

CITY OF SUTHERLIN
Regular City Council Meeting
Sutherlin Civic Auditorium
Monday, November 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
Deputy City Recorder, Diane Harris
Finance Director, Dan Wilson
Public Works Superintendent, Aaron Swan
Community Development Director, Brian Elliott
Police Chief, Kirk Sanfilippo
Police Sergeant, Justin Marquis
Police Officer, Rob Manuel
Police Officer, Kyle Nelson
City Attorney, Chad Jacobs (via Skype)

Audience: Amber & Taylor Luzier, Travis Tomlinson, Dayle McLain, Connie Luzier, Seth Vincent, Wayne Ellsworth, Michael Carlson, Denny Cameron, Gayla Holley, Ron Bailey, Jack Trowbridge, Charlotte Lutz, Floyd Van Sickle, Pat & Bert Bales, Patricia & John Klassen, April Ehrlich, Allison Green, Joe Groussman, Mike Meier, Chris & Jim Lusk, Jennifer and Arthur Wolfe, Richard Carter, Beth & Jim Houseman, Pam Semas, Sharon Troxel, Justin Lindner, Brian Burke, Sr., Tadd Held, Kenny Allen

Meeting called to order by Mayor McKnight at 7:00pm.

Flag Salute:

Roll Call: Excused – Councilor Stone

Introduction of Media: April Ehrlich - News Review

PUBLIC COMMENT (agenda items only)

Friends of the Library President and resident, Charlotte Lutz –

- Concerned about the library's future and many complications involved if relocated. Would like Council to look at these issues seriously. Even though library hours have been cut back, they have the same amount of patronage.

Friends of the Library Member, Volunteer and resident, Sharon Troxel –

- Expressed desire to keep the library in Sutherlin. Would like a representative from the City to attend the next library board meeting at noon, the first Wednesday in December [7th]. Citizens passed a bond in 2007 for the library's renovation, would like clarification from the City on details involved.

City Manager, Jerry Gillham –Staff will gladly attend the meeting and answer any questions you have.

PRESENTATIONS

- **Audit Report**

Staff Report – Finance Director, Dan Wilson, reported the audit went very well this year and turned the report over to Pauly, Rogers and Co., Municipal Auditor, Kenny Allen.

Allen summarized the audit process and reported an unmodified opinion was issued to the City, the highest level of opinion a city can receive. New accounting standards GASB (Government Accounting Standards Board) and PERS Liability were explained. Various details of the report were provided by Allen, who stated next year City will have to do what is called Implicit Rate Subsidy; this is when retirees are allowed

to buy back into health insurance coverage. Would like to thank Staff for all of their assistance adding, all in all the process went very smoothly.

- **First Responders of Douglas County Critical Incident Award**

Chief of Police, Kirk Sanfilippo, asked Police Officers present to come to the front of the room. Sergeant, Justin Marquis, and Police Officers, Kyle Nelson and Rob Manuel were introduced. On November 4th Chief Sanfilippo, Sgt. Marquis, Officer, Manuel and Master Officer, Vaughn Rains, attended the 47th annual awards banquet in Salem. A Douglas County Critical Incident Response Award was presented to Douglas County as a team. The award was the result of the October 1, 2015 incident at Umpqua Community College. Sanfilippo provide a summary of events that took place that day. Also acknowledged and in attendance was Douglas County Dispatcher, Michelle Marquis, whose dispatch services were involved. Rains, Manuel and Marquis were the responding Officers.

Deputy City Recorder, Diane Harris, read the certificate before Mayor McKnight presented it to the Sutherlin Police Department. The audience responded with a round of applause.

COUNCIL BUSINESS

- **Library Use Discussion**

City Manager, Jerry Gillham – This agenda item is in response to the recent election and local library folks who are concerned about the library’s future and its building. Would like Council to have a chance to discuss any issues and give direction to Staff, at this stage there are many unknowns.

Councilor Boggs – Who owns the books and equipment in the library? *We assume the County does.* The first step should be to find out what the County is willing to do in regards to leaving it there. *City Manager agreed.* Until then, it’s hard to say what we would like to do.

City Manager – It is not my intent to convince Council to kick the library out of its building. Have discussed a worse-case scenario with the library group if the library district does not pass would find a way to keep their services going somewhere. Civic Auditorium was an example for a possible alternative location.

Councilors agreed they wanted the library to stay in Sutherlin, but are in limbo until finding out County’s position. It was requested that the Library Board try to find out additional information before their meeting in order to better understand the issues. Concerns were voiced regarding potential costs involved if having to restock the library, not having any County employees to work in the library, therefore having volunteers. Mayor McKnight suggested future workshops be set up as this progresses. It was by Council consensus to wait until more information comes in from the County, hopefully by the time the next library board meeting takes place.

CONSENT AGENDA

- **October 24, 2016 Minutes – Regular Meeting**

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

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

Abstain: Councilor Anderson [stating he was not present at meeting].

Opposed: None

Motion carried.

ACTION ITEMS/GENERAL BUSINESS

- **Vehicle Purchase Approval – Police Department**

Staff Report – Chief of Police, Kirk Sanfilippo – Provided a summary regarding the purchase of the Police vehicle. Base price is \$28,676 for a 2017 Ford Interceptor Utility All-wheel drive. Outfitting costs are \$16,665 for total cost of vehicle – \$45,341.

MOTION made by Councilor Luzier to approve purchase of Police Vehicle in the amount of \$45,341 as presented; second by Councilor Anderson.

Discussion: Councilor Anderson – The Fire Department’s Ford Interceptor came in at the same price, correct? *Yes, however total cost was less, did not need to outfit with the same things.*

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

Opposed: None

Motion carried unanimously.

- **Ordinance – Vacant Residential Property Registration (first reading, title only)**

Harris provided first reading by title only of ordinance: “An ordinance adding a new chapter 8.28 to the Sutherlin Municipal Code implementing a vacant residential property registration”.

Staff Report – Sanfilippo summarized reasons for the ordinance requiring registration of vacant residential properties. If the property is vacant and is not legally being resided in by a valid renter, lease, etc., the lender shall register the property free of charge with the Sutherlin Police Department. The lender will be responsible for maintaining the property for security and prevent the property from incurring code violations. If lender doesn’t comply City will send a 10-day notice to correct the failures. If action is taken lender will begin accruing penalties not to exceed \$500 per day; City Manager has the option of making it \$1,000 per day if intent to avoid correcting the problems is proven by the City. Lenders have the ability to appeal. This ordinance does not address vacant homes not in foreclosure or how to evict squatters.

MOTION made by Councilor Boggs first reading, title only of ordinance regarding Vacant Residential Property Registration as presented; second by Councilor Anderson.

Discussion: Councilor Anderson – How are vacant properties identified? *Right now have no idea how to identify them; this ordinance is the start of the registration process. Will work on educating the lenders, and publish a press release to educate the community.* Is there another city you modeled this from?

City Attorney, Ashley Driscoll – A lot of jurisdictions across the state are doing something similar; Hillsboro, Klamath Falls, Medford and Gresham. This has been tailored to Sutherlin and easy to understand and apply.

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

Opposed: None

Motion carried unanimously.

REPORTS

- None

DEPARTMENT HEAD UPDATE

Interim Director of Public Safety and Chief of Police, Kirk Sanfilippo –

- Would like to acknowledge Sutherlin Fire Department’s Staff, Volunteer Firefighters, and Chaplain in attendance at tonight’s meeting. On October 29th a call came in for a structure fire on the 500 block of E. Everett, firefighters did a great job. Within a matter of hours they were called out again for a fully engulfed fire on W. First Avenue. They did an excellent job of suppressing that fire and protecting nearby exposures.
- Recently an angry individual, under the influence of a controlled substance, broke the southeast window out of the police department and caused damage to an officer’s private vehicle parked nearby. The individual was taken to jail regarding a number of offenses. Want to thank Council for approving the fence/gate at the back of the department, without it there would have been additional major damage to police vehicles and possibly more windows. Will be researching new cameras to be placed around City Hall/Police building and look at reinforcing windows, as well.
- Sanfilippo and City Manager attended a City Manager/Police Chief “21st Century Policing” Course in Salem. Sanfilippo explained the steps planned to align with the course’s report.
- SCBA (Self Contained Breathing Apparatus) evaluations continue, decision will be made regarding procurement in the very near future.
- Sent a letter to Sutherlin High School and UCC regarding the Oregon Association of Chiefs of Police (OACP) \$1,000 scholarship offered to those wanting to enter law enforcement, criminal justice or related fields.
- Recent arrests at 101 Frontier Court [reported at previous meetings] resulted in a 10-year state prison term for one of the offenders. Sanfilippo acknowledged all officers involved.

Community Development Director, Brian Elliott –

- CDD has been in touch with 3 area businesses that are placing items on sidewalks in front of their store, rather than inside. This is against Sutherlin’s Development Code for the downtown area. Have been met with resistance from 2 store owners who are continuing with their “outdoor sales”. Next step is to issue a letter from the Police Code Enforcement Officer.

Councilor Meier – Does Council need to pass a resolution or is it already in our code? ***It is in City’s Code as a Misdemeanor I carrying a fine of up to \$1,000 per incident.***

- Wastewater Treatment Plant Pre-design is on pace to meet its 60% and should be completed by December 31st. Contracted with Environmental Review’s, Dale Richwine, for a third party review.

Public Works Superintendent, Aaron Swan –

- Concrete slab at Community Building is completed; minor grading and bollards will be installed.

Councilor Boggs – Is there a chance to gravel a path from the slab over to the train’s gate? ***Will certainly look into that, slab comes very close to that sidewalk and can be connected with a sidewalk or gravel.***

Councilor Egbert – Did waterlines get changed out in that area? ***No, opted not to change main water line, it looked better than expected, however did provide seaming in the concrete in case repairs are needed. Water budget got hit pretty hard this year. How many parking spaces did we lose? Two spaces were lost.***

- Purchased a new Meter Reading Unit which was used today during reads and it worked very well.

Councilor Anderson – Will the new playground equipment be installed in the spring? ***Yes, some of the equipment is not going to arrive until around Christmas. There was no good way we would be able to accomplish the installation due to weather issues and postponement from vendors. Staff decided it would be best to start the project next spring when it dries out.***

Mayor McKnight – How long will it take to install it? ***Approximately 45 days.***

Finance Director, Dan Wilson –

- Have nothing to report.

Mayor McKnight – Good job on the audit.

Deputy City Recorder, Diane Harris –

- City Recorder, Debbie Hamilton, 1st Vice President of OAMR is representing Oregon at the Alaska State Clerk’s Conference this week; all her expenses are paid for by OAMR [Oregon Assn. of Municipal Recorders] and AAMC [Alaska Assn. of Municipal Clerks].
- Reminder: Council members need to turn in their evaluations for Judge Johnson. Hamilton has only received 2 so far, and needs 5 more.

Councilor Meier – What if you didn’t go and watch him, do we just need to turn something in? ***Suggest contacting Hamilton on how she wants to proceed.***

City Manager, Jerry Gillham –

- Will be meeting with the County tomorrow at 1:00pm to negotiate a settlement regarding their portion of Central Avenue. Will hopefully have numbers and a timeline to report back to Council.

CITY COUNCIL COMMENTS

Councilor Anderson –

- None

Councilor Luzier –

- None

Councilor Egbert –

- Are there any updates regarding the trash can issue? ***Driscoll is drafting a letter addressing Council’s questions and is waiting to hear back regarding manufacturer’s warranty certifying the product is good for 10-years, therefore meeting criteria for a “durable product”.***
- Are the newly elected Council members receiving weekly updates and communications sent to current council? ***Yes, city emails have been set up, have given an iPad to one, but need an iPad from an outgoing Councilor to give to the other incoming Councilor.***

Councilor Boggs –

- Read an article in LOC’s Local Focus Magazine regarding other communities of various sizes that also have issues with street maintenance and funding. Sutherlin is not the only one; they are all looking for answers and different sources of revenue.

City Manager – Once we get through some of the major projects, Staff will be engaging in a PCI (Pavement Condition Index) formula for calculating various streets conditions in need of repair.

Councilor Meier –

- How is the City dealing with PERS? **Wilson – Have almost completed the analysis.** Do you know what it's going to cost us per year? **Around \$60,000 to \$70,000, am wanting to be very accurate, there are variables to consider such as who is Tier 1 and Tier 2, Police, Fire and verifying the categories the employees fall into for the correct percentages.** Am confused, one PERS meeting I went to stated a 20% increase, the other said 3% of payroll, which is it? **Our rates went up substantially; don't know the number off the top of my head. When looking across the state, we are not as bad as a lot of the communities.**
- The TRT (Transient Room Tax) purchase of trash cans was discussed, but there is more to it than that. The question wasn't trash cans but whether TRT funds can be used on Central Avenue. **City Manager – As far as I know you can, the original intent as it was written was real property or "durable goods" that would last 10 years.** That was not the question I had before, it was can we put durable goods on Central Avenue and call it tourism? **Yes.**

Driscoll – There is no blanket answer, it depends on the facts. City Manager is correct, certain statutory criteria needs to be met in order to be a tourism related facility. It has to be "real property" which can be interpreted as a facility or, in some cases, trash cans that has the substantial purpose to promote tourism in the area. [At previous meeting] Meier provided the Attorney General's opinion regarding sewers and roads, and depends on the substantial purpose to provide access, i.e. to a fairground which may be a tourism related purpose; just going down a city street would not qualify.

Councilor Meier – How does Central Avenue enhance tourism?

Councilor Luzier – How else do you get to the Blackberry Festival or Central Park?

Councilor Meier – That doesn't qualify per the opinion, just because you have to use a road to go someplace unless it's a dedicated road, like to a fairground.

Driscoll – Not familiar with the exact facts we are talking about, have only researched trash can issues. Have to look at the purpose of the infrastructure when using these TRT Funds. Need more facts to analyze regarding Central Avenue.

City Manager – We're not proposing to use TRT funds for infrastructure on Central.

Councilor Meier – It's for the trash cans to put them by the flag monuments on Central. Are the monuments attached? **Not sure, they weigh 1,000 lbs. I don't think TRT funds have been spent on those, believe they have been purchase through fundraising and donations, will need confirmation from Chamber.**

Councilor Meier expressed the importance for next Council to have a policy regarding TRT Funds and how they can be spent. She also questioned events that bring people in from 50 miles away. September event cost \$4,000, but am told the furthest away people came from is Roseburg.

Councilor Egbert – At this point it's basically a policy decision for Council. **Agree, had a discussion with LOC's Legal Counsel, John O'Day, who said as long as the City and agency responsible for tourism agree it's for purposes of tourism, the funds can be used.**

Councilor Egbert – Rather than having all this discussion, it should be whether Council wants this policy.

Councilor Meier – Actually that isn't true, it's a state law not a Council policy. Meier would like to see that we are abiding by state law.

Driscoll – There is some latitude; this isn't a law that has been highly litigated. We just have statutory language that provides some guidance regarding what is a tourist related facility. There are a lot of options City can consider and some clear parameters drafted into state law. If the City wanted to go further, we can look into writing additional regulations. City has gone above and beyond what is required for the allocation of this fund.

Mayor McKnight – What is the next step, what does Council want to do?

City Manager – We first need to validate it can be used for trash cans. Then if the next Council would like to develop a policy in partnership with the Chamber we can do that as well. Attorney fees for this topic have already added up to \$1,600; the sooner we can get through this the better.

Councilor Meier – You're saying the \$1,600 is to talk about trash cans? That wasn't my concern, it was to talk about Central Avenue and whether we can use the money there, it has nothing to do with trash cans. **Yes, we can.** Meier stated she wants a legal opinion.

City Manager – It was my understanding that it was to look at whether or not we could use TRT funds for Central Avenue downtown trash cans.

Councilor Luzier – That’s what it said in the minutes and what we discussed.

Mayor McKnight – The trash cans was the issue we were talking about.

City Manager – Correct, didn’t know the question was can we use TRT money to fund main street infrastructure and streetscape improvements. That question has not been posed to us or the City Attorney.

Councilor Meier – My question was not about trash cans, they were something I threw out there because it was in a report sitting in front of me.

Mayor McKnight – We will solve one thing at a time, a lot of fees are involved, do not want to eliminate the trash can issue and move on to something else before this is resolved.

City Manager – Will move towards getting an analysis and a letter stating that a “Downtown Main Street Program’s” sole intent is to attract visitors that are tourist related. Will have Driscoll and LOC Legal Counsel provide information for certification.

Mayor McKnight –

- Would like to acknowledge the Sutherlin Lion’s Club for their annual Halloween event, ServPro and the Chamber of Commerce also held great events that day.
- Need to also recognize the Sutherlin Fire Department for handing out candy in the neighborhoods, another great thing to do.
- A West Intermediate School Teacher has requested campaign signs that are no longer in use for a project they are doing. Anyone that would like to donate their old signs can leave them with Mayor and he will deliver them to the school.
- Would like to thank the Lions Club for placing the flags out for Veteran’s Day, it’s very nice to see.

PUBLIC COMMENT –

Resident, Pat Bales –

- Attended Halloween Party at West Intermediate. During the party the Sutherlin Firefighters, who were also at the event, received a call for a fire. Was very impressed with their efficiency, eagerness to go to the call. Would also like to thank Chief Sanfilippo for providing reports at the Council meetings keeping the citizens up to date.

Resident, Mike Carlson –

- Expressed his opinion that this is an opportune time to work with OTC (Oregon Transportation Commission) to collaborate with legislature and garner earmarks for Sutherlin’s Exit 136 interchange improvements as detailed on the Interchange Area Management Plan (IAMP). Also suggest engagement with Southwest Area Transportation Commission (SWATC). It’s important to get going on this and feels City hasn’t done anything.

City Manager – Have been long-term active members of SWATC; have now appointed Elliott to take my place in representing the City. We do have earmarks, have met with Mike Baker, and currently meeting with ODOT. Regarding what Carlson has mentioned, City is on point and already doing this.

Carlson reported he has nearly 27 years in transportation and project development and construction of highways; inviting anyone interested to talk to him after the meeting.

City Manager - We have been working on the IAMP, Elliott met with ODOT today who will be doing improvements all the way underneath the freeway. Would be happy to do a workshop explaining all of the work Staff has been doing behind the scenes moving forward with these projects. This is all happening in a very good way. Carlson makes a good point with the selection and the new commitment to more infrastructures; it’s good that we have our earmarks and are in-line for those monies.

Resident, Floyd Van Sickle –

- When will the paving project start on Central Avenue? *Swan – Comstock to Calapooia (TOA) is the first portion engineers are working on, they are on point and should be completed early next year. The job will bid sometime between March and April with construction to start summer 2017. Will then be engineering the eastern portion of Central.*
- Two years ago the Budget Committee approved purchase of a street sweeper, have heard comments around town that people never see it. *Swan – It has been used a lot, however it is*

currently in for repairs. Have a huge pile of leaves and debris at the shop from all he has been collecting while sweeping.

- Would like to commend Sutherlin Fire Department. During the UCC incident all volunteers reported to the station to cover for Fire District #2 while they were responding to the incident. This department is capable of amazing things. Council, audience, and town need to know what they have and support them all they can.

Resident, Jennifer Wolfe –

- When learning the library may be closing, we expected it to be on the ballot. Wanted to find out why Sutherlin did not get the opportunity to vote.

Councilor Meier – Council was told if it passed County-wide but Sutherlin voter's voted against it we would still have to pay the tax. In addition, if it passed that didn't guarantee we would have a library. City was told they may be able to come back and negotiate with the Library District later and ensure Sutherlin would always have a library.

Wolfe – Is there any opportunity now to have input in the decision regarding the library in town?

Mayor McKnight – We will get information from the County and attend the Library Board meeting in December. As we gather information would love to have citizen's input and take it step-by-step to see if we can keep the library in town.

ADJOURNMENT –

With no further business meeting adjourned at 8:31pm.

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 DECEMBER 12, 2016