



# Council Minutes

March 22<sup>nd</sup>, 2022

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

**PUBLIC:** Don Lyon (*Calapooia Food Alliance*), Jenna Stutsman (*Brownsville Chamber of Commerce*), John Claasen, Dan Murphy, Wendy Toshitune, and Jack Alsmann were present.

The pledge of allegiance was recited.

McDowell reminded everyone about microphones sensitivity and the public recording. Please refrain from side conversations as they will muddle the recording and audio. This meeting is a hybrid meeting utilizing in-person, a listening room, and online access for the meeting.

**ADDITIONS AND DELETIONS:** No additions or deletions.

**MINUTES:** Councilor Neddeau made a motion to approve the February 22<sup>nd</sup>, 2022 minutes. Councilor Hansen seconded the motion and it passed unanimously.

## **PUBLIC HEARING | PRESENTATIONS:**

1. **City Website Review.** Mr. McDowell presented an overview of the City website and its capabilities. It is ADA compatible, scalable, and a very user friendly system. The website is backed up on two different servers for redundancy. The City uses PageFreezer which is a company that has a technology that captures any public comments or input on the website and the City's social media accounts. McDowell reviewed several of the quick links including how to get to agendas and minutes, project updates, and how to do online payments. There is also a lot of general information on the web site such as Kirk Avenue history, the riverbank history, etc. There is a link to the Emergency Preparedness Committee which contains a lot of valuable resources and information. The City has several rooms that can be rented out, and McDowell showed how to get to that page and reserve rooms. There are documents and forms that can be found on the website including planning forms as well as the Comprehensive Plan and the Brownsville Municipal Code. The current budget information can also be accessed as well as previous years information. There is a plethora of topics and information available to everyone.
2. **Brownsville Chamber of Commerce | Jenna Stutsman.** Newly elected President Jenna Stutsman presented the Chamber annual report. Mrs. Stutsman stated that about a year and a half ago, it was determined that the Chamber needed to make some changes. Last month they reported to Council that they are unable to continue doing the summer flower baskets due to the costs being prohibitive. They implemented a director for events, membership, community relations, and marketing to try to streamline the organization. A new board has just been voted in. Membership numbers are up 20%. They have also revamped their website.

The Chamber has revived the Welcome Wagon program. Mayor Ware along with Roger & Alice Tetamore are the current ambassadors for the program. They have visited about 40 houses so far and distributed a bag full of coupons and contributions from business in town.

Councilor Hansen asked if a suitable location was found, would the Chamber once again make sure that the space is manned? Stutsman replied that they cannot afford to pay wages at this time, and volunteers are very hard to get right now.



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Councilor Craven inquired what kind of date range were the flower baskets hung? Basically, it was from Memorial Day to the 2<sup>nd</sup> week of October or so. Craven asked if the Chamber would be willing to participate with a grass roots program to reinstate the baskets? Stutsman said yes, but program parameters would need to be looked at first. Councilor Craven and Mrs. Stutsman will meet up and discuss parameters and what can be done moving forward.

3. **Projects & Priorities Review.** Mr. McDowell reported that the City has many large projects and priorities being discussed by Council. Big item tickets include the GR 12 Waterline & Water Treatment Plant Filter, the Sewage Treatment Lagoon, Water Treatment Plant & Distribution improvements, the Central Linn Recreation Center renovation, the Pioneer Park Pavilion along with a long-held discussion about the Kirk Avenue Street Improvement Project and the Calapooia Riverbank.

It is also important to note that the City currently has a \$2.4 million bond limit, so that is not a lot of borrowing capacity or funding to cover all of the projects and priorities.

One way to cover some of these projects and priorities would be to assess a general service fee on the monthly utility bills. Mr. McDowell showed some examples of what those fees could look like on utility bills.

McDowell reported that there are a number of other supposed crisis causing the City grief. Examples include homelessness, mental health, cyber security, public transportation, water quality, affordable housing, opioid epidemic, and infrastructure. Newly proposed cyber security requirements would require the hiring of two full time staff based on a webinar McDowell recently attended. The City simply does not have the funding to cover all these new proposed rules and requirements.

Council will stay the course with the renovation of the CLRC and pavilion.

### **DEPARTMENT REPORTS:**

1. **Linn County Sheriff's Office (LCSO) Sheriff's Report.** Sergeant Steve Frambes was present to report for the month, including 19 citations, 24 violations, and 213 patrol hours for the City.

Sergeant Frambes reported that Senate Bill 1510 is ready to be passed in Oregon. Basically, this bill prevents officers from pulling folks over for lighting infractions. These traffic stops are very valuable for the officers, enabling them to check for current insurance coverage, DUI, outstanding warrants, theft items found in vehicles, as well as late night activity checks. Frambes stated that this law will affect them dramatically in a negative way, especially with night activity.

Mr. McDowell commented that the ability to conduct traffic stops is a foundational piece of patrol. These traffic stops go a long way to keeping the community safe, and officers will now be forced to get more creative.

Councilor Hansen inquired about timing for the "Lock It or Lose It" sign in front of Pioneer Bookkeeping on Main Street. Hansen stated that he would like to see it removed as soon as possible; he believes it sends the wrong message by implying that the burden has shifted from the LCSO to the citizens to prevent theft. Councilor Chambers commented that she liked the sign, and thought it was a good reminder for people to be vigilant.

**Public Works (PW).** Superintendent Karl Frink recapped public works essential activities and projects, daily, monthly, and annually. The oral report Frink provided for Council recapped the following:



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## **Sewer:**

### ❖ **Daily Rounds**

- Record keeping
- Equipment Inspections
- Influent and Effluent monitoring
- NPDES monitoring and reporting

### ❖ **Collection System**

- Sewer line cleaning
- Video Inspection
- Lateral connections
- Inflow and infiltration inspections
- Repair and Replacements
- Lift station maintenance and repair

### ❖ **Wastewater Plants**

- Influent measurement and monitoring
- Effluent measurement and monitoring
- Equipment maintenance and repair
- Instrument calibration and maintenance
- Mowing and weed control maintenance
- Roadway and fence maintenance
- River monitoring and measurement

## **Water System:**

### ❖ **Daily Rounds**

- Record keeping
- Monitoring water quality
- Chlorine sampling in distribution system
- pH monitoring in distribution system
- Sampling and monitoring various

constituents

- Bacteria sampling

### ❖ **Water Plant**

- Daily record keeping
- Compliance monitoring
- Chemical mixing
- Instrument calibration and maintenance
- Equipment maintenance and repair
- Influent/Effluent measurement and monitoring
- Water source maintenance and repair
- Chemical feed pump calibration and

maintenance

- Facility mowing, weed control and general upkeep

### ❖ **Distribution System**

- Leak repairs/detection
- New water service installation
- Pressure reducing valve maintenance and repair
- Fire hydrant maintenance and flushing
- Water meter maintenance, reading and repairs
- Water line replacement
- Valve exercise and maintenance
- Locating
- Reservoir cleaning and maintenance

## **Streets:**

### ❖ **Asphalt/Gravel Street maintenance**

- Striping, curbs, parking delineators and markings
- Grading, graveling and patching
- Street sweeping
- Asphalt replacement and overlay
- Street reconstruction
- Tree trimming and maintenance
- Right-of-way mowing
- Utility coordinating
- Light maintenance and repair

### ❖ **Signage**

- Cleaning, alignment and adjustment
- Replacement
- Post straightening and replacement
- New installations

### ❖ **Storm Drainage**

- Catch basin cleaning and maintenance
- Pipe, culvert and ditch maintenance and repair
- Grass and weed control
- New installation

## **Parks**

### ❖ **Grounds Maintenance**



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- Mowing grass
- Weed control
- Playground inspection and maintenance
- Baseball field upkeep
- Basketball court upkeep
- Facility maintenance/cleaning
- Restroom cleaning and upkeep
- Tree trimming
- Fence/rock/barricade maintenance
- Events preparations
- Irrigation and water system maintenance
- Vandalism cleaning and repair
- Road maintenance and repair
- Riverbank/riparian maintenance and repair

### Cemetery

- Mowing/grounds keeping
- Marking burial plots
- Road maintenance
- Fence line maintenance and weed control
- Tree trimming

### Other

- ❖ Facilities maintenance
- ❖ Equipment maintenance
- ❖ Service requests/complaints
- ❖ Planning
- ❖ Mapping
- ❖ Inventory upkeep
- ❖ Parts/materials ordering
- ❖ Budgeting
- ❖ Staffing

Frink provided details about each area for Council. Discussion followed.

Mr. Frink also stated that prioritizing and accomplishing all of these tasks can be challenging for Staff. Councilor Chambers inquired how much Staff PW currently has. Frink reported that there are three others beside himself, and that PW does work 7 days a week; weekend staffing is done on a rotating shift to complete the necessary rounds for utilities compliance.

Council expressed their appreciation for all the work that PW does for the City.

2. **Administration.** Mr. McDowell recapped the current status of the Brownsville Canal Company; the initial draft of the IGA, which will come to Council for review soon, and then the next steps should Council still want to pursue this effort.

Staff recently learned that Jessica Luther-Haynes has left our audit firm, SingerLewak, to pursue other opportunities. It is unclear who will be on our audit team just yet.

McDowell reported that Brandon Sofge, Vantaggio, has recently been working on workstation updates as well as designing a 'central server' for the City.

McDowell reported that the 4<sup>th</sup> iteration of the Pacific Power agreement is in the works. The main holdup with approval is language dealing with private development parameters.

Jonathan Dunn, Woodblock Associates, is preparing information for the CLRC project. They are actively working on survey work, MEP work, and general information. After the plans are ready, it may be possible to start the project in 2023.

McDowell reported that MVP (Mid-Valley Prosperity) group has rebranded and changed their name to Rural Economic Alliance, using REAL as their acronym. McDowell displayed models of what their logo looks like.



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Councilor Hansen and Mr. McDowell recently attended a video that RAIN put together. When possible, he would like to share it with Council.

McDowell reminded Council that budget meetings will be starting soon, April 28<sup>th</sup>, 2022 and May 5<sup>th</sup>, 2022. Staff is working to compile information for the budget process.

McDowell reported that the new electronic door at CLRC is operational. Staff has been trained, and an implementation strategy will be forthcoming.

McDowell reported that Disaster Preparedness (D-prep) is planning on making a decision on Thursday with regard to the applications received.

Mr. McDowell reported that Pacific Power has asked the PUC for a 14.3% increase.

McDowell reported that the federal rates are going up.

McDowell informed Council that Linn County District Attorney recently lost the lawsuit challenging Governor Brown's clemency orders. At the very least, the State was exposed doing something in secrecy instead of following State law.

3. **Planning.** No comments.
4. **Library.** No comments.
5. **Court.** No comments.
6. **Council Comments.** Councilor Thompson asked for statistics from the meeting with Linn County District Attorney Doug Marteeny. Councilor Hansen stated that he had asked for a copy of this information at the meeting, but Marteeny was resistant to releasing it in that manner, stating that he would prefer to present the information himself in order to answer any questions or nuances that might arise. McDowell stated that Marteeny prefers to be present to explain the numbers. Councilor Thompson stated that she would like to attend the next quarterly meeting in early June if possible.
7. **Citizen Comments.** No comments.

### LEGISLATIVE:

1. **Resolution 2022.08 | Workers Compensation.** Councilor Hansen moved to approve R 2022.08. Councilor Humphreys seconded the motion and it passed unanimously.
2. **Ordinance 787 | Cemetery Provisions.** Councilor Humphreys made a motion to read O 787 by title only. Councilor Hansen seconded the motion and it passed unanimously. Mayor Ware read ordinance by title. Councilor Craven moved to approve O 787. Councilor Thompson seconded the motion and it passed unanimously.
3. **Resolution 2022.09. | DTSS Final Change Order.** Councilor Craven made a motion to approve R 2022.09 as presented. Councilor Humphreys seconded the motion and it passed unanimously. Mr. McDowell stated that the total Downtown Sanitary Sewer Project cost is roughly \$534,000. Staff will cut a check this week for the final payment including retainage.
4. **Child Abuse Prevention & Awareness Month Proclamation.** Mayor Ware proclaimed April 2022 to be Child Abuse Prevention and Awareness Month in Brownsville.

### ACTION ITEMS:



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1. **Calapooia Food Alliance (CFA) | Kirk's Ferry Park Request | Don Lyon** (*Tabled from February*). Don Lyon, CFA President, was present to address the previous request from Kathleen Swayze about improvements for Kirk's Ferry Park. Mr. Lyon stated that he has new information to offer. CFA would still like to create a ramp as it can be difficult for folks to navigate the small rise in the park. He stated that CFA will do all of the work, and it will cost the City nothing. Mr. Lyon reminded Council that CFA supports Sharing Hands and the Senior Meals on Wheels program through produce donations to aid the community. They are asking for permission to make this minor adjustment to the park, but are no longer requesting the portable toilet. He reiterated that CFA would do all the work, and provide all the materials.

Councilor Chambers asked if private folks or organizations are allowed to work on public property? Mr. Frink responded that you get into a tricky situation when you conduct work on public property. Certain criteria have to be followed which would include ADA compliance, and possible engineering by the City Engineer among other considerations. Frink commented that in the event of a lawsuit, the City would then have proper documentation showing that the City had done due diligence and what is was required to do for public improvements.

Mr. McDowell stated that for the last several years the Farmer's Market has been held on private property which is totally different than being held on public property.

Councilor Chambers stated that when the original Use Agreement was signed in April 2021, this location was only going to be a temporary location for the event. She asked Mr. Lyon if this is still what CFA intends? Mr. Lyon stated that they would like to make this location the permanent Farmer's Market location.

Councilor Craven stated that he has some confusion in relation to the contract. The contract specifically states that future improvements will not be considered. With the proposal of these improvements, he wondered if Kirk's Ferry is the right fit for the event. He would like to encourage the CFA to search for other locations to hold the Farmer's Market that would be better suited for their needs.

Councilor Thompson stated that the original contract was for one year, and Council has extended the agreement to include 2022 as well.

Councilor Humphreys stated that he would like to advocate for the site for CFA. He went out to the site today, and had a little trouble negotiating the hill, so he does understand the need for improvement. Councilor Humphreys stated that he didn't think of the proposed changes so much as an improvement, but more of an enhancement of the existing park.

Councilor Craven commented that there are other means on egress and ingress into the park, not just the southern end of the park. He stated that if folks walk out to the street and walk up that way, it is fairly level ground. Councilor Craven is concerned about opening up the City to liability issues.

Councilor Hansen stated there where he feels the liability issues may lie, is if in taking an existing property and making improvements to enhance accessibility for folks with disabilities, if all improvements or enhancements that are done must be compliant with all rules and regulations that apply to public lands. The work would need to be done by the City to ensure that all of the work was done in compliance and a high standard to avoid liability. He feels that the real motive for the improvements may be convenience for the vendors, even though folks in general may benefit from these proposed improvements.

Councilor Thompson wondered if we should be consulting the attorney with these questions on improvements. He would be better able to judge the liability issues the City may be taking on.



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Mayor Ware suggested that while that may be true, there is not a motion on the floor at this time, and in the absence of a motion, it sounds like Council will not be taking further action at this time.

*Councilor Craven moved to deny the CFA's request for improvements or enhancements to Kirk's Ferry Park. Councilor Chambers seconded the motion. Discussion was called for.*

Councilor Hansen commented that the current agreement is up in November, so CFA will have the upcoming season with the current location. He believes the City can endure the inconvenience of the location, and perhaps the agreement can be renegotiated in the future.

Councilor Thompson stated that Mr. McDowell and Mrs. Swayze actually went out and looked for locations around town, and at the time, Kirk's Ferry Park seemed to be suitable for the Farmer's Market and CFA needs.

Mr. McDowell reminded Council that last March Kirks Ferry Park was chosen by the CFA Board. Steve Brenner and Kathleen Swayze presented an improvement idea for the park that included a shelter and other items. Council said no, this is a temporary use, as-is, to get you through to finding a better location.

From a Staff standpoint, the location does not seem good for a number of reasons; 1) the parking is terrible, 2) there is a restroom concern, it is a long walk for the vendors, and 3, it is quite a busy intersection at Main and Kirk Avenue. Also, this location does not give the market a lot of opportunity to grow.

Councilor Thompson stated that she wanted to make it clear that Council is not against the mission of the CFA. It seems like the location is not good for a number of reasons.

Councilor Chambers stated that while it was a courtesy for Staff to help the CFA find a place, she doesn't believe that the City should be doing this. She also commented that she thought Council needs to be wary of supporting the non-profits in town. Courtesy is fine, but the City already does a lot for CFA that we don't do for others. They don't pay for the use of the park for the Farmer's Market, they pay a very small rent for space in the red barn, the City has allowed them use of the jail for storage for the market at no cost, and now Staff needs to be involved in helping to determine a new location for their event? Councilor Chambers does not feel like the City should be participating in this way.

Councilor Craven stated that when Kirks Ferry park was chosen, there was a large emphasis on location and curb appeal. Perhaps CFA needs to look at better accessibility and restroom access when looking for a new location as a whole. Perhaps there is existing infrastructure that does not cost more funds for improvements or enhancements, and is better suited for CFA's purpose. Other options should be explored for future use. Councilor Chambers agreed, and stated that the City could not authorize citizens to go out and do improvements or enhancements on public lands. She does not feel that we should open ourselves up to the liability.

Councilor Humphreys stated that in at least two prior Council meetings, he has argued points, and what he's heard from the group is that we need to be proactive. Now that we have identified a problem, Council is choosing to ignore it. Based on a contract, Council is now not willing to look into the issue. Councilor Hansen asked what problem has been identified, other than an inconvenience? Councilor Humphreys stated he was referring to the liability issue. Councilor Humphreys stated that a liability issue has been identified, that may or may not be there. Councilor Chambers stated that the liability issue will only be there if the City would allow a private party to make improvements or enhancements that may not stand up to compliance standards. Councilor Craven stated that currently there is only liability issues if there was only the one access to the property that was not flat and denied access to folks that could not navigate the rise, and that is not the case.



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Mayor Ware stated that he thought it was fine for each person to have their own opinion on the matter.

Councilor Thompson suggested that it may be a benefit for a couple of Council members and CFA members to get together to work out the issue.

Mayor Ware commented that the current motion as proposed does not deal with a change of location, and called for the vote.

*The motion passed 4-2, with Councilor Thompson and Councilor Humphreys voting against the motion. Mayor Ware chose not to vote.*

- 2. Cascade West Council of Governments | Meal of Wheels Request.** The COG is requesting partnership support with a donation of \$1,300 to support ongoing meal service and health and socialization checkups. Councilor Hansen stated that he is, in general, very supportive of this program. He feels that their objective has always been to provide their services to those that have this need without regard to political persuasion, lifestyle, whatever. However, he was a little bit troubled a number of months ago when it was brought to his attention that they had included a flyer with their meal delivery that promoted services for people with memory issues, focusing particularly on the "LGBTQ+ adults." They were offering compensation for taking certain classes for these folks. Councilor Hansen is still in favor of supporting Meals on Wheels, but is bothered about the possibility of the program becoming politicized for only certain folks. Councilor Hansen shared the flyer with the group.

Councilor Thompson was appalled, and Councilor Chambers concurred. Council consensus was to get clarification on the issue before voting on this request.

- 3. Library Public Computer Use Policy Update.** Mr. McDowell reported that the City was recently contacted by an Internet Service Provider (ISP) stating that illegal activity was linked to our Library IP address. A patron has on a public computer had tried to initiate an illegal download. The warning stated that the activity must stop, or the City would be facing penalties. Mr. McDowell forwarded the issue to Library Sherri Lemhouse, and the Library Advisory Board moved to adopt a clarifying policy on public computer use. *Councilor Chambers moved to accept the LAB's policy recommendation. Councilor Hansen seconded the motion and it passed unanimously.*
- 4. Schedule Council Work Session | Partnerships & Planning.** By consensus Council agreed to meet on April 6<sup>th</sup>, 2022 from 4:00 p.m. – 6:00 p.m. to conduct a work session. McDowell requested the session for budgetary and planning purposes.

### **DISCUSSION ITEMS:**

- 1. Sweet Home Sanitation | Clean Up Day.** Councilor Chambers would like to have more advance notice next year for the Clean Up Day event. This year's event is only about 10 days away, and she thinks folks could use a little more time to prepare. Mr. McDowell stated that Staff was just informed of the date of the event.
- 2. Vineyard Wind Machines Warning.** Mr. McDowell reminded Council that the wind machines could be starting up soon. The machines produce a hum/vibration throughout town. The wind machines are used to keep frost damage off of the grape vines in the early spring and late fall. The City usually gets complaints from residents when the machines are activated.
- 3. March Newsletter.** Mr. McDowell reported that the Spring Newsletter will be going out on Friday which will include the Clean Up Day information and the wind machines information.
- 4. February Financials.** No comments or questions.





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**CITIZEN QUESTIONS & COMMENTS.** John Claasen, Oak Street, asked for clarification on the wind machines. Discussion ensued.

**COUNCIL COMMENTS.**

Councilor Thompson stated that she would do some fact finding on the Meals on Wheels issue discussed earlier in the meeting.

Councilor Hansen stated that he felt the LCSO “Lock It...” sign sends the wrong message to the citizens and criminals alike. He stated that he felt like it was implying that this is a high crime area, and folks may not want to be here. LCSO has control over the placement of the sign. Councilor Thompson suggested asking them to relocate the sign. Councilor Craven stated that he has had input from folks that feel the same way. Councilor Humphreys agreed. Councilor Chambers stated that she doesn’t have a problem with it. She is hoping it will serve as a deterrent as she has heard of so many thefts lately.

Mr. McDowell thanked Mr. Frink for his in-depth report tonight. McDowell also thanked Mrs. Morrow and Mrs. Coleman for setting up and cleaning up the room for Council meetings.

**ADJOURNMENT:** *Councilor Humphreys made a motion to adjourn at 9:07 p.m. Councilor Neddeau seconded the motion and it passed unanimously.*

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