



Council Minutes

February 26th, 2019

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

PUBLIC: Halsey City Administrator Hilary Norton, Halsey Mayor Jerry Lachenbruch, Kim Clayton, Elizabeth Coleman, Jannea Deaver, Candi Unger (*Sweet Home Sanitation*), Tia & Holly Parrish (*The Times*).

The pledge of allegiance was recited.

ADDITIONS AND DELETIONS: McDowell added several items to the agenda. McDowell explained that there was a copy and explanation on Council's desk of the 2017-18 audit, Councilor Hansen provided literature on local government responsibilities from the League of Oregon Cities, and R 2019.07 that pertains to the cemetery bridge.

MINUTES: Councilor Block made a motion to approve the January 19th, 2019 Goal Setting Session and the January 22nd, 2019 and the meeting minutes as presented. Councilor Hansen seconded the motion, and it passed unanimously.

PUBLIC HEARINGS OR PRESENTATIONS:

1. **Oath of Office – Mayor Don Ware.** Mr. McDowell administered the Oath of Office to Mayor Ware. Councilor Neddeau will be sworn in next month upon his return.
2. **RAIN Update – Corey Wright.** Mr. Corey Wright thanked Council for the opportunity to speak tonight. He is a venture catalyst. He spoke highly of Brownsville, stating that he had some local connections here. One key area of focus is on entrepreneurs that want to sell nationally and internationally. He works on recruitment and business retention and expansion. RAIN only goes where they are invited. He spoke about his various activities and upcoming workshops. Basically, Wright has three asks tonight, 1) let him know of entrepreneurs, 2) if you are a business owner, and interested in mentoring, let him know, and 3) he is also asking for investors to invest back into the RAIN program.
3. **Sweet Home Sanitation (SHS) – Candi Unger.** Ms. Unger is the current site manager for SHS. She is here tonight to talk about a rate adjustment and current recycling. Unger reported that they do have a use for recycling now, so that program will be starting back up. It is also time for the annual price increase, which will take effect in March. Current and historical rates were discussed. Councilor Thompson asked about recycling. Unger stated that it is currently going to International Paper in Springfield. Councilor Hansen asked if the rate is negotiable; stating that there were two rate increases in 2018 totaling almost 10%. McDowell stated that the rate is negotiable from 0 - 2.9%, and their proposal is based on the new CPI, which more accurately reflects their industry. The first crisis is recycling. Prior to asking for the rate increase, SHS was taking a loss on recycling. *Councilor Block moved to cap the proposed rate increase at 2%. Councilor Thompson seconded the motion.* Mayor Ware called for discussion. Councilor Gerber asked what this limited rate increase would mean for SHS? Unger replied that she would need to get creative with her budget to cover costs going forward.



Council Minutes

Gerber remarked that she feels that Brownsville is getting an incredibly reasonable price, and that we need to make sure that our hauler/partner is meeting their needs as well. Councilor Thompson remarked that it is a tough situation, but it would be a bit easier if we can hold the costs a little bit this time for future increases. Balance is important. *A vote was called for with all voting in favor and Councilor Gerber and Mayor Ware voting against, motion passes 4-2.*

4. **Audit Review – McDowell and Morrow.** Mr. McDowell extended a welcome to Halsey City Administrator Hilary Norton and newly elected Mayor Jerry Lachenbruch. McDowell created a PowerPoint presentation around the City's fiscal financial health and the recently completed FYE 6/30/2018 audit. The financial process is tied closely with the annual audit. Assets, liabilities, balance sheets, transfers, and fund balances were reviewed as well. In actuality, City finances are doing well. With the refunding of the bonds, the City saved taxpayers over \$1.27 million over the life of the loan. The OECD bonds were not able to be refunded as they are based on revenue bonds, which is a little different than the other bonds. Revenue forecasting, budgeting, utility bonds and debt service fees and taxes were also discussed. Mrs. Morrow reviewed the End of Month Recap with a thorough explanation of what all the numbers meant on the month end report. McDowell stated that we are almost at a 1-1 ratio with bonded debt and cash on hand. When the City reaches the \$6 million mark, it may be a good idea to look at diversifying and perhaps consider addition investment vehicles with \$1 million in low risk investment opportunities.

DEPARTMENT REPORTS:

1. **LCSO Sheriff's Report.** Sergeant Klein reported that in January there were 21 traffic citations, and 44 warnings, 23 hours for traffic enforcement, and 217 hours overall. (The 17 hours were over what our contract requires, but the City is not charged extra for these hours.)
2. **Public Works.** Public Works Superintendent Karl Frink reported that the contract for the new meters has been signed, and there are approximately 400 installed as of today. They are moving right along, and so far, have been great to work with. Frink is getting more and more excited about the automated system.

Superintendent Frink stated that the City has gotten complaints about trucks filling up at the hydrant on Bishop Way. Mr. Frink explained the process for Council. He inspects all that trucks before they first fill up and begin using the water system to check for compliance with City of Brownsville and State of Oregon rules. The water is billed as bulk water, and folks must set up an account at City Hall before the process can begin. They are charged for a maximum load each time they fill up. Mr. Frink wants to make sure that folks know there is a process and procedure to getting water here. Frankly, Frink stated that he is tired of these complaints. He is licensed for these procedures and takes this responsibility very seriously as his licensure is always on the line for the City's public water system. The initial complaint was taken back in October, and this individual is just now bringing the issue to Council? Frink is very disturbed with this whole situation. Councilor Block stated that he was approached by this same individual back in October and he advised him of the avenues he should take to get the answers to his questions. Again, Councilor Block is wondering why this is coming before Council at this late date. The City has a very strict policy regarding bulk water.



Council Minutes

Frink talked about discharging from the lagoons and that there have been no violations about the discharging.

Frink advised Council that the City has hired the Linn County Road Department to grade the streets in town. Graveling will start soon, as weather permits.

Public Works Staff continues to work in Pioneer Park raking, picking up leaves, and addressing general maintenance items.

Mayor Ware complimented Public Works Staff for the great job they did with cleaning up and dealing with the snow.

3. **Administrator's Report.** Mr. McDowell shared a couple of thank you notes that Staff has received.

In November 2017, a property owner and business partner submitted an application for permits to Linn County to establish a large indoor/outdoor marijuana grow operation to be located just outside City limits on Gap Road on EFU land. Council initiated a ballot measure to ban all marijuana in town. The measure passed by approximately 65%-35%. Council also requested that Linn County expand the Urban Growth Boundary (UGB) to preserve buildable land in the City that would suffer the huge detrimental impacts from a large-scale marijuana grow. Linn County requested that the City officially submit our land inventory before they will rule on the issue. The City is working on that every day, and hopes to have that project finished up soon.

Regarding marijuana tax income, the 17% is only allowed or received if you have all four types of marijuana related businesses in town. The City has never been eligible for these monies because Council only approved three uses originally. The City is eligible to receive the 3% tax. Please see Mr. McDowell if you would like more information. Some information is confidential under a secrecy clause required by the Oregon Department of Revenue.

The Cascade West Council of Governments is working on objectives for the long legislative session now underway. The first \$50 of each fine levied goes directly to the State. Retired Judge Jad Lemhouse was a huge advocate for us and other small cities. He recommends that everyone, Council, Linn County and the COG included, advocate going forward to change some of these laws. At the end of the day, it is next to impossible to focus on all the issues that need to be addressed. But we need to be vigilant attending to these important details and possibly consider getting an actual lobbyist to help us with these and other relevant issues.

Mr. McDowell along with Councilors Block and Thompson recently attend a LOC training day. Councilor Hansen also attended a budget workshop at the coast.

Mr. McDowell contacted Linn County concerning the crosswalk issue. He was told that they will review any plan we might submit, but are unwilling/unable to do it for us. McDowell will contact an engineering firm to get an estimated cost for this plan.

McDowell reported that Staff continues to work on policy issues. One issue that keeps arising is private development of private property. Council will remember that if a development is an outright permitted use under Brownsville Municipal Code, the City has no say in that development. The City's job in that scenario is to



Council Minutes

make sure that our standards and regulations are met to protect the City and its taxpayers.

McFarland Cascade developed their peeling plant when there were no noise standards in place. After the City received several complaints, they installed soundproofing and baffling to mitigate the noise, but were not required to go the extra mile, they were just being a good neighbor. Mrs. Coleman stated that she spends a lot of time explaining issues that have arisen because of rumors. Her hope is that in the future, folks would come in and get the real information, and not rely on rumors. She is always willing to explain the comprehensive plan, building codes, fence line, property lines, etc. Again, it's important to remember that if private property development meets the needed criteria, folks are free to develop/improve their land.

Wyatt Rolfe from Schroder Law is reviewing a water curtailment issue from Oregon Water Resources Department. McDowell and Frink continue to work diligently on these regulations.

City Hall is already hearing concerns about higher rates. Rates are NOT going up. The new Kamstrup meters more accurately detect and read water usage than the old meters. McDowell quoted Randall Roost, (*Senior Water Planning Engineer at Lansing Board of Water & Light*), "Utilities have done a very poor job of communicating the value of water to their customers.... We're out of sight, out of mind. You turn on the tap, the water comes out. You pay your bill every month and you move on. People don't think about water systems, and they become complacent about the service." Going forward McDowell stated that Staff is going to need Council's support on this issue. Folks have old systems, old pipes, leaks are going to be easier to detect, and going forward it is important that Council can be passing on the right information to our customers.

Mrs. Morrow recapped EPC's (*Emergency Planning Committee*) last meeting, future goals, and current status.

McDowell stated he along with Councilors Gerber and Chambers recently attended an FRC (*Facilities Review Committee*) meeting. The meeting was well attended with CLSD representatives, and it was a good initial conversation. The group will meet again in early April.

McDowell has been asked to speak at a Goal Setting Session for Sweet Home Council. Also, the annual CIS conference is this week. He will be singing with the band on Thursday night; they do 15-16 songs. Also, McDowell stated that he will not be singing at City Council!

4. **Library Report.** No comments.
5. **Court Report.** No comments.
6. **Council Comments.** Councilor Thompson stated that her biggest take away from the FRC meeting was that there are a lot of dedicated parents that put the programs together and keeping them strong.



Council Minutes

LEGISLATIVE ITEMS:

1. **Resolution 2019.07 – Cemetery Bridge Repairs.** The City just received the 3rd quote last Wednesday. He sent the quotes over the McGee Engineering for a recommendation. They recommended Farline Bridge, Inc. Their bid is not the lowest, but is the most substantial and will achieve the best load rating that is possible. *Councilor Gerber moved to approve R 2019.07, Option 2, as presented. Councilor Hansen seconded the motion, and it passed unanimously.*

ACTION ITEMS:

1. **Central Linn Community Foundation Partnership.** Mr. McDowell shared a thank you letter from the CLCF for the City's \$1,000 partnership this year.

DISCUSSION ITEMS:

1. **DEQ & Storm Water Rules.** McDowell included in the packet an article highlighting several cities that are initiating legal action against DEQ regarding unfunded mandates that are causing great financial concern for cities as they attempt to reach compliance for TMDL. He is asking for Council's wishes on the matter. Consensus was to send McDowell forward to gather more information.
2. **Goals & Priorities 2019-2020.** McDowell included in the packet lots of paperwork generated at the Goals Setting session. Ongoing high priorities include land use inventory, FRC discussions, downtown sewer collections lines, WTP (2024) are a few of the priorities that Council is already working on. Councilor Hansen led a discussion about setting other goals and priorities. Final group consensus goals and priorities for 2019-2020 included building rules and standards, economic development, TMDL, Advocacy, EPC, and possibly a sidewalk program. McDowell will bring a draft to the next meeting for final approval.
3. **Sidewalk Program.** Councilor Block expressed interest in the details of setting up a sidewalk program as a goal or priority for 2019-2020. It is important to note that Council has never been interested in moving forward with this program in the past. Basically, sidewalks are the responsibility of the property owners. If Council decides to move forward, basically the town would be broken into sections, and citizens would have a certain amount of time to comply with creating their sidewalk. If property owners did not comply, the City would then come in and put in the sidewalk, and assess the cost back to the property owner. McDowell shared this information so that Council is aware of the logistics of this project and what angst might be generated due to topography and other factors.
4. **OGEC Preparations.** Mr. McDowell informed Council that they should all be getting an e-mail soon from the Oregon Government Ethics Committee. All elected and appointed officials are required to complete and submit this information annually; if not completed by April 15th, fines and fees will be assessed. Please contact Mr. McDowell if you have any questions, or need assistance.
5. **January Financials.** No comments.



Council Minutes

CITIZENS COMMENTS – No comments.

COUNCIL COMMENTS – No comments.

Council will be holding a retreat discussion immediately following the Council meeting to discuss unfinished business from the retreat held January 19th, 2019.

ADJOURNMENT: *Councilor Block moved to adjourn the Council meeting at 8:50 p.m. Councilor Hansen seconded the motion, and it passed unanimously.*

A handwritten signature in blue ink, appearing to be "SM", representing the City Administrator.

City Administrator S. Scott McDowell

A handwritten signature in black ink, appearing to be "DW", representing the Mayor.

Mayor Don Ware