



## Council Minutes

September 28<sup>th</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, Councilor Humphreys, and Councilor Craven present. Public Works Superintendent Karl Frink, Administrative Assistant Tammi Morrow, Administrative Assistant Jannea Deaver, and City Administrator Scott McDowell were also present. Public members in the room included Dawnita Nealon, Jane Rackley, Cindy Frink, John Claasen, Brian White and Michael Grove (*Sweet Home Sanitation*), Undersheriff Michelle Duncan and Sheriff Jim Yon (*Linn County Sheriff's Office*), and Tia Parrish (*The Times*).

**PUBLIC:** Council Chambers provided a listening room with Alice Tetamore, Elizabeth Coleman, Allen Buzzard, Eric Gerber, Melissa Haendel, Veronica Christie, Cheryl Haworth, Don Andrews, Joni Nelson, Yolonda & Rick Tauzer, and Lynda Chambers present.

The pledge of allegiance was recited.

**ADDITIONS AND DELETIONS:** Mr. McDowell reported that there are no additions or deletions to the agenda tonight. Some items may be moved up on the agenda to honor the time of the presenters.

McDowell reminded everyone that the microphones in the room are super sensitive. Please do not engage in side conversations as they will muddle the recording. We also have a listener on the phone tonight, so it may be difficult for them to hear. This will be the first hybrid meeting utilizing in-person, a listening room, and online access for the meeting.

**MINUTES:** Councilor Hansen made a motion to approve the July 27<sup>th</sup>, 2021 minutes as presented. Councilor Thompson seconded the motion and it passed unanimously.

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

1. **Sweet Home Sanitation (SHS) – Recycling Update | Brian White & Michael Grove.** Mr. White reported that daily incoming traffic is up about 40 %. To address the problem, SHS is in the process of adding a second scale to the facility to try to ease the pressure and wait times. Hopefully this capital project will be done within about a month.

Over the last few years, the recycling market has had nothing but bad news, but the tide is changing a little bit. Cardboard is increasing in price, but other recycling commodities are decreasing. With the volatility in the world, we will continue to keep an eye on the market.

White reported that recently passed Senate Bill 582 is intended to establish producer responsibility programs for recycling. With the producers required to throw money into a fund, it should protect the ratepayers. McDowell commented that reality will likely be consumers paying more for the products. The State is also working on a list that will streamline and clarify recycling statewide.

Councilor Craven asked which transfer station had closed. Mr. White responded that it was the one owned by Republic out of Lebanon. White also noted the SHS is not currently accepting e-waste. With their expansion, they have lost the space for e-waste.



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They are looking into establishing another site in Sweet Home that would serve this purpose for the community.

### **DEPARTMENT REPORTS:**

1. **Linn County Sheriff's Office (LCSO) Sheriff's Report.** Undersheriff Michelle Duncan and Sheriff Jim Yon were present. Undersheriff Duncan reported for the month including 10 citations, 5 warnings, 106 complaints and 218 patrol hours for the City. The City has had several catalytic converters stolen off of vehicles in town. Duncan said that it is a widespread problem. There is legislation in the works that will require metal recyclers to document where the converters are coming from. The hope is that the new law would make it harder for thieves to sell stolen property.

Councilor Hansen stated that on behalf of Council he would like to extend his appreciation for LCSO's philosophy of law enforcement and the efforts you make on behalf of the City. He stated that he is disappointed that Sheriff Yon will not be seeking re-election, and congratulated Undersheriff Duncan on the promotion.

Sheriff Jim Yon spoke next expressing his appreciation of Mr. McDowell for all he does for the City of Brownsville. McDowell spearheaded a group of the local contract cities to begin meeting with LCSO and discussing service needs and shortfalls. Yon commented that he thinks the cities are happier, and that hopefully you can see a difference in LCSO service. Yon commended McDowell on his forward thinking and for holding LCSO accountable.

Yon stated that after 28 years of service with LCSO, he has decided not to run for re-election. He believes that Undersheriff Duncan will serve the county very well, and wishes her great success.

Sheriff Yon reminded Council that LCSO law enforcement levy will be on the ballot next month. He is asking for Council support of the levy. Their office is funded largely through this levy, and it is desperately needed. When figuring costs, he said that his tax bill will go up only about \$30 for the year with this levy, which is a very good value for the citizens. McDowell stated that should Council want to consider a motion, it could be added under action items tonight.

2. **Public Works (PW).** Superintendent Karl Frink recapped activities and projects for the month.

The City was a victim of a catalytic converter theft. The truck was parked down at the City shops. PW crew installed the new catalytic converter; parts alone were over \$1,000.

The cemetery has been busy the last few months with several burials. PW was kept busy with mowing and the various markings needed.

Mr. Frink also stated that the City has been having a hard time getting operating supplies. Street markings have been delayed due to lack of materials. The annual dust control was delayed about a month as well. It seems to be a sign of the times.

Councilor Craven inquired about the large amount of standing water on Hume Street lately. Mr. Frink responded that there is likely a broken water line in the area. He has called for a locate, and will address the issue as soon as possible.



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- 3. Administration.** Mr. McDowell informed Council that the downtown sanitary sewer project is ready to start. The City sent a letter out to all of the folks that will be affected. Also, it seems the project will start a week later than anticipated; Mrs. Morrow will be in contact with the folks affected.

McDowell reminded Council that the vineyard wind machines may be kicking on soon due to lower nighttime temperatures.

McDowell reported that the annual audit was completed by Singerlewak. Cyrus Ward was the head of the audit team, and is extremely efficient, which is greatly appreciated. The Staff puts in a lot of time in preparing and providing all of the required documentation.

McDowell reminded Council that in an effort to streamline the agenda packets, large documents are added to the website for Council and public review, such as the current legislative bill summaries. The implementation for these bills will happen over the next few years.

Mr. McDowell discussed PFA's (perfluorooctanoic acid) and PFO's (perfluorooctane sulfonate), which are part of the PFA's family of about 6,000 chemicals used in fire retardants, as well as stain-, water-, and grease-resistant products. They are considered "forever" chemicals that do not break down over time and they spread very easily in groundwater. Look for legislation coming down for the City, most likely in the form of a Federal mandate.

FEMA just reported that flood insurance will be rising soon. As FEMA continues to slowly pull out of the flood insurance market, rates are expected to continue to increase.

McDowell reported that NW Natural Gas has provided their annual pipeline information for Council review.

McDowell reminded Council of the new cybersecurity requirements that CIS has required the City to adopt. Apparently, the State of Oregon will soon be adopting more rules for cities and counties as well.

McDowell has been very busy over the last several weeks attending meetings for the Mid-Valley Prosperity (MVP) group. Basically, the group moved forward with a formal proposal to hire a third-party vendor to perform some of the work that was listed in the IGA the communities collectively signed in January. The cities of Scio and Tangent have expressed interest in joining this group.

McDowell reported that the RAIN group continues to meet, and things are moving along quickly. The group has hired JayRay for website design and marketing.

McDowell reported that Disaster Preparedness (D-prep) is moving forward. The group (six organizers consisting of nearby cities and fire districts) worked together to put a proposal together to hire a consultant. This consultant will perform a first phase assessment for the group. After that is accomplished, the group will assess how to move forward with phase two. Staff involved in this project will be Mr. Frink, Mrs. Morrow, and Mr. McDowell.



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McDowell offered a quick review of the Kirk Avenue saga at the request of Councilor Hansen. Recently Linn County Road Department put a chip seal, or black coating, on Main Street to extend the life of the pavement. Folks think that this chip seal could be an answer for the condition of Kirk Avenue, but it is not the right application for Kirk Avenue. In 2010, Roadmaster Darren Lane did an estimate to fix Kirk Avenue from Main Street to Hunter. The estimated cost was over \$2.2 million. The City of Brownsville costs would be over six figures to move the utilities in the roadway. Basically, when the roads were built, they were not built to standards that will accommodate this kind of upgrade, which drastically increases the project scope and price. The City would likely be out about \$1.5 million to obtain the property needed for this massive project as well. There is a wealth of information and history on this topic on the City website.

4. **Planning.** No comments.
5. **Library.** No comments.
6. **Court.** No comments.
7. **Council Comments.** No comments.
8. **Citizen Comments.**

Veronica Christie, 804 Kirk Avenue, spoke. She stated that she had been approached by Allen Buzzard to fill the opening of a City Council seat. She stated that Mr. Buzzard denigrated Councilor Craven to her with defamatory terms like “far right.” Please see attached written statement for full remarks.

Don Andrews, School Avenue, spoke in opposition of R 2021.25. He stated that he spent over 2 hours reading the resolution, and wants to call attention to the language. Please see his notes attached. Please see attached written statement for full remarks.

Cheryl Haworth, School Avenue, spoke in opposition of R 2021.25. She stated that she is appalled that our City Council is worried about their rights instead of the government mandates. She encouraged Council to think of the greater good.

Allen Buzzard, School Avenue, praised Mr. Frink for his exemplary job in the Public Works Department. He stated that he felt R 2021.24 was a routine resolution. However, he thinks that R 2021.25 (protecting constitutional rights) should be tabled tonight as folks that he talked to were having a hard time understanding it.

Yolonda Tauzer, Kirk Avenue, spoke in opposition to R 2021.25. Please see her notes attached.

Joni Nelson, Spaulding Avenue, spoke next in opposition of R 2021.25. She said lately it seems Council is taking an adversarial tone. Mrs. Nelson believes Council’s job to ensure quality infrastructure of the City. She stated that she would like Council to rip up R 2021.25, and if that is not possible, to at least table it for tonight.

Melissa Haendel, Brownsville, spoke next. She stated that she was saddened to see R 2021.25. She has spent the last 21 months working on Covid data. Ms. Haendel spoke about the science of masks. She stated that this resolution does not speak for our community, or the health of our people; it will lead to people dying.



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### LEGISLATIVE:

1. **Resolution 2021.24 – Planning Fees Increase.** McDowell reported that a few of the fees are going up; the increased costs are due to Linn County increases. The last increase was in 2018. *Councilor Craven made a motion to approve R 2021.24. Councilor Neddeau seconded the motion and it passed unanimously.*
2. **Resolution 2021.25 – Protecting Constitutional Rights.** *Councilor Thompson made a motion to table R 2021.25 until next month. No second was made.*

Discussion ensued. Councilor Humphreys stated that Council had just visited this last month. He said that there are basically two restrictions, and feels that we are picking a fight with this resolution. He doesn't think this is a good battle to fight. He thinks we should tear it up and throw it away. *Councilor Humphreys made a motion to reject R 2012.25. Councilor Thompson seconded the motion.*

More discussion ensued. Councilor Neddeau stated that he doesn't understand the second portion of the resolution. He feels that the City should not police the businesses to make sure they are complying with mandates. Councilor Neddeau doesn't think this resolution will negatively affect people.

Mayor Ware stated that the Central Linn School District is currently closed to in-person learning due to Covid cases. If folks are not protecting themselves, we will all have a more difficult time. He will not support this resolution.

A vote was called for. *Those voting in favor of rejecting the resolution were Councilor Humphreys, Councilor Thompson, and Mayor Ware. Those voting in opposition of the motion were Councilor Hansen, Councilor Neddeau, and Councilor Craven. The motion ended in a tie, so did not pass.*

Councilor Craven stated that in response to what some of the citizens said tonight, he would like to state that he feels the government's job **is** to protect everyone's rights. It is his responsibility to protect his life. He feels that people are losing sight of the role of the government. He believes that this is what this resolution addresses. Councilor Craven feels that we have given up our rights during this emergency. A lot of workers are opposed to vaccine mandates; he believes that Council needs to protect their Staff. Councilor Humphreys stated that the current mandates only include masks and social distancing; he thinks Council should ignore Resolution 2021.25. Councilor Craven stated that he feels it is only a matter of time before more mandates are handed down, and that now is the time to be proactive.

3. **2021 Arbor Day Proclamation.** Mayor Ware proclaimed October 2021 as Arbor Month in the City of Brownsville and urged citizens to celebrate Arbor Day and to support the efforts to protect our trees and woodlands, to plant and care for trees for future generations.

### ACTION ITEMS:

1. **Approve Councilor Gerber Resignation.** McDowell reported that he had received an official resignation letter from Councilor Gerber. *By consensus, Council accepted Councilor Gerber's resignation.*
2. **Council Vacancy.** McDowell reminded Council of the process used when former Councilor Mandy Cole resigned her Council position in 2018. Councilor Thompson



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was appointed via this process. Basically, Council will advertise and ask for a letter of intent and a statement of qualifications for the position. Council can consider applicants at the next meeting. Council employed a secret ballot process to determine the appointee. *Council agreed to the process by consensus.*

- American Rescue Plan Act (ARPA).** McDowell reported that Mayor Ware, Councilor Craven, Mrs. Morrow and himself, have looked over the ARPA information provided. The first tranche (payment) has been received in the amount of \$202,344.86. Staff has sequestered that funding in a separate LGIP/OST account. One year later the City should receive a second payment. McDowell stated that it is going to be hard for Council to turn down over \$404,000. There are specific rules and regulations for accepting this funding. The City will be using it for the downtown sewer project and the GR12 project. It is likely that the City may be over \$100,000 overbudget for the DTSS project alone. These funds will truly be a budget saver for that project. McDowell included the route for the GR12 waterline project as well. McDowell estimates that \$200,000 should accomplish the engineering and next year the City will undertake the project. *Councilor Hansen made a motion to use the ARPA funds for necessary investments in water, sewer, or possibly other applicable uses. Councilor Craven seconded the motion and it passed unanimously.*

### **DISCUSSION ITEMS:**

- Pacific Power Franchise Agreement.** McDowell reported that this franchise agreement expired a few months back. Due to its length, the proposed agreement can be found on the City's website. David Ris (Franchise Attorney with Local Government Law Group) and Mr. McDowell have been working to develop this new franchise agreement. Upon review it was discovered that there were changes that were not conducive to the City's needs. McDowell also recommends making the agreement renewable every 3 years, instead of 20, which is in keeping with our other current agreements.
- Rec Center & Pavilion | Playground.** McDowell reminded Council that the Pavilion was built in 1970. The floor in the Rec Center is beyond its useful life. The Facilities Review Committee (FRC) was formed to address the situation. Members of the FRC include Central Linn School District, Council, Park Board, Chamber, and City Staff. A firm out of Salem did an inventory, and suggested hiring a structural engineer. VLMK was hired to perform a thorough analysis of the Rec Center. They found one seismic issue with one beam. VLMK believes the building can be renovated and can last 30-40 more years. The FRC began to consider funding options, then the pandemic hit, and the project has essentially been shelved. The Budget Committee & Council has put aside about \$1,000,000 for this project. McDowell is looking for a Council member to serve on this committee since Councilor Gerber resigned. Councilor Thompson volunteered to serve

McDowell reminded Council that in 2019 Council thought that we should take a look at moving the playground equipment away from the erosion of the river. After asking for quotes, it was determined that moving the old equipment would cost about \$90,000. Council determined that it would not make financial sense to move the old equipment when new equipment could be purchased for a similar amount.

- Canal Company | Next Steps.** McDowell discussed next steps with Council. Councilor Block had been the liaison with the Canal Company. Over the course of a few meetings, he and Mr. McDowell were able to get to agreement on key issues regarding the Canal Company. Details of a joint project were being discussed. Mr.



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McDowell recently had a conversation with Mr. Bob Babcock, and the group is ready to move forward again. It is likely town hall meetings will be needed to bring folks together around this issue. Councilor Craven volunteered to be Council's representative on the committee replacing former Councilor Block.

4. **Annual Project Outlook Checklist Review.** Mr. McDowell informed Council that this list used to be called MTTDL (Master Things To Do List), and now will transition to Project Outlook. This document is tied to the budget, and it gives us the annual things that we need to do. This list is super important, and shows the scope of the projects that Staff undertakes each year with their finite amount of time. Several of the projects on the list will need help from Council to get done. Funding is another limitation, as the budget cannot support another staff member on the payroll.
5. **July & August Financials.** No comments or questions.
6. **City Website Review [Moved to the end of the meeting by consensus in order to accommodate public comment.]** Mr. McDowell reviewed the City website for Council. He showed how to navigate the website to get various information. McDowell also reminded Council that some documents may not be contained in the printed agenda packets due to length, but can always be found on the website.

Municode is our website provider, and the website is quite expansive. The website is ADA compliant, public records compliant, offers alternate language formats, and also has a very nice search button. Page Freezer keeps the City public records compliant on Facebook. All facility reservations must go through the website. Mrs. Deaver handles the reservation calendar. Due to the pandemic, folks are more amenable to using online programs. McDowell demonstrated how to reserve a facility.

McDowell also reviewed how to report a light outage to Pacific Power on the website as well as how to find out what's happening at the local schools, Chamber of Commerce, Pioneer Picnic, as well as the annual Public Works water report. Folks can also make online payments as well as access the Brownsville Municipal Code and ordinances.

McDowell also showed where the agenda and minutes could be found on the website. The website holds 5 years of material. It is a wonderful tool to share with citizens.

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

No comments were made.

### **COUNCIL COMMENTS.**

No comments were made.

**ADJOURNMENT:** Council adjourned by consensus at 8:49 p.m.

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