



## Council Minutes

**March 23<sup>rd</sup>, 2021**

**ROLL CALL:** Mayor Don Ware called the meeting to order at 7:00 p.m. in the Community Room with Councilor Thompson, Councilor Hansen, Councilor Neddeau (joining at 7:33 p.m.), Councilor Humphreys, Councilor Craven, Public Works Superintendent Karl Frink, Administrative Assistant Tammi Morrow, and City Administrator Scott McDowell present. Councilor Gerber was excused. Sergeant Beth Miller (*Linn County Sheriff's Office*), and Kathleen Swayze (*Calapooia Food Alliance*) were also in attendance.

**PUBLIC:** In the listening room, Council Chambers, were Administrative Assistant Jannea Deaver serving as room monitor, Cookie Wells, and Allen Buzzard.

City Administrator McDowell reviewed the in-person meeting parameters employed tonight. He reported that average attendance at Council meetings is about 20-25 people. For the City to comply with Governor Brown's current guidelines, McDowell has arranged for Council, Staff, and meeting presenters to be seated in the Community Room. Listening room guests are seated in the Council Room with real-time audio of the meeting. Guests will be invited to come over to the Community Room during the Citizen's Comments section if they desire to speak to Council. Also, as social distancing in the room allows, the guests may be invited to join Council in the Community Room, if possible. This will be determined as the meeting progresses, presenters leave the building, and more space is available. Everyone attending must wear their mask until seated. Masks can be removed while speaking and observing social distancing. All the chairs have been placed more than six feet apart.

The pledge of allegiance was recited.

**ADDITIONS AND DELETIONS:** McDowell would like to move Legislative Item C. to after the Executive Session.

**MINUTES:** *Councilor Hansen made a motion to approve the February 22<sup>nd</sup>, 2021 Retreat and Goal Setting Session minutes and the February 23<sup>rd</sup>, 2021 minutes as presented. Councilor Thompson seconded the motion and it passed unanimously.*

### **PUBLIC HEARING | PRESENTATIONS:**

#### **1. Calapooia Food Alliance (CFA) – Kathleen Swayze.**

Mr. McDowell reviewed the logistics and needs of the CFA regarding the proposed move to Kirk's Ferry Park as provided in the agenda packet. McDowell reported to Council that the CFA is interested in using the Jail for storage of their canopies and tables. Mrs. Swayze stated that the CFA is glad to be working with the City. Swayze stated, "This move will put greater demands on the group, but that was expected." The purchase of new canopies, necessitated due to the move, will cost about \$2,000. *Councilor Thompson made a motion to approved Draft #2 agreement provided in the packet. Councilor Hansen seconded the motion and it passed unanimously.*



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### **DEPARTMENT REPORTS:**

- 1. Linn County Sheriff's Office (LCSO) Sheriff's Report.** Sergeant Beth Miller delivered the report for the month of February 2021. Miller reported 28 traffic citations, 11 warnings, 2 motor vehicle crashes, 8 adults cited, 6 adults arrested, 69 complaints, and 208 total hours spent for the City. Sergeant Miller reported that there continues to be vehicles break-ins and encouraged folks to lock vehicles and to be more aware. Mayor Ware stated that everyone, including Council, appreciated the increased number of citations in town.
- 2. Public Works.** Superintendent Karl Frink reported that Public Works has been busy cleaning up around town, pressure washing facilities, sidewalks, and parking areas, and cleaning gutters. Staff is getting the Park ready to open, stretching and repairing fencing, cleaning the playground equipment, cleaning the kitchen, pavilion, dance hall, and other facilities. Councilor Craven inquired if they routinely inspect the paths down by the river? He said there are a few that are getting bad with erosion issues, etc. Mr. Frink said they would review the areas.

Public Works had a sewer overflow up on Holloway Heights that required a vector truck to be dispatched to cut tree roots out of the line. The line is now clear, but the roots will grow back, so he is working with Mr. McDowell toward a long-term solution.

Frink stated that he will resume his monthly report submission now that Council is meeting in person again.

Recently, a contractor bored a 4" hole in the side of our 8" water main down on Fisher Street on a holiday weekend. The company did a good job with the repair, but it did cost the City as Staff had to come in to address the situation on the holiday weekend.

- 3. Administrator's Report.** McDowell reviewed several logistical issues with Council. Council is eligible to recoup mileage costs if they travel to meetings for the City. Please see Mrs. Morrow for the appropriate forms and instructions.

McDowell said the Council meeting agenda packets are ready on the Friday before Council. The packets are not mailed through the United States Postal Service because mail is sent to Portland and members would not receive their information in time to prepare for the meeting. While most Councilors are able to stop in and pick up their packets, sometimes it is difficult or just not possible for others. McDowell asked if anyone is interested in a key to the front lobby so that they could have access to pick up their packets/information/mail after hours. Councilor Thompson stated that she picks up and delivers Councilor Gerber's packet, and would be more than willing to do the same for Councilor Hansen.

Mr. McDowell asked Council if they thought an additional audio update would be helpful for them to stay current "in tune" with happenings. Councilor Hansen felt that the meeting summary and audio may be helpful, but hesitates to put any additional workload on Mr. McDowell. Councilor Thompson agreed, stating that McDowell is very available to Council, and information can also be obtained by making an appointment with Scott. Many years ago, Council meetings were held twice a month, allowing Council members to perhaps be more "in tune" with what is happening around town. Current Council seems to be functioning well with one meeting a month. The City doesn't have enough business to convene twice a month, but it is nice for the Councilors to stay in touch with Staff on key issues and developments.



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McDowell reviewed how the City Administrator's Report is built. For example, green highlighted text is linked directly to Council Goals. When something is not highlighted, it is an item that has come up in the normal course of City business or is something that is being imposed on the City. Agenda packets take about multiple days to compile and prepare for distribution. They are designed around the agenda. Jokes and quotes were added at the request of Council. Council did not have any suggestions.

McDowell stated that for in-person meetings tonight's format will be what it will look like going forward with current restrictions and regulations. If Linn County goes back to extreme risk for Covid-19, we will have to re-evaluate and maybe even go back to the teleconference format. It is exciting to be back together again, and to avoid some of the technological difficulties folks have been having over the last year.

Councilor Neddeau arrived at this point of the meeting (7:33 p.m.).

McDowell showed a training piece to Council reviewing the team development stages of forming, storming, norming, performing and adjourning. As the two new Councilors are welcomed aboard and adjusting, Council is operating at the norming and performing stage. McDowell, Craven and Humphreys have spent many hours training so that the group can move through the stages faster.

McDowell reminded that the sanitary sewer on Hausman and Henshaw Lane has passed all the necessary testing. Staff will wait for Council's final acceptance of the project until all the parts and pieces of the civil work are finished.

Mr. McDowell reported that Staff did facilitate the Park lottery this year. However, at this time, we are waiting for the Governor's orders on opening up the park for camping and events. We are taking reservations but are warning folks about the fluidity of current situation due to Covid response. Several events such as Pioneer Picnic and Rally on the River have reserved weekends, and are hopeful that their events will take place this year. Staff has hired Park Caretakers for the year in the event that camping and events will be allowed to open up. The City is not allowing use of any meeting rooms or facilities at this time.

McDowell reported that he and Councilor Humphreys attended a LCSO meeting with Sheriff Jim Yon and his staff, and the cities of Halsey, Harrisburg, and Millersburg. Sheriff Yon is very concerned about several bills that are currently being contemplated by the State Legislature. These bills are may severely limit their abilities to perform their ability to perform their duties as law enforcement agents. LCSO has had to hire a full-time lobbyist just to make sure their voice is heard. McDowell also complimented Sergeant Beth Miller, Greg Klein's replacement, on her work for the City. It has been a mostly seamless transition and she has been great to work with. It is encouraging to see the number of traffic citations increasing as well.

McDowell thanked Public Works for their work in the Community Room, installing the new TV and painting the wall. It looks great! McDowell also thanked Mayor Ware for watching the office for Staff when we are short-handed; thank you for your continuing availability for the City.

McDowell reported that the City's retirement carrier, ICMA-RC recently changed their name to Mission Square.



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Councilor Craven recently inquired about Pioneer Park opening and processes. Mr. McDowell included a quick outline in the packet for Council as a reminder of all it takes to keep things going. Councilor Hansen stated he appreciated this information.

McDowell discussed an updated price list from Analytical Laboratory Group, which includes prices for testing the water and wastewater for the City. It is important to keep these increased operating costs in mind as we enter budget season.

Mr. McDowell and Mayor Ware are the liaisons with Brownsville Chamber of Commerce. The Chamber has recently elected new leadership, Danielle Myers as President and Jenna Stutzman as Vice president. Jenna is doing a fantastic job on the social media front. Mayor Ware stated that he hoped they will become more visible around town and start to see more action with local businesses and folks.

McDowell reminded Council that it is time for the wind machines to kick on south of town. The machines turn on at certain low temperatures to prevent cold injury to the grapes. Some years the machines run for 7-8 days in a row and sends a low-pitched humming sound throughout part of town. They operate the vineyard in accordance with Linn County and State Laws.

Six local entities are looking into the possibility of hiring a joint EMA Coordinator. The group includes the cities and fire districts of Lebanon, Sweet Home, and Brownsville. The current thinking is instead of hiring an employee, a consultant would suit the group's needs better. The consultant will need access to assigned city staff to proceed with Phase I assessment. There has been talk of getting grant funding for this position. Grant funding should not be counted on as a source of funding. The best way to proceed is to determine if all in the group will 'buy in' and make a long-term financial commitment to fund this position. Phase I will collect the entities information, and Phase II will start the operational pieces of the position. This coordinator will also be working cooperatively with Linn County Emergency Management.

In December Council authorized Mr. McDowell to move forward with an IGA for this purpose. McDowell estimates that Phase I will likely cost Brownsville between \$8,000 - \$10,000. He asked if Council would like to move forward with putting money in the budget for this issue. Councilor Hansen asked if McDowell thought the cost estimate is reasonable? McDowell replied that it is definitely worth taking a look at to achieve a coalition of local cities and districts. He said realistically Phase I would take 3-4 months if all entities commit to the project and assign necessary staff members. *Councilor Hansen made a motion to move forward with the agreement. Councilor Neddeau seconded the motion and it passed unanimously.*

4. **Planning.** No comments.

5. **Library.** No comments.

6. **Court.** No comments.

7. **Council Comments.** No comments.

8. **Citizen Comments.** Mr. Allen Buzzard was present, and stated that it was nice to see everyone in person. Buzzard spoke of his concerns over street maintenance, and complimented Public Works on their recent pressure washing of City facilities, keeping the town looking great.



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### LEGISLATIVE:

1. **Resolution 2021.13 – Worker’s Compensation Declaration (Annual).** *Councilor Neddeau made a motion to approve R 2021.13. Councilor Hansen seconded the motion and it passed unanimously.*
2. **Resolution 2021.14 – Recognizing Alex Paul’s (Democrat Herald) Service to the City of Brownsville.** *Councilor Hansen made a motion to approve R 2021.14. Councilor Thompson seconded the motion and it passed unanimously.*
3. **Proclamation – Child Abuse Awareness & Prevention Month.** Mayor Ware proclaimed April to be Child Abuse Awareness & Prevention Month for the City of Brownsville. Mr. McDowell stated that a group will come in and tie the blue ribbons and place pinwheels on Main Street to signify this event. Councilor Hansen remarked that sadly, child abuse has gone up significantly this past year. *Councilor Craven made a motion to approve this proclamation. Councilor Humphreys seconded the motion and it passed unanimously.*

### ACTION ITEMS:

1. **Traffic Calming Devices Removal Proposal | ODOT.** ODOT gave Council the option of removing the traffic calming devices located on OR 228 one is roughly in front of Kirk’s Ferry Restaurant, and one is roughly located by Norm’s Electric. McDowell showed pictures of the area from his previous presentation months ago. Basically, the State will place high visibility safety posts all around the devices which will defeat the purpose of the aesthetic the devices were intended to bring, along with slowing traffic. ODOT is responding to multiple complaints and too many incidents involving motorists hitting these devices.

McDowell said that it is unfortunate that motorists cannot drive around the devices by following the paint markings on the roadway. McDowell said they are very difficult to maintain because they don’t slow down traffic as designed. The City’s Public Work’s crew is always exposed when working on these traffic calming devices.

*Councilor Hansen made a motion to remove the traffic calming devices on Highway 228. Councilor Craven seconded the motion and it passed unanimously.*

2. **Goals & Values Approval | 2021-2022.** Mr. McDowell exhibited the current Goals Board for Council review. A draft compilation for the Goals Board was included in the packet. McDowell asked how Council would like to move forward. *Councilor Hansen made a motion to approve the 2021-2022 Council Goals as presented. Councilor Thompson seconded the motion and it passed unanimously.*

### DISCUSSION ITEMS:

1. **City Hall Windows | First Floor.** McDowell reported that before the beginning of the pandemic last year, he had contacted a window restoration person to review replacing/restoring the windows downstairs at City Hall. The bid came in at \$16,411 to restore/replace 10 windows. There is funding in the budget this year for this project. McDowell also contacted Anderson Windows, but the price for the windows was nearly twice the price. The City has asked folks downtown to restore their old windows, not replace them with newer windows. It seems unfair for the City to not operate at the same historic level as set by the City. McDowell recommends starting the project



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with the downstairs windows and proceed with other restoration work in the future. *Councilor Humphreys made a motion to authorize Mr. McDowell to proceed with this first phase of the project. Councilor Thompson seconded the motion and it passed unanimously.*

2. **TMDL Letter & Report.** McDowell reported to Council that the City has received a letter from DEQ's Zachary Loboy and Priscilla Wolverton highlighting TMDL compliance requirements and threatening findings. The letter also made the City a DMA or Designated Management Agency and required a new plan by September 3, 2022. McDowell reviewed slides from his November 2020 TMDL presentation. The outcome of their studies last summer showed no evidence of contamination harming fish or humans, but they are moving forward anyway. This unfunded mandate will cost our citizens a lot of money.

The U.S. EPA, along with various elected officials, are beginning to talk about requiring water and sewer lines to be able to survive a seismic event. McDowell asked Mr. Frink to weigh in on the issue. Frink said it is not possible to ensure that utility lines are seismically sufficient. Costs to replace/upgrade lines would be astronomical. While the EPA and the legislature can make this idea sound great in theory, who is going to pay for this likely unfunded mandate? Add this to the upcoming TMDL requirements and potential costs, and this would have a dire effect on the City. The time for Council advocacy has never been more critically important.

3. **February Financials.** No comments.

Council adjourned into executive session @ 8:13 p.m.

### EXECUTIVE SESSION

- Council will be discussing real property transactions.
- Oregon Revised Statutes, Chapter 192.660 governs the conditions for a public body to convene in an Executive Session. The City will invoke Section (e) to conduct deliberations with persons designated by the governing body to negotiate real property transactions.
- Representatives of the news media are specifically directed not to report on any of the deliberations during the executive session, except to state the general subject of the session as previously announced. No decision may be made in executive session.
- Council may make a decision after the Executive Session.

Council adjourned executive session and returned to regular session at 8:29 p.m.

### **LEGISLATIVE (continued):**

4. **Resolution 2021.15 – Public Property Dedication on Hume Street.** *Councilor Hansen made a motion to approve R 2021.15. Councilor Neddeau seconded the motion and it passed unanimously.*



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5. **River's Edge Agreement.** Councilor Neddeau made a motion to stick to the original agreement with River's Edge regarding the sanitary sewer upgrade and related City expenses. Councilor Thompson seconded the motion and it passed unanimously.

**ADJOURNMENT:** Council adjourned by consensus at 8:32 p.m.

A handwritten signature in blue ink, appearing to be "SM", written over a horizontal line.

City Administrator S. Scott McDowell

A handwritten signature in blue ink, appearing to be "DW", written over a horizontal line.

Mayor Don Ware