

Council Present:

Richard Heyman  
Dave Stram

Gary Mounce  
Richard Zettervall

Staff Present:

Michelle Amberg  
Roberta Tharp  
Cliff Bellew  
Shelley Humble  
Jim Piper  
Sgt. Billy Halvorson

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

Council Absent: 1 Jane Vincent - excused  
Press: 2 Creswell Chronicle – Scott Olson  
Register Guard – Mohammed Alkhadher  
Audience: 12

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**

- Barbara Spencer, Creswell resident addressed the Council to share her concerns about the proposed levy for policing services. The Spencer's have lived in Creswell for twelve years, are retired and living on a fixed income. She noted that a variety of utilities are on the rise and she feels it is becoming too expensive to live in Creswell.
- Anne O'Connell, Creswell resident addressed the Council thanking them for their partnership with the School District over the past seven years and their support for their Earth Day Celebration.
- John O'Connell, Creswell resident addressed the Council speaking about his concerns and frustrations with the Bald Knob site. He is concerned about how it is becoming an illegal dump site as well as the leaching toxic chemicals off of the property. He would like to see some action to prevent further pollution and ground contamination.

**Mayor's Report**

- Charge to Administration Committee  
With a unanimous consensus Mayor Stram issued the Administration Committee the following charge: Meet with Judge Palmer and negotiate a new Personal Services Contract for his services as our Municipal Judge; discuss day court versus night court with Judge Palmer. The committee is to present the negotiated Contract for the City Municipal Judge to the Council at the September work session and provide a report on the discussion of day court versus night court.
- (Addition to the Agenda) - Changes to the Agenda  
Mayor Stram noted adjustments to the Agenda
  - Agenda item 6 F – Correcting Scrivener's Errors on the LB-1 Form for the adopted Budget to be heard under 5 – B; Administrative Report
  - Agenda item 6 A – Liquor License Application Approval – Marquess Properties LLC, dba Meadowlark RV Park will be tabled until the next meeting; application is not ready to be acted on.

Mayor Stram continued by saying some of the items on tonight's agenda are time sensitive and should be heard this evening while others can be moved to another meeting and asked for Council discussion on this matter.

After a brief Council discussion, Councilor Heyman moved that the Council table items 6 B – Adoption of Ordinance No. 499, 6 C – Adoption of Ordinance No. 500, and 6 H – Adoption of Ordinance No. 501 until the July 25, 2016 Special Meeting. The motion died for a lack of a second.

Councilor Zettervall moved, Councilor Mounce seconded that Agenda Items 6 B – Adoption of Ordinance No. 499, 6 C – Adoption of Ordinance No. 500, and 6 H – Adoption of Ordinance No. 501 be moved to the August 8, 2016 City Council meeting. Discussion was held regarding the timing of these items and that they are all administrative actions. Councilor Zettervall revised his motion to have the Council take action on agenda items 6 B and 6 C and move agenda item 6 H, Ordinance No. 501 – Airport Rules and Regulations to the August 8, 2016 meeting. Councilor Mounce seconded the revision. Councilor Heyman requested to hear from Airport Manager Shelley Humble for her thoughts on tabling the agenda item 6 H until the August meeting. Ms. Humble noted that the Airport Commission has been working on the rules and regulations for over a year. The Airport

Commission has made their recommendation to the Council and at the work session where they were presented to the Council, it was a unanimous decision to bring them forward to this meeting.

Councilor Mounce noted that there have been numerous discussions on the Airport Rules and Regulations and he feels it is time to move forward. He is in support of taking action on agenda item 6 H this evening. Voted on and the motion carries with Councilors Mounce, Heyman and Zettervall voting in favor and Mayor Stram voting in opposition.

- Mayor Stram announced a July 14<sup>th</sup> celebration to be held at Hobby Field Airport for the commissioning of the AWOS and the 50<sup>th</sup> birthday of Hobby Field. The celebration will be held in the EAA building beginning at 4:00 pm.
- Mayor Stram announced that he is calling a Special Meeting to be held on July 25<sup>th</sup>, prior to the work session at 6:00 pm. The agenda items for the Special Meeting include approval of a liquor license and to interview an applicant (Scott Fenley) to fill one of the council vacancies.

### **Correspondence**

- Mayor Stram asked Ms. Humble to provide an update on the Bald Knob mill property.  
Ms. Humble reported that Ms. Amberg began the code enforcement process on Bald Knob by sending a letter to the owners of the property; and to date the City has not received any information in response from them. Ms. Amberg said this is an ongoing project; the City now has a Phase 1 and 2 Environmental Report on the subject property. The reports identify zinc is leaching off the roofs into the water supply; dioxins and furans are also present in the water supply. The city is working with the DEQ and the State Fisheries in order to abate the problem and obtain ownership of the waterway to create a biological filter as a project for the School District. Ms. Amberg said she has met with the Watershed Council and notified the fisheries that the fish could have levels of contamination and they will be removing Garden Lake Park from their list of fishing spots. She continued by saying the city is working with the property owner and will be stepping up our enforcement on the site. Staff has been working on an extensive code enforcement policy that will assist with the handling of enforcement issues. Staff has also been working with a couple of developers interested in obtaining the property.
- Ms. Humble passed out invitations to the Airport celebration to be held at Hobby Field on Thursday, July 14<sup>th</sup> for the commissioning of the new AWOS system and Hobby Field's 50<sup>th</sup> Birthday.
- Mayor Stram asked about the case on "A" Street  
Ms. Humble explained that she has been working on an alley issue; a carport was erected within the public right-of-way.

### **Consent Calendar**

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

### **Administrative Report**

#### Administration – Ms. Amberg

- Work Plan Update  
Ms. Amberg presented her updated work plan noting that she has included the strategic plan and identified projects that need to be completed. She pointed out that goal number six: Other Activities not included in the Strategic Plan are projects that are being worked on by Staff and Council.
- Scriveners Errors –  
Ms. Amberg noted that staff is required to bring forth in testimony and writing to the Council discrepancies discovered in the budget LB 1 Form.  
Jim Piper, Finance Director addressed the council explaining the errors are related to the beginning fund balance from the Sewer SDC funds correcting prior years' transfers to the Sewer Capital Projects Fund. Also, the Budget Committee approved an additional \$300k to Capital Outlay in the Parks SDC Fund that was not on the published LB-1 form. These are errors in a published document. They do not change the expenditures, revenues or taxes approved by the Budget Committee. Mr. Piper apologized for the errors and noted the forms will be reviewed more closely against the approved budget and proposed draft resolution to adopt the budget prior to going to the newspapers for publication.

### **Council Action Items**

Liquor License Application Approval – Marquess Properties LLC, dba Meadowlark RV Park  
This item was removed from the agenda and will be heard at a Special Meeting on July 25, 2016.

Ordinance No. 499 – An Ordinance Repealing Ordinance No. 484 An Ordinance Establishing a Tax on the Sale of Marijuana and Marijuana-Infused Products in the City of Creswell and Repealing Chapter 3.45 of the Creswell Municipal Code

Ms. Amberg explained that after the Council adopted Ord 484 on October 27, 2014, the Oregon Legislature adopted ORS 475B.345 which prohibits cities from imposing their own tax rate but which allows cities to impose a three percent sales tax on retail recreational marijuana if that tax is approved by the voters at the November 2016 election.

Councilor Zettervall moved and read twice by title, Councilor Heyman seconded that the City Council adopt Ordinance 499, An Ordinance Repealing Ordinance 484, An Ordinance Establishing A Tax on the Sale of Marijuana and Marijuana-Infused Products in the City of Creswell and Repealing Chapter 3.45 of the Creswell Municipal Code. Voted on and the motion carries unanimously.

Ordinance No. 500 – An Ordinance Implementing the Codification of the Creswell Municipal Code by Clarifying the Repeal of Certain Obsolete Ordinances

Ms. Amberg noted Ordinance 500 is a housekeeping Ordinance to clean up some obsolete ordinances discovered during the codification process.

Councilor Heyman moved and read twice by title, Councilor Zettervall seconded to adopt Ordinance 500, An Ordinance Implementing the Codification of the Creswell Municipal Code by Clarifying the Repeal of Certain Obsolete Ordinances as presented. Voted on and the motion carries unanimously.

Discussion – Draft Resolution No. 2016-XX, A Resolution Calling An Election on November 8, 2016, to Refer to the Voters of the City of Creswell, Oregon, A Tax on Retail Sales of Recreational Marijuana in the City of Creswell and Adopting a Ballot Title and Explanatory Statement

Ms. Amberg noted that due to the rescheduling of the July Council meeting, some agenda items were put together prior to having a recommendation or direction from the Council. At the last work session, the Council directed staff to bring forward a resolution that would place a three percent marijuana tax on the November ballot which is now allowed by state statute. A draft resolution and ordinance compiled by the City Attorney is included in the packet and up for review, discussion and comments. Ms. Amberg explained that this agenda item is time sensitive because of election deadlines and will be placed on either the July Special Meeting or the August regular meeting agenda for Council action; she asked for feedback from the Council.

Councilor Zettervall noted that the Council has discussed this topic in great length and he feels the best option is to direct staff to move this from a discussion item to an action item in order to meet deadlines to get it on the November ballot.

Councilor Heyman expressed that he would prefer to wait until the next meeting.

Councilor Heyman moved to delay action on the draft resolution and ordinance presented tonight to the next city council meeting. A discussion ensued regarding changes/amendments and the need for attorney review prior to placing this on the ballot. Ms. Amberg noted that she would not recommend passing draft ballot language that has not been reviewed by our attorney should the Council have amendments. She continued by saying if the Council reviews this and has issues prior to the next meeting, you could contact her and she could relay the revisions on to the attorney. Ms. Amberg noted she would need any requests for amendments by Monday. Ms. Amberg suggested placing this agenda item on the July 25<sup>th</sup> work session agenda for discussion and then for action on the August 8<sup>th</sup> agenda. The motion dies for a lack of a second.

Councilor Mounce expressed his concerns regarding the time frame.

Mayor Stram moved Councilor Zettervall seconded to postpone item 6 D to the July 25<sup>th</sup> Work Session for Council discussion and that it be placed on the August meeting agenda for action. There being no further discussion the Council voted on the motion and it carries unanimously.

Discussion – Draft Resolution No. 2016-XX, A Resolution Calling an Election on November 8, 2016 to Refer to the Voters of the City of Creswell, Oregon, a Public Safety Levy in the City of Creswell and Adopting a Ballot Title and Explanatory Statement

Ms. Amberg said tonight we are looking for a direction as to what to place on the ballot.

Councilor Zettervall reviewed the four options brought forward by the Public Safety Committee:

- Option A: Keep staffing at 3 deputies and ½ sergeant, repeal the public safety fee collected via the utility bill and instead collect the revenue via property tax. (proposed \$0.41 per thousand of assessed value)

- Option B: Increase staffing to 4 deputies and a full time lieutenant who would serve as Creswell's Police Chief, repeal the public safety fee collected via the utility bill and instead collect needed revenue via property tax. (proposed \$1.37 per thousand dollars of assessed value)
- Option C: Provide guaranteed 24 hour, 7 days a week police coverage by increase staff to 6 deputies and a full time lieutenant who would serve as Creswell's Police Chief, repeal the public safety fee collected via the utility bill and instead collect needed revenue via property tax. (proposed \$2.41 per thousand dollars of assessed value)
- Option D: Spread staffing increases over a 5 year period so that you end up with guaranteed 24 hour, 7 days a week police coverage with 6 deputies and a full time lieutenant who would serve as Creswell's Police Chief, repeal the public safety fee collected via the utility bill and instead collect needed revenue via property tax. (proposed \$1.85 per thousand dollars of assessed value)

Ms. Amberg noted the Council has discussed this item numerous times and tonight the Council will need to discuss and provide direction to staff as to whether or not to place a levy on the November ballot and if so, which option the Council feels is best for Creswell.

A discussion ensued regarding the effect of this levy on the commercial businesses. Ms. Amberg explained that would depend on the assessed value of their property.

Councilor Zettervall explained the average median price home in Creswell is \$184,000 and reviewed the annual increase per home based on this value:

- Option A – annual increase would be approximately \$75
- Option B – annual increase would be approximately \$252
- Option C – annual increase would be approximately \$444
- Option D – annual increase would be approximately \$340

Councilor Zettervall continued by noting that if a levy is passed, the levy would replace the Public Safety Fee on the Utility Bills; upon failure of a levy the Safety Fee will continue. He noted that this is a decision that the voters will have to make in molding the future for Creswell.

A discussion ensued regarding how this levy will affect the prospect of new businesses coming to Creswell. Ms. Amberg explained that the more value there is in the property, the more you will pay in taxes.

Sgt. Halvorson explained that staffing on Option B (four deputies) would create some gaps in coverage while Option D (six deputies) would create some overlapping in coverage near the end of the levy.

A discussion ensued regarding the timeline for placing a levy on the ballot. Ms. Amberg reminded them that what she is looking for is whether or not the Council feels they are ready to place a levy on the November ballot and if so, what option does the Council want to consider. This will help her get the required information to the city attorney in order to draft the correct ballot language. It can be reviewed at the July work session and then placed on the August agenda for action.

Mayor Stram noted his concern regarding the feedback from the public. He noted the Council has heard comments that the citizens would like to vote on this and have the public safety fee removed from the utility bill. He continued by saying in terms of getting how much coverage and how much folks are willing to pay, the Council has struggled to receive those comments. By placing this on the ballot, it should generate conversation and hopefully the citizens will let the Council know where they stand. Mayor Stram voiced his support for Option D and would like Ms. Amberg to bring to the July work session the ballot language for that option. He noted that option D would gradually increase the police department and it is the less expensive option.

Councilor Zettervall said he has worked on this for quite some time, and is very much in favor of Option D also. He supports the cost effectiveness of option D as well as the gradual increase and the immediate effect.

Councilor Heyman asked about patrol cars and how they can be identified as a one-time expense. Sgt. Halvorson said the life expectancy of patrol cars is on a six year cycle. To add additional deputies, you will need to factor in the vehicles; the replacement cost is built into the contract fees. Ms. Amberg clarified that patrol cars are not a one-time expense; it is an upfront expense that will be built into the contract.

Discussion continued on the dollar amounts proposed for each option. Ms. Amberg explained that when you pass a levy it needs to be passed so that the maximum amount you will need is available. The levy would be a limit and then if you find that you are not expending that amount you can lower the levy. Ms. Amberg said she is confident in the numbers presented tonight but no one can predict the future. With the Public Safety Fee, commercial users as well as residential users will pay by the same amount regardless of property value. Ms.

Amberg also noted that during the strategic planning process, the Council identified Creswell as a small town and a good place to raise your children and how safety marries into this identity.

Mayor Stram asked the Council to provide their input regarding whether or not to put a levy together:

Councilor Mounce: He feels that public input is very important and there has been time and opportunity for that. At some point, the citizens should look to the Council for leadership and it is now time to move forward and place this on the ballot letting the voters decide. He noted that the difference between option B (four deputies) and D (gradual increase to six deputies) would be an additional \$0.50 per thousand.

Councilor Zettervall: Supports option D

Councilor Heyman: Supports option A

Councilor Mounce: Supports option D

Mayor Stram: Supports option D

Mayor Stram directed Ms. Amberg to have ballot language for option D prepared for discussion at the July 25<sup>th</sup> work session in order for the Council to take action at the August 8<sup>th</sup> meeting.

Councilor Heyman requested to have an estimated amount of revenue that commercial businesses would generate through the levy be provided. Ms. Amberg said this is a very large request and will take a lot of staff time; and we have also just begun the audit process. The Council failed to give their consent to have staff prepare the requested information.

Mayor Stram asked about the loss of revenue from Public Safety Fee by the Airport users. Ms. Amberg noted that we would have to pass that along as a budget item. If the levy were approved, we wouldn't make any staffing changes right away except increasing the Sergeant to full time so we can begin the leg work that would be required to kick off a new staffing level on July 1<sup>st</sup>. However, we would not begin collecting any funding from the levy until the following November. There would be a year's lag between when the vote is cast and we would begin collecting the money.

Mayor Stram asked at what point does the Public Safety Fee be disappear if the levy is passed by the voters. Ms. Amberg noted that this would need to be part of the ballot language and her recommendation would be July 1<sup>st</sup>.

#### Correcting Scrivener's Errors on the LB-1 Form of the Adopted Budget

This agenda item was heard earlier in the meeting under City Administrative Report.

#### League of Oregon Cities 2017 Legislative Priorities

After much discussion Councilor Zettervall moved and Councilor Mounce seconded that the City Council direct the City Administrator to respond to the League of Oregon Cities Legislative Priorities Survey with the following four recommendations for the City of Creswell:

D – Floodplain Technical Assistance

H – Property Tax Reform – Market Value/Local Control

M – Restore Recreational Immunity

Z – Transportation Funding and Policy Package

Voted on and the motion carries unanimously.

Ordinance No. 501 – An Ordinance Adopting the Rules and Regulations of Creswell Airport Hobby Field and Repealing Ordinance No. 409 and Ordinance No. 450 and Declaring an Emergency

This agenda item was tabled until the August City Council meeting.

Mayor Stram reminded everyone of the Lane County Landfill Community Forum scheduled for July 27, 2016 beginning at 5:30 pm in the Community Center.

#### **Adjournment**

There being no further discussion Mayor Stram adjourned the meeting at 9:17 pm.

Signature on File

Signature on File

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Dave Stram, Mayor

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Roberta J Tharp, City Recorder