



Council Minutes

June 27th, 2017

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

PUBLIC: Kim Clayton, Jannea Deaver, Elizabeth Coleman, Tricia Thompson, John Morrison, Allen Buzzard, Alex Paul (*Democrat Herald*), Lisa Logsdan, Joe Lynch, Kathi Francis, Hank Payne, Lieutenant Michele Duncan (*LCSO*), Terri Davis, Kaye Fox, and Jorden Parrish (*The Times*).

The pledge of allegiance was recited.

ADDITIONS AND DELETIONS: McDowell asked for Terri Davis to be added to the agenda, and move the Canal Company down further in the meeting.

MINUTES: Councilor Cole made a motion to approve the May 23rd, 2017 meeting minutes as presented. Councilor Chambers seconded the motion, and it passed unanimously.

PUBLIC HEARINGS OR PRESENTATIONS:

1. **FY 2017-2018 Budget Public Hearing.** Councilor Gerber opened the public hearing and encouraged anyone wanting to be heard to step to the podium. No comments. The public hearing was closed.
2. **Kathi Francis Concern.** Ms. Francis was present and asking for help in dealing with a menacing neighbor situation. The neighbor is very hostile and deliberately plays loud music from early in the morning to late in the evenings with his stereo pointed directly at her house. He shouts obscenities at her, and has had altercations with several of the neighbors. She has contacted Linn County Sheriff's Office on multiple occasions, with no resolution to the situation. Ms. Francis is appealing to Council for help in resolving the situation. Lt. Michele Duncan explained the rules and regulations and how they would apply to this situation. She will investigate the matter further as well. Ms. Francis thanked everyone for their input and will try to implement some of the suggestions.
3. **Transient Room Tax – Allen Buzzard.** Mr. Allen Buzzard read from a prepared statement highlighting the history of the Transient Room Tax (TRT). He said that is he working on a report for Council with some general suggestions that would simplify the accounting that he will present at a later date. He will forward this information on the Mr. McDowell who can then forward it to Council for review.
4. **Utility Bill Discrepancy - Terri Davis.** Mr. McDowell introduced the situation stating that Mrs. Davis had a problem with her water bill, and that she wanted to come up and talk to Council about it. Basically, what happened is that she says her bill was paid and there is no record of that transaction. After her initial contact with the City, Utility Clerk Jannea Deaver spent a full day researching the situation, and could find no corroborating evidence that the bill had been paid.



Council Minutes

Mr. McDowell then informed Mrs. Davis that she could come to Council and state her case. Mrs. Davis did not respond in time to be put on the agenda prior to the meeting, but came in today and asked to be added to the agenda tonight. Mr. McDowell invited Mrs. Davis to the podium to state her case. Mrs. Davis stated that she has been here 15 years now, and that this bill is always one that she gives to her husband to pay. There is no doubt in her mind that he came in and made this payment. The amount due was for \$83.46, and he usually rounds it up to the next dollar amount. He came in to make the May payment she thinks about the first week of the month. He spoke of a blond woman taking his payment.

Mrs. Davis directed a question to Mrs. Morrow, asking if she remembered taking a payment from her husband. Mrs. Morrow replied that she did not recall this transaction. And to reiterate what Mrs. Davis has already been told by the office staff, it doesn't matter who takes the payment, the procedure is the same. The customer is always offered a receipt, whether they take it or not, but especially if the transaction is cash, this is their proof of payment. We then print another receipt that goes into our cash drawer. Mrs. Morrow then stated that if the cash drawer was over \$84, staff would track that money down to an account. If unable to track the payment to an account, the money would be set aside for further investigation. So, if Mr. Davis had made the payment, the money would be in the drawer, which simply isn't the case.

Mrs. Davis stated that she was told that we only do deposits every 2 or 3 days, so she could not understand how we could balance doing it that way. Mrs. Morrow stated that this system has been used here for years and years. Mr. McDowell stated that the system tracks every single payment the City receives. Mrs. Davis again stated that her husband was told that it would be hard to find his payment because we only balance every 2-3 days. What Mrs. Davis is litigating here today is that her husband made this payment. She stated that they have been paying these payments for 15 years. Her husband is the one who pays, and Mrs. Morrow may not know him, but he has been making these payments to the other women for 15 years.

Councilor Gerber asked if the payment was made in cash. Mrs. Davis stated that it was cash. Councilor Gerber asked if he kept the receipt of payment. Mrs. Davis said he kept it for a few days, but then cleaned his truck and threw everything out. She stated that he is adamant about who took the money when he made the payment. Councilor Cole stated that she doesn't think there is a doubt about the fact that the City has a process to receipt in payments, and that there is a responsibility for your husband to hang onto that receipt, especially for a cash payment. She understands that things can easily get cleaned out, and thrown away, but it truly is a proof of payment issue.

Councilor Cole asked about a previous precedent. Mr. McDowell replied that in 2008 a customer came in and adamantly stated that they had made a payment which there was no record of. Utility Clerk Deaver again made an exhaustive search, but could not find record of the payment being made. Mr. McDowell then told the folks that he did not have the power to forgive the bill if they could not find



Council Minutes

their receipt, the matter would have to be heard by Council. The complainant never came to Council, but McDowell explained the situation. Council concurred with McDowell's assessment which was that if the customer cannot produce proof of payment then the account is still due.

We also had another situation in 2010 or 2011 where a lady got a late notice, and was upset because she said that she had paid that bill. She then found the payment that she thought she had made above the visor in her car. Mr. McDowell stated that he believes that Mrs. Davis *believes* that her husband made that payment, but he also knows that in 10 ½ years, the City has an impeccable record with deposits, receipts and accounts being correct. The City's policy and procedures are working very well.

Councilor Cole recapped her understanding that when a bill is paid, the customer gets a receipt and the City keeps a receipt for balancing. Mrs. Deaver stated that she went back through the whole month and looked at all the transactions. She looked at the receipts, and looked at all the postings for that month. She could find no discrepancy or record of that transaction. Councilor Cole asked if this issue has ever been brought before Council before. Mr. McDowell said that it had not happened in his 10 ½ years here. Mrs. Davis again stated that she believes her husband made this payment as usual.

Cole stated that she is torn between just forgiving it and telling folks that they must hang on to the receipts. *Councilor Cole made a motion to forgive this debt, a one-time only situation, and encourage the water customer to hang on to their receipt as proof of payment. Councilor Neddeau seconded the motion.* Discussion followed. Mrs. Davis stated that the money is not a problem, they can make this payment. The reason she is here is because her husband is upset. Councilor Chambers asked if the account has been in effect for 15 years, and has never had a problem like this before? Mrs. Deaver affirmed this is correct. McDowell said that the City has been correct on 711 accounts for 10 ½ years.

Mayor Don Ware stated that that was what he kept going back to, is the long years of history. Councilor Shepherd suggested that either they keep the receipt or they pay by check. Mrs. Davis said that not everybody likes to use a check. *The motion was voted on and passed unanimously.*

5. **Canal Company Overview.** Mr. McDowell stated that provided in the Council packet this month is a brief history surrounding the Canal Company, how and why it was formed, the memo also tells of City involvement. At the May 2017 Canal Company meeting, it was decided and approved by vote to officially disband the Canal Company. After hearing this, the City sent a letter to President John Holbrook stating that if they dissolved, the City would no longer provide water to that canal as there would be no insurance in place.

It is important to remember that the Canal Company is not an easement, but actual owned land by all property owners which abut the ditch. In June 2008 Council passed a resolution because the Calapooia Watershed Council ran out of money to



Council Minutes

fund the project. They then asked Council for funding assistance. Council passed a resolution only with the understanding that we are not responsible for any future regulations handed down by the State or Federal government or agencies. T

The City was to receive a sum of money totaling \$10,000 for the cost of electricity for running the pumps, but that never happened due to the project overrun. John Holbrook signed an easement so that the City and the pumps could be on his land. The City spends over \$30,000 per year just to run the pumps (PPL).

In 2008 the City had a lot of mosquito complaints because the water was not flowing while the improvements were being made. Mr. McDowell stated that what really needs to happen is for 2 or 3 Councilors to sit down with Staff and review this whole situation. It is an extensive situation. Councilor Gerber asked for volunteers. Councilor Cole, Councilor Chambers, and Councilor Neddeau indicated interest.

DEPARTMENT REPORTS:

1. **Sheriff's Report.** LCSO Lieutenant Duncan reported that for the month of May there were 10 traffic citations, 11 warnings, 69 complaints, with 16 hours for traffic enforcement. One dog was taken into custody. Duncan stated that LCSO is continuing to work on revamping their reports with their new computer system. The Francis/Hagan situation was discussed. Lt. Duncan will make sure the deputies are up to speed on the situation.

McDowell suggested ensuring there are 2 deputies when dealing with Mr. Hagan, and asking him sternly to cease and desist. Unfortunately, City Hall bears the brunt of handling many situation when folks cannot get any help or support from LCSO. McDowell also remarked that everyone needs to be part of the solution. Citizens need to report and come forward. Too many do not want to make a public complaint or be known because of perceived or real retaliation. If retaliation is happening, that too should be taken up with local law enforcement.

Councilor Shepherd is concerned that the situation will get out of hand. Councilor Cole asked the question to Council about efficacy to beefing up the noise ordinance? Councilor Cole and Councilor Chambers are on that committee, and they will take a look at it very soon with Staff.

2. **Public Works.** Public Works Superintendent Karl Frink reported that backflow devices will be tested July 5th -7th, 2017. The Ash Street water line project is officially finished. The City now gets complaints about high water pressure in the area.

Dust control application will happen either Friday or July 3rd. PW Staff is working on weed abatement along the ROW's. Preparation for Pioneer Picnic consumed a lot of staff time this year; LCPA requests were abnormally demanding, and their attitude was not appreciated. Mr. Frink was actually yelled at because his staff was out reading meters (conducting City business) instead of down in the park working on Pioneer Picnic projects. Mr. Frink chose not to mention names on the public record, but felt Council should be aware of the situation. Staff will be at the follow-up meeting this year to voice some concerns.



Council Minutes

The Library roof project is complete. The City's 1942 road grader broke down. Frink is unsure of the extent of the damage, but it looks like internal damage. He may have to have a mobile mechanic come out and take and look and then decide how to proceed. Linn County Road Department came out and graded the roads in the Park for the City before the Pioneer Picnic event.

Also, there will be a road closure from July 10th – 21st, 2017 on Seven Mile Lane and Harrison. The detour is out Forry Road and back up to Seven Mile Lane (to the north).

3. **Administrator's Report.** Mr. McDowell included in the packet a letter written by Elizabeth Coleman regarding recreational immunity addressed to Representative Phil Barnhart. Recreational Immunity did pass legislation and is awaiting the Governor's signature. This is a reminder that Council needs to stay vigilant on issues being considered in Salem. These letters make a difference, and helped make that change.

Councilor Shepherd, Mrs. Morrow, Mrs. Coleman, and McDowell attended the Central Linn School District meeting a couple of weeks ago. The Board unanimously approved removing the reversion on the Rec Center deed. The City should outright own the property in the near future.

The RV ordinance language is back from LCSO and is now being reviewed by the attorney after their suggestions. The first reading will be in September.

The City recently entered into an agreement with payGOV.us to facilitate customers using debit and credit cards. There is information on the City website, they can pay by phone, mobile app or online. Letters have been sent to folks that are currently using the nCourt system regarding the change. It should be especially helpful for folks with past due balances.

Councilor Gerber and Mr. McDowell recently attended a Linn County Transportation Plan meeting in Albany. Linn County is putting together a Capital Improvements Plan (CIP) that is broken down into categories with criteria such as life safety, pedestrian safety, injuries, etc. Kirk Avenue was included. Realistically though, it will never be funded. McDowell believes that the City will need to form a Local Improvement District (LID) and perhaps the County will partner with us on the project at that point. McDowell commented that the County's CIP plan is good because they will have their priorities figured out if, or when, funds become available, and will be ready to roll out with their projects. It is a good, thoughtful plan. Councilor Cole commented that there may be something to be said for potholes – and least it helps people go a little slower. A smooth surface could easily lead to high speeds.

Weeds and nuisance abatement started June 5th. Courtesy calls have been made, and there was a bit of negative bounce back with Staff this year. Some folks were irritated to be getting calls. Our regular contractor is due in this week, but due to the heat, he has postponed the work temporarily. There is probably a full week's work for him this year.

Insurance cards have been received, and are updated in all vehicles.



Council Minutes

It seems that we are still having hiccups with the LCSO contract. The first quarterly meeting is scheduled for September. Staff and Council will continue to monitor the situation.

The CLRA building is soon to be entirely owned by the City. The City will hire an inspector to review the structures in Pioneer Park and the Rec Center to evaluate current conditions. Council will use this information to determine a financial course of action to make necessary improvements. This information will be forwarded to Council when available.

The Accela software conversion is completely stalled. Staff was hoping to have the system up and running by July 1st. The City may have to run parallel systems for a while.

The August 5th EPC event planning is going well. Councilor Neddeau has agreed to do cook for the event. The City has heard back from several community partners that want to be part of the event. The event will be down in the Park at the pavilion from 6:00 – 7:00 p.m. There will be hamburgers and hot dogs for the first 150 folks, followed by a short EPC presentation. Then folks can mill about the various community partner tables looking for information, volunteer opportunities, etc. Hopefully this will be an annual event.

Staff recently interviewed a university student intern for a possible temporary intern position. However, there are serious concerns surrounding privacy and safety. McDowell stated that the City cannot guarantee anonymity since we are a public entity. McDowell is working on the details with university leadership. Councilor Gerber hopes that this will be an ongoing program.

Dollar General has submitted plans with serious interest in locating in Brownsville. Staff has been through the plan, resulting in 6-7 pages of notes. It is important to remember that this proposal will not go through the Planning Commission, as it is an outright permitted use. Questions were raised about flood plain issues, TMDL, and the outside façade in keeping with historical Brownsville. McDowell stated that basically they will put up a metal building with a brick façade, and that the City can only hold them to what our codes allow. Dollar General has honored the City's request for the brick. Mr. McDowell and Administrative Assistant Elizabeth Coleman have requested standards, but nothing has been done toward that end to date.

McDowell would like to publicly thank Staff, especially Public Works, and Mayor Don Ware and Councilor Shepherd and any others that have come up to City Hall and helped out during the last month. We have had a lot of balls in the air, and your support is greatly appreciated. Also, a big thank you to Linn County Road Department for helping with the grading in the Park, and also Advance Mechanical Inc. (AMI) for repairing the damaged gate.

4. **Library Report.** No comments.
5. **Court Report.** McDowell informed Council that the City Court Clerk currently works 12 hours per week. Over the last 4+ years we have been struggling to financially keep our court open with the decrease in traffic citations. We currently do not have enough work to support her hours. On August 1st we will have to cut her hours to just 1 day a week. The City's hope is that LCSO will begin to be more diligent with citations.



Council Minutes

6. **Council Comments.** No comments.
7. **Citizen Comments.** Jannea Deaver spoke about the Terri Davis situation. She would like to review a few items for Council. Mrs. Davis stated that the City only makes deposits every 2-3 days. That is not true. The first of the month, deposits are reconciled every day because of the high volume of payments. Later in the month, deposits are not done every day due to low volume. Staff did everything we could to track down her payment. We work very hard to be above reproach, and to make sure that procedures and processes are followed. Councilor Cole stated that she had total faith in Staff. Councilor Neddeau stated that he would like to add that in 15 years we have not made a mistake on her account, as well as the other 700+ accounts.

LEGISLATIVE:

1. **Resolution 2017.10 – FY 2017-2018 Budget Appropriations (Annual).** Councilor Cole moved to approve R 2017.10. Councilor Chambers seconded the motion, and the motion passed unanimously.
2. **Resolution 2017.12 – Sewer Rates Adjustments (Annual).** Councilor Chambers moved to approve R 2017.12. Mayor Don Ware seconded the motion, and the motion passed unanimously.
3. **Resolution 2017.13 – Year End Transfers FY 2016-2017.** Councilor Cole moved to approve R 2017.13. Councilor Shepherd seconded the motion, and the motion passed unanimously.
4. **Ordinance 768 – 210 School Avenue Lynch Alley Vacation.** Mayor Don Ware moved to approve O 768. Councilor Cole seconded the motion, and the motion passed unanimously. Mayor Don Ware moved to approve O 768 as an emergency as Council has already discussed this and thoroughly understands the situation. Councilor Shepherd seconded the motion, and the motion passed unanimously.

ACTION ITEMS:

1. **Central Linn Recreation Association Agreement.** Mr. McDowell stated that the CLRA would like to exercise the option for another year. Staff may sit down with them in December and revamp the current approach. They are hoping to go live and have all signups and payments performed online very soon. Councilor Block has been attending the monthly meetings, and has reported this information back to Mr. McDowell. Councilor Cole made a motion to approve this agreement for another year. Councilor Shepherd seconded the motion and the motion passed unanimously.

DISCUSSION ITEMS:

1. **Annual Master Checklist Review.** The Things To Do List (TTDL) does a few things for Council and Staff. It is humanly impossible to check everything off the



Council Minutes

list each year, and we would have expended every dime in the budget! McDowell tracks projects through the year, and the list helps with institutional memory, and provides a great reference for all. Issues develop over the course of the year that can dominate schedules. The LCSO joint contract was an example of a major time and attention item this year. Not everything will be listed on the list, sometimes things pop up and have to be handled. Councilor Gerber stated that this list is hugely helpful.

2. May Financials. No comments.

CITIZENS COMMENTS – Kaye Fox was present. She said her 82 year-old husband was despondent because the Library was closed for a week.

Allen Buzzard continued his TRT discussion sharing a few pictures in town. He felt that he got cut off earlier. He wants Council to listen to folks who have moved away due to high taxes. He stated that his Airbnb guests are more likely to spend their money here when they stay overnight. He asked if Council had any questions. Councilor Cole stated that Council has no questions now, they will wait to see his proposal.

COUNCIL COMMENTS – Councilor Chambers and Councilor Gerber will meet with Staff in July to discuss the noise mitigation issue.

ADJOURNMENT: *Mayor Don Ware moved to adjourn the Council meeting at 8:47 p.m. Councilor Cole seconded the motion, and it passed unanimously.*



City Administrator S. Scott McDowell



Mayor Don Ware