

**CITY OF SUTHERLIN**  
**Regular City Council Meeting**  
**Sutherlin Civic Auditorium**  
**Monday, February 23, 2015 – 7:06pm**

**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  
Chief of Police, Kirk Sanfilippo  
Interim Fire Chief, Rich LaBelle  
Fire District #2 Chief, Greg Marlar  
Master Officer, Kurt Sorenson

**Audience:** Sam & Gladys Robinson, Bertha Egbert, Pam & Denny Cameron, Ken Wolfer, Joshua Waechter, Beth & Jim Houseman, Tami & Jack Trowbridge, Rick Murphy, Janel Sorenson & children Keith & Eliza, Joe Groussman, Greg Henderson, Justin Peterman, Zada Wright, Gene Fisher, Scott Richardson, Will Caldwell and Justin Peterman

Meeting called to order by Mayor McKnight, at 7:06pm.

City Manager, Jerry Gillham, announced tonight's scheduled Workshop – Fire Services Update, will not take place due to the advisement of Labor Negotiations Attorney, Ashley Boyle.

**Flag Salute:**

**Roll Call:** Councilor Anderson – Excused

**Introduction of Media:** None present

**PUBLIC COMMENT** (agenda items only)

- None

**PRESENTATIONS/PROCLAMATIONS**

- **Chamber of Commerce/Visitor Center**

Chamber President, Tami Trowbridge, presented budget report for period ending January 31, 2015.

Chamber updates:

- 99 Productions owner, Kent Rochester, was contacted regarding Sutherlin Tourism DVD concerning additional coverage needed for Sutherlin Stampede Rodeo and BlackBerry Festival or if the DVD is complete. Decision was made by previous Tourism Director, due to additional funds not available the extra footage would not be added.

Councilor Luzier – When area groups request tourism dollars for their event, do they provide information explaining how the funds will be spent? *Yes, that information is presented and reviewed by Chamber Board and Transit Room Tax Advisory Committee (TRTAC). There is a criteria they have to meet.*

- Chamber and SDDI (Sutherlin Downtown Development Inc.) met with [i.e. Engineering, Inc. Landscape Design + Planner, Emily Overbey] to consider possibilities for vacant lot next to China Station on Central Avenue. Overbey will provide a conceptual design per their discussion.
- Sutherlin resident, Nan Isaacson, previously voiced concerns to Council regarding city's appearance, has spoken to several groups, churches and Senior Center regarding clean-up efforts.

- Newly hired Chamber of Commerce Executive Director, [Pam Semas], is currently updating Chamber's Website and Facebook page.

Councilor Stone – Does Chamber still have two billboards? *No, there is only one billboard now. The “free” billboard was replaced by another advertisement.*

Councilor Egbert – Will new Executive Director work with community groups and attend meetings as a volunteer coordinator? *Yes, she is planning to work with groups and attend meetings. This was also brought up at Chamber's Board meeting; a suggestion to create a framework of area volunteer opportunities was discussed.*

- **Officer of the year**

Chief of Police, Kirk Sanfilippo, reported for 39 years Roseburg Optimists Club has honored local law enforcement at the annual Respect for Law Banquet. This year, Sutherlin Police Department named Master Officer, Kurt Sorenson, as “Officer of the Year.” A history of accomplishments, training, and community involvement over the past 12 years was shared with Council and audience members. Sorenson is a certified Oregon Child Forensic Interviewer, firearms training instructor, Sutherlin and Oakland's school resource officer, field training officer, less-lethal instructor and background investigator.

Mayor McKnight read and presented a Certificate of Award on behalf of Council, citizens and Staff to Sorenson. Present in the audience was Sorenson's wife, Janel and children, Keith and Eliza.

Master Officer, Sorenson expressed appreciation in being honored with the award.

Councilor Stone – His children attended Sutherlin Schools, has never heard one negative word about MO Sorenson. Would like to express appreciation, and compliment him on an outstanding job.

Councilor Boggs – As previous Police Chief, had several officers working as resource officers; Sorenson was the only officer he never had a complaint about.

## COUNCIL BUSINESS

- None

## CONSENT AGENDA

- **February 2, 2015 Minutes – Special Workshop**
- **February 9, 2015 Minutes – Regular Meeting**
- **February 9, 2015 Minutes – Workshop**

Councilor Egbert requested pulling the February 9, 2015 Regular meeting minutes for clarification purposes.

**MOTION** made by Councilor Boggs to approve February 2<sup>nd</sup> and 9<sup>th</sup> Workshop minutes as presented; second by Councilor Egbert.

Discussion: None

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

Opposed: None

Motion carried unanimously.

Councilor Egbert directed question to Finance Supervisor, Dan Wilson, regarding a statement made at previous Council meeting in answer to Councilor Meier's question concerning budget spending. However, an article in League of Oregon Cities magazine states “It is unlawful to spend public money in excess of the amount budgeted or for a different purpose than budgeted.” Concerned that statement made at last meeting and article do not agree, would like clarification. *Believe they are not referring to the same thing, has not read that article to know exactly what they are referring to.*

Councilor Egbert continued reading the article to add clarification.

Discussion was held concerning the article's meaning and intention, and the belief it is not referring to line items.

***City Manager – State law does not authorize approval of a “line item” budget. Budget Committee reviews city budget by line items, but that is how they choose to review it. If you, for instance budgeted an amount for materials and services for the Police Department, you cannot take those funds, intended for Materials and Services and give them to the Wastewater Department.***

***Wilson – Agreed believe that is what the article is referring to.***

Councilor Luzier – Suggest Wilson review the article to confirm its intention.

Councilor Meier – Referred to article's statement, asking City Attorney, Chad Jacobs, for clarification. Is it lawful for any public official to spend money in excess of amounts provided? Do changes have to be made in the budget before you spend the money? ***The way the law works is changes need to be made to the budget before expending the funds. You can't go back after the fact and “cover your tracks”, even though is ratifies the decision, it doesn't make the original expenditure lawful. When looking at budget that was approved by Council, it does go into level of detail being discussed tonight. There isn't flexibility to move those funds around to different types of expenditures.***

**MOTION** made by Councilor Luzier to approve February 9, 2015 Regular meeting minutes as presented; second by Councilor Meier.

Discussion: None

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

Opposed: None

Motion carried unanimously.

### **PUBLIC HEARING**

- Annexation/Zone Change

Mayor McKnight opened the Public Hearing – Annexation/Zone Change at 7:31pm.

Applicant, Sam Robinson, on behalf of himself and several consenting property owners, seeks annexation of approximately 16 acres of property into the city. The applicant also seeks zone changes from county to city zoning for the affected properties.

Members of Council were asked if there was anyone that would like to disclose any conflicts of interest, ex-parte contact or personal bias.

Councilor Stone declared a potential conflict stating he knows Sam Robinson and has done work for him; feels he can be fair and impartial.

Mayor McKnight continued to read through the hearing procedures, concluded by asking if there was anyone wishing to raise any procedural concerns at this time.

City Recorder, Debbie Hamilton, stated she believes Councilor Egbert attended Planning Commission meeting [public hearing], therefore needed to declare ex-parte contact.

Councilor Egbert stated he did attend the Planning Commission meeting

***Jacobs – Councilor Egbert declared attending the Planning Commission meeting, additionally needs to state if that will or will not affect his decision made tonight. Stating that it does not affect tonight's decision will allow participation in the hearing.***

Councilor Egbert reiterated he has attended several Planning Commission meetings; they have no bearing on tonight's vote.

Councilor Boggs – Asked Robinson if the map he showed him last week at City Hall was of the same area the decision is being made on tonight? ***Robinson – No, map is for a future development.***

Mayor McKnight called for Staff Report.

Staff Report – Community Development Director, Vicki Luther, stated she would read most of the Staff Report for the record that concerns a proposed annexation and simultaneous zone change. Current law requires Planning Commission and City Council's approval of any amendment to the Sutherlin Zoning

Map. Sam Robinson is the applicant and representative of eight other property owners. The reason for the annexation is to allow water service and orderly development to part of the 16.2 acre area.

Planning Commission's Conditions of Approval:

1. The subject property owners shall enter into an agreement to participate in a Local Improvement District (LID) prior to completion of the annexation and zone change for future sanitary sewer services and street improvements along Duke Road, Fir Grove Lane and Plat M Road. If an LID is formed in the future the owners shall be responsible for their proportional share of the improvements.
2. The subject property owners shall dedicate five (5) feet of property frontage to Duke Road right-of-way in order to obtain a 60-foot wide street right-of-way.
3. Preparation of the legal description of the proposed annexed parcels to be filed with the state shall include the portion of public road rights-of-way that are within the outside boundary of the annexed area.
4. The applicant and participating property owners are not responsible for payment of water System Development Charges (SDC's) because those fees have been waived by the Sutherlin City Council.
5. If necessary, water line easements over the recently installed line shall be recorded with the annexation to assure city access to the lines.
6. The applicant shall be in compliance with all federal, state, and local regulations and law in regards to this application of annexation and zone change.

Mayor McKnight called on applicant with any additional comments.

Robinson shared his appreciation working with City Staff, adding they have been very cooperative. The City has made this an easier process by working together as a team.

Councilor Stone referred to the Conditions of Approval's regarding signing an agreement to participate in LID. Does LID dissolve after the annexation is completed? *No, the reason for the condition is agreement will have to be signed stating if sewer is installed in the future, they will connect and participate in the cost, this includes street improvements, as well.*

Mayor McKnight asked for Public Testimony:

- o Are there any proponents of the application who wish to speak? None
- o Are there any opponents of the application who wish to speak? None
- o Are there any neutral parties who wish to speak? None
- o Does staff have any additional information to present? None
- o Does the applicant wish to provide rebuttal testimony? None needed

Closed Public Hearing at 7:42pm.

#### **ACTION ITEMS/GENERAL BUSINESS**

- **Ordinance – Annexation/Zone Change (first reading, title only)**

City Recorder, Debbie Hamilton, provided first reading, title only of Ordinance. "An ordinance declaring the annexation by consent of real property; amendment to the zone map to change the property's zoning designation from Douglas County zoning designation or RS (Suburban Residential: and RR (Rural Residential 2 acres) to the City of Sutherlin's current zoning of R-1 (Low Density Residential); withdrawing the property from the Calapooia Rural Fire Protection District, and directing the filing of instruments of record with the Secretary of State, the Department of Revenue and the Douglas County Assessor."

**MOTION** made by Councilor Luzier to approve first reading of Ordinance – Annexation/Zone Change, by title only; second by Councilor Boggs.

Discussion: None

In Favor: Councilors Stone, Egbert, Boggs, Meier, Luzier and Mayor McKnight  
Opposed: None  
Motion carried.

**REPORTS**

- None

**CITY MANAGER UPDATE**

- None

**CITY COUNCIL COMMENTS**

**Councilor Luzier** –

- None

**Councilor Stone** –

- None

**Councilor Egbert** –

- None

**Councilor Boggs** –

- None

**Councilor Meier** –

- None

**Mayor McKnight** –

- Would like to acknowledge and thank Chamber of Commerce for their work in putting on Sutherlin’s First Citizens Banquet. It was a very nice dinner and evening.
- Would also like to acknowledge Sutherlin High School’s Boys and Girls Varsity Basketball team’s wins last Friday, both are league champions.

**PUBLIC COMMENT** –

None

**ADJOURNMENT** –

With no further business meeting adjourned at 7:47pm.

Respectfully submitted,

*Diane Harris*

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Diane Harris, Deputy City Recorder

Approved:

*Jerry Gillham*

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Jerry Gillham, City Manager

*Todd McKnight*

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Todd McKnight, Mayor

***APPROVED BY CITY COUNCIL MARCH 9, 2015***