



Council Minutes

February 28th, 2017

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

PUBLIC: Kaye Fox, Kim Clayton, Amanda Wright, Pat Dymock, Blaine Cheney, Deputy Greg Newman (LCSO), Elizabeth Coleman, Jannea Deaver, Jordan Parrish (*The Times*), John Morrison, George Frasier, Nan Van Sandt, Scott Gagner & Josh Metcalf (*Sweet Home Sanitation*) and Alex Paul (*Democrat-Herald*).

The pledge of allegiance was recited.

ADDITIONS AND DELETIONS: McDowell would like to add R 2017.06 (*Restoring Recreational Immunity Rights*) to the agenda, and also table O 766 & 767 until March.

MINUTES: Councilor Cole made a motion to approve the January 24th, 2017 meeting minutes as presented. Councilor Chambers seconded the motion, and it passed unanimously.

PUBLIC HEARINGS OR PRESENTATIONS:

1. **Amanda Wright Recognition.** Mayor Don Ware read and presented a proclamation for Amanda Wright detailing her heroic efforts in saving Kevin and Suzi Archer from their burning house on Kirk Avenue on January 9th, 2017.
2. **Nan Van Sandt Farewell.** Mrs. Van Sandt expressed her enjoyment of working with Council over the past several years. She feels that Council has worked together for the best for the citizens of our community, making it a safe and desirable place to live. Van Sandt stated that she would continue to be involved in the community in small ways.
3. **Sweet Home Sanitation – Josh Metcalf & Scott Gagner.** Josh Metcalf introduced Scott Gagner as the new lead position in Sweet Home. Metcalf reported that they are accident free in all service areas, which is quite an accomplishment as sanitation is the 5th most hazardous industry in the country. Last October Sweet Home Sanitation partnered with Brownsville for cleanup day and they collected over 45 tons of material. The next weekend they hosted their 3rd annual Household Hazardous Waste cleanup day and they collected several hundred gallons of paint, chemicals, fluorescent tubes, etc., that were then disposed of properly. Metcalf also thanked Mrs. Morrow for facilitating a new Sweet Home Sanitation \$1,000 scholarship that was awarded to a Central Linn High School senior. This year they are proposing a 2.1% rate increase; which equates to about 55¢ per month. Councilor Gerber a motion to approve the 2017.05 Solid Waste Rates as presented. Councilor Cole seconded the motion, and it passed unanimously. Councilor Cole commented that when the City stays on a schedule, and increase incrementally, it is beneficial to the citizenry.



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- 4. Central Linn Recreation Association (CLRA) – George Frasier.** George Frasier was present for the annual update on the CLRA activities. He is serving as the current CLRA president and is also a Board member of the Central Linn School District. He thanked Council for the support over the last two years, and Staff for help with the forms, and being an intake location for various sports programs throughout the year. CLRA has hired Hendrickson Cleaning for once a week cleaning activities. They are basically a physically challenged group overseen by a supervisor. Another goal is to be able to help in the park in the spring and summer months with mowing and liming the sports fields. CLRA is now a partner with the United Way of Linn County for sports scholarships. CLRA is currently experiencing an influx of new members. With this influx comes a changing of the guard; George will be stepping down after 27 years of involvement, most recently as president, and Blaine Cheney will take over as president at the end of the year. Mr. Cheney has been working on putting together a website that folks can use to register and pay on-line. Next year the CLRA will celebrate its 50th year of incorporation! That is quite an accomplishment for a small town to sustain. The contract between the City and the CLRA ended on January 31st, 2017. The City and CLRA have agreed to proceed with another three year agreement with the only changes highlighting recreational immunity in paragraph 8 of the agreement document. *Councilor Cole made a motion to approve the CLRA contract as presented. Councilor Chambers seconded the motion, and it passed unanimously.*

DEPARTMENT REPORTS:

- 1. Sheriff's Report.** LCSO Deputy Newman reported that they have fulfilled 231 hours for the City with an additional 35 hours using undercover vehicles and staff in relation to the recent burglaries. The primary burglary suspect is in Linn County jail. Totals for the month include 60 incidents investigations and 11 arrests. They issued 6 citations and 9 warnings. Newman did report that the citation count is up to 15 for this current month. McDowell stated that there have been conversations about parking, but that ordinance is still in the process of creation; City Attorney Lauren Sommers is reviewing the document. He hopes to bring it to Council next month. Deputy Newman stated that he was asked to investigate an illegal living arrangement on Averill. Newman has determined that if this offender was charged, it would be difficult to stand up in court due to lack of proof. He said that there are some real holes in the Brownsville Municipal Code, and LCSO needs help with the enforcement process through better Code language. He said that Albany has some language that might be helpful. He also stated that the offenders are aware of the holes in the Code and are manipulating the law in their favor. Councilor Cole thanked Deputy Newman for his insight and for his help with developing our ordinances for better implementation. The vagrancy ordinances are very important and imperative to maintain the City how we would prefer to see it.
- 2. Public Works.** Public Works Superintendent Karl Frink reported that the City is currently discharging from both lagoons due to the recent heavy rains. He continues to work on details for the NPDS permit. Frink said that they have had a lot of complaints about Loucks Way lately. That is a State owned right-of-way. The State did come out recently and grade and replace gravel in that area. Public Works has replaced all the damaged and vandalized trees on Main Street. The gateway lamp post that was damaged just had anchors installed and we are now waiting for Norm's Electric to finish the project. The crew has been working in Pioneer Park for the leaf cleanup. They are about 2/3 of the way finished. The cemetery road washed out due to recent heavy rains. They have hauled 5 loads of rock up there to address the damage. Frink is currently working on the replacement of the Library



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roof. The bid process is open until 3/10/17, with only one bid received thus far. PW will begin working on the park road change soon, as weather allows. Frink stated that we lost about 1.5 foot of ground this winter, and about 3 feet of the bank of the river. Councilor Block inquired on the status of the downtown water fountain. Frink shared that someone had illegally added a garden hose last year to the fountain. The addition caused operational problems. Frink reported that he hoped to have the fountain up and running again by April.

- 3. Administrator's Report.** Mr. McDowell reported that he and Administrative Assistant Jannea Deaver attended the CIS conference. He said the conference went well with many hot button issues surrounding financial assets, TMDL, and recreational immunity. Other hot button topics for the City include impending park building repairs in light of a looming water treatment plant update. In relation to recreational immunity, our civic groups are in peril because we are going to see insurance rates begin to rise to cover the increased exposure. McDowell is asking for all members of Council to consider sending a letter to the judiciary committee regarding legislation that would restore recreational immunity. We are recommending Senate Bill 327 and House Bill 2438 be sent through Senate Committee without changes. McDowell encourages Council to get personal with the letters. He will e-mail out contact information for the letter writing campaign along with background information and points to mention. Recreational immunity plays a vital on how cities, counties and the State are able to operate.

McDowell shared technology concerns. He will be a featured speaker at Salishan Resort on March 6th, 2017 addressing the recent ransomware attack the City experienced. McDowell predicts that the clock is ticking on this issue and soon the City will need to contract for computer and internet security protection. Internet and computer security costs could climb to as high as \$10,000 - \$12,000 per year. Water and waste water systems are largely computerized and some have recently been targeted nationally. One city has had to issue boil orders due to disruption of their system. The new reality is one of hyper security of public assets and the City will need to start planning accordingly.

McDowell reported that there is another LCSO meeting coming up soon. He compared the City's current law enforcement coverage to shopping for a high-end bikini, you end with something that is overpriced and doesn't have a lot of coverage! Ware and McDowell felt that the talks with the LCSO had progressed nicely. Hopefully, a joint contract and better communication with the Sheriff will help solve the City's concerns.

Go Team update – no news lately, some members are dealing with health concerns among other obstacles.

McDowell reported that the telecommunications franchise agreement will be negotiated in September. The negotiations will more than likely start in June or July. Councilor Cole stated that she had heard from several citizens lately that are very upset with the current internet service. Alyrica, an internet service provider based in Philomath, has expressed interest in coming to town. Alyrica would provide a fiber optic system which is the best option for speed.

The Oregon Government Ethics Commission (OGEC) paperwork is due soon. Again this year, everything will be completed on-line. Contact Mr. McDowell or Mrs. Morrow, if you need assistance with the process. Please let us know when you have completed the report.

McDowell reported that the EPC committee is going well. The members have done a lot of work on goals and timelines. They have attended a few regional meetings and will also showcase EPC at the Brownsville Fire District annual open house on March 11th, 2017.



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Staff is still evaluating general ledger and utility billing software. We have met with folks on two separate occasions. There are some roadblocks; we are sorting through information now. A possible conversion could start in May with an official live date of July 1st.

Bids are coming in for the Library roof project. McDowell would like Council approval to proceed when the bidding process is complete. Council agreed by consensus that Mr. McDowell and Mayor Don Ware are authorized to execute this contract in accordance with the Brownsville Municipal Code.

McDowell reminded Council of the upcoming Goal Sessions and training meeting on March 11th, 2107 from 8:00 a.m. – 12:00 p.m. An e-mail will be forthcoming about this event.

4. **Library Report.** No comments.
5. **Court Report.** No comments.
6. **Council Comments.** Councilor Block reported that on January 25th, 2017, he attended the League of Oregon Cities “Essentials Training” seminar in Lebanon. He reported that it was a good training session, very informative. He said the basics were, as a Councilor, watch what we do and say, and as a City, try to be proactive instead of reactive. Councilor Block asked Chamber President John Morrison if he would help with the situation of business owners parking in front of their own businesses downtown. Block and Morrison will meet after the meeting and discuss the situation.
7. **Citizen Comments.** Kaye Fox stated that her Century Link bill has gone up considerably. She would like to encourage folks to contact Alyrica and encourage them to come to town so that there are different options for the City.

LEGISLATIVE:

1. **Ordinance 765 – Utility Billing Additions (Second Reading)**
Councilor Cole moved to read by title only. Councilor Gerber seconded the motion, and the motion passed unanimously. Mayor Don Ware read ordinance by title only.

A motion was made by Councilor Cole, seconded by Councilor Gerber to pass Ordinance 765. The motion passed unanimously.
2. **Resolution 2017.06– Recreational Immunity.**
Councilor Gerber moved to adopt R 2017.06. Councilor Cole seconded the motion, and the motion passed unanimously.

ACTION ITEMS:

1. **Appoint Planning Commission Member.** Mr. McDowell reported that the only application filed for this position was received from Mike McDaniel. Mr. McDaniel also serves on the budget committee for the City. *Councilor Gerber made a motion to appoint Mr. McDaniel to serve on the Planning Commission. Councilor Chambers seconded the motion, and the motion passed unanimously.*



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- 2. Pay.gov Contract.** Mr. McDowell reported that pay.gov is an outfit based out of Indiana. They are a debit and credit card processing entity. They will provide the City with card readers and computer compatibility items that will enable Staff to accept credit cards. The customer is charged a 3% processing fee. They will also take sole responsibility for all transactions, which others have been unwilling to do. Staff feels that this service will help all users especially those who need additional time to pay their utility bill. *Councilor Gerber authorized Mr. McDowell and Mayor Don Ware to execute the contract with pay.gov. Councilor Neddeau seconded the motion, and it was approved unanimously.*

DISCUSSION ITEMS:

- 1. Central Linn School Board and Blakely Avenue.** McDowell, Coleman, and Morrow recently attended a CLSD work session regarding the school property on Blakely Avenue. The CLSD recently received a letter from Samaritan Health informing them that they are not interested in purchasing the property at this time. They suggested removing the gymnasium. Even though it was a work session, Mr. McDowell was asked to speak by Superintendent Gardner about what the CLSD could expect from the City. McDowell informed the Board that the City has several concerns about the partnership for the gymnasium and Council's questions had never been addressed. McDowell indicated that Council would like informational meetings to take place prior to the Planning Commission hearings. Administrative Assistant Elizabeth Coleman reported that Jim Moorefield of Willamette Neighborhood Housing Services indicated that if they were chosen, those meeting would occur. Council's concern is that the Planning Commission, Staff and Council not "thrown under the bus" during the process. The City has heard a lot of complaints from neighboring property owners and other citizens.

The CLSD can expect that the Planning Commission will diligently go through the zoning processes. As long as the property is zoned like the surrounding area, there should be no problems with the State of Oregon. The City does not have the funding to maintain another gymnasium that is basically used for a few months for sports activities of the City's partner, the CLRA. McDowell also indicated that the City is not interested in owning the small "eyelash" portion where the community gardens are currently located due primarily to recreational immunity issues. Councilor Cole asked if the Calapooia Food Alliance (CFA) had any reaction to the property being sold? McDowell responded by saying that the CFA has historically known that the agreement was really always a year-to-year agreement. McDowell will be meeting with CFA officials soon to explain the situation from the City's perspective. McDowell did meet with CFA leadership this past Summer when the three year agreement with CLSD and the City was renegotiated. McDowell stated that Council may be interested in providing water if the CFA has to move their operation.

- 2. Solar Eclipse.** Mr. McDowell and Mrs. Deaver attended a meeting regarding the upcoming solar eclipse on Monday, August 21st, 2017. Predictions indicate that over 1 million people will visit Oregon to watch the eclipse. Local area hotels are already at 90% capacity. Another factor to be considered is that the Willamette Country Music Festival wraps up on that Sunday, and traffic will be extra heavy in



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our area as folks depart the venue. The biggest concern heard at the meeting is traffic grid lock and emergency vehicles being unable to respond to incidents. Reader boards will be used by ODOT up and down the I-5 corridor. Portable toilets are already being shipped in from Montana, Washington and Idaho. What is the City's role? Not much. The Women's Study Club is planning a small event because Brownsville will be a perfect place to watch this solar event!

3. **January Financials.** No comments.

CITIZENS COMMENTS – No comments.

COUNCIL COMMENTS – No comments.

ADJOURNMENT: *Councilor Cole moved to adjourn the Council meeting at 8:14 p.m. Councilor Gerber seconded the motion, and it passed unanimously.*

A blue ink signature of S. Scott McDowell.

City Administrator S. Scott McDowell

A black ink signature of Don Ware.

Mayor Don Ware