

CITY OF SUTHERLIN
Regular City Council Meeting
Sutherlin Civic Auditorium
Monday, September 26, 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, Debbie Hamilton
Deputy City Recorder, Diane Harris
Finance Director, Dan Wilson
Community Development Director, Brian Elliott
Public Works Operations Superintendent, Aaron Swan
Police Chief, Kirk Sanfilippo
Police Sergeant, Troy Mills
Fire Chief, Charles Perdomo
Assistant Fire Chief, Lon Dragt
Fire Captain, Avery Hazzard
Firefighter, Allison Green
Firefighter, Wyatt Perdomo
City Attorney, Chad Jacobs (via Skype)

Audience: Dan McCormick, Michael Weil, Seth Vincent, Tami Trowbridge, Pam & Denny Cameron, Wayne Ellsworth, Travis Tomlinson, Dennis Riggs, Gretchen Stehr, Avery & Kristina Hazzard, Pamela Semas, Beth & Jim Houseman, Brian Burke, Sr., Sean Mock, J. Lindeen Brown, Lonnie Green

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

Flag Salute:

Roll Call: Excused – Councilor Anderson and Luzier

Introduction of Media: None present

PUBLIC COMMENT (agenda items only)

- None

PRESENTATIONS

• **Firefighter Academy Recognition**

Fire Chief, Charles Perdomo, asked Firefighters Allison Green and Wyatt Perdomo, to the front of the room in recognition for their recent graduation from DPSST's (Department of Public Safety Standards and Training) first ever Residential Fire Academy. Perdomo provided a summary of the academy's 6-week course. The two firefighters were the only ones from Douglas County to attend. Perdomo expressed appreciation for their commitment to the fire service and City by volunteering to attend the academy.

Mayor McKnight read and presented Certificates of Appreciation followed by a round of applause from meeting attendants. Green's husband of 40 years, Lonnie, was recognized for his commitment in supporting his wife.

Perdomo requested Captain, Avery Hazzard, to the front of the room for a surprise award. A history of a recent industrial machinery accident was provided. Emergency response had been cancelled, however Hazzard continued to the incident to make sure everything was ok. Upon his arrival he found help was needed and assumed command of the incident. Hazzard was commended for going above and beyond the call of duty.

Mayor McKnight read and presented Hazzard with a Certificate of Appreciation, followed by a round of applause from meeting attendants.

- **Chamber of Commerce/Visitor Center**

Chamber President, Tami Trowbridge, thanked Public Works Superintendent, Aaron Swan and his crew, for placing the flag monuments throughout town.

Updates:

- Hot Rod Fun Run – The event was a success; new strategies are planned for next year. Connected with various car clubs, they plan to add the Fun Run to their future calendars. Next year's event will be moved to the 3rd Saturday in September to avoid conflict with multi-day event in Florence.
- Wine Walk Wednesday, a first time event, was a success. Strategy was to bring tourism into the local businesses; wine is an emerging industry that draws people in, energizing communities. Seven area wineries and seven downtown businesses participated. Napa Valley averages 3 million visitors per year bringing in \$1.4 billion in direct tourism spending. Umpqua Valley has been billed as the next emerging wine area. Chamber ordered 75 commemorative glasses, 83 Admissions were sold and glasses were sold out within an hour. A lot of people stayed in town and ate at Fusion Restaurant who provided live music. A shuttle bus was available to area motels for their guests to attend.
- During the event concerns were heard regarding the mess left from trees and condition of sidewalks. Chamber has been applying for grants to replace the trees, add grates and fix sidewalks.
- Attended a meeting in Brookings, the Mayor spoke of challenges small cities face and declining dollars for infrastructure improvements. However, Brookings does not have that problem. A few years ago they implemented a local gas tax; it is limited to a 10-year span and designated for streets and sidewalks. They now have money in a reserve for future improvements. Trowbridge spoke of the tax revenue benefits for Sutherlin, so many visitors pass through the area every day.

Questions:

- Councilor Meier – At one time you were looking into the expense of burying overhead wires in town, has anything come of that? **Community Development Director, Brian Elliott – Have met with Pacific Power but do not have final cost quotes yet, their engineers will be looking into it.** If there is any possibility in doing this; should do it if we can. **Trowbridge – Would like to keep it on the table to pursue.**

Councilor Meier asked if this would be a good time to discuss issues regarding the Transit Room Tax (TRT) or wait until Council Comments. It was agreed this would be a good time. She recently attended City Hall Week in Roseburg [put on by League of Oregon Cities]. City Manager, Lance Colley, brought up the subject of TRT. Didn't realize there was such a restrictive thing, would like to understand how ours works.

City Manager, Jerry Gillham – Recently reached out to Sean O'Day, LOC's (League of Oregon Cities) Legal Counsel in an email, also plan to speak with him at the LOC Conference this week. A history of the tax was explained; how it was spent changed in about 2002 to 2003 by a law passed by legislature. Many cities are confused regarding uses for the funds. The key thing local governments do not understand is monies can be used to invest in creating a product to attract tourism from 50 miles away and farther.

Councilor Meier – Confused, it says 70% of the money can be used for tourism and 30% of the money can be used for anything. **Gillham – Tourism related; there are restrictions.** Councilor Meier disagreed.

City Attorney, Chad Jacobs – In 2003, Legislature passed a law preempting cities from increasing the tax unless it went to tourism related activities, as explained by Gillham. If you weren't spending it on tourism related activities, you could continue to do so. It is my understanding, since 2003, the City has been using 30% of the money on activities unrelated to tourism and can continue to spend that money the same today. Everything else has to go to tourism related activities.

Councilor Meier – It does, but it looks like prior to 2003 we were using 100%. **Jacobs – That is something we can take a closer look at.** Some of the things just approved by Council, such as the garbage cans [for Chamber project] are not qualified as tourism related. **Gillham – They do because it's "product" for tourism support.** Disagree, it's not tourism support. For example a street [improvement] has to lead to something such as a fairgrounds or convention center. **Or, a motel.** No, not a motel; just to do things for our main street does not seem legal. **Can certainly get verification for that.**

Trowbridge – The way I see it the trash cans qualify as tourism support. Trowbridge provided an example supporting the need for them to be available for tourists.

Councilor Stone – How does that affect the 3% [Transit Room Tax] increase that is now in effect? *Jacobs – 100% of the 3% tax has to go to tourism related activities. Need to find out what the concerns are for Staff to look at. Right now there is a lot of miscommunication about who spent money on what and where that money came from; jumping to conclusions won't serve anyone's best interest tonight.*

Council agreed information will be brought back for discussion.

- **County Library System – Commissioner Boice**

Commissioner Boice was unable to attend and give his presentation due to another engagement.

CONSENT AGENDA

- **September 12, 2016 Minutes – Regular Meeting**

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

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

Opposed: None

Motion carried unanimously.

ACTION ITEMS/GENERAL BUSINESS

- None.

REPORTS

- **Distressed Residential Property Discussion**

Staff Report – Chief of Police, Kirk Sanfilippo – Council recently inquired about costs involving ServPro for services. Sanfilippo reported they will also see an additional bill involving a foreclosed residence on Frontier Court that had squatters living in it, where a search warrant was obtained and arrests were made for illegal activities. Will also be working on two residences located on E. Second Street. Currently no methodology is in place to address these issues. Abandoned structures host a huge amount of concerns such as drug use, rodent infestation, health and safety issues, etc. Sanfilippo reported many communities are dealing with these same issues.

Suggestions for Ordinance:

- To require property owners register with the City; Police Department will be aware property is vacant and have potential issues;
- Outline some degree of maintenance responsibilities;
- Require property owner/manager post information on who to contact if there are problems;
- Give City authority to act with substantial penalties generating the desire for mortgage companies to respond.

Asking for Council's support for working with City Attorneys in drafting a distressed property ordinance that is appropriate, contemporary, helping law enforcement in minimizing foreclosed property issues.

Questions:

- How do officers know if these residences are being lived in after boarded up? *They are boarded up with special screw-nails requiring a specific bit to unscrew them. If they take an axe or something substantial to cut through the plywood it is obvious someone has broken in.*

Sanfilippo explained the time consuming process the department has been facing with these residences.

It was by way of Council consensus for Staff to work with City Attorneys to draft an ordinance.

DEPARTMENT HEAD UPDATES

City Manager explained this agenda item has been changed from "City Manager Updates" to "Department Head Updates" in order to keep Council current as possible on things that occur. During the TOA (Transfer of Authority) City was negotiating with ODOT for \$500,000 more, receiving an additional \$250,000 instead. During that time Gillham informed Council that the rest of the \$250,000 may be coming. Elliott will explain.

Community Development Director, Brian Elliott –

- Met with ODOT today to talk about their section of Central from I-5 east to Comstock concerning its declining condition. Within 2-weeks ODOT will do some street repairs, i.e. fixing potholes, “alligating” and swells from tire tracks. They are not going to spend a lot of money on it then; however, the plan is for them to come back and “piggy-back” City’s Central TOA project on Central next summer. This fall, winter or early spring ODOT plans to address all ADA (American Disability Act) issues for that section.

City Manager – City will have a brand new Central Avenue from the freeway exit into downtown.

- Sodium Hypochlorite System upgrade is complete, start-up date is set for Wednesday.
- Phase I of Pre-load at Wastewater Treatment Plant Facility was completed Monday.

Councilor Egbert – How many loads of dirt did that take? **8,500 cubic yards.**

Public Works Superintendent, Aaron Swan –

- N. Comstock Waterline Project is coming to an end, main pipe is in the ground, will be doing chlorination and pressure tests, project should be completed in the next two weeks. Asphalt portion of the project will happen a little later.
- Have secured a contractor for new slab to be installed at the Community Building, allowing access around the entire center. Project will start in the next two weeks.

Councilor Stone – What is the status of the playground equipment? **Planning to dismantle existing equipment around the middle of October to have least of amount of down-time with no playground. New equipment should arrive between the end of October – first of November.**

Finance Director, Dan Wilson –

- No reports at this time.

Councilor Stone questioned an additional \$250,000 mentioned earlier in relation to ODOT. **City Manager – That was pertaining to ODOT upgrading the section of road from the freeway east to Comstock.** They aren’t giving the City the money? **No, this is their project; currently discussing who will do the engineering, there are willing to pay City’s Engineer whom Elliott will discuss with further.**

Public Safety Director and Chief of Police, Kirk Sanfilippo –

- Police Departments Media Log is updated on City’s website each week.
- Three Police Vehicles are now in excess of 100,000 miles, all are starting to ring-up decent sized repair bills; one may be pulled out of service if another major problem occurs. Vehicle shuts down and has to be towed in the middle of shifts. Want to give Council a heads up, next budget season will be asking for three vehicles. Have discussed with Wilson, money is available in reserves to fund three vehicles.
- Fire Chief, Perdomo, is working on the RFP (Requests for Proposals) for the new Self Contained Breathing Apparatus (SCBA). Fire Department was awarded a grant for about \$170,000 to buy the SCBA’s. Vendors are scheduled first week in October to provide demonstrations allowing personnel to test them.
- There was a fire yesterday at the laundromat; Fire Department had it under control within 20 minutes. Fire is still under investigation.
- Fire Department has been painted, one of the colors chosen is red, however looks orange, Captain Hazzard is contacting the paint company to question if paint was mixed correctly.

City Recorder, Debbie Hamilton –

- Would like to apologize to candidates running for Council. Was in the process of having all candidate information on the website, unfortunately the information disappeared after hitting the “tab” button. Will have to start all over again.
- Was sworn in as First Vice President of Oregon Association of Municipal Recordors (OAMR), will be doing that function this next year.

City Manager, Gillham –

- Commissioner Boice was unable to attend tonight’s meeting to speak on the library issues. I have been working with the local library folks regarding issues they face in January. Essentially, the library won’t be a library anymore until we appeal to annex into the new library district, if approved during November election. They have asked City to allow existing inventory to stay in the library. This is a strong signal that they are willing to work with us at annexing in with them. If the vote is not approved, we will go to a Plan B.

CITY COUNCIL COMMENTS

Councilor Stone –

- Stated he appreciates all of our volunteers, they are the backbones of our community. Councilor Stone summarized all of the duties and time involved with being a Councilor, a position he takes very seriously. Concerned that volunteers will be discouraged from volunteering because of recent negative attacks written in the newspaper and on social media. Council can only make a decision as a body, by a quorum. One or two Councilors cannot hold up or stop a project. Appalled by recent article written by a fellow Councilor slandering another Councilor and two volunteer citizens who do a lot of work in our community. Is concerned by the false accusations he feels Mr. Luzier made and in his opinion should write an apology letter to the three in another editorial or step down from his position. Does not believe this is the type of person our voters want to represent them. Would like to thank the volunteers in our community and would like them to be treated with respect.

Mayor McKnight stated he allowed Councilor Stone to finish what he had prepared, however this is a Council meeting and not the place for the campaign process. Would like to defer to Jacobs regarding the guidelines to follow.

Jacobs – *Believe the easiest thing to keep in mind is as individuals you wear two hats; a Councilors and politician. Sometime those lines can blur and cross. Campaigning should be done outside. Questions regarding individual’s campaign should be discussed with your private lawyer rather than City’s.*

Councilor Stone – Was contacted by a reporter regarding the negativity in town. This wasn’t so much about a candidates issue, don’t want to detour any volunteers from giving their time to the community.

Councilor Meier asked when a City employee, Councilor or Mayor says or writes something slanderous, does that leave the City in a position to be sued? **Jacobs – *When done in their private capacity, City has no responsibility, if someone does something in the Council Chambers, City could have some potential liability; however, there are a lot of defenses for that.*** If you state you’re a Councilor in the article you’re representing the City. ***No, would take the position representing the City they are saying that on their own time and private capacity as a candidate and political figure.*** If a City employee passes on slanderous information, does that put City in a position to get sued? ***Under the tort claims act City has a duty to defend and indemnify their employees if they were acting in the course and scope of their duty.***

- Councilor Stone – Hopes everyone is at peace during the anniversary of the UCC shooting.

Councilor Egbert –

- Would like to have Commissioner Boice come and talk to us about the industrial park agreement. ***City Manager – That is a great idea.*** Spoke recently to a former Councilor and they remembered the 10-year clause in the agreement, City should be getting that property back.
- Just received 8 more benches, 3 are for the Water Control District, 5 will be placed around town. This brings a total of 40-plus benches to date, a \$45,000 shot in the arm to the city. We aren’t buying these benches; citizens in town are paying for them. City is just facilitating the installation.

Councilor Boggs –

- None

Councilor Meier –

- Wanted to speak on something that has nothing to do with campaigning, has concerns regarding the divisiveness in this town for the past 4 years. Meier read the City Code regarding Roberts Rules of Order about Councilor misconduct. Requesting Mayor to put on the agenda, when Councilor Luzier is back, to discuss issues and find out who in the City told him she has wasted \$1 million of taxpayer’s money and put the Wastewater Treatment Plant project back 18-months. Would like it brought to the Council and get it documented.

Mayor McKnight – Will go with legal advice from the City Attorney.

Councilor Meier exclaimed that rules aren’t being followed and she is tired of it.

Jacobs – *Can put something on the agenda, but there are specific procedures to follow if wanting to bring charges against a member for a censor motion. Council has ability to censor for actions*

that have occurred at or outside the meeting. It's a fine line to determine whether or not there has been a violation of a rule or ideal. Council as a full body needs to determine if that is what they want to do, will then decide proper procedures to follow.

Councilor Meier asked Councilors what they wanted to do. She personally wants an apology, a retraction sent to the newspaper, and to find out where the information came from.

City Manager – For the record, I did not give that information.

Mayor McKnight – Answer is no, wants to leave politics outside of the meeting.

Councilor Boggs – Would like to know if he had misinformation, but agrees its politics. Suggests if Meier wants liable she should hire her own attorney and sue him, rather than having Council do her work.

Councilor Egbert said he was in favor and Councilor Stone said he would like to hear where the information came from.

Mayor McKnight –

- None

PUBLIC COMMENT –

- Resident and Teacher/Director of Calapooia Christian Preschool, Gretchen Stehr, spoke in favor of the library in this town. Would like to make sure City keeps the library open no matter what happens in county vote. Stehr shared reasons for wanting the library to continue.
- Resident, Michael Weil, spoke in favor of the library stating his wife is the Smart Reading Program Coordinator for which he volunteers. He spoke of the attributes in having a library available to the citizens.
- Volunteer Firefighter, Allison Green, thanked Fire Chief Perdomo, Assistant Fire Chief, Lon Dragt, Captain Hazzard, and all of the Sutherlin residents that supported their training. She is grateful to serve her community with pride.

ADJOURNMENT –

With no further business meeting adjourned at 8:20pm.

Approved: *Jerry Gillham*
Jerry Gillham, City Manager

Respectfully submitted by,

Diane Harris
Diane Harris, Deputy City Recorder

Todd McKnight
Todd McKnight, Mayor

APPROVED BY CITY COUNCIL OCTOBER 10, 2016