

Council Present:

Richard Heyman
Dave Stram
Richard Zettervall

Gary Mounce
Jane Vincent

Staff Present:

Michelle Amberg
Roberta Tharp
Cliff Bellew
Jim Piper
Shelley Humble
Sgt. Billy Halvorson
Maddie Phillips
Ross Williamson
R. Scott Palmer
Michael DeHart

City Administrator
City Recorder
Public Works Director
Finance Director
Airport Manager
LCSO
Planner
City Attorney
Municipal Judge
Community Economic
Coordinator

Council Absent: 0

Press: 1 – Scott Olson – The Chronicle

Audience: 18

The City Council work session was called to order by Mayor Stram at 6:00 pm.

Mayors Report

No report was given.

Committee Reports

Public Safety Committee – Councilor Zettervall, Chair
Policing Recommendation

Councilor Zettervall asked Sgt. Halvorson to provide some statistics regarding the comparison of crime cases between 2015 and 2016.

Sgt. Halvorson noted that the number of calls for service is on the rise along with the intensity of the calls. Compared to a year ago, the calls received are more serious and in-depth and require more investigation and more reports.

Sgt. Halvorson passed out a scatter diagram that he put together using an eighteen month window (December 2014 to May 2016); the diagram shows the increase in calls and case numbers. He used the data from his monthly calls for service reports that are included in the Council packets. The chart also created a trend line for the next eighteen months to November 2017; the predicted trend line shows an increase of twenty eight percent for service calls and fifty nine percent increase for case numbers.

A discussion ensued regarding deputies having less time to spend on self-initiated tasks and spending more time answering calls for service and writing reports. Sgt. Halvorson was asked to identify the more serious cases that require case numbers/reports: measure 11 crimes, rape, sex abuse, and recently a stabbing as a result of domestic violence.

Councilor Zettervall reported that the committee has met several times working their way through the Portland State University study. The committee has ruled out the possibility of beginning our own Creswell Police Department due to the costs involved. Councilor Zettervall presented three possible proposals for Council consideration:

- Option A - Same service level as under the public safety fee. (not meeting 24/7 coverage but provides approximately twenty hours a day) Includes a ½ time Sergeant and three deputies. A tax levy would be presented to the voters at a rate of \$0.41 per \$1,000 of assessed property value. Based on an average home assessed value of \$184,000 this would cost the property owner approximately \$75 per year
- Option B - Four deputies and one Lieutenant (police chief) – A tax levy would be presented to the voters at a rate of \$1.37 per \$1,000 of assessed property value. Based on an average assessed value of \$184,000 this would cost the property owner approximately \$252 per year
- Option C - Six deputies and one Lieutenant (police chief) including three patrol cars and guaranteed 24/7 coverage – A tax levy would be presented to the voters at a rate of \$2.41 per

\$1,000 of assessed property value. Based on an average assessed value of \$184,000 this would cost the property owner approximately \$444 per year

- Option D – Four deputies and one Lieutenant (police chief) with a graduated increase over five years to six deputies and one Lieutenant – A tax levy would be presented to the voters at a rate of \$1.85 per \$1,000 of assessed property value. Based on an average assessed value of \$184,000 this would cost the property owner approximately \$340 per year. This option would be a five year levy.

A discussion ensued on the amount of policing coverage; both currently and with the proposals presented. Sgt. Halvorson explained that currently the city has coverage of approximately twenty hours per day/four days a week; the other three days there is only ten hours of coverage. Councilor Zettervall noted that Option D would begin with the addition of an additional deputy and a Lieutenant, increasing coverage to twenty two hours per day.

Councilor Zettervall explained that it is the Public Safety Committee's recommendation to place this on the ballot as a tax levy for the citizens to vote on. He also explained that should the citizens choose the option of having a tax levy for public safety, the monthly public safety fee would be removed from the utility bills.

Councilor Heyman asked how patrol cars would work into options B and D. Ms. Amberg explained that in option B and D they are figured in the rate but would be on a graduated basis; option C would require us to get the patrol cars immediately.

Further discussion ensued on the hours of coverage that would be available under the different options and the overlapping of deputies work hours. Sgt. Halvorson illustrated how the overlapping coverage would work with six deputies and twenty-four hour and seven days a week coverage, as well as the work model for four deputies.

Public Comments

Omar Bowles – Mr. Bowles spoke of his support for the committee's work and noted that the tax levy is for residents who reside within city boundaries only. In his conversations with citizens, he noted that most citizens support the idea of having five deputies and one Lieutenant, and are okay with paying an annual amount of \$250 to \$300 for these services and being able to write them off on their taxes.

Judge Palmer - Raised the question of what the impact of public safety coverage would be for day court vs night court. He would like to see the number of calls received during those hours that court would be held. Court is currently held in the evenings where there are two deputies scheduled to be on shift.

Jennie Carmichael – Thanked the Council for all of their hard work on Public Safety. She feels that if the Council should decide to move forward with a tax levy, there needs to be a case made for why it should occur. In the discussion just held she heard twenty questions and no answers. The case statement would need to describe why additional officers are needed and be very proactively and convincingly.

Councilor Vincent thinks there should be a get together to let folks discuss this matter.

Councilor Mounce stated that based on all respect to the work that has been done, he feels the recommendations should be taken to Council so they can move forward; sometimes things can be discussed too much and we have spent years on this.

Michelle Amberg reminded the Council about timing; ballot language has to be written before mid-August, the only time to talk about this will be the July or August Council meetings. Staff needs time to prepare in order to meet election deadlines. This is a presidential election and this is the time you are going to get the most people responding. The proposed levy is not a Council driven levy, it is a response to a request of the citizens. If the levy fails at the polls in November, the Public Safety fee will stay in place. Ms. Amberg also noted that the Council will have to come up with a way to assess policing services for the folks who lease hangars at the Airport if the levy passes, as they do not pay taxes on the hangars.

Mayor Stram noted this project began in 2013 when there was a spike in crime; Council made the decision to add an additional deputy and place a Public Safety Fee on the utility bill to offset the cost. Citizens have made it clear that they would like a chance to vote on a levy and pay for policing services through their property taxes. After many discussions, it is time to put it before the community. Mayor Stram asked the Council if they would like to revisit this at the July meeting and take action on which option they would like to pursue. The Council gave their unanimous consent to direct staff to place the proposals on the July City Council agenda for action to choose an option for the policing tax levy.

Progress report on FEMA training for City Council – NCIS

Councilor Zettervall reported that he and Mayor Stram have completed their FEMA courses and turned in their certificates to the City Recorder. Councilor Zettervall requested an extension of time to allow the other Councilors to complete their courses; he suggested the August work session.

Administration Committee – Councilor Vincent, Chair
Judge’s Contract (requesting a new charge)

Councilor Vincent requested from the Mayor, a new charge for the Administration Committee. The committee met and is in the process of reviewing the Attorneys and Judges contract. It is their recommendation that Mayor Stram issue a new charge to the Administration Committee to meet with Judge Palmer to negotiate a contract. Mayor Stram noted he would issue a new charge at the July Council meeting.

Finance Committee – Councilor Mounce, Chair

Councilor Mounce reported the committee has met and begun work on the four charges issued by the Mayor.

- Review Community Service Grant Program – The committee will be recommending a change to the Community Service Grant Program and will be prepared to lead a discussion at the September work session.
- Review Charter Franchise Agreement – The committee has reviewed the Ordinance addressing the services provided by Charter. The committee is waiting to hear back from the attorney on the agreement and will report back in August.
- Possible purchases at the Airport for hangars – nothing to report
- Review the City Fee Schedule – nothing to report

Transportation and Public Works Committee – Councilor Heyman, Chair

No report was given.

At 7:20 pm Mayor Stram called for a brief break and at 7:26 the meeting was reconvened.

Presentations

South Lane Fire and Rescue Station – Chief Wooten

Chief Wooten was not in attendance to give a presentation. This presentation will be rescheduled.

Airport Commission Update – Joint Meeting between Airport Commission and City Council – Joint meeting convened at 7:35 pm.

OSU Sustainability Study Presentation

Councilor Heyman introduced the members of the Airport Commission; Larry Lowenkron, Airport Commission Chair, and members Sid Voorhees, Don Amberg and Richard Heyman.

Chair, Larry Lowenkron reported that the Airport Commission was disappointed in the results of the recent OSU Sustainability Study.

The commission met on June 15th to focus on Airport business. They prioritized a list of five items to work on and the OSU Sustainability Study came in at number five. The commission recommends that the study cease as they were less than satisfied with the results and there are other priorities they feel they should be working on. Ms. Amberg noted that the study is concluded and she will provide the Council with a copy.

Mr. Voorhees explained that the students were trying to put together something they didn’t have any experience with (Airport/Aviation Industry). The comparable’s that were presented were not from this area and they feel a good comparable would be one located in the Northwest. Their research was formulated from airports located in cities that had similar population numbers. They would have like to seen Hobby Field compared to Lebanon’s Airport or Airports that are located in the same proximity to major hubs at Creswell is to Eugene (example Redmond, Prineville and Madras Airports /Bend – Cottage Grove/Eugene – Bandon and Gold Beach – Ashland/entertainment based).

Ms. Amberg noted that with all due respect to the students, they were looking for something different than what the Airport Commission is discussing. The Council asked for a cost benefit analysis of four different areas and the students completed a lot of high level economics and returned with information on economic considerations. What they did not do was develop a strategic plan for the airport; Ms. Amberg recommended the Airport Commission should draft an Airport Strategic Plan. The students report answered some questions to help identify the gaps in our documentation. They did provide information in regards to what the purpose of the Airport should be, what the governmental responsibility or response towards the Airport activities ought to be and how to move forward.

Mr. Voorhees suggested that the Mayor issue the Commission a charge to form an Airport Vision Committee. He would like to see the criteria for members of the committee include pilots that have ownership in planes at the Airport with at least a thousand hours in flying, pilots that are flying 50 to 60 hours a year, a corporate owner and a couple of shop maintenance vendors. In essence we need people who are visionary and have Creswell pride. The Airport needs water and sewer available and until those services are provided at the Airport, their hands are tied.

Larry Lowenkron reported the Airport Commissions priorities for the Focus of the Airport:

- Infrastructure – water and sewer
- Explore what we could do as a joint venture with FEMA
- Create a Visionary Team
- Hangars/New business growth

The Airport Commission recommended the Mayor/Council appoint an Ad Hoc Committee to serve as a Visioning Team for the Airport. Commissioner Vorhees volunteered to compose the qualifications of committee members, and a suggested charge for the committee; they would like to build a team of visionaries for the Airport.

Mayor Stram asked the Airport Commission to submit their recommendations on the member qualifications and charge by the beginning of September in order for him to issue a charge.

The joint meeting adjourned at 8:11 pm.

Airport Rules

Ms. Humble addressed the Council explaining that in 2015, Mayor Stram charged the Airport Commission to review and update the City of Creswell Hobby Field Airport Rules and Regulations and Minimum Standards for Commercial Activities. The Commission, City Attorney Ross Williamson and State Fire Marshall Kristina Deschaine have all reviewed and provided their input which has been included in the draft copy of the Airport Rules included in the packet. Ms. Humble addressed and responded to questions from the Council.

Page 14, Section B – Holding Special Events

Ms. Humble was asked about the timeframe for written requests to hold a special event at the Airport. Ms. Humble explained that requests are required three weeks prior to holding an event depending on the amount of guests. This timeframe provides enough time to make sure everything is in place prior to the event; she also noted that she can be somewhat flexible on that requirement.

Page 18, 7.01 Fueling or Re-fueling of Aircraft

Ms. Humble was asked if there are any issues with anyone fueling their aircraft themselves on the Airport. Ms. Humble responded that you cannot legally stop them from fueling on Airport property but this section stating that Airport users need to check in with the manager prior to fueling or re-fueling themselves will provide an outlet to make sure they are aware of the rules.

Exhibit C – Hobby Field Runway Crossing Procedures

It was requested that the effective date of the procedures be placed on the document. Ms. Humble said she would be happy to oblige.

The council gave their consensus to place the adoption of the Airport Rules on the July City Council meeting agenda.

Discussion Items

Marijuana Ordinance – Repeal Current Ordinance; Consider Tax on November Ballot – City Attorney Ross Williamson

Mr. Williamson addressed the Council posing the question as to whether or not to tax marijuana should the ballot measure to ban marijuana dispensaries/licenses fail at the November election. Since the 2014 adoption of Ordinance 484, An Ordinance Establishing a Tax on the Sale of Marijuana and Marijuana-Infused Products in the City of Creswell, the Oregon Legislature has adopted ORS 475B.345 which allows cities in Oregon to impose a three percent tax on retail recreational marijuana sales if it is approved by the voters of the City in November at the general election. With the adoption of ORS 475B.345, it prohibits cities from imposing all other taxes and fees on the production, processing, or sale of marijuana which makes Ordinance 484 unenforceable. Mr. Williamson explained should the Council choose to enact a measure for the ballot on marijuana tax, the City would have two measures regarding marijuana; one to ban it and one to implement a local tax on recreational marijuana. He continued by saying the tax would give the City an opportunity to receive some revenue from those sales should the ban fail. It is believed at this time that the Department of Revenue will collect the three percent city tax as well as the seventeen percent state tax; they are working to develop an Intergovernmental Agreement that could

include an administration fee required for the collection; the administration free would relieve the city from that administration burden.

A discussion ensued as to whether the collected tax money could be earmarked for specific projects such as Public Safety or would it be placed in the General Fund. Mr. Williamson explained that the way it is drafted now it would go into the General Fund, although City of Veneta is looking to earmark theirs at fifty percent for law enforcement and fifty percent for parks and recreation. At this time the amount of tax money that will be received is unknown.

The Council gave their unanimous consensus to:

- Put an Ordinance on the July City Council Agenda to repeal Ordinance 484
- To include on the July City Council Agenda, A Resolution that puts an Ordinance to the voters that proposes a three percent tax on recreational marijuana for the November Ballot

Further discussion ensued regarding that the tax dollars be placed in the General Fund and during the budget process the budget committee could earmark the funds as they so choose. Ms. Amberg noted that at the last Finance Committee meeting they discussed using the sin taxes (alcohol, cigarette, marijuana etc.) to fund the Community Contributions Fund.

Waste Water System Facilities Plan – Westech Engineering

Chris Brigarto and Denny Muchmore from Westech Engineering addressed the council to give a brief power point on the wastewater facilities plan review. Since their presentation at the April work session, they have received feedback and came up with a few changes to the plan that they would like to share and talk about moving forward.

Changes to the document:

- Clarified a misstatement: In several locations throughout the document it states that the Emerald Valley Treatment Facility discharged treated effluent onto the golf course; which never actually occurred.
- Added a facilities plan amendment project to CIP in the event the city chooses to move forward in taking ownership of the Emerald Valley system
Westech recommended that prior to moving forward with the acquisition of the Emerald Valley System (a priority 2 improvement – budgeted at \$20,000) the City should look at the treatment plant, disposal system, and pump stations to come up with a list of capital improvements for those projects. They are currently not included in the document as the City does not own the system.
- Added additional language for Airport Alternatives (services)
 - Three Airport Alternatives Considered
 - Installing a pump station to pump across the freeway to the City’s existing system (Alternative A-1)
 - A gravity sewer extension to the Emerald Valley system (this is the recommended alternative) (Alternative A-2)
 - Commercial on site system with a drain field, septic system and treatment (Alternative A-3)

Mr. Brigarato reported that the next step is to submit the document to the DEQ for review and approval. After DEQ approval, the plan will come before the Council for adoption. He recommended the Council direct staff and Westech Engineering to submit the document to the DEQ to begin the approval process.

A discussion ensued regarding work force statistics for the Airport, the size of system needed to handle the flow from the airport and the need to be looking at the long term growth and planning for the future.

Audience member, Jenny Carmichael asked for clarification on how the amendments were put together; would there be intent to drain the sewer from the Airport to the Emerald Valley system in its current condition? Mr. Brigarato said DEQ is taking the position that they will not approve any extensions of the Emerald Valley system until the owners of that facility correct their issues. Ms. Carmichael presented a letter from the Board of Directors of the Emerald Valley Homeowners Association thanking the Council for listening to them as they feel heard and the amendment Westech put together addresses their concerns based upon development on the east side without adequate attention to the sewer system. They are glad that the DEQ will be looking at the situation and work towards corrections needed.

Mayor Stram with the unanimous consent of the Council directed Michelle Amberg to direct Westech Engineering to submit this document to DEQ to begin the approval process.

Bald Knob Site Investigation Results – Phase I and II – Maddie Phillips

Ms. Phillips gave a brief presentation on the Bald Knob Site Assessment and Investigation results.

- Phase I – Historical review of all the uses of that property (from orchard to Bald Knob Mill)
- Phase II - Site investigation and testing

Both phases of the environmental site assessments were paid from a \$59,000 grant received from Business Oregon. The City recruited Amec Foster Wheeler Environment & Infrastructure, Inc. to complete the assessments.

Phase I revealed that previous investigations have been performed on this site (2005, 2008 and 2009) but are no longer current. It looked at all the historic uses and existing conditions from buildings to what type of materials may have been used on the property to the current septic system. It was the recommendation from the consultant to continue with Phase II of the site assessment to identify presence of contaminants that may exceed DEQ's screening levels.

Ms. Amberg noted that the Bald Knob property is not owned by the city; therefore we could only complete work that the property owner would allow; there may be additional testing that will be required at a later time. The intent of this project was to dispel or confirm rumors that the property was contaminated or not suitable for future development.

Phase II sought to identify the areas contaminants that can be received by different environmental contacts and receptors. The testing included sampling soil and groundwater, sediment and surface water. There were fifteen to seventeen boring samples taken in five foot segments, fifteen feet below surface level. Each segment was screened for human and ecological risk, primarily for risk of exposure to receptors.

Ms. Phillips reported the concerning results from the Phase II assessment related to a number of different areas: human health risks, ecological risks and overall bioaccumulation compounds. The large concerns are dioxins and furans; they are unstable compounds that result from the burning of wood waste. She reviewed various sampling locations and the results of those areas.

The consultant concluded that the results are typical concerns for a site that has been used as a mill for a long period of time but there are a lot of good solutions that come from a redevelopment of a property. DEQ tends to work with perspective redevelopers to provide economical or cost effective ways to redevelop the property.

Ms. Phillips said the city is in anticipation at some point that a cap be installed over the existing sediment and/or contaminants in a way to keep them from becoming further disrupted. Ms. Phillips also noted that the outfall of the Mill Race (Hill Creek) connects with Garden Lake Park, and expressed that there has been a lot of concern lately as to why the water at the park is not of great quality.

A discussion ensued regarding funding sources to help clean up the property. Ms. Phillips said there is not funding available for clean-up and mainly the responsibility falls upon the owner; at this time the site is not contaminated enough for any action to be taken against the owners. The discussion continued by Councilor Zettervall asking if the environmental contaminants that are present on the site prevent development of the property without some sort of remediation or capping process. Ms. Phillips explained that in order for the site to be sold, some level of DEQ intervention would be required as to what contaminants are present and to what extent they exist. This report is exploratory in nature and provides the City with enough information to know that there are contaminants on this site and the possible places they may exist. The next step of the process is to examine the amount of contaminants that are present and to what extent they need to be remediated.

Ms. Amberg noted that she had a conversation with the DEQ earlier in the day in regards to the uncooperative nature of the land owner and the idea of removing this site from our taxable land inventory so we could move forward in identifying another site for industrial development within Creswell. Now that we have completed Phase I and II, issues have been identified and the property cannot be sold or developed without those issues being addressed.

Further discussion continued on the condition of the property and how the owner is unwilling to work with the city on cleaning it up.

Ms. Amberg noted the next step is up to the property owners. The city can begin working towards some cleanup of the property through code enforcement citations. The results of the assessment were shared with the Department of Fish and Game who have removed Garden Lake Park as a fishable lake.

Audience member, Rick Nelson, trucking company owner, addressed the Council to say he has made offers on the Bald Knob property twice. His company would bring one hundred fifty employees into Creswell but the owner is uncooperative; he wants full price and sixty days due diligence selling the property as-is.

Update to Contracting Rules – Jim Piper

Finance Director Jim Piper addressed the Council to present the annual update to Public Contracting Rules. He noted these updates are for 2016 as a result of legislative changes. He will be bringing forth a resolution at the July meeting that will adopt the changes to the rules.

- Addition of photogrammetric mapping and transportation planning service providers to the professions covered by Division 48
- Solicitations for professionals governed by Division 48 must now be based solely upon qualifications, not cost, for contracts with estimated service fees over \$100,000
- Prevailing wage/BOLI statutes now more clearly require the payment of the higher of state or federal prevailing wages, for projects where both apply.
- The increase in the small procurement threshold for goods and service contracts from \$5,000 to \$10,000
- As of July 1, 2014, public entities no longer may undertake Construction Manager/General Contractor (CM/GC) contracts pursuant to their own rules. Instead, all public contracting agencies must follow the Attorney General’s CM/GC Model Rules.
- The determination of responsibility for goods and service contracts now requires a bidder’s or proposer’s demonstration of compliance with Oregon tax laws.

The Council gave their consensus to place this on the August City Council agenda and after holding a public hearing to receive public input they will take action to adopt the changes to the Public Contracting Rules for Creswell.

League of Oregon Cities 2017 Legislative Priorities – Michelle Amberg

Each year the League of Oregon Cities surveys City Councils around the State in order to create a focused set of specific legislative targets that reflect the issues of greatest importance to cities. The LOC policy committees have compiled twenty-nine proposals for Councils to review and discuss in order for them to adopt their 2017 legislative agenda. The LOC is looking for the Council’s top four priorities of those presented.

Councilor Zettervall declared a possible potential conflict of interest as his wife receives PERS.
Councilor Heyman declared a possible potential conflict of interest on Veterans Preference Clarifications.
As an end result to a discussion on possible conflicts, Mayor Stram recommended that the Council review the legislative priorities brought forth by the LOC and be ready to discuss them at the July meeting.

Ms. Amberg was asked to reveal what she felt were the top eight priorities that would affect the city the most. She responded:

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| C – DOGAMI Disaster Mapping | D – Floodplain Technical Assistance |
| H – Property Tax Reform – Market Value/Local Control | I - Property Tax Reform – Fairness and Equity |
| L – Marijuana and Vaping Taxes | M – Restore Recreational Immunity |
| W – Franchise Fees | Z – Transportation Funding and Policy Package |

Ms. Amberg asked the Councilors to email her their top four choices in preparation for discussion at the July meeting.

Mayor Stram announced the regularly scheduled City Council meeting for July has been rescheduled for July 7th.

Adjournment

There being no further discussion, Mayor Stram adjourned the work session at 9:50 pm.

*Signature on File

Dave Stram, Mayor

*Signature on File

Roberta J Tharp, City Recorder