

CITY OF SUTHERLIN
Regular City Council Meeting
Sutherlin Civic Auditorium
Monday, July 27, 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 Director, Dan Wilson
CD Director, Vicki Luther
Chief of Police, Kirk Sanfilippo
Interim Fire Chief, Rich LaBelle
Fire Chief, Charles Perdomo
Assistant Fire Chief, Troy Brevik
City Attorney, Chad Jacobs (via Skype)

Audience: Tami Trowbridge, Tara Boggs, Holly Boggs, Linda Pinsent, Pam & Denny Cameron, Floyd Van Sickle, Robert O'Brien, Mike Meier, Anthony Harris, Tadd Held, Barclay Benton, Mike Millage, Pat & Bert Bales, Sue Gillham, Beth & Jim Houseman, Robert Woldt, Pamela Semas, Brian Burke Sr., Allison Green, 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)

Mayor McKnight referred to Pinsent's comment form stating she wanted to comment on agenda item "Sign Ordinance Review". Mayor reported that Council will not be discussing the topic at tonight's meeting, but will schedule a workshop at a later date.

- Magic Mushroom Lamp Company owner, Linda Pinsent, stated she recently received a letter from the City regarding an ordinance violation requiring sign removal. Pinsent stated it is not a sign, but a piece of art that makes a statement on new Marijuana laws. The "artwork" on the top of their building is displayed rather than a large sign.

City Manager, Jerry Gillham – City Attorney, Chad Jacobs, will be able to address these concerns.

Pinsent questioned if the City also sent a letter to other estimated 40 to 50 sign ordinance violators.

- Resident, Mike Millage – Declined comment since learning the marijuana ban has been enacted.
- Resident, Robert O'Brien – Concerned with Marijuana ban and lack of open businesses in the area. Medical or Recreational Marijuana Dispensaries could provide revenue to the city. Would like to see at least one facility in town.

PRESENTATIONS/PROCLAMATIONS

- **Chamber of Commerce/Visitor Center**

Chamber of Commerce President, Tami Trowbridge, presented budget report ending June 30, 2015.

Updates:

- Recent Push-Pull Drag Race event was a successful and well attended. Would like to thank City Staff for all the help they provided. Restaurants and area businesses were very well patronized.
- Sutherlin Stampede Rodeo and Parade was also very successful and well attended.
- New street signs are completed; Public Works Dept. will put up the signs as soon as possible.

- Sponsorship has been committed for four more Flag Rocks.

Trowbridge stated she would like to share some exciting news. Lion's Head Developer and owner, Bruce Brunette, is very interested in developing properties west of I-5. City Staff and Brunette expressed the importance of sharing the concept with Council. Trowbridge stated it all started as a result of the Economic Opportunity Analysis (EOA) Grant award, which City Manager, Jerry Gillham, applied for. Gillham also met with the group of property owners, bringing them along with possible ideas for the site. Once Brunette became aware of the property as a possible tourism site, he met during the first week of June with City Staff, property owners and Chamber President. A historic timber industry themed interpretive center is planned; this area is known as the timber capital of the nation. There has been a huge amount of interest and support from persons Brunette contacted regarding the development and its concept. Trowbridge reported on City Manager's presentation the previous week. Brunette and staff member [Heidi Albertson]; ODOT [Mark Usselman]; Governor's Team [Jeff Griffith]; City Staff, as well as others that would be involved in the process were present. Brunette also contacted the head of Oregon Logging Conference, who is very supportive of the concept and project. In addition to the conference and interpretive center, he plans to include wine industries, Oregon companies and possible water park. University of Oregon's (marketing and land use work) and Oregon State's (engineering) Departments have been contacted. Both universities are interested in being involved, which can also be used as part of their curriculum. Trowbridge said that Brunette stated this will be the neatest project he has ever worked on; she added this has started from the foresight and hard work of City Manager.

Councilor Stone referred to Chamber's budget report, asking if additional \$1,800 that went to the Blackberry Festival Committee was for tourism? ***Last year Chamber budgeted \$5,000, however Blackberry customarily asks for \$6,800, the extra money was available, therefore was able to honor their request.***

What is the Chamber's position regarding the marijuana dispensary ban, and turning potential businesses away from the community? They could potentially be located in one the enterprise zones available within the city. ***Chamber has not addressed this issue; have been waiting to see what Council decides with this difficult subject. Chamber has currently been trying to foster businesses on a less controversial level. A processing center could put more than 25 people to work. Chamber Board has not established a position on this yet, but it can certainly be discussed.***

- **Natural Disaster Emergency Preparation**

Providence Medford Medical Center Registered Nurse, Tara Boggs, reported as part of her master's degree she has been working on a project addressing Natural Disaster Management. Medford and Jackson County have resources available for disaster management; however, she found in the Douglas County area, those resources were not as available. Wanted to be able to provide and easy pamphlet to assist the public in preparing for and getting through a natural disaster.

Included in the pamphlet are some suggested items to have available:

- A gallon of water, per person, per day
- Changes of clothes available in your car
- Personal information
- Medication lists
- Non-perishable foods
- Emergency numbers
- Blankets or sleeping bags
- Extra keys, credit cards, or cash
- Extra glasses, contacts and sanitation supplies
- Battery powered radios, flashlights and batteries

Additional information is available on the pamphlets and can be picked-up at City Hall.

COUNCIL BUSINESS

- **Sign Ordinance Review**

Council will hold a workshop regarding the Sign Ordinance Review at a later date.

CONSENT AGENDA

- **July 13, 2015 Minutes – Regular Meeting**

MOTION made by Councilor Luzier to approve Consent Agenda as presented; second by Councilor Stone.

Discussion: None

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

Opposed: None

Motion carried unanimously.

ACTION ITEMS/GENERAL BUSINESS

- **Resolution 2015.11 – Fee Schedule**

Staff Report – Community Development Director, Vicki Luther, summarized the fee changes notated in the proposed Resolution.

Questions:

- Is a right-of-way permit required from Douglas County if work is being done in the city? ***No, only through the City.***
- Councilor Egbert reported he needed a permit from the County for a right-of-way and he is within city limits. ***That is because it involved county road.***

MOTION made by Councilor Stone to approve Resolution 2015.11 – Fee Schedule as presented; second by Councilor Luzier.

Discussion: Councilor Egbert – Concerned with the additional fees being charged when Staff is already working in that office. Do not see why increasing fees is necessary, it is basically taxing people.

Councilor Stone – This is actually money that is coming back to the City and that Staff is spending additional time on. Community Development Department (CDD) has a lot going on; do not feel \$25 is a lot to charge for that service.

City Manager – This is just good fiscal management; should review fees every year. All taxpayers are subsidizing new development, the intent is that those fees will pay for new development, freeing up those tax revenues for needed things such as potholes. Even though it's only \$25, the ripple effect throughout the general fund would be healthier in years to come.

Councilor Meier – Understand what Gillham is saying, the people that are going into CDD and using those services should contribute something for that service.

Councilor Egbert – But they are already paying property taxes.

Councilor Stone – But there needs to be an off-set, planning is the start of everything that goes on in this community.

Councilor Anderson – How much revenue will the fee increase generate? ***It won't be significant.***

Councilor Egbert – There is a new home being constructed on a piece of property that was just brought into the city limits, the taxes this home will generate will way outweigh what is generated by fees.

Councilor Stone – Initially, to start that home, they paid up to \$4,900 in SDC's to the City. Someone who has lived in their home for 50-years doing a remodel would pay nothing for their application as it currently stands; the entire burden has been placed on the new construction.

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

Opposed: Councilors Egbert and Anderson

Motion carried.

- **Resolution 2015.12 – Support of Transforming Downtown Application**

Staff Report – Community Development Director, Vicki Luther, stated she is still in the application process for the Main Street Grant; therefore this resolution will be brought back to Council at a later date.

City Manager – When Sutherlin Downtown Development, Inc. (SDDI) formed, there were requirements in order to qualify for the “Main Street Program”. They are now certified; this application will help them get to the next level, allowing access to additional grants.

Councilor Meier – Doesn't the owner of Murphy Plywood have to sign-off on this? ***City Manager and former Finance Director consulted with City Attorney and Murphy multiple times. These Main Street***

Funds are exactly what Murphy intended for downtown beautification projects, rather than it going to the general fund and paying for Admin. City has provided money through the sale of surplus items and scrap metal for this fund and was to be kept informed of how this money was being used.
Councilor Luzier – They can include that information in their presentation to Council.

- **Resolution 2015.13 – Authorizing Officer and Bond Counsel**

Staff Report – Finance Director, Dan Wilson – As it states in the Resolution, this is a legal document authorizing City Manager and Finance Director to negotiate final terms on the DEQ loan. This will also officially appoint Mersereau Shannon LLP, as Bond Counsel to review the loan documents.

MOTION made by Councilor Luzier to approve Resolution 2015.13 – Authorizing Officer and Bond Counsel as presented; second by Councilor Stone.

Discussion: Are the wetland issues settled? *Still waiting, but hopeful it will be completed soon.*

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

Opposed: None

Motion carried unanimously.

- **Ordinance No. 1046 – Marijuana Restrictions (first reading and adoption)**

Deputy City Recorder, Diane Harris, provided first reading, title only, “Ordinance No. 1046 – An Ordinance adding a new chapter 8.18 to the Sutherlin Municipal Code prohibiting the establishment of Marijuana facilities within the city and declaring an emergency”.

Staff Report – City Attorney, Chad Jacobs, explained this new ordinance would prohibit Marijuana facilities within the City of Sutherlin, which City has already passed an ordinance for. During that time however, the Legislature was deciding whether to amend State law to explicitly allow local jurisdictions to prohibit Marijuana facilities. Legislature has agreed to House Bill 3400 (HB3400) which permits local jurisdictions to prohibit six of the seven marijuana facilities.

There are three types of facilities under the medical marijuana program:

- Medical grow sites, processors and dispensaries.

There will be four types of facilities under the recreational program:

- Recreational growers, processors, wholesalers and retailers.

HB3400 allows the prohibition of all facilities except for Medical Marijuana grow sites. City has authority to prohibit the other six entities; however, this will need to be referred to the voters at the next statewide general election November 2016. This basically puts a moratorium in place until that time. Assuming the voters uphold that, City will then have a law in place that conforms with HB3400 and takes away the state pre-emption argument and chance of any litigation that may arise in the future for these types of facilities. Recommendation is to adopt this ordinance under HB3400 as expeditiously as possible.

Councilor Meier – Understand that if 55% or more of the population voted against legalizing marijuana that City would not have to put this to a vote. Is that referring to City voters or County? *It is based on 55% of county residents. However, this will be a citywide vote of the city residents. If City prohibits marijuana facilities, tax revenue from the sale of marijuana at state level will not go to the City, which is based on the number of facilities in a city.*

Councilor Stone voiced concerns regarding lost revenue from the prohibition and turning prospective processing businesses away. Land is available in the enterprise zone for a processing facility and would receive a tax benefit.

Councilor Luzier – If it is an existing building, they would not get a tax benefit if it is not on the tax rolls.

Councilor Stone – There isn’t an existing building, but could use the building County is planning to build and turn it into a processing facility.

Councilor Luzier – They would not get enterprise zone benefits because it’s a County building.

MOTION made by Councilor Anderson to approve first reading and adoption of Ordinance No. 1046 – Marijuana; second by Councilor Meier.

Discussion: Councilor Stone – Council’s job is to be neutral and govern. This is closing the door to business.

Councilor Meier – This is federally illegal, which we have taken an oath to uphold, there are conflicting laws involved. It may not provide jobs, but it may appeal to families to move here because of the ban.

Councilor Boggs – All this ordinance is doing is delaying this process, letting voters to decide for themselves at the general election November 2016. ***That is Correct.***

Councilor Stone – Is the state issuing licenses at the beginning of 2016 for processing facilities? ***Under measure 91 the state has to begin accepting applications for recreational processors at the beginning of 2016. Have heard OLCC won't begin issuing licenses until the second or third quarter of the year.***

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

Opposed: Councilor Stone

Motion carried.

REPORTS

• Fire Services Update

City Manager asked for all volunteers present to stand and be recognized, those present received a round of applause as a show of appreciation.

Sutherlin Fire Chief, Charles Perdomo, updated Council on organizational structure being put into place.

- As of July 1, 2015 have gone on 24 calls.
- Continuing to work on department operations.
- Creating policy and procedure for the department.
- Continuing to order equipment, inventory has shown unanticipated equipment is needed.
- Addressing equipment and operational apparatus needed for both mobile and station operations.
- Council requested at last meeting a list of the needed equipment. This list will be available at the end of the week. Will forward it to City Manager for disbursement.

Assistant Fire Chief, Troy Brevik, reported on training updates:

- Working with Interim Training Coordinator, Gene Fisher, regarding training and continuance of the quality of education within the department.
- Last weekend volunteers completed a 16-hour motor vehicle extrication course.
- Live burn training using County's burn trailer will take place before returning it.

Currently in the process of solving the dilemma regarding calls for service, a portion of those services are not medically related. Dispatch does not differentiate between general calls for service and medical calls. Perdomo stated we have implemented an immediate resolution to formulate general calls for service response system. Staff, in the future, will be looking at the long-term service module and will bring recommendations to Council.

Discussion continued regarding Council's concerns, Mayor McKnight suggested scheduling a workshop or meeting in the future with those involved.

CITY MANAGER UPDATE

- Would like to update Council on a phone call received today in relation to development project [presented earlier in the meeting]. Bruce Brunette has formed a Limited Liability Corporation called "Oregon Only", and will include only Oregon contracting, construction, and retail businesses. Staff has participated in a conversation with U of O regarding architecture design and land use of the development. Follow up meetings have been scheduled.

CITY COUNCIL COMMENTS

Councilor Anderson –

- Concerns were brought up at previous meeting regarding panhandling in front of Shop Smart grocery store, now there are various other locations involved. Has it been determined if an ordinance is in place addressing this issue? ***Existing ordinance addresses freeway exit area only.***

Councilor Stone – Council did not include the rest of the City in the ordinance because, it would not allow area children or schools to fundraise, such as car washes or candy selling, etc.

Jacobs – Without going into too much detail, Oregon has limitations on the ability to regulate speech, which can include panhandling. There are strong restrictions on what cities can and cannot do.

Chief of Police, Kirk Sanfilippo – Calls of complaint can be directed to the non-emergency dispatch line. An officer will be sent out, if there is a crime the officer will address it.

Councilor Luzier –

- None

Councilor Stone –

- Attended Sutherlin Stampede Rodeo, there was a good turnout there. However, the restrooms at that location were all locked. *Am unaware they were locked, they shouldn't have been.*
- Would like to know the status of Red Rock Trail. *It is moving forward, clearing ground at this time; paving will not start for a while.*
- Concerned with access [Myrtle Street] near Dutch Bros. The cars are backed up into the street, making access difficult. Not sure what the solution would be, however it is a concern.

Councilor Egbert –

- If Fire Department volunteers go on a call, can they opt out if it is a medical call? *Volunteers will not be involved if it's medical.*

Councilor Boggs –

- Rotary Club may be able to assist Public Works with new street sign placement. *Luther appreciated the suggestion and will look into it.*

Councilor Meier –

- Finance Report stated IE Engineering has been paid for “Central Park Playground Work”, is there a design available to view? *Yes, it is available at the Community Development Department.*
- In State Gas Tax Fund, there was \$150,000 unexpended this last fiscal year, is that money earmarked for something? *That was money set aside for projects like sidewalks, slurry seal and overlays, but didn't get spent.* That has been an ongoing practice for years, have plans for money to go toward street repairs that doesn't get spent. *Luther will be monitoring it this year.*
- Jon Irwin explained at previous meeting the different processes that can provide a cost savings when building a wastewater treatment facility. The process needs to be started with DEQ early on, has anything happened with that? *We have already talked to DEQ; we are putting a complete emphasis on wetland environmental issue's completion. We will then be able to move into these considerations. DEQ is aware of this and know City will be further discussing and considering this as an option.*
- How are our water rights regarding Mr. Banducci?

Councilor Stone - Public Works Superintendent, Brian Elliott, said Banducci has all of the required paperwork, and has to go to DEQ and other agencies for permits first before City can do anything.

Councilor Luzier – Elliott sent an email to Council explaining everything involved.

Mayor McKnight –

- None

PUBLIC COMMENT –

- Resident and Sutherlin Volunteer Firefighter, Anthony Harris, voiced concerns regarding a liability being put on himself, fellow firefighters, department and City because DC Fire District #2 said they would not respond on lift assist calls. Are they going to if we ask them or will not go at all? The liability issue is a concern for Council to discuss.

ADJOURNMENT –

With no further business meeting adjourned at 8:49pm.

Respectfully submitted,

Diane Harris

Diane Harris, Deputy City Recorder

Approved:

Jerry Gillham

Jerry Gillham, City Manager

Todd McKnight

Todd McKnight, Mayor

APPROVED BY CITY COUNCIL, AUGUST 10, 2015