

**CITY OF SUTHERLIN**  
**Regular City Council Meeting**  
**Sutherlin Civic Auditorium**  
**Monday, June 13, 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  
Finance Director, Dan Wilson  
Community Development Director, Vicki Luther  
City Planner, Lisa Hawley  
Acting Public Works Operations Supervisor, Gary Fugate  
Public Works Utilities Superintendent, Brian Elliott  
Police Chief, Kirk Sanfilippo  
Fire Chief, Charles Perdomo  
Assistant Fire Chief, Lon Dragt  
City Attorney, Ashley Driscoll (via Skype)

**Audience:** Margaret Paynter Stowe, Pam & Denny Cameron, Bertha Egbert, Travis Tomlinson, Bruce Cortes, Tami Trowbridge, Gordon Avery, Pamela Semas, James Houseman,

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

**CONSENT AGENDA**

- **May 23, 2016 Minutes – Regular Meeting**
- **Special Events Liquor Waiver – Music Off Central**
- **IGA – Douglas County Communications 911 – Fire & Police**

Councilor Meier requested to pull the Special Events Liquor Waiver from Consent Agenda.

**MOTION** made by Councilor Boggs to approve Consent Agenda; second by Councilor Stone.

Discussion: None

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

Opposed: None

Motion carried unanimously.

**MOTION** made by Councilor Boggs to approve the Special Events Liquor Waiver as presented; second by Councilor Luzier.

Discussion: Is liquor consumed in the park? *Yes, they can bring their own to the event.*

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

Opposed: Councilors Meier, Anderson

Motion carried.

## **PUBLIC HEARING**

Mayor McKnight explained two separate public hearings will be held tonight.

- **Comprehensive Plan Amendment & Zone Change – Stowe**

Mayor McKnight opened the Public Hearing at 7:10pm – Comprehensive Plan Amendment and Zone Change for Fort McKay Road and Hwy. 138 property. To be clear, it is a 19.59 acre property.

City Recorder, Debbie Hamilton, read script for both quasi-judicial hearings for the record.

Mayor opened the Public Hearing at 7:10pm; questioning Council if there was anyone that would like to disclose any conflicts of interest, ex-parte contact or personal bias. With no response from Council the Mayor called for the first staff report.

Staff Report – City Planner, Lisa Hawley – presented her staff report and answered questions of the Council. Having previously been approved through the Planning Commission they are recommending to Council for approval.

- Concerns with water run-off – *At time of development they will have to address any issues regarding drainage or run-off.*
- Property shows four lots, will each have access. The state highway is not allowing access; county may allow two lots to have access at the most.

[Applicant, Margaret Stowe – Although present, had nothing more to add.]

Mayor McKnight called for Public Testimony:

- Are there anyone wishing to speak in favor? None received.
- Is there anyone who wants to speak in opposition? None received.
- Are there any neutral parties who wish to speak? None received.

Mayor closed the Public Hearing at 7:15pm.

- **Comprehensive Plan Amendment & Zone Change – Hummelt Development Co.**

Mayor McKnight opened the Public Hearing at 7:15pm – Comprehensive Plan Amendment and Zone Change for N. Calapooia St. and W. First Avenue.

Members of Council were asked if there was anyone that would like to disclose any conflicts of interest, ex-parte contact or personal bias. No comments received.

Staff Report – City Planner, Lisa Hawley – Again going over staff report stating this went before the Planning Commission with a unanimous vote in favor and recommending to Council for approval. Hawley was open to answering any questions.

- Does City have an easement through that property? *Yes they do. They have been working with the prospective new owners on the alleyway to make sure access to the property is to the west also. Trying to come up with an easement to work with everyone involved.*
- The building won't be located on the easement? *No, it will not.*

Hawley added that the Land Use Consultant for the applicant is here and available for any questions.

Mayor McKnight asked for Public Testimony:

- Are there any testimonies in favor? None received.
- Are there any testimonies in opposition? None received.
- Are there any neutral parties who wish to speak? None received.

Mayor closed the Public Hearing at 7:19pm.

## **ACTION ITEMS/GENERAL BUSINESS**

- **Ordinance No. 1049 – Open Burning Ban (emergency adoption)**

City Recorder, Debbie Hamilton, provided first reading emergency adoption of Ordinance No. 1049 – Open Burning Ban: “Ordinance No. 1049 – Open Burning Ban – An ordinance adding a new Chapter 8.26 to the Sutherlin Municipal Code implementing a seasonal open burning ban and declaring an emergency”.

Staff Report – Fire Chief, Charles Perdomo – Reviewed staff report for Council explaining since we are upon the fire season it was necessary to add the emergency clause. City of Sutherlin lacks a regulatory structure to address the issues related to the fire season which could be detrimental to our citizens. Because the fire season is upon us we recommend the emergency clause to put in effect right away.

**MOTION** made by Councilor Boggs to adopt Ordinance No. 1049 – Open Burning Ban with emergency clause as presented; seconded by Councilor Meier.

Discussion: Questioned if barbecues are included, some are homemade. Chief Perdomo explained when they are used specifically for the use intended as commercial and home are fine to use; explaining they have guidelines. Not allowed to burn paper, garbage, etc. in them.

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

Opposed: None

Motion carried unanimously.

For the record, at the recommendation of the City Attorney, Fire Chief Perdomo read in full the portions of the ordinance that were amended and highlighted.

- **Ordinance – Comprehensive Plan Amendment & Zone Change – Stowe**

City Recorder, Debbie Hamilton, provided first reading, title only of the ordinance – Comprehensive Plan Amendment & Zone Change for Fort McKay Rd. and State Hwy 138 Property: “An ordinance amending the City of Sutherlin Comprehensive Plan Map and Zoning Map to amend the Comprehensive Plan Map from Heavy Industrial to Light Industrial, concurrent with a Zoning Map change from Heavy Industrial (M-2) to Light Industrial (M-1) for property described as Tax Lot 400 in section 19B of T23S, R05W, and Tax Lots 100, 200 & 300 in Section 24A to T25S, R06W. The subject 19.59 acre property is located at the intersection of State Hwy. 138 and Fort McKay Road, and described herein”.

**MOTION** made by Councilor Stone to approve first reading, title only of Ordinance – Comprehensive Plan Amendment and Zone Change for Fort McKay Road & State Hwy. 138 property as presented; seconded by Councilor Luzier.

Discussion: None

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

Opposed: None

Motion carried unanimously.

- **Ordinance – Comprehensive Plan Amendment & Zone Change – Hummelt Development Company**

City Recorder, Debbie Hamilton, provided first reading, title only of ordinance – Comprehensive Plan Amendment & Zone Change for N. Calapooia St. and W. First Avenue: “An ordinance amending the City of Sutherlin Comprehensive Plan Map and Zoning Map to amend the Comprehensive Plan Map from Light Industrial to Commercial Business District, concurrent with a Zoning Map change from Light Industrial (M-1) to Downtown Commercial (C-1) for property described as Tax Lot 5900 & 6000 in Section 17DC of T25S, R05W. The subject of 0.46 acre property is located north of W. Central Avenue at the intersection of N. Calapooia Street and W. First Avenue and described herein”.

**MOTION** made by Councilor Stone to approve first reading, title only of Ordinance – Comprehensive Plan Amendment and Zone Change for N. Calapooia St. & W. First Avenue as presented; seconded by Councilor Luzier.

Discussion: None

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

- **Resolution 2016.12 – Budget Adjustments**

Staff Report – Finance Director, Dan Wilson – Resolution contains three amendments to the 2015-16 Budget as listed and presented in staff report.

**MOTION** made by Councilor Luzier to approve Resolution 2016.12 – Budget Adjustments as presented; seconded by Councilor Boggs.

Discussion: Salary adjustments? *Yes, CM salary was not approved at the original time of the approval of the budget.*

Step System surcharge questioned. *Wilson added contractor is to maintain the step systems at a monthly amount but any parts or extra charges are unknown and we are to pay. Elliott confirmed that any charges above the monthly fee would be our responsibility.*

In Favor: Councilors Stone, Boggs, Meier, Anderson, Luzier, and Mayor McKnight  
Opposed: Councilor Egbert  
Motion carried.

- **Slurry Seal Bid Award**

Staff Report – Public Works Operations, Gary Fugate – Stated we received a bid from Pave North West in the amount of \$39,763.20. Staff is recommending accepting bid from Pave North West Inc.

How many bids were received? *Two, the other was from VSS International, Inc.*

How much was budgeted for this project? *Staff will get back with amount. CM added they did come in under budget and will be doing some extra areas.*

**MOTION** made by Councilor Boggs to award Slurry Seal Bid to Pave North West Inc. for \$39,763.20 as recommended; seconded by Councilor Stone.

Discussion: None

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

- **Sequential Batch Reactor (SBR) Pre-Load Bid Award**

Staff Report – Public Works Utilities Superintendent, Brian Elliot – Three options were identified in the Geotech report, Over Excavation, Deep Foundations and Preload. Preload is the most cost effective means for this project and is Staff's recommendation. Six bids received, the low bid came in at \$273,351 from GreenSuns Inc.

How many yards of dirt? *8500 cubic yards. Originally planned to do the whole thing at once, but going to cut in half and do one side then move to the other.*

How long to do this? *Giving 30-90 days to complete.*

This fell within the Engineer's estimate correct? *This was identified in pre-design and was within the estimate.*

**MOTION** made by Councilor Stone to award SBR Pre-Load Bid to GreenSuns Inc. for \$273,351 as recommended; seconded by Councilor Anderson.

Discussion: Are we digging a hole or leveling? *We will be leveling. Will be done in two phases.*

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

- **Value Engineering Bid Award**

Staff Report – Public Works Utilities Superintendent, Brian Elliot – Asking Council to award contract to MWH for Value Engineering Services in the amount of \$86,500. Three very qualified firms submitted RFP's for the VE Services.

**MOTION** made by Councilor Stone to award Value Engineering services to MWH for \$86,500 as recommended; seconded by Councilor Luzier.

Discussion: We're over budget on this amount? *Yes, they came in at \$88,000 and we budget \$85,000. Wilson said they could come up with the difference.*

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

Opposed: None

Motion carried unanimously.

## **REPORTS**

- UGB land swap and the mixed use zone. City Manager reported U of O is only interested in the public sector to partner with. In the meantime, Sam Robinson laid out a concept on how we could develop exits 135 & 136 by connecting them. He has some great ideas. Will be meeting with him soon.

Is there grant money to develop Exit 135? *Looking at two pots of money, DLCD's Transportation Analysis and also ODOT. We're not to that point yet. We'll be taking out 202 acres and Ford's Pond from the UGB.*

- 2 million dollar Liability clause added to events agreement which was required by our insurance company. The City has to manage the risk. We decided the current, historical users would be waived the \$2M and remain at the \$1M requirement. That wasn't explained clear enough to users and we've called to explain the intent. Will bring all groups together to do a review and see how the processes are going.

Concerns with not treating everyone equally. *CIS tells us that if we have a process in place they could be considered in the lower liability fee. This is a risk management issue, and assessment to each individual. City Attorney added if a criterion is the same for each applicant there won't be a problem. Will be reviewing to make sure it fits the criteria suggested.*

## **CITY MANAGER UPDATE**

### **CITY COUNCIL COMMENTS**

#### **Councilor Anderson –**

- Congratulated Gary Fugate and Brian Elliott. Congratulated Vicki Luther on her upcoming retirement and thanked her for her (26) years of service to the City.
- After Value Engineering report is complete will we be going out for design RFP's? *CM – we do not intend to but it is possible. Conferring with City Attorney for best way to go.*

#### **Councilor Luzier –**

- Reminder that Woofstock is this weekend.

#### **Councilor Stone –**

- Asking when the N. Comstock project will begin. *Fugate did not have the information but will get back to Council.* Have TOA funds been received yet? *No, should be on the way.*

#### **Councilor Egbert –**

- Insurance with the \$2M additional liability; questioned if this can come out of the tourism fund for events that are routine. Would be hard for a new group to meet this requirement. Would like to meet to discuss. *CM said that is possible and would be willing to discuss.*
- Shared difficulty in making the 6pm meetings.

**Councilor Boggs –**

- None

**Councilor Meier –**

- Would like to see a cell phone rule for Council meetings.

Mayor McKnight added we do need to turn phones off or on vibrate during the meetings.

**Mayor McKnight –**

- Congratulated Gary, and Brian along with Vicki and her upcoming retirement and her long term service to the City.

**PUBLIC COMMENT –**

- Bertha Egbert – Sutherlin resident - Appreciated Jerry calling her back regarding the \$2M liability insurance to explain fully. Would like to see a policy in place so long after most of us are gone it will be in place for predecessors to know.
- Pam Cameron – Sutherlin resident - Shared concerns that front office staff doesn't know the policy and some groups do not know the new amount. A lot of events won't be happening if that amount remains. CM suggested calling City Insurance Agent Craig Zolezzi since it was their requirement.

Questioned a statement made at the last Council meeting by City Attorney. Why would the City Attorney be involved in a project for a private school in Sutherlin; how does that work? *CM reported it was not a private school but Sutherlin School District involving taxation. CM used CA to discuss back taxes on their new Alternative Education School on Hawthorne Street, formerly a church. They are a public entity and do not pay taxes. We conferred with our attorney to confirm if they had to pay us or not. They were not required to pay the back taxes.*

- Carol Swesso – Non-resident – Sutherlin Lions invited Council and the public to come out to the Annual 4<sup>th</sup> of July picnic in Central Park.

**ADJOURNMENT –**

With no further business meeting adjourned at 8:12pm.

Approved: *Jerry Gillham*  
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 Jerry Gillham, City Manager

Respectfully submitted by,

*Debra L. Hamilton*  
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 Debra L. Hamilton, CMC, City Recorder

*Todd McKnight*  
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 Todd McKnight, Mayor

*APPROVED BY CITY COUNCIL JUNE 27, 2016*