



Council Minutes

January 28th, 2020

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, Public Works Superintendent Karl Frink, and City Administrator Scott McDowell were also present.

PUBLIC: Kim Clayton, Sergeant Greg Klein (*Linn County Sheriff's Office*), Phil and Kaye Fox, Allen Buzzard, Bryan Bradburn, Alex Paul (*Democrat Herald*), and Tia Parrish (*The Times*).

The pledge of allegiance was recited.

ADDITIONS AND DELETIONS: None.

MINUTES: Councilor Block stated that one change to the minutes should be made: on page 5, #3 should read *McDowell* obtained a quote for the speed collection equipment. *Councilor Gerber made a motion to approve the December 17th, 2019 meeting minutes as corrected. Councilor Neddeau seconded the motion, and it passed unanimously.*

PUBLIC HEARINGS OR PRESENTATIONS:

1. **Website & Reservation Calendar Overview.** Mr. McDowell provided direction on navigating the website, specifically where to find the room reservation module. All room reservations are now made online through the website, and processed by Staff. The mega menu, or drop-down tabs, was also discussed at length. A collective calendar planning meeting was held last year with several city event planners in the interest of cross pollination. It is likely that this work session will be held again this year with the new reservation system as a main topic of conversation.

McDowell showed sample websites that demonstrated the use of a Facebook (FB) button. By using a FB button on our website, it would easily enable Staff to push out City documents to FB instead of people circulating rumors, conjecture, untruths, and innuendoes that is populating FB. It is important to note that the City will not be responding to questions or comments on FB due to the public records law requirements. It will give the City means to get real information out to the public. *Councilor Gerber made a motion to send McDowell forth to create legislation regarding Facebook parameters. Councilor Chambers seconded the motion, and it passed unanimously.*

DEPARTMENT REPORTS:

1. **LCSO Sheriff's Report.** Sergeant Greg Klein was present to recap the December numbers: 16 citations, 24 warnings. Total hours for the City were 206.5. Calls included dogs at large, although LCSO has seen fewer dogs off leash lately. As the weather improves, this might become more of an issue. Deputies have been patrolling Pioneer Park, and asking folks to leave as applicable. It was noted that Bryan Bradburn has been having a few issues in his neighborhood again. Sergeant Klein stated that he would meet up with Bradburn tomorrow to discuss the situation.
2. **Public Works.** Mr. Frink stated they have repaired a few water leaks, installed a new water service on Coshow, and have finished scraping and cleaning one of the filters.



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The new computer at the water plant has been installed and is operating properly. PW has finished raking the leaves in the Park.

One well failed this weekend, resulting in the loss of 1/3 of our water flow. We are running lower on water than what Frink likes. Star Water System will be out tomorrow to address the situation. Frink reported that the City is 100% compliant with the DMR reporting for DEQ and the State of Oregon. All reports go electronically to EPA now.

Frink reported that a manlift was rented for a week to catch up on some maintenance, cleaning gutters, etc. It took about a week for all the maintenance to be completed.

Councilor Hansen inquired about the dog stations with pet waste bags in the park. Frink stated that he purchases about 20,000 for the year. There are none left at the end of the season.

Councilor Gerber asked about protocols when a pump goes down, and should we have continued issues with low pumping, what would the City do? Frink responded that the City could issue a water curtailment notice if necessary. The current situation with the pump going down emphasizes the very real need to get the GR12 well connected into the system down in the park. We need to upgrade and maximize the amount of water that we can draw. It is an important issue to address in the very near future. McDowell also stated that we are on the clock with the water conservation plan; it also needs to happen soon.

Mr. Frink commented on the drainage situation on Ash Street. There are rumors that the new storage units have caused a standing water situation. Frink stated this is not the case; this standing water has been an issue for years. There are some naturally occurring springs in the area. Frink stated that drains could be put in, but there is no place for the water to go, so that solution would not be effective. There is a drainage pipe in the area, but it is likely plugged or at best, ineffective. The pipe is also on private property, so an easement would need to be obtained to address the issue, and that complicates the matter further.

- 3. Administrator's Report.** Mr. McDowell presented some slides highlighting several topics he will discuss tonight. Eight (8) local rural cities collectively wrote a Rural Initiatives grant for \$80,000. The grant would be used to accomplish the deliverables in the MVP IGA signed in December 2019. The deliverables include asset mapping, branding, and website creation. More information to follow.

McDowell reported that the CIS appraisal has been received. Valuation is up, relatively in line with the Capital Improvements Plan, basically doubling what the values were in some area which will likely be reflected in higher premiums as well.

McDowell reported that Danielle Myers has agreed to be the City's public defender.

McDowell reported that he and Mayor Ware recently attended a lengthy goal setting session with the Brownsville Chamber.

The vintage trailer rally "Rally on the River" is happening again this year in Pioneer Park. This year the event will be limited to 120 trailers; last year was 148 trailers. Wade Long, the organizer, stated he had 85 folks sign up in just 4 days. It seems to be a wildly popular event.



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McDowell reported that he will be meeting with contractors soon regarding moving the playground equipment in Pioneer Park. The project may be cost prohibitive at this time.

McDowell included a few opinions about the timber lawsuit Linn County won against the State of Oregon. McDowell said this is a big step in pushing Home Rule allowed by the Oregon Constitution. It is important the State be required to honor their agreements. It's about doing what you say, and saying what you'll do.

McDowell reported that Alyrica is moving forward, and we are hopeful that they will be operational in the next several months.

4. **Planning.** No comments.
5. **Library Report.** No comments.
6. **Court Report.** No comments.
7. **Council Comments.** No comments.
8. **Citizen's Comments.** Allen Buzzard stated that he didn't feel that the parking lot at the CLRA needs to be paved. The gravel lot is just fine. However, the playground equipment in the Park is in dire need of moving. McDowell responded to Buzzard's comments stating that the parking lot is not slated to be paved, never was. There is a safety issue with the old school foundation protruding throughout the parking lot and some sidewalk that is in poor condition. The situation must be addressed. McDowell is still trying to get quotes for the playground equipment to be moved that will fit within the budget.

LEGISLATIVE ITEMS:

1. **Resolution 2020.01 – Appointing Pro-Tempore Judges (Annual),** *Councilor Gerber made a motion to approve 2020.01. Councilor Hansen seconded the motion, and it passed unanimously.*
2. **Resolution 2020.02 – Safety Program (Annual),** *Councilor Block made a motion to approve 2020.02. Councilor Hansen seconded the motion, and it passed unanimously.*
3. **Resolution 2020.03 – Disbursement of Transient Room Tax,** *Councilor Gerber moved to approve R 2020.03. Councilor Block seconded the motion. Discussion was called for. Councilor Hansen asked if part of the tax collected goes to the general fund. McDowell replied in the affirmative, the City retains 5% of collections. The vote was called for, and passed unanimously.*
4. **Ordinance 783 – Brownsville Municipal Code Chapter 2.030.080 Revision (Park Board) (First Reading),** *Councilor Gerber made a motion to approve O 783 as title only. Councilor Block seconded the motion. Discussion was called for. Councilor Gerber stated that this revision mainly strikes section G, and just for clarification, this is mostly a housekeeping issue. The vote was called for, and it passed unanimously.*



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ACTION ITEMS:

1. **Approve TMDL Annual Report.** Mr. Frink commented that he is sure everyone has read the report. He said that in the packet on page 41 there is a general overview of what TMDL is. TMDL requirements include reporting illegal dumping, ditch maintenance, pet waste containment, tree health, catch basin markers, and annual park clean up among other things. Another important thing to note is the requirements for all new homes built must have a storm water management plan. This plan ensures that new properties do not impact other properties. All these rules and regulations take a lot of planning and pertain directly to the TMDL. Future TMDL implications are it is going to cost an unbelievable amount of money. *Councilor Gerber made a motion to approve the TMDL report. Councilor Chambers seconded the motion, and it passed unanimously.*
2. **Street Light Installation Recommendation.** Frink reported that there is a streetlight request for the vicinity of Linn Way and Coshow on the north side of town. Discussion followed. City cost to install the light pole would be \$1,300, and then the power to run the light in the future. Council decided by consensus to wait at this time.

DISCUSSION ITEMS:

1. **Canal Company.** McDowell reported that he and Councilor Block recently met with Canal Company officials. The officials seemed to be ready to move forward. Last month by consensus, Council authorized Mr. McDowell to go forth, tailor a plan, and bring more information back to Council. He has already spoken with City Attorney Ross Williamson who is reviewing initial plans on what an agreement would look like. Councilor Block stated that it was a good meeting with a positive change in philosophy than years past.
2. **Budget Advertisements.** McDowell reported there are two (2) vacancies on the Budget Committee; an advertisement will be going in the paper soon. McDowell will also be placing statutory advertisements and required information per the annual budget cycle.
3. **New Year's Eve – Half Day.** McDowell stated that he has been meaning to bring this to Council for a few years. Basically, he is asking if Council would like to declare New Year's Eve as a half day off for Staff with pay. *Councilor Gerber moved to make New Year's Eve a half day paid holiday. Councilor Block seconded the motion, and it was approved unanimously.* Council expressed their appreciation for Staff and all their hard work.
4. **Council Goals Review Session Recap.** Mr. McDowell stated that last Saturday Council took a tour of the City facilities. Highlights of the tour included the south wastewater ponds, the water treatment plant, and review of the updates needed for 2025 water treatment plant. The group also toured the town in the van focusing on positive changes, and also work that is still in progress. The retreat portion of the day then started with discussion around current and future Council goals. The meeting was then opened to the public and the Capital Improvements were discussed. Current priorities include the Pavilion (\$400k-\$600k), CLRA (\$800k-\$1.2 M), and the



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downtown sewers project (\$400k-\$450k). Upcoming utilities needs include the Water Treatment Plant & Distribution (\$4M-\$6M) and the GR 12 Waterline connection to Pioneer Park (\$180k-\$270k). Projects that keep getting airtime include Kirk Avenue Paving (\$600k-\$1.5M) and the Calapooia Riverbank (\$1.4M-\$1.8M). It is equally important to remember that there is a finite amount of City funding. It is important to set realistic goals that the Council can agree best serve the City.

With that said, McDowell asked Council what they would like to continue to see on the Goals board, and how much time would you like Staff to spend on these items? For example, sidewalks are the responsibility of the property owners, not the City, not the County. If this project were to proceed, the City would likely break the town into quadrants, complete each area, then assess the cost back to the property owners. It will take a considerable amount of Staff time, let alone finding the funding to accomplish this project as it will all be General Fund expense. Councilor Gerber stated that Council has been considering the sidewalk project for several years, and even weighing in the County road quotient, realistically, it is not something we can take on at this point. Group consensus is to remove the sidewalk project from the Goals list. The Kirk Avenue project is the same basic premise. Councilor Chambers stated that Council has been talking about this project for at least 12 years, with no good answers or feasible way to fund this huge of a project. Mayor Ware stated that if the riverbank were done for the \$1.8 M, there is still no guarantee that it would hold. Councilor Hansen stated that he would like to continue to look for grant funding where possible. McDowell reiterated that there are a ton of things in the hopper right now, and with a finite amount of funding available. Council has gone through an exhaustive process with ideas around these issues, and realistically there is not funding for all these projects. Councilor Gerber indicated that after much deliberation over the last year, Council will not move forward on crosswalks. Council agreed by consensus.

5. December Financials. No comments.

CITIZENS COMMENTS: Bryan Bradburn stated that the City could relocate the streetlight out by his house.

Kaye Fox stated that she will bring Council some Valentine candy next month, even though the meeting will fall after the holiday.

COUNCIL COMMENTS: No comments.

Council adjourned into executive session at 8:12 p.m. Mayor Ware read the following:

- Council will be discussing a real property transaction.
- Oregon Revised Statutes, Chapter 192.660 governs the conditions for a public body to convene in an Executive Session. The City will invoke Section (e) to conduct deliberations with persons designated by the governing body to negotiate real property transactions.



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- Representatives of the news media are specifically directed not to report on any of the deliberations during the executive session, except to state the general subject of the session as previously announced. No decision may be made in executive session.
- A final decision may be made after this Session.

Council came back into regular session at 8:30 p.m.

Councilor Block volunteered to help with easement negotiations. *Councilor Gerber made a motion to authorize Mr. McDowell to conduct a title search, and begin negotiations on a temporary and permanent easement for the downtown sewer line, and appoint Councilor Block to assist with the process. Councilor Hansen seconded the motion, and it passed unanimously.*

Councilor Gerber made a motion to authorize Mr. McDowell and Mayor Ware to negotiate the installation of a 10" sewer line by the River's Edge Development, not to exceed the budgeted amount. Councilor Block seconded the motion, and it passed unanimously.

ADJOURNMENT: *Councilor Hansen moved to adjourn the Council meeting at 8:35 p.m. Councilor Block seconded the motion, and it passed unanimously.*

A blue ink signature of S. Scott McDowell.

City Administrator S. Scott McDowell

A blue ink signature of Mayor Don Ware.

Mayor Don Ware