

CITY OF SUTHERLIN
Regular City Council Meeting
Sutherlin Civic Auditorium
Monday, January 11, 2016 – 7:00pm

COUNCIL MEMBERS:

Wes Anderson, Wayne Luzier, Forrest Stone, Frank Egbert, Tom Boggs, Karen Meier,
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 Operations Superintendent, Aaron Swan
Public Works Utilities Superintendent, Brian Elliott
Fire Chief, Charles Perdomo
City Attorney, Chad Jacobs (via Skype)

Audience: Floyd Van Sickle, Brian Burke Sr., Tadd Held, Pat & Bert Bales, Bertha Egbert, Denny Cameron, Adam Heberly, Beth & Jim Houseman, Darrin Neavoll, Chris Hunter, Pamela Semas, Avery Hazzard

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)

- Resident, Floyd Van Sickle - Resolution 2016.01 – Doesn't feel two meetings per month are out of line, there is more business to conduct than in one meeting per month.
Transfer of Authority – Against taking Central Avenue back, there is a lot of work that needs to be done to the street. Does not feel ODOT is offering nearly as much money as needed to fix or replace what is needed. The current state of Central Avenue is miserably failing.
- Resident, Tadd Held – Would like to address proposed Transfer of Authority for Central Avenue. Feels problems exist on other side streets that are not even the “main” street in town, and concerned there are inadequate funds available to fix the problem. Concerned Staff is working on this proposal without letting the rest of the town know what is going on.

Councilor Boggs – ODOT has stated they are not going to do anything with Central Avenue and it will stay at its current state. They are willing to pay for the improvements if City agrees to take it over. With that said, should we ignore that offer? Feels City needs more money than what is proposed; however, does not agree with letting it go for 20 years because we think ODOT may do road maintenance on it.

- Resident, Brian Burke, Sr. – Opposed to Council going to one meeting per month.

PRESENTATIONS

• **Transfer of Authority Discussion**

Mayor McKnight – Would like to remind Council and all others present at tonight's meeting that ODOT is our guest, as well as working partners with many of our projects. Hope everyone gets their questions answered tonight however requested everyone be respectful to the State's representatives. Appreciate their attendance at tonight's meeting and looks forward to a good dialogue.

City Manager, Jerry Gillham – At last meeting Council questioned whether ODOT would be willing to do the work on Central themselves and then turn it over to the City. After discussing with ODOT, found out that option is available. Present tonight to answer questions is Public Works Operations Superintendent, Aaron Swan, as well as Engineer, Adam Heberly, who has provided cost estimates for the proposed Transfer of Authority (TOA) project. Also present is ODOT Engineer, Chris Hunter, and ODOT Area Manager, Darrin Neavoll. This TOA does not require any money from the City.

Questions and answers:

- In 1985 ODOT paved Central Avenue, was it the City's jurisdiction before that or was it always an ODOT right-of-way? **Hunter – At the time the State decided to re-route and rebuild the highway over the city street, ODOT had jurisdiction. It was recently discovered that jurisdiction was actually from curb to curb and did not include sidewalks. Jurisdiction took place sometime in the 1950's.**
- ODOT stated they would be willing to bring the street up to city standards, which definitely needs to be redone. **Have discussed with the City that will do the best job possible, but will not do a full-blown overlay and make it a nice new street. We currently have so many other projects and priorities, frankly that's not going to happen. Will continue to maintain the street, potholes and drainage if TOA doesn't happen. Willing to come in to repave it and then turn it over to the City, however, there are some benefits to the City due to the requirements ODOT has to achieve. Cities can be somewhat lenient regarding those requirements, therefore able to do the project less expensively. Estimates done by ODOT are based on "our" costs due to process requirements. City will not have to go through the same process requirements that ODOT does.**
- What was ODOT's estimate? **Believe originally was \$1.6 million, then some of the other sidewalk issues and other things came up and cost dropped back a little bit.**

Gillham – Originally it was \$1.2 million, but City wanted extra money for compensation for sidewalks and street lights. City pushed for extra, which ultimately increased amount to \$800,000 more. \$1.9M

- Does that include the stoplight at Calapooia and Central? **Yes, it includes a signal replacement upgrade.**

Heberly asked for clarification regarding what this project includes. **ODOT reported it includes grind inlay of entire road surface, some repair, some spotty sidewalk repair, and sign upgrades. They will not be doing street-scaping improvements.**

Gillham interjected to set the record straight, ODOT's original estimate was \$1.2 million, correct?

ODOT – Correct. Gilliam - Heberly re-scoped the project and came up with \$1.3 million Correct? **Heberly - Correct.** This project is rated a 1R which is a basic preservation to take 2 inches out and put two inches back. Current Federal law requires we meet the ADA accessibility which requires some drainage to be compliant. We would re-stripe the road, and repair sidewalks with sunken grade. ODOT - Some money was left in for sidewalks. Conversation now was to take it now with ODOT doing the upgrades to your standards and then taking it over.

- Asked what the budget is for ODOT to do Central every year? **Did not have those figures available, although it's not a huge amount. It's not a high priority route for them and it never will be. That's why the discussion now. It would benefit the City, as well as ODOT.**
- Keeping it simple, ODOT is prepared to write Sutherlin a check for \$1.9M, correct? **ODOT – Correct.** If it costs the City to do it for \$1.3M then the remainder is the City's to do whatever with. **ODOT – Correct.**
- What's the cost difference between what ODOT can do the repairs and what the City can do? **Basically the same, ODOT has different regulations to adhere to. Contracting mechanism is much more cumbersome than the City's would be. A lot of internal processes and costs. ODOT would use Federal funding adding more regulations. City would have more options. Guessing it would be close to \$100,000.**

Gillham interjected three points – 1st - Central is bad, you're tired of all the potholes; if you do nothing you will continue to have that. 2nd – You could go with ODOT and let them do it. What do we care what it would cost them; they would bring it up to City standards. After they're done with it we're faced with the same challenges as before with maintaining it. We would not have the \$600,000 to have as a cushion with them doing it. 3rd – We could do it according to our standards and avoid some of the costs and have that

\$600,000 cushion. Heberly put together an estimate, the previous engineer put together one and with all three there is only a \$200,000 difference. If we do it under we have a little more than \$600,000 if we do it for less we'll have even more which will give us the ability to do more transportation projects.

A traffic light was discussed at the Comstock/Central location. ODOT reported the traffic study did not warrant a light. It is not considered a high traffic area. Traffic count was just done a few weeks ago.

- Upgraded light at Calapooia/Central being split between County, ODOT and City. *City Manager doesn't feel the light needs to be replaced at this time.*
- The bid seems low. *Heberly stated it includes everything; he and Swan went out and walked the project. Did price comparisons with other projects, all were within the same ballpark.*
- Will the City have a no cut policy, say for ten years? *If council agrees to that, yes. However there is no way to foresee emergencies where that would necessitate cutting.*
- Can the \$600,000 be put into a reserve fund strictly to keep that money for transportation projects?

Chad Jacobs, City Attorney – There are ways to do that, it could be written up in the contract with ODOT that would limit the excess funds to go only to transportation related projects; that would bind the City legally to use toward those projects.

COUNCIL BUSINESS

• **Committee Re-Appointments**

Staff Report – City Recorder, Debbie Hamilton – referring to staff report that several members of the Parks and Budget Committee have expressed their interest in remaining on their respective committees for another term.

Parks Committee – Craig Hoobler and Zada Wright would like to be re-appointed. Neither was in attendance. Terms would end December 31, 2017.

MOTION made by Councilor Luzier to approve reappointment of Parks Committee members, Zada Wright and Craig Hoobler as presented; seconded by Councilor Stone.

Discussion: Councilor Anderson questioned if these openings were advertised on the website. Hamilton reported they had not since the current members had asked to be re-appointed. Openings on Planning Commission and Library Board have been advertised for several months without success.

Councilor Meier clarified it was not the Parks Committee but the Budget Committee that should be advertised.

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

Opposed: None

Motion carried unanimously.

Budget Committee – Members Tim Bradley, Michelle Sumner and Rebecca Bright-Jones would like to remain on the Budget Committee, asking to be reappointed. None were in attendance this evening.

MOTION by Councilor Luzier to re-appoint Tim Bradley, Michelle Sumner and Rebecca Bright-Jones to the Budget Committee as presented with terms ending December 31, 2018, second by Councilor Boggs.

Discussion: Councilor Meier questioned why these were not advertised. *Hamilton responded that with very little response with any of the long running openings she submitted all those wishing to be re-appointed to their respective committees.* Meier shared concerns of citizens not applying and why. Egbert agreed. Luzier requested these openings be advertised. *Now four openings with resignation just received from John Stall.*

In favor: Councilors Luzier, and Boggs

Opposed: Councilors Meier, Anderson, Stone, Egbert and Mayor McKnight

Motion fails.

MOTION made by Councilor Egbert to re-advertise for Budget Committee positions as presented; second by Councilor Luzier.

Discussion: None

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

Opposed: None
Motion carried unanimously.

CONSENT AGENDA

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

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

Discussion: None

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

Abstain: Councilor Anderson – [not present at meeting]

Opposed: None

Motion carried.

ACTION ITEMS/GENERAL BUSINESS

- **Ordinance No. 1047 – Planning Commission Meetings (second reading & adoption)**

Deputy City Recorder, Diane Harris, provided second reading, by title only, of Ordinance No. 1047 – “An ordinance concerning amendment of the Sutherlin Municipal Code amending Section 2.24.060 Quorum – Rules, Regulations, and Procedures.

Staff Report – Community Development Director, Vicki Luther, summarized reasons for the proposed Ordinance and directed by Council changes made as requested.

MOTION made by Councilor Luzier to approve second reading and adoption of Ordinance No. 1047 – Planning Commission Meetings as presented; seconded by Councilor Boggs.

Discussion: Councilor Meier questioned if Planning Commission goals presented in April 2014 by former Planner, Carol Connell, had been addressed. *City Manager said the One Stop Shop for Contractors began by hiring a Douglas County Planner two days a week. Luther stated they are working on the sign ordinance.* Meier feels the PC has things to do but the City has nothing for them to do. Luzier said Council should direct PC to move forward on goals. Luther added goals were presented by former Community Development Director. Egbert feels there are things they could be working on. Mayor suggested having the Planner come to speak with Council. ***Gillham interjected that there hasn't been much development going on. Having the Planner come to Council to discuss may be a good idea. There are several items on the “to do” list will be coming to the Planning Commission; they're just not to that point yet.***

Meier – Transportation is part of the Planning Commission and they haven't done anything. She feels transportation is a real problem. ***Luther stated they did meet last year. Gillham assured Council that every one of their priorities are being worked on, the mixed use, UGB, land swap, Central Avenue, all of them. We're actively working on them, applied for grants, etc., we aren't ignoring.***

Mayor McKnight suggested Council send Gillham items they think need to be worked on. We need updates on projects that are on the backburner. ***Gillham acknowledged it was a great idea.***

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

Opposed: Councilors Meier, Anderson, and Egbert

Motion carried unanimously.

- **Resolution 2016.01 – Regular Council Meetings**

Staff Report: Hamilton reported as directed by council this is a resolution to have one regular mandatory meeting a month and only have a second meeting on an “if needed” basis; with discussion by Council.

- Doesn't remember Council directing to do a Resolution. ***Gillham stated it was during council comments.***
- Mayor said his understanding there was consensus to put on the agenda. He called for a motion.

MOTION by Councilor Boggs to approve Resolution 2016.01 for second meeting of month as needed; second by Councilor Luzier.

Discussion: Councilor Boggs shared, in the past we have sat through 3-5 hour meetings discussing stuff with never getting anything accomplished. He would like to go to one meeting a month; has no problems with another meeting if there are items that need to be addressed. Feels we'll get more accomplished in one meeting when we know we have a certain time frame. Things get dragged out too long.

- Hard to make decisions on information received at meeting.
- No reason we can't get things done in one meeting.
- It's about making the best use of time; we could save money condensing time, such as attorneys.
- Some councilors go to city hall so some of us don't have the same info
- Disagreed with statement, city hall open to all council.
- Slow months in November and December, feels we don't get items from Staff.
- Use to have workshops.
- Feels two meetings a month we get more done, holds staff accountable.

Those in Favor: Councilors Luzier, Boggs and Mayor McKnight

Opposed: Councilors Meier, Anderson, Stone and Egbert.

Motion fails.

- **Transfer of Authority Agreement**

Staff Report – City Manager, Jerry Gillham – by consensus or vote would like to bring back a resolution to move forward for Transfer of Authority, City to accept ODOT funds and do the work themselves. Asking for Council consensus with agreement to do TOA and what stipulations.

- Would like Councilor Anderson to review
- Would like to get going on it and not wait to do improvements
- New paved road, fixes on some sidewalk at corners, important what is agreed to remain, scope needs to stay limited to what Heberly and Swan projected.
- Calapooia/Central light city's or still ODOT? **Still undecided.**
- Wants the \$600,000 locked up tight to be used only on transportation projects
- Can be put in reserve fund and Council votes on how it is used

Council consensus was to move forward with resolution for us to do at \$1.9M next meeting.

REPORTS

- None

CITY MANAGER UPDATE

- None

CITY COUNCIL COMMENTS

Councilor Anderson –

- Is there an ordinance regarding vacant homes with broken windows to keep individuals from entering. **Will check into.**

Councilor Luzier –

- Is there plans for garbage cans and dog feces bags on the new section of Red Rock Trail? **Yes.**
Luzier added the trail is very nice.

Councilor Stone –

- **No business.**

Councilor Egbert –

- Would like signs of local organizations at exits; how do we go about this. **Suggested to come into the Community Development office to discuss.**
- Concerns with potholes on east end of Central Avenue; Staff goes that way daily but is not taking care of it. **Swan will look at it, acknowledging that they have been two people short for a few months but just got back to full crew. Workers that routinely go that direction are not the operations staff, but utilities.**

- Update on water rights. *Elliott says it's come a long ways. Have work order to certify water rights to secure until 2050. Should have report by the end of June.*

Councilor Stone requested update on WWTP.

Dyer Partnership submitted the Pre-design to DEQ in December should have back in February.

- Directed to City Attorney – If a councilor is receiving work from City is this considered a conflict of interest?

Jacobs it depends on what they are doing; cannot influence City's decision to do that work; is it offered to general public. Councilor cannot take any action because of their position of official capacity.

Gillham understood Egbert was referring to Councilor Luzier, assuring him the City has had a longstanding agreement (25-year) with Councilor Luzier and property owners to dump tailings at the end of the road and then clean up and repair the road. Gillham concerned with the inference that Staff is doing something unethical. This was something we inherited, we're upholding the agreement.

Jacobs doesn't feel this is any conflict since it's a longstanding agreement. He will take a look at it but does not feel there is anything nefarious going on here.

Mayor felt this was not something we should spend money on for the attorney to review.

Councilor Boggs –

- Please check with Code Enforcement Officer, Hebard, to see if tow companies are supposed to have a privacy fence in place.
- Regarding weekly reports the only one he needs is just the City Manager's.

Councilor Meier –

- Was Budget Committee invited to Auditor's report presentation? *They were sent the audit.*
- Can the minutes reflect the councilor names mentioned in the minutes? *Deputy reported her training states clearly that they are not needed as long as points are shown and what Council as a whole decides and how they vote is recorded. [Details can be found on the audio version.]*
- Why doesn't the Finance Committee meet? *Will add to his "to do" list, short staffed and very busy.*
- Would like credit card payments, and wire transfer payments on the website for transparency. *Wilson said wire transfers are for debt service. Meier didn't need if that's all they were. Wilson will add to the Finance page.*
- FCF Group contract was \$40K we asked for an extension of \$10K, billed up to \$49K. Has reimbursement been received? *Gillham reported the County paid \$5000 but the individual companies have not yet been billed..*
- Referring to the weekly report - Sustainable City's Program and that we would have to have a Public/Private partnership. Please explain. *To get U of O to do projects we have to add projects to them for both public and private. Is this a written partnership? Yes, and will need council approval. What cost will the City have? None right now. As the project progresses there will be pockets of funds that will be identified for reimbursement. Right now Bruce Brunette is funding everything. It's less expensive since Graduate students will be doing the work.*

Mayor McKnight –

- Wished everyone a Happy New Year and hope that everyone's holidays were good. On to 2016.

PUBLIC COMMENT –

- None

ADJOURNMENT –

With no further business meeting adjourned at 8:56pm.

Announcement –

Mayor McKnight announced a 5-minute break before going into Executive Session. ORS #192.660(2) (e)
– Real Property Transactions.

Executive Session called to order at 9:02pm.

Executive Session adjourned at 9:15pm.

Approved: *Jerry Gillham*

Jerry Gillham, City Manager

Respectfully submitted and co-transcribed by,

Diane Harris

Diane Harris, Deputy City Recorder

Todd McKnight

Todd McKnight, Mayor

Debra L Hamilton

Debra L. Hamilton, CMC, City Recorder

APPROVED BY CITY COUNCIL JANUARY 25, 2016