



Council Minutes

April 26th, 2022

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

PUBLIC: Don Lyon, Michael Grove (*Sweet Home Sanitation*), Tia Parrish (*The Times*), Sean LaCoste, Sergeant Steve Frambes (*Linn County Sheriff's Office*), Wendy Toshitune, and Jack Alsman 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: Deletions include Mrs. Linda McCormick, *Stand By Me Day*, who will attend the May Council meeting.

MINUTES: Councilor Hansen made a motion to approve the March 22nd, 2022 Council minutes and the April 6th, 2022 Council Work Session minutes. Councilor Craven seconded the motion and it passed unanimously.

PUBLIC HEARING | PRESENTATIONS:

1. **Sweet Home Sanitation | Michael Grove.** Site Manager Michael Grove was present to report on the annual City-wide Cleanup Day held on April 2nd, 2022. Mr. Grove reported that overall, it was a very successful event. They will be working on cleaning up verbiage for future events for clarity's sake. Councilor Hansen asked how this year's event compared to years past; Mr. Grove replied that it was very similar. Parameters for next year's event were discussed.
2. **Total Maximum Daily Load (TMDL).** Mr. McDowell presented the State required semi-annual TMDL review. Council hears this report in April and November.

Mr. McDowell recapped the many levels of TMDL from water quality impairment, assessing pollutant, determining source reduction, reports indicating reductions input, and implementation. McDowell discussed what TMDL's are, including background load, non-point load and waste load. Basically, TMDL's calculate how much pollution can be in a stream while maintaining all beneficial uses to aquatic life.

It is also important for Council to remember that initially TMDL, like the Clean Water Act, was never intended to apply to communities with less than 50,000 citizens, and was voluntary in nature. Those parameters have vastly changed. Make no mistake, TMDL fees or stormwater fees, are likely going to be something everyone will eventually pay through a storm utility and/or through bonds & possible assessments. Small towns like Brownsville cannot keep up with water, sewer and street infrastructure costs, but now are expected to add stormwater to the mix as well.

McDowell shared a final U.S. EPA letter, dated March 2nd, 2021, stating DEQ had designated the City of Brownsville as a Designated Management Agency (DMA). As a DMA, the City is constantly responsible, and is now required under OAR to prepare and submit a TMDL implementation plan to incorporate implementation requirements based on several criteria by September 3rd, 2022. Failure to submit this plan carries civil penalties which can be assessed for each day of violation.



Council Minutes

McDowell shared slides showing many ways pollutants get in water sources, including runoffs from hard surfaces, precipitation washing land-based bacteria into waterways, animal waste, agricultural chemical applications, etc.

Another caveat of TMDL will be taxing stormwater runoff on porous surfaces. One local resident that owns property in Texas has reported that he is paying over \$500 per month in TMDL/Stormwater fees. McDowell discussed the general concept of stormwater fee calculators.

Forever requirements of TMDL include temperature, bacteria, mercury, and IDDE (public reporting and staff training).

Future implications may include incorporating a storm water management system into the City of Brownsville. According to a study the City performed in 1996, the estimate was between \$12M and \$16 M dollars. Today the same facility would likely cost more than \$22M. McDowell stated that there is some value in TMDL in the bigger cities, but small communities like Brownsville are going to be hit very hard, and adequate funding is non-existent.

Mr. McDowell reported that the City of Brownsville is ahead of the curve regarding TMDL with some of the things the City already does due to the City's stormwater constraints in many areas of town. Staff will be bringing ordinances to Council for TMDL requirements in order to meet the DMA requirements. City Engineer Ryan Quigley is currently reviewing those requirements in order to complete the mandatory reporting in September.

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, 12 warnings, and 213.25 patrol hours for the City. Overall, it was a fairly quiet month for the City.

Sergeant Frambes reported that Deputy Newman will be rotating between Brownsville and Harrisburg again soon, and he is particularly effective with traffic stops.

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

Frink stated that PW has started mowing all the grass. They are keeping up with the cemetery.

A pump failed in the chemical feed plant. It has been repaired, and is operating correctly again.

Mr. Frink has completed his work on the Department of Environmental Quality (DEQ) Water Management & Conservation plan. Tim Tice, OAWU, will be finishing up the report soon.

3. **Administration.** Mr. McDowell reported that the first budget committee meeting will be on Thursday, April 28th, 2022 in the Community Room at City Hall. The second meeting will be May 5th, 2022, same time and location. Staff is hoping to complete the process with two meetings.

McDowell reported that the ROI grant reporting has been over-the-top. The IGA between the cities expires in June, and will need to be extended to continue the work. McDowell stated that he would be traveling around to several City Council meetings making presentations on behalf of the group; Rural Economic Alliance (REAL.) Council will receive information for review soon, and then the next steps shall be determined should Council still want to continue this economic development effort.



Council Minutes

McDowell reported that Disaster Preparedness (D-prep) has hired a vendor and is currently negotiating the price for services.

McDowell reported that after an extensive conversation with Tim Tice, OAWU, he will be compiling a water report for Staff review, and then it will be brought to Council.

McDowell reported that the Linn County Sheriff Michelle Duncan indicated that LCSO contract will be increasing by 5% this year. Overall, this is good news as the union settled on an 8% increase.

Mrs. Morrow reported that Sweet Home Sanitation has been offering a \$1,000 scholarship for graduating Central Linn High School seniors since 2016. She has been administering the process for them since that time. Interviews have been conducted and a finalist has been selected. Mrs. Morrow thanked Councilor Chambers for being part of the interview team this year. This scholarship shows just one aspect of the great partnership the community enjoys with Sweet Home Sanitation.

Mr. McDowell thanked Council and the Planning Commission for completing the filing for the annual OGE (Oregon Government Ethics Commission).

Mr. McDowell reported that the Pacific Power IGA is still in the works according to City Attorney David Ris.

McDowell reported that Mayor Ware and Councilor Thompson are working on the Linx transportation project. Kinda Oliver is working up the materials for the Brownsville Connector. A letter will be sent out soon to the community partners which will determine interest and garner cooperation. The City's part is done for now.

Mr. McDowell reported that the City has signed an IGA with Cindy Flandermeyer for summer watering.

Jonathan Dunn, Woodblock Associates, is preparing information and an estimate for the CLRC project. Survey work has been completed. The City has requested an estimate from a general contractor to give us a real-life scope and estimated project cost. This information will be referred back to Council for next steps.

Mr. McDowell reminded Council of the first budget committee meeting set for this Thursday, April 28th, 2022 in the community room. He provided a foreshadowing of the budget, indicating that property & liability including ransomware insurance is up 26%, which is almost a 50% increase over the last two years. It is very concerning.

McDowell reported that ODOT delayed the Highway 20 until Fall 2022.

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



Council Minutes

LEGISLATIVE:

1. **Resolution 2022.10 | Hybrid Meeting Procedure.** Councilor Thompson is concerned about the 48 hours notice, as she is concerned this may limit folks wanting to attend. She suggested using a 24 hour timeframe instead.

Mr. McDowell stated that when the pandemic hit, the City had an estimate prepared that would link the Community Room and Council Chambers to better facilitate meetings. The cost estimate was over \$30,000. Council decided to go another way, basically an electronic format, at a much lower cost. This format requires Mr. McDowell to balance several platforms during Council meetings, which is extremely time intensive and difficult to manage during any given meeting. Since the pandemic has ended, online attendance has been almost non-existent for the last three meetings. When there have been attendees, no public comment has been made by those attendees. Folks can always call and get a recording of the meeting the day after the meeting. This resolution will clarify the parameters of electronic attendance to public meetings. Staff will do their best to accommodate all such requests. McDowell assured Councilor Thompson that he would do whatever it takes to accommodate a reasonable request.

Councilor Thompson made a motion to change R 2022.10 to 24-hours notice, instead of 48-hours notice. No second was forthcoming.

Councilor Chambers moved to approve R 2022.10 as presented. Councilor Humphreys seconded the motion and it passed, with Councilor Thompson voting against the motion.

2. **Resolution 2022.11 | Verification of Services Provided by the City of Brownsville with the Department of Administrative Services for State Received Services (SRS).** Councilor Hansen made a motion to adopt R 2022.11. Councilor Chambers seconded the motion and it passed unanimously.
3. **Resolution 2022.12 | DTSS Final Escrow Statement.** Mr. McDowell stated that this final escrow statement includes the interest that had accrued in the retainage account for the project. Councilor Craven made a motion to approve R 2022.12 as presented. Councilor Humphreys seconded the motion and it passed unanimously.

ACTION ITEMS:

1. **Cascade West Council of Governments (CWCCOG) | Meals on Wheels Request (Tabled from February).** Mayor Ware stated that Council had tabled this request due to an insert that was suspected to have been included with the meal delivery. After further investigation, it appears that this flyer was not included by the Meals on Wheels Program. Councilor Thompson made a motion to approve this request in accordance with the letter received from CWCCOG. Councilor Hansen seconded the motion and the motion passed unanimously.
2. **Linn County Pioneer Picnic Association Proclamation.** Mayor Ware proclaimed June 17th – June 19th, 2022, as the 135th annual Linn County Pioneer Picnic – a time for the City of Brownsville to show their fondness and memories of Pioneer Picnic with the theme of “Community Reunion.”
3. **Mental Health Month Proclamation.** Mayor Ware stated that the City of Brownsville hereby proclaims May 2022 to be Older Americans Month. The City of Brownsville urges every resident to take time this month to celebrate older adults and the people who serve and support them as powerful and vital individuals who greatly contribute to the community.
4. **Linn County Pioneer Association (LCPA) Logistics Letter.** Mr. McDowell reported that since 2007 the City has sent a letter to the LCPA to define responsibilities with the event. The last



Council Minutes

two years, the event has employed an alternate format, and has not been held in Pioneer Park. This will be the first year back to regular festivities since the pandemic. *Councilor Craven made a motion to approve the logistics for the event. Councilor Chambers seconded the motion and it passed unanimously.*

5. **Hands on History Request | August 27th, 2022.** Mr. McDowell stated that this event started a couple of years prior to the pandemic. Linn County Parks has signed the agreement, the Park Avenue residents have signed the agreement, and everything is in place for the event. *Councilor Hansen made a motion to approve the Special Park Use Agreement for Hands on History event. Councilor Humphreys seconded the motion and it passed unanimously.*
6. **Parks and Open Spaces Advisory Board (POSAB) | Board Appointment.** Mr. McDowell stated that the City received one application from Pamela Solberg for the POSAB. *Councilor Craven made a motion to approve this appointment. Councilor Hansen seconded the motion and it passed unanimously.*
7. **Sodaville Intergovernmental Agreement (IGA).** Mr. McDowell referred Council to the template in the packet used for an IGA with the City of Halsey. Mr. Frink was approached by the City of Sodaville to enter into an IGA with the City of Sodaville as well. Staff discussed the situation at length, and felt comfortable executing this IGA. Basically, the City of Brownsville would offer support services to them as needed, and the City of Sodaville would reciprocate. Discretion will be used, and costs will be charged when appropriate. *Councilor Humphreys made a motion to approve this IGA. Councilor Thompson seconded the motion and it passed unanimously.*
8. **OLCC Liquor License Renewals.** Mayor Ware read the list of businesses in town that are looking to renew their OLCC Licenses. This motion will signify that the City of Brownsville approves these renewals. The City of Brownsville does not charge for these renewals. *Councilor Craven made a motion to approve the OLCC renewals. Councilor Chambers seconded the motion and it passed unanimously.*
9. **Municipal Court IGA Authorization.** Mayor Ware stated that this is a rather important change for the City. With the retirement of Court Clerk Carol Humphreys, this IGA moves our court over to the City of Lebanon to the Justice Court District 4A for Linn County. This change will facilitate cost savings for the City of Brownsville as the City will still receive a portion of the fines paid. *Councilor Hansen made a motion to approve this IGA and authorize Mr. McDowell and Mayor Ware to sign all documents on behalf of the City of Brownsville. Councilor Thompson seconded the motion and it passed unanimously.*
10. **Capital Improvements Decision | Utility Capacity Plan.** Mr. McDowell reported that Council has discussed a Capital Improvements Plan in regard to utility capacity at the recent Council Work Session. With the strong housing market including the significant development of a subdivision on the north side of town, utility capacity had to be reviewed. McDowell recommended moving full speed ahead with the development of the GR 12 waterline, the addition of adding a fourth slow sand filter at the Water Treatment Plant, and looking into adding a sewer lagoon to the South Wastewater Treatment Plant. McDowell reported that the City has enough capacity currently. Interest rates are reported to be on the rise soon, and this should slow the housing market. McDowell informed Council that the City has to stay on course in order to afford all of the capital improvements. The priorities are as follows, 1) GR 12 Waterline, 2) Rec Center Renovation, 3) the Park Pavilion, 4) a new sewer lagoon, and 5) new playground equipment. *Councilor Hansen made a motion to proceed. Councilor Humphreys seconded the motion and it passed unanimously.*
11. **Brownsville Canal Company (BCC) Plan.** Mr. McDowell reported that included in the agenda packet is the draft Canal Company Operations Agreement. If Council approves the draft agreement, he and Councilor Craven will move forward with meeting with the Canal Company. If approved by



Council Minutes

the Company, Council will need to lay out a plan for town hall meetings. It is important to note that this will more than likely come with a certain amount of consternation. Councilor Craven noted that basically, folks along the canal have been using the canal irrigation free of charge. He thinks the plan in place will benefit all for the future. Mayor Ware stated his concerns. He stated that he has been a member in the past, but it has been years since he has paid dues. He said the Company is looking at appointing some board members and to reconnect with their membership. *Councilor Hansen made a motion to approve the draft agreement and authorize Staff to move forward. Councilor Thompson seconded the motion and it passed unanimously.*

DISCUSSION ITEMS:

1. **ROI Grant Disbursements | Inception-to-Date.** Mr. McDowell referenced page 77 of the packet. This is information that McDowell provides to Council every month until the end of the agreement with JayRay and/or through the funding is exhausted.
2. **Brownsville Canal Company | Insurance and Pumps.** Mr. McDowell reminded Council that every year the City requires the BCC to provide \$2 million proof of insurance to verify their solvency. *Council approved Staff moving forward by consensus.*
3. **State Camping Rules | Ad Hoc Committee Request.** McDowell suggested forming an ad hoc committee to review state camping policy and laws and how they will affect the City. Councilor Neddeau and Councilor Chambers volunteered to serve on this committee.
4. **March Financials.** No comments or questions.

CITIZEN QUESTIONS & COMMENTS. Jack Alsman, Spaulding Ave, asked for more information on the Canal Company. Mr. McDowell commented that the organization has to be solvent for the City to turn the pumps on that move the water through the canal during the summer months. The Canal Company was moving forward with reorganization in 2019 before the pandemic hit. John Holbrook has been paying the insurance for the last several years. The next step will be a general Canal Company meeting.

COUNCIL COMMENTS.

Mr. McDowell reported to Council that if they are entertaining completing the NIMS training modules, they only need to complete Course 100. The other course is too much and not necessary.

Mr. McDowell expressed his appreciation to Mr. Frink, Administrative Assistant Elizabeth Coleman, and City Engineer Ryan Quigley for the recent work on the Public Work Standards review and updates. They have done an outstanding job on the updates. The information will be coming to Council next month.

McDowell reminded Council that the weed and grass ordinance starts June 1st, ending on October 31st each year. Sometimes because of the rain it takes folks a little longer to get a handle on the tall weeds and grass. It appears as this year could be delayed. Staff will be going out and checking on several nuisances on Monday.

Councilor Hansen stated that he has received several complaints about the LCSO "Lock It or Lose It" sign on Main Street. Several folks have asked for the sign to be removed. Hansen stated that he felt the sign sends the wrong message to the citizens and criminals alike. Mayor Ware stated that he felt like it was implying that this is a high crime area, and folks may not want to be here. Councilor Craven stated that he felt it sent a horrible message to taxpayers. Councilor Chambers stated that she doesn't have a



Council Minutes

problem with it. She is hoping it will serve as a deterrent as she has heard of so many thefts lately. Mr. McDowell suggested encouraging LCSO to contribute a City newsletter article to inform area residents to protect their property. *Councilor Hansen made a motion to request LCSO to remove the sign. Councilor Craven seconded the motion. The motion passed, with Councilor Chambers voting against the motion.*

Councilor Craven stated that he has had several lengthy discussion lately with constituents about City business covered in *The Times* newspaper. Councilor Craven suggested putting together an ad hoc committee to have a discussion with the local paper in regard to recent editorials and articles covering City business. McDowell stated that he would put a committee together. Councilor Craven, Councilor Hansen, Councilor Thompson, and Councilor Chambers all expressed interest in being on this committee. McDowell stated that only 3 Councilors can meet outside of a Council meeting, but we could perhaps have alternates on the committee due to quorum rules.

ADJOURNMENT: Council adjourned by consensus at 8:18 p.m.

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

City Administrator S. Scott McDowell

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

Mayor Don Ware