complete a Phase 1 Environmental Assessment on the Bald Knob property. They have completed a review of existing environmental information, lead and asbestos sampling and a historical review to identify potential remaining contamination on the property. As a result the report indicates significant gaps in information regarding contamination and AMEC is recommending a Phase 2 Environmental Assessment be completed which will provide additional information required to determine next steps. Ms. Hardy said the cost of the Phase 2 Assessment will be covered with the left over grant monies from the Phase 1.

Councilor Bowles moved Councilor Pelatt seconded that the City Council authorize the City Administrator to allow Amec Foster Wheeler to complete a Phase 2 Environmental Assessment on the Bald Knob property as well as sign all documents associated with this study. Voted on and the motion and it carries unanimously.

Ordinance 491, An Ordinance Providing for the Appointment and Duties of Council Committees and Repealing Ordinance 100 and Ordinance 414

Mayor Stram moved and read twice by title, Councilor Pelatt seconded that the City Council adopt Ordinance No. 491, An Ordinance Providing for the Appointment and Duties of Council Committees and Repealing Ordinance 100, An Ordinance Providing for the Appointment and Duties of Committees and Expenditure of Public Funds; and Repealing Ordinance 414, An Ordinance Providing for the Appointments and Duties of Council Committees, Declaring an Emergency and Repealing Sections 1 and 2 of Ordinance 100; Repealing any amendments associated with these Ordinances.

Councilor Heyman expressed concerns regarding Section 5 of the proposed Ordinance that states: Members of the Council shall not attempt to lobby or influence committee members on any items under their consideration. He feels things should be discussed. Ms. Amberg explained that this section is related to the public meeting laws. She continued by saying the Council does have the opportunity to debate the issue fully and openly at City Council Meetings. The committee does their research, forms a recommendation, presents it to the Council and at that time it can be debated in an open public meeting amongst the entire Council. There being no further discussion, the Council voted on the motion and it carried unanimously.

Resolution 2015-29, A Resolution Establishing City Council Committees

Mayor Stram noted that with the Passage of Ordinance 491, the number of Council Committees has been reduced to four: Administration, Finance, Public Safety and Transportation, and Public Works. A discussion ensued in regards to adding Airport to the duties of the Transportation and Public Works committee.

Mayor Stram moved Councilor Pelatt seconded that the City Council adopt Resolution 2015-29, A Resolution Establishing City Council Committees as amended to include the Airport under the duties of the Transportation and Public Works Committee. Voted on and the motion carries unanimously.

With unanimous consent, Mayor Stram distributed new charges and timelines for each of the four committees.

Finance Committee

- Continue oversight of Community Services Grant Program – Provide a monthly progress report at work sessions. At the September meeting a new charge to begin preliminary work on the 2015 Audit will be issued.

Transportation and Public Works Committee

- Develop a comprehensive methodology for setting annual water rates. Consider all economic impacts such as: water supply, treatment costs, system maintenance costs, prudent reserves, loan terms, State and Federal mandates, projected demand for water, personnel costs and public input.
- Assist with Wastewater Master Plan update development
- Work with the Airport Commission and City Staff to develop a multi-year Airport sustainability plan

Provide a monthly progress report at work sessions. Final approval of water rate methodology and Airport Sustainability Plan rests with the Council.

Administration Committee

- Review proposals submitted for completing a 3-5 year Strategic Plan
- Provide Council with a Consultant recommendation to conduct the Strategic Plan

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Provide the Council with a Consultant recommendation at the September 14th meeting. The Strategic Planning is scheduled to occur between October and December 2015.

Public Safety

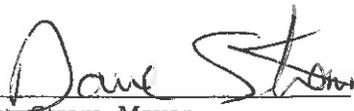
- Schedule presentation of the Policing Study to the Council
- Develop a plan for public input and education about the Policing Study

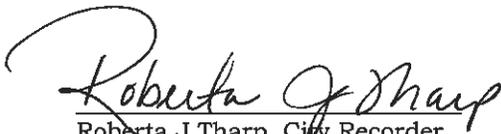
Provide a monthly progress report at work sessions.

The Council gave their unanimous consensus to the charges issued and their timelines.

Adjournment

There being no further discussion to come before the Council, Mayor Stram adjourned the meeting at 10:13 pm.


Dave Stram, Mayor


Roberta J Tharp, City Recorder