



Council Minutes

December 15th, 2015

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

PUBLIC: JoAnn Neddeau, Randy & Gayle Simpson, Natalie Turner, Allen Buzzard, Alex Paul (Albany Democrat Herald), and Kaye Fox.

The pledge of allegiance was recited.

ADDITIONS AND DELETIONS: McDowell deleted Item 10 A. – Central Linn School District Agreement – tabled until next month. An informal meeting is scheduled for tomorrow night with Councilor Shepherd, Councilor Cole, and Administrative Assistant Tammi Morrow attending at the District Office. More information to be discussed in January on this topic. McDowell also added New Year's Eve early closure and 10 C. – 529 Kay Avenue to be discussed tonight.

MINUTES: Councilor Cole made a motion to approve the November 24th, 2015 meeting minutes as presented. Councilor Van Sandt seconded the motion. The motion passed unanimously.

PUBLIC HEARINGS OR PRESENTATIONS:

TMDL (Total Maximum Daily Load) Review – Mr. Frink and Mr. McDowell reviewed TMDL, which basically deals with collection and treatment of storm water and runoff. The City currently has no system in place according to an engineering study complete by Lee Engineering in 1996. In September 2011, Council passed a program required by DEQ policy underneath the Clean Water Act (CWA). Initially the CWA had three classifications, but did not impact communities under 50,000 in population. The regulations have now shifted to include all cities, regardless of population. Staff has put together a plan, including practical applications for this plan. Mr. Frink stated that the collected water would need to be run through some sort of cleaning device or system. This will be extremely costly for the City to implement. He stated that it is also hard to determine the long term benefits. To become compliant with the CWA, it will likely cost the City \$12-\$18 million. Mr. McDowell stated that this is just information for Council to be aware of at this time. The state-required report was filed last week. Mr. Frink and Mr. McDowell will be drafting up a new plan for Council review early 2016. Mr. McDowell related that he had lunch with Dan Whalen, an aide to Senator Merkley, and the TMDL was one issue they discussed. Grant funding to help defray the huge cost of implementation was a topic of interest. Councilor Cole wondered if this is something that will come to pass over the next 10-20 years? Mr. McDowell responded that it is unclear at this time, but he thought it was important to have a limit on that the City is willing and able to spend on this item. Councilor Cole also wondered if this is something that the City should make an alliance with the Canal Company over? Mr. McDowell responded that the City has been trying to enter into an agreement with them for over 9 years now; this issue will certainly impact the Canal Company.

DEPARTMENT REPORTS:

1. Sheriff's Report. Linn County Sherriff was not present. No report tonight.



Council Minutes

2. Public Works. Mr. Frink reported that the GR12 project is just about complete. At the formal start up, the pump motor ran for about 10 seconds, and then seized up. It appears to have been faulty from the manufacturer. As soon as it is repaired or replaced, they will attempt another formal start up. When this is successful, this project will be complete. Mr. Frink has also had some complaints about the new lighting installed down by this new pump house. He has changed the light output, but feels it is important to have this lighting to help prevent vandalism, tampering, etc. on one of the City's major future water sources. River levels are up, discharge into the river will begin soon. Sand and sand bags are available for the locals to use as needed; bags are located up at the Rec Center. Folks will need to fill their own bags. Leaf clean up has begun, and will wrap up in Pioneer Park probably sometime this month. Rob Wingren came in yesterday and the paperwork for the City Library lighting was completed. Briese Construction paperwork has also been completed and the concrete projects will begin in January, both projects (Park sidewalk and in front of City Hall) will probably be done simultaneously. Council inquired of Mr. Frink how our flood levels are looking. He responded that he feels Brownsville is still quite a ways from flooding at this time.
3. Administrator's Report. – Mr. McDowell stated that he had met with Dan Whalen, an aide to Senator Merkley today, and they are interested in hosting a question and answer session here on January 9th. Council will be invited by special invitation. Mr. McDowell thought this could be a very valuable forum for Council and the community. McDowell stated that the annual USDA audit has been submitted. OGE (Oregon Government Ethics Commission) filing will be coming soon; this year (2016), OGE intend to go all electronic. Mr. McDowell and Tammi Morrow, Administrative Assistant, will take a training class if offered, to better assist Councilors with the process. The Go Team group will be meeting here on Thursday to finish up their draft proposal. Staff performance evaluations are currently underway. McDowell will travel to Portland Wednesday evening to participate on a hiring committee with CIS. This last weekend was the final training session for the Community Based Leadership program that staff is participating in. McDowell was elected to be a co-chair for project manager. McDowell also congratulated Councilor Shepherd on his recent retirement. He has also wished everyone a very Happy Holiday!
4. Library Report. No comments.
5. Court Report. No comments.
6. Council Comments. No comments.
7. Citizen Comments.

Allen Buzzard had suggestions for the TMDL process, and also stated that he is in favor of no new taxes.

Randy Simpson, Sheephead Road, Brownsville distributed miscellaneous marijuana information to Council. He stated that to the best of his knowledge, there has been no law enforcement problems with or around open dispensaries. He is requesting that Council consider amending the business license to allow them to open their dispensary in town. Mr. Simpson stated emphatically that they are not going to sue the City.

Gayle Simpson also requested that Council allow them to open and at least operate until the November 2016 vote. If the residents vote against having a



Council Minutes

dispensary in town, they would close and be gone. She stated that their goal is not to fight with the City, but rather to be good neighbors.

LEGISLATIVE:

1. Ordinance 758: Emergency Preparedness Modifications – (Second Reading).

Councilor Cole made a motion to read O 758 by title only. Councilor Van Sandt seconded the motion. The motion passed unanimously. Councilor Cole stated that she thought it was a great idea. Councilor Gerber made a motion to approve O 758. Councilor Cole seconded the motion. The motion passed unanimously.

ACTION ITEMS:

1. New Year's Eve Closure. McDowell requested that Council allow Staff to close City Hall at noon on December 31st, 2015. Staff would be allowed to take vacation or comp time to get paid if they desire. *Councilor Cole made a motion to approve this annual closure. Councilor Van Sandt seconded the motion. The motion passed unanimously.*
2. 529 Kay Avenue. Staff has provided Council with pictures of 529 Kay Avenue. There is a neighborhood complaint of rats from that property encroaching on to nearby neighbor properties. McDowell stated that cleanup process should not be more than \$250 total. *Councilor Gerber made a motion to authorize Staff to post the property and abate the violation. Councilor Cole seconded the motion. The motion passed unanimously.*
3. Central Linn School District Agreement –(Blakely School Property). Tabled.
4. Council Training Day. Council agreed to reserve February 6th, 2015 as the next work session date to interface with Staff and take a community tour of the City. The training will start at 9:00 a.m. and go through noon. Lunch will be provided.

DISCUSSION ITEMS:

1. Water Management & Conservation. McDowell indicated that it is prudent for Council to review and set policy on water management and conservation in times of drought. Last year was very dry, but Brownsville was not unduly affected; no restriction measures needed to be taken. For future conditions, it might be a good idea for Council to have some legislation in place that would establish force of law, penalties, etc. He has brought forward some sample language that could be adopted for the City. Councilor Gerber stated that she likes the proactive approach. Mayor Don Ware stated that the language seemed complex, but that perhaps it needed to be. Staff will put plenty of public education out there, especially in the beginning stages. Staff will bring back some recommendations for the January meeting.
2. Snow Plowing Practice & Policy. General Council consensus was to continue our current operating procedures. The needed additional equipment would be too



Council Minutes

costly for the City to acquire. This was brought to Council as an awareness issue. Councilor Cole recommended that Mayor Don Ware could possibly do a story on it for the paper.

3. Calapooia Watershed Council & Yellow Flag Iris. McDowell shared information from Tara Davis, Calapooia Watershed Council, about the pernicious local Yellow Flag Iris. Removal options were discussed. For now, this is just a Council awareness issue. Staff was directed to include information in the March 2016 City Newsletter.
4. Brownsville Mobile Home Park. About a year ago, the BMHP was sold. The new owner has been in conversation with the City asking that we change/alter the billing for the entire park. The BMHP is billed by master meter. The owner then disperses this cost as he sees fit. This manner is often used to help keep costs down for the initial construction owner by minimizing SCD fees, etc. When the property is sold, the new owner accepts the property with this system in place. The City is only responsible for the line to the master meter. All other lines were installed by the construction company, and the owner is responsible for those lines reaching the master meter. It will be a very costly operation to extend water lines to each of the approximate 20 homes on the property. In January Staff will compose a letter to the new owner, explain the situation again, and/or invite him to Council. Legal says there may be something different to do in June when the rates are adjusted. The City also bills sewer on the averages of January and February flows in an effort to keep costs at a minimal as much as possible.
5. November Financials. Mayor Don Ware commented that it looks like there is approximately \$784,000 left to pay on the water debt. Mr. McDowell responded that is about right, we still have 15 years left to pay off that debt.

CITIZENS COMMENTS – Kaye Fox commended the Council for all they do for the citizens, and wished Council and Staff Happy Holidays.

COUNCIL COMMENTS – Councilor Van Sandt commented that she has seen the Yellow Flag Iris in the library waterway. Would this be the City's job to take care of? McDowell responded in the affirmative. Van Sandt also commented that she liked the language Staff has presented using the City of Albany language in regards to trash and rubbish. She also asked McDowell if he had gotten her suggestions on the changes for the EPC language; affirmative. Councilor Gerber wanted to publicly congratulate the Portland Timbers for winning a Major League Soccer Championship!

EXECUTIVE SESSION was entered into at 8:00 p.m.

- Council will be considering information or records that are exempt from public inspection.
- Oregon Revised Statutes, Chapter 192.660 governs the conditions for a public body to convene in an Executive Session. The City will invoke Section



Council Minutes

(f) to consider information or records that are exempt by law from public inspection.

- 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.

EXECUTIVE SESSION was exited at 8:06 p.m.

Councilor Shepherd made a motion to authorize Staff to finalize a contractual agreement related to an easement. Councilor Cole seconded the motion, and it passed unanimously.

ADJOURNMENT: *Councilor Cole moved to adjourn at 8:09 p.m. Councilor Shepherd 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