



# Council Minutes

January 25<sup>th</sup>, 2022

**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 Humphreys, Councilor Chambers, Councilor Craven, and Councilor Neddeau present. Public Works Superintendent Karl Frink, Administrative Assistant Tammi Morrow, and City Administrator Scott McDowell were also present. Public members in the room included Carol & Stan Hill, Kathleen Swayze, Allen Buzzard, and Tia Parrish (*The Times*). Lara Letaw joined via teleconferencing platform.

**PUBLIC:** Council chambers provided a listening room with Administrative Assistant Elizabeth Coleman, Richard Micklewright, and Jered McLain present.

The pledge of allegiance was recited.

McDowell reminded everyone that the microphones in the room are very 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 with a lot of background noise. This will be a hybrid meeting utilizing in-person, a listening room, and online access for the meeting.

**ADDITIONS AND DELETIONS:** Mr. McDowell reported that deletions tonight include 10) B. Downtown Sanitary Sewer change order as the information was not received from the contractor. Handouts on the desk include an email from Melissa Haendel, a POSAB request, a statement from Dayna Hansen on behalf of the Chamber of Commerce, Linn County ransomware attack information, an inflation piece, and a document from Jered McLain regarding the Brownsville Cemetery was added by Mr. McClain.

**MINUTES:** Councilor Neddeau made a motion to approve the December 21<sup>st</sup>, 2021 minutes with a correction requested by Councilor Thompson. Councilor Craven seconded the motion and it passed unanimously.

## **PUBLIC HEARING | PRESENTATIONS:**

1. **Chamber of Commerce | Dayna Hansen.** Mrs. Hansen was unable to be present, so she submitted her talking points in printed form, which are found on the desk tonight. Discussion followed. Council would like a Chamber representative to come to the next meeting for clarification. Mr. McDowell will make that request to the Chamber.
2. **NIMS Website Training.** Mr. McDowell showed the FEMA website where folks can complete the NIMS training online. This is the training that Emergency Preparedness Committee (EPC) President Norman Simms recommended for Council last month. Mr. McDowell will also email out the link to this website to Council. McDowell recounted the story about the benefits this training provided the City of Aumsville a few years ago when a tornado went through their community. It was a huge help to the community that Council members had been trained.

## **DEPARTMENT REPORTS:**

1. **Linn County Sheriff's Office (LCSO) Sheriff's Report.** Deputy Zac Vanderhoof and his canine, Oak, were present to report for the month. Deputy Vanderhoof stated that he had been promoted to K-9 in September. He and his canine then began a 6-week, 240-hour training course. This dog is primarily a tracking dog; they went out on a medical emergency 2 days ago. The training is ongoing, and the dog must be



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recertified through the State once a year. The dog's career will likely be 8-9 years. Councilor Hansen asked about the rumor of a carjacking incident in town. Deputy Vanderhoof stated that the rumor is true. The car was recovered in Vancouver, but as it is an ongoing investigation, he could not share further information.

**Public Works (PW).** Superintendent Karl Frink recapped activities and projects for the month. Frink stated that the park leaf cleanup is almost finished.

The traffic counters were installed last month. Frink reported that something went haywire, and they collected no data. He will look into the situation.

Mr. Frink reported that the PFA's (perfluorooctanoic acid) and PFO's (perfluorooctane sulfonate) samples were collected and sent off to DEQ. These contaminants were not detected, so that project is finished for now.

Mr. Frink stated that the Water Treatment Plant had a faulty turbidity meter. It was returned and replaced with a new fully functioning meter.

The new water line on Calapooia is still pending.

Frink reported that he recently had to put together 5 years of data for water distribution and sewer treatment plant. The data was collected to determine capacity and future implications.

On January 17<sup>th</sup>, 2022, PW started discharging from the north lagoon. This discharge will continue until the lagoon gets down to the optimum level, approximately 3 feet. The City will likely discharge again before the April 30<sup>th</sup> deadline per our NPDDS permit.

On January 13<sup>th</sup>, 2022 we started discharging from the south lagoon. Frink encountered problems with the chlorination out there. Mr. Frink worked all of the holiday weekend addressing the issues. The City stayed in compliance throughout the entire process.

2. **Administration.** Mr. McDowell thanked Mr. Frink for all his hard work. The chlorination project alone required five straight days of work. We are lucky to have Karl, he brings considerable knowledge and care to the City.

McDowell also thanked all City Hall Staff members for their tremendous help during his recent absence. Everyone worked very hard to make things happen for the City during that time.

McDowell reported that the MVP (Mid-Valley Prosperity) group was successful in applying for and receiving a grant from the State of Oregon. The City of Brownsville will be taking the lead as the pass-through agency. Our MVP consultant, JayRay, is working on finishing a new logo and some new marketing information.

McDowell reported that the DTSS project has finished up. There are still several loose ends that need to be addressed. The City engineer is working on the final change order, and that will be brought to Council for approval when completed.

McDowell reported that Disaster Preparedness (D-prep) has been on hold due to illnesses in the partner cities, so it is still a few more weeks out.

Mr. McDowell reported that he will be attending the LOC (League of Oregon Cities) meeting soon. He is excited have input on a a direction forward for the League. The meeting is scheduled for February 11<sup>th</sup>, 2022 at 11:00 a.m. in Halsey. Mayor Ware expressed interest in attending as well.



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McDowell reported that the Central Linn Recreation Center (CLRC) is planned under action items tonight. Jonathan Dunn, Woodblock, has prepared a proposal for the architectural work on the project. The automatic computer-generated code updates for the door is still a work in progress due to IT issues.

Mr. McDowell informed Council of a few upgrades in the computer room at City Hall. McDowell recently installed a new POE switch. Alyrica installed a new battery backup. We are dealing with a few technical issues, but hope to have it cleared up soon.

City Attorney David Ris and Mr. McDowell continue to work on the franchise agreement for Pacific Power, and hope to have it finalized soon for Council approval.

Our semi-annual bond payment is due at the end of the month. Mrs. Morrow and Mr. McDowell will be traveling to Key Bank to make the ACH payment tomorrow.

Mr. McDowell hired Scott Smith, LB Productions, to put some video together for the public hearings we will have to hold to move forward with Canal Company project. It is likely to be 6-8 weeks before we are ready to move forward.

3. **Planning.** No comments.

4. **Library.** No comments.

5. **Court.** No comments.

6. **Council Comments.** Councilor Thompson stated that she would like to present a motion for Council consideration. *Councilor Thompson moved to require all future resolutions to have a financial impact statement attached. This statement should contain good faith estimates of near and long-term outlays. This would not apply to many of our resolutions, and a simple N/A would be noted on the resolution if not applicable.* Councilor Thompson feels that it is irresponsible not to take financial consequences into account, and betrays the trust our citizens have placed on us. Council owns the budget.

Mayor Ware asked for a second on the motion. Councilor Humphreys asked if she is proposing this for all future resolutions, and that if there is a financial implication that could affect the City or the Council, the resolution must have that financial documentation so that Council will know up front the possible financial ramifications? Councilor Thompson agreed to this summary.

Councilor Craven stated that he believes this policy would exhaust more resources by doing a cost benefit analysis. Councilor Chambers agreed.

Mayor Ware again asked for a second to the motion before more discussion happens. *Councilor Humphreys seconded the motion.*

Councilor Hansen stated that he felt this resolution is unnecessary and all expenditures are quantifiable. Councilor Hansen stated that if more information is needed, Council is always able to consult with Staff. He went on to state that he felt this motion may be a reaction to Resolution 2021.25. Some resolutions are a position statement, made on principal. Hansen stated that this action is unnecessary because Council can always delay passing a resolution if needed, and seek more financial information.

Councilor Thompson stated that she feels financial impacts are a very, very valid question to be asking. The City budget is limited, and to not even question financial impacts is irresponsible. She stated that this resolution is not just about mask mandates.



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Councilor Hansen stated that he believes Council has the responsibility to ask questions now if they are uncertain about any aspect of each resolution. He does not feel that this policy procedure action is necessary.

Councilor Neddeau asked if it would be satisfying if a resolution had pretty good financial consequences to be asking these questions at that time.

Mr. McDowell interjected here that anytime there is a financial component, it is typically contained in the actual resolution. There are a few exceptions, for example, the one tonight, R 2022.02, the CIS safety program resolution. The safety program runs the City about \$6,000 - \$8,000 per year. In general, the financial numbers are included in each resolution. Council could revisit this at the Goal Setting session if they would wish, but it is already being done.

Councilor Thompson stated that she felt it is important for her to put this out there. She thinks more thought should be given to it in her opinion.

Mayor Ware called for the vote. *The motion failed 5-2, with Councilor Thompson and Councilor Humphreys voting in favor, and all others voting against the motion.*

### 7. **Citizen Comments.**

Richard Micklewright, Spaulding Avenue commented on the disparity between R 2021.25 and the adopted safety policy tonight, R 2022.02. He stated that these resolutions are in direct conflict, and it is not possible for the City Administrator to implement both of these resolutions in a consistent manner. Micklewright suggested adding an addendum to one or the other resolution that identifies which of the published OSHA safety regulation the City is going to ignore, when an employee is required to “observe established regulations”, and when an employee is free to choose.

Jered McClain, Kirk Avenue, provided a 6-page paper tonight for Council’s perusal. His comments focused on road maintenance, drainage, signage, gates, future cemetery services, and bordering fences.

Allen Buzzard, School Avenue, thanked Council for volunteering their time to be on Council. He again requested support to be appointed to the POSAB. He encouraged Council to be mindful of the small neighborhood park needs.

Mayor Ware interjected here to try to clarify the situation for Mr. Buzzard. Ware stated that Mr. Buzzard has not been appointed to boards and committees in the past (with the exception of the Budget Committee), and he will not be appointed this time as well, at least as long as this Council exists in its current form. One of the reasons is that when Mr. Buzzard was on the Budget committee, he caused regular consternation among the members, then resigned, and did not complete his term. Mayor Ware stated that Mr. Buzzard, in his willingness to talk to folks in the community, has made comments that could be considered slanderous about Council and Staff on numerous occasions. Mayor Ware stated that he hoped that Mr. Buzzard would stop expressing so many viewpoints on into the future. Mayor Ware informed Mr. Buzzard that a letter from the City will be sent to him concerning these matters.

Mr. Buzzard stated that he had 23 seconds left, and would like to offer one correction. He stated that he appreciated Mayor Ware being frank with him. Mr. Buzzard went on to state that he did not resign from the Budget Committee; citing a work conflict and his inability to attend the Budget Committee meetings.

### **LEGISLATIVE:**



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1. **Resolution 2022.01 | Appoint Pro-Tempore Judge (Annual)**. Councilor Chambers moved to approve R 2022.01. Councilor Hansen seconded the motion and it passed unanimously.
2. **Resolution 2022.02 | Commitment to Safety Program (Annual)**. Councilor Thompson moved to approve R 2022.02. Councilor Neddeau seconded the motion and it passed unanimously.
3. **Resolution 2022.03 | Disburse Transient Room Tax (Annual)**. Councilor Craven moved to approve R 2022.03. Councilor Neddeau seconded the motion and it passed 6-1, with Councilor Chambers voting against the motion. Councilor Chambers stated that she would like to see some financials. Mr. McDowell would like to recommend to Council that this annual payment be made in September instead of January due to Staff recommendations and budget parameters.

### **ACTION ITEMS:**

1. **Approve TMDL Report (Annual)**. McDowell stated that this report was put on the website, and emailed on Sunday. Councilor Neddeau moved to approve the TMDL report. Councilor Chambers seconded the motion and it passed unanimously.
2. **Woodblock & Associates Proposal for CLRC**. McDowell reviewed what Council has been looking at when making some serious renovations in the CLRC and the park pavilion. The floor in the CLRC is about 2-3 years past its useful life. In 2017 at Council's direction, the Facilities Review Committee (FRC) was created. This committee consisted of members that included POSAB, Pioneer Picnic, Council member, CLSD board member, and representative from the City of Halsey. There were many very productive discussions held. The FRC recommended to Council that a structural engineer take a look and give their findings. VLMK, a structural engineer, was hired through the City engineer, The Dyer Partnership. The completed report indicated that the CLRC should be viable for a 30-year improvement. Then the pandemic hit, and in 2020 & 2021 no forward progress was made. The next step is to hire an architect for project assessment. Jonathan Dunn, Woodblock & Associates have put together a proposal for \$35,000; the proposal lists very specifically what is included. McDowell stated that if approved, work could begin immediately, and the City should be ready by 2023 for this full makeover.

Councilor Craven stated that he felt the rates were a little high, but with inflation at its highest point in years, any delay could raise the cost even higher. Councilor Craven made a motion to approve the proposal and move forward with the project. Councilor Thompson seconded the motion.

Councilor Humphreys asked why the City went through this particular architect? McDowell responded that Dyer Partnership was the catalyst for Woodblock, as they do not have an architect on their staff. He further stated the \$35,000 does seem like a steep price, but the overall project is \$1 - \$1.2 million, so it is not that far out of range. For example, the GR12 waterline construction project estimate is \$595,000, and engineer fees will be 20% on top of that project. Professional services are very costly. McDowell has tried to expediate the project per Council's directive, and fees are high everywhere. There is a certain amount of value in the fact that this group is ready to start now on the project. A vote was called for, and it passed unanimously. McDowell also stated that any public project completed by



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the City have to be very durable due to high liability costs and public requirements associated with municipalities and public facilities.

### **DISCUSSION ITEMS:**

1. **Budget Committee Preparations | Membership & Notices.** McDowell stated that there is one opening on the Park Board (POSAB). Unfortunately, no one met the application deadline. McDowell would like to recommend advertising this opening in the March newsletter. He stated that there is also an opening on the Budget Committee. Council could go with that, or advertise in *The Times* as usual. This is just information of interest for Council as Mr. McDowell handles these items as statutorily required.
2. **Annual Council Goals Review | Set a Date.** Mr. McDowell stated that the meeting will require about 2.5 hours, with 1.5 hour reserved for goal setting. Dates were discussed. Council decided that February 5<sup>th</sup>, 2022 at 9:30 a.m. in the Kirk Room would work.
3. **Pharmacy Impacts and Policy.** Mayor Ware stated that he had talked with Pharmacist Joe Ervin, trying to determine how Council could best help him and our other small businesses in town with regard to the Corporate Activities Tax (CAT). Ware stated that he decided to move ahead and send a letter to our representatives and senator and had talked with Jamie Cate, our soon to be local representative after the redistricting next year.

Jamie Cate did call Mayor Ware back and told him that the Republicans had tried to get the exemption for pharmacies, but were not successful. She thinks that the problems that are happening now can help the matter gain traction for the upcoming short session in February. Councilor Chambers and Hansen agreed that Mayor Ware's letter was great, and they appreciated him doing that. Councilor Hansen also stated that good awareness is being raised. Councilor Craven stated that the CAT tax is a big problem for all small businesses; this tax in effect, costs all of us more. Mayor Ware stated that he had talked with the Chamber as well; they indicated that they would send a letter as well.

Mayor Ware also mentioned that in the January 12<sup>th</sup>, 2022 edition of *The Times*, it was reported in the Central Linn School Board minutes that the City of Brownsville had hired an attorney and requested the school join the City in an anti-masking letter. Mayor Ware contacted the CLSD and it was determined that it was an error by *The Times*, and that it was another school district that had made this request. The City has not taken an anti-mask stance, nor hired an attorney to pursue anti-mask mandates. Mayor Ware has written an editorial to be published in *The Times* tomorrow clarifying the situation.

Mayor Ware also complimented Allen Buzzard on his volunteer work he does in the community. It is appreciated.

4. **December Financials.** No comments or questions.

### **CITIZEN QUESTIONS & COMMENTS.** No comments.

**COUNCIL COMMENTS.** Councilor Craven stated that in response to the Melissa Haendel's email, he has information about the recalls of the PCR tests if anyone would like to see it; there are several documents.



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He would like to commend Council for seemingly staying ahead of the curve and honoring our Oath of Office to protect the civil liberties of our constituents as well as our City's employees. Councilor Craven believes Council has shown this by taking action with Resolution 2021.22 which opened our public facilities and took a symbolic stand for our struggling businesses. This proves that by taking action and governing our City based on our own affairs, the Council is ahead of the curve as we lifted our own emergency declaration, prior to the Governor who proceeded to do the same thing a few days later.

During our final Council meeting of 2021, members of Council also voted once again to take a stand for employee's rights, personal choice, and body autonomy with the passage of Resolution 2021.25. Craven stated that roughly a month later, the highest court in the land voted in a similar fashion.

It brings Councilor Craven comfort to serve along others who are committed to honoring the preservation of our freedoms, which are not granted by flesh, and shall not be taken by flesh.

As we move into a new year, Craven is confident that Council will continue to tackle the tough issues head on through constructive debate, listening to our constituency, and consistently staying ahead of the curve in every aspect of governing the City of Brownsville. Thank you all, and cheers to 2022!

Mr. McDowell made a few clarifying comments. Tonight, Mr. Micklewright made comments about R 2021.25 and R 2022.02. It is important to note that these two resolutions are not that difficult to enforce and are not in conflict. It seems there has been a lot of misunderstanding around these two resolutions that have caused a lot of hard feelings in our community.

R 2021.25 was a show of support for Staff and body autonomy by Council. This was a symbolic gesture by Council. If OSHA, the State of Oregon, and all federal entities upheld the vaccine mandates, the City of Brownsville would have had no choice but to comply because the City would not be able to fight back with a lawsuit. Council's effort was geared toward solidarity, and many of our Staff have greatly appreciated the gesture. What caused this to be considered was that CIS (our insurance carrier) had told the Sheriff's Association that they would not be allowing medical or religious exemptions against the mandate. It was an all or nothing proposition; get vaccinated or get fired.

Recently, the United States Supreme Court has issued a struck down President Biden's mandate on this issue, but it is not clear yet what the future will hold. Some countries are beginning to take steps to end the pandemic and move on. Mr. McDowell would like to make it clear that the City has done everything possible, in terms of our offices, to meet and exceed compliance and go above and beyond. Air purification systems have been installed in the Library and at City Hall. The offices have acrylic and plastic shields, Staff members wear masks, and will continue these practices as long as Governor Brown's order is in place. Hopefully, this information will clarify the situation for certain community members.

Councilor Chambers would like to move forward with meeting with Linn County District Attorney Doug Marteeny. Would Council like to write a letter, or perhaps we could still have a contingency meet with him to discuss our mutual concerns? Mr. McDowell stated that he will reach out to Mr. Marteeny and try to reschedule this meeting. Councilor Craven stated that he is interested in going if his schedule allows.



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Councilor Chambers also asked about the cemetery situation. Mr. McDowell will try to reschedule that meeting as well.

**ADJOURNMENT:** *Councilor Craven made a motion to adjourn at 8:22 p.m. Councilor Neddeau seconded the motion and it passed unanimously.*

**ATTEST:**

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

City Administrator S. Scott McDowell

**APPROVED:**

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

Mayor Don Ware