



## Council Minutes

February 25<sup>th</sup>, 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*), Bryan Bradburn, Danielle Myers, Brian White & Candi Unger (*Sweet Home Sanitation*), Cris Kostal, Jerry Ross, Lori Garcy, & Shep Sheppard (*Brownsville Art Association*), and Tia Parrish (*The Times*).

The pledge of allegiance was recited.

**ADDITIONS AND DELETIONS:** McDowell would like to add under Action Item C. Bid Equipment Council volunteers.

**MINUTES:** Councilor Hansen made a motion to approve the January 28<sup>th</sup>, 2020 meeting minutes as presented. Councilor Gerber seconded the motion, and it passed unanimously. Councilor Block made a motion to approve the January 25<sup>th</sup>, 2020 work session meeting minutes as presented. Councilor Gerber seconded the motion, and it passed unanimously.

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

1. **Sweet Home Sanitation (SHS) – Brian White & Candi Unger.** Candi Unger, Sweet Home Sanitation Site Manager gave an overview of what they do. Unger talked about safety, drive cameras, and customer service awards they receive every year. Ms. Unger also told Council about the mobile app they could download that can give notifications and reminders to take out the trash/recycling weekly. The Household Hazard event (HHW) held in October experienced 27% of participants from Brownsville! A very good showing for our community. This year the HHW date is October 10<sup>th</sup>, and the annual cleanup day will be October 3<sup>rd</sup>, 2020. SHS occasionally assists the City when needed with special projects. They completed a metal cleanup for us this year.

They are also great community partners. They offer a \$1,000 scholarship each year to a senior at Central Linn High School. (Mrs. Morrow helps to administer the scholarship.) They also partnered with Sharing Hands by building and donating new bikes to them and helping them physically move the food bank to a new location downtown. They are asking for the annual price increase tonight effective March 1<sup>st</sup>, 2020. Councilor Gerber made a motion to approve R 2020.04. Councilor Chambers seconded the motion, and it passed unanimously. McDowell commented that Council has made the decision for the past 12 years to allow these small increases each year which prevents a large increase for residents in one year. SHS provides a great value for the services provided and are a great community partner.

2. **Brownsville Art Association (BAA).** Lori Garcy addressed Council thanking them for all the support for the past 9 years. Every year they get better and better, and they feel strongly that they are a big part of the community. BAA gets a lot of repeat visitors which is beneficial to the town as these visitors frequent the local businesses and restaurants. BAA has recently added 13 new members, and they have a lot of new



## Council Minutes

ideas. The main focus will be marketing, with Shep Shepherd appointed as Marketing Coordinator. Cris Kostol, past president, stated that they are very excited to have new people with fresh ideas willing to do the work coming into the organization. She introduced Jerry Ross who talked about the Barbizon Brownsville Paint Out Event. The event will be July 22<sup>nd</sup> and 23<sup>rd</sup> this year. He then talked about establishing a sister city in the Netherlands. The initial cost is \$199 which must be paid by the City. Ross talking about branding the City of Brownsville as an artist town. The sister city proposal would ideally be a collaboration between the City, Chamber, and BAA and would deal with signage, reproduction displays, etc. Mayor Ware stated that it sounds like it might be a lot more work for City Staff. Ross stated that the \$199 takes care of others doing all the work.

Councilor Gerber stated that typically the City does not make donations, instead we partner with the Community Foundation and direct folks to go that route. Cris Kostol stated that it is required that the City be the one to sign up to be the sister city. Mayor Ware suggested a meeting between the Chamber, BAA, and the City to gather more information. McDowell stated that the Chamber is having a hard time getting volunteers right now and may not be able to take on any more projects at this time.

### **DEPARTMENT REPORTS:**

1. **Linn County Sheriff's Office (LCSO) Sheriff's Report.** Sergeant Greg Klein was present to recap the January numbers: 15 citations, 25 warnings. Total hours for the City were 204.5. Calls included 2 motor vehicle accidents, 5 adults arrested, and one DUI stop. The DUI call alone took Deputy Riley 2.5 hours to investigate, and will likely take at least 10 more hours to finish this call. Animal Control has been patrolling Pioneer Park, and have not found any dogs off leash. Councilor Hansen asked for an update on the assault call. Klein stated that he had no information on that at this time.
2. **Public Works (PW).** Mr. Frink stated that the one well that failed is now repaired and operating normally. It took over 2 weeks to catch up on the water loss due to this failure. Frink recapped discharging for the month, and reported there were no compliance issues. Frink stated the City is in compliance with the Discharge Monitoring Report (DMR) reporting required by the United States Environmental Protection Agency; the first report was filed with no errors. The majority of PW's time has been spent creating new office space for Staff at the Hume Street headquarters. PW staff will all have their own desk space and a training center has been created as well. They also performed minor painting at City Hall and the Central Linn Rec Center (CLRC). Councilor Gerber stated that the erosion in Pioneer Park continues.
3. **Administrator's Report.** Mrs. Morrow reported on the Emergency Preparedness Committee (EPC) progress. The group had a quarterly meeting last week. Goals and strategies were discussed as well as how well the group is hitting those marks. The EPC website is up and functioning ([www.clcepc.org](http://www.clcepc.org)) and Council is encouraged to take a look. Future projects include a postcard mailing, participation at the CLES end of year play day, and creation of handouts that can be distributed at community events. The group seems to be making positive progress.

McDowell asked Mr. Frink to report on Alyrica. Frink stated that they have had to relocate their vault a little to accommodate the GR 12 well and the effluent discharge in the area. Frink believes they will tentatively be starting installs in about 3 weeks, both aerial and underground. Alyrica has provided the City with a map showing where the lines are expected to be installed. This information can be found at the City shop;



## ***Council Minutes***

contact Mr. Frink if you would like to review the plans. This has been a cumbersome process for Alyrica, and they are running about 6-7 months behind where they really wanted to be at this point.

McDowell reported that most of the playground equipment bids are in, and the prices are high, well over the budgeted appropriation. It may be time to readjust the plan. Perhaps Council should consider leaving this equipment where it is, and saving for new equipment to be purchased and installed in a new location. McDowell will bring this item to Council in March for discussion and direction going into budget season.

McDowell reported that Alliance One will be doing the court collections for the City. Council will find information on the desk tonight. Also, on the desk is a 10-page letter that retired Judge Lemhouse wrote in opposition to HB 4065 demonstrating how this bill will severely limit traffic safety.

McDowell spent considerable time on the lawsuit this month.

McDowell reached out to Key Bank (KBO) for a review of bank fees. After review, he was told that KBO is not able to pay the same amount of interest that the City is receiving from the Oregon State Treasury (OST). McDowell would not recommend holding large funds at KBO to abate \$200 in monthly fees and lose the interest income generated at OST.

McDowell has invested in a new laptop that interfaces with current technology much better. The older laptop will be utilized at the Library.

McDowell reminded Council of planning procedures. When folks are developing their property, they are required to submit a plan to the City. This plan is reviewed by Mrs. Coleman, Mr. Frink, Mr. McDowell, and the City Engineer Ryan Quigley. Folks cannot just come in with ideas of things they *may* want to do on their property and expect the City to be able to define permits, fees, logistics, infrastructure etc. This situation has been coming up a lot lately, and Staff would like Council to know in case complaints are made. A planning review must start with a plan, not an idea.

McDowell reminded Council of a few situations seen on the Council City tour that have not resolved. Folks may need to be cited into Municipal Court, but hopefully the situations will resolve without that step.

Mr. Frink reported that PW has been trying to find scaffolding to reach ceiling tiles in need of repair at the CLRC. He has put a call into Norm's Electric for outside lighting concerns.

McDowell reported that policies and procedures impact all Boards and Committees of the entire City. He will be forwarding to Council the original policy and procedure, and then the new stuff, which is kind of equal, and yet not. The first email will contain the 8-page policy, and the 2<sup>nd</sup> email will be the procedure portion.

McDowell reported that there is a church wanting to locate on Spaulding Avenue. In a good faith effort, they have rented the building and set up to start services soon. They did not realize that they would have to go through the Conditional Use Permit (CUP) process. The City has allowed them to use the building for services as their CUP hearing before the Planning Commission is set for March 16<sup>th</sup>, 2020.



## Council Minutes

McDowell stated that the Facebook (FB) Resolution is before Council tonight. Apparently, the City cannot stop comments on the Facebook page. All public entities are required to follow Oregon Public Records Law. If comments cannot be eliminated off the FB page, (Council was hoping that FB would just be a means to get true information out to the public) the City may have to hire a 3<sup>rd</sup> party to intercede on our behalf in order to save the comments with freeze frame technology in order to properly archive content on this social media platform. *Councilor Gerber moved to approve R 2020.05 which governs social media posts and pushing general information on Facebook as City website administrator. Councilor Neddeau seconded the motion, and it passed unanimously.*

McDowell reported that Jim Bittle Construction came in and repaired the space where the old heater was in the meeting room downstairs in City Hall creating a new training area.

McDowell asked Mr. Frink to clarify the CLRC parking lot. Mr. Frink reported that the City was never going to pave the whole parking lot. The project is to remove all the trip hazards, remove useless sidewalks and redo the front sidewalk. Some areas will be turned back into grass. (McDowell showed pictures of the area.) As Council can see, the sidewalks are in pretty rough condition. This project will freshen up and eliminate sidewalk areas no longer needed. Councilor Block stated that when he was the liaison for the CLRA, the Board had asked to get some resolution to these hazards.

4. **Planning.** No comments.
5. **Library Report.** No comments.
6. **Court Report.** No comments.
7. **Council Comments.** On short notice, the City hosted the League of Oregon Cities (LOC) on February 14<sup>th</sup>, 2020. McDowell had a scheduling conflict, so Mayor Ware and Councilor Block were on hand to welcome folks and attend the meeting. Armando's catered lunch in for the group, and the group enjoyed the food and the great facility. Topics discussed were the upcoming census and DEQ had a short presentation surrounding grant funds availability for well head protection.

Councilor Block addressed Council stating that he would like to address Mr. Buzzard's statement of interest for the Parks and Open Space Advisory Board, dated January 27<sup>th</sup>, 2020. Mr. Buzzard believes that he would be a great fit for the vacancy. Block stated that on January 30<sup>th</sup>, 2020 Buzzard approached Councilor Block on Main Street and said, "I will walk with you." Mr. Buzzard brought up the paving in the Rec Center parking lot. Councilor Block told him he was unaware of any paving. Mr. Buzzard replied, "You did not read your work session agenda packet, it was in there. Council violated all the Public Work Session laws." Block informed Buzzard that Council had a public work session time, and no one showed up. Mr. Buzzard stated that Council made the decision before time, and then commented, "I am educated and can see what is going on. Karl Frink can take a concrete grinder and has all the tools to grind off the high spots and gravel the parking lot to save the City money." He continued with, "All the Councilors are wrapped around Scott McDowell's finger. Scott McDowell is a F\*\*KING DICTATOR!" Councilor Block told Mr. Buzzard, "I will walk alone the rest of the way." Councilor Block stated that in his opinion, Mr. Buzzard is not a great fit to serve in any capacity as relates to an appointed position with the City of Brownsville.



## Council Minutes

### 8. **Citizen's Comments.**

#### **LEGISLATIVE ITEMS:**

1. **Ordinance 783 – Brownsville Municipal Code Chapter 2.030.080 Revision (Park Board) (Second Reading).** *Councilor Gerber made a motion to read O 783 by title only. Councilor Hansen seconded the motion, and it passed unanimously. Councilor Gerber made a motion to approve O 783. Councilor Hansen seconded the motion, and it passed unanimously.*

#### **ACTION ITEMS:**

1. **Appoint Parks & Open Space Advisory Board Member.** *Councilor Gerber made a motion to appoint Bonnie Napier. Councilor Block seconded the motion, and it passed unanimously.*
2. **Appoint Carla Gerber to Cascades West Advisory Committee on Transportation.** *Councilor Block made a motion to appoint Councilor Gerber to CWACT. Councilor Hansen seconded the motion, and it passed unanimously.*
3. **Bid Equipment.** *McDowell informed Council an opportunity to bid on a replacement grader for the 1947 grader that died several years ago has come up and a used tractor. He is requesting Council's approval to bid on this equipment. He suggested that a Councilor or two would be good to have on the consideration committee. Councilor Hansen made a motion to approve Councilor Block and Neddeau to serve on the committee and to authorize Mr. McDowell and Mr. Frink to place a bid on toward this possible equipment purchase. Councilor Gerber seconded the motion, and it passed unanimously.*

#### **DISCUSSION ITEMS:**

1. **Oregon Government Ethics Commission (OGEC) Preparations.** *McDowell reminded Council that OGEC will soon be requesting their annual information. The City will be fined if the information is not provided to OGEC. They have gone to a totally online process. Please inform Mrs. Morrow when you have successfully completed the process.*
2. **Canal Company Update.** *McDowell reported that he and Councilor Block have had two successful meetings with Mr. Babcock and Mr. Holbrook of the Canal Company. The group seems to be moving in a positive forward motion. They hope to meet again soon, and McDowell will bring information back to Council in March.*
3. **Public Room Letters and Deposits.** *McDowell stated that the Community Room is very busy with rental for local activities and events. The room has a good vibe, and we like to think of the room as a 'wagon wheel', or hub, for organizations to meet. Mrs. Morrow recently created a checklist for after use clean up, and it is posted in the room. However, some of the organizations are not doing a good job of cleaning the room and leaving it ready for use by the next group. McDowell suggested implementing a \$25 room deposit for civic organizations. (It could be a rolling deposit that will just stay on*



## Council Minutes

the account long-term.) If the room is found to not be cleaned sufficiently, the deposit will be forfeit. McDowell reminded Council that about 10 years ago they cost-shared with the Senior Center and purchased dishes for use in the room. We continue to find dirty dishes in the dishwasher, or clean dishes that have not been put away. It is a struggle for Staff to keep the dishes clean for use by all. McDowell suggested clearing the dishes out of the room and offering them to the Senior Center or to Sharing Hands. *Councilor Gerber authorized Mr. McDowell to remove the dishes and dishwasher from the Community Room and to institute a \$25 rolling deposit for community organizations. Councilor Hansen seconded the motion, and it passed unanimously.* Councilor Chambers stated that the refrigerator gets a lot of stuff left in there. McDowell stated that would constitute a deposit forfeiture.

4. **Linn County Pioneer Picnic Event Agreement.** Mr. McDowell stated that this agreement was placed in Council's packet for review before McDowell signs the agreement. Council concurred.
5. **RAIN Annual Update.** McDowell informed Council that RAIN is doing well. They are hitting all the goals that were established, and lots of good things are happening. If interested in more information, check with McDowell. He will be sending out a report to Council soon.
6. **January Financials.** No comments.

**CITIZENS COMMENTS:** No comments.

**COUNCIL COMMENTS:** McDowell thanked Mayor Ware and Councilor Block for covering the LOC meeting. He also thanked Mrs. Coleman for setting up the tech in the room and Mrs. Morrow for the lunch set up and clean up. Well done!

Council adjourned into executive session at 8:29 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.
- 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 8:37 p.m.



## Council Minutes

*Councilor Gerber made a motion to authorize Mr. McDowell, Mr. Frink, and the City Attorney to modify the Capitals Improvement Plan and move forward with a proposal and negotiations for the developer. Councilor Hansen seconded the motion, and it passed unanimously.*

**ADJOURNMENT:** *Councilor Block moved to adjourn the Council meeting at 8:39 p.m. Councilor Neddeau seconded the motion, and it passed unanimously.*

A handwritten signature in blue ink, appearing to be "SM", written over a horizontal line.

City Administrator S. Scott McDowell

A handwritten signature in blue ink, appearing to be "Don Ware", written over a horizontal line.

Mayor Don Ware