

CITY OF SUTHERLIN
City Council Meeting
Civic Auditorium
Monday, November 8, 2021 – 7:00 p.m.

COUNCIL MEMBERS:

Tom Boggs, Gary Dagel, Joe Groussman, Debbie Hamilton, Shawn Smalley and Larry Whitaker

MAYOR: Michelle Sumner

CITY STAFF: City Manager, Jerry Gillham
Finance Director, Tami Trowbridge
City Recorder, Diane Harris
Deputy City Recorder, Melanie Masterfield
Community Development Director, Brian Elliott
Community Development Supervisor, Kristi Gilbert
City Planner, Jamie Chartier
Public Works Director, Aaron Swan
Police Chief, Troy Mills
Fire Chief, Mike Lane
Urban Renewal Administrator, Pat Lynch
Media & Communications Coordinator, Nancy Rodriguez (via Zoom)
City Attorney, Chad Jacobs (via Zoom)

Audience: Dennis & Lanette Denney, Carol & Doug Brink, Sharon Elliott, Jon White, Dixie Utterback, Emily Blakely and Rick De Young from Sutherlin Lion's Club; Malic & Rebecca Fadel

Via Zoom: Gale Buckbee, Alisha Marquez, Andre Scalfani, Angela Osnes, Debra Huckins, J. Lindeen Brown, Lynn Tonn, Peter Duncan, Sherman Hong, Christy Smalley, Robert Getz, Carolyn, Jason Smalley, Larry Bahr, LaDonna Gresser, Taylor, Mr. De Jong

Meeting called to order by Mayor Sumner at 7:00 p.m.

Flag Salute:

Roll Call: All present

Media: None

**Mayor Sumner informed Zoom attendees of procedures to follow for participating in the meeting.

**Mayor Sumner announced that agenda item under City Manager Report would be postponed to a future date along with the two Executive Sessions following the meeting.

PRESENTATION / PROCLAMATION

• **Proclamation – Sutherlin Lion's Club 75th Anniversary**

City Manager, Jerry Gillham, invited Rick De Young to the podium to read the Proclamation. Mayor Sumner presented a plaque to Sutherlin Lion's Club President, Dennis Denney. Gillham expressed large amounts of gratitude for the services that the Sutherlin Lion's Club provides for the community. Denney graciously thanked the City of Sutherlin for their continued support. A round of applause and congratulations was given by the audience and staff.

CITY MANAGER REPORT – (verbal)

Gillham guided an informational discussion for Council members and citizens regarding Sutherlin's Homeless Camp. He apologized for how quickly this unexpected situation developed. Gillham further described the dire circumstances that many cities are facing regarding their homeless population. Due to

state and federal mandates, homeless individuals cannot be forced out of public right-of-way without an alternative location for them. Unfortunately, there are minimal options for City owned land. A (triangle) piece of land located at the corner of N. State Street and Sixth Avenue was designated as a 'homeless camp' for those campers to go instead of Central Avenue, parks, personal property, business property, etc. Andre Scalfani with Seventh Day Adventist Church will provide human services contact to the campers.

Public Works Director, Aaron Swan – A road will be constructed for ease of emergency personnel and the sanitation department. An eight-foot high chain link fence with privacy slats will be built along State Street, the rest of the perimeter will have a six-foot high fence. Minimal provisions will be provided. Cameras will also be placed around the camp.

City Attorney, Chad Jacobs – The 9th Circuit Court passed a ruling that cities cannot enforce a 'No Camping' Ordinance if there isn't an alternative place for individuals to sit, lay or sleep. It violates the 8th Amendment for cruel and unusual punishment – punishing individuals for engaging in daily functions they can't avoid. HB 3115 - States that any Ordinance that regulates sitting, lying, sleeping, or keeping warm and dry in public places for individuals experiencing homelessness must be objectively reasonable.

- Councilor Hamilton – Citizens have expressed concerns regarding funding sources for the camp.
Gillham – It will cost an estimated \$50,000, ARPA (American Rescue Plan Act) funds will be used to cover the costs.

Police Chief, Troy Mills – We are bound by law for services that can be provided. He explained how dispatch procedures for rating calls based on priority (1-5) and officers are dispatched based on that rate scale.

- Councilor Groussman – Citizens have expressed concerns regarding length of stay at the camp.
Mills – We can't I.D. someone if we don't have a legal reason to contact them. There will be security cameras in place. Gillham – A group of volunteers have agreed to help and monitor the camp and provide resources for individuals. If citizens are interested in helping, where should they be directed? *Gillham – Have them contact me.*
- Councilor Hamilton – If someone wants to volunteer, who should they contact? *Gillham – Andre Scalfani at the Seventh Day Adventist Church.*

PUBLIC COMMENT (agenda items only)

- Malic Fadel – Expressed concern and opposition of a homeless camp in town.
 - Councilor Whitaker – Do you have a solution? *If they've committed a crime, they should be escorted out of the City.*
 - Councilor Groussman – There are two types of individuals we're trying to address - the houseless population and homeless population. Volunteers are what's needed. *Fadel volunteered to help.*
- Alisha Marquez – Lives across the street from the camp and expressed concern for the safety of her children.
- Angela Osnes – Lives across the street and expressed concern.
- Lynne Tonn – This has been planned for two years and citizens weren't informed. *Gillham – This camp is not meant to be permanent. Council and City staff are happy to meet with anyone who has suggestions. Currently, this was the best option to get them off the street.* What is the perceived time limit on the temporary site? *Get through winter and wait for a legislative decision. The goal is to find another piece of land, in close proximity to city services (as required by law), for a permanent site.*
 - Councilor Groussman – Thanked Gillham for educating everyone on this rapidly increasing situation and helping to understand state and federal guidelines and restrictions.

CONSENT AGENDAS

- **October 11, 2021 minutes – Regular Meeting**
- **October 22, 2021 minutes – Emergency Meeting**

MOTION made by Councilor Boggs to approve Consent Agendas as presented; second by Councilor Hamilton.

Discussion: None

In Favor: Councilors Boggs, Dagel, Whitaker, Smalley, Groussman, Hamilton and Mayor Sumner

Opposed: None

Motion carried unanimously.

PUBLIC HEARING

- **Clark Property Management LLC – Plan Amendment and Zone Change**

Mayor Sumner opened the Public Hearing at 7:52 p.m.

Staff Report – City Planner, Jamie Chartier – This Public Hearing is to provide interested parties an opportunity to speak either in favor, in opposition, or neutral comments regarding Planning File No. 21-S013 – Plan Amendment & Zone Change for Clark Property Management, LLC. Property addressed as 0 Dakota Street; described as T25S, R5W, S19B, Tax Lot 323.

- Councilor Groussman – Will a traffic signal be installed at Dakota Street? *Chartier – A traffic signal isn't warranted at this time based on the Traffic Impact Study.*

Mayor Sumner called for any public comment. No comments were given.

Mayor Sumner closed Public Hearing at 7:53 p.m.

COUNCIL BUSINESS

- **Ordinance No. 1086 – Tree City USA (second reading & adoption)**

City Recorder, Diane Harris, read Ordinance by title only: “*An ordinance of the City of Sutherlin adopting a “Tree City USA” tree care program for the City of Sutherlin, Oregon. To promote and protect public health, safety, and general welfare by providing for the regulation of the planting, maintenance, and removal of trees, shrubs, and other plants on public property within the town of Sutherlin.”*

Staff Report – Gillham – This program has been discussed at length over the last four months. All information is included in the staff report.

MOTION made by Councilor Whitaker to approve Ordinance No. 1086 – Tree City USA, second reading & adoption as presented; second by Councilor Groussman.

Discussion:

- Councilor Dagel – Why does an Ordinance need to be enacted? Who enforces it? Feels it should be a Resolution for guidance. *Gillham further explained the Tree City USA program.*
- Councilor Boggs disagrees with this program.

In Favor: Councilors Whitaker, Smalley, Groussman, Hamilton and Mayor Sumner

Opposed: Councilors Boggs & Dagel

Motion carried.

- **Ordinance – Clark Property Management LLC – Plan Amendment & Zone Change (first reading, title only)**

Harris read Ordinance by title only: “*An ordinance amending the City of Sutherlin comprehensive plan map and zoning map to amend the comprehensive plan map from community commercial and low density to high density, concurrent with a zoning map change from community commercial (c-3) and low density residential (r-1) to multifamily residential (r-3) for property described as tax lot 323 in section 19b of t2s, r05w. The subject 3.7- acre property is located at 0 Dakota Street and described herein.*”

Staff Report – Chartier, asked Council to approve the first reading, title only of this Ordinance. This application received recommendation for approval from the Planning Commission.

MOTION made by Councilor Whitaker to approve Ordinance – Clark Property Management LLC – Plan Amendment & Zone Change – first reading, title only as presented; second by Councilor Hamilton.

Discussion:

- Councilor Boggs – Where's the water source? *Swan – There's a water line on Dakota Street.* Does it feed Fort McKay Rd. residences? *No.*
- Councilor Dagel – What happens when traffic is increased? *Gillham – This project will take place three to five years down the road and will trigger the need for a traffic signal with ODOT.*

In Favor: Councilors Boggs, Dagel, Whitaker, Smalley, Groussman, Hamilton and Mayor Sumner

Opposed: None

Motion carried unanimously.

- **Ordinance No. 1088 – PacifiCorp Franchise Agreement with Emergency Clause**

Harris read Ordinance by title only: “*An ordinance of the City of Sutherlin granting an electric utility franchise and general utility easement to PacifiCorp and declaring an emergency.*”

Staff Report – Gillham – PacifiCorp has limited ease of access for the Police Department to install security cameras on their utility poles until an updated agreement was approved. This agreement sustains the 3.5% franchise fee previously adopted in Ordinance 1011. The City will have camera coverage from near Bimart to Ford’s Pond.

MOTION made by Councilor Whitaker to approve Ordinance No. 1088 – PacifiCorp Franchise Agreement with Emergency Clause as presented; second by Councilor Groussman.

Discussion:

- Councilor Boggs – Will the cameras use their power? *Mills –Yes.*
- Councilor Dagel – Does the user pay the 3.5%? *Gillham – Yes, the PacifiCorp consumer does.*

In Favor: Councilors Boggs, Dagel, Whitaker, Smalley, Groussman, Hamilton and Mayor Sumner

Opposed: None

Motion carried unanimously.

- **Liquor License Approval – El Horse Café**

Staff Report – Police Chief, Troy Mills – The applicant has filed for a Full On-Premises, Commercial license. The Police Department has found no information that would be viewed as disqualifying by the Oregon Liquor Control Commission (OLCC).

MOTION made by Councilor Hamilton to approve Liquor License – El Horse Café as presented; second by Councilor Whitaker.

Discussion:

- Councilor Dagel – The applicant didn’t provide a social security number? *Gillham – We don’t monitor that part of the application, it’s up to OLCC.*
- Councilor Groussman – What kind of establishment is El Horse Café? *Mayor Sumner – Mexican food with full American breakfast.*

In Favor: Councilors Boggs, Dagel, Whitaker, Smalley, Groussman, Hamilton and Mayor Sumner

Opposed: None

Motion carried unanimously.

STRATEGIC PLAN UPDATE

- **Traffic Impact Study – Dakota Street, Industrial Park and Dovetail Lane Intersection**

Staff Report – Community Development Supervisor, Kristi Gilbert – Kelly Sandow with Sandow Engineering completed the study for Dakota Street. Improvements are not needed at this time per ODOT review. However, ODOT has recommended the City prepare for future improvements at that intersection. Sandow Engineering is now conducting an analysis for the Industrial Park and Dovetail Lane intersection with an estimated completion date of February, 2022.

CITY MANAGER REPORT

- Gillham announced that Executive Session called under ORS 192.660 (2) (h) – Legal Counsel will commence following the City Council meeting.

COUNCIL COMMENTS

Councilor Boggs

- When will the manhole covers on the west side of Central Ave. be fixed? *Swan – No exact date yet.*
- Speed sign on Fort McKay Rd. has disappeared. *Swan – We'll take care of it.*

Councilor Dagel

- Working on a business listing to bring forward.

Councilor Whitaker

- Nothing

Councilor Smalley

- Commended Chief Mills for his hard work with the homeless citizen's situation.

Councilor Groussman

- Light signals are needed out Hwy 138W.

Councilor Hamilton

- Thanked Gilbert and Public Works Staff for updating Sutherlin's (US Census) population signs.

Mayor Sumner

- The downtown Halloween event was outstanding and thanked all the businesses for participating.

PUBLIC COMMENT

- Alisha Marquez expressed more concerns regarding the Homeless Camp.
 - Councilor Hamilton – Rules will be in place. By providing a place for the homeless, keeps them off the streets and monitored. Mayor Sumner urged her to call the police if a criminal issue arises.

ADJOURNMENT

With no further business, meeting adjourned at 8:28 p.m.

Mayor Sumner announced that Council will take a 5-minute break before meeting in Executive Session – ORS 192.660 (2) (h) – Legal Counsel, for consulting with legal counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed.

Executive Session called to order at 8:36 p.m.

Executive Session adjourned at 8:58 p.m.

Jerry Gillham

Approved:

Jerry Gillham, City Manager

Respectfully submitted by,

Melanie Masterfield

Melanie Masterfield, Deputy City Recorder

Michelle Sumner

Michelle Sumner, Mayor

APPROVED BY COUNCIL ON DECEMBER 20, 2021