



## Council Minutes

March 27<sup>th</sup>, 2018

**ROLL CALL:** Council President Gerber called the meeting to order at 7:00 p.m. with Councilors Neddeau, Block, Shepherd, Chambers and Mayor Don Ware present. Administrative Assistant Tammi Morrow, Public Works Karl Frink and City Administrator Scott McDowell were also present.

**PUBLIC:** Kim Clayton, Elizabeth Coleman, Sergeant Greg Klein (*LCSO*), Tricia Thompson, Alex Paul (*Democrat Herald*), Jordan Parrish (*The Times*), Linda McCormick, Sarah Helgeson (*United Way*), Katie Cheney (*CLRA*), and Glenn Reinemer.

The pledge of allegiance was recited.

**ADDITIONS AND DELETIONS:** McDowell had a number of agenda additions tonight:

Under Legislative Items:

B. R 2018.08 Social Media

C. R 2018.09 Compensatory Time

Under Action Items:

C. Consider Appointment of Don Lyon to Historic Review Board

D. Mayoral Proclamation – Child Abuse Prevention & Awareness Month

E. Museum Road Closure Request

F. Steve LaCoste Road Closure Request.

**MINUTES:** Mayor Ware made a motion to approve the February 27<sup>th</sup>, 2018 meeting minutes as presented. Councilor Shepherd seconded the motion, and it passed unanimously.

### **PUBLIC HEARINGS OR PRESENTATIONS:**

1. **Oath of Office – Tricia Thompson.** Judge Lemhouse was present to administer the Oath of Office to Tricia Thompson. Tricia was appointed by Council to fill Mandy Cole's vacant seat. Councilor Gerber congratulated Councilor Thompson and welcomed her to the dais.
2. **Stand By Me – Linda McCormick.** Event organizer Linda McCormick presented a flyer to Council about the July 23<sup>rd</sup> event. It will be held on a Monday this year. She has checked with all the neighbors regarding the road closure request. Mayor Don Ware made a motion to approve the closure of Park Avenue on July 23<sup>rd</sup>, 2018 for this event. Councilor Gerber seconded the motion, and it passed unanimously.

### **DEPARTMENT REPORTS:**

1. **Sheriff's Report.** Sergeant Greg Klein was present to recap the month. In February LCSO spent 201.5 total hours for the City, resulting in 33 hours on traffic, 5 citations, 4 warnings, and 58 complaints. Klein stated that citation numbers were down, but he has checked March and so far for the month, there 9 citations, with 25 warnings. Sergeant Klein also reminded Council that Sheriff Bruce Riley is retiring, effective June 1<sup>st</sup>, 2018. Undersheriff Jim Yon will be taking over his position, and Paul Timm has been appointed to be the new Undersheriff.



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- 2. Public Works.** Public Works Superintendent Karl Frink reported that the leaf cleanup in Pioneer Park is finished. The Dollar General project is complete. Frink has been working on records, the cross-connection program, etc. The instruments at the Water Treatment Plant have been calibrated. One controller failed, and has been sent in for repair, at a cost of approximately \$1,000. Public Works has also been flushing hydrants around town. Frink is flushing in a measured system so that the reservoir is not unduly drawn down. The south WTP began discharging on March 19<sup>th</sup>, 2018, which is a slight delay compared to previous years. Chemicals have recently been a little more challenging to acquire, so that has caused a slight delay. Most streets around town have been graveled. PW will be opening up the Park this Friday in order for the Easter Egg Hunt to happen on Saturday. Don and Carol Neddeau, Park Caretakers, are set up in the Park, and have been helping out with mowing, trash, etc. They will officially start their duties in May. PW has marked several plots in the cemetery. It is still very wet for mowing up there just yet. Superintendent Frink talked about planning issues next. He said for some reason contractors seem to have a hard time understanding our rules and standards, and the City seems to get a lot of hassle in this area.

It is important that Council remembers that the City just reviews the submitted plans for City requirements (setbacks, TMDL, utilities, etc.). Linn County is where the permit approval comes from. We seem to get a lot of complaints, but they are mostly generated when the contractors are not following the process. The Public Works Standards that were recently developed and adopted by Council have helped the process tremendously. Mr. McDowell stated that Mr. Frink has been employed by the City for several years, and also serves as the inspector for projects, which saves the City considerable money.

- 3. Planning Report.** Administrative Assistant Coleman spoke next commenting on the amount of time that the permitting process requires of Staff. She very much appreciates the fence and accessory structure permit system. The \$30 fee does not necessarily cover staff time cost, but the permit helps in the planning and implementation of the ordinances and with compliance. Coleman tries to set up appointments with folks who are planning projects on their properties to help mitigate problems with the process. It takes an incredible amount of time at this stage. Councilor Gerber thanked Ms. Coleman for her incredible work in this area. Mr. McDowell stated that many times Staff is just shooting at moving targets, and it wastes a lot of staff time. He is asking for Council's support as we continue to journey through this process.
- 4. Administrator's Report.** McDowell reminded Council of the online filing for the OGEC. Some folks have completed the process, but there are still others that need to complete it. If you need a link, send McDowell an email and he will provide that for you.

Recently, Mr. McDowell and Ms. Deaver attended the CIS annual conference in Salem. There were several interesting sessions, including one from futurist Steve Brown. McDowell said that it is amazing what is being mined off your electronic devices. For example, Starbucks in Seattle have been using the playlists to increase traffic or entice folks to stay in their establishments. If their shop is busy, they would play music that would encourage folks to move along, if business is slow, they will play more of the customers favorite songs (gathered from their playlists in their devices) to encourage folks to stay longer. Sales have increased over the last two years. Algorithms are being used to track fish chatter, which can warn folks



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of an impending flood. They have put Fitbits on cows to determine cycles and can fairly accurately determine timing to determine the calf's sex. What a fascinating, and yet scary concept!

The Solid Waste Advisory committee will reconvene in May. There is disturbing recycling news out of China. They are changing the requirements for taking American recycling dramatically. Oregon is looking at suspending some recycling laws in order to be able to keep up with the situation. This situation will likely lead to increased rates for folks until the issue resolves, if it resolves. We can also expect changes in what recycling waste haulers will be accepting in the near future.

McDowell reported that Inspections Unlimited has finished their inspections. He anticipates that it will be about 2 weeks before the report is received. Staff will review the report, and then send it back for any final changes before presenting it to Council. Council tentatively agreed that there will be public comment input at the May Council meeting.

The regional policy advocacy piece is moving through the COG. The City website project is continuing to be revamped by Municode. Staff is working on adding The Dyer Partnership Engineers & Planners, Inc. to assist with upcoming public construction projects. The general ledger and utility billing software project is ongoing. The Klinkebiel situation is fluid, still resolving, and the associated legal fees have been forwarded to them.

The situation with CenturyLink and a citizen has resolved itself. A wire was inadvertently hit by the City dump truck while working on the street. The wire was hanging too low, out of compliance, but CenturyLink has restrung the wire and service has been restored to the user.

There is a lot of things going on right now with the policy advocacy piece. Seemingly, Councils, in general, have been lulled to sleep; they have become nothing more than a pin cushion for State and its multiple agencies. It is important to remember that Council is the last line of defense for our taxpayers. The State legislators are throwing issues like affordable housing, TMDL, and homelessness at cities to deal with while continuing to ignore Council authority and Home Rule. These issues will likely heighten over the next few months.

5. **Library Report.** No comments.
6. **Court Report.** No comments.
7. **Council Comments.** Councilor Gerber stated that she would try to make the next traffic meeting, she was out of town this month due to a family issue.
8. **Citizen Comments.**  
Katie Cheney, CLRA Basketball Director, was present to recap the season. She said that there are lots of good things happening, with lots of student involvement, and also parent volunteers and 3 student volunteers this season. She has added a co-director for basketball, Katy Kallai. The CLRA website is working well. She is also planning an off-season basketball camp.



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### LEGISLATIVE:

**A. Resolution 2018.07: Worker's Compensation Declaration.** Mayor Don Ware moved to approve R 2018.07. Councilor Block seconded the motion, and the motion passed unanimously.

**B. R 2018.08 – Social Media.** Councilor Gerber stated that as the world becomes much more global in our reach, we need to be very conscious of what we are putting out on social media. We, as Councilors, are always representatives of our City. We all have our own opinions and beliefs, but we need to hold ourselves to a high standard, and that's what this resolution is about. What and how we communicate reflects back on the City at all times. McDowell reviewed R 718. R 2018.08 modifies that resolution to address and include social media. It is a difficult situation.

Facebook is taking some heat right now due to information posted there that can be construed as slanderous or libelous. This can create a liability for the City. Yes, everyone has a first amendment right, but as Councilors, you also have responsibilities to serve and represent the City at all times. Councilor Block made a motion to approve R 2018.08. Councilor Chambers seconded the motion, and discussion was called for.

Councilor Chambers asked how social media was defined. Twitter, Facebook, Instagram, etc. was the response. Councilor Chambers feels that section 2 is subject to interpretation; she is a big First Amendment person and feels that this is too much. She said that obviously, not everyone is entitled to their opinion. Councilor Gerber responded that yes, it is a right, but as Councilors we must choose to hold ourselves to a higher standard. As a Council member, we signed an oath and agreed to these higher standards. Chambers replied that Mayor Don Ware writes weekly for the local newspaper. Some folks will agree with what he writes, and some will take offense. She stated that he will be in violation of this resolution. Gerber responded that she hoped that Don Ware would not be writing anything racist or demeaning. Councilor Block commented that this situation isn't as easy as passing a resolution. Block continued by asking if this behavior should be considered conduct unbecoming of a Council member? Block reiterated that as City Councilors we need to hold ourselves to a higher standard.

Councilor Chambers stated that she regrets voting for the ethics resolution as it is now being turned on her. She thought it was different than what it has become. Councilor Shepherd commented that he thinks you can say your peace, but say it with class. Everyone can see social media posts, there is no protection. Shepherd said, "If you get sued, you could be required to sign the title to your house over." What we are doing is trying to make sure that doesn't happen. McDowell interjected that this resolution is trying to give guidelines for discretion and doesn't think it is too much to ask. Many cities have stricter policies in place. He thinks we, as a society, are just beginning to take a really hard look at social media/slander, libel etc., and its broader implications as a whole. The discussion is not about whether it is fair or not. He stated that in the



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near future he feels it is likely that CIS will have a requirement for Councilors regarding social media interactions. *A vote was called for with all voting in favor with the exception of Councilor Chambers. The resolution passed 6-1.*

- C. Resolution 2018.09 – Compensatory Time.** McDowell stated that the current model allows no more than 80 hours to be accumulated. The problem with that is that most of the Staff is Type A personality, and several have acquired excess hours. This resolution will allow employees to cash out up to 20 hours twice a year, in April and October. *Councilor Block made a motion to approve R 2018.09. Councilor Shepherd seconded the motion, and it passed unanimously.*

### **ACTION ITEMS:**

- 1. Child Abuse Prevention and Awareness Month.** Mayor Don Ware proclaimed April 2018 as Child Abuse Prevention and Awareness month.
- 2. TMDL Report Response Letter.** This information can be found in your packet. Mayor Don Ware and Mr. McDowell will write a cover letter. TMDL is extremely costly. Albany's annual permit is \$1.6 million as recently published in the Albany Democrat-Herald. How can small cities afford this? This was a voluntary program at its inception and now it is moving toward mandatory compliance issue and cities are being threatened with fines. McDowell strongly encouraged Council to start writing letters and getting activated around the issue. *Councilor Shepherd made a motion to authorize Mayor Don Ware and Mr. McDowell to write a cover letter and move forth. Councilor Block seconded the motion, and it passed unanimously.*
- 3. Historic Review Board Membership.** Don Lyon has expressed interest in serving on the HRB. *Councilor Block made a motion to approve this appointment. Councilor Shepherd seconded the motion, and it was approved unanimously.*
- 4. Road Closures.** *Councilor Block made a motion to close Park Avenue from Main to Averill on August 25<sup>th</sup>, 2018 for a museum function. Councilor Shepherd seconded the motion, and it was approved unanimously. Councilor Block made a motion to close Park Avenue from Main to Averill on May 14<sup>th</sup>, 2018 for a Napa function. Councilor Shepherd seconded the motion, and it was approved unanimously.*

### **DISCUSSION ITEMS:**

- 1. Proposed O 772 – Nuisance Abatements.** Mayor Don Ware read from Steve Van Sandt's submitted letter to Council. Van Sandt would like properties of greater than 1 acre be able to have islands of areas for tall weeds. McDowell gave a quick overview of the entire ordinance. One change is the notification process. Previously the notice was posted and mailed certified to the occupant and/or owner. Most of the postings are for repeated offenders, and they simply refuse to accept the certified mailing. Each mailing costs approximately \$7, and it is just a waste of city



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resources. The new procedure will be to physically post the property and deliver the notice by hand or electronic means when possible. In regard to rubbish and trash, the time frame has changed to abatement within 48 hours. The inoperative vehicles portion has been changed from two vehicles to one. If any of these nuisances are appealed to Council, Council can then grant 48 additional hours for the abatement to be addressed.

Mowing of parcels over an acre was discussed. Currently compliance includes mowing a strip around the property perimeter and around buildings. City Hall gets a lot of kick back with this ordinance due to some not having to comply fairly with reducing fire load as the basis for the ordinance; larger lots with tall weeds and grass will have a much higher fire load than smaller lots. Councilor Shepherd commented that he thinks it is ridiculous for them and their neighbors to allow this fire hazard. Councilor Chambers agrees with Steve Van Sandt that she would like to be able to have islands in the larger lots of grass and weeds. Mayor Don Ware stated that Van Sandt believes this ordinance will reduce the natural fauna and flora. He would like to have an area that bees can reproduce. Councilor Shepherd commented that he thinks there are plenty of areas for the bees. Councilor Neddeau commented that he didn't understand how an open field is a habitat for bees and birds. Councilor Gerber stated that you could create a natural habitat within this ordinance. Councilor Shepherd reminded Council that last time this was talked about Council spent 3 years on it! He believes a couple mowings a year will greatly reduce the fire hazard, and it would keep the briars and weeds down to a minimum. Councilor Neddeau stated that he sees a huge difference between a small residential lot with flowers and trees versus an open field of dry grass that can be over an acre. Councilor Gerber commented that it sounds like Council consensus is that most of the ordinance looks good, with some disagreement on section d. Perhaps McDowell could bring back some additional language in regard to that section next month for Council discussion.

2. **Proposed O 773 – Attractants.** Councilor Gerber stated that she liked the look of it, and that Council would be ready for the first reading next month. No other comments.
3. **Proposed O 774 – Noise.** McDowell stated that McFarland Cascade recently installed extra sound barrier devices to mitigate noise affecting the City. At the time, there were no ordinances requiring them to comply or to take these extra measures. This new ordinance will help Staff and the Planning Commission by creating some guidelines and parameters for noise issues. With no objections from Council, this ordinance will have its first reading next month.
4. **Proposed O 775 – Animals.** Councilor Gerber stated that she thought it sounds reasonable not to have animals on such small lots. Councilor Shepherd asked why sheep and bees are exempt? Many folks are highly allergic to bees. McDowell responded that this language allows for review of proposed animals, and that many lots are fairly large, and rural, and if a certain distance was maintained, could easily



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contain certain animals on their property. Council consensus is that the ordinance looks good and would be ready for the first reading next month.

5. **NIMS & General Communications.** McDowell is recommending that Council complete some of the National Incident Management System (NIMS) online for use in future natural disasters and emergencies; specifically, NIMS 100 & 200 dealing primarily with communication. During a disaster event, Staff will be under a tremendous work burden. He is just suggesting it as something for Council to consider. McDowell will resend out a link for Council to look at. The training is all online.

6. **February Financials.** No comments.

**Citizen Comments.** No comments.

**Council Comments.** Councilor Chambers asked if it was true that the Blakely Street school property had been sold? McDowell responded that we have had no official word from the CLSD on the subject.

**ADJOURNMENT:** Councilor Block moved to adjourn at 8:29 p.m. Mayor Don Ware seconded the motion, and it passed unanimously.

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S. Scott McDowell  
City Administrator

A blue ink signature of Don Ware.

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Don Ware  
Mayor