

City of Sutherlin Council Meeting Monday, March 11, 2024 Civic Auditorium – 7:00 p.m.

AGENDA

Mayor Michelle Sumner

Council President Hamilton
Councilors Dagel, Groussman, Smalley, Whitaker and Woods

- 1. CALL TO ORDER / FLAG SALUTE
- 2. ROLL CALL
- 3. INTRODUCTION OF MEDIA
- 4. PUBLIC COMMENT

[The purpose of citizen comment is to allow citizens to present information regarding agenda items only. A time limit of three minutes per citizen shall apply.]

- 5. PRESENTATIONS
 - a. Officer of the Year

6. CONSENT AGENDA

a. February 12, 2024 - Regular Meeting Minutes

7. COUNCIL BUSINESS

- a. Resolution 2024.05 Workforce Housing & Homelessness Task Force
- b. Resolution 2024.06 Surplus Property Police Department Equipment
- c. Resolution 2024.07 Safe Routes to School
- d. Resolution 2024.08 ORS 105.668 Recreational Immunity
- e. Ordinance Amending SMC Ch. 2.05.050 Public Comment at City Council Meetings (first reading, title only)

8. REPORTS

- a. Psilocybin Discussion
- 9. CITY MANAGER REPORT (verbal)
- 10. CITY COUNCIL COMMENTS
- 11. PUBLIC COMMENT

[The purpose of citizen comment is to allow citizens to present information regarding items off the agenda. A time limit of three minutes per citizen shall apply.]

12. ADJOURN

EXECUTIVE SESSION:

ORS 192.660(2)(e) – Real Property Transactions ORS 192.660(2)(d) – Labor Negotiator Consultations

ORS 192.660(2)(i) - Performance Evaluations of Public Officers & Employees

Join Zoom Meeting

https://us06web.zoom.us/j/86072349736?pwd=poy9mmzR92bbJu35w0iuncJ4jr638M.1

Members of the audience who wish to address the Council will be invited to do so. Speakers must use the microphone stating their name and address prior to addressing the Council.



Call to Order & Flag Salute





ROLL CALL





Introduction Of Media





PUBLIC COMMENT

Agenda Items only





PRESENTATIONS





126 E. Central Avenue Sutherlin, OR 97479 541-459-2856 Fax: 541-459-9363 www.cityofsutherlin.com

City of Sutherlin

| | | STAFF REPO | RT | | |
|---|--|--|---|--|---|
| Re: 2023 Officer of | Re: 2023 Officer of the Year – Ashley Higgins | | | | |
| Purpose: | Action Item | Workshop | Report Only | Discussion X | Update |
| Submitted By: Tro | y A. Mills, Chief of | f Police | | City Manager Review | |
| Attachments: N/A | A | | | | |
| | WHAT IS BI | EING ASKED | OF COUNCIL: | ? | |
| Presentation of Cer | tificate to Officer A | shley Higgins as | the 2023 Office | r of the Year. | |
| | | EXPLANATIO | ON | | |
| The Roseburg Optin in Douglas County. those who protect at the series of their respective against their respective against as our "Off and Deputies by the individuals who have Cartificate to read | Each year this org and serve our comn portunity for law en encies. This year th icer of the Year! Sh e Roseburg Optimist ve gone above and b | anization holds nunities. forcement agen e Sutherlin Police was honored Club. This is the peyond their even | the "Respect fo cies in our count ce Department I along with othe Optimists Club' eryday duties. | r Law Banquet," ty to select honor has named Office r Douglas County s 48 th year honor | rees from er Ashley y Officers ing those |
| Certificate to rea professionalism, led of the City Council, . Oakland, we honor | adership, teamwork | and dedication artment, City of | that you give to Sutherlin and th | your profession. (ne citizens of Suth | On behalf Perlin and |
| | | OPTIONS | | | |
| | SUG | GESTED MOT | TION(S) | | |

OFFICER OF THE YEAR AWARD 2023

This certificate is awarded to

Police Officer Ashley Higgins







In acknowledgement of the year's outstanding accomplishments, professionalism, leadership, teamwork and dedication that you give to your profession. On behalf of the City Council, Sutherlin Police Department, City of Sutherlin and the citizens of Sutherlin and Oakland, we honor and thank you! Congratulations Officer Higgins, for an outstanding job!

Michelle Sumner, Mayor

Date



Consent Agenda



CITY OF SUTHERLIN

City Council Meeting Civic Auditorium

Monday, February 12, 2024 – 7:00pm

COUNCIL MEMBERS:

Gary Dagel, Joe Groussman, Debbie Hamilton, Shawn Smalley, Larry Whitaker, and Lisa Woods

MAYOR: Michelle Sumner

CITY STAFF: City Manager, Jerry Gillham

City Recorder, Melanie Masterfield Finance Director, Tami Trowbridge

Finance & Administrative Asst., Lindsay Priest

Public Works Director, Aaron Swan

Community Development Director, Kristi Gilbert

Police Chief, Troy Mills

Deputy Fire Chief, Scott McKnight

Livability Services Director/Library Director, Pat Lynch

City Attorney, Chad Jacobs (via Zoom)

Audience: Kathleen Brinegar, John Banducci, Chris & Melissa McGee, Linda Zumwalt, James Norrington, Steve

Simmons, Brett Findlay, Alan Woods, Dani Vallotton, Michael Hogsett, Wayne Kittelson, Wade Scarbrough, Sheri Esterbrook, Maryanne Anderson, Ron Rodriguez, Stewart Fowler, Mike & Karen Meier, Nancy Rodriguez, Dar Yarbrough, Ronald Brinegar, Kathy DeVries, Janice Franklin, Jessica Cannon, Darnell & Jean Hlavinka, Chuck Park, Kerry Miller, Dorian Rodriguez, Jill & Dave Gillen,

Chris Hunter, Kathleen & Richard Sampson, Dana Foley, Lisa Hammersmith

Via Zoom: Beth Houseman, Peter Duncan, Karen's iPhone, Larry Bahr, Jamie Fugate

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

Flag Salute: 7 p.m. Roll Call: All present

Introduction of Media: None

PUBLIC COMMENT (agenda items only)

- John Banducci Spoke in favor of a traffic signal at Dakota Street intersection.
- Karen Meier Expressed gratitude for the changes happening at Hastings Village regarding the rules and new leadership being initiated. She would like to see more safety regulations implemented at Hastings Village.
- Michael Meier Concerned for safety at Hastings Village. Asked if the Fire Marshal had been involved in any inspections or deaths at Hastings Village.
- Luke Fortier Owner of Subway emailed a letter regarding a traffic signal vs roundabout at Dakota Street intersection that City Recorder, Melanie Masterfield read aloud. He requested to be involved with conversations that would impact his business. It is his opinion that a traffic light should be added soon.

PRESENTATIONS

- Sutherlin Area Chamber of Commerce
 - o Executive Director, Jessica Cannon, presented data on city tourism.
 - Visitor Profile.
 - ❖ May is the city's most visited month.
 - Chamber memberships.
 - * Commercials promoting city tourism.

^{**}Mayor Sumner made an announcement for Zoom attendees**

- **.** Future plans to promote growth.
 - ➤ Councilor Dagel Why is tourism higher in May? May is Oregon Wine Month, and Douglas County does a lot of marketing for the month of May.

CONSENT AGENDA

• January 8, 2024 Minutes – Regular Meeting

MOTION made by Councilor Woods to approve Consent Agenda as presented; second by Councilor Hamilton.

Discussion: None

In favor: Councilors Hamilton, Woods, Dagel, Whitaker, Smalley, Groussman and Mayor Sumner

Opposed: None

Motion carried unanimously.

COUNCIL BUSINESS

• Budget Calendar Approval 2024-25 FY

Finance Director, Tami Trowbridge, presented the council with a revised budget calendar for review.

MOTION made by Councilor Whitaker to approve Budget Calendar 2024-24 FY as presented; second by Councilor Hamilton.

Discussion: None

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

Opposed: None

Motion carried unanimously.

• Resolution 2024.02 – Surplus Property – Fire Department Equipment

Staff Report – Deputy Fire Chief, Scott McKnight, requested the surplus of a 2007 Ford F-450 extended cab brush unit and sale of the unit to Fair Oaks Fire District for \$28,000.

MOTION made by Councilor Smalley to approve Resolution 2024.02 – Surplus Property – Fire Department Equipment as presented; second by Councilor Whitaker.

Discussion: None

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

Opposed: None

Motion carried unanimously.

• Resolution 2024.03 – Surplus Property – Public Works Equipment

Staff Report – Public Works Director, Aaron Swan, requested the surplus of a New Age 325 KW generator and a 1990 206 Case 580k Backhoe. They would be sold at the next I-5 auction if approved.

<u>MOTION</u> made by Councilor Groussman to approve Resolution 2024.03 – Surplus Property – Public Works Equipment as presented; second by Councilor Whitaker.

Discussion: None

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

Opposed: None

Motion carried unanimously.

• Resolution 2024.04 – Appropriations Transfer

Staff Report – Trowbridge – A budget adjustment is necessary due to unforeseen circumstances as outlined in the staff report. The City can accommodate the needed changes by accessing the General Fund's Contingency Appropriation. This transfer will comply with Oregon Budget Law.

<u>MOTION</u> made by Councilor Woods to approve Resolution 2024.04 – Appropriations Transfer; second by Councilor Whitaker.

Discussion: None

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

Opposed: None

Motion carried unanimously.

• Purchase Approval – Solar Bees Mixers

Staff Report – Swan – The Solar Bees Mixers were rented last year on a trial basis to analyze their effect on the raw water quality at Cooper Creek Reservoir. Engineers and staff are confident that this purchase will greatly benefit the water treatment process at Cooper Creek Reservoir.

<u>MOTION</u> made by Councilor Whitaker to approve purchase of Solar Bees Mixers from Ixom Water Care Inc. for Cooper Creek Reservoir in the amount of \$100,220; second by Councilor Hamilton. Discussion:

- > Councilor Woods Is there data to show how the mixers helped? Swan Yes, the raw manganese has decreased by roughly 2/3 of what the levels were. After purchase, who is responsible for maintenance and is there a warranty? Yes, there is a warranty and Ixom Water Care Inc. will cover the maintenance for a period of time.
- ➤ Mayor Sumer Does this save money over time? The money savings will be with the decrease in chemicals needed to treat the water.
- ➤ Councilor Groussman wants to have warranty details added to the purchase contract.
- > Councilor Smalley Were less chemicals used last year? Yes. If water is used into the fall like in previous years, the cost savings are significant. The water requires less treatment in the wintertime.

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

Opposed: None

Motion carried unanimously.

• Parks Advisory Committee Appointment

Staff Report – City Recorder, Melanie Masterfield – The City has received one application to fill one vacancy on the Parks Advisory Committee from Terry Brock; term ending December 31, 2025.

Mayor Sumner invited applicant to speak on his behalf.

❖ Terry Brock – Introduced himself and expressed his desire to be a part of this committee and all the good that is happening in Sutherlin.

<u>MOTION</u> made by Councilor Groussman to appoint Terry Brock to the Parks Advisory Committee – term ending December 31, 2025 as presented; second by Councilor Woods.

Discussion: None

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

Opposed: None

Motion carried unanimously.

REPORTS

• Waite Street Improvement Update

Staff Report – Community Development Director, Kristi Gilbert, introduced Jamie Norrington with Civil Solutions Engineering, LLC who provided a power point presentation for the design and construction cost estimate.

- Scope of work includes curb, gutter, sidewalk, crosswalks, rapid flashing beacon, and a new bridge over Sutherlin Creek. Project cost estimate is \$3,484,504.
 - ➤ Mayor Sumner Will the Safe Routes to School grant cover this? Gilbert It will only cover the pedestrian portion of the project; street structure doesn't qualify in the grant.
 - ➤ Councilor Woods Are other grants available to help with cost? Other opportunities can be explored.
 - ➤ Mayor Sumner How long will this project take to complete? *Norrington Roughly 6-7 months once funding is available.*
 - ➤ Councilor Groussman Can breaking the project into phases help with funding. *Norrington Yes*.

WORKSHOP

• Kittelson Update

Staff Report – Gilbert, introduced Wayne Kittelson with Kittelson & Associates who provided a presentation to propose a roundabout at the Dakota Street intersection. The preferred design concept consists of a roundabout at Park Hill Lane and Dakota Street. Some local business and property owners are concerned with circulation of vehicles in that area.

Discussion ensued between council, staff, Kittelson, and ODOT.

Council consensus is to move forward with installing a traffic signal at the Dakota Street intersection.

• Housing & Homelessness Task Force

Staff Report – City Manager, Jerry Gillham – This task force is being formed due to businesses not being able to hire employees due to the lack of housing. Six community members have volunteered to be a part of this task force to help research possible solutions. Staff will bring a resolution back to Council for approval. Councilors Woods and Whitaker and Mayor Sumner will serve on the committee.

Council consensus is to move forward with this task force.

• Hastings Village New Structure

Staff Report – Gillham, provided an outline of the new structure to be implemented at Hastings Village. Dana Foley has been appointed to oversee the camp.

- ➤ Dana Foley The goal is to work with the residents and turn the camp into a park like setting. Information for each camp resident has been collected and cleanup is underway. Tents and structures will be arranged to create a uniform look. Incident reports are being created and turned into the police department. Wood chips, donated by Keller Lumber, will be brought in to create walkways throughout the camp and picnic tables, donated by Glide, will be delivered once the camp is in order. Clarified that the camp has sustained only one death that was due to cold weather and not fire.
- ➤ Gillham In terms of accountability, each camp resident will be provided a copy of "camp rules" that they will sign.
- > Councilor Groussman asked about smoke detectors. Dani Vallotten (village council) has them and they will be installed into units that had them previously removed.
- Councilor Hamilton thanked Foley and expressed appreciation for all his hard work.
- Councilor Smalley appreciates how good the camp looks so far.

CITY MANAGER REPORT (verbal)

• PILT Discussion

Gillham – PILT stands for Payment in Lieu of Taxes and when a new business comes to town and placed in an Enterprise Zone, are allowed to not make property tax payments for several years (normally 10 years). Murphy Plywood qualified for Enterprise Zone benefits. This allows the city to negotiate and take payment in lieu of property taxes and pay directly to the city's General Fund. The General Fund now has an unexpected \$136,000 windfall because it was thought by our consultant that last year was the end of their Enterprise Zone benefits. These funds would have generally gone through Urban Renewal for property taxes. Three options are available:

- o Leave funds in the General Fund
- Move funds to Urban Renewal
- o Split 50/50 between General Fund and Urban Renewal

Council consensus is to leave the funds in the General Fund.

CITY COUNCIL COMMENT

Councilor Dagel

• Acknowledged the front office staff for being kind, helpful and always having a smile. Lindsay, Tena and Roberta.

Councilor Woods

• Visited Hastings Village last week. Very thankful for Foley's positivity and forward thinking.

Councilor Whitaker

• Recognized Officer Ashley Higgins for Officer of the Year.

Councilor Smalley

- Still confused with the traffic signal vs roundabout discussion.
- Kittelson & Associates provided a very good presentation.

Councilor Groussman

- Congratulated Officer Ashley Higgins for Officer of the Year.
- The 48th Annual Officer of the Year banquet is February 23rd at the Douglas County Fairgrounds.

Councilor Hamilton

- Congratulated Officer Ashley Higgins for Officer of the Year.
- Congratulated Councilor Smalley for having two new grandbabies.
- Music Off Central (MOC) is going well. One more date left to schedule.

Mayor Sumner

• Agreed with everything the Councilors said.

PUBLIC COMMENT (Off Agenda Items)

• Karen Meier – Expressed concern for zoning issues regarding many people living in one house on sixth street and calling it a "work barracks".

ADJOURNMENT

With no further business, meeting adjourned at 9:48 p.m.

| EXECUTIVE SESSION: | |
|--|-----------------------------|
| Executive Session called to order at 9:54 p.m. | |
| Executive Session adjourned at 10:31 p.m. | |
| Approved: | |
| | Jerry Gillham, City Manager |
| Respectfully submitted by, | |
| Melanie Masterfield, City Recorder, CMC | Michelle Sumner, Mayor |

^{**}Mayor announced that Council will recess into Executive Session called under ORS 192.660(2)(e) – Real Property Transactions – To deliberate with persons designated by the governing body to negotiate real property transactions. Representatives of the news media and designated staff shall be allowed to attend the executive session. All other members of the audience are asked to leave the room.



COUNCIL BUSINESS





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| City of Sutherlin | | | | | | | | |
|--|----------------------|-----------------|-----------------|------------------|-------------|--|--|--|
| | STAFF REPORT | | | | | | | |
| Re: Formation of W Force | orkforce Housing | & Homelessne | ss Task | Meeting Date: | 03/11/2024 | | | |
| Purpose: | Action Item | Workshop | Report Only | Discussion | Update | | | |
| Submitted By: Jerry Gillham, City Manager Review | | | | | | | | |
| Attachments: Res | solution 2024.05, Ex | khibit A | | | | | | |
| | WHAT IS BI | EING ASKED | OF COUNCI | L? | | | | |
| To approve Resolution 2024.05 - Establishing a Workforce Housing and Homelessness Task Force | | | | | | | | |
| EXPLANATION | | | | | | | | |
| While the City of Hastings Village, w issue on the opposit | orkforce housing af | fordability and | inventory has i | rapidly become a | significant | | | |

plans, and accompanying action if we are to sustain our incredible quality of life here in Sutherlin.

This task force (TF) was created to deal with both circumstances. The TF shall be a single entity comprised of two working teams focused upon the planning and development of a workforce housing neighborhood and establishing an ongoing working model and serving as a staff/council advisory team regarding the ongoing management of Hastings Village specifically, and homelessness issues community-wide generally.

OPTIONS

- 1. Move to approve Resolution 2024.05 Establishing a Workforce Housing and Homelessness Task Force as presented;
- 2. Move to amend Resolution 2024.05 Establishing a Workforce Housing and Homelessness Task Force and approve.

SUGGESTED MOTION(S)

No motion suggested.

RESOLUTION NO. 2024.05

A RESOLUTION CREATING A WORKFORCE HOUSING AND HOMELESSNESS TASK FORCE FOR THE CITY OF SUTHERLIN.

WHEREAS, the City Council desires to take action regarding the need for available workforce housing inventory in Sutherlin for the benefit of the economy and continued quality of life of our community;

WHEREAS, additionally, there exists a population of Sutherlin citizens currently experiencing homelessness and living upon land provided by the City of Sutherlin as required by law in which this site requires continual oversight;

WHEREAS, these unique circumstances require both plans and eventual solutions in order to achieve the goal of improving the economy and quality of life of our community;

WHEREAS, the Sutherlin City Council has determined that the formation of a Workforce and Homelessness Task Force be created to address the need for workforce housing and provide oversight of the city's current homeless property known as Hastings Village;

WHEREAS, the City of Sutherlin has received interest from seven citizens willing to serve on this new task force along with Mayor Sumner and Councilors Woods and Whitaker and the seven volunteers are, Nicole Bennet, Rodney Linton, Maryann Anderson, Sherman Hong, Mary Gilbert, Susan Jordan, and Gail Kuntz;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUTHERLIN AS FOLLOWS:

- **Section 1:** The Workforce Housing and Homelessness Task Force is hereby created by those individuals referenced above.
- Section 2: This Resolution shall be effective following its adoption by the City of Sutherlin City Council.
- **Section 3:** There shall be two ongoing work tasks as described in Exhibit "A" attached.
- **Section 4:** The City Council directs staff to take any action necessary to implement the expectations of this Resolution.

| APPROVED BY THE COUNCIL ON THIS | DAY OF | , 2024 |
|---|---------------------|--------|
| APPROVED BY THE MAYOR ON THIS _ | DAY OF | , 2024 |
| | | |
| | | |
| $\overline{\mathrm{Mi}}$ | chelle Sumner, Mayo | r |
| ATTEST: | | |
| Melanie Masterfield, City Recorder, CMC | | |

City of Sutherlin

Housing and Homelessness Task Force

Resolution 2024.05, Exhibit "A"

MISSION

Examine our existing housing inventory and in viewing our future, research and create solutions for needed housing, essential for bolstering our economy and improving the quality of life of all our citizens. Consider housing types such as workforce, and moderate-low income; and the environments necessary for each.

Organization: Staff

Team Facilitator:

Pat Lynch

Team Advisor:

Kurt Sorenson

Team Recorder:

Melanie Masterfield

Team Coordinator:

Jerry Gillham

Team Advisor:

Tami Trowbridge

Team Land-use:

Kristi Gilbert

Organization: Policy

Mayor Sumner; Councilor Woods; Councilor Whitaker

Organization: Citizens at Large (Established by Council)

The City of Sutherlin has received interest from several individuals interested in serving on a Council-Appointed, Housing and Homelessness Task Force and will formally authorize the establishment of, and making appointments to, this new task force on 03/11/2024. The six citizens are:

Nicole Bennet, Maryann Anderson, Rodney Linton, Susan Jordan, Gail Kuntz, and Mary Gilbert

Suggested Goals

- 1. Conduct existing inventory
- 2. Research history and anticipated future housing needs/trends
- 3. Identify all possible resources to assist in accomplishing our mission
- 4. Examine potential options
- 5. Forecast a ten-year outlook showing the impact
- 6. Advise staff in the ongoing issues of homelessness, to include Hastings Village

Oak Street Commons will be the first managed workforce housing, planned unit development in Sutherlin. The national housing shortage is perhaps felt more deeply in the rural west than in urban settings. We plan in changing that in Sutherlin. Oak Street will be a small village with mixed housing types from very-low and low income families to some market rate single family homes. It will include cottages, duplexes, townhomes and single family homes. With a vacancy rate of less than 2%, additional housing is critically needed here for all income levels. Our employers are unable to hire new employees or expand their businesses because there are few or no vacancies that are affordable to skilled workers. Lower income households have enormous difficulty finding housing.

The City of Sutherlin is purchasing a 10 acre site to build Oak Street Commons and has assembled a group of housing representatives (HUD, HADCO, CDBG, iSector, home builders, business leaders and others) to guide the project to fruition. Phase 1 will provide site infrastructure to include streets, sidewalk, pathways, utilities, storm water, the construction of a community resource and recreation center, a dozen cottage homes and a dozen duplexes. Construction of town homes, single family dwellings, and a community park and garden will follow. The location — one block off of our main street and two blocks from downtown — are ideal for creation of a new, vital, walkable community. We are intent upon creating a model development that is replicable and scalable for rural Oregon and the west.





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City of Sutherlin

| STAFF REPORT | | | | | |
|--|---|-----------------------------------|-----------------------------------|------------------------|-----------|
| Re: Resolution 2024 | 4.06 – Police Depar | tment Surplus | Property | Meeting Date: | 03/11/202 |
| Purpose: | Action Item | Workshop | Report Only | Discussion | Update |
| Submitted By: Poli | ice Chief, Troy Mil | ls | | City Manager Review | |
| Attachments: Res | solution 2024.06 | | | | |
| | | | | | |
| | WHAT IS BI | EING ASKED | OF COUNCIL | ? | |
| Approve the surplu | s of two – 2017 For | d Explorer patro | l vehicles. | | |
| | | EXPLANATIO | ON | | |
| and/or are at the end Sutherlin communi The following vehic 1) 2017, Ford VIN: 1FM5 2) 2017, Ford E | te Department has to d of their useful life ty. It is requested the cles and equipment Explorer Interceptor K8AR7HGD60117 Explorer Interceptor K8AR9HGD60118 | and no longer cat the city surplu | apable of providus these vehicles | ling services for t | |
| | | OPTIONS | | | |
| N/A | | | | | |
| | SUG | GESTED MOT | TION(S) | | |
| 1) Approve Resolut | tion 2024.06 – Surpl | lus Property | | | |
| 2) Not approve Res | solution 2024.06 - St | urplus Property | | | |
| City of Sutherlin S | taff Report | | | | Page 1 |

RESOLUTION NO. 2024.06

A RESOLUTION OF THE CITY OF SUTHERLIN CONCERNING CERTAIN PERSONAL PROPERTY TO BE DECLARED SURPLUS PROPERTY AND AUTHORIZING ITS DISPOSAL

The City Council of Sutherlin finds that:

- 1) 2017, Ford Explorer Interceptor (1702) VIN: 1FM5K8AR7HGD60117
- 2) 2017, Ford Explorer Interceptor (1703) VIN: 1FM5K8AR9HGD60118
 - A. Equipment listed reflects equipment no longer needed for the public purpose for which it was acquired and is therefore surplus property.
 - B. Under provisions of City Code Section 2.40, the City Manager is authorized to dispose of surplus personal property through sale by auction, by negotiated sale without competitive bids, or by donation.
 - C. Disposal of these items will be designated by City Manager.

NOW THEREFORE, BASED UPON THE ABOVE FINDINGS, BE IT RESOLVED, by the city council of the City of Sutherlin, a Municipal Corporation of the State of Oregon, as follows:

- **Section 1:** Based upon the above findings, which are hereby adopted, the personal property described above is hereby declared to be surplus personal property of the City of Sutherlin.
- Section 2: The surplus personal property shall be disposed of by the City Manager in accordance with the provisions of City Code Section 2.40.

| DAY OF | , 2024 |
|------------------------|--------|
| Michelle Sumner, Mayor | |
| _ | |

Resolution 2024.06



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City of Sutherlin

| STAFF REPORT | | | | | | | |
|--|--|---|---|---|---------------------------------------|--|--|
| Re: Resolution 2024 | Re: Resolution 2024.07 - Safe Routes to School Grant Application | | | | | | |
| Purpose: | Action Item | Workshop | Report Only | Discussion | Update | | |
| Submitted By: Kri | Submitted By: Kristi Gilbert, Community Development Director City Manager Review | | | | | | |
| Attachments: Res | solution 2024.07 | | | | | | |
| | | | | | | | |
| | WHAT IS B | EING ASKED | OF COUNCIL | ? | | | |
| Authorization for th | Authorization for the City of Sutherlin to apply for a Safe Routes to School Grant. | | | | | | |
| | | EXPLANATIO | ON | | | | |
| applications. Working closely w hazard area for kids wider street, multi-ubeacon within exist | ith the Sutherlin Sc s to walk and/or bike use pathway, storm, ing right of way to over | hool District, We to school. The gutters, crosswa | Vaite Street has le intent of this golks, curbs, pedes te to school for o | been identified a rant would be to trian bridge, and our children. | s a safety provide a a flashing | | |
| | | OPTIONS | | | | | |
| | | OPTIONS | | | | | |
| | n 2024.07 - SRTS G ution 2024.07 - SRT | | | | | | |
| | SUG | GESTED MOT | TION(S) | | | | |
| To approve Resolut | tion 2024.07 - SRTS | S Grant Applicat | ion. | | | | |

City of Sutherlin Staff Report

RESOLUTION 2024.07

A RESOLUTION TO AUTHORIZE THE CITY OF SUTHERLIN TO APPLY FOR A SAFE ROUTES TO SCHOOL (SRTS) GRANT FROM THE OREGON DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE DEVELOPMENT OF A BICYCLE/PEDESTRIAN PATHWAY SYSTEM ON WAITE STREET TO AND FROM SUTHERLIN SCHOOLS AND DELEGATING AUTHORITY TO THE CITY MANAGER TO SIGN THE APPLICATION.

WHEREAS, ODOT is accepting applications for the SRTS Program; and

APPROVED BY THE CITY COUNCIL ON THIS

WHEREAS, the City of Sutherlin desires to participate in this grant program to the greatest extent possible as a means of providing bicycle/pedestrian connectivity, infrastructure improvements and enhancements to provide wider street, multi-use pathway, storm, gutters, crosswalks, and curbs, pedestrian bridge and a flashing beacon within the existing right-of-way of Waite Street; and,

WHEREAS, the Sutherlin City Council has identified infrastructure improvements in the Transportation System Plan (TSP) and the South Side Corridor Master Plan.

IT IS HEREBY ORDERED that the City of Sutherlin be authorized to apply for a SRTS Program Grant from the Oregon Department of Transportation for the construction of sidewalks/pathways as specified above.

DAY OF

2024

| APPROVED BY THE MAYOR ON THIS | |
|---|------------------------|
| | Michelle Sumner, Mayor |
| ATTEST: | |
| Melanie Masterfield, City Recorder, CMC | |

Resolution 2024.07



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City of Sutherlin

| STAFF REPORT | | | | | |
|---|------------------|----------|------------------------|---------------|------------|
| Re: Resolution 2024.08 - ORS 105.668 Recreational Immunity. | | | | Meeting Date: | 03/11/2024 |
| Purpose: | Action Item | Workshop | Report Only | Discussion | Update |
| Submitted By: Tami Trowbridge, Finance Director | | | City Manager Review | \boxtimes | |
| Attachments: Re | solution 2024.08 | | | | |
| | | | | | |

WHAT IS BEING ASKED OF COUNCIL?

Adopt Resolution 2024.08 to limit the liability of cities for personal injury and property damage that arises out of the public's non-motorized use of trails or structures in public easements and unimproved rights of way.

EXPLANATION

ORS 105.668 limits the liability of cities for personal injuries or property damage that arises out of the public's non-motorized use of trails and structures in public easements and unimproved rights of way. ORS 105.668 automatically applies to cities with populations of 500,000 or more. Cities with smaller populations must affirmatively adopt ORS 105.668's protections via either resolution or ordinance.

ORS 105.668 also applies to cities' officers, employees, and agents; owners of land abutting the public easement or unimproved right of way; and nonprofits and their volunteers who construct and maintain trails and structures in public easements and unimproved rights of way. Adopting ORS 105.668 could encourage landowners to grant easements for the public's use by reducing their risk of liability. It could also encourage nonprofits to assist the City with trail maintenance and construction by reducing their risk of liability.

ORS 105.668 would also expand the City's existing limitations of liability. The recreational immunity provided by ORS 105.682 and ORS 105.688 already applies to the City. However, recreational immunity only protects the City when an individual is injured while engaged in recreational activities. ORS 105.668 applies regardless of the individual's reason for using trails or structures in public easements or unimproved rights of way. Additionally, the Oregon Court of Appeal's recent decision in Fields v. City of Newport, 326 Or App 764 (2023), has reduced the reach of cities' recreational immunity, which could create more liability for the City. ORS 105.668 could fill in the gap in recreational immunity left by the Court of Appeal's decision.

ORS 105.668's limitation of liability is not absolute, however. It will not protect the City if an individual is injured due to gross negligence or reckless, wanton, or intentional misconduct.

OPTIONS

Adopt Resolution 2024.08 - ORS 105.668 Recreational Immunity Not adopt Resolution 2024.08 - ORS 105.668 Recreational Immunity

SUGGESTED MOTION(S)

Move that Resolution 2024.08 - adopting the limitation of liability for certain claims arising from the use of trails or structures within public easements and unimproved rights of way under ORS 105.668 be adopted as presented.

RESOLUTION NO 2024.08

A RESOLUTION OF THE CITY OF SUTHERLIN ADOPTING THE LIMITATION OF LIABILITY FOR CERTAIN CLAIMS ARISING FROM THE USE OF TRAILS OR STRUCTURES WITHIN PUBLIC EASEMENTS AND UNIMPROVED RIGHTS OF WAY UNDER ORS 105.668

WHEREAS, ORS 105.668(2) limits the liability of cities, adjacent property owners, and certain non-profit groups for injuries or property damage that result from the public's non-motorized use of trails or structures that are in a public easement or an unimproved right of way; and

WHEREAS, ORS 105.668(3) authorizes cities with populations less than 500,000 to adopt such limitation of liability by resolution; and

WHEREAS, Sutherlin's population is less than 500,000; and

WHEREAS, Sutherlin has trails or structures within its public easements and unimproved rights of way that may be used by the public for non-motorized activities such as walking, hiking, or biking; and

WHEREAS, the Council finds that the Sutherlin's trails and structures are an important public amenity, that the public's use of such trails or structures is important for the health and enjoyment of the community, and that use should be encouraged; and

WHEREAS, the Council further finds that it is important to protect the City of Sutherlin, adjacent property owners, and certain nonprofit groups who provide the public with access to and perform maintenance for such trails and structures so that the public may continue to access such trails and structures; and

WHEREAS, the Council also finds that adopting the limitation of liability in ORS 105.668(2) will provide the City of Sutherlin, adjacent property owners, and nonprofit groups with such protection and will encourage the public's continued use of trails and structures in Sutherlin's public easements and unimproved rights of way.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SUTHERLIN AS FOLLOWS:

<u>Section 1</u>. <u>Findings</u>. The above findings are hereby adopted.

<u>Section 2</u>. <u>Limitation of Liability</u>. Pursuant to ORS 105.668(3), Sutherlin hereby adopts the limitation of liability provided by ORS 105.668(2).

Resolution No. 2024.08

| Section 3. | <u>Severability</u> . If any provision, section, phrase, or word of application to any person or circumstance is held invalid, the ir any other provision that can be given effect without the application. | rvalidity does not affect |
|------------|---|---------------------------|
| Section 4. | Effective Date. This Resolution shall take effect immediately | upon approval. |
| PASS | ED BY THE COUNCIL ON THIS DAY OF | , 2024 |
| APPR | OVED BY THE MAYOR ON THIS DAY OF | , 2024 |
| | | |
| | Michelle Sumner, Mayor | <u> </u> |
| ATTEST: | | |

Melanie Masterfield, City Recorder, CMC



126 E. Central Avenue Sutherlin, OR 97479 541-459-2856 Fax: 541-459-9363 www.cityofsutherlin.com

City of Sutherlin

| | | STAFF REPO | RT | | |
|--|--|---|--|---|--|
| Re: Ordinance – An at City Council Med | _ | | lic Comment | Meeting Date: | 3/11/202 |
| Purpose: | Action Item | Workshop | Report Only | Discussion | Update |
| Submitted By: Cit | y Attorney, Chad J | Jacobs | | City Manager Review | |
| Attachments: Ena | actment Notice, Dra | ft Ordinance | | | |
| | | | | | |
| | WHAT IS BI | EING ASKED | OF COUNCIL: | ? | |
| | | larity within the | e council rules r | | |
| | | EXPLANATIO | ON | | |
| public comment or updated to implem experienced disrupt The proposed ordin participation as we | virtual access to Conline if public comment these provisions to their meeting ance amends the Coll as to provide generally ification for Council | ment is permitted as of state law. It is general guidance reflect current | In addition, mals engaging in reate procedures e as to the scopractices but "o | Council rules we nultiple jurisdictivirtual public conto allow for virtupe of permissib | ons have mments. ual public le public |
| | | OPTIONS | | | |
| N/A | | | | | |
| | SUG | GESTED MOT | TION(S) | | |
| | | | | | |

Approve Ordinance – Amending Chapter 2.05.050 of the Sutherlin Municipal Code related to public comment at city council meetings (first reading, title only).

Not approve Ordinance – Amending Chapter 2.05.050 of the Sutherlin Municipal Code related to public comment at city council meetings (first reading, title only).

{00878872; 1 }City of Sutherlin Staff Report



City of Sutherlin

Administration 126 E. Central Avenue Sutherlin, OR 97479 (541) 459-2857 Fax (541) 459-9363 www.cityofsutherlin.com

NOTICE OF ORDINANCE ENACTMENT

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SUTHERLIN AMMENDING CHAPTER 2.05.050 OF THE SUTHERLIN MUNICIPAL CODE. RELATED TO PUBLIC COMMENT AT CITY COUNCIL MEETINGS

THIS ORDINANCE WILL BE CONSIDERED BY COUNCIL AT THE REGULAR COUNCIL MEETING OF

FIRST READING: MONDAY, MARCH 11, 2024 @ 7PM SECOND READING (if first reading approved):

MONDAY, APRIL 8, 2024 @ 7PM
CIVIC AUDITORIUM - 175 E. EVERETT AVENUE

Questions or copies of this Ordinance may be viewed by interested persons at the office of City Recorder, 126 E. Central Avenue, Sutherlin, Oregon, between the hours of 9:00 a.m. and 5:00 p.m., weekdays. A copy of this Ordinance may be purchased by interested persons for a sum determined to cover the City's expense for providing the copy.

Pursuant to Section 30 (b) (c) of the Sutherlin City Charter, this notice has been posted at the following locations: Sutherlin City Hall; Sutherlin Post Office; Sutherlin Library; Sutherlin Visitor's Center and the City's website, www.cityofsutherlin.com.

Posted this day, March 1, 2024 By Melanie Masterfield City Recorder

| ORDINANCE NO. | |
|---------------|--|
|---------------|--|

AN ORDINANCE AMENDING CHAPTER 2.05.050 OF THE SUTHERLIN UTHERLIN MUNICIPAL CODE. RELATED TO PUBLIC COMMENT AT CITY COUNCIL MEETINGS

WHEREAS, Sutherlin Municipal Code contains the rules of procedure for City Council meetings; and

WHEREAS, the Council desires to update the rules of procedure related to public comment.

NOW, THEREFORE, THE CITY OF SUTHERLIN ORDAINS AS FOLLOWS:

Section 1. Section 2.05.050 of the Sutherlin Municipal Code is hereby amended to read as follows:

2.05.050 Duties of meeting chair and public comment.

A. The Mayor shall chair all meetings of the Council. In the absence of the Mayor, the Council President shall act as Mayor Pro-Tem and chair the meeting. In the absence of both the Mayor and Council President, the City Recorder shall call the meeting to order whereby a temporary presiding officer (chair) shall then be elected by the members of Council present.

- B. The chair shall keep the meeting in order and impose any reasonable restrictions necessary for efficient and orderly conduct. The chair may modify the order of business on the agenda rather than follow the agenda as published. The chair shall preserve order and decorum, prevent attacks on personalities and confine members in debate to the question under discussion. The chair shall state all questions submitted for vote and announce the results.
- C. The chair shall have the prerogative to set guidelines for public hearings and audience participation *in a manner consistent with these rules*. If public participation is to be a part of the meeting, the chair may regulate the order and length of appearances and limit appearances to presentations of relevant points. In exercising such duties, the chair shall impose restrictions in a uniform manner so that all persons seeking to appear before the Council shall have an equal amount of time to do so; provided, that the chair may afford additional time to any speaker as necessary for the Council to receive relevant information. The chair may request that groups with similar comments choose a spokesperson to present joint remarks and provide the spokesperson with additional time. When receiving public request, testimony and evidence, the chair shall rule on the admissibility and propriety of such request, testimony and evidence.
- D. Citizen and community group testimony forms will be available at each meeting and shall be filled out and handed to the City Recorder. At the time on the agenda designated for public comment and during any public hearing, any member of the public desiring to address the Council must first request to be recognized by the chair and then state his or her name for the record.

E. Public comment during City Council meetings is not an absolute right. Rather, the City Council permits public comment only for the limited purposes of hearing from the public about matters

directly related to the business of the City that is within the Council's jurisdiction. The public comment period is a limited public forum and comments are therefore appropriately limited to matters of concern, official action, or deliberation which are or may come before City Council. The City Council is not creating an opportunity for and will not accept public comment on matters that fall outside the scope of the Council's jurisdiction, such as employment issues related to employees and officers who are not appointed or supervised by Council. During public hearings, all public comment must relate to the specific matter under discussion. All public comments must be addressed to the City Council as a body.

F, Public comment must not unduly interfere with the City Council's ability to conduct business or otherwise disrupt City Council meetings. Comments that substantially interrupt, delay, or disturb the peace and good order of the proceedings of the City Council are not permitted. Examples of such types of comments include shouting, use of profanity or vulgarity, or speaking outside of allotted time or without first being recognized by the chair. In addition, public comment may not be used for belligerent or abusive behavior including true threats, fighting words, or incitements to imminent lawless action. Abusive and harassing comments that could lead to the creation of a hostile work environment for City employees required to attend City Council meetings likewise unduly interferes with the Council's ability to conduct its business and are therefore prohibited. The City Council requests that all public comment is provided in a manner that is respectful to those in attendance at the meeting.

G. Public comment may be provided to the Council either orally or in writing. Individual and community group testimony forms will be available at each regular business meeting and must be filled out prior to providing public comment orally. Individual and community groups desiring to provide public comment virtually, must register with the City Recorder by 3:00 pm the day of the meeting and provide their name, email, phone, and a general topic. Written comments may be provided to the City Recorder either in advance of or during the Council meeting, although it is possible that the City Council may not be able to read written comments provided during a meeting until after the meeting has concluded.

<u>HE</u>. Upon councilor Motion and a second thereof, decisions of the chair described in the above Subsections B and C may be appealed to a vote of the Council.

Section 2. This ordinance shall take effect 30 days after it is approved by the Mayor

| PASSED BY THE COUNCIL, ON THIS | DAY OF | , 2024 | |
|---|------------------------|--------|--|
| APPROVED BY THE MAYOR, ON THIS _ | DAY OF | , 2024 | |
| ATTEST: | Michelle Sumner, Mayor | | |
| Melanie Masterfield, City Recorder, CMC | | | |



REPORTS





126 E. Central Avenue Sutherlin, OR 97479 541-459-2856 Fax: 541-459-9363 www.citvofsutherlin.com

City of Sutherlin

| STAFF REPORT | | | | | | |
|---|-------------|---------------|------------------------|-------------|--------|--|
| Re: Regulation of Psilocybin | | Meeting Date: | 3/11/24 | | | |
| Purpose: | Action Item | Workshop | Report Only | Discussion | Update | |
| Submitted By: Chad Jacobs, City Attorney's Office | | | City Manager Review | \boxtimes | | |
| Attachments: none | | | | | | |
| | | | | | | |

WHAT IS BEING ASKED OF COUNCIL?

Council is being asked to provide direction to staff regarding the regulation of psilocybin (mushrooms) within the City.

EXPLANATION

In November 2020, Oregon voters approved Ballot Measure 109, known as the Oregon Psilocybin Service Act, which allows for the manufacture, delivery, and administration of psilocybin (mushrooms) at licensed facilities. The Oregon Health Authority (OHA) is generally responsible for the regulation of psilocybin; however, state law provides municipalities with a limited ability to control psilocybin manufacture and use within City limits.

There are four different types of licenses that OHA issues under the state's psilocybin program – manufacturer (production), laboratory (testing), facilitator (server), and service center licenses (locations were provided and taken).

Measure 109 provides three different areas where the city can be involved in the state's psilocybin program.

- First, the city is permitted to prohibit licensed manufacturers or service centers within its jurisdiction. Any such prohibition, however, must be approved by the city's voters at a general election before it can take effect. In 2022, the City Council adopted a two-year prohibition, which was approved by the voters. The prohibition, which will expire at the end of this year, is codified in Chapter 8.19 of the Sutherlin Municipal Code. In 2022, the two-year prohibition was presented to the voters as a means to provide additional time for the City to enact reasonable time, place and manner restrictions on licensed facilities.
- Second, the city may impose reasonable time, place and manner restrictions on licensed
 facilities, if such facilities are not otherwise prohibited. Under state law, there are two
 types of facilities that may be regulated by the City: manufacturing facilities and service
 centers. Manufacturing facilities are where the psilocybin is grown. Under state law, these

facilities must grow psilocybin indoors – no outside growing is permitted. Service centers are facilities where the psilocybin is administered to clients. State law requires the use of psilocybin at a service center – clients may not take psilocybin with them to use off premises. Under state law, psilocybin service centers are prohibited in residential zones located within the City as well as within 1,000 feet of a school. If the state determines that there is a physical or geographic barrier capable of preventing children from traversing to the premises of the psilocybin service center, the limit on distance requirement is decreased to 500 feet. In addition, licensed premises must have defined boundaries, but they do not need to be enclosed by a wall, fence or other structure. Furthermore, all mobile premises are prohibited by state law, but state law expressly permits the co-location of manufacturing and service center facilities. The City may impose additional limitations. Such limitations must be reasonable in nature and may regulate things such as the time of operation of the facilities, where the facilities may be located within the City, the manner in which licensees provide services or manufacture psilocybin, as well as how the public accesses such facilities. These regulations are not required to be approved by the voters, but will likely require amendments to the development code, which require notice to the state as well as hearings before both the Planning Commission and Council. The City initiated the process to enact such amendments in 2022 but abandoned that process once the two-year prohibition was approved by the voters.

• Finally, before OHA issues a license for a facility, the city must provide a land use compatibility statement (commonly known as a LUCS), to ensure that the proposed facility is in compliance with local land use regulations. This will only occur if facilities are not otherwise prohibited within the City.

Because the current prohibition on psilocybin facilities is set to expire at the end of this year, staff is requesting guidance from the Council regarding how it would like to proceed. Options the Council may consider include:

- Enacting and presenting to the voters at the November 2024 general election a permanent prohibition;
- Enacting and presenting to the voters at the November 2024 general election an extension of the current temporary prohibition for a period of time decided by the council;
- Re-initiating the process to impose reasonable time place and manner restrictions; or
- Take no action.

Whether to propose a permanent prohibition or an extension of the temporary prohibition currently in place is a policy decision for the Council to make. As noted above, the current temporary prohibition was presented by the voters as a means to provide the City with additional time to enact reasonable time, place and manner restrictions. To that end, if the Council would like to propose a permanent or extended temporary prohibition, the Council may want to consider articulating to the voters the reasons why such a prohibition is necessary. If the Council desires to propose a permanent or extended prohibition, the City will need to enact the ordinance and refer it to the voters by August 16, in order to have it placed on the November 2024 general election ballot.

Whether or not the Council desires to propose a permanent or extended temporary prohibition, the Council should likely re-initiate the process to enact reasonable time, place and manner

restrictions. If the Council decides not to propose a permanent or extended temporary prohibition, having these restrictions in place prior to the expiration of the current prohibition will permit the City to regulate where and how these facilities are operated. Furthermore, even if the Council desires to propose a permanent or extended temporary prohibition, there is no guarantee that the voters will approve the Council's proposal. Therefore, having the restrictions ready to be enacted in November or December 2024, in case the voters reject the Council's proposal, will ensure that the facilities are properly regulated.

The Council, may, of course, decide to do nothing, which would mean that the temporary prohibition will expire on December 31, 2024, and thereafter, psilocybin manufacturing facilities and service centers would be permitted in the City without any local regulations and would be subject only to those regulations set forth in state law, which are generally described above.

OPTIONS

Provide directions to staff regarding how the Council would like to proceed with the regulation of psilocybin facilities within the City.

SUGGESTED MOTION(S)

None.



CITY MANAGER REPORT (verbal)





COUNCIL COMMENTS





PUBLIC COMMENT





ADJOURNMENT





FOR YOUR INFORMATION



PUBLIC NOTICE – CITY OF SUTHERLIN

CITY COUNCIL MEETING

The March 11, 2024, City Council meeting will be held in Civic Auditorium at 175 E Everett beginning at 7:00 p.m. The City has taken steps to utilize current technology in order to make meetings available to the public in compliance with ORS 192.670 – Meetings by Means of Telephone or Electronic Communication. The public is welcome to attend the meeting in person or join via Zoom.

City of Sutherlin is inviting you to a scheduled Zoom meeting.

Topic: City Council Meeting

Time: March 11, 2024 7:00 PM Pacific Time (US and Canada)

Join Zoom Meeting

https://us06web.zoom.us/j/86072349736?pwd=poy9mmzR92bbJu35w0iuncJ4jr638M.1

Meeting ID: 860 7234 9736

Passcode: 913704

Find your local number: https://us06web.zoom.us/u/knhKEAJ4i

Melanie Masterfield

From:

Melanie Masterfield

Sent:

Wednesday, March 6, 2024 10:08 AM

To:

Ashley (ashley@bciradio.com); DC Commisioners (commissioners@co.douglas.or.us); Dennis Nakata; Erica Welch; Kyle-KQEN (KYLE@BCIRADIO.COM); Michael Salpino; News

Desk (newsdesk@nrtoday.com); Register Guard (rgnews@registerguard.com); Roseburg

Beacon (info@roseburgbeacon.com)

Subject:

Attachments:

Sutherlin City Council Agenda 3. CC MAR 11.24 Meeting.pdf

Please see the attached agenda for Sutherlin City Council on Monday, March 11, 2024.



Melanie Masterfield, CMC

City Recorder/Community Engagement Manager m.masterfield@ci.sutherlin.or.us City of Sutherlin 126 E Central Ave. Sutherlin, OR. 97479 541.459.2857 x 208

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