

## CITY COUNCIL CONFERENCE MINUTES

October 11, 2018

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a conference at 5:30 p.m. in the Municipal Building Conference Room on the 11th day of October, 2018, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT:

Councilmembers Bierman, Castleberry, Hickman, Holman, Scott, Wilson, Mayor Miller

ABSENT:

Councilmembers Carter and Clark

Item 1, being:

### CONTINUED DISCUSSION REGARDING DRAFT ORDINANCE AMENDMENTS RELATED TO MEDICAL MARIJUANA.

Ms. Beth Muckala, Assistant City Attorney, said the Oklahoma Medical Marijuana Authority (OMMA) was established under the Oklahoma State Department of Health (OSDH), which is currently licensing adult and minor patients, caregivers, growers, processors, dispensaries, transporters, and researchers. She has been working with Ms. Jane Hudson, Interim Director of Planning and Community Development, regarding municipal regulations on licensing, zoning, code violations, and nuisances. She said business licensing is a very common component of the ordinances seen in-state and out-of-state nationwide. The provisions in the current draft are heavily based on State law and the fees are the same as those in state law with one variation for patients. She said because the State does not require it, licensing and zoning regulations do not have to be put into place in Norman, but if the City does nothing, the City will have to allow medical marijuana businesses under the current Zoning Ordinance. She said the City would miss the opportunity to address property owner concerns regarding residential property owners who may be who may be concerned about home value and the location of businesses close to them. In previous discussions in the Community Planning and Transportation Committee (CPTC) meetings and Council Conference, Council has shown interest towards a solid licensing/zoning structure for medical marijuana.

Ms. Muckala said in the October 9, 2018, Conference Staff received a lot of good feedback from Council and has removed license requirements for patient/home growers; added uses in more zoning districts; and in some districts, changed uses to permissive rather than special use. She said the draft ordinance is going forward to the November 8, 2018, Planning Commission and will come to Council on November 27, 2018, where it could be passed under an emergency provision or the ordinance could be split to cover licensing and zoning separately. She said because the licensing and zoning regulations work so well together and allows the City to address both concerns in one ordinance, Staff is not sure it would be necessary to use the emergency provision.

Councilmember Holman asked if businesses would not be able to operate in Norman until the ordinance goes into effect because he knows some businesses are already leasing space and making construction changes in preparation. Mr. Jeff Bryant, City Attorney, said current City ordinances do not ban the activity so businesses can operate, but it is a basically at their own risk until Council decides what the final regulatory framework will look like. Councilmember Castleberry asked if businesses operating prior to adoption of the ordinance could be grandfathered in and Mr. Bryant said probably not, but that is something Council could think about as the process moves forward.

Item 1, continued:

Mr. Bryant said the City does not normally issue building permits unless the activity for which the permit is being requested is allowed in a zoning district. Mayor Miller said if they are in a zoning district, such as commercial, where the uses are allowed, the business can operate; however, if they are in facility where the zoning does not allow that use under the new ordinance they would have to cease operation. Mr. Bryant said issuing the building permit would be a little risky especially if there are structural changes because if the business if the final regulatory framework requires construction in a particular way depending on the activity taking place and it is constructed wrong, the business will have to tear it down so businesses would be moving forward at their own risk. Mayor Miller felt that would be a bigger issue for processor and growers versus dispensaries.

Ms. Muckala said licensing will be very simple and is based on information submitted for the State license. Staff is proposing \$1,199 for marijuana establishment licenses and the regulation/definition language in the draft ordinance is modeled from State statute.

Under zoning, there is no home occupation language because commercial businesses would not be allowed in residential areas, but there can be patients growing plants for their own use. She said dispensaries will be allowed in most zoning districts as a permitted use where allowed; growers are permissive everywhere in industrial and agricultural district except where it overlaps with commercial, such as CR, Rural Commercial District, which is only allowed under special use; processors are permissive in industrial and as Special Use in commercial or mixed use districts; and researchers are permissive as Special Use everywhere except I-2, Heavy Industrial District, whose uses are all permissive. She said dispensaries will be permissive within C-1, Local Commercial District, C-2, General Commercial District, and C-3, Intensive Commercial District, in the Center City Form Based Code (CCFBC) area as a retail sale; however, growers, processors, and researchers would have to apply for a Planned Unit Development (CCPUD) zoning that requires Council approval. Staff has added general nuisance language that would apply to any business that allowed noxious odors to permeate beyond the boundary of the parcel.

Councilmember Wilson said manufacturing kitchens are allowed in agriculturally zoned districts and she is curious how those kitchens could be used for processing and Ms. Muckala said she would need to research that.

Ms. Muckala highlighted the draft ordinance zoning allowances as follows:

Zoning District	Dispensary	Grower	Processor	Researcher
A-1 - General Agriculture		P		
A-2 - Rural Agriculture		P		
RO - Residence/Office	S			
O-1 - Office/Institutional	S			
CO – Suburban Office Commercial				S
C-1 – Local Commercial	P		S	S
C-2 – General Commercial	P		S	S
TC – Tourist Commercial	P			
CR – Rural Commercial	P	S		
C-3 – Intensive Commercial	P		S	S
I-1 – Light Industrial	S	P	P	S
I-2 – Heavy Industrial	P	P	P	P
M-1 – Restricted Industrial	S	P	P	S
MUD – Mixed Use Development	P		S	
CCFBC	P	CCPUD	CCPUD	CCPUD

S = Special Use

P = Permissive Use

CCPUD = Center City Planned Use Development

Item 1, continued:

Councilmember Holman said the setback for liquor stores and bars is 300 feet from a school or church and he would like to reduce Norman's setback to align with those businesses, if possible. Ms. Muckala said the State setback requirement is 1,000 feet from any public or private school and the City cannot reduce the setback mandated by State law.

Ms. Muckala said there has been concern regarding welcoming new local businesses and how that is handled so the City's license fee will be lower than other licensing municipalities and State law restricts out-of-state ownership for medical marijuana establishments to no more than 25%. Councilmember Castleberry asked if that restriction is per owner or does that include affiliated groups and Ms. Muckala said she will research for more clarity on the ownership definition.

Ms. Muckala said there is a non-partisan working group preparing recommendations for the Legislature as well as compromise bills being considered so there are a lot of possibilities for changes to regulations going forward. She said Green the Vote failed to obtain enough signatures for recreational marijuana, but that could change moving forward as well. She said Staff is monitoring the lawsuits against municipalities to see if they are responded to by the Legislature. There is a lot of mixed reaction to recent developments in that Oklahoma City, Newcastle, Goldsby, and Blanchard are taking no action on medical marijuana establishments while Tulsa, Moore, Muskogee, and Ardmore have taken action to put regulations in place.

Councilmember Hickman asked if the emergency clause could be an option and Mr. Bryant said yes, the emergency clause would have to be voted on separately with a super majority approval of Council.

Mr. Bryant suggested the draft ordinance move forward to the Planning Commission on November 8, 2018, unless Council has additional tweaks because Council will have an opportunity to make amendments to the ordinance even after the Planning Commission makes its recommendations. He said that will keep the process moving with the goal of adopting regulations by the end of the year and Councilmembers concurred.

Items submitted for the record

1. Memorandum dated October 5, 2018, by Jane Hudson, Interim Planning and Community Development Director, Jeff Harley Bryant, City Attorney, and Beth Muckala, Assistant City Attorney, to Mayor and City Council, with Attachment 1, Adult Patient Application Information, Minor Patient Application Information, Temporary Patient Application Information, Caregiver Application Information, Business Application Information, and Researcher Application Information; Attachment 2, Oklahoma Statutes Citationized, Title 63. Public Health and Safety, Chapter 15 – Narcotic Drugs - Medical Marijuana; Attachment 3, Title 310. Oklahoma State Department of Health - Chapter 681. Medical Marijuana Control Program; Attachment 4, Title 310. Oklahoma State Department of Health, Chapter 681. Medical Marijuana Control Program, Subchapter 5. Commercial Establishments; Attachment 5, Draft Ordinance; and Attachment 6, City of Moore Ordinance No. 892(18)
2. Memorandum dated October 4, 2018, by Jeanne Snider, Assistant City Attorney, through Jeff H. Bryant, City Attorney, to Honorable Mayor and City Councilmembers with draft ordinance
3. Zoning Treatment by Oklahoma Municipalities; Norman Draft Ordinance – Zoning Districts and Uses; and Comparison of Oklahoma Marijuana Ordinances
4. Draft Ordinance O-1819-7
5. PowerPoint presentation entitled, "Medical Marijuana," City Council Conference dated October 11, 2018

Item 2, being:

**DISCUSSION REGARDING A REQUEST FROM THE DEPARTMENT OF TOURISM TO THE BUREAU OF RECLAMATION TO TRANSFER LAKE THUNDERBIRD PROPERTY.**

Mr. Ken Komiske, Director of Utilities, introduced Ms. Amanda Nairn, Central Oklahoma Master Conservancy District (COMCD) member, and Ms. Kathryn Walker, Assistant City Attorney, who will be helping him explain this item to Council. He said Lake Thunderbird makes up a large part of the City and in the 1930's the Corps of Engineers prepared a study that found the use of Lake Thunderbird as a water supply unfeasible. Local interests continued their endeavor to enlist support for development of surface water resources and the Bureau of Reclamation was asked to include studies of the Little River Basin to look at development of a water supply for the City of Norman, flood control issues, and other benefits and as a result of this request, a study of a reservoir at the upper Norman site was done.

Due to decades of drought, in the 1950's, the Corp of Engineers was again requested to look at Lake Thunderbird as a water source and it was concluded from a new study that municipalities would require all available water so the project was found to be feasible. In 1965, construction of the dam was completed and the Corps of Engineers began impounding water for municipal use. As the primary purpose of the project, municipal water is furnished to the communities of Norman, Midwest City, and Del City by pumping water from Lake Thunderbird's reservoir. Release from the flood control pool are made in accordance with regulations prepared by the Corps of Engineers in concurrence with the Bureau of Reclamation (BOR) and in close cooperation with the COMCD, the entity which has assumed operation and maintenance responsibility for the project facilities. Construction of the dam has reduced the flood hazards and flood control operations will continue to provide benefits to downstream areas. Mr. Komiske said approximately two million gallons per day (mgd) of water is discharged to Norman (43.8%), Midwest City (40.4%), and Del City (15.8%). In the 1960's, the State of Oklahoma's Department of Interior established Lake Thunderbird State Park to include fishing, a public hunting area, and other recreational activities administered by the Oklahoma Tourism and Recreation Department.

Mr. Komiske said COMCD is the controlling entity for the reservoir and has an agreement with Norman, Midwest City, and Del City for the purchase water. The COMCD Board consists of three members from Norman, three members from Midwest City, one member from Del City, and a District Manager. He said BOR and COMCD allows the lease of land around Lake Thunderbird to the Department of Tourism for state park tourism purposes with the stipulation that if there is a title transfer that lease terminates. The fifty year debt service for Lake Thunderbird has recently been paid off, but unlike a home mortgage where you pay off your home and own it, the cities do not receive ownership of the dam and reservoir. He said the communities would have to petition Congress to transfer the land or assets over to the communities. The BOR also controls easements in which the three communities have installed pipes, pumps, and other equipment (single purpose assets) for transporting water from the Lake to their respective Water Treatment Facilities so transfer of assets needs to be discussed if title transfer takes place.

Ms. Nairn wanted to clarify that the BOR owns the property, but COMCD is charged with managing the property so for years COMCD has managed the property for the BOR. In March 2014, the COMCD Board, knowing the debt was going to be paid, began discussions regarding a title transfer and whether or not COMCD wanted to own the property. At that time, the COMCD Board passed a resolution to begin that process, which is a very long process and would literally take an act of Congress to make it happen. She said BOR made it very clear in the original documents in 1961 that this is a tri-party agreement between COMCD, BOR, and Department of Tourism so if anything changed hands in the future all three parties would have to agree. In June 2014, the Department of Tourism stated they would prefer to continue to lease from BOR and does not want to lease from COMCD. In May 2017, the COMCD Board voted to suspend title transfer for the time being. In November 2017, the COMCD Board decided it was important to own the single purpose assets, a considerable investment over fifty years, in order to continue to maintain and distribute water to the three communities and adopted a resolution for that purpose.

Item 2, continued:

Councilmember Wilson asked if the Department of Tourism pays any of the maintenance costs for the equipment and Ms. Nairn said no, they pay no maintenance costs. She said water rate payers have paid for the lake, maintenance, operations, and assets.

Ms. Nairn said in August 2018, the Department of Tourism requested all assets and all land, excluding the dam and single purpose assets, be transferred to them. In September 2018, the COMCD Board notified BOR that COMCD could not agree to those terms. She said this discussion is taking place in the hopes that all three communities will agree to speak as one through COMCD. She said COMCD is currently working on several shoreline stabilization projects, but COMCD would no longer be able to do further shoreline stabilization to improve water quality without permission from BOR. She said the Department of Tourism has a very tight budget and could sell the property to a private entity if the transfer took place. She said more intense development around the Lake would affect water quality.

Councilmember Holman said trying to control development around the main water source was the idea behind incorporating all the land around the Lake so this transfer would be going against everything the City of Norman has been moving towards to protect its water source. Ms. Nairn said COMCD does not support the Department of Tourism taking ownership of anything at this point.

Ms. Walker said Mr. Randy Worden, District Manager of COMCD, has asked each of the three cities to consider a resolution indicating support for transfer of the title for the single purpose assets or all of it. Norman Staff has been working with the other two cities to develop a resolution they can all agree on that achieves that potential goal, but also shows evidence the cities can meet the BOR policies for transferring assets. She said BOR has six criteria they review and two of those particularly being addressed in the draft resolution are 1) protecting federal funding which has been paid back by the cities so the cities have that vested interest, not the Department of Tourism, and 2) protecting the city's water supply and COMCD is in the best position to protect that asset. She said the cities are trying to make it clear that the three cities, through their water users, have invested a great deal financially in the Lake with the primary purpose of providing a water supply, and although the cities support the idea of a title transfer they really want more information. What does it mean to take over title? If the cities just take over single purpose assets, there will be increased costs, but what does that mean? If the cities took over the dam there may be increased liability concerns so the cities really want COMCD to do some sort of cost study so the cities will know what this means financially for each city. The cities want to make it explicit in the resolution they want to extend their support of COMCD's commitment to continue to lease some of that property for tourism purposes and assure the Department of Tourism the cities support the continuation of the lease agreement if COMCD were to take over those assets.

Councilmember Hickman asked if there has been communication with the Absentee Shawnee Tribe or other Native American Tribes that may have claims to any of the land around the Lake and, if so, have any issues been resolved with Tribes that have had or may have water claims and disputes? He said if they have not been involved in the conversation, they need to be brought into the discussions and if they are willing to work cooperatively with the cities, this could help COMCD's position. Mr. Komiske said those conversations would have taken place with the Department of Interior because the cities do not own anything, but Staff could reach out to the Tribes to see if they have had those discussions. Ms. Walker said the BOR has looked at Native American Trust responsibilities.

Councilmember Wilson asked if it would behoove the cities to invite the Tribes to the table and Mr. Komiske said it would not hurt. Councilmember Wilson would like Staff to reach out to the Tribes to ask if those conversations have taken place and discuss what their interest might be. She asked if she could be included in any communications in that direction and Mr. Komiske said yes.

Item 2, continued:

Councilmember Castleberry asked where Norman is at with Midwest City and Del City on reuse because they have not been very keen on the idea of reuse and Ms. Nairn said the cities are currently working together with COMCD on that issue. Mr. Komiske said there have been studies on what types of chemicals or fertilizers may be in the Lake and Norman has shared that information with the other cities as well as a proposal for Indirect Potable Reuse. He said in the past the other two cities have not been interested, but they are currently amenable to listening. He said the Indirect Potable Reuse Pilot Project is proceeding towards regulatory approval, but that is just to prove whether it would work or not.

Councilmember Castleberry asked if the title transfer would have any relation to reuse and Ms. Nairn said that is an unknown, but right now COMCD just wants to protect the investment the three cities have made for their drinking water source.

Councilmember Hickman said he supports the resolution, but would like to include a provision that local Native American Tribes be engaged in the process.

Items submitted for the record

1. PowerPoint presentation entitled, "Norman Utilities Authority Title Transfer," dated October 11, 2018

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Item 3, being:

#### UPDATE ON THE TRANSPORTATION BOND PROGRAM.

Mayor Miller said she requested this item be discussed because after the last Community Planning and Transportation Committee (CPTC) meeting, Council felt Option Two, a blend of 18 federal and local funded projects, would be the best option. They also agreed the bond election should be held in February to keep it away from the stormwater election that needs to take place in the spring. When she left the meeting she began worrying about the fact that there had not been much conversation about the school system bond issue that will be in February as well. She wanted to know the possible consequences of having all these issues voted on at the same time. She said Mr. Nick Migliorino, Superintendent of Norman Public Schools (NPS), called her because he was concerned about this as well. The school system always have their bond elections in February and generally alone, but she explained the City could not do anything about the Council election as that is set by Charter. She said it was clear NPS did not want the City to include the transportation bond at the same time as the school bond issue. She said this is not a decision making meeting, but simply an informational meeting regarding other information that pertains to the transportation bond.

Mr. Rick Smith, Municipal Finance Services, Inc., the City's Financial Advisor, introduced Mr. Nate Ellis with Public Finance Law Group, who has served as the City's Bond Counsel for many years. Mr. Smith said Municipal Finance Services was asked to look at how to structure a transportation bond issue as well as a stormwater bond issue over the next ten years in order to accomplish a significant amount of the projects identified.

Mr. Smith said the Option Two consisted of \$55 million in federal funding and \$70 million in bond funding for a total cost of \$125 million. He highlighted historical General Obligation (GO) Bond Projects, Street Maintenance Bond Projects, Major Street Projects, and Municipal Complex Bond Projects; library improvements; fire station relocation; siren system upgrades; animal shelter improvements; and Municipal Complex improvements.

Item 3, continued:

Mr. Smith said two projects previously approved by the voters that have not been completed are the \$11 million Municipal Complex Project that was associated with the current Central Library/Senior Citizens Center improvements and \$25 million for street maintenance projects where, \$10 million of that has not been issued, but is anticipated to be issued by next spring. He said the tax levy has remained pretty constant over the past ten years with the average levy being \$11.7 mills that roughly translates into \$190 per year for a \$150,000 home.

Mr. Smith highlighted Option Two projects that includes Jenkins Avenue – Imhoff Road to Lindsey Street; Porter Avenue/Acres Street – Porter Corridor; Main Street/Gray Street Two-Way Conversion; James Garner Avenue Special Corridor – Phase III – Acres Street to Duffy Street; Porter Avenue Streetscape; Cedar Lane Road – east of 24th Avenue S.E. to 36th Avenue S.E.; Lindsey Street Special Corridor – Pickard Avenue to Jenkins Avenue; Constitution Avenue – Jenkins Avenue to Classen Boulevard; 36th Avenue N.W. – north of Indian Hills Road to Moore city limits; Tecumseh Road – 12th Avenue N.E. to Hollister Trail; 36th Avenue S.E. – Cedar Lane Road to State Highway 9; 24th Avenue N.E. – Rock Creek Road to Tecumseh Road; Tecumseh Road – Hollister Drive to 24th Avenue N.E.; 48th Avenue N.W. – Phase II – Rock Creek Road to Tecumseh Road; 48th Avenue N.W. – Phase IV – Franklin Road to Indian Hills Road; Indian Hills Road – 48th Avenue N.W. to Interstate 35; Traffic Management Center (TMC); and Rock Creek Road – Queenston Avenue/Bruckner Drive to 24th Avenue N.E.

Mr. Ellis said there are three areas of the Constitution in which cities can issue GO. Bonds that include school improvements, utility improvements (provided the utilities have to be exclusively owned by the city), or street/bridge improvements. He said utilities has been very broadly defined as it is really any governmental purpose is constituted a utility over time as long as it is exclusively owned by the City, excluding easements. He said GO. Bonds cannot be issued for stormwater, but can be integrated into projects. He said the Lindsey Street Project is a perfect example because since it was a major street project, drainage was addressed within that project which was allowable. He said unfortunately, the current list of projects for street improvements coming up for an election do not align with the list of projects being proposed for drainage so there is no opportunity to address drainage issues through transportation bonds. He said Economic and Community Development Bonds (ECDB) have a cap of five mills per year whereas transportation bonds have no cap on the amount of mills per year. He said ECDB have a very broad definition of what they can be used for and stormwater is one of the items these bonds could be used for and there is no “exclusively owned” limitation in the provision making it the most effective mechanism to address stormwater in a bond issue.

Mr. Smith said \$60 million could be issued in GO. Bonds for stormwater purposes over the next ten years without exceeding the \$5 mill cap. He said this would include four separate bond series to consist of \$15 million in 2019; \$15 million in 2022; \$15 million in 2025; and \$15 million in 2028. He said these would be 20 year bonds with an annual average levy of \$3.99 per month for a \$150,000 home; however, that figure would increase to \$6.17 per month in 2028 and \$6.34 per month in 2030. Councilmember Bierman asked if this would be an additional levy on top of the transportation bond levy and Mr. Smith said yes.

There are 33 potential Stormwater Infrastructure Bond Projects that include Bishop Creek – Sinclair Drive and Beaumont Drive south of Boyd Street and east of 12th Avenue S.E.; Bishop Creek – behind Harbor Freight south of Alameda Street on Triad Village Drive; Bishop Creek – Lindsey Street south of Colonial Estates Park; Canadian River – intersection of Westbrooke Terrace Road and Hollywood Street; Imhoff Creek – south of State Highway 9 and east of South Berry Road; Merkle Creek – at 24th Avenue S.W. south of George Lynn Cross Drive; Merkle Creek – at Main Street between Merkle Drive and Hal Muldrow Drive; Brookhaven Creek – intersection of Rambling Oaks Drive and Havenbrook Street; Brookhaven Creek – at Main Street between Lamp Post Road and Willoway Drive; Brookhaven Creek –

Item 3, continued:

Stormwater Infrastructure Bond Projects continued:

north of Main Street on the east side of Willow Branch Road; Brookhaven Creek – west of 36th Avenue N.W. south of Hampton Court; Brookhaven Creek – intersection of Rambling Oaks Drive and Tall Oaks Circle; Ten Mile Flat Creek – west of 48th Avenue N.W. and south of Robinson Street; Bishop Creek – south of Alameda Street and South Carter Avenue; Imhoff Creek – intersection of Boyd Street and Pickard Street; Dave Blue Creek – on 48th Avenue S.E. north of Stonehenge Lane; Rock Creek – on Robinson Street east of 36th Avenue N.E.; Little River – north of Little River Road west of 12th Avenue N.E.; Woodcrest Creek – east of the intersection of Porter Avenue and Highland Village Drive; Woodcrest Creek – north of Sequoyah Trail between Willow Creek Drive and Winding Creek Circle; Woodcrest Creek – south of Sequoyah Trail between Willow Creek Drive and Winding Creek Circle; Bishop Creek – north of State Highway 9 between Jenkins Avenue and Marshall Avenue; Bishop Creek – south of Lindsey Street north of the Reserve; Bishop Creek – on East Brooks Street between Trout Avenue and the railroad tracks; Bishop Creek – on Lindsey Street between College Street and the OU Duck Pond; Bishop Creek – south of Lindsey Street north of the Reserve; Brookhaven Creek – on Rock Creek Road between Pendleton Drive and Interstate Drive; Brookhaven Creek – on Pendleton Drive west of Prairie Creek Park; Brookhaven Creek – on Rock Creek Road between 36th Avenue N.W. and Pendleton Drive; Tributary 6 to Little River – on Franklin Road near 24th Avenue N.W.; Imhoff Creek – south of Imhoff Road between South Berry Road and Walnut Road; Merkle Creek – on Iowa Street just west of Cleveland Elementary School; and Rock Creek – on 36th Avenue N.E. between Robinson Street and Alameda Street.

Councilmember Wilson asked if the proposal is to package the stormwater projects with the transportation projects and Mayor Miller said that is an option and Councilmember Wilson said she would not like that. She is afraid there would be so much politics wrapped up in a giant bond issue where one would fail.

Councilmember Holman agreed with Councilmember Wilson and would prefer an April election for the transportation bond, but that would require pushing the stormwater election further out. He does not believe they should be a package deal because he is afraid it would put the transportation projects in jeopardy.

Councilmember Bierman agreed and said if NPS is concerned about having a transportation bond on the same ballot as the school bond she would have the same concern about placing the transportation bond on the same ballot as the stormwater bond.

Ms. Nairn, Stormwater Citizen's Committee member, said Hahn Public (Hahn) was hired to prepare a potential communication strategy and research initiative for a possible stormwater election and she recently spoke with them regarding an update to the study. She said Hahn states they were unaware there had been discussion regarding a transportation bond election and felt this would be a great opportunity to package a transportation bond election with a stormwater bond/stormwater utility election as a comprehensive infrastructure package. She told Hahn this idea made the Stormwater Citizen's Committee nervous and Hahn states they have overwhelming data that these package deals do much better at the ballot than being piecemealed out. They said build the wheel, but do not build it by spokes because it is visionary. Hahn said they can have information on a scope change by October 23, 2018, that includes survey information on the public sentiment of placing the two items separately on the same ballot. She said there would be no additional costs for the scope change at this time. She said that whole discussion pivoted when Hahn said that across the country, these visionary bonds pass much better. Hahn said if the City proceeds with an election for the transportation bond only in February they would suggest the City not do an election for stormwater in 2019.



Item 3, continued:

Councilmember Holman said he would love to have both bonds/utility on the same election ballot, but he did not think it could be done by February and Ms. Nairn said it could not be ready by February, but could be possible by April. She said a lot of what can be done will depend on what Council's next steps will be after reviewing the information on October 23rd.

Councilmember Hickman is concerned about the timeline of having this election during the Council campaign period because if he were up for election in 2019, he would be worried. He said stormwater is an important issue and he would not want to rush it to an election even though the City has been discussing it for years. Mayor Miller felt the City would lose its momentum if the stormwater election is not held in 2019 because the Stormwater Citizen's Committee has worked on this for a year and six open houses have been held over the summer.

Councilmember Bierman appreciates all the work the Stormwater Citizen's Committee had done, but felt the community really does not know anything about stormwater because the City has not done a good job of educating them and that is apparent from the election held on August 23, 2016, that failed. She said there is a community in Vermont who is taking a very comprehensive, deliberate approach to address the impairment of their waterways and has years of data on the levels of contaminants in their waterways, they are doing stormwater projects, they have consistent social media campaigns where they are posting videos and events, they have made presentations to every public school, and have done a "Water Is Worth It" poster contest specifically about stormwater. She said they spent two and one-half years building up to what will eventually be a vote on a SWU. She would not be disappointed in pushing the stormwater election out another year as long as it was done with a lot of intention.

Ms. Annahlyse Meyer, Chief Communications Officer, said Hahn has a draft of survey questions and is prepared to move forward on that tomorrow if Council is interested in pursuing that. She said they can have the survey results by October 23rd if they begin immediately.

Councilmember Bierman would like to see the survey questions because she is worried that 10 to 15 questions is a little much, especially if it is an automated survey.

Mr. Justin Milner, Chief Operating Officer for NPS, said February has been the month historically used by the school for bond elections, which needs 60% voter approval. He said NPS focuses on being the only one on the ballot because of their limitations of communicating with voters about what they are voting for. He said if it were to fail, the school would have to wait 90 days before they could go back to the voters, which would put the election after school is out for the summer. Another complication is the school's bond issues have to be written as two propositions, one proposition for capital improvements and a separate proposition for transportation (busses) so having two transportation bonds on the same ballot might confuse the voters.

Mayor Miller said she would like to see the information from Hahn on October 23rd and Council should have recommendations from the Stormwater Citizen's Committee by then as well. She said after Council reviews this information they can make a more cognizant decision.

Items submitted for the record

1. PowerPoint presentation entitled, "Projected Future Transportation and Stormwater Bond Issue," prepared by Municipal Finance Services, Inc., dated October 11, 2018

Item 4, being:

**DISCUSSION REGARDING THE CITY MANAGER RECRUITMENT PROCESS.**

Ms. Brenda Hall, City Clerk, said at Council's request, Request for Proposals (RFPs) were send out for City Manager recruitment services and three proposals are being reviewed tonight. She said more proposals could be gathered if that is Council's directive, but all of the firms that responded are comparable in cost and services provided. She said if Council wants to meet with each firm one-on-one, Staff can try to schedule that as quickly as possible to keep the process moving forward. There are many ways to perform a search and typically in the past, the City has formed a Stakeholder Committee as part of the process and the chosen consultant would work with Council and the Stakeholder Committee to determine the type of candidate Council is seeking and develop a recruitment brochure; however, there is no provision that requires the Council to form a Stakeholder Committee.

Mayor Miller and Councilmember Castleberry felt a Stakeholder Committee would be needed to avoid backlash from the community.

Ms. Hall said the Human Resources Department is submitting three consultant proposals for Council's consideration that include Strategic Government Resources (SGR), GovHR USA, and Springsted/Waters, all of which are reputable firms with comparable costs.

Ms. Mary Rupp, Interim City Manager, said assuming Council wants to bring in one or two firms that are proposed then that would be a good conversation to have with them in terms of community input and how they would envision obtaining community input because it is typically part of the process to find out a little bit about what the community wants to see in the next City Manager.

Councilmembers asked to interview SGR, and Springsted/Waters and Ms. Hall said interviews could be scheduled as soon as possible, but it will probably have to be scheduled for a Thursday as Tuesday agendas are currently full.

**Items submitted for the record**

1. Memorandum dated October 5, 2018, from Brenda Hall, City Clerk, to Mayor and City Council
2. Proposal to Provide Executive Recruitment Services for City Manager from Springsted/Waters dated September 7, 2018
3. Proposal to Provide Executive Recruitment Services for City Manager from Strategic Government Resources dated August 2018
4. Letter dated September 6, 2018, from Heidi J. Voorhees, President, GovHR USA, with Consultant Biography for Sarah McKee, Vice President, GovHR USA, and Proposal to Provide Recruitment Services for City Manager

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The meeting was adjourned at 7:29 p.m.

ATTEST:

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City Clerk

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Mayor