

**CITY OF SUTHERLIN**  
**Regular City Council Meeting**  
**Community Center – 7pm**  
**Monday, February 25, 2013**

**COUNCIL MEMBERS:**

Tom Boggs, Frank Egbert, Patricia Klassen, Todd McKnight, Karen Meier, and  
Forrest Stone

**MAYOR:** Denny Cameron

**CITY STAFF:** City Manager, Jerry Gillham  
City Attorney, Pete Shepherd  
City Recorder, Vicki Luther  
Community Development Director, Dan Huff  
Finance Director, Ron Harker  
Police Chief, Kirk Sanfilippo  
District #2 Fire Chief, Greg Marlar

**Audience:** Mike Meier, Bertha Egbert, Pam Cameron, Dwayne Gettys, Britt Carr, Bette Hart, Craig Hart, Duane Waller, Tracy Van Dolah, Jack Van Dolah, Tim Bradley, Brian Burke Jr., Greg Henderson, Mary Jean Morey, Holly Boggs, Karen Watters, Brian Elliott, John and Teri Bay, Brian Burke, Sr., Tom Spelgatti, Larry Bahr, Michelle Sumner, Steve Major, Jon Gasik, Carol Swesso, Tim Novotny, Kathy Knapp, Dan McCormick, Tate Powell, Mark Hernandez, Russ Anderson, Dick Westbrook

Meeting called to order by Mayor, Denny Cameron.

**Flag Salute**

**Roll Call:** All present

**Intro of**

**Media:** None present.

**PUBLIC COMMENT:** (agenda items only)

**Agenda Item #8-a Fire Service Agreement**

**Pam Cameron** - After review of the current City contract with FD2, she questioned Council's need to endorse moving forward with the goal of annexation which was made by a past Council. She felt further research and consideration was needed prior to placing the annexation question on the ballot; concerned the contract may have been based upon limited and inaccurate information; Sutherlin's future should not be determined by one group. Cameron reported FD2 is being faced with budgetary issues which she feels may affect their response times. Further research may offer the City other choices which may be found more acceptable and more economical. The public needs to know ambulance service would remain in place no matter what decision is made for fire services. She shared her concern for future funding of City needs, such as the much needed new wastewater treatment plant; rate increases on top of tax increases may be more than the citizens can bear. Increasing taxes for fire services leaves the City short for any future funding possibilities such as a public transportation district and/or parks district. This is a big decision; if the annexation is passed it will essentially be forever.

**Tim Bradley** – Heard rumor there is a tentative contract between N. Douglas Fire District and Sutherlin. How did this go through without the knowledge of the entire council; were they even aware of what was going on? ***Mayor Cameron reported he knew of no tentative contract***

*with North Douglas Fire District and was unaware of who might be giving that information; knows of no position for any contract except with FD2.*

**Larry Bahr -**

Reported he was very happy with the fire and ambulance service currently being provided and would not like to see us go back to a volunteer department; felt the population to draw volunteers in Sutherlin is not large enough to support our fire department.

**Jack VanDolah –**

Believes if we go to a volunteer fire department the trucks will not move out of the station until enough people to man them have arrived; firefighters will not arrive in time to put down any fire. VanDolah does not want to have to wait fifteen minutes for a fire truck to arrive at his fire. He felt it would be unproductive to go back to a volunteer department. There will be a cost even with the volunteer department as insurance rates will increase.

**Tracy VanDolah –**

Wants the voters to make this choice as to whether or not we should have a volunteer or professional department. She wants what is best for Sutherlin and feels the service we have now is great; does not want to see it change.

**Craig Hart –**

Reported having had emergency calls at times when fire personnel showed up while waiting for an ambulance to become available. Those personnel were able to provide the necessary medical treatment until an ambulance arrived. He had concerns this service would be more limited with a volunteer department.

**ANNOUNCEMENTS / APPOINTMENTS**

**Set terms for new budget committee members**

Staff Report – City Recorder, Luther, reported two of the five appointees have indicated they would be okay finishing up terms that have been vacated rather than being appointed to a full three-year term – John Lahley and Greg Henderson. Of the five appointees, two would need to serve until December 31, 2013 and three would need to serve until December 31, 2015.

**MOTION** made by Councilor McKnight, second by Councilor Boggs setting Budget Committee terms: John Lahley and Greg Henderson to serve until December 31, 2013 with Michelle Sumner, Tadd Held, and Tim Bradley to serve until December 31, 2015.

DISCUSSION: None

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

Opposed: None

Motion carried unanimously.

**PRESENTATIONS / PROCLAMATIONS**

**Read Across America**

Cat in the Hat hats were distributed to all members of Council, City Manager, City Attorney, and City Recorder to be worn during the presentation. (photo op)

Proclamation was read and signed by Mayor Cameron in celebration of Dr. Seuss's birthday Friday, March 1<sup>st</sup>; promoting reading and adult involvement in the education of our students.

Kindergarten Teacher, Karen Watters, reported this Friday, March 1<sup>st</sup>, East Primary will be celebrating Dr. Seuss's birthday. She encouraged anyone interested in reading to the kids to stop by the school office where they will be directed to a classroom. A poem supporting reading to kids was presented by Watters. The characters Cat in the Hat, the Grinch, Thing1, and Thing2 will all be at the school Friday while the cafeteria will be serving green eggs and ham. This is a fun day to celebrate reading.

## **Wastewater Facilities Plan – John Gasik, DEQ**

Introductions made by Community Development Director, Dan Huff: John Gasik, DEQ Senior Engineer, and Steve Major, Engineer from Dyer Partnership. Huff reported Council will not be asked for funding at this time; this is merely an update as to where we are today in the process. Mr. Gasik provided a presentation using a power point slide show.

Oregon has been designated to administer the Clean Water Act; one section being permits for wastewater treatment plants. Gasik summarized the history of sewage treatment in Sutherlin including recent regulatory history from 2001 to present, and effluent issues. The State is required to collect and analyze water samples if the water does not meet standards it then goes on a list where a plan is created to bring that stream back to minimum standards. The Sutherlin Facilities Plan has been drafted and has been under review since January of 2010. Five regulatory issues will be addressed through the next permitting process: chlorine limits, summertime discharge prohibitions, ammonia limits, nutrients, and temperature unit.

Questions/Discussion points:

- How is the stream temperature controlled? ***It is controlled by participation of all sources; working together, each doing their part to reduce the temperature in an effort to meet this goal.***
- What testing is done? ***Dilution values are calculated. Ammonia limits are often exceeded in the summer months due to warmer water temperatures. Sutherlin's facility was not designed to remove ammonia; all treatment plants will be required to remove phosphorus especially during summer months. Dilution is the solution to the pollution. We will continue to be allowed to discharge as we move toward construction of a new treatment facility- approximately five years.***
- Alternatives need to be found so we no longer have to discharge during summer months. The newer plants are simpler and do a better job in treatment. The goal is to eliminate all discharges.
- Additional storage lands need to be provided for land application of bio solids.
- How are other cities dealing with the temperature related issues when discharging? ***Effluent is being released onto valley wetlands and ponds, eventually being discharged. Albany has turned land into a wetland area running through creek channels before it is discharged into open waters. An area in California turned their wetlands into Japanese gardens where people pay to visit. Medford is planting trees using the shading to cool the discharge. City of Ashland will be doing both wetland property and tree planting.***
- What about testing for heavy metals? ***DEQ just created new requirements to test at a lower level; Sutherlin has done a couple rounds of metal testing which will be included in the plans.***

Dyer Engineer, Steve Major, will be returning with a plan when Council will need to consider how the improvements will affect the user rates. Major will be meeting with City staff next week to go over the review comments. The final draft will be presented to Council in approximately three to four months for consideration of adoption. There are grant dollars available right now through the State and DEQ offering large loans with very low interest rates. Plans for a new facility will go through a "valued engineering" review which is required as an effort to save money on these large projects.

## **CONSENT AGENDA**

**February 11, 2013 Minutes of Regular Meeting**

**February 11, 2013 Minutes of Workshop**

**MOTION** made by Councilor McKnight, seconded by Councilor Stone to approve the Consent Agenda as submitted.

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

Opposed: None  
Motion carried unanimously.

## **ACTION ITEMS**

### **Fire Service Agreement**

Staff Report: City Manager, Gillham, referred to his written report which was part of the agenda packet.

**MOTION** made by Councilor Boggs, seconded by Councilor Meier, to continue with the current Intergovernmental Agreement (IGA) and proceed with working with District #2 in presenting a resolution and charter amendment to the voters for approval.

### **DISCUSSION:**

#### Councilor Boggs

- The goal of the parties was to bring this question before the voters; that needs to happen before we pursue other options; okay with gathering information to know what other options may be in case we need it. We should hold town-hall and neighborhood meetings over the next several months leading up to the November election. Meetings should be once or twice a month to provide all the relevant information.
- The intent of the contract is a guiding factor; wants to stay with the spirit of the contract.
- Felt we should expect comparable service levels to be at the same level or higher than what we receive today.

#### Councilor Egbert

- There is more than one issue to be considered. If we raise our tax rate \$1.31 and we give up \$1.85 we cannot sustain the city on the remaining \$3.78 for very long. We will continue to have increases in personnel costs; how many years will we be able to maintain services?
- Would like to give FD2 a 365-day notice so we can break our contract if the annexation does not get voted in.

#### Councilor Klassen

- Would like to see the City come up with options: FD2, partial volunteer dept., or forming a new fire district that would bring other communities to us. There should be three community meetings each presenting one of the three options. This can all go on as we continue to move forward to place the annexation question on the ballot.
- We would also have the option to extend the current contract if the ballot measure is voted down.
- Believes Council's job is to give staff direction so they can come back with the options based upon those options named by Council.
- We need to give definite direction with the options being FD2, North Douglas, or the City.
- Suggested we may need to table this matter until Council can come up with the options; staff to bring back plan and/or presentation of those options.
- Would like to see comparables that show things like average response times.

#### Councilor McKnight

- It should not be the responsibility of FD2 but our responsibility, as a City, to inform the citizens what we need. If another agency believes they can provide comparable services we should have all that information.
- Questioned when this would go out for vote of the people?
- Questioned how much time FD2 will need to get the annexation on the ballot? ***If Council agrees to put this on the ballot, documentation would need to be completed and filed with the County approximately 90 days prior to the election date. Documentation will require a resolution from both the City and the Fire District. Together the City and District would work on a resolution and charter***

**amendment for official adoption by both the Council and FD Board prior to filing with the County.**

- Concerned that we may be headed into spending more money for another study.

Councilor Meier

- Informational meetings will be needed in order to answer questions prior to the election.
- We could hold information workshops June, July, and August of 2013 prior to the election.
- Thought Council ought to go back to when Council agreed to this contract; she asked why was it they felt we needed FD2 at that time? She has heard the biggest reason had to do with equipment costs; if we move away from FD2 how do we remedy that problem?
  - **Councilor Klassen – There were financial problems with maintenance and replacement of equipment along with the need to fund additional personnel. We are still in no position to take on these additional expenditures, particularly equipment costs. The contract was negotiated by our Council President who was a member of FD2; we need to review it and consider what is really best for Sutherlin.**
  - **Councilor Egbert - reported the ambulance side of the department was costing us a large amount of money; we would have had to eliminate the ambulance side of the department. He feels we still cannot afford the combined department and would have been much better off if we had given up the ambulance.**
  - **Mayor Cameron - reported we saved money by contracting with FD2; they gave us a good deal at the time. Ambulance provided revenue that helped support the professional fire personnel. We need to study this more as we do not know what all the ramifications are. We don't know what the options are or even if there are any options. Cameron has been told if we were to go to a partially paid, partially volunteer fire district they would take care of the equipment. He was not sure how the details would work out as he has had only one conversation. The ambulance service would be provided by private company having a hub in Sutherlin where ambulances would be staged. These things don't mean anything until we can actually talk to get more details. If Council is interested we need to get North County here to make a presentation. Cameron did not have answers to some of the questions of other council members as he has only talked with them (North County chief) one time.**
- If we were to bring some of the volunteers out of the North County Fire district will we be diluting their volunteers for their own community? With talk of possibly creating a new fire district we can't just keep letting this hang out there. Re-forming the fire district would provide for a lower tax rate but that is a big process to reorganize; they need a decision now to allow the needed time to do that.
- Believes we need to abide by the spirit of the contract.
- Can a new district be formed within a 90-day window? **No, if a new district question were to be on the ballot in November we would have to begin the process right now. We could, however, hold off the election until May of 2014.**

Councilor Stone

- Thought we would not be able to talk about other options if we choose to move forward with a ballot measure for annexation.
- It is not what service they can provide but more of what this community can afford. **That question should be answered with the vote of the people.**

- Concerned if we were to put this service out to bid could result in an outside/out of state agency coming in.
- FD2 needs us as much as we need them; they need to come to the table with their very best option before presenting it to the people; we want the lowest price possible.
- Reminded everyone we are still using the same old equipment they were concerned about three years ago.
- Would FD2 be willing to extend the current contract? ***Their Board is not interested in extending the contract at this time; that option may be considered if the ballot measure were to fail.***

#### Mayor Cameron

- Would like to have more information; believes we need to have all choices in front of us; should have the answers for all alternatives.
- Putting the annexation on the ballot gives an appearance that this is the only choice we have.
- We need to know what we are getting for what price and we need to ensure funding for equipment replacement.
- Would like to have the motion amended to provide more information for Council and citizens and to identify when that information will be provided; believes we need this sooner rather than later. We may need another workshop before moving forward; Council needs to be more specific as to what information we are looking for; not sure we discussed the right points in the previous workshop.
- Questioned whether or not the “goal of an annexation vote” is binding? ***City Attorney, Pete Shepherd, reported a goal does not create a legal standard which would be easily enforceable in a claim. It is part of the contract and shows commitment but would not be a breach of contract if you did not do it. It could be disputed in a court of law but not likely enforceable.***
- Would like the information and the opportunity to share it with the citizens.
- Does not believe Council setting parameters for the future fire services would be productive at this point in time, since we do not really know what options are out there.

What is the deadline to have this all completed in order to get the measure on the November ballot? ***There is a deadline to get the measure filed with Douglas County Clerk; there is also a deadline date to withdraw something from a ballot.***

Question regarding legal matters in talking about what the contingencies might be if the ballot measure were to fail? ***City Attorney, Pete Shepherd, reported no legal issues but could be other political ramifications in regards to doing this. Council could choose to modify the motion by adding a sentence, “The City Manager is directed to consult with FD2 and to develop a proposal including advantages and disadvantages of studying alternatives during the period before the election.” This would result in a report back from staff identifying advantages and disadvantages of any alternatives.***

**City Manager, Gillham** suggested Council ask staff to bring back some form of concept that if you are going to explore, identifies the avenue for approach; consider both ramifications and the process. Council needs to identify what they think the possible options are in order to direct staff.

#### Audience Comments:

**Larry Bahr** – There appears to be a lot of indefinite information regarding options; it would seem wise to move forward with the ballot measure for annexation. Agrees, Council needs to look at what options may be available if the annexation does not pass. Bahr encouraged Council to form an adhoc committee to flush out the options; committee to be made up of two council members, city staff members, and 2 community members; get some qualified people to

come in and help with this. There seems to be a lot of floundering; Council needs help in establishing exactly what the options might be.

**Jack VanDolah** – Requested Council allow 60 days for research and for FD2 to establish how they want to approach the ballot measure annexation question. Hold the town meetings prior to the November election when the people decide on the annexation question.

Mayor Cameron requested City Manager establish a calendar/timeline that addresses a process between now and the November election.

**Bertha Egbert** – Referred to the current contract noting there appears to be no mention of a charter amendment when the contract was written and negotiated.

Greg Marlar, FD2 Chief, asked Council to decide exactly what services they want; options cannot be provided without those parameters. Level of services will make a big difference in the cost. The response for services will be hard to compare without setting service standards you are looking for.

City Manager, Gillham, was concerned that FD2 would be okay to move forward while the City continues to pursue other options. ***Marlar was okay to proceed as long as everyone supports the ballot measure.***

**City Attorney, Pete Shepherd**, offered another example of a motion amendment: “The City Manager is directed to consult with Fire District #2 and based, in part, on that consultation, to develop a proposal setting forth the advantages, disadvantages, costs, and calendar of an exploration of identified alternatives during the period before the election.”

**Legal effect:** Council commits to receiving the proposed resolution to place this matter on the ballot. Staff would return to Council after consulting with FD2; bring forth a formal resolution which would include a charter amendment that has all the details which Council will need to vote on. The staff would also return with a report that says here are the pros and cons and the timeline for studying, during the period between the time the resolution is adopted (if adopted) and the election in which it is scheduled to be voted on.

Gillham asked Council to lay out what they think the options are tonight. ***Mayor Cameron did not want the options to be included in this motion.***

**MOTION AMENDMENT:** Councilor Boggs offered up the suggested amendment to his original motion. Councilor Meier withdrew her second. Councilor Boggs withdrew his motion/amendment.

Motion died.

**MOTION by Councilor Boggs, second by Councilor Klassen**, to continue with the current Intergovernmental Agreement (IGA) and proceed with working with District #2 in presenting a resolution and charter amendment to the voters for approval. The City Manager is directed to consult with Fire District #2 and based, in part, on that consultation, to develop a proposal setting forth the advantages, disadvantages, costs, and proposed calendar and exploration of identified alternatives during the period before the election.

Discussion:

FD#2 Chief Marlar - concerned this motion may indicate FD2 is going to provide advantages and disadvantages for services; FD#2 will not be assisting in the option process.

City Attorney, Shepherd, reported this only requires a consultation with FD2 about the process; does not commit FD2 in any way.

Councilor Boggs – Would this require staff to come back to Council with options?

In Favor: Councilors Klassen, McKnight, Meier, Stone, Boggs, and Mayor Cameron

Opposed: Councilor Egbert  
Motion carried.

**Resolution No. 2013.02 – Transferring appropriation authority**

Staff Report: Finance Director, Ron Harker, reported the ladder truck sustained a crack in the cylinder liner resulting in a repair bill approaching \$15,000. By contract with FD2 the City is responsible for any single equipment repair exceeding \$5,000. This resolution transfers \$15,000 from the general funds contingency to the unclassified department materials and services budget to fund this expenditure.

**MOTION** made by Councilor Boggs, second by Councilor Meier to adopt Resolution No. 2013.02 as presented.

DISCUSSION:

- Councilor Stone questioned the contract language; did not read it to mean the City should bare the entire bill.
- City Attorney, Shepherd, was also not convinced the language causes the sole responsibility to the City; the language could be argued to mean splitting the cost by FD2 covering the first \$5,000 of any single repair.
- Finance Director, Harker, reported this same question was raised during actual negotiation of the contract; the intent of the language was for the City to take full responsibility of any single expense exceeding \$5,000. **Councilor Egbert agreed with this interpretation of the contract language.**
- City Attorney reported this disclosure by the Finance Director is legally significant to the intent of the contract.

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

Opposed: None

Motion carried unanimously.

**Ordinance No. 1024 – Social Gaming (second reading and adoption)**

Second reading, by title, presented by City Recorder.

**MOTION** made by Councilor McKnight, second by Councilor Meier, to approve the second reading and adoption of Ordinance No. 1024.

In Favor: Councilors Klassen, McKnight, Meier, Boggs, Egbert, and Mayor Cameron

Opposed: Councilor Stone

Motion carried.

**Bid Award – Fourth Avenue Waterline and Sidewalk Improvements**

Staff Report: Community Development Director, Dan Huff, reported the low bidder was Central Pipeline, Inc. at \$289,174.00. This project includes the following:

- Replacement of 1,130 feet of 8” cast iron water mainline with a 14” ductile iron mainline on 4<sup>th</sup> Avenue from Umatilla Street west to Umpqua Street.
- Install 460 feet of sidewalk along the south side of 4<sup>th</sup> Avenue from East School to Umatilla Street.
- Storm drainage and street repair associated with the project.

Staff has coordinated this project with the Sutherlin School District beginning with pre design and site visits throughout the project development.

**MOTION** made by Councilor Stone, seconded by Councilor Klassen, to award bid for the 4<sup>th</sup> Avenue Water and Sidewalk Improvement Project to Central Pipeline Inc., in the amount of \$289,174.00.

DISCUSSION:

Councilor Stone questioned the change in engineering; did that change the cost? **Size of water main was changed at the staff level but engineering costs did not change.**

Central Pipe was questioned; have we used them before? ***They are out of Grants Pass. Although the City has not previously used them the engineer has worked with them in the past.***

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

Opposed: None

Motion carried unanimously.

### **Ordinance – Liens due to delinquent utility accounts (first reading)**

Staff report – Finance Director, Ron Harker, reported this ordinance comes as a direction from Council from the January 28<sup>th</sup> Council meeting. This ordinance would amend the Sutherlin Municipal Code to incorporate language that would permit the City to transfer claims from delinquent utility accounts to landlords in compliance with state statutes.

First reading, in full, presented by Finance Director, Ron Harker.

**MOTION** made by Councilor Stone seconded by Councilor Klassen to approve the first reading of Ordinance amending SMC Section 13.04.080 adding liens to property due to delinquent utility accounts.

#### **DISCUSSION:**

Councilor Egbert – What right does the property owner have; can the landlord shut off the water? ***The landlord will receive copy of any delinquent notices. The contract is between the City and the tenant. Shut off takes place by the City after 2-3 months of non-payment.***

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

Opposed: None

Motion carried unanimously.

### **Access Easement – Sutherlin Stampede**

Staff report – City Manager, Gillham, reported he has met with the Sutherlin Stampede; they have come to a mutual agreement. This easement mirrors that of the Blackberry Festival excluding the lands behind the fire station. Part of the agreement is to continue to work together to make improvements.

**MOTION** made by Councilor Boggs seconded by Councilor McKnight, to approve the easement agreement with Sutherlin Stampede as presented.

#### **DISCUSSION:**

Who will be responsible for fencing and gates? ***The City is; this is part of the improvements the City agreed to do through the Parks Advisory Committee. We plan to move power poles and create a paved walking area from Red Rock Trail to Red Rock Road. This is a matter of working together and takes away the demand to have two entrances into the rodeo area.***

Does this have anything to do with the trail at the east side entrance; understands we cannot do anything on the trail as directed by our grant; we can only use that for a walking path? ***This is the walking trail that goes behind the bleacher area that will connect Red Rock Trail to Red Rock Road.***

Is there language somewhere with the City, right now, that allows them use of the property? ***Yes, they have annual usage for their event.***

Then why do we need to give them an easement? ***This is to ensure they have continuous use of the property so a future council cannot deny it.***

Is there funding in the budget to make the noted improvements to this area? ***Yes, improvements are expected to be completed this summer.***

Have User Agreements been drawn up yet for these special events? ***There is a user agreement in progress which has been drafted by the Blackberry Festival for the City's consideration.***

Shouldn't we have a standard user agreement with all events? **Yes, we should; there are, however, some special details to be addressed with the Blackberry Festival which requires a bit more than the standard user agreement.**

In Favor: Councilors Klassen, McKnight, Meier, Boggs, Egbert, and Mayor Cameron

Opposed: Councilor Stone

Motion carried.

### **Resolution No. 2013.03 – Investment Policy Amendments**

Staff Report – Finance Director, Ron Harker, reported this resolution re-adopts an Investment Policy updating Section 12.2 due to changes with collateralization of public funds held by banks under the State Treasurer's Public Funds Collateralization Program.

**MOTION** made by Councilor McKnight, seconded by Councilor Meier to adopt Resolution No. 2013.03 as presented.

DISCUSSION:

Councilor Stone – Is the Finance Director the only person who is in charge of this? **Yes, the Finance Director oversees all investments but is required to report to the Council on a quarterly basis. There are also restrictions included in the policy regarding investment transactions.**

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

Opposed: None

Motion carried unanimously.

### **Budget Calendar for 2013-14**

Staff Report – Finance Director, Ron Harker, provided proposed dates for the 2013-14 Budget Review and adoption. Dates proposed are May 13, 20, 22, and 30<sup>th</sup> with a special meeting scheduled for June 17, 2013 for formal adoption.

**MOTION** made by Councilor McKnight, seconded by Councilor Stone, to approve proposed budget calendar for 2013-14 review, as presented.

DISCUSSION: None

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

Opposed: None

Motion carried unanimously.

### **REPORTS**

None

### **CITY MANAGER UPDATE:**

- Based upon the amount of business on the agenda for tonight, Gillham did not prepare a formal update for Council.
- Apologized for his sidebar conversation with Mr. Westbrook during tonight's meeting.

### **COUNCIL COMMENTS**

**Councilor Boggs –**

- Announced the minutes from the last Parks Committee Meeting have been posted on the City website and the next scheduled meeting will be held this Thursday, February 28<sup>th</sup>.

**Councilor Egbert –**

- No business.

**Councilor Klassen -**

- No business

**Councilor McKnight –**

- Thanked Friends of the Library for the recent reception; it was very informative; noting there are services being provided through the library he was previously unaware of.

**Councilor Meier –**

- No business.

**Councilor Stone –**

- Asked for the total cost of the Ridgeview Repair; reminding Staff he has been requesting this for some time now. ***These numbers have been compiled and will be emailed out to all council members.***
- Are we still maintaining the property at the welcome sign near the 135 interchange? ***Yes, it has been determined the Rotary will not be maintaining this property on a regular basis.***
- Asked if the City required a license for businesses offering social gaming? ***Yes, with annual renewal and fees.***
- Reported one of the City volunteers, Paul Anderson, passed away this morning; he was a volunteer at the Visitors Center.

**Mayor Cameron –**

- Asked for status of Emergency Plan; did we receive a grant for this plan? ***The application was made December 12, 2012; have not yet received a response to that application. The report is they had an overwhelming number of applications which is delaying the process.***
- What is the status of a Master Storm Water Plan - where are we in drafting this plan? ***Staff will respond to this question by email to all council members.***
- Would like a flow chart for the strategic plan process; want to be able to see where we are going. ***City Manager will try to get this for Council by the March 11<sup>th</sup> meeting.***
- Would like to see reports to Council regarding training taking place; want to know what was learned and how it may or may not affect the City. We have not been getting these so maybe we need to discuss at a future meeting. ***City Manager did not see reason to place on an agenda; rather staff should be providing these reports.***

**PUBLIC COMMENT -**

**Greg Henderson**

- As the City's Business Development Manager, he reported feeling obligated to comment on his observation of council discussions over important issues. He requested Council watch out for any unintended consequences and that they keep in mind the big picture; to think about what these decisions will do to impact the future of Sutherlin.

**Tim Bradley**

- Referred to a recent email sent to the City by a citizen which was forwarded to City Council and the City Attorney by the City Manager and, which ended up being posted to a social media site by the mayor's wife.
  1. How is the public supposed to trust what we send Council, and/or City Staff, will not end up on face book?
  2. This type of action appears to breach any trust between Staff and City Council.
  3. This type of action appears to breach any trust Council may have amongst yourselves.
  4. Not sure what the purpose was to place this email on a social media site.
  5. There is a proper way to obtain a public record(s) from the City which is a process that often has a fee attached.
  6. City records should not be released without a formal public record request following city policy procedures.

What email was it? ***It had to do with who was administrating another community face book page. This was a letter (email) from a citizen concerned that a particular face***

**book page appeared to belong to the "City" when it did not. Citizen requested city manager intercede with the use of this particular page. Gillham then forwarded this complaint to the Council while sending it off to the City Attorney for further review and interpretation.**

The point Bradley wanted to make is the letter had been sent to the City Council/Mayor and somehow it got posted to face book without going through any public records request process.

City Attorney, Pete Shepherd, responded to Council with a definition of a public record: Any document that a public body uses or keeps or makes in the course of the public body's business. So, the answer as to whether this is a public record, it is YES.

Mayor Cameron –

If an email is sent to the entire Council is that considered a public meeting?

City Attorney - **Not necessarily. To trigger the public meeting requirements a quorum of a public body meets to discuss recommendations or decisions in relation to the body's business. There is some risk if emails are going from council members to other council members about matters that may be before the council.** Mayor Cameron was concerned some of this may be going on and he was concerned also it may be in violation of the public meeting law if they are advocating a position on a matter.

City Attorney - **Shepherd believes it may be worthwhile scheduling time for a more lengthy discussion regarding this subject. There is definitely some risk involved with this type of emailing.**

Mayor Cameron – Is there any legal matters surrounding use of the mentioned public record in this manner?

**There is a procedure which should be followed in regards to a public records request. Estimate of time and cost is determined by the City Recorder. If more than \$25 the requester must pay it up front before producing the requested record. This procedure does not forbid a public official from giving a public record in their possession to someone who makes a request.**

Councilor Bradley reported he has tried to find something illegal about the posting of this email; feels it is an absolute shame to see this happening just because certain people hold a certain position; that people around them think they can retrieve documents from that person by then posting to a social media site, thus circumventing the process of assessing public records based upon City policy. This was clearly not an email intended for the public outside of city staff.

Councilor Meier agreed this letter was never intended to be placed on a social media site. We should be able to trust each other enough to not have our communications end up on face book.

**Duane Waller –**

Reported the Blackberry Festival has been working on the user agreement and believes this agreement will need to be held to every other organization within the community; if not, they will not agree to it. **Councilor Klassen agreed, there should be a standard user agreement that would apply to all.**

Referred to Councilor Stone's earlier comment about Red Rock Trail crossing Red Road at the east end of the festival grounds; what affect would that have for access to the festival grounds? **Councilor Stone was concerned that if the trail goes across the road automobile traffic would no longer be allowed.**

Waller reported their easement allows for that access at both the east and the west side of the property. This is why we have the easement. Councilor Stone does not understand why

the Blackberry Festival does not trust the City. Waller referred to the time when a portion of that property was donated to the City by the Blackberry Festival in good faith while continuing to maintain and use it, and now the City is trying, once again, to remove access. You are not going to be able to close Red Road. ***Councilor Stone reported we do not want to close Red Road; rather we want to turn it into a parking area for events. A portion of the property was never owned by the Blackberry Festival.***

Mayor Cameron called for closure on this discussion since the matter had already been decided by Council. He encouraged Councilor Stone and Duane Waller to continue their discussion outside this meeting.

**Pam Cameron**

Apologized if what she did by posting the email on face book has been the cause of a lack of trust amongst the Council. The email in question was a personal attack on her husband which she acted on unwisely. It was a personal issue on her part; would not do it again. She was advised it was a public document due to the way it was distributed. Does not want this to reflect negatively upon her husband (the mayor).

**Adjournment-**

With no further business the meeting was adjourned at 10:40 PM

Approved: \_\_\_\_\_

Jerry Gillham, City Manager

Respectfully submitted,

\_\_\_\_\_  
Vicki Luther, MMC  
City Recorder

\_\_\_\_\_  
Denny Cameron, Mayor

***APPROVED BY COUNCIL MARCH 11, 2013***