



## Council Minutes

July 27<sup>th</sup>, 2021

**ROLL CALL:** Mayor Don Ware called the meeting to order at 7:00 p.m. in Council chambers with Councilor Thompson, Councilor Hansen, Councilor Neddeau, Councilor Humphreys, and Councilor Craven present. Councilor Gerber was excused. Public Works Superintendent Karl Frink, Administrative Assistant Tammi Morrow, and City Administrator Scott McDowell were also present.

**PUBLIC:** Alice Tetamore, Elizabeth Coleman, Allen Buzzard, John Claasen, Trapper Solberg, Kaysha & Cody Burgess, and (from LCSO) Sergeant Beth Miller, Deputy Mike Rossiter, and Deputy Steven Frambes.

The pledge of allegiance was recited.

**ADDITIONS AND DELETIONS:** Mr. McDowell reported that there were two items to add to the agenda, 9) A. Legislative – Resolution 2021.23 – ARPA funds, and 10) F. – an email received from Rose Kaler.

**MINUTES:** Councilor Neddeau made a motion to approve the June 22<sup>nd</sup>, 2021 minutes as presented with the addition of adding Allen Buzzard's statement into the public record. Councilor Humphreys seconded the motion and it passed unanimously.

Councilor Craven made a motion to approve the June 24<sup>th</sup>, 2021 minutes as presented. Councilor Hansen seconded the motion and it passed unanimously.

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

1. **Civic Partnership Agreements.** Mr. McDowell reminded Council that there are several civic partners in town such as the Chamber, Senior Center, and Calapooia Food Alliance, just to name a few. These partnership agreements are on a 3-year rotation schedule so members of Council will be generally aware of the agreement. Council will discuss the renewal of the Senior Center and the Flower Club agreements tonight. In general, some component of the agreements beautify or add services that compliment City efforts. Agreements clarify expectations and parameters for each party. Some of the agreements allow the partner to sublet with other parties as a way of generating revenue for their cause. The agreement is written this way so that the City is not caught between a partner another third-party in the event of a disagreement that results in a dispute.
2. **Cyber Security Review.** Mr. McDowell reported that about 1 1/2 year ago, the City was required to implement and pass a cyber security policy by CIS. We now have requirements to do a cyber security education piece twice a year. McDowell reminded Council that the City does not ask for or retain any personal unique identifiers such as ODL's, Social Security numbers, etc. for opening an account with the City. The City does that to ensure that if the City were to have a data breach, we would not be in violation of the State law for information collection. The City cannot be held liable for the stolen information since sensitive information is not collected.

McDowell provides information each month to Staff for compliance and educational purposes. Overall, Staff do a good job with passwords and administration. Email is difficult and tricky due to all the ways hackers attempt to get into computer systems. We have all received emails that look legitimate, but are not. We are all hyper-aware and try to only open emails from known or expected sources. The City has had two



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ransomware situations in the past. Fortunately, we were able to recover without having to start over or pay ransom.

The City also have third-party software such as Harris, Majic (Court) and CJIS (State of Oregon program), and PayGov (debit and credit card provider), which can provide a challenge for cyber security as well.

Overall, the City is doing okay, holding steady. We will begin updating some office computers due to age. Windows will be eliminating certain platforms over the next year or so which causes upgrades to keep pace.

- 3. Council Housekeeping | Emails & Communications.** Mr. McDowell remarked that 2020 and 2021 have been crazy with teleconference meetings, no meetings and many regional projects stalled or on hold. It is nice to be able to get back to in-person meetings. McDowell reminded Council that if they travel for City business, there is a mileage reimbursement program. Contact Mr. McDowell or Mrs. Morrow and we will get you the form, and walk you through the process. It is also important to remember if conversations are happening by email, if there are three or more Councilors involved, it could be a violation of Public Meetings Law. All email should be sent to McDowell for dissemination in order to stay in compliance with the law. Another point of housekeeping is that all Councilors should be using their City email account for City business. Most Councilors have been issued a City computer, and the sooner everyone switches over, the better it is for their privacy and security.

McDowell reminded Council that Mayor Ware, Councilor Humphreys, and Councilor Neddeau are official check signers for the City. There are approximately 60-70 checks that go out each month; this amount does flex a little. The signers can review all invoices, purchase orders, etc.

McDowell asked Council to consider a half hour retreat session before or after a meeting. Council thought it would be a good idea; McDowell will send out a poll for a date that works for all.

### **DEPARTMENT REPORTS:**

- 1. Linn County Sheriff's Office (LCSO) Sheriff's Report.** Sergeant Beth Miller, Deputy Steve Frambes, and Deputy Mike Rossiter were present. Sergeant Miller reported for the month including 9 citations, 9 warnings, 104 complaints and 184 patrol hours for the City. The hours were down from the 200 contracted hours due to vacations that were not backfilled. They have addressed the issue, and going forward should have more coverage. The officers are noting on the logs when that are doing extra patrols so there is more documentation for Council to see what service they are getting. There has been a small increase in criminal activity, the local hardware store was broken into as well as some painting equipment stolen from under a tarp. The investigations are continuing.
- 2. Public Works.** Superintendent Karl Frink gave a brief overview of the month. He stated that they repaired one small leak out on Seven Mile Lane. Backflow devices will be tested this week.

The new Xylem pump recently installed that was having issues was found to have a casting flaw. The pump is now up and back in service.



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Public Works has been busy working on right-of-way mowing, and it seems that there were more than normal to do this year. Since it is a little later in the season, the hope is that Public Works will not have to repeat the process this year. The flowerbeds and weeds have been sprayed at the Library. The cemetery has been mowed and sprayed as well. Mayor Ware asked why there was more mowing to be done in the right-of-way this year. Frink responded that folks are just not doing it for themselves as much this year.

Streets have been prepared for the dust control application. The contractor is having a more difficult time procuring the product, so the exact date is not known just yet.

Linn County will be doing chip seal work on Main Street through town the first part of August.

Mr. Frink reported that new street signs will be going up soon. A new painting contractor has been hired for the street painting. It is a fairly new company, and Frink stated that the company is doing a great job so far.

Frink contracted with a state-approved licensed trapper to mitigate the ground squirrels in the park; one hundred and seventy-three total ground squirrels were removed. No gray squirrels were taken. The trapper may come back in October for more trapping.

Frink reported that someone crashed into the gate at Pioneer Park. It is unclear why the crash happened, but there were no injuries to report.

The new traffic speed signs have arrived. Frink is hopeful that those may be installed as soon as next week.

Mr. Frink summarized a little bit of his tasks associated with River's Edge subdivision. Phase 1 is finished, with the exception of Pacific Power. Street signs are up; the retaining wall on Henshaw turned out well. Phase 2 will begin with more paving. After paving they proof roll and test the compaction. A loaded water truck is rolled along the road very slowly looking for deflection in the road base. This method can identify soft spots in the road. All paving has passed so far, and the density testing has come back at over 100%. The curbs have also passed inspection. Checking grades, sidewalk setbacks, and a myriad of other details can cost Frink 2-3 hours per day.

Mr. McDowell complimented Mr. Frink and Mrs. Coleman for doing such an amazing job with all the things that have to happen for improvements and building in town. Frink does a lot of plan review and inspection for the City. Coleman keeps everybody and all the documents flowing as required by Code.

- 3. Administration.** Mr. McDowell informed Council that he would be headed to Philomath on 8/13/21 to hear the summary of what happened at the last session of the State House. He will bring the pertinent information back for Council review.

McDowell reminded Council that the City is an actual employer, and showed a timeline for CIS (City County Insurance) requirements for employee benefit coverage that run from July – October each year. This is just one requirement of being an employer.

McDowell talked to Council about the recent CARES Act funding that the City received. This was the first \$2.3 trillion Federal government program. The City only applied for our direct reimbursable costs. Moving forward, Staff is a bit concerned



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about future implications including Federal and State audits. So, every dollar requested was directly related to costs associated with the pandemic. Staff also expended some funds at the end of the fiscal year per Council's directive.

The next Federal funding program is called American Rescue Plan Act (ARPA). It is a massive spending plan. After determining funding priorities, the City is likely to focus on two areas of interest – water and sewer infrastructure. McDowell stated that on the desk tonight, Council will find a resolution for ARPA funds. Council may also include the downtown sanitary sewer project, which could tie into the ARPA funds expenditures. McDowell stated that Mrs. Morrow spent a lot of time collecting the information and combing through the requirements. McDowell suggested setting up a small review committee to review the requirements and then, possibly make a recommendation on how the City would spend the funds.

Mr. McDowell stated that he will be on vacation the week of August 16<sup>th</sup>. McDowell worked this last weekend preparing for the audit. Last year, the audit team led by Cyrus Ward did an outstanding job preparing for and executing the audit.

McDowell informed Council that Linn County is planning on applying a scrub seal to Main Street On August 13<sup>th</sup>, 2021. Alex Paul will be doing a press release to get the information out. The County has asked for a detour that would be going by the park, up Fisher, and out Depot. Staff granted the detour since there was no other available route.

McDowell reported that CFA sent a nice letter and a thank you card for helping with the recent traffic safety issue. Mr. Frink provided some traffic cones and no parking signs to help them.

McDowell and Morrow delivered the budget documents to Linn County on July 13<sup>th</sup>, 2021. Linn County called the City the next day wondering about levying the tax for the wastewater loan. Due to the refinancing of the bond last year, and the taxes that were levied and collected last fiscal year, there was no need to levy taxes this year. This bond is not paid off, the taxes that were collected last year will be used to pay the payments this year.

McDowell then talked about the top 5 complaints heard at City Hall.

- **Speeding.** LCSO is contracted for 200 hours per month. On average they actively patrol about 20-25 hours, so theoretically only about 3-4% is devoted to traffic every month. The point is, speeding will never completely go away. LCSO has been averaging more citations over the past several months, and seem to be making an effort in that area.
- **Taxes.** Folks continually complain about their tax bill. It is important to note that the whole tax bill does not go to the City. There are bonds on there, as well as the school district, county taxes, and the Fire District taxes. The City does provide a lot of amenities for the community, such as the Library, Pioneer Park, roads, Cemetery, law enforcement, planning to name a few. And, the utilities include only around 740 rate payers to spread the cost over.
- **Utility Rates.** For the past several years Council has elected to raise utility rates by 3% each year, in an effort to keep pace with cost. In reality, 3% does not keep pace with the City's increased costs of doing business. The rate increases never keep pace with the depreciating value of the City's assets.



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- **Neighborhood Complaints.** Neighbor to neighbor complaints are common at the City. For the most part, we try to stay out of private business. Mr. McDowell will arbitrate for folks if the need arises.
- **City Permits.** We get the comment quite often that the City is permitting folks to death! Permits include fence permits, construction permits, accessory structure permits, etc. Staff continually work to uphold standards and requirements and work to improve processes.

McDowell showed several slides highlighting Staff and City business. He talked about the Project Outlooks or Master TTDL (Things to Do List). He showed the reoccurring budget list and the 'Daily Grind' so that Council could better understand Staff's daily tasks along with the projects that are underway.

McDowell stated that the MVP (Mid-Valley Prosperity) group along with RAIN and 8 other local cities are moving forward again. They are currently out for a proposal to market and build that website.

McDowell reported that D-Prep is moving forward. The City of Sweet Home is putting a proposal together to hire a consultant. More information as it becomes available.

McDowell updated Council on upcoming meetings. The quarterly LCSO meeting is coming up. Emergency Preparedness Committee (EPC) is schedule for August. Mrs. Morrow does the minutes, and we have lots of things going on there. Mrs. Coleman will be handling the Linn County Building meeting as I am out on vacation that week.

McDowell outlined other upcoming meetings. There never seems to be enough time, energy, or funding to get it all done. Staff tries to get the best bang for our buck! McDowell stated that he likes to bring this information to Council every few months so that they know how Staff and the City are tracking.

McDowell shared some outrageous policies from across the country.

4. **Planning.** No comments.
5. **Library.** No comments.
6. **Court.** No comments.
7. **Council Comments.** No comments.
8. **Citizen Comments.** John Claasen, Oak Street, stated that he is very supportive of Public Works. They work very hard, and he doesn't feel that the City is wasting money on them!

### LEGISLATIVE:

1. **Resolution 2021.23 – American Rescue Plan Act (ARPA).** McDowell reported information about the ARPA. Basically, the City is eligible to receive just over \$404,000 through this plan. Eligible uses for the funding include water and sewer infrastructure among other things. Councilor Hansen asked if Mr. McDowell saw any drawbacks. McDowell responded that yes, there are many strings attached to these funds, but how does the City justify turning away from \$404,000 for projects. The downtown sanitary sewer project will operate on a thin margin and Staff really doesn't



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know what we will find once the project starts. McDowell related that there are many requirements, as an example there is language that states the City will make sure that the contractors wear seatbelts. It is a political no-win situation. Councilor Craven commented that it seems that we are being rescued by the Federal government (ARPA) for the actions imposed by the Federal government. He would like to be on the committee to take a look at the program. Mayor Ware also volunteered along with Staff. *Councilor Hansen made a motion to approve R 2021.23. Councilor Craven seconded the motion and it passed unanimously.*

### **ACTION ITEMS:**

1. **Approve & Award Downtown Sanitary Sewer Contract.** McDowell reported that the City received 4 bids for the project. After engineering and attorney review, the City was directed to accept all bids, and award the project to the lowest bidder. *Councilor Thompson made a motion to authorize Mayor Ware and Mr. McDowell to move forward with the project and award the bid to Pacific Excavation, Inc. in the amount of \$518,986. Councilor Humphreys seconded the motion and it passed unanimously.*
2. **Appoint Planning Commission Member.** McDowell stated that Trapper Solberg was the only applicant for the Planning Commission vacancy. Councilor Thompson invited him to share a little about himself, and why he would like to serve on this board. Mr. Solberg stated that he grew up here, riding his bike and attended the local schools. He has built a house, so is familiar with the process. Solberg stated that he has an open mind to listening to all sides. He would also like to keep Brownsville as a historic area, commenting that neon signs are not great. Mr. Solberg stated that he is at a point in his life when he can volunteer his time and give back to his community a bit. *Councilor Craven moved to approve this Trapper Solberg to the Planning Commission. Councilor Neddeau seconded the motion and it passed unanimously.*
3. **Sharing Hands | Funding Request.** Mayor Ware stated that he serves on the Sharing Hands board. He will not participate in the discussion, but will conduct the process. Councilor Thompson commented that the City has partnered with them through the pandemic, supporting the food bank. They are not one of our normal partners. Councilor Thompson is unsure if they need the funds, and wonders if they can purchase the equipment on their own. She stated that the City needs to be careful about setting precedents regarding these kinds of requests. Councilor Hansen asked if it is appropriate to ask how much money they have in their treasury? McDowell stated that Council could call for a recess and do that if they would like. McDowell also stated that the City did not reach out to Sharing Hands to fund at the end of the fiscal year as they are not a community partner as directed by Council. Councilor Humphreys wondered if we approve this funding, if the City is opening the door to everyone who wants/needs a new facility. He stated that they have the funds to do this on their own. Councilor Hansen clarified also that if Council denies this request, we are in no way saying that we don't value what they bring to the community. No motion was made.
4. **Senior Center Services Agreement.** McDowell reported that this request is just continuing the agreement for three more years. The City had historically paid their phone bill. The agreement now just states that the City supports them with a lump sum, and they decide where to best utilize the funding for their organization. During severe weather conditions, they have been opening their building to community members for heating or cooling. Councilor Thompson suggested perhaps giving them a little extra for serving the community in this way. Councilor Humphreys commented



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that the agreement has been this amount for a while. McDowell commented that this is definitely the time to make any changes to the agreement per Council's wishes. *Councilor Thompson made a motion to approve the agreement and increasing the amount to \$700 annually. Councilor Hansen seconded the motion and it was approved by all.*

5. **Brownsville Garden Club.** McDowell reported that this agreement deals mostly with materials and supplies. The Club buys and plants for city beautification. They water the plants around town and keep everything looking nice all season. This agreement has worked out well for all the years we have had it. The expenses are not huge, approximately \$250-\$500 per season. *Councilor Craven moved to approve the agreement. Councilor Hansen seconded the motion and it passed unanimously.*
6. **Wildfire Relief Donations.** Mr. McDowell placed an email from Rose Kaler that was received this morning. McDowell read the short email for Council discussion. Basically, Timber Unity is doing a Wildfire Relief Barrel Drive. They are asking permission to place a collection barrel at City Hall. Timber Unity coordinates with Cascade Fire Relief Team to ensure the donations go where they are most needed. Councilor Thompson and Mayor Ware stated that they would like to know more about Timber Unity. Councilor Craven stated that they are a non-profit advocacy group. They were basically formed when some of the Cap and Trade legislation was being handed down. They've done a lot of good things. Most recently they helped out in the Klamath Basin when the water was shut off and the residential wells were going dry. They have delivered goods (hay and clothing for firefighters) for wildfire relief.

Councilor Thompson asked if they have a political affiliation? Craven stated that they are technically non-partisan, but stated that he is not sure that that needs to be part of Council's discussion. Craven stated that they are probably more conservative than not. Councilor Thompson stated that it sounds like they do lots of good things, but she is wondering if they can place their box down on Bishop Way. McDowell stated this donation site will be in addition to the one down at the Republican headquarters on Bishop Way. They are looking for a donation site that is not connected to the Republican headquarters as they want all folks to donate to the wildfire relief effort, and not make it a political issue. Councilor Neddeau stated that it sounded like they are trying to un-politicize it. Councilor Craven stated that he felt that if we could put the donation box in a neutral location it would be better for relief efforts. *Councilor Hansen made a motion to approve a donation site at City Hall for Wildfire Relief. Councilor Craven seconded the motion. The motion passed with only Councilor Thompson opposing the motion.* Councilor Hansen stated that the logistics will be left for Staff to determine.

### **DISCUSSION ITEMS:**

1. **June Financials.** No comments.

### **CITIZEN QUESTIONS & COMMENTS.**

John Claasen asked Council, how much more are we going to allow Brownsville to grow? He referenced the new subdivision going in, and asked where does it stop? McDowell addressed Mr. Claasen stating that Oregon is a very top-down system through the DLCD. The City has been working on land use inventory with our city planning advisor. The City does have a number of blank lots all around town which limits adding any additional residential areas. The real answer is, the City has no control. Private property owners can develop their land within the rules, standards, and zones that are written into law. Cities



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are not allowed to annex in Oregon. Mr. Claasen also stated that he feels Brownsville should have more activities for kids in town.

### **COUNCIL COMMENTS.**

Councilor Craven stated that in May he was approached by Councilor Thompson about potentially taking over as liaison for the Central Linn Recreation Association (CLRA). Councilor Thompson stated that the position is not the best fit for her, and she doesn't feel like she knows enough about it. She would be happy to defer the position to Councilor Craven.

Councilor Hansen commented that during his recent trip, he was wanted to give some kudos to City Staff and the efforts that they make on the City's behalf! He feels very lucky to live here.

**ADJOURNMENT:** Council adjourned by consensus at 8:35 p.m.

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

City Administrator S. Scott McDowell

A handwritten signature in blue ink, appearing to be "Don Ware", written above a horizontal line.

Mayor Don Ware