



Council Minutes

January 26th, 2021

ROLL CALL: Mayor Don Ware called the teleconference meeting to order at 7:00 p.m. with Councilors Block, Thompson, Gerber, Hansen, Chambers, Neddeau, Administrative Assistant Tammi Morrow, and City Administrator Scott McDowell present.

PUBLIC: Sergeant Beth Miller (*Linn County Sheriff's Office*), Allen Buzzard, Council-Elect Michael Humphreys, Council-Elect Adam Craven, Alex Paul (*Democrat-Herald*), and Tia Parrish (*The Times*).

City Administrator McDowell reminded everyone of the ground rules for speaking and interacting during the teleconference. Folks speaking at the Citizen's Comments time will have 3 minutes each. Council motions will be done differently. Councilors will raise their hand to oppose motions in order to efficiently vote on matters before Council. Anyone wishing to speak will need to select the raised hand icon or dial *2 on their telephone or mobile devices.

The pledge of allegiance was recited by Mayor Ware.

ADDITIONS AND DELETIONS: McDowell would like to add two items under 9) Legislation; G. R 2021.07 & H. 2021.08.

MINUTES: Councilor Hansen made a motion to approve the December 15th, 2020 meeting minutes as presented. Councilor Gerber seconded the motion and it passed unanimously.

PUBLIC HEARING | PRESENTATIONS:

- Oaths & Affirmations.** Mr. McDowell showed a video of the Oaths of Office administered to Councilor Gerber, Craven, and Humphreys.
- Brownsville Art Association (BAA) Annual Report.** McDowell presented slides from the BAA annual report submitted by Dr. Lori Garcy. BAA thanked the City for the support over the last year with hopes that 2021 will allow for classes, artist receptions, and once again be a gathering place for artists and the public.
- Calapooia River Erosion – Mr. Eric Gerber.** Mr. Gerber was present to inform Council that there has been an unusual large amount of bank erosion along their property and the park this year. He would like for this issue to stay in front of Council and is looking for some resolution. He suggested perhaps having a professional study done. Mayor Ware replied that Council does look at the erosion problem constantly, and the project looks to cost about \$2-\$3 million, for results that cannot be guaranteed. Mayor Ware stated that Council continues to maintain that nature will take its course as we don't have the funding for a project of several million dollars producing uncertain outcomes. McDowell suggested that the matter could be brought to Council goal setting and discussed then. Council agreed by consensus.

DEPARTMENT REPORTS:

- Linn County Sheriff's Office (LCSO) Sheriff's Report.** Sergeant Beth Miller delivered the report for the month of December 2020. Miller reported 14 traffic citations, 12 warnings, and 226.75 total hours spent for the City. Other incidents



Council Minutes

included complaints of juveniles riding motor bikes, and Miller encouraged people to call LCSO if they witness these kinds of incidents. There continues to be a rash of vehicle break-ins around town. Most of the vehicles were not locked, and had no signs of forced entry. Miller stated that they had a business owner contact them about their customers not wearing masks. Sergeant Miller informed Council that LCSO will not be issuing citations or handling other mask enforcement at this time. Businesses are encouraged to deal with those situations. Miller is also working on getting more complete information for Council on the monthly reports.

2. Public Works. Mr. McDowell will report for Public Works.

3. Administrator's Report. McDowell reported that the State's long legislative session began last week. The League of Oregon Cities (LOC) and the Oregon Cascades West Council of Governments (COG) had been working on shared advocacy issues and making substantial progress during the last long-session in 2019. However, with the COG in transition with new leadership, advocacy will fall back to relying on only the LOC. One area that the COG made progress on was with wetlands, hoping that the Feds will hand over wetlands control to the State of Oregon, however, the State of Florida was recently sued by a special interest group for the same concept which is allowed under Federal law.

McDowell reported that Public Works Superintendent Karl Frink has been inspecting the River's Edge subdivision. Frink reports that the contract is still several weeks away from being complete with the public portions of the contract. Frink is also inspecting the sanitary sewer section on Seven Mile Lane that is being installed from Henshaw and Hausman. So far, the project is coming along nicely. Weather will dictate a completion date.

McDowell reported that Speer, Hoyt has changed its name to Local Government Law Group. City attorney Ross Williamson and the rest of the team will continue to provide legal services to the City of Brownsville.

Former Councilor Doug Block (along with Mr. McDowell) has been the City's representative at the quarterly LCSO meetings. As Councilor Block's Council term has now ended, a new representative will need to be appointed to this position.

McDowell reported that the State was sued by the interest group Water Watch in 2010 regarding curtailing water rights for municipal uses. The court ruled that cities had to curtail their water rights. The Oregon Water Resources Department (OWRD) required the City to complete a Water Conservation Management Plan as part of this curtailment. The City has until March 2022 to complete this plan. Mr. McDowell and Mr. Frink have contacted Oregon Association Water Utilities (OAWU) to complete this Water Conservation Management Plan. Council will consider Resolution 2021.07 later in the meeting dealing with this contract. Funds have already been budgeted for this purpose.

Several local agencies are working on coordinating a local Emergency Management position that would serve our local area by providing regional planning and training. The group is still wrestling with details. The City's Emergency Preparedness Committee would not be adversely impacted by this position. The local agencies are meeting monthly. McDowell will bring more information to Council when it is available.



Council Minutes

Council was interested in refinancing the OECDD loan due to lending rates being so low right now. Council will consider Resolution 2021.08 later tonight. Refinancing this loan will save the taxpayers over \$25,000 over the life of the loan. In 2016 the City refinanced the water and sewer debt saving the taxpayers over \$2.2 million, with better agreement terms as well.

McDowell has been sharing the Covid-19 vaccination plans and information as it becomes available to him with the appointed and elected officials. He encourages those folks to share that information with others.

It is hard to know when things will open back up, but Staff determined that it would be beneficial to hold the Park lottery and prepare for opening the facilities when the Governor and/or the President lift the restrictions and liabilities.

McDowell reminded Council of the retreat and goal setting session on Saturday, February 20th, 2021 from 9:30 a.m. – 12:30 p.m. possible. McDowell will be sending out goals for Council review in the next week or so. Please have any goals that you would like to add to Mr. McDowell or Mrs. Morrow by February 11th, 2021. We will be making lunch arrangements for the group as well.

Mr. McDowell stated the Mr. Frink has informed him that the sanitary sewer line on Seven Mile Lane has been extended for a week due to the amount of heavy rainfall lately.

4. **Planning.** No comments.
5. **Library.** No comments.
6. **Court.** No comments.
7. **Council Comments.** Councilor Hansen commented that he really appreciates the efforts of our Librarian Ms. Sherri Lemhouse for keeping our library open and serving the public during the pandemic. Mayor Ware stated that he also appreciates the many volunteers that her out as well.
8. **Citizen Comments.** Mr. Allen Buzzard congratulated new Councilors Craven and Humphreys. He expressed appreciation for their willingness to serve the City.

LEGISLATIVE:

1. **Resolution 2021.01 – Chambers Public Service Recognition & Resolution 2021.02 – Block Public Service Recognition.** *Councilor Gerber made a motion to approve R 2021.01 and R 2021.02. Councilor Neddeau seconded the motion, and it passed unanimously.*
2. **Resolution 2021.03 – Appoint Pro-Tempore Judge (Annual).** *Councilor Hansen made a motion to approve R 2021.03. Councilor Thompson seconded the motion, and it passed unanimously.*
3. **Resolution 2021.04 – Commitment to Safety Program.** *Councilor Craven made a motion to approve R 2021.04. Councilor Gerber seconded the motion, and it passed unanimously.*



Council Minutes

4. **Resolution 2021.05 – Disburse Transient Room Tax (Annual).** Councilor Hansen made a motion to approve R 2021.05. Councilor Gerber seconded the motion, and it passed unanimously.
5. **Resolution 2021.06 – Authorize Check Signers.** McDowell stated that Mayor Ware and Councilor Neddeau will continue to be check signers. Councilor Block will have to be replaced, and Councilor Humphreys will be the new additional check signer for daytime convenience. McDowell and Morrow will handle compliance with bank regulations. Councilor Craven made a motion to approve R 2021.06. Councilor Gerber seconded the motion, and it passed unanimously.
6. **Resolution 2021.07 – Contract for Water Conservation Management Plan with Oregon Association of Water Utilities (OAWU).** McDowell stated that basically last year the OWRD required the City to do a Water Management Plan. OAWU has a good record with these plans and has worked with OWRD. It will likely take 2 years to get this plan done; the City will get an extension for the deadline once OAWU takes on the contract. Councilor Neddeau made a motion to approve R 2021.07. Councilor Hansen seconded the motion, and it passed unanimously.
7. **Resolution 2021.08 – Refinancing the OECDD Loan.** McDowell reminded Council that they had sent him forth to check rates and the possibility of refinancing this bond. McDowell stated that the City got a great rate, and the savings to the City should be about \$25,000 over the next few years. Overall, McDowell feels this is a good thing to consider. Councilor Thompson made a motion to approve R 2021.08. Councilor Neddeau seconded the motion, and it passed unanimously.

ACTION ITEMS:

1. **Appoint Council President (Two Year Term).** Councilor Thompson nominated Councilor Hansen to serve as Council President. Councilor Gerber seconded the motion, and it passed unanimously.
2. **Appoint Cascade West Council of Governments Representative (Two Year Term).** Mayor Ware has been this representative for some time. Mayor Ware is looking for other volunteers to do this job! Councilor Neddeau made a motion to nominate Mayor Ware to continue with his great effort. Councilor Thompson seconded the motion and it passed unanimously. Mayor Ware graciously agreed to continue to serve on this committee.
3. **Appoint Central Linn Recreation Association Liaison (CLRA) (Two Year Term).** Councilor Thompson offered to continue as the representative for this Board. Councilor Hansen made a motion to reappoint Councilor Thompson to continue as the CLRA liaison. Councilor Gerber seconded the motion and it passed unanimously.
4. **Appoint LCSO Quarterly Meeting Representative.** Councilor Hansen offered to be the representative, but would happily defer to anyone else that would like to do it. Councilor Humphreys expressed interest. Councilor Hansen made a motion to appoint Councilor Humphreys as the LCSO representative. Councilor Gerber seconded the motion and it passed unanimously.
5. **Approve Total Maximum Daily Load (TMDL) Report.** McDowell reported that the City is required to file a major TMDL plan every 5 years as well as an annual plan. There are a few typographical errors that McDowell will fix that will not affect the overall plan. This report is due to the State by February 5th, 2021. Councilor Gerber



Council Minutes

made a motion to approve the TMDL report. Councilor Thompson seconded the motion, and is passed unanimously.

DISCUSSION ITEMS:

1. **Budget Advertisements.** McDowell reminded Council that several years ago he was given a blanket approval to run these ads required by State law. McDowell just likes to keep Council informed. Ms. Wendy Toshitsune will be new to the committee this year. Mr. Gary Shepherd recently resigned, so it looks like the City will still have one vacancy for this committee. By Council consensus this vacancy, as well as a vacancy on the Parks and Open Spaces Advisory Board (POSAB), will be advertised in our next one-page newsletter going out soon.
2. **Goal Setting Reminder.** McDowell will be sending out the goals in the next week or so. Any additions, please get those back to Staff ASAP. Lunch will be available that day.
3. **December Financials.** Mayor Ware commented that the City is in good shape financially due to good fiscal management and decisions by Council and Staff.

ADJOURNMENT: Councilor Hansen made a motion to adjourn at 7:52 p.m. Councilor Gerber seconded the motion and it passed unanimously.

Handwritten signature of S. Scott McDowell in blue ink.

City Administrator S. Scott McDowell

Handwritten signature of Mayor Don Ware in blue ink.

Mayor Don Ware