

CITY OF SUTHERLIN
Regular City Council Meeting
Sutherlin Civic Auditorium
Monday, April 13, 2015 – 7:00pm

COUNCIL MEMBERS:

Tom Boggs, Frank Egbert, Wayne Luzier, Karen Meier, Forrest Stone, Wes Anderson

MAYOR: Todd McKnight

CITY STAFF: City Manager, Jerry Gillham

City Recorder/HR Manager, Debbie Hamilton

Deputy City Recorder, Diane Harris

Finance Supervisor, Dan Wilson

Community Development Director, Vicki Luther

Public Utilities Superintendent, Brian Elliott

Interim Fire Chief, Rich LaBelle

Volunteer Training Coordinator, Gene Fisher

Douglas County Fire District #2 Chief, Greg Marlar

Audience: David Huntsman, John Stall, Willie Caldwell, Becky Bright-Jones, Michelle Sumner, Jon Erwin, Ray Shoufler, Patricia Klassen, Kevin Murphy, Tadd Held, Floyd Van Sickle, Jack Trowbridge, Denny Cameron, Beth & Jim Houseman, Jeremiah McLeod, Avery Hazzard, Julia Murphy, Steve Major, Donna Tucker, Margie Creacey, Dan McCormick, Justin Peterman, Susan Osland, Brian Burke Sr., Alexis Burke, Glenn Galusha, Bill Cagle, Tadd & Juanita Held, Travis Terry, Paul Jackson, Bertha Egbert

Meeting called to order by Mayor McKnight, at 7:00pm.

Flag Salute:

Roll Call: All present

Introduction of Media: None present

PUBLIC COMMENT (agenda items only)

- None

Mayor McKnight – Comments involving Fire Services can be expressed after Fire District #2's (FD#2) presentation, allowing citizen's to hear presentation and respond and/or ask questions if desired.

PRESENTATIONS/PROCLAMATIONS

- Proclamation - Sutherlin Girls Basketball Team

Mayor McKnight read the proclamation declaring April 13, 2015 as Sutherlin High School Girls Basketball Team Day. "Lady Bulldogs" finished their season with an overall winning record of 28-0. The State Championship, a second-year in a row victory with the past two years totaling 56-0 straight wins.

COUNCIL BUSINESS

- None

CONSENT AGENDA

- **March 23, 2015 Minutes – Regular Meeting**
- **April 6, 2015 Minutes – Special Meeting**

MOTION made by Councilor Boggs to approve Consent Agenda as presented; second by Councilor Meier.

Discussion: None

In Favor: Councilors Anderson, Luzier, Stone, Egbert, Boggs, Meier and Mayor McKnight

Opposed: None
Motion carried unanimously.

ACTION ITEMS/GENERAL BUSINESS

- **Resolution No. 2015.02 – Declaring Police Department Surplus**

Staff Report – City Manager, Jerry Gillham, request Council make their decision based on Staff Report as presented.

MOTION made by Councilor Luzier to approve Resolution No. 2015.02 – Declaring Police Department Surplus as presented; second by Councilor Meier.

Discussion: None

In Favor: Councilors Anderson, Luzier, Stone, Egbert, Boggs, Meier and Mayor McKnight

Opposed: None

Motion carried unanimously.

- **Ordinance No. 1042 – Marijuana Dispensaries (second reading & adoption)**

Deputy City Recorder, Diane Harris, provided second reading of Ordinance No. 1042 - “An ordinance of the City of Sutherlin, amending Title 16 of the Sutherlin Municipal Code restricting Marijuana dispensaries to the Community Commercial Zone (C-3) and declaring an emergency.”

Staff Report – Community Development Director, Vicki Luther, summarized actions regarding the ordinance, if adopted tonight ordinance will go into effect May 1st.

- Councilor Egbert – Could ordinance be amended to reflect dispensaries not allowed within 1,000 feet of residential zones and still be adopted tonight? **Jacobs – Council can make amendments to the ordinance at this stage, the amendment will need to be read aloud or provided in writing.**
- Councilor Meier – Would like to discuss a possible “total ban” on dispensaries in Sutherlin. Does not feel as a Councilor who took oath of office to uphold the Constitution of the United States, should vote for something that is banned by federal government.
- Councilor Anderson – Would support ban if Council chooses to move in that direction. Has reviewed Jacobs’s response to questions, realizes risks of litigation, however it is a risk he’s willing to take or look into further.

Mayor McKnight stated a motion needs to be made in order to open up for discussion.

MOTION made by Councilor Meier to approve a ban on Marijuana Dispensaries; second by Councilor Anderson.

Discussion: Councilor Egbert questioned process regarding ban as related to Ordinance on agenda.

Jacobs – “Ban” ordinance would not be adopted tonight, but would be brought back to Council for consideration. It would be a police (public health and safety) rather than land use restriction. Two readings will be required, a special meeting for first reading needs to be scheduled, second reading and adoption would take place at April 27th regular meeting.

Mayor confirmed Ordinance No. 1042 would still need to be adopted, putting restrictions in place.

Jacobs – City needs to have restrictions in place to allow enforcement. If City moves forward with ban and loses litigation, the “fallback” position would only be what exists in state law. Options are to amend this ordinance tonight to say if the City passes a ban, and ban is found unlawful, would have restrictions in place.

City Manager shared concerns regarding currently proposed 500 foot restriction. These areas may be near the Urban Growth Boundary (UGB) area affected by the proposed land swap that will be rezoned as residential. Concerned City may be prohibited with rezone because it would violate ordinance. **Jacobs – City will be changing the law, however the risk is if a dispensary opens up in the area prior to the swap it would be a pre-existing, non-conforming use and able to stay even though the prohibition is in place.**

Councilor Meier suggested taking off the ban, move forward with tonight’s ordinance with restrictions in place; would like to amend motion.

AMENDED MOTION made by Councilor Meier to approve second reading, amending Ordinance No. 1042 – Marijuana Dispensaries to allow marijuana dispensaries within 1,000 feet of residential zones; second by Councilor Anderson.

Discussion: *Jacobs – For clarification purposes, amendment is to specify dispensaries may not be within 1,000 feet from residential zones rather than previous 500 foot prohibition.* That is correct.

In Favor: Councilors Anderson, Luzier, Egbert, Meier and Mayor McKnight

Opposed: Councilors Stone and Boggs

Motion carried.

MOTION made by Councilor Anderson for Staff to present to Council an ordinance banning recreational and medical marijuana dispensaries from city limits; second by Councilor Meier.

Discussion: Councilor Egbert – It was suggested by Jacobs to tie the two ordinances together, if one doesn't hold up, other will be in place.

Jacobs – Will bring back an ordinance to say “notwithstanding the ordinance that was just passed, no marijuana dispensaries are permitted in the city limits of Sutherlin”.

Councilor Stone – Concerned about the availability for those needing prescription filled but unable to do so in town, therefore requiring transportation to another community.

In Favor: Councilors Anderson, Luzier, Egbert, Boggs and Meier

Opposed: Councilor Stone and Mayor McKnight

Motion carried unanimously.

Jacobs – Suggest Council set a date for special meeting for first reading of marijuana ban ordinance.

It was by Council consensus to hold special meeting prior to already scheduled budget meeting, April 22, 2015 at 6:30pm.

- **Wastewater Pre-design Contract Award**

Staff Report – City Manager introduced Consulting Engineer from Lebanon, Jon Erwin, who will provide overview of RFQ for pre-design process and answer questions. City has negotiated an agreement with the engineering firm scoring highest in RFQ process for pre-design, Dyer Partnership. Dyer's Principal Manager, Steve Major, is also present to answer questions.

RFQ pre-design process:

- City sent out RFQ for pre-design advertising in a regional journal, [newspapers and city website]
- On-site walk-through and presentation was required, six engineering firms attended
- Three of those firms submitted proposals for pre-design: Century West, Tetra Tec and Dyer Partnership
- Seven member committee reviewed/scored each proposal and SOQ (Statement of Qualifications)
- Dyer Partnership received the highest score

Erwin was brought into the process to conduct hour long interviews; two top scoring firms were interviewed, Tetra Tec and Dyer Partnership.

- Dyer received the highest score in interview process
- City requested price proposal for pre-design report
- Pre-design report is required by DEQ as part of the MAO (Mutual Agreement Order).
- Cost for pre-design came in at \$375,300; an hourly not to exceed figure
- Pre-design report to be delivered to City for review by the middle of October 2015, allowing time for review and to make necessary changes,
- Submit pre-design to DEQ by December 15, 2015 date mandated as part of MAO

Councilor Anderson – How much of the design is completed by the end of the pre-design? *Approximately 30%; this will lay out the equipment, buildings, location and how it hydraulically works together. Details are not provided at this stage, geo-tech requirements and topographical survey of the site are required.* Existing plant that will continue to operate as the new plant is being installed? *A detailed plan for plant to remain in operation with no down-time has been included as part of the pre-design contract.*

Once the pre-design is complete, what is your opinion of “design-build” project? *DEQ has told us repeatedly we cannot do a design-build. City can do a “design/bid/build” or a “Construction Management General Contractor (CMGC)” type of project. If City wants to pursue CMGC then the*

process with DEQ needs to be started now to go through those requirements. CMGC is a relatively new process that DEQ has come up with; it consists of a lot of little contracts.

Councilor Luzier – This can be done after the pre-design, correct? *Yes, whatever process that is chosen they all have to have the pre-design to start with.*

MOTION made by Councilor Luzier to approve Wastewater Pre-design Contract Award to Dyer Partnership as presented; second by Councilor Meier.

Discussion: None

In Favor: Councilors Anderson, Luzier, Stone, Egbert, Boggs, Meier and Mayor McKnight

Opposed: None

Motion carried unanimously.

- **Fire Services Proposal**

Staff Report – City Manager stated Douglas County Fire District #2 sent a letter to the City asking to clarify their position regarding some of the issues [brought to previous Council meeting].

DCFD #2 Fire Marshal, Ray Shoufler – It was requested we attend and address some issues that have been circulating.

Issues of concern to discuss:

- A rumor circulating stating FD #2 is not supportive of or needs volunteers:
 - FD#2 is a combination department; most personnel have started careers as volunteers.
 - Currently have 30 volunteers in the Sutherlin area, 11 are with Calapooia District
 - Have 12 students in Sutherlin High School volunteer program
 - Have full-time volunteer coordinator, district received grant last year for the program
 - If City accepted three year extension, volunteer's in City's program would be accepted into FD#2 program, meeting minimum requirements, could train and work with FD#2
- Tax increase was proposed last year would have allowed district to double career staffing and begin equipment replacement plan
 - District has proven fire and EMS service model in city, could continue with that staffing [not doubling] with current contract
 - District has on duty resources available to have the ability to cover back-to-back Sutherlin calls
 - Provide support services: fleet maintenance, fire prevention and community education
 - Current staff provides 24/7 all year vs. unknown of volunteer model at same cost to city
- Citizens have stated appreciation for service but did not want tax increase, FD#2 is able to continue at same level of service with no increase in taxes
 - Complete contrast to city's current fire-only model which does not lower taxes it only lowers level of service for citizen's

Encourage Council to take time, evaluate all information and vote for what is best for the community.

Councilor Stone – Question regarding statement that Sutherlin's station is the busiest, with fires? *With everything.* Was referring to fire department only, not ambulance service. *Do not have breakdown from each station, but from overall perspective it is the busiest station.* Activity reports refer to only 7 or 8 fire runs per month. *There are so many other things that go along with the fire department.*

Shoufler referred to a recent incident that took place regarding a local district that did not respond when called, FD#2 had to respond to the call.

Councilor Stone – Questioned statement tonight that you were asked to come back, who asked you? *Board of Directors asked me to come here, don't know who asked them.* Did City contact FD#2 to make a proposal to extend the IGA?

City Manager – City received a letter from FD#2 and responded to it stating we would put them on the agenda.

Councilor Meier – One of FD#2 Board Member attended the last meeting stating they wanted to extend the contract and my response was it needed to be discussed during an open meeting.

MOTION made by Councilor Boggs to have a public meeting for community input to discuss fire issues; second by Councilor Luzier.

Discussion: Councilor Boggs, if FD#2 is making offer to extend contract for same amount of money, citizens should be aware and voice their opinion.

Councilor Meier – Would like motion to include time and amount of meetings to have.

Mayor McKnight – Will continue with discussion before determining that.

PUBLIC COMMENT (agenda items only)

- Resident, Michelle Sumner – Suggest using City’s Facebook page and website, give options to the citizens to allow for their input.
- FD#2 Board of Directors Member, Paul Jackson – Would like to address current motion being considered, due to time constraint issues regarding decisions to be made by district for ASA when contract ends, unable to wait weeks for a decision.

Fire Services Proposal, cont’d...

- Councilor Luzier – Why has it taken nine-months to make this presentation if there is a time constraint? ***FD#2 Proposed extending the contract months ago.***

Several Council members disagreed with statement.

Jackson – Mistakes have been made on both sides; apologize to Council for any inconveniences

- Councilor Stone – Have had workshops and several options presented to Council regarding direction to go for services, one option presented to Chief Marlar asking if FD#2 would consider negotiating. The answer was \$3.16 per \$1,000 or nothing. ***Is Council aware we were going to double the paid staff for the \$3.16?*** No, not at all.
- Councilor Luzier – Believe citizens may not have been aware of this, only proposed tax rate change. ***This is all in the past, would like to extend the contract with current rate, but will not be doubling the staff.***
- Councilor Meier – FD#2 Board of Director’s June 2014 minutes state that it was understood that city wanted all options including a cost matrix on the table by July 28, 2014 so City could make a plan. A lot has gone into training of volunteers, concerned with change in mind.
- Mayor McKnight – For clarification purposes medical will not change, this seems like a half-truth given what has been said if ambulance is tied up, and there is another call in the city, FD#2 will not be first responder. Response times would be longer, is that correct? ***If it stays the way it is there is a two-man crew in Sutherlin, if they are on a call there are 17 FD#2 personnel who live in the area. The ambulance may come from off duty personnel or Winchester Station; there would be a slight delay.***
- Councilor Egbert – If ambulance is called to Oakland, then one to Sutherlin what will change. ***Would assume if city did not choose to go with FD#2, on duty EMS personnel would respond.***
- Councilor Stone – Is there such a thing as volunteer EMS? ***Yes, that is a possibility.*** Concerned if we extend contract, will we be right back here in three years? ***Even so, that would allow city to further their training in volunteer program.***
- Councilor Luzier – Would City have input on the volunteers if decide to contract with FD#2? ***I’m sure we would be open to negotiating.***
- Mayor McKnight – Standard of training is the same with our volunteers vs. yours. ***LaBelle – Yes, it’s all through DPSST. Currently graduated 14 volunteers, by July 1st they will also complete driver, apparatus operator and hazmat training, they will be level 1.***

Council discussed details regarding motion on the floor, presentation of facts regarding both models, union rules and amount City has invested in the volunteer program.

Public Comment, cont’d....

- Resident, Willie Caldwell – Works for Winston-Dillard Fire District, concerned with statements made regarding union employees vs. volunteers. Suggest establishing a sub-committee to work with Sutherlin and FD#2 if contract is extended, making sure all parties are equally treated.
- Councilor Stone – If this contract is extended for three years, where does city stand regarding equipment, currently funds are being set aside in volunteer program. ***Gillham – In the volunteer model, the intent is, over time there may be approximately \$400,000 in payroll savings. In 2015-16 fiscal year budget, \$60,000 has been set aside in equipment repair/replacement fund. Existing agreement with FD#2, unless City pays extra for this it will continue as is.***

Mayor McKnight confirmed that payroll savings is in theory. *Gillham agreed it is a short term theory without really knowing the outcome and possibilities ahead.*

- Resident, Patricia Klassen – As a citizen and representative to her neighbors would like to bring to the attention of Council some history. Five years ago retired Chiefs, Gene Fisher and Bill Anderson were commissioned to do an extensive study of Sutherlin Fire Department and report back to Council with recommendations for future fire protection. Recommendation was to contract with FD#2, reasons given were conditions of equipment and personnel costs. Community has grown accustomed to the high quality of service, property taxes should buy better than volunteer fire protection. Also need to ask if volunteer department will provide services such as medical assists.
- Resident, Michelle Sumner – Would like to stay with FD#2 if option is for the same price. Should not have to jeopardize safety if volunteer department does not have as quick of a response time.
- Resident and volunteer firefighter, Dan McCormick – Options were presented and City was to talk to FD#2 Board; for whatever reasons this did not happen. Has been working with Sutherlin Volunteers, they need more time, experience, and volunteers. FD#2 is now coming back with the same price for services; do not understand what the problem is regarding a decision.
Councilor Stone – City has \$140,000 invested so far in volunteer program concerned it is wasted.
McCormick - Can blame previous Council for not taking care of business.
- Councilor Luzier – Do not see that as money wasted, at least 14 people have been trained and are moving up the ladder getting qualified.
- Resident, Travis Terry – Started working as a volunteer at a young age. Council is talking about two totally different entities: 100% volunteer that handles fires only and ASA. Agrees all-volunteer department will be less expensive but also understand citizens want FD#2. When talking to the citizens, it needs to be very clear what will be offered by the two entities, status quo with dual purpose, EMS and fire vs. 100% volunteer fire and numbers involved. Have worked with the district professionally, know most of them and has been fine. However, could not borrow *our* turnouts from them for volunteer training, had to go to other agencies, do not agree with that.

Mayor voiced concerns regarding the citizens meeting and level of turnout for the meeting. Feel Terry has good ideas regarding what to present at the meeting. *Gillham – Would suggest having Terry as one of the presenters.*

- Resident, Bill Cagle – Would like to thank volunteers, feel they have represented themselves well. Concerned that approach has not been good from FD#2, animosity has been shown to City. It is FD#2's responsibility to approach City with an offer. In his opinion LaBelle has done an incredible job, have heard great things about the volunteers. Concerned with FD#2's position running down competition, they allowed City to go down a different path, spending \$140,000 on volunteer program. Feel volunteers will rise to the occasion and create goodwill in the community and be successful.

Mayor suggested getting back to the motion on the table for a vote.

Motion cont'd....

MOTION made by Councilor Boggs to have a public meeting for community input to discuss fire issues; second by Councilor Luzier.

In Favor: Councilors Luzier, Stone, Boggs and Mayor McKnight

Opposed: Councilor Anderson, Egbert and Meier

Motion carried.

Discussion continued regarding deadline for the meetings and FD#2 board's timeframe. Concerns were voiced on method of alerting public. McCormick stated would go door-to-door if City created a flyer.

- Resident, Tadd Held – Was not aware volunteer department would be 100%, have always been told there would be one or two paid administration staff supplemented with volunteers. Concerned Staff did not clarify this during tonight's discussion.

Mayor – Understand volunteer model would have two paid Staff, working Monday through Friday [8:00am to 5:00pm].

Discussion continued regarding advertising method and information to present to citizens.

- Resident, Julia Murphy – Suggest making it clear both differences will be presented

Meeting has been scheduled Friday, April 24th at 7:00pm in Civic Auditorium.

- Resident, Rodd Galusha – Understand reasons measure was voted down due to cost increase to citizens. FD#2 has now changed the ball game. Was unaware that FD#2's increase included doubling paid staff. Feel there are underlying facts that are different today than what was voted on. Support continuing with volunteer department, there is an assumption city will not have as good of service.
- Councilor Meier – Public should know FD#2 did not submit a proposal when they were asked to do it, now nine months later are wanting to change the plan. ***Gillham – The facts are we were in the process of moving towards negotiations with them when Council voted to terminate that and move directly into a volunteer program.***
Mayor confirmed there was a motion to remove further discussion with FD#2.
- Councilor Meier – FD#2 approached Council to meet with a select few from Council and Board to discuss in private without benefit of entire Council. ***Council directed City Manager and Chief Sanfilippo to go to the district, asking if they would consider making a proposal to Council. Their response was yes, they would like to meet first to make sure it was feasible to do so. Meeting took place in City Manager's office to bring out each perspective. There was a discussion and decision to take it a step further. Intent was to come to next Council meeting to discuss option of having three Councilors and three Board members to continue negotiating an agreement. That night, Council terminated that process.***
- Councilor Egbert – Currently paying approximately \$860,000 per year to FD#2, in addition there is an annual 3% increase each year. With volunteer model, money will be set aside for equipment replacement. Need to keep this in mind when presenting the facts. Money going to FD#2 is not going toward equipment replacement for City owned equipment.
- Mayor McKnight – Concerned with information that is presented at citizen's meeting and later there are legal ramifications if things change, there are unknowns.
- Resident, Bertha Egbert – Attended many meetings and heard repeated discussions regarding fire services. Heard multiple inquiries to FD#2 if they would be willing to negotiate or extend contract and answer was no.
- Need to let public know FD#2 has come back with an offer at the final hour, need to inform public and provide the facts. Feel public knows what the volunteer program is about.
- Mayor – What is presented may be a lot of "I don't know" and "maybes" cannot really call them facts if there are future unknowns.
- Julia Murphy – Feels she can speak for a lot of people, have heard what is expected with volunteer and district services. Present information in black and white.

City Manager – Currently have 15–18 volunteers, as of July 1st City Fire Department will be responsible for responding to fires only. Will have Chief, training coordinator/administrator in the office and in my opinion 8 or 9 fires a year does not justify an \$800,000 investment.

- Justin Peterman – Feels scheduling citizen's meeting on a Friday night would have low turnout. Council needs to make a decision which is what they were elected to do. Citizens did not vote on going volunteer, but whether they wanted taxes increased. It was the Council who voted on the volunteer mode, it now comes down to Council needing to make a decision, and stand behind it.
- Resident, Beth Houseman – Is concerned about human life rather than cost of services, it's about life not the property. Want to have quick response fire department, concerned how physically qualified volunteers are to fight fires.
- Mayor McKnight agreed it is about the people. Concerned also if a home burns and all is lost, and "but on the bright side, city saved money". Would like to know if Council wants to move forward with a motion.

After a lengthy discussion it was decided by Councilor Boggs to rescind his motion, Council to make decision at the April 27th regular meeting.

MOTION by Councilor Boggs to rescind motion; second by Councilor Anderson

Discussion: Will encourage public to attend next meeting for input.

In Favor: Councilors Anderson, Luzier, Stone, Egbert, Boggs, Meier and Mayor McKnight

Opposed: None
Motion carried unanimously.

REPORTS

- None

CITY MANAGER UPDATE

- None

CITY COUNCIL COMMENTS

Councilor Anderson

- Complimented City Manager for presentation in packet on [Wastewater Treatment Pre-design RFQ] really appreciates it.

Councilor Luzier –

- None

Councilor Stone –

- None

Councilor Egbert –

- Would like to request from Finance Supervisor, Dan Wilson, current sewer charges for all users. Would like to have them available for review during budget process.
- Concerned about 5:30pm meeting times, difficult to attend due to other commitments. *Tonight's meeting time was due to extraordinary circumstance, did not have many options due to time crunch regarding discussions needed.*

Councilor Boggs –

- None

Councilor Meier –

- None

Mayor McKnight –

- None

PUBLIC COMMENT –

- None

ADJOURNMENT –

With no further business meeting adjourned at 9:58pm.

Approved: Jerry Gillham
Jerry Gillham, City Manager

Respectfully submitted,

Diane Harris
Diane Harris, Deputy City Recorder

Todd McKnight
Todd McKnight, Mayor

APPROVED BY CITY COUNCIL APRIL 27, 2015