



Council Minutes

November 26th, 2019

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

PUBLIC: Kim Clayton, Sergeant Klein (*Linn County Sheriff's Office*), Phil and Kaye Fox, Elizabeth Coleman, Chenoweth Robertson, Bryan Bradburn, JoAnn Neddeau, Candi Unger (*Sweet Home Sanitation*), Alex Paul (*Democrat Herald*), and Tia Parrish (*The Times*).

The pledge of allegiance was recited.

ADDITIONS AND DELETIONS: McDowell informed Council that they would find added documents on the desk tonight including O 782 and an updated park facilities rules and rates sheet, to be reviewed and considered under legislative and action items, respectively.

MINUTES: Councilor Block made a motion to approve the October 22nd, 2019 meeting minutes as presented. Councilor Gerber seconded the motion, and it passed unanimously.

PUBLIC HEARINGS OR PRESENTATIONS:

1. **Central Linn Community Foundation – Chenoweth Robertson.** Chenoweth Robertson was present to request the annual \$1,000 partnership contribution for the CLCF. Mayor Ware recused himself. The CLCF awarded several local groups and projects over the last funding cycle. *Councilor Gerber made a motion to approve a partnership contribution in the amount of \$1,000 for the CLCF. Councilor Hansen seconded the motion.* Discussion was called for. Councilor Hansen asked about the difference between a donation or partnership support. Mr. McDowell reminded Council that state law prohibits donating public funds, but partnership support is allowed. *The vote was called for, and passed unanimously, with Mayor Ware recusing himself due to his membership status with the CLCF.*
2. **Sweet Home Sanitation – Candace Unger.** Candace Unger was present to report on Brownsville Clean Up Day held on October 5th, 2019. She said the event went very well; the City's Public Works crew helped immensely. Items collected included tires, e-waste, wood, appliances, metal and garbage. Unger stated that at the Household Hazardous Waste event, held the next weekend in Sweet Home, 26% of the participants were from Brownsville. Councilor Hansen stated that the City is very happy with Sweet Home Sanitation's service, and they are valued as an important community partner. Mr. McDowell extended a thank you to Ms. Unger for cleaning up some metal for the City recently, and reiterated that Staff also very much appreciates all their efforts on the City's behalf.
3. **TMDL Semi-Annual Review.** McDowell provided the semi-annual TMDL review for Council in a presentation. He showed the article featured in the City's fall newsletter. McDowell talked about requirements including temperatures, bacteria, mercury, IDDE, and all pollutants. He talked about the general concept of stormwater collection and fees, and also about what the City is doing currently, and into the future, to comply with TMDL regulations. McDowell then went on to



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discuss the DEQ integrated reporting. He showed the website and the tabs that you can click on for further information.

DEPARTMENT REPORTS:

1. **LCSO Sheriff's Report.** Sergeant Greg Klein recapped the October numbers: 12 citations, 29 warnings, 31 hours for traffic, and 217.5 total hours spent in Brownsville. Klein informed Council of several different calls and incidents that have happened recently, and the time constraints that each incident can require, focusing this month on dog complaints. Klein stated that going forward, dog complaints will likely be dealt with by the deputies as well, not just animal control, since they are a code violation. McDowell expressed his appreciation for Sgt. Klein and Lt. Duncan for continuing to check in and take care of business for the City. Councilor Thompson asked if there was a way to get compensation for the hours spent on dog complaints, etc. Klein stated that if there are citations written, and fines levied, then likely through that process some funds would be recovered. Mayor Ware inquired about the status of the group of troubled teens that we have heard about for the last few months. Sergeant Klein stated that the situation seems to be resolved for now; he hasn't seen any egregious calls for these particular kids lately. He stated that the LCSO will continue to monitor the situation. Mayor Ware stated that he appreciates the level of incident detail that Council is receiving now; it helps Council have a better understanding of all the LCSO does for the City.
2. **Administrator's Report.** Mr. McDowell stated that Mr. Frink has just returned from 2 weeks off, so he will not be present tonight.

McDowell reported that the Facilities Review Committee met recently. The Ad Hoc Committee discussed the structural engineering report from VLMK; they also discussed ideas, strategies, and options going forward.

McDowell stated that the EPC group met in November. The group has created the clcepc.org website, and has lots of good energy in the group. They also set some goals, did some brainstorming, and the meeting schedule for 2020 was set. Norman Simms and/or Marilee Frazier will be here next month to provide the EPC's Annual Report.

McDowell reported that Staff continues to have fits with our software provider. We have been working with a cloud-based system, and it is just not going well. We have decided to go back to the stand-alone native system on our machines. When Alyrica comes to town with fiber optics, the City may try the cloud-based system again.

McDowell has been asked by the Calapooia Watershed Council to be allowed to put bird feeders in Pioneer Park from November – April. They want to participate in a bird count survey conducted by Cornell University. Staff warned them of the risk of vandalism, etc. Council agreed by consensus to allow the bird study and placement of feeders at the described location.

McDowell reported to Council that this is his 4th Council Meeting in 7 days. He has been traveling around the region talking about the Mid-Valley Partnership (MVP) effort. He has heard unanimous support with all the cities, including Halsey, Monroe, Lebanon.

McDowell updated Council on the Central Linn Recreation Association (CLRA). President Blaine Cheney has stepped down, and Sean Johnson is acting as



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president. Councilor Thompson continues to be Council's liaison to CLRA (Councilor Block was liaison for several years as well); Betsy Ramshur serves as Park Board liaison. McDowell may be helping them with some organizational development pieces during this transition.

Mr. McDowell reminded Council of the City's snow plowing policy should the City get a big snow fall. The policy is in the packet. Linn County Road Department will plow Main Street, but the City does not own snow removal equipment, and the snow usually is very short term.

McDowell reported that he and Councilor Block recently attended an advocacy meeting in Scio. They were pleasantly surprised to see the lead lobbyists for the League of Cities there working with Cascade West Council of Governments. The lobbyists were encouraging everyone to have their Councils reach out to our legislators, build relationships, and try to further our collective cause for advocacy. We are beginning to see how vast changes could be made when we begin to advocate for ourselves and our communities.

3. **Library Report.** No comments.
4. **Court Report.** No comments.
5. **Council Comments.** No comments.
6. **Citizen's Comments.** No comments.

LEGISLATIVE ITEMS:

1. **Resolution 2019.21 – Cemetery Fund Clarification.** Mr. McDowell stated that basically the City auditor read and interpreted language that governs the Cemetery Trust Fund differently than past practice. Staff thought that this issue was going to be addressed this fiscal year, but the auditor would like to handle it with an adjusting journal entry for last year. *Councilor Gerber made a motion to approve R 2019.21 as presented. Councilor Hansen seconded the motion, and it passed unanimously.*
2. **Ordinance 782 – Amending Uniform Traffic Code, BMC, Chapter 10.05.240.** McDowell stated that O 782 can be found on the desk tonight. This ordinance amends the current ordinance to clarify and come into compliance with a recent change to State law; basically 8 or 9 words will be struck from the current ordinance. *Councilor Hansen moved to read O 782 by title only. Councilor Gerber seconded the motion, and it passed unanimously. Mayor Ware read O 782 by title only. Councilor Hansen made a motion to approve O 782 and adopt by emergency as presented. Councilor Gerber seconded the motion, and it was approved unanimously.*

ACTION ITEMS:

1. **Traffic Count – Depot Avenue.** Mr. McDowell would like to request a traffic count study to be done by Linn County Road Department on Depot Avenue. This study would provide some base line data going forth before the new housing development is built out. There has been no cost for this study in the past.



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Councilor Hansen made a motion to approve this traffic study. Councilor Neddeau seconded the motion, and it passed unanimously.

2. **Municipal Court Collections Agreement.** McDowell talked about this last month. He has met with Judge Meyer, Court Clerk Carol Humphreys, and has sent the agreement over to City Attorney Ross Williamson for approval. *Councilor Gerber made a motion to authorize Mayor Ware and Mr. McDowell to negotiate and execute this agreement as needed. Councilor Block seconded the motion, and it passed unanimously.*
3. **Park Board – Facilities Rules and Rates.** Mr. McDowell stated that Park Board has forwarded these rules and rate changes for Council's approval. The original was in the agenda packet. A revised document was placed on Council's desk tonight due to the CLRA having no quorum this month, so no action could be taken on their bracketed area. Once the CLRA has a quorum, Council can readopt the rules and rate sheet going forward. The annual Park Lottery is happening soon, so it is important to get the new rules and rates in place before January 1st. McDowell stated that the City cannot change camping fees due to State law penalties. State law lifts Recreational Immunity if the fees are any higher than what is currently in place. *Councilor Gerber made a motion to adopt as presented. Councilor Chambers seconded the motion, and it passed unanimously.* Mr. McDowell reminded Council that city residents pay half the rent to use the facilities.
4. **Alyrica Lease Agreement.** Mr. McDowell reported that Alyrica continues to be excited about servicing Brownsville. McDowell showed Council via presentation where the proposed boxed would be located, on City-owned property. McDowell is requesting a lease under a franchise agreement with Alyrica; the lease will give more flexibility to the City. *Councilor Gerber moved to authorize Mr. McDowell, City Attorney Ross Williamson, and Mayor Ware to continue negotiations on the City's behalf. Councilor Block seconded the motion, and it passed unanimously.*
5. **Library Closure Request.** Mr. McDowell reported that Librarian Sherri Lemhouse would like to close the library on Thursday, December 26th, 2019. Council agreed by consensus.
6. **Linn County Sheriff's Office Contract.** Mr. McDowell updated Council on the LCSO contract. He and Councilor Block have attended many area meetings, and one City is not ready to move forward yet. Harrisburg is entering into a pilot program, contracting with Coburg Police for some extra patrols. Sheriff Yon will continue to work with the cities to get the desired result. Councilor Block has made it clear at the meetings that he would like to see more citations in Brownsville. The overall contract increase is 3.89%. McDowell stated that there are other avenues to pursue as well. We could invest in some traffic monitoring equipment (non-descript boxes). Perhaps this equipment could help us identify target areas for LCSO for focus patrol. No citations will be issued from this data collection system. McDowell is checking into pricing; more information to follow.

DISCUSSION ITEMS:

1. **Canal Company.** McDowell reported that he and Council Block recently met with Canal Company officials. The group went over the articles and purpose of the group. It felt like a good first meeting and starting place. Mayor Ware stated that



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this is phenomenal – just getting folks to the table to begin the conversation. The timeline will need to be redone moving forward.

2. **Right of Ways (RoW).** McDowell and Morrow met with Councilors Thompson and Neddeau recently to review RoW issues. They took a drive and saw firsthand areas in town that show private property overlapping into the RoW. McDowell showed a presentation for Council highlighting several RoW infringements around town. Council has been talking about this issue for years, and McDowell would like to know what Council would like to see going forward? In 2020, perhaps creating a catalog of infringements and an ordinance with language stating that the City is not responsible for personal property located on City RoW property. Perhaps a letter could be sent for awareness purposes only making folks aware of the situation. Odds of the City needing RoW property is low, but the situation should be addressed. If part of a building or fence is currently located on the RoW, going forward it would not be able to be rebuilt in the RoW. There was recently a situation on Oak Street where folks had made improvements in the RoW in a dangerous manner. Standards were ignored, and the liability would potentially remain with the City. The issue has been resolved. Another item of note is the increase of semi-trailers, or pods, in town being used for storage containers. McDowell showed Council one trailer currently placed in the RoW on French Street. A letter was sent to the property owner, and agreement was reached, and the trailer will remain for an allowed certain length of time. McDowell strongly recommends Council to seriously consider a rule for these pods; there is currently no force of law on the books to deal with these situations which causes certain liability problems. Council agreed by consensus that the situation should be looked at. McDowell will bring more information later for Council review.
3. **Calapooia River & River Design Group.** Councilor Gerber recused herself from the discussion due to the proximity of her private property. Council had previously charged McDowell with investigating whether the rock bar is causing problems most of the problems with bank erosion in Pioneer Park. McDowell engaged River Design Group to review the situation. Chris, River Design Group, said that they didn't feel that the rock bar is causing the river shift. McDowell showed a presentation of their study, highlighting the river in 2017 and present conditions. Council has been retreating from the river since 2012. McDowell reported that a new person is at the Army Corps of Engineers and he would recommend reaching out to the Army Corps and get them to review the project scope again. Perhaps it would be a good idea to reach out to State Senator Lee Beyer and State Representative Marty Wilde, and get them on board with the City's urgent needs in the park regarding erosion. Council agreed.
4. **October Financials.** No comments.

CITIZENS COMMENTS: No comments.

COUNCIL COMMENTS: Mr. McDowell stated that he would like to wish everyone a Happy Thanksgiving. He is particularly thankful for Staff and Council this year; it has been an outstanding year for the City. Council has gelled well this year, and real City



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business and progress has been made. He appreciates how Councilors have been circling back around to get correct information for the citizens and really been helping Staff and the City; it can be difficult to serve the City, and this Council is doing a great job! Mayor Ware commented that McDowell provides great leadership to the City and his great Staff.

ADJOURNMENT: *Councilor Block moved to adjourn the Council meeting at 8:13 p.m. Councilor Chambers seconded the motion, and it passed unanimously.*

A blue ink signature of S. Scott McDowell, consisting of stylized initials "SM" followed by a surname.

City Administrator S. Scott McDowell

A black ink signature of Mayor Don Ware, featuring a large, flowing "D" and "W" followed by a surname.

Mayor Don Ware