



Council Minutes

July 24th, 2018

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

PUBLIC: Kim Clayton, Glenn Reinemer, Larry and Ann Collins, Mary Gevatosky, Michael Mattingly & Sgt. Greg Klein (*LCSO*), and Jordan Parrish (*The Times*).

The pledge of allegiance was recited.

ADDITIONS AND DELETIONS: McDowell would like to add under Action Items: 10. C. Robe Street Water Line Project. There are no deletions tonight.

MINUTES: *Councilor Gerber made a motion to approve the June 26th, 2018 meeting minutes as presented. Councilor Neddeau seconded the motion, and it passed unanimously.*

PUBLIC HEARINGS OR PRESENTATIONS:

1. **New Website Tour.** Mr. McDowell presented a short overview of the new website. Staff will train on the website this week. The website is functional, but not completely operational just yet. There is a new search feature and more content will be added as time allows. The new web site is compatible with smart devices. McDowell will bring a full tour back in September or October for Council.

DEPARTMENT REPORTS:

1. **Sheriff's Report.** LCSO Sergeant Klein reported that for July there were 8 traffic citations, 9 warnings, 1 warrant served in the 600 block of Locust with 1 female adult arrested and cited for theft, 62 complaints, with 13.5 hours for traffic enforcement, and total hours were 213. Klein acknowledged that traffic citations were down again; he has started calling deputies and requesting more action in this area. Klein commented that it is certainly a busy time of year. Councilor Block commented that 13.5 hours doesn't seem like enough time spent on traffic. Klein agreed that he thought they could do a better job on traffic, and he will go over this again in the morning with Captain Guilford. Sergeant Klein also informed Council that Brian Hardy, the Motor Carrier Deputy, will be focusing on the highways in and out of Brownsville and throughout the County. Hardy will be doing some education as well traffic patrol. Councilor Shepherd asked if there would be speed signs on Kirk Avenue again for the WCMF. Klein replied in the affirmative. Shepherd also asked about the Motor Carrier Deputy. Will his time be charged to the City? His cites are not in our contract, or likely our jurisdiction. Klein replied that Hardy will be able to use the Brownsville Municipal Court for some of his citations; he gets paid differently, so his hours should not affect, or be counted against, the City's time. Michael Mattingly spoke next informing Council of an upcoming Citizen's Academy from 6 p.m. - 9 p.m. on Tuesday nights. It is a 13-week course, he encouraged all of Council to attend.
2. **Public Works.** Public Works Superintendent Karl Frink reported they have had a very busy month. Staff has been weed eating the Right of Ways. Mr. Frink and



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Ms. Elizabeth Coleman conducted a bid opening for the Robe Street Water Line project.

Public Works installed several new water meters, and one new water service. On July 26th Carter's will be testing the backflow devices. About 1/3 of the street compaction failed on the new water line on Depot Avenue (Lepman Project); the contractor will be working on correcting that. The Oak Street rehab project was finished last Friday. The contractor had a one-day opening, so the City took the opening to get the project completed quickly. Overall, the project turned out very well. The cemetery bridge project is still in the design phase.

Park Caretakers Don and Carol Neddeau have been doing a fabulous job in the park again this year. Sue Karo waters and mows Blakely Park for the City. Irene Corbett waters the Library Park for the City and Public Works mows it every Friday. Mr. Frink would like to give them some kind of appreciation gesture for all their hard work. There has been a lot of vandalism in the downtown restrooms lately, and a lot of extra trash. Public Works got the irrigation system turned back on in front of City Hall, and the grass is greening up nicely. Councilor Chambers asked about water pressure. Frink replied that the City is about 70, which is the median. He also said that there is a check valve on every meter so that water can't bleed back into the City system. A thermal expansion tank can be put on the hot water heater as needed to address issues.

3. **Administrator's Report.** Mr. McDowell reported that Mayor Ware and he had visited with Roger Nyquist and the map requesting a buffer zone banning marijuana close to the UGB was delivered. The City's marijuana ballot measure has been filed with Linn County Elections. These items go hand in hand. It is hard to ask the Commissioners to do something about what we are allowing in town. These items are being done concurrently; if the voters vote in favor banning marijuana within City limits, it is our hope that the Commissioners will go forward with the City's request.

McDowell reported that the City had experienced another ransomware virus on Ms. Morrow's computer. Tomorrow Staff will be making the wire transfer bond payment at Key Bank in Harrisburg. The nuisance committee is still a work in progress. McDowell hopes to get the group together and hopefully have a recommendation for Council at the September Council meeting. The cleanup at 382 Kirk continues. Scott Gagner, Sweet Home Sanitation, informed the City that they will continue to do glass recycling. Corey Wright, RAIN entrepreneur, is working on the rural opportunities initiative. Mayor Ware will be meeting with him on Friday. The incentive is happening in 8 local cities in Linn and Benton counties. McDowell reminded Council that August is a recess month for Council. Wade Long, the organizer of the Vintage Trailer Show, informed McDowell that he is very interested in being back next year.

4. **Library Report.** No comments.
5. **Court Report.** No comments.
6. **Council Comments.** Councilor Shepherd would like to rebut a recent letter to the editor in the *Times* stating that the City has only honored Dollar General with a certificate welcoming them to town. This statement is false. The City welcomes all new built up businesses to town in this way; such as Ram Trucking, 1st Rate Roofing, etc. The only reason the City has been doing this is because years ago the



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Chamber of Commerce was not doing it. This kind of false and misleading statements made in the paper really rubs him the wrong way. Dollar General is a very clean store, and many believe is a nice addition to town.

7. **Citizen Comments.** Larry Collins, Kirk Avenue, would like to thank whoever is responsible for the cleanup at 382 Kirk Avenue. He asked if there was any word on the condition of the interior of the house. McDowell stated that the City could not do anything about the conditions on the inside of the property. Mr. Collins is concerned about the inside condition, stating that rats, etc., will thrive in there.

Mary Gevatosky, Kirk Avenue, stated that her neighbors at 382 Kirk Avenue had left their cats. It has become a real problem; and it is not right that these kind of things are put on the neighbors left behind.

ACTION ITEMS:

1. **Acknowledge Advertisement of Council Election Openings.** McDowell informed Council that the City has advertised in *The Times* information about the upcoming open Council seats. Basically, the City Charter appoints the City Administrator to perform this function. The deadline to file is August 24th, 2018 at 4:30 p.m. at City Hall. The signature option is not being done this year; it will be a flat \$10 fee. Positions up for reelection are Mayor Ware, Councilor Neddeau, Shepherd, and Thompson.
2. **Acknowledge 382 Kirk Avenue Contract.** McDowell informed Council of the continuing situation at 382 Kirk Avenue. To sum up the situation, the City has waited for the bank to finish the legal foreclosure proceedings before posting the property for trash and junk vehicles compliance on June 8th, 2018. McDowell contacted Scott Gagner, Sweet Home Sanitation, for an estimate for the cleanup job. Mr. Gagner declined the job, stating that there are several items on the property that they would be unable to handle. His best guess for an estimate for the project was \$20,000-\$25,000. Ms. Morrow made some phone calls and finally reached the bank's eviction process manager and has been working with him on the details of the project. The City finally did receive one bid for the cleanup project from Aaron Davidson. The bid was broken down into 3 phases, the initial phase for trash removal was for \$13,008. The City was unable to secure any other bids. *Councilor Chambers made a motion to accept the cleanup contract and bid from Aaron Davidson for 382 Kirk Avenue. Councilor Shepherd seconded the motion and it passed unanimously.* Councilor Chambers asked if the City would be responsible for the cost of the cleanup at 382 Kirk. McDowell responded that the City will pay the invoice(s), and then forward an invoice to the bank. If not paid, the amount will be leined against the property. The City has received complaints that cats were left at the residence. The likely only solution is to trap them and have them removed from the property.
3. **Robe Street Project.** The City received 5 bids for the project. The Dyer Partnership has tabulated the bids and recommended DSL Builders in the amount of \$131,987.33 to be awarded the contract. McDowell is recommending that Council accept this bid and authorize McDowell and Mayor Ware to proceed with



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notice of award and any other paperwork needed. *Councilor Gerber moved to accept DSL Builder's Robe Street project bid and authorize Mr. McDowell and Mayor Ware to proceed. Councilor Shepherd seconded the motion, and it was passed by all.*

DISCUSSION ITEMS:

1. **Senior Center Agreement.** McDowell stated he has visited with President Marilee Fraiser and she has stated that the seniors are very appreciative and interested in continuing the agreement. *Councilor Shepherd made a motion to extend the Senior Center Agreement for another 3 years. Councilor Gerber seconded the motion, and discussion was called for. Councilor Chamber asked if there was a rule about the downtown businesses having to have garbage service. McDowell reminded Chambers that universal service was talked about a few years ago and Council decided not to go forward with it at that time. Councilor Chambers would like to entertain the idea of starting with requiring the businesses to have garbage service. Councilor Shepherd stated that he feels that this should be a fair process, it should be required of all residents and businesses. McDowell stated that with the current status of recycling and rising rates, the trash situation around town could easily get worse. Councilor Gerber thought this might be a good discussion again soon. The motion was voted on and passed unanimously.*
2. **Flower Club Agreement.** McDowell talked with Cindy Stucky today, and basically this agreement operates under the auspices of the Senior Center. Basically, the City provides the funding for the flowers to be planted around town. *Councilor Gerber made a motion to approve an agreement for another 3 years. Councilor Block seconded the motion, and it passed unanimously.*
3. **Chamber Agreement.** Mr. McDowell reported that the Chamber will be coming in October to have a discussion about the pending agreement. Communications have gotten worse recently. City Wide Garage Sale was a total fiasco this year. They should be aware that they can't close a public parking lot without Council approval. McDowell went around town with Crystal Smith and Sue Frasier to all the downtown businesses to help minimize the fallout. The City agreements have to have commitment from both parties to be effective otherwise they are useless. The *Stand by Me* event was not handled well this year. The City keeps extending itself to help these community partners again and again, but folks keep failing with communications and making operational mistakes. The main purpose of the agreements is for everyone to be aware of what is going on. Councilor Shepherd commented that the BAA had the door wide open yesterday, on one of the hottest days of the year, with the citizen's dime paying for the air conditioning; it's just not right.
4. **Remote Attendance Policy.** Mr. McDowell stated that per legal counsel basically Council would modify council rules (R 718) to allow remote attendance at Council meetings for Councilors. There are times that folks are out of town for work, and if able could attend meetings from a remote location. The remote attendance would likely be done with Skype or by phone. Mayor Ware commented



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that this is being done everywhere all the time. Councilors Block and Chambers stated that they did not like it. They felt if elected, Councilors should make every effort to be at the meetings; Councilors are excused for 2 meetings a year and being a body here is important. Councilor Gerber suggested a compromise by perhaps limiting how many times a year you can do this. Councilor Thompson stated that things happen such as family emergencies, etc. and we all realize the importance of being present. Mayor stated that he and Councilor Neddeau regularly attend the COG meetings, and they always have folks participating from a remote location via Skype. In this day and age, he thinks that it is important to utilize this technology. Councilor Shepherd commented that he finds it interesting that we have had a member that has missed as much as 50% of the meetings, and no one had a problem with that. McDowell stated the cost should not be an issue. McDowell was asked to proceed and provide a possible solution.

- 5. **Drone or UAS Policy.** Councilor Thompson had asked Mr. McDowell to bring this issue before Council. McDowell stated that this is basically a federal FAA issue. By State law folks can be cited for intentionally operating UAS (unmanned aircraft systems) illegally. An ordinance would be created around this issue if Council chooses to go forward. The City could grant express written consent for folks to go across public lands. Councilor Chambers asked if the City has had any issues with drones? The City has not had complaints yet but looking forward it could be just a matter of time. Drones have been caught looking in neighbor's windows and conducting general harassment activities. Councilor Block thinks that it is a good time to get out ahead of the issue; Councilor Neddeau agreed. Councilor Thompson commented that she thinks the City needs to be proactive in creating legislation around this issue. McDowell commented that it would probably be wise to have something on the books. Councilor Thompson stated that she feels strongly about this issue and is glad that Council is pursuing it.

- 6. **June Financials.** No comments.

CITIZENS COMMENTS – Mary Gevatosky, Kirk Avenue, stated that she has done some research through the State of Oregon laws on cat abandonment and neglect. Unfortunately, cats don't fall under the same laws as dogs. By the time laws can be enforced, often the cat will be deemed a stray, and the owners will claim no ownership for it. It turns into a perpetual cycle.

COUNCIL COMMENTS – Councilor Chambers commented that in the packet she read that the Linn County Commissioners have approved an 8% increase on solid waste. She asked if that will affect the citizens of Brownsville? The City's franchise agreement is what sets the rates for the City of Brownsville.

ADJOURNMENT: Councilor Block moved to adjourn the Council meeting at 8:16 p.m. Councilor Shepherd seconded the motion, and it passed unanimously.

City Administrator S. Scott McDowell

Mayor Don Ware