



# Council Minutes

September 27<sup>th</sup>, 2022

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

**ABSENT:** Everyone was present.

**PUBLIC:** Fred Klinkebiel, Alice Tetamore, Sean LaCoste, Sandy Saltzer, Barbara Andersen, Don Lyon, Dan Murphy, Ray & Pam Reynolds, David & Samantha Young, Tia Parrish (*The Times*), Penny Rosenberg (*Albany Democrat-Herald*), and Deputy Vanderhoof were present.

The pledge of allegiance was recited.

**ADDITIONS AND DELETIONS:** Action Item 10) A. was deleted from the agenda.

**MINUTES:** Mayor Ware made a motion to approve the July 26<sup>th</sup>, 2022 Council minutes as presented. Councilor Chambers seconded the motion and it passed unanimously.

## **PUBLIC HEARING | PRESENTATIONS:**

1. **Washburn Street Fence Request | Wood & McNeely.** Residents Wood & McNeely did not attend the meeting but had provided a written request to Council asking for the City to allow their newly constructed fence, which was placed on City property, for a variety of reasons. City Administrator Scott McDowell shared slides of the construction and showed how far the fence encroached on the City's right-of-way. Mayor Ware started the discussion by stating that he had talked with several citizens to get their take on the situation. Ware reported that they all said the fence needed to be removed.

Council Chambers recounted the reasons why the City Planning Commission and Council adopted ordinances for fences and accessory structures. Buildings were placed on neighboring property and public property alike. Councilors Thompson and Hansen were on the Planning Commission when those ordinance revisions were requested of Council. Staff used to spend a lot of time in neighborhood disputes due to property line infringements. The ordinances have served the community well over the last eight years. Administrative Assistant Elizabeth Coleman verifies the location of primary structures, accessory structures and fences to ensure compliance with the Brownsville Municipal Code.

Council Humphreys said that he could not see a way to allow this request. Humphreys thought was why have an ordinance is it is not supported and enforced adequately? Humphreys added that this fence should be removed within thirty (30) days.

Council Thompson and Hansen agreed.

*A motion was made by Mayor Ware, seconded by Councilor Chambers to deny the Wood & McNeely request and to require the illegal fence be removed within thirty (30) days. The motion passed unanimously.*

## **DEPARTMENT REPORTS:**

1. **Linn County Sheriff's Office (LCSO) Sheriff's Report.** [Councilor Craven moved Deputy Vanderhoof to the front of the meeting for scheduling reasons.] Deputy Vanderhoof reviewed the



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numbers from last month. He shared a few items that have been happening around town including a suspect who was stealing cars throughout Linn County. Vanderhoof actually tracked him down and found him here in Brownsville. A chase that ended with the deployment of Oak, the K-9 unit, which compelled the suspect to surrender. The Sheriff's Office has been conducting a lot of training in Brownsville recently.

- 2. Public Works (PW).** Superintendent Karl Frink has been busy calibrating equipment at the treatment plants. Frink explained that the controllers need repaired at the south Treatment Plant but the controllers are no longer made and parts are not available. He stated that the system is working and functioning properly, but will need to be replaced within a years time. Frink shared that the PW crew has been trimming trees in the right-of-way on the north side of town. Hopefully, in a few weeks the crew will finish the work on the southside of town. He relayed a story about someone who had illegally cut the tree and left the debris in the street. He has visited with the resident and explained the legal process and public safety implications.

PW fixed a water leak on Loucks Way. Alyrica worked well with PW to get the leak repaired. All backflow testing has been completed for the year. Frink reported that there are 68 new backflow devices in the new River's Edge subdivision. He expects more when Phase III begins constructing and selling homes. PW will be finishing hydrant flushing. Flushing can only be done when the City is pulling water from the river, so there is limited time to finish this task.

The Water Management & Conservation Plan (WMCP) has been submitted to the State. There will be some back and forth between the City and the State until the plan is finalized. Frink has been replacing street signs as needed throughout town. The Park Caretakers did a fantastic job this year, but have left for the season. PW has assumed those duties through the end of October. The Remington Park natural play area was modified to make it safer for play. The Festival of Tents installed new water spigots for Pioneer Park at their own cost and labor. The City appreciates their effort to improve the Park.

Frink reported that the City finished cleaning the wells this summer. Frink hopes that capacity will be restored. It is the first time the wells had been cleaned since 1997. He said that when the City cleaned one of the wells last December, the capacity nearly doubled.

- 3. Administration.** McDowell talked about upcoming events including a Candidates Forum sponsored by the Chamber of Commerce which will be held October 12<sup>th</sup>, 2022 at 7:00 p.m. right here in Council Chambers. Mayor Ware will serve as proctor. The Emergency Preparedness Committee will be hosting an event on October 21<sup>st</sup>, 2022 at 6:30 p.m. at the American Legion, 339 N. Main Street. The EPC has invited many of the City's non-profit groups to join in the evening. Please come and learn more about preparedness and our communities non-profit groups. Administrative Assistant Tammi Morrow said that soup and ice cream will be served. Council Humphreys & Chambers will be attending the Sheriff's Office quarterly meeting this Thursday. Please email any thoughts or concerns to Mr. McDowell. to give a recap and share some future plans for the rally.

McDowell will forward a link to the new website completed by REAL which the City is a member. The website launches at the end of September. The City has been working on this economic development tool for a number of years. It started as a Ford Family Foundation effort and has continued to be a grass roots efforts by communities in Linn and Benton counties to promote the small town way of life and helping retain and attract a robust business community. Linn County recently implemented a new website. Please check it out. It has a wealth of information available. Administrative Assistant Tammi Morrow and McDowell were unable to continue Phase II of the Weed Abatement program due to a fire ban. Staff still has a few nuisances to follow-up on.



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McDowell reported on the personnel transitions happening at the Linn County Planning & Building Department. McDowell recently attended a quarterly meeting with Administrative Assistant Elizabeth Coleman where cities were able to discuss planning challenges and receive training updates. The County is still working on the implementation of their e-permitting system. Several suggestions were shared amongst the group.

McDowell said the LCSO Quarterly meeting was scheduled for September 1<sup>st</sup>, 2022. Councilor Humphreys is the Council representative and Councilor Chambers would like to attend the upcoming meeting also.

McDowell reported on the challenges of the Weeds & Nuisance program. Weather made mowing difficult to accomplish in a timely fashion. Everyone was great to work with this year. Nearly everyone has already complied or are in the process of complying with the City ordinances.

McDowell reviewed the Project Outlook Checklist with Council for FY 2022,2023. Every year this document is published to ensure that the organization is tracking on Council goals and objectives. The document is directly linked to the budget which sets priorities for the year. New items crop up for a variety of reasons that reorder priorities. Staff documents any changes that occur via reports and Council updates. Overall it is a very useful planning tool. Council receives this report three times a year. The list is not an all inclusive list of what the City's Staff does, but it ensures that Council goals are being met and addressed in a one-stop-shop format.

The City's Park System hosted a variety of events this summer. All were well pleased with the Park Caretakers and the facilities. Mayor Ware & McDowell decided to share the cost of adding additional portable toilets from the Fourth of July through the Antique Faire. The groups financially participated with the City to accomplish this task.

McDowell reminded everyone that the wind machines at the vineyard south of town may start soon. The negotiations with Pacific Power continue. City Attorney David Ris just sent our final items to Pacific Power. Hopefully, Council will be able to finalize this project by the end of the year.

Staff will be sending out the Council Synopsis after every Council meeting as a way to better inform area residents about Council business. Council had requested that McDowell write a brief synopsis after each Council meeting and post it on the City website. By sending the synopsis to all residents, everyone will have access to information that is important to the City.

McDowell reported the City Auditor, SingerLewak, finished their field work in two and half days. Kathy Wilson and Nicole Ryan worked well with City Staff collecting information for analyses. Wilson did a great job planning for the field visit. Staff will review the report with Council as soon as it is received from SingerLewak.

McDowell has also been installing new computers for City Hall. Harris Computers has been integral during that process. Every five years the City upgrades the computers to ensure compatibility with all the required software packages the City uses to conduct utility billing and general ledger activities.

McDowell talked about recent Rec Center Renovation developments. Woodblock Architecture has been retained by Council to complete all specifications and contracts for the project. Woodblock is using KCL Engineering for the mechanical, electrical and plumbing components and VLMK Engineering for the structural engineering elements of this project. Woodblock reported that contractors are not willing to hold prices due to the current economic conditions the United States is facing. The bidding phase has been pushed back to February of 2023 for these reasons. Construction is still slated to begin June 1<sup>st</sup>, 2023 and extend through September 20<sup>th</sup>, 2023. The City is doing everything possible to complete the renovation within that time frame as to cause the



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least amount of interruption to sports programming and use of the space. McDowell said that he spoken with the Rec Center Board and the Parks & Open Space Advisory Board about the project and everyone seems excited about the project.

McDowell shared information about the 811 program and Northwest Natural gas.

4. **Planning.** Report included in the Council Agenda Packet. No comments. Administrative Assistant Elizabeth Coleman will be reporting at the October Council meeting.
5. **Library.** Report included in the Council Agenda Packet. No comments. Librarian Sherri Lemhouse will be reporting at the October Council meeting.
6. **Court.** Report included in the Council Agenda Packet. No comments.
7. **Council Comments.** No comments.
8. **Citizen Comments.** Barbara Andersen asked for her name to be spelled correctly. She asked Mr. Frink if the Stage had been painted. Andersen had volunteered to paint the Stage at a previous Council meeting. Frink will make the paint available if Andersen's offer still stands.

David Young, 620 Calapooia Avenue, was concerned about flooding in the back yards of properties along Calapooia and Sage Street. Young made claims about the Oregon Drainage Law and did not want to get caught in the middle of neighbor disputes over drainage. Young said that he had received a letter a few years back regarding obstructions. He said that Public Works Superintendent Karl Frink had been down to clean out the drainage area prior to the Pandemic.

### LEGISLATIVE:

1. **Resolution 2022.20: Backflow Fee Addition.** Staff prepared a resolution to accurately reflect the annual backflow testing fees charged to residents. The City hires a third-party vendor in an attempt to make it easier for residents to comply with the State law and to save residents money. *Councilor Humphreys made a motion to approve R 2022.20 as presented. Councilor Thompson seconded the motion and it passed unanimously.*
2. **Resolution 2022.21: American Rescue Plan Act Funds Tranche 2 Disposition.** McDowell explained that Council dedicated the first tranche of ARPA money help pay for the Downtown Sewer project. Council had said that the City would use the second installment for the GR12 Waterline project; this resolution would confirm that use. *Mayor Ware made a motion to approve R 2022.21 as presented. Councilor Humphreys seconded the motion and it passed unanimously.*
3. **Resolution 2022.22: Planning Fees Update.** Every year Staff and Council review all City fee schedules. Frink & McDowell reviewed the Public Works fee schedule and the Parks & Open Space Advisory Board reviewed the Parks Fee schedule and are recommending no changes at this time. Administrative Assistant Elizabeth Coleman and McDowell are recommending the two changes contained in this resolution. *Councilor Chambers made a motion to approve R 2022.22 as presented. Mayor Ware seconded the motion and it passed unanimously.*
4. **Ordinance 791: Noxious Weeds Provision (First Reading).** Councilor Craven asked for a motion to read by title only. *A motion was made by Councilor Hansen, seconded by Mayor Ware to read this ordinance by title only. The motion carried. Councilor Craven read the title. McDowell briefly explained the purpose of the ordinance indicating that a second reading will be held next month.*



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5. **Arbor Day Proclamation** – Mayor Ware proclaims October 15<sup>th</sup>, 2022 as the City’s annual Arbor Day celebration.

### ACTION ITEMS:

1. **Central Linn High School Road Closure Request.** This item was removed from the agenda at the request of the high school.
2. **TMDL Report | Dyer Partnership.** McDowell gave a brief historical overview of where the TMDL program came from and how it is being implemented by the State of Oregon. The City received a letter from Department of Environmental Quality (DEQ) in March of 2021, which was placed once again on the Council dais, where the State deemed every city in the State of Oregon, a Designated Management Agency (DMA) and required that a plan be adopted by September 3<sup>rd</sup>, 2022. The State provided no template or much guidance at all on the matter. Council decided to hire City Engineer Ryan Quigley of Dyer Partnership to re-write the plan to meet the new requirements.

The implications to the City’s taxpayers and rate payers is enormous. Council has heard the facts for years now. McDowell contacted the Department of Environmental Quality (DEQ) to request an extension because the plan needed to be reviewed by Council. Dyer Partnership completed the report around August 24<sup>th</sup>, 2022. McDowell could not submit the plan without Council approval because the plan is going to financially commit the town to execute everything in this plan for perpetuity. The City has over \$50 M in capital assets already and has a pressing need to address over \$20 M in existing infrastructure. The City will always be in debt to unfunded mandates like this one. Discussion ensued. Members of Council expressed dissatisfaction with the State for requiring this unilaterally on small cities. Councilor Hansen commented that at some point the City either has to comply, not comply or begin advocating for some form of relief.

*Mayor Ware made a motion to approved the draft plan be forwarded to the Department of Environmental Quality (DEQ) for review under protest. Councilor Neddeau seconded the motion and it passed 6-1. Councilor Chambers voted in opposition to the motion because of this unfair unilateral move by the State of Oregon about a program that was supposed to be voluntary.*

3. **League of Oregon Cities Legislative Priorities | Joint Letter.** The City of Harrisburg along with other cities in Linn County have asked Brownsville to participate in a letter that would request better lobbying efforts on behalf of small cities. McDowell explained the purpose of the League of Oregon Cities and the frustrations, like the TMDL program and other requirements being imposed on cities, that the League is supposed to assist member cities with. McDowell indicated that he assisted in penning the letter. *Councilor Hansen made a motion to authorize signatures on the letter and to forward the letter to the League of Oregon Cities as planned. Councilor Neddeau seconded the motion and it passed unanimously.*
4. **Council-Staff Event.** Staff has been asked to organize a social event for Council and Staff that will be held on October 20<sup>th</sup>, 2022 at 6:00 p.m. at Kirk’s Ferry restaurant. *Councilor Thompson made a motion to approve a social event for Council and Staff as presented. Councilor Humphreys seconded the motion and it passed unanimously.*
5. **KeyBank Deposit Only Account Setup.** McDowell explained that the City is trying to setup a deposit only account so that checks can be deposited at the local KeyBank ATM. It has taken nearly six weeks and Mayor Ware, Councilor Humphreys and Councilor Neddeau have all been involved with signatures and approvals. Staff is requesting Council acknowledge and approve this account for the stated purpose. *Mayor Ware made a motion to acknowledge and approve the creation of this account for making deposits only. Councilor Neddeau seconded the motion and it passed unanimously.*



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6. **Heritage Signs [W. Bishop Way ] & the State of Oregon.** The State of Oregon reached out to the City to replace the message boards on the west side of town. Many years ago the State launched the Over the River & through the Woods campaign to share local and State history. Time has come to freshen up the signs. The State would like the City to participate financially with this effort. The Linn County Museum is helping with the wording on the boards and will be applying for grants to help pay for the associated costs. Council can choose to be a part of this project financially or part of the group that review messaging or whatever else Council determines. Councilor Craven said that he feels if Council is asked to pay for the sign, then we should have some say in the messaging on the sign. Councilor Thompson and Chambers volunteered to work with the Museum on messaging. Discussion ensued. *Mayor Ware made a motion to stay abreast of this project and possibly serve as fiscal agent depending on details to be determined. Councilor Hansen seconded the motion and it passed unanimously.*

### **DISCUSSION ITEMS:**

1. **ROI Grant Disbursements.** Mr. McDowell reported that the City received the latest invoice from JayRay as presented in the materials. REAL is in the process of hiring a third-party to facilitate a future strategy discussion which would be eligible under the remaining grant funds.
2. **July & August Financials.** No comments or questions.

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

No one chose to speak.

### **COUNCIL COMMENTS.**

Mayor Ware explained to the audience that he had offered Council members the opportunity to run a Council meeting. Councilor Hansen ran the May meeting and Councilor Craven volunteered to run the September meeting.

Councilor Craven thanked Mayor Ware for the opportunity.

**ADJOURNMENT:** *Councilor Craven adjourned at 8:10 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