

CITY OF SUTHERLIN
Regular City Council Meeting
Sutherlin Civic Auditorium
Monday, May 8, 2017 – 7:00pm

COUNCIL MEMBERS:

Tom Boggs, Wayne Luzier, Dennis Riggs, Forrest Stone, Travis Tomlinson, Seth Vincent

MAYOR: Todd McKnight

CITY STAFF: City Manager, Jerry Gillham
City Recorder, Debbie Hamilton
Deputy City Recorder, Diane Harris
Finance Director, Dan Wilson
Community Development Director, Brian Elliott
Public Works Superintendent, Aaron Swan
Public Safety Director, Kirk Sanfilippo
Deputy Fire Chief, Avery Hazzard
Deputy Fire Chief, Dan McCormick
City Attorney, Chad Jacobs (via Skype)

Audience: Mackenzie Price, Cassidy Leatherwood, Esten Harrington, Madelyn Higgins, Tristan Vincent, Regan Leatherwood, Nolan Carson, Grace Matteo, Hailey Boehm, Sydnee Tilley, Zach Lor, Wes Crawford, Bertha Egbert, Pam & Denny Cameron, Jerry & Kim Risk, Terry Brock, Rick & Sharon Troxel, Mike & Karen Meier, Jack & Tami Trowbridge, Brad Heaton, Sam Moody, Cheryl Owens, Harry & Linda Pinsent, Allen Sooter, Gail & Rodney Kuntz, Barbara Camin, Dale Counts, Wendy Schulze, Tadd Held, Kimberly Tomlinson, Michael Boehm, Gary Dage, Cheryl & William Atterbury, Wayne Calder, James Thatcher, Jeff Chase, Glenn Galusha, Jean Galleher, Daniel Kresky, Ivan Isaacson, Duane & Pam Waller, Angela Wallis, Michael Bochart, Chris Whitaker, J. Lindeen Brown, Nancy Anderson, Pat & Bert Bales, Susan Osland, Kristi Caviness, Joe Groussman, Curt Price, Katherine Williams, Michael Brown, Nolan Ramsay, Pamela Semas, Becky Wattles, Amber Vincent, Pat Greer, Mike & Ginny Ragans, Melissa Dopson, Gayla Holley, Teresa Call

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

Flag Salute:

Roll Call: All present

Introduction of Media: None

PUBLIC COMMENT (agenda items only)

- Resident, Karen Meier, asked Council not to pass budget in its current form. Concerned with increases, ending cash balance, and believes it's not sustainable. Is against 15% incentive pay for employees to qualify as Volunteer Firefighters.
- Resident and business owner, Gary Dage, spoke against proposed business "license" [registration]. Concerned home based businesses will also require to registration. Feels contact information is already on the water bills.
- Business owner, Terry Brock – Feels regulations are potentially a good idea, concerned with compliance issues and extent of City's involvement. All for moving forward, not sure how it will play out.

Mayor McKnight announced audience members will also be able to ask questions and state concerns when Business Registration discussion is presented.

- Business owner, Jeff Chase, spoke of concerns regarding the registration, costs associated, and government's involvement.

- Resident, Joe Groussman, spoke in favor of the proposed “license” [registration]; Sutherlin is the second largest city in Douglas County where 7 out of 10 cities require business licenses/registrations. Police should have contact information for safety and security purposes.

PRESENTATIONS

- **Sutherlin FFA Recognition**

Mayor McKnight asked FFA Students and Ag. Instructor, Wes Crawford to the front of the room. City Recorder, Debbie Hamilton, read student’s names receiving FFA Public Speaking Competition Awards. Mayor McKnight presented students with certificates of congratulations. A quote from Crawford, was read by Hamilton, “All were first in their respective events. This degree of performance is unprecedented at the state level”. Audience members joined Mayor, Council, and Staff in a round of applause.

- **Library Report**

Mayor McKnight asked Jean Galleher to the front of the room. City Manager, Jerry Gillham, surprised Galleher by presenting an award to her in appreciation for her hard work in making the library’s future a success. Gillham provided a history of Galleher’s involvement. Jean Galleher provided a brief update:

- Friday’s newspaper captured library’s happenings and volunteers’ impact on the program.
- Now have over 50 volunteers; in April 26 volunteers provided 316 hours of service to keep the library doors open.
- Friends of the Library will be hosting a book sale June 3rd; library volunteers will also host an open house that day inviting the community to revisit the “all-volunteer” library.
- Big question being asked is when books can be checked out? This is still a work in progress.

Galleher expressed appreciation for being honored.

Nancy Anderson –

- Will continue with the reading program and Wednesday’s Story Time (10:00am) throughout the summer. Additional events are also planned for the children.
- Anderson acknowledged the area businesses for their generous donations to the program.

Library Board Member, Sean Mock, provided a Douglas County Task Force update.

- Several presenters shared plans and ideas to partner and help sustain the libraries.
- Best options are currently being examined; whether it is a special district to opt-in to, submitting a county-wide levy, privatization or farming out services.
- A sub-committee has been appointed to help determine the base level in terms of costs.
- Sutherlin Library has formed a non-profit; Sutherlin Education Library Foundation (SELF).

- **Proclamation – Emergency Medical Services Week**

Bay Cities Ambulance, Kristi Caviness, explained EMS week is to honor those in emergency services. Caviness presented a plaque of appreciation to the City for the continued support of Emergency Medical Services personnel in the City of Sutherlin. National EMS Week is May 21-27, 2017. The public is invited to attend the EMS Week Celebration BBQ, May 23rd from 11am-2pm, at Bay Cities Ambulance headquarters in Roseburg.

- **Business Registration Discussion**

City Manager, Jerry Gillham, explained the proposed business registration, one of Council’s priorities, is to consider some sort of element of a business registration. Contrary to what the public has heard there will be no vote tonight, this is for discussion only. A workshop is also planned for next Council meeting.

Council’s initial discussions included:

- Currently no dollar amount has been agreed on; Council is divided on that aspect.
- All businesses that have been sustaining for at least 10 years do not have to do anything.
- Businesses from 9 years to present can fill out a form on-line or come into City Hall. Contact information will be requested in case of emergency.
- If an ordinance is passed, all new businesses will fill out a form providing type of business, location, hours of operation and contact information for public safety.

Mayor McKnight reported there is a lot of wrong information going around town. He does not support charging a registration fee; it's not about making money. Would like to address zoning issues and have mechanism in place. Concerns have been voiced in the community about building inspections. Suggests Fire Department introduce themselves, get business contact information, layout of building and type of merchandise stored (such as flammables). In no way trying to get in the way of anyone's business, feels as long as in right zoning, they are free to do that business. Would like to know when new businesses come to town and help in promoting them. If citizens do not want a license, that is fine. Mayor McKnight encouraged citizen input and addressing issues of concern.

Councilor Riggs suggests allowing audience members to discuss their concerns and settle the rumors.

Mayor McKnight would like to hear from Council and Staff, and then open public discussions.

- Councilor Boggs – Feels all businesses need to register no matter how long they have been here for reasons that new public safety employees are not familiar with all of them. Support updating contact information for public safety purposes for both Police and Fire.
- Councilor Tomlinson – Need to have a system, is in support of a fee to cover staff's time. It legitimizes businesses and can discourage fly-by-night operations. Was alarmed to find out City doesn't require registration. Need to know who is where, and what is inside the buildings for safety purposes.
- Councilor Luzier – Main concern is for public safety and need for contact information. Water bills do not always provide all that information. Totally against the fee; am not sure where the rumors came from that fees *will be* charged.
- Councilor Riggs – Thanks citizens for showing up for the meeting. Registration is the price for doing business, but not for revenue purposes. If there is a fee, make it minimal, requiring a vote of the people to change. Firefighters need to know what is in a burning building.
- Councilor Vincent – In support from a public safety aspect, would like Fire Department to know where items are stored if responding to an emergency. If there is a charge, it should be at a zero cost basis. He provided an example of needing to know who businesses are and what they do; lack of regulations affect the community. Appreciates public attending and finding out the facts.
- Councilor Stone – Is against the registration, City already has mechanisms in place, as well as other agencies. New businesses in the area just need to talk to City Hall, not necessarily to register. City already has zoning regulations.

Public Safety Director, Kirk Sanfilippo, spoke of the three items of concern:

- Currently there is nothing in place that provides information for public safety.
- Without background checks do not know who is selling to whom, need to do what we can to protect the public.
- Fire & Life Safety – This goes to the heart of inspections.

Mayor McKnight asked about the criteria for drawing the line regarding background checks, and who decides whether they should have a business in town. ***Sanfilippo – Suggest turning that decision over to a person other than Police or Fire. However, can discuss concerns with Public Safety before making a decision. Sanfilippo shared information regarding a previous business in town that was dishonest to customers, costing patrons a lot of money, therefore a civil matter.***

Councilor Stone – How many businesses have had these issues? ***Cannot say for sure without researching; maybe as many as 20.*** Out of town people are the ones that scam, not the people in the buildings. Concerned Staff is panicking because of 2 businesses in the wrong zones. ***Think you are underplaying the problem, it's bigger than that.*** Feel this is another layer of government having control over businesses. In regards to chemicals, everyone has that in their home. ***But normally not 55 gallon drums. In the end this is a policy decision, Council can decide what they want, and staff will make that happen.***

Community Development Director, Brian Elliott, provided items of concern:

- This is about establishing a better business model for Sutherlin. Businesses come into CDD, normally after the fact or by way of a complaint. Staff addresses the complaints and if in correct zoning. This costs Staff time and attorney fees; if addressed up front can work with the business, helping them find a location in the right zone.
- Residential living is allowed in Commercial Zones (explained criteria). From a safety standpoint if there is a fire, would like to know if a resident is living in that building.
- Contact information is needed for emergency utility main breaks, and storm events.

Elliot – Recently had an incident involving flooding due to heavy rains. During the middle of the night, a business was within an inch of flooding and needed to be notified. Staff was finally able to find contact information after much research.

Public comments and concerns:

- Home Business owner, Mandi Jacobs – Operates a home based business, after attending a previous Workshop found they are exempt, which is good. Is against background checks and concerned with talk of “vetting” people. Is in support of registry.
- Business owner, Terry Brock – Spoke of concerns regarding public safety issues near his building. If City can help, he is all for it.
- Business owner, Daniel Kresky – Agrees with contact information list, but not background checks.
- Business owner, Jeff Chase – Concerned with future Councils changing things established now. ***Gillham asked if he is okay with idea requiring a vote of the people regarding registration fees.*** Chase agreed that is a good idea, but is against background checks.
- Business owner, Cheryl Owens – Spoke of past practices regarding Fire Department’s inspections and leaving a postcard for contact updates. Concerned business owners living outside the city will not be able to vote. How will City make sure new businesses register and what if they don’t comply? How will City compile and keep building layout information, making it available in case of emergencies?
- Business owner, Jerry Risk – Supports the business registry and public safety issues. Even though the number of illegitimate businesses in town may be small, it is only irrelevant if you’re not impacted by them. Spoke of OSHA inspections and repercussions after the fact.
- Dale Counts – Supports registry list with contact information for safety and emergency purposes.

Discussion continued regarding the registry, having a form available on line, and background checks.

Hamilton reported City receives a lot of inquiries regarding business registration, but many new businesses don’t ever contact the City.

- Business owner, Allen Sooter – Shared past history of how City kept track of contact information. Concerned about registration fee increases without regulations. Support the registration but wants to know where fee is being spent. Supports vote of the people regarding fees, is also concerned that home businesses and people with rental properties would be charged.

Councilors stated discussion has been that home businesses would be exempt, rental properties have not even been discussed.

- Business owner, Bertha Egbert – Where this will end, what criteria will be used? Is against the business registration.
- Business owner, Linda Pinsent – In support of the registration, but not the fees. Does not want business growth impeded.
- Rick Troxel – Feels Council will find a common ground. As a patron wants to know a business is a safe place to go.
- Denny Cameron – Discussion has been that those with more than two rentals would need to register. ***Gillham – That was a discussion 4 years ago, not now.*** Supports requiring a vote of the people but needs a charter amendment rather than an ordinance that future councils can change.

Chad Jacobs – To make it mandatory, a Charter amendment needs to take place. Can include in the ordinance an amendment has to go before a vote of the people.

- Business owner, Gary Dagele – Doesn’t feel there are that many problems in town to solve them this way. Need to consider how many people this will be affecting.
- Karen Meier – Needs to go before the vote of the people, including more than just fees. Don’t you have to fill out that information out now? ***No.***

Mayor McKnight – What I’m hearing is that not everyone does that, is that correct? ***Hamilton – Yes, a lot of businesses don’t own the building, and don’t have water/sewer service in their name.***

- Business owner, Jerry Risk – Looking at the “vision statement” on the wall, 4 of those items directly pertain to what is being discussed, we should enable this to happen. If requiring a vote of the people, since it pertains to businesses, maybe *they* should have that say. Need a comprehensive plan to establish a vibrant downtown.

Mayor McKnight confirmed audience opinions regarding registration preferences:

- ❖ Need contact information and place to register
- ❖ Need to address zoning issues

- ❖ No fees
- ❖ Changes to go before vote of the people
- ❖ Make it a Charter amendment rather than ordinance
- ❖ What happens if people don't register?
- Business owner, Brad Heaton – Suggests a pro-active, simple registry telling what is in your building but doesn't necessarily need Fire Department's inspection.
- Business owner, Terry Brock – His business is linked to other buildings, therefore concerned if they have something potentially dangerous it would also affect his business.
- Business owner, Teresa Call – Spoke about own experience having a business, having chemicals, fees, and insurance issues involved. Agree with giving contact information, but not background information. Feels Council is pushing people away from businesses.
- Pam Cameron – Registry is fine for people that are honest. How will City make people comply and what if they don't register?

Mayor McKnight – Encouraged audience members if they have any questions, please contact City Hall, and to support each other. Discussion will continue at the next Council meeting.

CONSENT AGENDA

- **April 10, 2017 Minutes – Regular Meeting**
- **April 10, 2017 Minutes – Workshop**
- **April 24, 2017 Minutes – Workshop**

MOTION made by Councilor Luzier to approve Consent Agenda; second by Councilor Tomlinson.

In Favor: Councilors Boggs, Tomlinson, Luzier, Riggs, Vincent, Stone and Mayor McKnight

Opposed: None

Motion carried unanimously.

PUBLIC HEARING

- **State Revenue Sharing**

Mayor McKnight opened the Public Hearing – State Revenue Sharing at 9:03pm.

Staff Report – Finance Director, Dan Wilson – This Public Hearing is required to allow the public to voice their opinion on the use of State Revenue Sharing Funds.

Mayor McKnight called for public comment. None received.

Mayor McKnight closed the public hearing at 9:04pm.

COUNCIL BUSINESS

- **Resolution 2017.05 – Adoption of 2017-2018 Budget**

Staff Report – Wilson – Budget was approved by the Budget Committee on April 17, 2017. Details are included in Resolution 2017.05.

MOTION made by Councilor Luzier to approve Resolution 2017.05 Adoption of 2017-2018 Budget as presented; second by Councilor Vincent.

Discussion: Councilor Stone - \$620,000 in Street Construction Fund is in a separate fund, but is not included in the resolution. *Wilson – That is Correct.* Why isn't it itemized? *It is itemized for the Central Avenue Project within the Street Construction Fund and in the 5-year Capital Improvement Plan.* Want to make sure that fund is strictly used for asphalt and concrete. *It certainly will be.* Gas tax was to go toward the trees and other things. *Ultimately it all goes into that one fund for whole project.* Ultimately supposed to go as far as we can before borrowing any money, do not want to break any laws.

In Favor: Councilors Boggs, Tomlinson, Luzier, Vincent, and Mayor McKnight

Opposed: Councilors Riggs and Stone

Motion carried.

- **Resolution 2017.06 – Certifying City Services**

Staff Report – Wilson – This is the first of two resolutions to accept State Revenue Sharing Funds, a Public Hearing has been done.

MOTION made by Councilor Stone to approve Resolution 2017.06 – Certifying City Services as presented; second by Councilor Tomlinson.

Discussion: None

In Favor: Councilors Boggs, Tomlinson, Luzier, Riggs, Vincent, Stone and Mayor McKnight

Opposed: None

Motion carried unanimously.

- **Resolution 2017.07 – Election to Receive State Revenue Sharing**

Staff Report – Wilson – This is the second of the two resolution to receive funds from the State.

MOTION made by Councilor Luzier to approve Resolution 2017.07 – Election to Receive State Revenue Sharing as presented; second by Councilor Riggs.

Discussion: None

In Favor: Councilors Boggs, Tomlinson, Luzier, Riggs, Vincent, Stone and Mayor McKnight

Opposed: None

Motion carried unanimously.

- **Resolution 2017.08 – Transportation System Plan Grant Authorization**

Staff Report – Community Development Director, Brian Elliott – Council’s authorization is needed for Staff to move forward on the grant. Current TSP Plan is 12-years old, it is important in moving forward and to try for the grant. Estimated cost to update TSP is approximately \$150,000 - \$157,000. Grant requires a 12% “in-kind” match.

MOTION made by Councilor Luzier to approve Resolution 2017.08 – TSP’s Transportation and Growth Management Plan Grant Authorization as presented; second by Councilor Tomlinson.

Discussion: How long does it take for the “in-kind” services? *Elliott – Grant deadline is June 9th, award date is August of 2017, project must be completed by 2020.*

In Favor: Councilors Boggs, Tomlinson, Luzier, Riggs, Vincent, Stone and Mayor McKnight

Opposed: None

Motion carried unanimously.

CITY COUNCIL COMMENTS

Councilor Boggs –

- None

Councilor Tomlinson –

- It seems downtown has a lot of second hand stores, in order to make city prosperous, need to open up our minds and look at the whole picture rather than the short term.

Councilor Luzier –

- Would like to thank those showing up for tonight’s discussion. Feels it is important to refer to the registration as just that, doesn’t like the term “license”. Am definitely against a fee. Appreciates input and charter amendment. Looking forward to the next meeting for continued discussion.

Councilor Riggs –

- Appreciates citizens showing up tonight. Have heard rumors on social media, this is a forum to separate the wheat from the chaff. Encourages attendance at the next meeting.

Councilor Vincent –

- Huge thank you goes to the Sutherlin FFA, and happy they were honored tonight. It is truly amazing to see the youth that are coming out of these programs.
- Thanks community for support and input tonight. Unfortunately a lot of things get stirred up on social media. It’s nice to have dialogue and hear input. It’s not a back-door shady thing, we are doing. Wants to see Sutherlin become the go-to community drawing people in. Change and growth is not always easy, but if done carefully and thoughtfully, it can be a tremendous benefit for the quality of life not only now but years to come.

Councilor Stone –

- A previous Sutherlin business owner shut down his business in Sutherlin stating it is a hard community to do business in, don’t understand, why it’s different compared to other communities.

Feels businesses with a few employees are better than one employing 50 people; when they shut down, it shuts the city down.

- Was told by an inspector, new ODOT rules state anytime asphalt is dug up you have to bring everything up [sidewalks/ramps] to ADA Standards. Wants Staff to be aware of that, I have not heard about that until this weekend. ***Gillham – Don't understand why you haven't heard this; Staff has told Council that very same thing at least 2 dozen times during the Transfer of Authority (TOA). In fact, that is why the project is delayed.*** This is a brand new rule with available grant money. ***Public Works Superintendent, Aaron Swan – It was a rule two years ago, during overlay program, city had to bring all ramps up to standards.*** According to the rule they have to put new sidewalks in for Ft. McKay to Comstock project. ***There are no sidewalks there; the rule states if there is no existing sidewalks, standards don't apply, however will be addressed were sidewalks exist.***

Gillham – would like to suggest, when you hear these things, rather than coming to a Council meeting and pronounce it, just call City Staff for answers. I want everybody to hear whatever I have to say. ***You can get the answers from Staff first and then make your statement at a meeting. It would be more accurate and fair to the Staff rather than proclaiming something they aren't paying attention to.*** Want to be up front. ***We have been working with this, almost 3-year old rule, already.***

Swan – City's Traffic Engineer keeps Staff updated with all the changes.

- How is the N. Comstock Project going? ***They are very close to going out to bid.*** Then what are they stopping traffic for? ***Swan – They are moving communication and gas lines in preparation for the project.***
- Would like to thank the Lion's Club for the Public Safety Appreciation dinner.

Mayor McKnight –

- Would like to acknowledge Hamilton for participating with me at West Intermediate's Career Fair. She did a lot of work on her own time to provide treats for the kids.
- Would like to acknowledge the Lion's Club's Public Safety Appreciation event. Have been told the Rotary Club helped in the purchase of the food, as well. It was a very good event.
- Would also like to acknowledge Sutherlin FFA, this group is near and dear to me. It was important to recognize them for the outstanding job.

REPORTS

- **Sequential Batch Reactor (SBR) Pre-load Update**

Staff Report – Elliott provided the SBR Pre-Load Update. The project is complete and about \$129,000 under original contracted amount. Staff and engineer wanted to move forward, moving pre-load material back to Ford's Pond, giving the contractor more time on the [Wastewater Treatment Upgrade] project. In addition the 80, 2-3 ton blocks, used during the pre-load will be moved to Public Works Shop for creating bays for gravel, sand, and bark mulch. With the 2 change orders, we are still about \$50,000 under the original contract.

PUBLIC COMMENT –

- Pam Cameron – Thanked people for attending the Public Safety Appreciation Event, it was a huge success. Several groups contributed a lot of money and time to the event. At last Council meeting a statement was made by City Manager regarding actions by a “wife of a former Mayor” who circulated a petition for businesses to sign. Feels the statement is incorrect and didn't happen. She said she asked *no one* to sign *anything*.
- Linda Pinsent spoke concerning new [water/sewer] rates affecting her business. Recent leak added up to a very large bill. The new commercial rate for sewers, based on consumption, resulted in a sewer bill for \$175, feel this is ridiculous. ***Gillham – Did you come into City Hall to discuss this?*** Yes, they said I have to go to Council. ***Come into City Hall, we can take care of a leak adjustment.*** Am also concerned about the rate structure.
- Resident, Pat Bales – Thanked those attending Public Safety Appreciation event, it was well attended and looking forward to doing it again next year. Acknowledged all those who contributed their time and effort.
- Karen Meier recited ORS 294.100, regarding the expending budgeted monies unlawfully. In her opinion, the money in the Central Avenue Reserve Fund is for the Central Avenue Project, a

special capital fund for paving Central. The money has now been put into another fund that also includes \$3.2 million, therefore cannot be tracked.

ADJOURNMENT –

With no further business meeting adjourned at 9:39pm.

Approved: *Jerry Gillham*
Jerry Gillham, City Manager

Respectfully submitted by,

Diane Harris
Diane Harris, Deputy City Recorder

Todd McKnight
Todd McKnight, Mayor

APPROVED BY CITY COUNCIL, JUNE 12, 2017