

**MINUTES FOR THE REGULAR MEETING  
ASHLAND CITY COUNCIL  
February 7, 2017  
Council Chambers  
1175 E. Main Street**

**CALL TO ORDER**

Mayor Stromberg called the meeting to order at 7:00 p.m. in the Civic Center Council Chambers.

**ROLL CALL**

Councilor Slattery, Morris, Seffinger, and Rosenthal were present. Councilor Lemhouse was absent.

**MAYOR'S ANNOUNCEMENTS**

Mayor Stromberg announced vacancies on the Airport, Historic, Transportation, Tree, and Wildfire Mitigation Commissions.

**Councilor Slattery/Seffinger m/s to add Council position #6 to the agenda under Other Business From Council Members/Reports From Council Liaisons. Voice Vote: all AYES. Motion passed.**

Mayor Stromberg explained Interim City Administrator John Karns had done so well that he wanted to extend his tenure as Interim to the end of 2017.

**Councilor Morris/Seffinger m/s to add Interim City Administrator John Karns' extension to the end of 2017 to the agenda under Other Business From Council Members/Reports From Council Liaisons. Voice Vote: all AYES. Motion passed.**

Mayor Stromberg asked Council to consider the matter now instead of the end of the meeting.

**Councilor Seffinger/Rosenthal m/s confirm the extension of John Karns as Interim City Administrator to the end of the year. DISCUSSION:** Council Seffinger thought Mr. Karns had done a great job and wanted to see him continue. Councilor Rosenthal concurred and noted Mr. Karns' high degree of professionalism in his role as Fire Chief and Interim City Administrator. He had changed the culture in the City in a positive way. **Voice Vote: all AYES. Motion passed.**

**APPROVAL OF MINUTES**

The minutes of the Executive Session of January 10, 2017, Business Meeting of January 17, 2017, Study Session of January 23, 2017, and Executive Session of January 23, 2017 were approved as presented.

**SPECIAL PRESENTATIONS & AWARDS**

The Mayor's proclamation of February 2017 as Child Trafficking Awareness Month was read aloud.

**Caleb LaPlante/436 NE Baker Drive/Grants Pass, OR/Represented Abolish Child Trafficking (ACT) Southern Oregon and Rotary International.** He was the state coordinator for Rotarians Against Slavery. Over the past year, two cases were prosecuted locally and the region experienced its first federal prosecution. Last year, Rotary Clubs in the Rogue Valley brought a photo exhibit called **More than a Survivor**, for showings at Southern Oregon University, the Rogue Valley Mall, and Grants Pass. He thanked Council and offered his agency's services.

**Councilor Slattery/Morris m/s to move Council position #6 under Other Business From Council Members/Reports From Council Liaisons to Unfinished Business. Voice Vote: All AYES. Motion passed.**

## **PUBLIC FORUM**

**Dave Hyde/616 Normal Avenue/**Submitted a document into the record of a list of people supporting changing the name of Dead Indian Memorial Road to Indian Memorial Road. He sought support from Council when he went to Salem, OR to change the name.

Mayor Stromberg suggested Mr. Hyde contact a councilor and ask them to create a resolution. Councilor Slattery was not comfortable using the term Indian in Indian Memorial Road and suggested more people be involved choosing the name. He agreed to work with Mr. Hyde.

**Crystal Sosa/2895 Highway 66 Ashland/**Explained her utility bill increased this past month from \$474 to \$744. She found through social media several Ashland citizens and others throughout the Rogue Valley had similar experiences. This was a huge increase for her. Utility companies in the valley told customers the dramatic increase was due to the cold snap in December but she was not sure that was the case.

Mark Holden, the director of the Electric Utility confirmed there were higher utility bills during the wintertime due to the weather. Three factors affected winter electric bills. The weather was seven degrees colder this past December and January than at the same time last year. This past December had 20 days below average. The previous December had four days below average. The second factor that might result in a higher bill could be weather conditions delaying meter reading. In that case, a bill covered a longer period and subsequently increased cost. The next bill would reflect a shorter billing cycle. The third factor was weather conditions or service locations that required the utility to estimate bills. In Ashland, the issue was the cold weather. There were no delays in reading meters or cause to estimate any bills. The City had not increased rates since July 1, 2015. The greatest impact on utility bills was the weather and customer usage.

The City sponsored three programs, one for seniors and disabled citizens, the Ashland Low Income and Energy Assistance Program and the Emergency Heat Assistance program. All programs required citizens to apply and meet the qualifications to be eligible for those plans. The Conservation Division provided energy audits, recommendations to cut down consumption, and weatherization programs. It was rare for a mistake to occur in meter reading. Customers could request a second reading on their meter to ensure it was accurate. Mr. Holden would follow up with Utility Billing on whether the City offered an averaging option.

**Louise Shawkat/870 Cambridge/**Was in favor of the 10x20 law passed by Council last year and was pleased to see the City gathering the necessary data and hiring a firm to fulfill the request for proposal (RFP). It would provide responders to the RFP important information.

**Huelz Gutcheon/2253 Hwy 99/**Noted Council Chambers or the courtroom was a room of punishment. The Siskiyou meeting room in the Community Development building was a place that added more people to town. He suggested holding meetings in different environments that would generate innovative solutions. Ashland could have the world's first multi mobile city council.

## **CONSENT AGENDA**

- 1. Approval of minutes of boards, commissions, and committees**
- 2. Endorsement of Ashland Community Hospital Foundation for the purpose of hanging a banner**
- 3. Authorization to extend liability insurance consulting services contract for a period of one year**
- 4. Extension of employment agreement for Interim Administrative Services/Finance Director**
- 5. Approval of contract with Gordon Huether, public artist for the Theater Corridor project**

Councilor Rosenthal pulled Consent Agenda #5 for discussion. Public Arts Commission (PAC) Chair

Sandy Friend explained the Commission sent out a request for qualification (RFQ) and received 28 submittals narrowed down to four artists through several public meetings. PAC selected Gordon Huether based on his 20 years of public art experience. He would be in Ashland February 23-25 to meet with PAC, visit the site, and gather input during a public meeting on February 24, 2017. He would return in August with two concepts for the corridor. At that time, PAC would have a special selection panel review the concepts with PAC bringing their recommendation to Council in September. PAC Commissioner Margaret Garrington further explained the library currently had a display for the public to provide input to the artist. Those questions were on the City website as well. PAC also put up posters throughout town. The walls on either side of the corridor were privately owned and not a part of the art installation. Commissioner Laurel Merchant noted Mr. Huether was very interested in public input.

Commissioner Garrington addressed why PAC did not award the project to a local artist and noted there were many fine artists from the area. However, in this respect in a public art realm, they found the local artists that applied could not provide the kind of experience PAC was seeking for this specific project. The Commission was looking for artists who had completed public art projects suitable for the outdoors within the allocation amount designated for the project. PAC wanted the best possible artist for the job and was cognizant of using citizen and city funds.

**Councilor Seffinger/Morris m/s to approve the Consent Agenda Items. Voice Vote: all AYES. Motion passed.**

### **PUBLIC HEARINGS**

**1. Public Hearing and first reading of an ordinance titled, “An ordinance amending the Flood Plain Corridor Lands map referenced in Chapter 18.3.10 of the Ashland Municipal Code, and, adopting the Federal Insurance Administration’s April 5, 2017 Flood Insurance Study and accompanying Flood Insurance Rate maps for Jackson County Oregon and incorporated areas” and move to second reading.**

Senior Planner Brandon Goldman explained property owners along the 5.4-mile stretch of Neil Creek outside of city limits initiated the update. They worked with Jackson County to have the flood insurance study updated to accommodate their properties. It came to the City because a small section of Neil Creek ran through Ashland. Staff notified the less than ten property owners within the City’s jurisdiction to give them an opportunity for comment. Property owners along Ashland Creek, Hamilton Creek, Clay Creek, and Bear Creek flood plain corridors could approach FEMA to amend the flood insurance study map as well.

The flood plain expanded to the airport primarily where Neil Creek crossed under Dead Indian Memorial Road and would affect some hangars. Alternately, there were other areas on the airport property with a significant reduction in what was currently flood plain to the west of the runway along Neil Creek.

Adopting the flood insurance study and rate maps allowed the City to participate in FEMA’s program and any residence within the city’s jurisdiction that obtained flood insurance received a 15% reduction in rates.

**Public Hearing Opened: 7:45 p.m.**

**Public Hearing Closed: 7:45 p.m.**

**Councilor Morris/Slattery m/s approval of first reading by title only of an ordinance titled, “An ordinance amending the Flood Plain Corridor Lands Map referenced in Chapter 18.3.10 of the Ashland Municipal Code, and, adopting by reference the Federal Insurance Administration’s April 5, 2017 Flood Insurance Study and Flood Insurance Rate maps for Jackson County and incorporated**

areas” and move to second reading. **Roll Call Vote: Councilor Rosenthal, Seffinger, Morris and Slattery, YES. Motion passed.**

### **UNFINISHED BUSINESS**

#### **1. Appointment Process for Council Seat Position R6**

City Recorder Barbara Christensen explained during the previous night’s Study Session Council selected their top candidates via ballot. The ballot allowed Councilors to make their preferences without influence from others and remain transparent. Results narrowed the candidate pool to the following:

- Traci Darrow received 5 votes from Councilor Slattery, Morris, Lemhouse, Seffinger and Rosenthal
- Shaun Moran received 5 votes from Councilor Slattery, Morris, Lemhouse, Seffinger and Rosenthal
- Tonya Graham received 3 votes from Councilor Slattery, Rosenthal, and Morris
- Gina DuQuenne received 3 votes from Councilor Slattery, Seffinger, and Lemhouse
- Louise Shawkat received 2 votes from Councilor Lemhouse and Rosenthal

The City Charter required Council to fill the position within sixty days of the vacancy. The deadline for this position was March 1, 2017. During Study Sessions, Council gathered data and directed staff to bring back information they could use to make a decision during a Council meeting. Council did not make a decision at the Study Session the night before and would decide on a process during this meeting. In order to act, Council had to make a motion. The appointment was an open process and Council could narrow the field further, accept the final candidates as is or make a motion.

**Councilor Slattery/Rosenthal m/s to move the five candidates to the February 21, 2017 Council Meeting to be decided then who will fill seat #6. DISCUSSION:** Councilor Slattery supported the process Council determined the night before. He was not comfortable narrowing the list in the absence of Councilor Lemhouse. He thanked everyone who applied. Councilor Rosenthal agreed with Councilor Slattery. It was a difficult and uncomfortable process. Many people on the list were qualified and narrowing it down to five did not mean the others were not capable of being great city councilors. Councilor Seffinger agreed there was a strong pool of candidates but personally wanted to interview all 13 and offered to do that with all of the applicants. Alternately, working on a commission might be an option for them. She found the interview experience valuable. **Roll Call Vote: Councilor Slattery, Morris, Seffinger, and Rosenthal, YES. Motion passed.**

Ms. Christensen would provide Council with a ballot process and some options for Council to review at the February 21, 2017 Council Meeting.

### **NEW AND MISCELLANEOUS BUSINESS**

#### **1. 6<sup>th</sup> Quarter Financial Report of the 2015-17 Biennium**

Interim Administrative Services/Finance Director Bev Adams explained the financial statements were for the period ending December 30, 2016 and equated to eighteen months or 75% of the biennium budget. Some items expensed in full at the beginning of the period while other items expensed during the project. There was nothing out of the ordinary in the statements. There were a few items over budget that would come to Council in March as a supplemental budget. In this case, building activity exceeded estimations. State budget law required municipalities to end the year within budget.

In her report under the **Summary of Cash and Investments**, the General Fund was running higher than the previous year. Taxes for the General Fund in the **Statement of Resources, Requirements, and Changes in Fund Balance** for the 18-month period were 85.7%. It was a \$2,600,000 increase in total tax revenue over the previous year. The taxes included property taxes, electrical user tax, water surcharge

franchise fees, hotel-motel tax, and business licenses. It looked inflated due to heavy collections at the beginning of the fiscal year and would even out over the year. The General Fund in that sense was looking good.

The cash balances for the Water and Wastewater Fund were strong at this time. Enterprise funds were business funds. There were several factors in the enterprise funds because the cash could change based on usage, and rate increases. Water usage was up slightly from the prior year and the City had paid down the debt reduction by \$366,000 from the previous year subsequently increasing the cash balance. Another factor was the timing of projects.

Revenue for huge projects in the enterprise fund could come from rates and financing. In the Water and Wastewater Funds there were projects budgeted but not started or complete, yet the City was collecting the rates to pay for those projects. The Talent-Ashland-Phoenix (TAP) Intertie project completed a year early and that showed in the report. The Food and Beverage tax in the Wastewater Fund was up over \$450,000 than the previous year at the same time. The Wastewater Treatment Plant membrane project budgeted for completion this year had completed early. Charges for services were up \$1,400,000 in the Wastewater Fund and upcoming projects were \$7,300,000 between now and 2020. It was positive to have the cash balances higher.

On page 3 of the report, **Schedule of Budgetary Compliance per Resolution 2015-19**, the capital overlay for the Airport Fund went over \$2,988 and would be part of the supplemental budget in March. On page 9, **Statement of Resources, Requirements, and Changes in Fund Balance under Excess (Deficiency) for Revenues and Other Sources over Expenditures and Other Uses**, the Fund Balance as of December 31, 2016 was a comparison. The column, **To Date Actuals** showed **\$172,503** and the estimation under **Budget 2017-2015** was **\$38,580** indicating the City was **441.7%** above the projection for next June.

All funds had contingencies and the City had several that needed to increase to cover the possibility of an emergency. Contingencies would be higher for enterprise funds and could be 5% of the fund balance. The General Fund should be 3%. It depended on Council. Ms. Adams was unable to find the percentages stipulated for the City's contingencies and encouraged Council to establish them if they were not already. She would follow up with Council on the Single Employee Retirement Plan in the CAFR.

**Councilor Slattery/Rosenthal m/s to accept the sixth quarter financial report as presented. Voice Vote: all AYES. Motion passed.**

## **2. 2016 Citizen Survey results**

Management Analyst Ann Seltzer explained the National Research Center (NRC) developed a National Citizen Survey conducted in October and November of 2016. This was the fourth biennial survey by the City. The survey measured eight facets of community livability: Safety, Mobility, the Natural Environment, the Built Environment, the Economy, Recreation and Wellness, Education and Enrichment, and Community Engagement. The combined responses indicated the quality of the community overall and formed the three pillars of community quality, Community Characteristics, Governance, and Community Participation. Survey results had seven formats:

- The Community Livability Report
- Trends over Time
- Dashboard
- Open Ended
- Supplemental
- Demographic Subgroups
- Technical Appendices

The NRC randomly selected 1,500 households, 70 came back as undeliverable, and 505 returned completed surveys achieving a 75% response rate with a 4%-5% margin of error. They weighted results based on Ashland's population in the 2010 Census. The NRC maintained a database of 500 jurisdictions nationwide and conducted the same survey. Ashland compared results to the 500 and jurisdictions with a university and a population between 10,000 and 40,000.

In comparison with the 2014 survey, Ashland dropped in percentage points regarding safety downtown, public transportation, affordable quality housing, housing options, mental healthcare, food costs, and childcare. Governance was similar to other areas. Police services were higher than the 2014 results and lower in street repair, land use, planning, zoning, and economic development. Ashland rated higher in the pillar of participation in areas where citizens had stocked supplies for emergency services, campaigned for an issue, or had done a favor for a neighbor. Results were lower in responses regarding the economy having a positive impact on citizen's income.

The City included three custom questions and one open-ended question. The first one asked citizens which items were a high, medium, or not a priority in terms of budgeting. Funding for affordable housing ranked 58%. Adding high and medium percentages together showed fire at 91%, affordable housing at 88%, emergency preparedness 87%, police staffing 85%, homeless services 84%, and reducing the carbon footprint 79%, separating priorities by only 12 percentage points. Regarding City Hall, 11% of the responders strongly opposed taking action to make City Hall earthquake resilient, while 15% somewhat opposed it, 31% strongly supported it, and somewhat supported it at 46%. Regarding the source of information question, 53% got their information from the City website. Combining major and minor sources showed local media at 90%, the Parks and Recreation Guide at 87%, word of mouth, 87%, City website, 86% and the City newsletter at 83% indicating a 7% difference between each source of information.

Verbatim responses to the open-ended question Council asked on changes regarding behavior in downtown Ashland between the summer of 2015 and the summer of 2016 thought safety issues had continued or gotten worse. Responses on what the Ashland community should focus on in the coming two years showed 90% wanted to focus on the overall economic health, 82% indicated the quality of the natural environment relating to air quality, cleanliness, drinking water, preservation of open spaces, greenbelts and more. The overall feeling of safety as essential and very important received 78%. Of the 505 surveys returned, 391 included verbatim responses.

In conclusion, the ratings for 2016 remained stable and were similar to 2014. There was a significant downward trend in the areas of affordable housing and housing options, economic development, employment opportunities, and public transportation. Ashland ranked much higher than benchmarks of residents who walked and biked versus driving, having a vibrant downtown, education opportunities and more. Residents continued to enjoy a high quality of life and awarded high marks to their neighborhoods as a place to raise children and retire. Respondents' rated City services as excellent or good by 85% and 84% thought City customer services were excellent and good. Respondents in general wanted safety issues downtown to continue with a 9% drop from the 2014 regarding safety downtown. Areas of concern from both surveys included public parking, affordable housing, employment opportunities, and economic development.

Survey results helped identify trends and informed the community, elected officials, and City staff on how the community was doing over time. Results provided a voice to a broad spectrum of Ashland citizens who otherwise, might not be heard. Downward trends or consistent low scores confirm policy concerns and serve to raise new policy concerns. They were useful to City departments as performance measures and budget preparation. The NRC cautioned that less than desirable ratings were not negative but a reflection

of the community's priorities and resources. Citizen survey results from 2011 to 2016 were on the website.

Of the 505 returned surveys, 57% of the respondents worked in Ashland and over 50% were not under housing stress according the Housing and Urban Development (HUD) definition of housing stress.

### **ORDINANCES, RESOLUTIONS AND CONTRACTS**

**1. Second reading by title only of an ordinance titled, "An ordinance amending Ashland Municipal Code Chapters: 9.04.030; 9.08.020; 9.08.030; 9.08.040; 9.08.050; 9.08.060; 9.08.070; 9.08.080; 9.08.090; 9.08.110; 9.08.120; 9.08.130; 9.08.150; 9.08.160; 9.08.170; 9.08.180; 9.08.190; 9.08.250; 9.08.270; 9.08.280; 9.08.990; 9.12.060; 10.04.020; 10.04.030; 10.26.050; 10.30.050; 10.40.030; 10.40.040; 10.44.020; 10.46.020; 10.46.030; 10.56.020; 10.56.030; 10.60.020; 10.60.050; 10.60.060; 10.110.060; 10.60.060; 10.68.060; 10.68.080; 10.68.090; 10.68.100; 10.68.110; 10.68.120; 10.68.130; 10.68.140; 10.68.150; 10.68.170; 10.68.180; 10.68.190; 10.68.200; 10.68.210; 10.68.220; 10.68.230; 10.68.240; 10.68.250; 10.68.260; 10.68.270; 10.68.280; 10.68.290; 10.68.300; 10.68.310; 10.68.320; 10.68.330; 10.68.350; 10.68.370; 10.68.380; 11.22.020; 11.22.030; 11.40.010; 11.40.030; 11.40.040; 11.40.050; 11.44.005; 11.44.010; 11.44.020; 11.44.040; 11.44.030; 11.44.090; 11.52.030; 11.52.050; 11.52.060; 11.52.070; 11.52.080; 11.52.090; 13.02.040; 13.02.060; 13.02.080; 13.02.120; 13.02.900; 13.03.090; 13.03.110; 13.04.090; 13.12.130; 14.04.060; 14.04.090; 14.05.120; 14.06.080; 14.06.090; 14.08.050; 14.09.010; 14.12.095; 15.06.030; 15.08.100; 15.10.100; 15.16.340; 15.20.090; 16.28.050, to update and make uniform the language throughout the Ashland Municipal Code"**

City Attorney Dave Lohman explained the ordinance updated various penalty provisions in the code. The proposed ordinance focused just on the penalty provisions. Other things in the code required updating but at this time, the focus was on clarifying penalty provisions. Staff would come back over time with other changes systematically. The version before Council was the same that passed first reading with one exception regarding wording in **10.68 Public Parks, 10.68.240 Comfort stations** that would now read:

**"A. A comfort station designated by a sign indicating it is for the exclusive use of persons of one sex shall not be entered or used by a person of a different sex except:**

- 1. An adult parent or guardian accompanying a minor child under the age of twelve (12);**
- 2. To accompany a physically handicapped or infirmed person reasonably needing physical assistance;**
- 3. To render emergency medical aid or assistance;**
- 4. Persons who reasonably have an urgent need to enter or use a public comfort station regardless of gender identity or sexual orientation; or**
- 5. City employees in the discharge of their regular duties.**

**B. Any person who violates any provision of this Chapter is subject to Section 1.08.020 of the Ashland Municipal Code. Any violation of this section is a Class IV violation."** The language allowed flexibility in using park bathrooms, even if the name on the door was gender specific it did not ignore gender identification. The Parks and Recreation Department approved the language and was in the process of changing comfort stations to unisex.

**Councilor Rosenthal/Seffinger m/s to Ordinance #3137. DISCUSSION:** Councilor Rosenthal noted the amount of work and effort done by the City Attorney. Councilor Seffinger agreed and acknowledged the tremendous workload Mr. Lohman was experiencing. Mr. Lohman clarified Assistant City Attorney Doug McGeary did most of the work. **Roll Call Vote: Councilor Rosenthal, Slattery, Seffinger, and Morris, YES. Motion passed.**

**2. First reading by title only of an ordinance titled, "An ordinance amending Ashland Municipal Code Section 3.08.020 Code of Ethics," and move on to second reading**

City Attorney Dave Lohman explained this was another ordinance previously discussed that required updating. The City's definition of a conflict of interest was stricter than the states. He proposed keeping the stricter definition because it went beyond just financial impacts. The City's definition of conflict of

interest also encompassed having one's judgment influenced by personal interest. Current code required an individual to announce a conflict of interest but did not require them to withdraw from participating in the matter. The state required the individual to announce a conflict of interest and refrain from deliberating on the matter. The amendment would make the City consistent with the state.

The other change would make it clear that the appointed advisory bodies were subject to this code of ethics as well. Mr. Lohman was working on an ethics manual for the advisory commission and committees. There was also a video from the state for ethics training. He explained the difficulties he and the City Recorder had experienced providing training to City commissions. Council and staff discussed training staff liaisons instead, providing laminate cards with the basic principles, and contracting attorneys to train. The League of Oregon Cities provided some assistance. There was the possibility of having someone from the Ethics Commission come to the City to train.

**Councilor Morris/Slattery m/s to approve first reading of an Ordinance titled, "An Ordinance Amending AMC Section 3.08.020 Code of Ethics." Roll Call Vote: Councilor Morris, Seffinger, Rosenthal, and Slattery, YES. Motion passed.**

**OTHER BUSINESS FROM COUNCIL MEMBERS/REPORTS FROM COUNCIL LIAISONS**

Councilor Rosenthal thanked everyone involved with the State of the City event. He made a correction to a statement he made during the event that Mayor Stromberg and Mayor Shaw were the longest serving mayors both elected to three terms. He since discovered that Mayor Wiley and Mayor Neill both served in excess of twelve years each.

Councilor Seffinger announced the Ashland 2016 Ashland Forest Plan was being published, and noted the long hours and efforts by the Commission.

Councilor Slattery announced he would still like to meet with all the individuals who applied for Council seat #6 if they wanted. Secondly, he wanted public speaking timer software added to the television screens in Chambers.

**ADJOURNMENT OF BUSINESS MEETING**

Meeting adjourned at 9:00 p.m.

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Barbara Christensen, City Recorder

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John Stromberg, Mayor