

CITY OF SUTHERLIN
Regular City Council Meeting
Sutherlin Civic Auditorium
Monday, September 28, 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
Community Development Director, Vicki Luther
Public Works Utilities Superintendent, Brian Elliott
Chief of Police, Kirk Sanfilippo
Fire Chief, Charles Perdomo
City Attorney, Chad Jacobs (via Skype)

Audience: Steve Major, Joe Groussman, Bertha Egbert, Floyd Van Sickle, Pat & Bert Bales, Beth Houseman, Tami & Jack Trowbridge, Mike Flick, Brian Burke Sr., Justin Peterman, Tadd Held

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

PRESENTATIONS

- **Chamber of Commerce/Visitor Center**

Sutherlin Area Chamber of Commerce President, Tami Trowbridge, presented budget report ending August 31, 2015.

Updates:

- Hot Rod Fun Run was well attended, participation more than doubled from last year's event.
- Executive Director, Pamela Semas, is working with Oregon Audubon Society who requested information regarding available lodging and restaurants for early November.
- Have been meeting with City Staff for Sign Ordinance review.
- Volunteer Appreciation event will be held at Rotary Event Center, October 10th from 4 - 6:00pm.
- \$1,000 was spent out of carry-over funds for conceptual design created by i.e. Engineering designer. The proposed improvement is an empty lot located between two buildings on Central Avenue. The project is in conjunction with SDDI (Sutherlin Downtown Development Inc.)

Questions and Discussions:

- Chamber is working with City Staff regarding the sign ordinance? *Yes, we have been able to provide input from a Chamber and business perspective.*
- Has the idea of placing a wall on the empty lot been discussed? *Yes, could possibly have a false wall or structure with plants.* Or a wall in the front that would look like a building.
- *Recently met with Code Enforcement Officer, John Hebard, to discuss the Sign Ordinance. He provided a copy of the old version, which is simple, short and easily enforceable.*

Chamber is working to raise awareness to clean-up various areas in the city. Since code enforcement is complaint driven, contact information has been provided to those who have concerns.

- **Pre-Design Update – Wastewater Treatment Plant**

Dyer Partnership and Project Engineer, Steve Major, presented a virtual PowerPoint showing the existing Wastewater Treatment Facility with overlays explaining changes to be made for the new facility.

Questions:

- Does the Sodium Hypochlorite chlorination in the summer-time help reduce the amount of UV (Ultra-violet) needed? **No, but it's an added precaution for Class A water.**
- Are we going to put everything into Ford's Pond or to the line under the bridge [Calapooia]? **Will going through the line underneath the bridge in the winter; in summer-time will use existing force main for pumping up to the golf course.**
- Will valves be motor activated or manual? **Manual.** Is there a benefit to that? **No, just cost.**
- Are over-flows in the SBR's (Sequential Batch Reactors)? **No, the de-canter acts as an over-flow.**
- Will new blowers be as loud as current ones? **No, they are all very quiet.**

We will be pre-loading the site where SBR's will be located. It takes 6 to 9-months for the material to settle, and looking at a separate contract for that process. The pre-load can be constructed while the plant is being designed. Dyer is planning to have the draft of entire report ready by the end of October, giving the City time to review and comment before submitting to DEQ. Have been meeting with Public Utilities Staff every Wednesday at 2:00pm, has proved to be very beneficial and productive.

- What is the plan for existing pump room which houses controls? **Assuming the existing electrical panel will stay and will be able to use it. Will be contacting Douglas Electric to add a new service to provide electrical to new section of the facility.**

Major reported not many cities can screen before pumping; providing a huge savings in operations costs.

COUNCIL BUSINESS

- **Council Communication**

Mayor, Todd McKnight, opened up discussion stating he requested City Attorney, Chad Jacobs, to inquire what other cities do regarding communication between council, staff and attorneys.

Jacobs – Have made various inquiries using different avenues for the information.

Three questions were asked:

1. How do communications work when council wants to communicate with staff?
2. How do you deal with communications when council has questions, whether it is a member of the public or outside agency?
3. How do you deal with communications with the City Attorney's office?

Received mixed results:

- Cities deal with communications with staff in two different ways:
 - a. Need to be approved by council as a body and staff is obligated to answer those questions.
 - b. The more popular way, councils are generally free to ask questions of staff but if it will take a certain amount of time would require full council approval.
- Outside communications have been broken down into two different kinds of communications:
 - a. In quasi-judicial such as a land use type of hearing where councilors are required to disclose ex-parte contact or conflicts.
 - b. Could not find anyone having a requirement that councilors share information they receive from outside sources with members of council. Leaving that up to the discretion of the individual councilors.
 - c. Some cities, for public records purposes, have requirements for written communications. They get shared with City Recorder who is responsible for maintaining records consistent with State's Record Retention Policy.
- Using the City Attorney; three different methods were used:
 - a. Leave it to the discretion of the individual councilors to call City Attorney when needed but, cannot go overboard.
 - b. Require going through City Manager first, unless it is about him/her, in which case would go through Mayor to contact City Attorney's office.
 - c. Councilors are prohibited from contacting City Attorney without full council approval.

Jacobs reported one consistent piece of advice from City Attorney's is if council is thinking about enacting a policy, there is not necessarily a right or wrong answer. It's important to think of the policy in the "big picture", don't focus on solving a problem on one particular situation or something that happened in the past. It often does not lead to good resolve, do not debate on who did what in the past. Create a general policy that will best serve Council for more productive discussions and rules.

Questions and discussion:

- Councilor Meier – Concerned when information is given to Council that affects City business, a department or responsibilities, that message needs to be communicated to a department head or City Manager, if not available it should then be forwarded to whoever is in charge.
- Mayor explained any information he receives is forwarded to the City Manager. This has been his normal protocol.
- Councilor Meier – If the City Manager is unavailable due of vacation or medical leave...
- Mayor – Then it would go to the next person in charge.
- Councilor Boggs felt legal questions should still go to the City Manager first, giving him the opportunity to research the answer. Stating he will not go to the City Attorney himself.
- As a cost savings give City Staff a chance to answer. If not happy with the answer, bring it to Council for discussion. If needing to take further then ask City Attorney who is available at every Council meeting.
- Then what is the procedure for contacting the attorney? *Go to the City Manager first.* If it's about the City Manager? *Then contact the Mayor.*

Jacobs – Agree that would be the preference, for both a cost saving perspective and Staff provides a lot of expertise and able to answer questions quickly. It makes no sense for City to spend money contacting City Attorney if Staff already has the answer.

City Manager – Staff has "list-serve" available, providing the ability for City Manager and Staff to reach out to other cities for information before picking up the phone and calling the Attorney.

CONSENT AGENDA

- **September 14, 2015 Minutes – Regular Meeting**

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

Discussion: None

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

Opposed: None

Motion carried unanimously.

ACTION ITEMS/GENERAL BUSINESS

- **Children's Playground Proposal**

Staff Report – Community Development Director, Vicki Luther, requesting Council's opinion if open to financing proposed park project and adding to next year's budget. OPRD (Oregon Parks and Recreation Department) has money available and currently willing to fund 40-50% for the project. There are several other smaller grants available, as well. Estimated cost of the project is between \$150,000 to \$300,000 for playground and proposed water spout-park.

Discussion:

- Suggest visiting River Forks new park and the area it covers, get an idea if it can fit in existing area at Central Park.

Luther – Would like to propose borrowing money from Tourism Fund and paying back approximately \$25,000 per year to the fund.

- Feel any money City has should be put towards existing infrastructure, rather than building a new park. *City is currently faced with replacing the equipment in the park anyway.*
- Could also do that, but could scale this project down quite a bit. Concerned when driving through town and pot holes are everywhere. Should refocus money for that but, do agree existing equipment at park should be replaced.

- Thought is to use grant money that is designed for these types of projects, something City could match and pay back.
- City collects money for Park SDC's (System Development Charges) each year. *Those SDC's are for building "new" park facilities, you can't use it to maintain.*
- Suggest having fundraisers to help with needed money for the project.

Luther – Would like a motion from Council to approve funding for the proposed park project if grants are available.

- Staff would come back to Council if awarded with a grant? *Yes.*
- Confirmation this is asking if Staff goes that route and there are options, could use those funds.
- Agree however, concerned if decision is made then next Council could perceive this decision and moving forward with the project, which is not the intent. This is just to move to the next step, and personally would like to see the project scaled down a bit. *Staff is looking for the opportunity to put it in next year's budget.*

City Manager – Did not want to spend time putting energy into moving towards a concept if Council is not in agreement. Would Council agree to allow Staff to spend staff time at research and analysis on what City can afford and apply for as many grants possible? Would bring a proposal back to Council with some form of financing package to be inserted into next year's budget.

Mayor – This is also an investment in the community; improvements, upgrades and replacement of existing equipment is needed.

MOTION made by Councilor Luzier to direct Staff to come up with a proposal, explore grants available and cost estimates to bring back to Council; second by Councilor Anderson.

Discussion: Councilor Stone – Can the new 3% Transient Room Tax (TRT) increase be used for this type of project? *Have already had both OPRD and Tourism indicate parks facilities that contribute to recreation and visitor's uses do qualify for TRT funds.* So we wouldn't have to borrow that money from TRT? *No, this can be used for parks facilities, jogging trails and products visitor's from outside the community would use. That is up to Council to consider. For example the Community Center and the park is probably used by 50% of people from outside the community.*

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

Opposed: None

Motion carried unanimously.

REPORTS

- None

CITY MANAGER UPDATE

- City Manager read a letter of apology to Floyd Van Sickle.

CITY COUNCIL COMMENTS

Councilor Anderson –

- None

Councilor Luzier

- None

Councilor Stone –

- Would like to thank Luther for pothole repair on W. Central near railroad tracks. *You're welcome.*
- Will Oregon Flag be replace soon at site near I-5? *Has been ordered, will find out when it will be put up.*
- How did meeting with ODOT go? *City Manager was unable to attend, would like to discuss with him first, as well as follow up with another meeting.* Do they have any maintenance monies for us for their street repairs or money available for an overlay on Central? *No, they have no plans for the improvements at this time. They stated they would be happy to come and share information with Council.* Haven't seen any maintenance for many years.

- Will water rates be brought back to Council soon? *Finance Director, Dan Wilson – Yes, anticipate bringing a resolution for Council to approve at next meeting.*
- What is the status with [Red Rock] trail project? Is it done? *The trail is not scheduled for completion until end of October; it is close to being finished.*

Councilor Egbert –

- During discussion at Water Control District meeting recently, it was stated City is not taking water out of Cooper Creek because it is stagnate. If Cooper Creek is bad and we can't use that plant how much water rights do we still have for Calapooia Creek because of the drought situation? *Public Works Utilities Superintendent, Brian Elliott – Yes, the plant is shut off, do not want to say that the water is stagnate, however last couple of years haven't flushed it due to the construction of the plant. The manganese level is higher than normal, due to chemical costs have scaled back because the demand wasn't there; we chose to shut the plant off.* But it would still be usable if we couldn't use the Nonpareil Water Treatment Plant? *That is correct.*
- Have noticed that Ford's Pond is low and Murphy Plywood ponds are empty, is this due to drought or did City drain these?

Councilor Boggs – Ponds at golf course are empty, as well. *It is evaporation due to drought.*

Councilor Boggs –

- None

Councilor Meier –

- Passed out a copy of old Sign Ordinance provided by Code Enforcement Officer, Hebard. Would like to discuss further with Council in future.
- Asked City Manager if he had information she requested regarding developer, Bruce Brunette. *No, am not comfortable asking him to prove his credentials at this stage. Currently he is negotiating with the six property owners. We are planning to get together when we do the RFP (Request for Proposal) to University of Oregon. He has stated that he is a private person, and wants to control when sharing information.*

Councilor Boggs – Until it involves the City, it is not any of Council's business. He hasn't brought or asked anything of Council yet. Need to let him do his business and hope he brings us something.

But there is City involvement, such as time and effort.

Councilor Luzier – Not here there isn't, it's all private land. My whole career has been helping people develop and build businesses. This is the worst thing any council or government agency can do is to ask for questions before needed. This is serious; could lose this whole deal by asking a simple question, now is not the time. This is a developer that is behind the scenes and doesn't want all the glory, should honor his wishes. He is dealing with the property owners right now, Council should not be involved.

City Manager gave examples of other developments both current and future that City has given time to, adding this is what cities do.

- Would like to add item to agenda to discuss previous Assistant Fire Chief's situation.

Jacobs – Advice is to refer back to memo that written to Council which contains legal advice regarding this matter. Certainly can discuss it, however will need to be during Executive Session. Council has the ability to extend money as long as there is a purpose behind it. Additionally, according to City Charter, personnel matters are dealt with by the City Manager, not the Council. Council would not be dealing with this as a personnel issue, but a different issue.

Would like to talk further at Council level.

Councilor Anderson – Would agree with that, would like to see it discussed in Executive Session.

Councilor Egbert – Yes, agreeable to that, as well.

Councilor Luzier – Not in favor of discussing it, whatever the majority votes. He came here at his own expense that is his issue.

Councilor Boggs – Council should not be involved in personnel issues that is City Manager's job to deal with.

Jacobs – Suggest scheduling an Executive Session at the beginning of the next meeting, and then based on that discussion can move into an open session during the regular meeting.

- Passed out pictures to rest of Council of [Red Rock Trail] bridge just off of Sea St. and discuss Scarborough property that is involved. Understand City told Scarborough he should get a surveyor to survey portion of property City no longer wants or needs, and then make a proposal to the City. ***Council gave instructions to Staff during an Executive Session on those issues which has been done. Since then he has come back and asked if City would consider an option. He was told of course, City doesn't want to be an obstruction to him, but it is Council's call. Have asked Scarborough to put requests in writing, after which will be able to present the proposal to Council during executive session.*** Now that the bridge is in, is he done with having to remove things of the property (City's right-of-way)? It is my understanding he was told he needed to still remove items, do not see the purpose for that. ***He was told that before in the letter [directed by Council]; have instructed Public Works Operations Superintendent, Aaron Swan, to put everything on hold until Council can discuss it during executive session. Did not want either party to have to tear anything down at this stage.*** Can we schedule an Executive Session to discuss this further? ***Yes, currently waiting for his letter of request, which understand will be receiving soon.***

Councilor Anderson – It looks like City is trying to work with him, but there are still things in right-of-way that can be removed, but working with him so he won't have to remove it. ***That is correct, waiting for an offer from him so Council can discuss it.*** Would like to add that trail is looking very nice.

Could City have a letter in place stating the property is City right-of-way for future owners of property? ***That is an option that can also be discussed in Executive Session.***

Mayor – Is the Sign Ordinance issues brought up by Councilor Meier tonight coming back to Council for discussion? ***Luther – The Sign Ordinance proposals need to go to Planning Commission first, who would then make their recommendations to Council.***

Mayor McKnight –

- None

PUBLIC COMMENT –

- None

ADJOURNMENT –

With no further business meeting adjourned at 8:40pm.

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 OCTOBER 12, 2015