

CITY OF SUTHERLIN
Regular City Council Meeting
Sutherlin Civic Auditorium
Tuesday, November 12, 2013 – 7PM

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)
Finance Director, Ron Harker
City Recorder/HR Manager, Debbie Hamilton
Deputy City Recorder, Diane Harris
Community Development Director, Vicki Luther
Police Chief, Kirk Sanfilippo
Code Enforcement Officer, John Hebard
Fire District #2 Chief, Greg Marlar
Wastewater Supervisor, Brian Elliott

Audience: Tami Trowbridge, Floyd Van Sickle, Greg Henderson, Mary Jean Morey, Elizabeth Turner, Brian Burke Sr., and Roger Sawyer.

Meeting called to order by Mayor Cameron at 7:02 p.m.

Flag Salute

Roll Call: Excused – Forrest Stone

Introduction of Media: None present.

PUBLIC COMMENT (agenda items only) None.

ANNOUNCEMENTS / APPOINTMENTS

None

PRESENTATIONS / PROCLAMATIONS

o **Jurisdictional Transfer of Clover Leaf Loop**

Staff Report – Community Development Director, Vicki Luther, reported ODOT has requested City to take over jurisdiction of the Clover Leaf Loop roadway, explaining it is actually a designated parcel rather than street. There will not be a transfer of funds from either party; the benefit would be access control for that parcel.

Council discussed the initial purpose for the road, as well as requirements for any future developments located at or near the site. City Manager, Jerry Gillham, informed Council a meeting has been scheduled with ODOT, where Council's questions and concerns will be relayed. Luther directed Council to forward any additional input, questions and/or concerns to her; she will forward those to ODOT, as well.

- Is the property on either side of the parcel developable?
- Could part of the parcel be used for a state project in the future?
- Why is it considered a parcel rather than street, concerned how it affects Subway for access when it's a parcel.
- Is there a right-of-way?
- Are there any easements that apply on the parcel?

CONSENT AGENDA

Minutes from October 28, 2013 Regular Meeting

Minutes from October 28, 2013 Workshop

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

Discussion: None

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

Opposed: None

Motion carried unanimously.

ACTION ITEMS/GENERAL BUSINESS

- **Approve Wastewater Treatment Facilities Plan Contingent Upon DEQ Acceptance**

Dyer Partnership owner, Steve Major, distributed photos of Coquille and Gold Beach wastewater facilities to Council. Major addressed Council's inquiries from the last Council meeting.

Major referred to an email, received late afternoon from Mayor Cameron regarding additional questions.

- What phase are we in and what phase has been completed?
 - *Phase I - inflow and infiltration studies and improvements.*
 - *Phase II - next six items in the MAO (Mutual Agreement and Order), that pertain to, completing the wastewater facilities plan, design work and facility construction.*
 - *Phase III - annual monitoring of infiltration and inflow.*
- Comprehensive plan developed in 1991 is not applicable in 2009? *The comprehensive plan is applicable in 2009, but a portion that is not, is the population projections. DEQ requires we use the coordinated population projections that come from DLCD (Dept. of Land and Conservation Development).*
- There appears to be missing responses. *City was forwarded Dyer Partnership's responses completed to date. We have not responded to all questions DEQ has asked of us, waiting to get Council approval before completing.*
- Why are there so many questions, correction and errors, indicated and requested by the state? *The facility review process is one of the most intense regulatory exercises we go through, the majority of the comments relate to how we phrase technical terms and grammar. DEQ is part of the insurance that someone is looking out for you, besides me stating what is required; there are numerous questions, but this is also the process to make sure everyone is doing their job, and DEQ can support what they are approving.*

Mayor Cameron – questioned the possibility of going through the process in smaller stages. Major explained, stages could be separated into smaller groups, however, from an economic point of view, phasing is not a “less cost” option; delay can lead to additional costs. The same low interest rates may not be available if done in stages. Council discussed issues of funding and construction. Mayor Cameron requested, in the future, a page explaining the acronyms would be helpful.

Councilor Egbert – questioned the two separate Fords Pond appraisals of 1.8 million and 3 million. Discussion continued regarding reasons for the different appraisals. Mayor Cameron requested the appraisal document from our appraiser, including comments regarding the possible purchase of the property. Gillham shared with Council a comment from our appraiser, stating the rule of thumb is, you don't spend more for a piece of property than you would, doing the same thing, on another piece of property. Gillham added the appraiser encouraged the purchase of Fords Pond. Gillham explained one property is 3 million, and the other will cost almost 5 million (after improvements). Councilor Egbert mentioned eminent domain; Gillham informed Council that would cost 1 million in legal fees.

Attorney, Chad Jacobs, agreed with Gillham, explaining the cost of litigation and the issues involved. Jacobs advised Council to discuss a fair market value and negotiate a settlement as a much better solution.

Major explained the differences involved with purchasing Fords Pond for 3 million versus purchasing the alternative property and its needed additional development, totaling at least 4.7 million. Furthermore, the City would need to look at another option for the reuse pond in 20 years, as opposed to Fords Pond property. Gillham explained, if Council doesn't want to purchase Fords Pond for 3 million, and wants to go with the other option, then Council could change the plan to 4.7 million for determining future sewer rates and for funding purposes; this would cover what is within the framework needed to purchase that property, including the needed development.

MOTION made by Councilor Meier to approve the Wastewater Treatment Facilities Plan Project No. 146.02A contingent upon DEQ Acceptance; second made by Councilor McKnight.

Discussion: Mayor Cameron asked Council if they needed more information. Council discussed imminent domain and their disapproval of going that route.

Major explained to Council if the master plan is approved, all recommendations are not set in stone, this plan is a tool to use for funding; up until the time DEQ approves the pre-design report, changes can be made.

How long will it take for DEQ to approve this? *Approximately a week.*

Major suggested waiting until the first of the year for funding when money is more available. Councilor Boggs shared concerns with losing the deal with Fords Pond.

Councilor Meier inquired about the time frame involving the sewer rate increase. Luther stated she is working on possible options, and will bring to Council in December. Councilor Meier suggested informing residents of the increase by including inserts with the water/sewer bills.

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

Opposed: None

Motion carried unanimously.

o **Ordinance – Misdemeanor Security Release Agreement (first reading)**

Deputy City Recorder, Diane Harris, read the ordinance by title only.

Staff Report – Chief of Police, Kirk Sanfilippo, explained the purpose of the proposed release agreement. Currently the Municipal Court Judge and Court Clerk are authorized to order the release agreement. There is an “after-hours” need, for officers to be able to issue a security release agreement; the ordinance would allow this. We are not only trying to stipulate it so it's on record, we are also trying to keep victims safe and City from exposure.

Council discussed concerns and issues involved with the release agreement. Sanfilippo stated his primary concern is No. 7 in the agreement, “to have no contact with the alleged victim(s)”.

Council discussed possible changes in the agreement form. Sanfilippo has noted several clerical cleanups and will be revising the form. The form is being used currently, and is included in the packet for Council review.

Jacobs – Stated the reason the ordinance is drafted in this way is because it's the power of the court to enter into these agreements as granted by state law; you're giving additional authority since state law doesn't explicitly give authority to the Municipal Court Judge, the ordinance gives authority to the police officers.

MOTION made by Councilor McKnight to approve the first reading of Ordinance – Misdemeanor Security Release Agreement; second by Councilor Klassen.

Discussion: Confirmed Council is agreeing to the ordinance not the specifics of the form itself.

Mayor Cameron – is there stipulation in the ordinance stating officers will be able to enter into the release agreement, after-hours when the judge or court clerk is not available? *No, it's more of a process issue rather than a law issue.*

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

Opposed: None

Motion carried unanimously.

○ **Resolution No. 2013.18 – Supplemental Budget for Seat Belt Grant**

Staff Report – Finance Director, Ron Harker, explained to Council the Police Department recently received a safety funds grant through Oregon Department of Transportation. The grant is for \$3,500 for overtime traffic enforcement. Harker explained, there is a grant match requirement for \$875.00 which would come out of the existing appropriation within the police department’s personnel budget. Informed Council, primary enforcement is safety restraint laws and secondary is other local traffic safety priority issues.

MOTION made by Councilor McKnight to approve Resolution No. 2013.18 – Supplemental Budget for Seat Belt Grant; second by Councilor Klassen.

Discussion: None

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

Opposed: Councilor Meier

Motion carried.

REPORTS

○ **Branding Update**

Staff Report – City Manager, Jerry Gillham, presented rosters of names of those willing, and those invited to serve on the branding ad-hoc committee. Gillham added he would like to include students; and involve them in the process; Council was in agreement. Gillham stated he approached Ford Foundation to provide a facilitator for the project, adding a grant application would need to be completed; the grant process would take a couple of months, which is a great turnaround. Gillham proposed meeting as a group, let students organize themselves; then present their ideas to Council. Council would like to give direction to the students.

Discussion continued in regards to how many students to include and importance of keeping them engaged and involved in the process.

- Would like to have a list of student names.
- Would like to see people on the list who were involved 10 – 20 years ago.
- Suggested include a student who is involved in graphic design.
- Choose students from all grades, including middle school, there would be continuity for the future.

○ **Funding Bond Reserve Account**

Staff Report – Finance Director, Ron Harker, explained reasons for the fund and the requirements, as well as auditor’s recommendations. He explained one of the requirements is to establish a bond reserve account, for the purpose of providing funds, sufficient to satisfy one annual payment. Money is already in the budget and does not need to come to Council for approval. Original thought was for an inter-fund loan transfer; however, after talking with City auditor, there is an easier solution. Harker explained, we are going to restrict reserves within the water reserve fund, designating those as being used as the debt service fund for that reserve account, the funds that cannot be used for any other purpose.

Harker outlined five steps for Council that will allow this to take place. Council does not need to take any action. Discussion continued regarding the debt service funds and process involved.

CITY MANAGER UPDATE

○ **Finance Director Recruitment** - Gillham informed Council he intends to bring interim Finance Director, Andy Parks, to work with Harker and continue after Harker is gone. Provided Parks resume for Council review. Gillham would like to involve one or two of them in the screening and interviewing process when hiring a new Finance Director.

Mayor Cameron – requested Harker and City auditors create appropriate and relevant questions to ask Finance Director Applicants.

- **Red Rock Trail and Red Rock Road** – Gillham continues to work on Weyerhaeuser for funds to pave Red Rock Road. The problem is the Department of Justice and DEQ are the regulatory agencies, and has stymied Weyerhaeuser from going out and doing anything outside the regulatory process. He has asked Weyerhaeuser's permission to contact their Oregon representative regarding the issue.

Met with ODOT recently and found out City match for Red Rock Trail Phase II from the Oregon parks and recreation money was not going to qualify. City will need to somehow come up with another \$85,000 to meet the match. At the time of the grant writing ODOT communicated with City Staff, and in the budget process, funds weren't budgeted because, the Oregon Parks and Recreation grant, which built the original trail covered \$100,000. Because the project did not adhere to the federal environmental guidelines regarding the archeological wetlands environmental analysis, this site did, they are disavowing that portion of ORPD. Gillham informed Council \$85,000-\$100,000 will need to be budgeted. Staff will bring to Council in terms of solutions, however, he added, they stated if we could get Weyerhaeuser help in funding, ODOT could come up with money to cover a significant portion of the cost of paving Red Rock Road. Present Staff was unaware of the problem until recently.

Councilor Meier – there was no mention of the match not being available at the open house. *We didn't know at the time, was only informed recently.*

- **Tour of Cooper Creek** – Gillham and Councilor Boggs toured Cooper Creek and found possible locations for campgrounds; additionally, there are a number of flat areas that could be "boutique" camp grounds. Discussion continued regarding the proposed locations, referring to photos included in Council packet.

- **Connect Oregon Grant** – Almost completed, grant coincides well with the proposed video sign in progress.

- **Tree Lighting** – Gillham informed Council new lights are needed for the tree at the Visitors Center. City paid approximately \$700 for lights from Walmart last year, then paid Tree Magic \$600 to put the lights up, the lights have been up all year in order save the cost of paying to have them taken down, however they have not weathered well, and most of the strands are not working. Gillham proposed purchasing commercial lights; they will be more expensive, however they will last longer. Looking at \$1,360 to \$3,080. This is something that needs to be considered in next year's budget for long term use. This year, City will need to hire Tree Magic to replace all broken light bulbs, next year we will need to decide the best solution for the tree. City will need to budget for tree lights, putting them up and taking them down, which will cost \$1,200 to \$1,300.

- SDDI may be interested in partnering the project at a certain level.
- Approach civic clubs, referred to Rotary Club to possibly help fund the project.
- Lion's Club have approximately 40 snowflake decorations that belong to the City, Lion's put up every year, they are needing to be fixed, there also will be an added expense to replace bulbs, approximately \$40 per snowflake, this may be something City will need to consider in the future as an expense. Lion's has committed dollars toward rehab of two snowflakes.
- SDDI has scheduled the tree lighting ceremony, Sunday, December 1st, Visitor Center Coordinator, Char Hendershott, will open the Visitors Center to serve refreshments.
- Downtown merchants are working on the downtown Christmas tree lighting and 3rd annual Shop Downtown Sutherlin day, December 14th.

City Manager, Gillham, stated there may be City time this year to try and get funds for possibly purchasing the new commercial grade lights for the tree at Visitors Center. Asked for Council Direction.

- How much is in Council budget? *Without having budget available at this moment, \$1,200 was originally budgeted in special projects.*
- Need \$3,000 for commercial lights..
- What fund will we be able to use for the lights? *Council budget, TRT.*

Mayor Cameron – questioned using TRT funds. Gillham explained it will be a huge tourism oriented activity. Discussion continued regarding the use of the funds. Gillham asked Council if TRT are not available. Mayor Cameron stated it would need to be brought up with the TRTAC.

Discussion continued regarding the lights, Council directed Harker to review the budget for available funds. Luther stated City will be surplussing metal, report will be presented at the next Council meeting. Suggested contacting Scott Cameron regarding surplus metal.

- **Audit Review** – Gillham announced, Harker completed the year end closing of the books and audit review. For the first time ever the audit was clean without a single comment.

CITY COUNCIL COMMENTS

Councilor Boggs -

- None.

Councilor Egbert -

- Referred to conversation at previous Council meeting regarding the industrial park within the City and who owns and has control of the property. *We have engaged the Douglas County Industrial Board and County who owns and controls that property, were asked if they would consider giving us the land, letting us manage it, County was not interested.*

Gillham stated Council requested at a previous meeting would like the economic development process and how it works from start to finish. A table top exercise is scheduled to take place to create a scenario on locating a business in the industrial park.

Councilor Egbert recalls when City gave up the airport property County had 10 years to do something with it, if not, the City would get it back.

- Shared concerns Council did not discuss needing additional parking spaces at the Visitor Center during Spur Road project at previous Council meeting. Council would like further review regarding additional cost and possibilities of adding parking to the project.
- Concerned about lights at Central Park and Exit 135 not coming on until late at night. Suggested installing electric eyes for automatic turn on.

Councilor Klassen -

- None.

Councilor McKnight -

- None.

Councilor Meier -

- Are meetings such as Red Rock Trail and the meeting with County, taking place tomorrow night, recorded and minutes transcribed? *Advertised public meetings have minutes, however, open house meetings are not transcribed. County meeting at the Sutherlin Community Center, November 13th, is not our meeting. The meeting can be recorded, they won't be transcribed, however, can put the audio recording on City website.*
- Referred to the question and answer matrix document she received from Gillham regarding Red Rock Trail and what needed to be done. *Would like guidance or any questions you have regarding the meeting.*

Councilor Stone -

- Not present

Mayor Cameron -

- Inquiring about the Relocation of mobile home in activity report? *There was a land use application submitted and permit issued for the relocation of a mobile home.*
- Not aware of Third Avenue sidewalk repair? *Redwood tree was removed at the location.*

- Have pumps for Cooper Creek water treatment plant arrived? *No.*
- Is City involved with Duke Street sewer line? *Project Sam Robinson is involved with, City is monitoring.*
- Is Central Park drainage working? *Yes, it has also been seeded.*
- Noticing reports mentioning Red Rock Park, Red Rock Trail and Red Rock Road, would like to distinguish between the park, trail and road. Suggested a contest to rename the park, involve residents and students in the contest.
- Give students a spot on the agenda to allow participation on a different level at Council meetings. Would like Council member's suggestions regarding their participation. Referred to a leadership meeting held at the high school involving Ford Family and students, would like to encourage students to attend Council meetings.

PUBLIC COMMENT

Mary Jean Morey – 217 W. Central, extended a thank you to City Staff for sidewalk cleaning October 31st. There was a record turnout of trick-or-treaters for the downtown event; Morey added merchants have extended their appreciation for the sidewalk cleaning as well. Christmas party and Shop Downtown Sutherlin Day is scheduled December 14th.

Floyd Van Sickle – 164 Terrace, referred to tree lighting project, suggested rather than paying a company to put the lights up, suggested renting a piece of equipment from A-1 Sutherlin Rental and volunteered to install the lights using the equipment. VanSickle to contact A-1 Sutherlin Rental regarding available equipment. City discussed insurance coverage, and process used last year for installing the lights.

Referred to branding project and involving students; suggested including all high school students, as well as middle school students. Suggested perhaps a contest to award the winning entry for branding idea.

Van Sickle referred to a previous meeting agenda item, the purchase of a pickup truck for Water Division. The truck was sold before City could purchase it. Van Sickle stated he did some homework and questioned that fact, dealer did not hold the work truck for the City. Informed Council he has priced two 2013 trucks from a dealership in Idaho, comparing them to trucks City would be interested in. Informed Council the trucks are priced at \$22,826 each, there would be a cost of \$675 per truck to transport, still \$5,000 under previous quote per truck. *I agree it is \$5,000 under what we were looking at on the previous truck, however, looked into the 2014 models, we're getting an estimate of \$1,000 less per truck than what Van Sickle's quotes are, may not be identical trucks but they are still a savings, this will be brought before Council at next meeting.*

Gillham asked Van Sickle if he represented the City when getting quotes for trucks, and not obligated to buy the trucks. He did not, he stated it was for a City entity buying the trucks, but did not tell him where.

Brian Burke Sr. – 550 S. State shared with Council his son also attended the leadership meeting at the high school; he added he is as a member of FBLA. Burke suggested contacting Pam Dowell and the leadership group at high school and include middle school students for the leadership/branding project. Informed Council students are aggressively looking for leadership projects, adding they are hard to find.

Adjournment-

With no further business the meeting was adjourned at 9:31 pm. After approximately a 5 minute break Council went into the Workshop session.

Approved: _____
Jerry Gillham, City Manager

Respectfully submitted,

Diane Harris, Deputy City Recorder

Denny Cameron, Mayor

APPROVED BY COUNCIL NOVEMBER 25, 2013