

CITY OF SUTHERLIN
Regular City Council Meeting
Sutherlin Civic Auditorium – 7:00pm
Monday, June 10, 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, Chad Jacobs (via Skype)

City Recorder, Debbie Hamilton

Community Development Director, Dan Huff and Vicki Luther

Sgt. Justin Marquis

Finance Director, Ron Harker

FD2 Chief, Greg Marlar

Deputy City Recorder, Bobbie Olsen

Audience: Duane Waller, Clyde Blakely, Emily Blakely, Floyd VanSickle, Bertha Egbert

Meeting called to order by Mayor, Denny Cameron.

Flag Salute

Roll Call: All present

Intro of

Media: None present.

EXECUTIVE SESSION:

ORS 192.660 (2) (d) Labor Negotiations

Mayor Cameron called for an executive session under ORS 192.660 (2) (d) – Council was excused from the regular session at 7:04pm. Council reconvened back into regular session at 7:10pm.

PUBLIC COMMENT: (agenda items only)

NO COMMENTS

PRESENTATIONS / PROCLAMATIONS

Mayor Cameron read a Certificate of Appreciation for R.H. Voss Construction, Inc., Randy and Randon Voss, for their generous donation of labor fees, in the amount of \$20,000, to the City of Sutherlin. Randy and Randon Voss were not present; however, their donation was recognized with sincere gratitude.

CONSENT AGENDA

Minutes from May 28, 2013 Regular Meeting

MOTION made by Councilor McKnight; seconded by Councilor Klassen, to approve the Consent Agenda with amended minutes as presented.

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

Opposed: None

Motion carried unanimously.

ACTION ITEMS

Drug Paraphernalia

Ordinance No. 1027 Drug Paraphernalia (seconded reading and adoption).

Staff Report - Gillham reported Police Chief, Kirk Sanfilippo, is out on bereavement leave, He referred to the Chief's staff report stating, state law prohibiting the sale of, or the delivery, or possession of, or manufacturing with the intent to sell or deliver drug paraphernalia is the key component. This was approved at the first reading by Council at last meeting.

MOTION made by Councilor Meier; seconded by Councilor McKnight to approve second reading of Ordinance No. 1027 adding Chapter 9.34 to the Sutherlin Municipal Code prohibiting drug paraphernalia.

Discussion: Mayor Cameron confirmed, if a person is caught with drug paraphernalia, it is a crime within the state, and the ordinance would change the location of the trial.

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

Opposed: None

Motion carried unanimously.

Council Rules - Amendments

Ordinance No.1028 - amending Sutherlin Municipal Code Chapter 2.05, Sections 030, 040, 050, 060, and 070, and adding sections 065, 100, 110 and 120: City Councils Rules and Procedures.

Staff Report – Amended as directed.

MOTION made by Councilor Boggs, seconded by Councilor McKnight to adopt the second reading and adoption of Ordinance No. 1028 as presented.

Discussion: City Attorney, Chad Jacobs, reviewed amendments Council directed staff to add or change. Jacobs noted this is the exact same language as was approved during the last meeting.

In Favor: Councilors Stone, Boggs, Klassen, McKnight, and Meier.

Opposed: Councilor Egbert and Mayor Cameron

Motion carried.

Tobacco Use adjacent to Public Schools (first reading)

An Ordinance adding Chapter 12.44 to the Sutherlin Municipal Code to Prohibit Smoking on any sidewalk, pedestrian way, driveway, planting area, public right-of-way, street, curb or gutter within city limits that is on Or directly bordering any real property under the control of a school.

Staff Report - Gillham reported the Ordinance needed to be read in its entirety due to posting requirements. The Ordinance was read in full from deputy recorder's iPad. Gillham also noted the students from the high school have appeared at several Council meetings, asking for Council support in an ordinance prohibiting smoking on school grounds. City Attorney, Jacobs, drafted the Ordinance for Council to review.

MOTION made by Councilor Boggs, seconded by Councilor Meier, to approve the first reading, adding Municipal Code 12.44 as read.

Discussion: Councilor Egbert was concerned the fines of \$50 and \$100 were too high for first violation(s). Mayor Cameron questioned the boundaries, the adjacent streets, driveways, curbs and sidewalks. Councilor Egbert also asked if this ordinance included private schools. Ordinance 12.1.0 includes all schools, public and private, from zero to 12th grade.

Councilor McKnight stated signage would have to be in place. ***Jacobs explained, this ordinance includes all properties directly bordering the schools. He said there would be 'no smoking' in the street that is directly bordering the schools because that would be the right-of-way.***

Councilor Klassen questioned why we would be concerned about the property directly bordering the Seventh Day Adventist School, which sits on the back end of the property. *Jacobs stated when the school district came to the meetings; they were concerned with the athletic field and people smoking on the sidewalk in the area where people had to walk through in order to get to the athletic field. The school district has the authority to control smoking on its property, what it doesn't have is the authority to control smoking on that sidewalk or in the right-of-way. The intent for this ordinance is to provide a buffer zone between the areas they have control over (their properties) and the areas they don't have control over which is the sidewalk and right-of-way. Council was encouraged to focus on the language 'directly bordering'. The intent with this ordinance as with other ordinances across the country, is the property directly surrounding the school and not across the street. He stated this language would include the entire public right-of-way, to the curb across the street.*

Gillham recalled when the school district was at the Council meeting, they didn't want the smoking within the curb view of the students due to the bad example that it sets.

Jacobs affirmed the language, 'directly bordering'; also verified if the Council wants to clarify the policy and regulate the sidewalk on the other side of the street, he can amend the ordinance to do that. Right now it's drafted more narrowly as it's not directly bordering the property controlled by the district.

Mayor Cameron asked Sgt. Marquis if this had been discussed in the Police Department before the ordinance was drafted. In particular the enforcement issue, is there some kind of an interpretation issue violating the ordinance? *Yes, what they look at as far as a preliminary enforcement view is reasonableness, discretion and totality.*

Gillham reminded Council the schools only request was, to prohibit smoking on that street, between the sidewalk and the field. The school district and the two students want some type of prohibition from anyone smoking on that right-of-way space between the school and the field. Gillham suggests we simplify this and to focus on what was asked. If necessary, Council could add to the ordinance over time.

Mayor Cameron directed Gillham to verify that's all the School District wants. Councilor Egbert felt there would still be an issue with those who stand just on the other side of the boundary.

Councilor Meier questioned, why are we including the private schools? Mayor Cameron suggested following Gillham's suggestion and limit it to 4th Avenue between the two schools.

Councilor Boggs withdrew his motion. This matter was then tabled for the time being.

Resolution 2013.06 – Trust Fund for Oakland Court

Staff Report-Ron Harker, Finance Director - With the recent execution of the IGA with the City of Oakland, to bring the Oakland Municipal Court under our control, the City of Sutherlin will be required to create a trust fund to manage the fines, collection of revenues, and disbursement of those funds. In order to do that we need to pass resolution 2013.06 this would create the trust fund. This would allow us to track the funds and determine, down the road, if this is an okay thing for the City, or if we want to address it in some other fashion down the road. There would not be a budget for this.

Mayor Cameron asked if there were any costs associated with this trust fund. Harker stated there is, but we are keeping all the revenues, thus if the revenues exceed the expenditure activities then it is a win/win situation. If the expenditures exceed the revenue, then we would want to revisit with Oakland down the road. There are 'some' overhead costs, but those costs would be rolled up into the existing contract.

MOTION made by Councilor Stone, seconded by Councilor McKnight to accept Resolution 2013.06, to create a trust fund for the City of Oakland Court.

In Favor: Councilors Stone, Boggs, Egbert, Klassen, McKnight, Meier, Mayor Cameron
Opposed: None

Motion carried unanimously.

Change Order Authorization (CCWTP) - Westside Water Main

Staff Report- Dan Huff, CDD - During the May 13th Council Meeting, Council provided authorization to amend the engineering services contract for Cooper Creek Water Treatment Plant (CCWTP) to include an additional \$58,750 for the final design of the Westside Water Main. Engineering is complete and Staff presented a Change Order Authorization to include construction of the Westside Water Main in the amount of \$905,875. Staff recommends that Council authorize a change order in the amount of \$905,875 to the Cooper Creek Water Treatment Plant contract with Pacific Excavation to construct the Westside Water Main.

Huff reported the USDA asked to have this part of the project processed as a change order as it will save time and money. Negotiations with the contractor were submitted at \$905,875 which is about \$40,000 higher than originally estimated. Huff asked the Council for authorization to accept the change order.

Councilor Klassen requested a definition of a 'Change Order'. Huff explained a change order is when an existing project such as the Cooper Creek Water Treatment Plant adds additional work that was not in the original contract. A change order is outside of the competitive bid process. Huff also stated the City's Municipal Code for additional work or change orders is 20%. Currently this project is less than that 20%.

MOTION was made by Councilor Stone and seconded by McKnight to authorize change order for CCWTP Westside Water Main.

Discussion: Is the engineering separate? **Yes, it would come out of the \$58,750 grant that was approved on May 13th.** Mayor Cameron confirmed the total cost of the project is \$905,875.00. **Huff reminded Council the figures provided to Council on May 13th showed there was going to be a shortage of about \$38,000. With the new numbers coming in, there will now be a shortage of about \$78,000.**

The Mayor requested a review of the numbers provided, stating the numbers, (\$900,000, \$600,000, \$58,000, \$750,000 and \$78,000) do not add up. **Huff explained the figures provided on May 13th, identified the engineers estimated calculations based on where we were at with the CCWTP Plant and the construction costs for the Westside Water Main. Since that time the plans have been completed and we've had another month of construction on Cooper Creek. Those numbers get tighter and become more detailed as time goes on. Thus the figures given at the last meeting of \$37,012; now that we have more information that figure has increased to \$78,000. Huff noted that we relied on the engineer to provide those numbers based on their estimates, where the project was at the time, what was left to be spent on that project, and what was left on for the Westside Water Main.**

Councilor Stone asked if the \$78,000 was going to be paid in cash and/or with City crews. **Huff confirmed this is all contractor costs and does not include any City crews doing any work.** Councilor Klassen asked if the funds would be coming out of the Water

Treatment Building fund or the General Fund. ***The \$78,000 would be coming out of the water construction fund and the money is available.***

Harker reported the proposed budget was approved two weeks ago which had \$1,400,000 had budgeted for the Westside Water Main. Aside from that, there is another \$330,000 for mainline improvement projects and \$50,000 in contingency.

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

Opposed: Mayor Cameron

Motion carried.

CITY COUNCIL COMMENTS

Councilor Boggs –

- Asked for status of tree issue on Heavenly Court. ***Gillham & Huff had gone to the site and met with Ms. Fritts. The tree company the City uses, completed an assessment of the site. The tree is a healthy tree, there is nothing wrong with it; there is no reason to cut it down at this point. The root system was examined and it was determined that the issue that has created the damage to Ms. Fritt's property is the plum tree on her property.***

Councilor Egbert –

- Commented on an article in the newspaper about U-Trans and forming a district; stated this would allow districts to withdraw service and remove an area from its service; otherwise the district's board could do that. If it's referred to the voters, the majority of the district must approve the withdrawal. Otherwise if you opted into a district and then opted out of a district, it would take the whole district to vote you out. Egbert is concerned that this information was not understood when discussed.
- Commented regarding the Vision that was done at the goal setting session. Item #7 stated 'the quality of life'. He would like to have a discussion on what the Council is going to do or how we are going to address the quality of life in Sutherlin. ***Gillham stated the group changed it from 'the quality of life', to 'live, work and play'.*** Goal #2 where they had the broad public input based on stakeholders and community partners. He feels anytime we are doing something we should try to do is include these people. Egbert also feels things being said between the Council and the City, is driving a wedge between the volunteer groups in the community. He states there is a lot of animosity and we, as the people, are going to lose.

Councilor Klassen –

- Thanked everyone who has worked on or with the Community Service Program including the Judge who provided and permitted it to take place. Due to a retirement, the program has seized as of today. She hopes there will be a way to bring it back in the near future.

Councilor McKnight -

- Stated he was not impressed with the evaluation of the City Manager or the entire process as a whole.

Councilor Meier –

- Wished Huff good luck and thanked him for his service to the City.
- Noted budget items, on Parks and Facilities reserve that was initiated in 2011. There were two \$50,000 deposits for building maintenance. Her concerns are that it is supposed to go from \$100,000 to \$28,000 in just one year and there is no proposal to build the fund back up. It is important to have a reserve in the event you need to replace a roof or any HVAC unit or something big.

- Looked at street maintenance since 2008, asked staff if they could provide a list of all streets/roads in inventory that have been repaired and which ones aren't in Sutherlin City limits. The street maintenance was supposed to be \$300,000. In 2008, \$87,000 was spent, 2009 \$5,000, 2010 \$27,000, 2011 \$37,000, 2012 \$42,000 and 2013 \$110,000 estimated. There seemed to be money in the budget, but would like to see the Council get to the bottom of what's going on with the roads, what needs to be fixed and start getting some things done.

Councilor Stone –

- Is there going to be someone answering phones at the Fire Department after July 1st? **Yes.**

Mayor Cameron –

- There was a concern with the current draft Parks minutes. He recalled there had been discussion about the funds for the Park Grant, however, that discussion was not recorded in the minutes and needs to be amended.

PUBLIC COMMENT

Floyd VanSickle – Asking when ODOT is scheduled to come in and do some repair work on Central Avenue as the street is failing. Some of the patches are failing. **Staff is not notified of their schedule; however, staff will make a call to them.**

Clyde Blakely – Woofstock is coming up June 22nd. Reminded Council event will be larger with more vendors. Through the support of the Lion's Club, there will be guide dogs, dogs for the blind, autism and K-9 companion dogs. The parade starts at 11am on Saturday, June 22, 2013.

Adjournment-

With no further business the meeting was adjourned at 8:15 PM, with Workshop to follow.

Approved:

Jerry Gillham, City Manager

Respectfully submitted,

Bobbie Olsen
Deputy City Recorder

Denny Cameron, Mayor

APPROVED BY COUNCIL JUNE 24, 2013