

**CITY OF SUTHERLIN**  
**Regular City Council Meeting**  
**Sutherlin Library Meeting Room**  
**Monday, August 13, 2018 – 7:00pm**

**COUNCIL MEMBERS:**

Tom Boggs, Wayne Luzier, Forrest Stone, Michelle Sumner, Travis Tomlinson, Seth Vincent

**MAYOR:** Todd McKnight

**CITY STAFF:** City Manager, Jerry Gillham

Assistant CM, Finance Director, Dan Wilson  
Sr. City Recorder, Debbie Hamilton  
City Recorder, Diane Harris  
Community Development Director, Brian Elliott  
Public Works Superintendent, Aaron Swan  
Police Chief, Troy Mills  
Fire Chief, Mike Lane  
City Attorney, Chad Jacobs (via cell phone)

**AUDIENCE:** Kristin & Dan Waid, Curt & Debbie Price, Amber Vincent, Becky Wattles, Craig Zolezzi, Blake Zolezzi, Dian Cox, Brian Burke, Tami Trowbridge, Kimberly Tomlinson

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)

- None

**PRESENTATIONS**

- **Award of Appreciation – LDS Church**

City Recorder, Diane Harris, read the Award of Appreciation Certificate to Curt Price, Bishop of the Sutherlin Ward of Church of Jesus Christ of Latter-day Saints. Mayor McKnight presented the certificate to Price, thanking him for the church's community project service.

City Manager, Jerry Gillham, explained he was approached by the church regarding their desire to do a community project. On Saturday, July 21<sup>st</sup>, numerous members of the church took on a series of projects throughout the City:

- Cleaned out overgrown vegetation and garbage along Red Rock Trail;
- Painted exterior trim on City Hall;
- Removed old carpet and stadium seating in Civic Auditorium (Council Chambers);
- Cleaned up vegetation and garbage along Central Avenue from Central Park west to Comstock.

Their work made a community changing impact throughout the City, and is much appreciated. Council, Staff, and audience joined in a round of applause.

**CONSENT AGENDA**

- **July 23, 2018 Minutes – Regular Meeting**
- **IGA – Douglas County Inmate Housing**

**MOTION** made by Councilor Boggs to approve Consent Agenda as presented; second by Councilor Sumner.

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

Opposed: None

Motion carried unanimously.

## **PUBLIC HEARING**

### **• Comprehensive Plan – Water Master Plan**

Mayor McKnight opened the Public Hearing at 7:05pm

Staff Report – Community Development Director, Brian Elliott, provided information regarding the 2017 Water Master Plan and Public Hearing’s required processes:

- Public Notice Mailings to DLCD – No return comments were provided on the application;
- Sent Public Notice for the Planning Commission’s June 19, 2018 Public Hearing ;
- Planning Commission recommended City Council to approve the Comprehensive Plan and Public Facility Plan amendments, and adoption of the 2017 Water Master Plan.
- Sent notices to affected service providers and governmental agencies.
- Received written comment from (ODOT) Oregon Department of Transportation stating they have no comments.

Elliott reported Planning Commission’s additional Findings of Fact.

Mayor McKnight:

- Are there any questions from Council? *None received.*
- Are there any public comments in favor? *None received.*
- Are there any public comments in opposition? *None received.*

Mayor McKnight closed the Public Hearing at 7:10pm.

## **COUNCIL BUSINESS**

### **• Ordinance – 2017 Water Master Plan (first reading, title only)**

Mayor McKnight asked Harris to read the ordinance by title only.

Harris – “An ordinance of the City of Sutherlin adopting the 2017 Water Master Plan.”

Staff Report – Elliott summarized the Staff Report.

**MOTION** made by Councilor Luzier to approve the first reading of Ordinance – 2017 Water Master Plan as presented; second by Councilor Vincent.

Discussion: Councilor Stone – Does this include areas outside the Urban Growth Boundary? At one time there was talk about extending water to the east side, does that have any effect on this plan? ***No, it doesn’t, with the current situation with public facilities, Cooper Creek and Nonpareil Water Treatment Plants, plus the secured water rights; that not an issue at this time.***

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

Opposed: None

Motion carried unanimously.

### **• Ordinance – Amending SMC 5.08.040 – Street Vendor Insurance Policy Requirements (first reading, title only)**

Mayor McKnight asked Harris to read the ordinance by title only.

Harris – “An ordinance of the City of Sutherlin amending section 5.08.040(E) of the Sutherlin Municipal Code establishing Street Vendor Insurance Policy Requirements in the amount as described by resolution”.

Staff Report – Harris – This ordinance and the next one are proposing to remove the “dollar amounts” from the municipal code, and establishing the required amounts by resolution. If the ordinances are approved, a resolution requiring a liability insurance limit of \$3,000,000 will be presented at the next Council meeting. However, that amount can be modified on a case by case basis with City Manager’s authorization. City Attorney, Chad Jacobs, and Insurance Agent of Record, Craig Zolezzi are available to answer any questions.

**MOTION** made by Councilor Stone to approve the first reading of Ordinance – Amending SMC 5.08.040 – Street Vendor Insurance Policy Requirements as presented; second by Councilor Sumner.

Discussion: Councilor Stone – Is this to get a higher insurance? ***Gillham – These Municipal Code amendments are part of the Strategic Plan. It is not generally a “best practice” to put charges/costs within the code; those amounts should be established by resolutions, not ordinances. The \$3million liability requirement is to cover “high-risk” events, but will allow for a \$2million requirement for reoccurring events that have not had any issues or are considered “high-risk”.***

- If the Chamber is the entity holding an event that has vendors, do the vendors go through this process with the City or are they covered by the entity’s policy? ***Gillham – Chamber would be required to have the \$2million coverage, vendors would be covered under that policy.***

Zolezzi – As a public entity, the City has protection under the “tort cap laws” that is currently set at \$1.7million. In theory, if someone brings a lawsuit against the City the maximum they can be awarded is that limit. Tort cap laws adjust annually on July 1<sup>st</sup>; the benefit of requiring \$3million is it won’t have to be adjusted in the near future.

- How does that affect the costs for entities putting on the events? ***It varies depending on the event and who their insurance carrier is. We’re simply trying to establish a baseline to protect the City and is over that tort liability limit. Court cap protection is only in State Courts, with Federal Courts, there are no limits. Feels City is doing a very good job adopting the \$3million. Intent is not to cost someone out of using a City facility; it’s to set a standard that we can work with.***
- What type of policy do we have when alcohol is allowed at “Movies in the Park”? ***Depends on the circumstances, and if they’re selling alcohol or not, it may require some additional liquor liability. Certificates of Insurance are required by the City and sent to Zolezzi for review.***
- Shouldn’t we just have a set number and adjust it yearly to reach the new limit, rather than deciding case by case. Feels everyone should be the same. ***Zolezzi – The problem is it’s only sold in increments of a million dollars.***
- Can see why it’s good to require different amounts depending on the event, for example music in the park vs. a shooting competition.

Concerns were voiced about all users being treated fairly. Zolezzi assured Council he will continue to be in contact with CIS and City Staff regarding those determinations.

***Jacobs – The issue before Council is to approve the amendment by removing the required dollar figure from the code itself. Council will not be deciding the amount until the next Council meeting.***

***Gillham - It will ultimately be Council’s call.***

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

Opposed: None

Motion carried unanimously.

- **Ordinance – Amending SMC 5.12.170 – Taxicab & Limousine Insurance Policy Requirements (first reading, title only)**

Mayor McKnight asked Harris to read the ordinance by title only.

Harris – “An ordinance of the City of Sutherlin amending section 5.12.170 of the Sutherlin Municipal Code establishing taxicab and limousine insurance policy requirements in the amount as described by resolution”.

Staff Report – Harris – Same as previous report.

**MOTION** made by Councilor Stone to approve the first reading, title only of ordinance – Amending SMC 5.08.040 – Street Vendor Insurance Policy Requirements as presented; second by Councilor Vincent.

Discussion: Councilor Boggs – Is this just for someone that wants to establish a business here, not for Taxicabs that come into the City? ***Correct.***

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

Opposed: None

Motion carried unanimously.

- **Resolution 2018.16 – Budget Appropriations Adjustment**

Staff Report – Wilson explained a budget adjustment is needed to accommodate the increase in costs due to Council’s decision at last meeting authorizing the purchase of the 7 In-car Repeaters rather than 6.

**MOTION** made by Councilor Luzier to approve Resolution 2018.16 – Budget Appropriations Adjustments as presented; second by Councilor Sumner.

Discussion: Councilor Stone – Are these coming out of the [Police] Reserve Fund? ***Wilson – Yes, there is plenty of money in the reserve.***

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

Opposed: Councilor Stone.

Motion carried.

## REPORTS

- None

## STRATEGIC PLAN UPDATES

- **Council Priorities**

Gillham shared an article from International City Manager's Association Magazine called Strategic Thinking by Norman Wright. City's Strategic Plan has been in place for 6 years. Gillham reached out to Wright for advice on City's Strategic Plan going into the future. Requested Councilors to pay some critical attention to priorities and planning to hold a workshop in November or December to determine Council's direction. A Council Priority status report is included in the packet.

## CITY COUNCIL COMMENTS

### **Councilor Boggs –**

- Is City having water issues like Oakland's potential curtailments? *Swan – Have had some curtailment at Nonpareil Plant; Cooper Creek Plant makes up the difference, there is no deficit.*

*Gillham – City is working with Oakland to possibly allow them to connect to Sutherlin's northern-most fire-hydrant if needed and allowed by outside agencies. There has been a total miscommunication in the media; the issue is about quantity not quality.*

Councilor Stone – How far is there hydrant from ours? *Almost 3,000 feet.*

### **Councilor Tomlinson –**

- Streets look good, no more plates to drive over, etc.
- A citizen came to me voicing concerns about the loud beeping at the crosswalks, will this be ongoing? *Elliott – The crossings are programmed (ODOT's standards) to run 24/7. We are looking into lowering the volume. Unfortunately, they are programmed to reflect from noise around them.*

### **Councilor Luzier –**

- When pulling out of Dairy Queen and driving east, there is a dip in the pavement, can ODOT fix it? *Gillham – There are going to fix it, will be meeting with them tomorrow.*

### **Councilor Sumner –**

- Thanks Staff for filling the two potholes on Valentine Street.
- Crosswalk's "walk" symbol is not working at Hwy 99 and Central intersection. *Will report it.*
- Whitehorse Coffee owner's spoke of concerns regarding manholes being stored on their property. *Swan – During the project many manholes were set aside all along Central. If they have a problem with them being stored there, we can certainly take them out to the Public Works Shop.*

### **Councilor Vincent –**

- Thanked Mayor/Council for excusing his attendance at last Council meeting.
- Is the patch job around the manhole on S. Comstock temporary? *Swan – There is "cold-patch" around it, when it finishes settling will go back and smooth is out again.*
- Is the crooked striping on Central's westbound turn lane (in front of the liquor store) going to be fixed? *Swan – That line was actually intentional, it was difficult for big trucks to make that corner without running over the sidewalk when turning right. Therefore, we allowed for another 2 feet and moved that turn lane a little to the north.*
- Encourages Staff to continue making sure all of the construction details are tied up, and thanked them for the hard work at keeping up with everything.

### **Councilor Stone –**

- Spoke of concerns regarding the "sharp" rather than "rounded" corner on Waite Street. Noticed drivers are hitting it when pulling trailers. *Swan – There are a couple of those. Those concerns are on our "punch list" to address.*
- Is City planting the trees/shrubs, or is that part of the Central Ave. contract? *Elliott – Not part of the contract, but is part of the project. Staff will plant the trees/shrubs around mid to late October.*
- Has the Department of Revenue given City the go-ahead on urban growth? *Elliott – We are still working on that.*
- What is the status of the Everett Avenue building City owns and was planning to sell? *Gillham – It is currently being used for law enforcement, training, storage and Guido Construction's staging area. Once Central Avenue project is completed; will get it ready to put on the market.*

- Would like to emphasize adding 3 signal lights at Waite Street, Comstock, and the freeway to the Strategic Plan. *Gillham – Have set up a meeting with State Region Director and ODOT staff to coordinate a plan and system. City would like ODOT to help contribute and may come up with a mechanism for area businesses to contribute, as well.*

**Mayor McKnight –**

- None

**PUBLIC COMMENT –**

- Resident, Dan Waid – New streets, lights, and storefronts look great. Waid reported he lives on the east end of town and is concerned with traffic speeding around 50 to 60 mph on Central. Drivers don't notice the speed limit signs, would like to suggest painting the speed limits on the roads for better visibility. Park looks great and has a lot of features for the citizens.

*Elliott – At last meeting councilors voiced concerns about road at the railroad crossing on S. Calapooia; County has scheduled the repair with Knife River Const. at end of August or first part of September.*

*Swan – Another concern was voiced about the road at Sixth Avenue railroad crossing, Staff will most likely be repairing that hole. Councilor Boggs – Feels the problem is not only the hole.*

Elliott – City applied for a grant to repair/replace Schoon Mountain Reservoirs and 6<sup>th</sup> & Oak Street Pump Station. City was awarded the Safe Drinking Water Revolving Loan Fund Grant for \$447,990 and was also awarded a \$387,990 30-loan at 1% interest. City is very fortunate in receiving this. Schoon Mountain will increase from 24,000 gallons, to a 135,000 gallon storage tank; 34 lots have been plotted for that area. The 6<sup>th</sup> & Oak Pump Station it is at end of its life, and in need of replacing.

Gillham – The Fire Department has recruited 6 fire students, 3 are already fully certified Firefighters, and will be working towards EMT (Emergency Medical Technician) certification.

Councilor Tomlinson requested Chief Lane to provide an update at the next Council meeting.

**ADJOURNMENT –**

With no further business meeting adjourned at 7:55pm.

Approved: *Jerry Gillham*  
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 Jerry Gillham, City Manager

Respectfully submitted by,

*Diane Harris*  
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 Diane Harris, CMC, City Recorder

*Todd McKnight*  
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 Todd McKnight, Mayor

***APPROVED BY CITY COUNCIL, SEPTEMBER 10, 2018***