

CITY OF SUTHERLIN
Regular City Council Meeting
Sutherlin Civic Auditorium
Monday, March 14, 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
Police Chief, Kirk Sanfilippo
Police Officer, Erik Johnson
Police Sergeant, Troy Mills
Police Officer, Kyle Nelson
Fire Chief, Charles Perdomo
City Attorney, Ashley Driscoll (via Skype)

Audience: Sharon & Rick Troxel, Richard & Ann Shorey, Nancy Anderson, Juanita Steiner, Marilyn Coxon, Pam & Denny Cameron, Karen Boisen, Tami Trowbridge, Pat & Bert Bales, Jim Houseman, Gayla Holley, Nicholas Murtha, Nicole Ledford & son, Waylon, Dallas & Hope Johnson, Pamela Semas, Jean Galleher, Charlotte Lutz, Diane Williams, Bob Bell, Brian Burke, Sr., Judy Huntley, Joanne Rochester

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, Jean Galleher – Is in support of allowing citizens to vote on the county-wide library system special district. Galleher voiced disappointment regarding the message on the water bills asking citizens for a call-in vote to the City. The message did not inform citizen's what would happen if city opted-out, would like to know if this would mean the end of the library in Sutherlin.

Council comments:

- *Would like to clarify reasons for the phone poll; if the citizens vote no because they don't want to pay the additional tax, the rest of the county may vote yes. Council wants to find out if citizens want to spend their tax dollars to support the district.*
- *If City opts-in, there is still no guarantee there will be a library in Sutherlin. Budget constraints could have a big impact, therefore closing the library anyway.*
- *As a Council, we are here to represent the citizens. Council was given so little time to prepare for this concerning what the citizens may want, we do not want to go against that.*
- Resident, Nancy Anderson – Is in favor of allowing citizens to vote on the levy. Concerned if she does sign the petition in favor of the library district, her signature wouldn't count if Sutherlin has opted-out. Appreciates Council's concerns for the citizens and the costs that will affect them. The Library Board and Friends of the Library have done all they possibly can to support the library and was awarded \$500,000 and \$35,000 in grants last year.

- Non-resident, Bob Bell – Douglas County Library System offers 250,000 circulating items. We are not trying to close the system, but trying to save it. The only reason libraries are staying open now is because of grants, which go away at the end of this year. This process of saving the library is not new, it started in 2011; County received money from the Federal Government and stated the library did not need to worry about its future. That worked for two years, however, then they started cutting the budget, taking away funding from all branch libraries. This 61-year old institution has worked efficiently and effectively.

Council comments:

- *Council is not trying to be the bad guys; everyone will get a vote if there are enough signatures on the petition. However, going to the cities asking them to put it on the ballot is normally not done.*

Mayor McKnight addressed City Attorney, Ashley Driscoll, for legal opinion regarding the required signatures to place a measure on the ballot, rather than going to the cities for the support.

Driscoll – Since they are not doing that in this case, it is not pertinent to this issue. Library district is moving forward for the November election ballot. City has to decide whether to participate or not.

City Manager, Jerry Gillham – They are trying to bypass the initiative petition process. County Commission has given them the permission provided cities join into the district-wide vote.

There is no requirement for the district to maintain Sutherlin’s library if the vote is yes. If opt-out, they will go through the initiative petition process for the needed signatures.

- Bell – There are two processes; the petition process to create a special district will consist of the whole county. City has the option to be part of that district. When the petition is turned in, we need to have City’s resolution at that time or you’re automatically opted-out. Deadline is May 10th.

Councilor Meier – Discussed this with Commissioner Boice, that is not how it was explained to her.

- Non-resident, Diane Williams – There are unknowns, the petitions are for the county ballot. The City gives us permission to be on the city ballot. There will be a five-member district board, elected county-wide. Williams spoke of benefits provided by the library service to citizens.

How many cities have opted-in so far? Williams – Five; Riddle, Myrtle Creek, Winston, Oakland and Reedsport. Sutherlin is the last big city and Roseburg is meeting tonight.

- Resident/President of Friends of the Library, Charlotte Lutz – The library provides services to many who cannot otherwise afford nor have access to; computers, books, newspapers, magazines, a place to study and research, librarian assistance, copy machine and free Wi-Fi.
- Resident, Sharon Troxel – Would like to express her and her husband’s support for this to be placed on the ballot allowing them to exercise their right to vote. Troxel explained many of the services the library system provides, including access to books from Umpqua Community College.

PRESENTATIONS

- **Officer of the Year Award**

Staff Report – Chief of Police, Kirk Sanfilippo, requested Officer, Erik Johnson, and his children Dallas and Hope to the front of the room. Sanfilippo paid acknowledgement to the Roseburg Optimist Club and Optimist International, who, for the last 40-years, have hosted the “Respect for Law Banquet” honoring Douglas County’s Officers. Officer Johnson has been awarded the 2015 Officer of the Year Award for his extraordinary acts of bravery, heroism, courage, and intuitive giving of himself this last year. A history of events involving Officer Johnson was presented, commending him for his actions, resulting in saving a life, as well as providing humanitarian professional services as an officer. In 2015, Officer Johnson made just under 100 arrests, took on just under 100 criminal cases, with a case clearance rate of 89% (national average is 40-50%), generated just under 20 drug cases and arrests, made the greatest number of DUII arrests, and a variety of other calls for service throughout the year. The Police Department’s priority one response time goal is to get to a life-threatening in-progress call in 5 minutes or less, Officer Johnson’s response time in most of his calls was within 4 minutes or less.

On behalf of the City, Police Department and citizens, Mayor McKnight read and presented Officer Johnson with a certificate honoring him for the Officer of the Year Award.

CONSENT AGENDA

- **February 22, 2016 Minutes – Regular Meeting**

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

Discussion: None

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

Opposed: None

Motion carried unanimously.

ACTION ITEMS/GENERAL BUSINESS

- **Resolution 2016.04 – OPRD Parks Construction Grant**

Staff Report – Community Development Director, Vicki Luther – This resolution provides Council’s authorization to submit an application for the OPRD (Oregon Parks & Recreation Department) Parks Construction Grant to redo the entire children’s play area at Central Park. Plans include adding a 1,000 sq. ft. “splash pad”, as well as relocation of some of the existing equipment to Hartley Park or Ford’s Pond site. Total proposed cost for the Central Park restructure is just under \$300,000.

Council comments:

- Money from City’s match is from Transient Room Tax (TRT), not property taxes, correct? **Yes.**
- While attending the League of Oregon Cities Conference, was informed there is quite a bit of money out there for parks. Some people think we can spend that money on the roads or whatever. This is grant money strictly for parks and their improvements.

City Manager – Want to relieve any angst regarding the use of TRT money, because that is what it’s for; building new equipment that will attract tourism into the city. All match monies don’t need to come from TRT funds, can look at other areas of the budget at a later date for greater discussion.

- How much money will be involved for “in-kind” services, did not see that included in the budget. ***Staff will be handling the permits, landscaping, dismantling and moving the old structures. This grant does not allow the use of “in-kind” as part of the match.***
- Since it appears there may be issues with the existing equipment, how can we place it elsewhere for use? ***Some of the equipment is fine, such as the swings. Will be meeting with our CIS [City County Insurance-Risk Management] representative next week for its evaluation.***

MOTION made by Councilor Meier to approve Resolution 2016.04 – OPRD Parks Construction Grant as presented; seconded by Councilor Luzier.

Discussion: What are the dimensions of the fountain? ***It’s not really a fountain, it spouts from the ground; equipment is not above ground [1,000 sq. ft.].*** We won’t have maintenance issues for Public Works? ***No, have discussed this with Public Works Operations Superintendent, Aaron Swan, who stated there shouldn’t be any issues.*** So it re-circulates through the system? ***No, I believe it goes into the storm drainage system.***

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

Opposed: None

Motion carried unanimously

- **Ordinance – Derelict & Dangerous Buildings (first reading, title only)**

Deputy City Recorder, Diane Harris, provided first reading, title only of ordinance: “An ordinance amending Chapter 8.16 (Nuisances) of the Sutherlin Municipal Code by adding new definitions for derelict and dangerous buildings, adjusting language relating to the nuisance abatement process and adding additional provisions relating to the abatement of dangerous building and derelict buildings and registration of the latter”.

Staff Report – Chief of Police, Kirk Sanfilippo – This ordinance revision is in response to Council’s request to provide an ordinance addressing dangerous and derelict buildings.

Questions and concerns:

- Were examples taken from other ordinances or did this start from scratch? ***Driscoll – Attorney, Paul Elsner worked on the ordinance drafting, a large part is taken from Roseburg’s ordinance, which was referenced by Council at a previous meeting. The International Society of Building***

Officials also provides a uniform code of derelict and dangerous buildings. This revision is more specific to the City and the resources available.

- When this project started it was because of concerns brought up about unoccupied homes; however this addresses homes that people are living in, not unoccupied buildings. Should not be telling people what they should do with the homes they're living in.
- Under the derelict buildings portion it does address unoccupied homes.

Driscoll – My understanding is there are two categories of buildings for discussion tonight. Derelict buildings are unoccupied and unsecured buildings. For the code that we put together, a derelict building would give a chance for the City to identify it as derelict and give the occupants/owner an opportunity to repair the damages. The code will allow six months to make the necessary changes. If changes have not been made by that time period it will get reclassified as a dangerous building. Once that happens, the City can go through the abatement process and get a lien to recoup those costs.

- This needs to say “it becomes a derelict building *before* we call a dangerous building”.

Discussion continued regarding the definitions of the buildings and issues involved.

Driscoll – City will be doing the enforcement, inspection and determination if the building either classifies as either dangerous or derelict. Can amend the code to state “in order to qualify as either a derelict or dangerous building it has to be unoccupied”. City will have someone assigned to be the inspector and agent, which will be all complaint driven. That person would apply the code; owner/occupant would be able to object, that complaint would go to the City Manager.

- Question City Manager being the authority, this should go to the Planning Commission instead.
- Concerned a person not qualified as an engineer can determine building's condition, however, then there would be added costs if an engineer has to be hired.
- Not sure how this has come full circle. Originally, abandoned buildings that were being broken into were the concern, feel we need to go back to that.
- What if the process takes longer than six months? *There are opportunities for appeal, allowing for an extension.*
- Also concerned with required fee payment before the appeal process.

Mayor requested that the concerns brought up tonight be addressed and the original intent be revisited.

Driscoll – Will take the following concerns back to Elsner to rework the ordinance:

- *Want a higher standard of dangerous building,*
- *Building to be qualified as dangerous, also has to be unoccupied,*
- *Checks and balances need to be put in place,*
- *Have governing body [Planning Commission] make the decision rather than an administrative body [City Manager].*

Mayor – Will come back to the next meeting with the requested changes? *Yes.*

[Note: No motion was made to approve first reading of the ordinance. Approval of the first reading will be brought back to council for decision at next meeting.]

- **Public Safety Fencing Project**

Staff Report – Chief of Police, Kirk Sanfilippo – This project was initially proposed to Council April of 2014. CIS is offering a Risk Management Incentive Grant for \$7,500; City's match would be \$2,500. An anonymous couple would like to donate \$2,500 to the project. The original 2014 bids have increased due to labor costs, have also added battery backups, lighting and remote for entrance access. Three companies were contacted, received bids from two:

- Pacific Northwest Fence Co. bid was \$36,950 with \$4,000 for electrical, totaling \$40,950,
- Quality Fence Co. bid was for \$44,742.

In 2014 Council questioned the need for this project. In the last two months incidents have taken place involving individuals approaching and threatening officers in the back parking lot in the middle of the night. Requesting the ability to provide protection to the officers, for about \$500,000 worth of cars and equipment, and the back entrance of our building.

City Manager – When officers change shifts at any time during the night, they have to pull out all of their equipment and weaponry from the cars and carry it to and from the building, several times. This

makes an attractive and easy target for someone wanting to steal weaponry. The fencing will allow freedom for the officers.

Sanfilippo – There are savings available in this year’s Police personnel budget to cover this cost, City’s responsibility will be approximately \$31,000.

- *Why only a six foot high fence? That is the plan right now, not trying to make it a “jail” type appearance. Would love to have an 8 or 10-foot fence, however every time you add footage the cost goes up. Seems like a 7-foot should be the minimum.*
- *What is the cost difference? Have not priced it out, but went with a tighter weave to hinder the ability to climb over.*
- *Will this include concertina wire at the top? Did not want that because the appearance may be offensive to the community, if needed may add it later.*
- *Will the gates lift or roll? They will roll, there will also be access gates requiring a code to enter.*
- *What about the lighting? Will be adding LED lights to the back parking lot.*
- *How will this affect the parking? Will do restriping, may lose one or two parking spaces.*

MOTION made by Councilor Stone to approve Public Safety Fencing Project as presented; seconded by Councilor Luzier.

Discussion: None

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

Opposed: None

Motion carried unanimously.

- **Resolution 2016.06 – Property Purchase**

Staff Report – City Manager – The need for this property has been discussed at several different meetings as part of the long-term plan for our Wastewater Treatment expansion. Acquiring this property is an important component so that we may build a lift station and have it online when the new Wastewater Plant is up and running.

MOTION made by Councilor Meier to approve Resolution 2016.06 – Property Purchase at 271 W. Everett Avenue authorizing City Manager to sign documents on behalf of the City; seconded by Councilor Anderson.

Discussion: None

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

Opposed: Councilor Boggs

Motion carried.

- **Pavement Preservation Street Selection Approval**

Staff Report – Public Works Operations Superintendent, Aaron Swan – Council received Planning Commission meeting minutes, as well as a map highlighting proposed slurry seal and overlay projects. Streets that meet the criteria for slurry seals are E. 2nd Ct, 3rd Ct., lower Casa De Loma Ln., N. Grove Ln., Arvilla Way, 4th Avenue (Opal to Arvilla) and Montclair Dr. Streets chosen are fairly close together, providing better bid prices.

Questions and concerns:

- *Would like an explanation of the terms, how does slurry seal compare to a chip slurry or overlay and how long do these repairs generally last? A slurry seal, as opposed to just sealing asphalt has a very fine aggregate, which is thicker than a seal and is supposed to last 7 to 10 years; a chip seal is used more rural, it is thicker, however can be used in cities where curbs and gutters aren’t present. An overlay is basically a new surface, the surface is ground down to required depth (usually about 2”), then replaced with new pavement, it will last 18 to 20 years. Without any maintenance on it? Essentially without any maintenance.*

The Planning Commission approved the slurry seal selection first, then approved the overlay selection.

MOTION made by Councilor Luzier to approve Pavement Preservation Street Selection for Slurry Seal as recommended; seconded by Councilor Boggs.

Discussion: Councilor Anderson – Do you know when the last time these roads were sealed? *Not sure, some of those roads have been sealed some haven't.*

Would like to inquire about the overlay; part of 4th Avenue has been completed, but the remainder of 4th is needed. *Yes, the section between Crown Point and Casa De Loma is in need of repairs.* Would that be future overlay project? *That would be a reconstruction, looking at ways to get that done, but not included in the selection at this time. There is a water issue that will need to be resolved first.* Was a slurry seal done on Umatilla Street? *That was a grind and overlay.*

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

Opposed: None

Motion carried unanimously.

Swan – Options for the grind and overlay portion of the pavement preservation was presented to the Planning Commission. They chose Umpqua Street (both sides of central) and a short section on Terrace Lane (north of 4th Avenue). If there are funds left over, may be able to do a short section on Sherman. We are over the \$130,000, however if the bid comes in lower, will be able to get as much done as possible.

Questions and concerns:

- Would like the rest of Councilor's opinion; can sections of Central Avenue be addressed rather than some of these side streets? The worst part on Central is near Sherwood Street, heading east.
- Agree; that section should be considered. *We receive a lot of complaints about that stretch of road and acknowledge it does need to be fixed. Have also determined approximately 1,000 feet of Central could get done with money available for overlays. It would be a straight grind and overlay. Several options were considered. Would prefer not to start and stop in sections, makes more sense to begin where city maintenance starts at Opal Street, and move westerly. Could cover about 1,000 feet, then next year continue with another 1,000 feet. These are areas that were brought forward [to the Planning Commission] for consideration.*
- To me the worse part is both sides of BiMart. *We're definitely open to re-direction.*

City Manager – *Suggest putting the discussion on hold until the extra money from ODOT is received. Theoretically, there is about \$800,000 for Central Avenue improvements. You might be able to get Central done and have some left to do the side streets.*

- Can you bring those funds to the next Council meeting for discussion? *Yes.*
- Isn't this going to be a "band aid" though, asphalt will be put down and then we'll turn around and tear it up for other projects. **City Manager** – *If we do get the \$1 million [Transportation Enhancement] grant, City would need to come up with the \$300,000 for the match for re-doing all of the sidewalks.* This would tear up the asphalt. *Maybe, but we'll know in August if we receive the grant.* This is for this year's budget? *For 2016-17 fiscal year.*
- The [street selection] map highlights the portion of Taylor only going to Duke, from Duke going south Taylor is deteriorating really fast, something needs to be done with that. *That is County maintenance.*

Mayor McKnight confirmed Council will hold off on a decision regarding the overlay selection tonight.

REPORTS

• Library District

City Manager – Would like direction from Council on how to proceed and timelines involved.

Council comments:

- *One of the commissioners anticipated the library district would have to go out for 16,000 signatures to form the taxing district.*

Bell – There are two possibilities, commissioners have said, in private, they would put this on the ballot without the signatures. However, no commitment has been made, district has no other alternative but to get the 11,000 signatures needed to insure it be placed on the ballot. The problem is we may not be able to get all of the signatures, or the commission may decide not to put it on the ballot. If City opts-out, one alternative is for citizens to pay for a library card each year.

○ *If Sutherlin opts-out that would be a decrease in your taxing district, it would change everything.*
Bell – May be able to run the library on less than .44 per 1,000, the board could choose to ask for a lesser amount each year, but have to have enough money to make it sustainable each year. But, you are right, we would be short that amount if you opt-out.

○ *Have not spoken to anyone that wants a taxing district, they would rather have a user fee.*

Galleher – would like to hear from the City Manager regarding the results of the phone poll.

Mayor – *We are not your enemies and we understand your position, Council is trying to represent the citizens best way possible. Commend you for what you're trying to do.*

Discussion continued regarding the proposed cost to citizens, limits on taxing, compression issues and the library's future.

○ Resident, Rick Troxel – If City opts-out this library will close, if opt-in at least citizens have an opportunity to vote. *Councilor Meier – If Council gives citizens an opportunity to vote, at the same time could be robbing them of the opportunity to make a choice. You have no choice if you don't get to vote. But if you don't want a library and we voted yes, you'll be stuck with additional tax.*

○ *If we opt-in it doesn't guarantee there will be a library, and citizens would still be taxed.*

○ *What are the chances of City negotiating a library afterwards by annexing in?* Troxel – I don't think there is a chance, we'd have to raise money to open the library.

City Manager – Don't think it's fair to allude to the people that we are trying to prevent them from voting, Here's what's going to happen: We agree to do this, the citizens in the community vote it down and the next thing you know they are paying a .44 per \$1,000 tax and it's going to be the Council's fault. The vote isn't really a vote for Sutherlin; it's for the whole district. We're trying to be democratic by making sure the citizens have a vote and a say-so of confirming their own destiny.

○ *How will they have a vote if you opt-out? They will have a vote if they want to petition to come back into the district, where a majority vote of the citizens will be required to make that happen.*

○ *If we had been made aware of this earlier, would have had a chance to ask the citizen's what they wanted during the May election.*

Results from citizen's poll – 24 people responded, 14 against, 10 in favor of joining the district.

○ Galleher – We have a lot more property owner's than that. As far as statistics go, in 2015 Sutherlin Library had 52,312 borrowers.

○ Anderson – The proposed tax would cost me an additional \$6 per month.

Mayor – Need to put this on next meeting's agenda as an action item to make our decision.

CITY MANAGER UPDATE

- None

CITY COUNCIL COMMENTS

Councilor Anderson –

- Is the Pre-design Report for the Wastewater Treatment Plant ready to send out? ***Yes, it will be coming to you.*** Will that be available with the RFP for the Value Engineering? ***Yes, the RFP is on the City's website.*** Yes, that brought up the question regarding the pre-design.

Councilor Luzier –

- None

Councilor Stone –

- Noticed Friends of Ford's Pond (FFP) will be working on a Parks Master Plan, planning to provide "in-kind" service as part of their grant, is that do-able?

Resident/President of FFP, Jim Houseman – FFP is working on the Parks Master Plan for the Oregon Parks and Recreation Department. The \$40,000 grant requires a percentage match, after meeting with Luther have concluded we need to bring \$15,000 cash to the table for the match. This is a conceptual master plan, will follow the public process through the Parks Advisory Committee, and the contractor for public input, ultimately presenting to Council for approval.

Are there any land use issues? ***Gillham – Have challenged the Planning Staff and Oregon Only Group to work with the grant staff to consider the proposed UGB (Urban Growth Boundary) swap requirements so we understand the land use limitations. When you have continuous***

organized activities it becomes a different land use issue, we have to make sure we don't cross that line. Will make sure all parties understand those issues.

Houseman – The Master Plan process is the first step. FFP will present a briefing packet at next Council meeting that will address these questions and concerns.

Councilor Egbert –

- Weekly report mentioned industrial park area; County has not yet facilitated the spec building as planned. Would like that issue brought back to Council for discussion. ***Will see a report on that in next weekly report.*** Can we take back those lands to do something with them? ***Maybe, currently working on an economic development plan involving other cities.*** I sat in on meetings regarding that land, at that time it was agreed if County didn't do anything with it within 10 years it would go back to the City.

Councilor Boggs –

- None

Councilor Meier –

- In the Pavement Preservation Selection Plan, streets in need of work such as Valentine are not on the list, is that because it's a total re-do? ***Swan – Yes.*** Do you have a list that includes all streets that need to be addressed? ***Our traffic engineer is currently working on the inventory list; the list presented tonight fits the criteria for needed slurry seal and overlays. Will make the inventory available as soon as it's completed.***
- Total estimated cost of \$2 million for street repairs at 3% for 20-years calculates to \$3.37 per month, however since some of the repairs may last only 10-years, we are actually looking at about \$7.50 per month, could we ask the people for \$7.50 per month and be able to do all of these repairs? ***Finance Director, Dan Wilson - We will be able to address that at the Finance Committee meeting, have been waiting for these numbers as a starting point to do that.***

Mayor McKnight –

- Congratulations to the Sutherlin High School Girls Basketball team. Coach Grotting informed me an assembly honoring the team will be held at the High School, March 30th at 11:45. Last year City Staff attended and presented certificates on behalf of the City and Council to the team. Would like to invite everyone to attend and congratulate the girls.

Councilor Boggs – Would like information regarding the required SEI (Statement of Economic Interest). ***City Recorder, Debbie Hamilton – Everybody should have received the registration information. Those required to complete the form will hear from them soon.***

PUBLIC COMMENT –

- Galleher – Commented on the streets in of need repair, lives on Mardonna Way, which is in need, as well.

ADJOURNMENT –

With no further business meeting adjourned at 9:29pm.

Jerry Gillham

Approved:

Jerry Gillham, City Manager

Respectfully submitted by,

Diane Harris

Diane Harris, Deputy City Recorder

Todd McKnight

Todd McKnight, Mayor

APPROVED BY CITY COUNCIL MARCH 28, 2016