



Council Minutes

March 26th, 2019

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

PUBLIC: Kim Clayton, Jamie Cross, Rod Souza, Sherri Lemhouse, Greg Klein (*Linn County Sheriff's Office*), Bryan Bradburn, Linda McCormick, Tia Parrish (*The Times*), and Alex Paul (*Democrat Herald*).

The pledge of allegiance was recited.

ADDITIONS AND DELETIONS: McDowell added two items to the agenda: 1) a Child Abuse & Prevention Proclamation, and a sewer invoice request from a downtown business owner.

MINUTES: Councilor Chambers made a motion to approve the February 26th, 2019 meeting minutes with corrections regarding the attendance record. Councilor Block seconded the motion, and it passed unanimously.

PUBLIC HEARINGS OR PRESENTATIONS:

1. **Oath of Office – Councilor Mike Neddeau.** Mr. McDowell administered the Oath of Office to Councilor Neddeau.
2. **Social Gaming Ordinance Request – Joe DeZurney.** Mr. Joe DeZurney was present to discuss the current social gaming ordinance with Council. He would like Council to update the ordinance to read game times to be between 11:00 a.m. – 11:00 p.m. He just wants to make sure the group is operating within the confines of the ordinance. The game has been in Brownsville for nearly thirteen years without any complaints. Mr. DeZurney wants to ensure the game can continue. Councilor Gerber suggested just updating the wording to state the games *begin* during operating business hours. Council consensus was to send Mr. McDowell forth and bring an updated ordinance for Council review in April.
3. **Total Maximum Daily Load (TMDL).** Mr. McDowell presented a slide show regarding TMDL, giving a quick overview with current and future implications. McDowell stated that he has now sent out the 3rd iteration of our 5-year plan. He and Public Works Superintendent Frink have had several meetings with our local DEQ representative. Mr. Frink stated that there are many requirements to TMDL. Requirements like certified operators, continuing education, and meeting DEQ requirements all play a part. He stated that we are currently dealing with water curtailment; and have met all other requirements. Frink stated that in the short-term, the City is ok, but long-term implications are more difficult to predict. TMDL is geared toward protecting fish. McDowell gave an overview of the process basically summarizing when it rains land-based chemicals such as fertilizers, pet waste, mercury, pesticides, etc. are washed into the waterways. TMDL applies to water run off of impervious surfaces such as roofs, streets, sidewalks, driveways and carries pet waste, oil and fuels from vehicles into streams. DEQ overstepped their authority on a few suggestions in the drafts Staff has received. Most of those involved Council's authority over discretionary spending and certain partnerships.



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Looking into the future, McDowell predicts that the City and taxpayers will be paying for storm water regulations and infrastructure that will be very expensive.

Future TMDL implications could cause the City to install a storm water system, and a potential treatment process. The potential burden would be significant. TMDL forces the City taxpayers to pay to treat runoff from fields and land outside the City from farm fields and forests. The agriculture lobby is strong in Oregon, and they are not being curtailed with spraying chemicals or being asked to pay for treatment of runoff from their properties. Quite literally, city residents will be forced to pay to treat water from outside the City and outside sources. There is currently litigation against TMDL and its implications. The City of Brownsville is unable to join that lawsuit as it was generated by MS-4 cities. Brownsville is a non-MS-4 city. In the future, it looks like property owners will be billed by impervious surfaces (surfaces that do not absorb rainfall) calculated by square footage. Mr. Frink stated that nine miles of sewer pipe is estimated to cost the City of Albany \$20 million. The cost to install a stormwater system is phenomenal, and the prices just keep going up. These numbers, however, are small compared to what a treatment plant will cost. In closing, TMDL is looming, and the time is now to begin/continue to write letters and talk to your representatives about future implications around this issue.

DEPARTMENT REPORTS:

1. **LCSO Sheriff's Report.** Sergeant Klein reported that in February there were 4 traffic citations, and 19 warnings, 7.5 hours for traffic enforcement, and 217 hours overall. Klein stated the cites were low this month due to deputies engaged with other matters, vacations, illness all led to the numbers this month.
2. **Public Works.** Public Works Superintendent Karl Frink reported that the new meters are 99% installed. Frink has done a test run with reading the meters, and the system is working well. The new system can more accurately detect leaks, detects backflows, and gives notifications and warnings. Frink is very excited about the upgrade into an automated system. He will be able to read the meters in under 1 1/2 hours.

Frink talked about discharging from the lagoons and that there have been no violations with discharging. There was a tree that fell in the Park, and he also had a tree removed on Templeton. Public Works graveled several streets in town, and also finished the leaf cleanup in the Park. The Park will be opening April 1st, so Public Works is preparing for that as well. Frink will be meeting with Roy Houtz around the de-winterizing of the grills in the pavilion.

Frink advised Council that the cemetery bridge has been repaired. The project took 3-5 days, and went very well. We are waiting for the official rate loading from McGee Engineering.

3. **Administrator's Report.** Mr. McDowell reminded Council that the OGEC is due no later than April 15th, 2019. Everyone on the Council, and the Planning Commission, are required to fill out a Statement of Economic Interest (SEI) and submit it electronically. The City can be fined for non-compliance if individuals don't file appropriately. Please let McDowell know if you need help or have any questions.

Budget season is upon us. There has been an email sent out to Council and the Budget Committee, and Mrs. Morrow has copies of the Prospectus Report here



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tonight if you would like a printed copy. It is required reading to help understand the budget and the City's goals.

Mayor Ware and Councilor Hansen will be hosting State Representative Marty Wilde here in Council Chambers for anyone interested in attending.

Mrs. Morrow spoke about the EPC, current agenda and progress happening at Central Linn High School and with the local fire departments.

McDowell spoke next reminding Council that the regional economic development project is a marathon, not a sprint. McDowell a logo for Mid-Valley Prosperity. This is coming from Council's effort through the Ford Foundation, the Go Team, and the RLED proposal.

McDowell informed Council he spoke with Linn County about working on improvements for the Main Street crosswalk issue as directed by Council. McDowell indicated that Linn County is to do the engineering for the City, but is more than happy to review the findings of the City Engineer. After consulting with the Dyer Partnership's Ryan Quigley it was established that engineering will cost approximately \$6,400.

McDowell shared a PowerPoint slide reminding Council of the City's responsibility and the property owner's responsibility in regard to the new water meters being installed. The new meters will also help with the City's required Water Management & Conservation Plan as ordered by the Oregon Water Resources Department. Mr. McDowell talked about a few ways that consumers can conserve water as duly pointed out by Councilor Block.

McDowell recently met with John Sileo regarding the internet and cyber security. CIS is developing a template for cyber security. He has also met with COG and a local IT service. The City will need to add some security soon. The City has already been hit with two ransomware attacks. Both situations resolved well, but computer security will continue to be a challenge for the City.

Mr. McDowell stated that Staff is busy entering new meter information into the system. Staff is working through challenges with Harris Computer Systems. McDowell contacted Alyrica and increased the City's internet speed.

The Linn County Sheriff's Office contract is currently being discussed. The Sheriff proposed a 4.5% increase each year for the next two years.

4. **Library Report.** Mrs. Sherri Lemhouse was present to discuss the Linn Library Consortium proposal. The advantages and disadvantages were discussed. The Library Advisory Board unanimously moved to not join the Linn Library Consortium. The Board is looking into the possibility of eBooks, which might be a valuable addition to the City Library.
5. **Court Report.** No comments.
6. **Council Comments.** No comments.
7. **Citizen's Comments.** Mr. Bryan Bradburn, Washington Street, was present. He stated that in 2-3 months folks are going to begin to plant marijuana outside again. He encouraged Council to review the ordinance and get things back on track soon.

Mr. Rod Souza, Gap Road, was present to make people aware of the smart meters and the dangers they pose. He stated that we should all have the freedom to abstain



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from this type of energy and surveillance on our homes; it has to do with our health and our actual freedom.

LEGISLATIVE ITEMS:

1. **Resolution 2019.08 – Worker’s Compensation Coverage Declaration.** McDowell stated this is the annual resolution that is passed. *Councilor Block moved to approve R 2019.08, as presented. Councilor Neddeau seconded the motion, and it passed unanimously.*
2. **Bob Anderson Recognition Proclamation.** Mayor Ware presented this proclamation to Cyndi Anderson, Mr. Anderson’s widow, at his recent Celebration of Life event. Councilor Block stated that the Mayor did a spectacular job of reading the proclamation.
3. **Child Abuse Awareness Proclamation.** Mayor Ware declared April to be Child Abuse Prevention and Awareness Month for the City of Brownsville.

ACTION ITEMS:

1. **2019-2020 Council Goals.** Mr. McDowell initiated a conversation with Council surrounding goal setting and what they would like to see going forward. The DLCD zoning and UGB expansion is a twenty-five year plan and is currently in progress. Other items to consider continue to be Kirk Avenue, Park Buildings rehab, Rec Center rehab, the Picture Gallery, cemetery bridge, sidewalk program, etc.

Councilors Thompson and Block have been meeting and talking about TMDL, DEQ, EPA and the Canal Company implications. Councilor Gerber stated that she would like to refine the list a little bit. Councilor Block stated that he is not into spending \$6,400 in fees for an engineered study of the downtown crosswalks; he would like to take this off the Goals list for now. Councilor Thompson asked how many Councilors are passionate about the crosswalks, stating that if it was important to the community, the Council should consider it. Councilor Thompson stated that she was in favor of spending the \$6,400 for the engineering to show that we care and are reasonable. After a consensus of Council, only Councilor Thompson was in favor of the engineering study, and the item was removed from the Goal list. Other goals were discussed with priorities looking like a push against TMDL implications and Building Rules and Standards (and incorporating storage containers into this goal).
2. **Meals on Wheels Partnership Contribution Request.** McDowell stated that a request has been received asking for \$1,210 in partnership funds for the year. *Councilor Block moved to approve this disbursement. Councilor Gerber seconded the motion, and it passed unanimously.* Councilor Hansen stated that he does have an immediate family member that does benefit from this program, and excused himself from the vote. Mayor Ware stated that he does have lunch there himself periodically.
3. **Brownsville Parts & Service – Road Closure.** *Councilor Block moved to approve this road closure on May 3rd, 2019 for the large annual tool sale and barbeque. Councilor Hansen seconded the motion, and it passed unanimously.*



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- 4. Sewer Request – Downtown Business Owner.** McDowell placed an e-mail on Council's desk tonight with a reimbursement request from a downtown business owner. Basically, the property owner had issues due to problems on their side of the sewer main. Their building had inadequate sewer ventilation. The defect was detected when Public Works was cleaning the downtown sewer system. *Councilor Gerber moved to deny the reimbursement request, stating that the City is sympathetic, but it is not the City's responsibility for private property issues. Councilor Block seconded the motion, and it passed unanimously.*

DISCUSSION ITEMS:

- 1. Vineyard Wind Machines Awareness.** McDowell reminded Council that if the wind machines out by the vineyard south of town, kick on, they will be loud, and City Hall will likely be inundated with complaint calls again. The vineyard is located on EFU (Exclusive Farm Use) land, and it is allowed. He encouraged Council to remind folks if asked.
- 2. Utility Bill.** McDowell created a sample water bill that explains all the various charges on the utility bill. It can be found on the City's website.
- 3. Revisit Council Rules.** Council recently sent McDowell forward to talk with the City Attorney Ross Williamson regarding R 718. McDowell would like a couple of Councilors to assist with review. McDowell will use those recommendations to bring back to Council in written form. Councilors Thompson and Neddeau expressed interest in helping.
- 4. February Financials.** No comments.

CITIZENS COMMENTS – No comments.

COUNCIL COMMENTS – McDowell stated that he has received an e-mail from LCSO that the Drug Take Back event will be happening on April 27th, 2019 at Brownsville City Hall from 12:30 p.m. – 1:30 p.m.

McDowell also stated, in response to Mr. Bradburn's request, that the Marijuana Nuisance Ordinance can be rewritten to enable the City Administrator, or designee, to cite offenders into municipal court. The ordinance is currently under review. Council would like McDowell to bring back the findings next month.

ADJOURNMENT: *Councilor Block moved to adjourn the Council meeting at 8:37 p.m. Councilor Chambers seconded the motion, and it passed unanimously.*

Handwritten signature of S. Scott McDowell in blue ink.

City Administrator S. Scott McDowell

Handwritten signature of Don Ware in blue ink.

Mayor Don Ware