



Council Minutes

June 26th, 2018

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

PUBLIC: Kim Clayton, Brian & Barbie Hendrickson, Jordan Parrish (*The Times*), Sgt. Greg Klein and Michael Mattingly (*LCSO*).

The pledge of allegiance was recited.

ADDITIONS AND DELETIONS: Mr. McDowell added items to the agenda, 10) D. UGB request, and 11) E. Remote attendance.

MINUTES: Councilor Block made a motion to approve the May 22nd, 2018 meeting minutes with the correction of one misspelling. Councilor Shepherd seconded the motion, and it passed unanimously.

PUBLIC HEARINGS OR PRESENTATIONS:

1. **Budget Public Hearing.** Mayor Don Ware opened the budget public hearing and asked for comments from the public. No comments were made; the hearing was closed.
2. **Sweet Home Sanitation and Recycling – Scott Gagner/Brian White.** This item will be moved to the end of the agenda due to Sweet Home Sanitation's staff attending the City of Sweet Home's Council meeting this evening.

DEPARTMENT REPORTS:

1. **Sheriff's Report.** Sgt. Greg Klein (*LCSO*) was present to recap the month of May. There were 6 traffic citations, 19 traffic warnings, with 24 traffic hours spent overall. Total hours for the month are 207. Klein said that the Pioneer Picnic events were good overall. One vendor reported that some jewelry had been stolen from their booth. Councilor Shepherd inquired as to why we are backwards on the number of traffic citations again. We need a minimum to cover our court costs. Sgt. Klein stated that he would address it with his deputies again. Michael Mattingly introduced himself as the Community Services Specialist. His duties include attending community events and functions out in the communities; he is not authorized to write tickets. He will be a liaison with neighborhood watch groups and may also be here at Council meeting giving the monthly report to Council. Mattingly would like to do more outreach in the community; if anyone has an event please give him a call. Sgt. Klein thanked Mr. McDowell for issuing the new Park rules regarding camping to him. He will ensure that the rules will be given to the patrol officers for future needs.
2. **Public Works.** Public Works Superintendent Karl Frink reported that Public Works has been busy again this month. There have been a couple of water leaks; both have been repaired or are in the process of repair. Public Works has also had a lot of equipment breakdowns and are incurring some delays from that. The Oak Street rehab project is in the works. North Santiam Paving was awarded the contract. The cemetery bridge project is getting costly. The current estimate is



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\$117,000- \$130,000 to do the work. City Engineer Ryan Quigley is reviewing the project closely. The Robe Street project is out for bid and we should be receiving bids soon.

Don and Carol Neddeau are doing a great job in keeping up at the park. The lift station down by the kitchen in the park failed due to a pump issue and then a pipe broke. Public Works stayed late to repair the lift station. Frink then went to the water treatment plants to check the final points of the day and got a call from Don Neddeau informing him that the doors had been kicked in on the stage at the grandstand. LCSO was contacted and a report was filed. For some reason this seem to be a hot topic for Facebook. Comments were made that the employees were not paying attention and that was why the damage occurred. These kinds of comments are very upsetting and frustrating for Staff. These kinds of comments are not good for morale, the community, or employees. Mr. Frink would like to ask that if people are going to post on Facebook they take the time to be sure to get the facts straight first. He is not suggesting that we take away people's rights; often these comments are just inconsiderate and creates unnecessary drama. The replacement cost for the doors is \$225 each.

Public Works continues to work on street signs, more signs are on order. Another Facebook item recently accused Public Works of running over a snake deliberately. Mr. Frink was on vacation when the incident occurred, but his staff has stated that they were working on different projects and were not in that area when this report happened. Again, he would like to ask for people posting on Facebook, that they do so responsibly and make sure of the facts first. Councilor Shepherd commented that he had seen the snake come out of a mower going down the street. He then approached the dead snake to make sure of its variety. He said it was a bull snake, not a rattlesnake. Councilor Gerber asked if it was a pet snake. Councilor Shepherd said he did not know as he did not try to save the snake.

- 3. Administrator's Report.** Mr. McDowell informed Council that he and Court Clerk Carol Humphreys recently met with Oregon State Police for a CJIS audit. The audit went well, some policy changes will be coming early Fall.

McDowell reported that Bill Palmer has taken a position with Linn County and is no longer with Boldt Carlisle. Tasha Harrell will be the City's new lead auditor. The audit is scheduled for the week of October 23rd, 2018.

Judge Lemhouse will be retiring this year in December and the City's pro-tempore Judge Jessica Meyer has indicated interest in the position. She will need to be appointed by Governor Kate Brown.

McDowell recently received a survey from the League of Oregon Cities (LOC) asking the City to provide input and recommendations for the League's 2019 legislative agenda. The top four City objectives include property tax reform, third-party building inspection, wetland development permitting, and annexation flexibility. Council instructed Mr. McDowell to go forth. Council also approved the bottom four choices as requested by the LOC.

McDowell updated Council on the weeds program and how it's going for the year. Four years ago, the City posted 32 lots, three years ago it was 27 lots, last year it was 11 lots, and this year it was 5 lots. Overall the program is working fairly well; Staff still gets many complaints about the larger lots that have different mowing requirements.



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The City's recent rating from S&P increased from an A- rating to an A+/Stable rating. This rating is great for a city our size.

McDowell informed Council that the Canal Company has notified him that they are still a valid entity and the City has received an insurance certificate for the year. President John Holbrook indicated that while there are no officers other than himself, he has filed with the State and is in good standing with the IRS tax status. The water was turned on in May.

McDowell continues to struggle with the website, but the new website is getting ready to launch. We are out of the design phase and hopefully it will debut around the Fourth of July. McDowell will show off the new website at the next Council meeting if the site has launched.

McDowell continues to work with the COG (*Cascade West Council of Governments*) on economic development. They are working with the State and a venture capitalist has been hired in partnership RAIN, and the project is proceeding. It is a very exciting opportunity.

The Robe Street project is out for bid. The deadline to submit bids is July 18th, 2018 at 2:00 p.m. Bids will be tabulated and available to Council at the July meeting. Costs look like they may be 15-20% higher than originally expected. If the project comes in too high, the City may have to reject all bids according to the City Engineer.

McDowell informed Council that the Chamber of Commerce is running the City-wide Garage Sale for three days this year (Friday, Saturday, and Sunday). They did not want to collaborate on portable toilets this year. They will facilitate their own agreement for units for the Garage Sale, Antique Faire, and the Willamette Country Music Festival Shuttle service. McDowell and Frink have secured portables for the Fourth of July though Best Pots.

Mayor Ware referred to a letter received from Tammy Knight praising Elizabeth Coleman for her work in the Planning Department. Ware stated that it is great to have such a wonderful person working for the City.

4. **Library Report.** Mayor Ware commented that there was a big article in the Democrat Herald regarding summer reading. He said our librarian, Miss Sherri, already does a great job with this. We're lucky to have such a great library.
5. **Court Report.** No comments.
6. **Council Comments.** Councilor Gerber stated that she recently attended a Linn County Transportation meeting. She said there are a number of grants that the City could potentially be eligible for. We might need to think about having this as part of our strategic planning. Corvallis has a program where folks can check out bicycles with an app on your phone and perhaps this is a program that would be a neat thing to have in Brownsville.

CITIZEN COMMENTS.

No comments.



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LEGISLATIVE:

- A. **Resolution 2018.13: Budget Adoption (Annual)**. Councilor Block moved to approve R 2018.13. Councilor Chambers seconded the motion, and the motion passed unanimously.
- B. **Resolution 2018.14: Water Rate Adjustments (Annual)**. Councilor Gerber made a motion to approve R 2018.14 as presented. Councilor Shepherd seconded the motion, and it passed unanimously.
- C. **Resolution 2018.15: Sewer Rate Adjustments (Annual)**. Councilor Gerber made a motion to approve R 2018.15. Councilor Chambers seconded the motion, and it passed unanimously.
- D. **Resolution 2018.16: Year in Transfers FY 2017-2018**. Councilor Block made a motion to approve R 2018.16 as presented. Councilor Shepherd seconded the motion, and it passed unanimously.
- E. **Resolution 2018.17: Emergency Solid Waste Rate Increase**. Scott Gagner and Brian White from Sweet Home Sanitation were present to discuss an emergency solid waste rate increase. There were two proposals in the agenda packet based on continued recycling or landfilling. Gagner stated this is basically a community decision. Rate changes for landfill concurrence will be approximately 5.23%, and to continue with recycling the rate will increase by approximately 11.76%.

McDowell asked what recycling really looks like even with the rate increase because as he understood it there is nowhere to send the recycling at this time. White and Gagner discussed details about China recycling contamination rates, and the huge costs they are incurring. White stated that only time will tell if the recycling crisis lasts perhaps six months or if this is the end of what we know of current recycling practices. McDowell stated that he doesn't think it is in the City's best interest to pay a rate increase of 11.76% when the material may likely end up in the landfill anyway.

Councilor Gerber wondered about the volume that would now be taken up in the garbage can as compared to the recycling bin if the City went with concurrence. Scott Gagner stated that folks would still be encouraged to put recycling type items in the recycling can, but that in reality, all of that material will be going to the landfill. If the market changes down the road and recycling flushes out, we may be able to change the accepted types of recycling again. Councilor Shepherd made a motion to approve 2018.17 (the 5.23% landfill concurrence option proposed by Sweet Home Sanitation). Councilor Block seconded the motion, and it passed unanimously. Discussion was called for. Councilor Chambers asked about the possibility of actually burning the trash as opposed to landfill options. Gagner responded that you are not allowed to burn plastics; there used to be a place in Salem, but they got closed down. Sweet



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Home Sanitation is looking at options for creating their own processing facility so that they can better determine where the material goes and how it is disposed of.

McDowell commented that research he has done indicates that it costs about \$1 billion to build an energy generation solution as described by Councilor Chambers. Councilor Gerber said that there are people who just care only about the cost of disposal, but many people care about the environment as well. Maybe we could educate folks what they can do? Is there a way to have a drop off box for items that actually do recycle, things like cardboard and tin cans. She thinks this alternative could make all the difference. Gagner said that this is definitely an option, but keep in mind a roll off cart can easily turn into a dumping ground as well. It will have to be monitored and if the waste stream gets contaminated, it may have to be re-addressed. *A vote was called for on the motion on the floor, and the motion passed unanimously.*

F. Resolution 2018.18: Marijuana Ballot Measure. McDowell stated that City Attorney Ross Williamson took great care in crafting this resolution. It is very well articulated and relatively straight forward. On Council's desk, you will find an important notice provided by Marilee Frasier concerning insurance exclusions for controlled substances which now includes marijuana. Rentals will be excluded, claims will not be covered. We are just beginning to see the impact of the poor marijuana policy we have in Oregon. If the November ballot measure passes in Brownsville, the current marijuana facility would be grandfathered in. Currently, the City marijuana funds have been quarantined, and not expended. Once the ballot measure goes up, City Staff cannot talk about the measure. Council can advocate for or against, but Staff cannot. Council can campaign, etc., as well. *Councilor Gerber moved to approve R 2018.18 as presented. Councilor Chambers seconded the motion, and it passed unanimously.*

ACTION ITEMS:

- 1. Approve Delinquent Assessments.** *Councilor Gerber moved to approve delinquent assessment as presented. Councilor Block seconded the motion, and it passed unanimously. Councilor Shepherd asked if all of the properties water service is turned off. Councilor Block asked if there was anything that the City could do about this situation. McDowell responded that this is just normal end of the year business. These delinquent accounts will be turned over to Linn County to be assessed to those properties. The new credit card policy Council instituted a few years ago has really helped the situation as it gives folks another way to pay on their utility accounts. Council has passed a couple of resolutions that have really helped Staff effectively manage delinquent accounts.*
- 2. Authorize Festival Shuttle Agreement Signatures.** *Mr. McDowell reminded Council that the City is involved with this agreement, only because Mr. McDowell has been asked to facilitate. Ridership is up and seems to be effective as long as the Festival Staff promotes it through social media. McDowell indicated*



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that the School has expressed interest in providing this service again. It is probably the last year for the WCMF at the Highway 228 location. *Councilor Gerber moved to approve Mr. McDowell's facilitation of this agreement. Councilor Shepherd seconded the motion, and it passed unanimously.*

3. **Alyrica Franchise Agreement Negotiations.** Mr. McDowell recapped the general reasons for the agreement. Attorney Mark Wolf and McDowell have worked on this agreement. Mr. Kevin Sullivan of Alyrica provided the template agreement. It will be interesting to see if Federal funding will play a role in this project. The final, negotiated agreement will come back to Council in ordinance form when it has gone through the process. *Councilor Shepherd made a motion to direct Mr. McDowell to go forth. Councilor Gerber seconded the motion, and it was approved unanimously.*
4. **UGB Request.** McDowell has put this request together with Planning Consultant Dave Kinney at the request of Council. Linn County Commissioner Nyquist indicated that if the City could provide a map and verbiage, the Commissioners would take action to expand the City's request for a buffer zone expansion that would ban marijuana facilities around the buildable areas in town. Option 1 is basically from Worley Street to Lake Creek, and option 2 is located at the end of Kirk. Council needs to press both of these areas as they are the most likely to be built out in the future. *Councilor Shepherd made a motion to send Mr. McDowell forth with this proposal. Councilor Gerber seconded the motion, and it passed unanimously.*

DISCUSSION ITEMS:

1. **Drone Policy.** Councilor Thompson has asked for this issue to be brought to Council to try and get ahead of it to avoid potential future problems. Mayor Don Ware stated that in his daily discussions with the coffee group, they did not perceive the issue to be a problem. Councilor Shepherd would like to get more information on the topic for Council's consideration. *Councilor Shepherd made a motion to send McDowell forth and bring back information for Council's consideration. Councilor Neddeau seconded the motion, and it passed unanimously.*
2. **Kirk Avenue and Beyond.** The property at 382 Kirk is a shining example of why effective Council policy matters. The City has taken a lot of negative heat on the property for many, many years. This property has been in disrepair and inadequate for years, effectively in a policy blackhole. Without proper policy and force of law, Staff has been unable to effectively get the property into compliance due to the unwillingness of the property owner and occupants. Neighbors and the community at large have been aghast with the ongoing condition of the property for far too long. The property has now been foreclosed and is being run through all the legal requirements before abatement and cleanup can begin.

Ms. Morrow has been in contact with the bank, their eviction manager, and most recently the remediation property cleanup company. The City has been patiently



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waiting for the bank cleanup process and for the bank to clear certain legal requirements. The City did move forward and posted the property on June 8th, 2018 because this was the day that all legal requirements were to have been met. The City has met all the legal requirements based on the Brownsville Municipal Code and needs to begin the cleanup process on our end. Sweet Home Sanitation was contacted to get an estimate, and they responded that they were unable to give a bid or do a cleanup because there is too much material on the property that they are not licensed to take to their facility. If able to find a remediation company to do the work, the City will proceed with that process and lien the amounts back to the property if the bank does not clean the property within the next week or so.

McDowell stated that this situation was preventable and controllable by Council policy, but the City has failed on this issue repeatedly. Council needs to remember to focus on the greater good of the community overall. Recently, Council decided not to ban roosters in town, which remains a problem for neighbors, as an example. The property at 382 Kirk should have never happened to this magnitude and there are other properties in town trending toward a similar outcome. In particular, allowing tarps in town creates obstacles for Staff doing their job as evidenced in Municipal Court a year and a half ago.

Trash issues continue at several locations throughout town. McDowell is asking for two Council volunteers and an alternate to work with Staff surrounding these nuisance issues so that they can get some skin in the game and fully understand the issues that impact neighborhoods and the City itself. McDowell also wants to develop a plan for rolling out the new ordinances Council passed last month. Councilors Block, Shepherd and Chambers volunteered to serve in this capacity. Councilor Shepherd invited all of Council to come down and take a look at 382 Kirk to get a first hand look at the true scope of the problem. Only three Councilors spent the time to go look. Shepherd said that it is our responsibility as Councilors to make sure things like this don't happen in town, and we have failed terribly on this one. Mr. McDowell commented that when the City has had the ability to clean up and abate these properties, we have had several success stories, such as 108 Blakely and 903 Ash, etc. Council is on the right track, but the City needs to continue moving strongly in the right direction.

3. **Annual Master Checklist Review.** McDowell stated that he brings this to Council every year at year end. This list is used as a budgeting tool and provides a good record of tasks done through the year. It also gives Council an idea of Staff's workload, and what Staff accomplishes through the year. The list does not include all the tasks associated with each position for the City.
4. **Remote Attendance.** McDowell is asking Council if they are interested in considering a remote attendance policy. McDowell stated that many cities have changed their ordinance to allow Councilors to have telephonic, or other electronic means, of attending meetings when out of town. Councilor Gerber thought this might be helpful for all. McDowell was sent forth to bring a sample ordinance for Council's consideration.



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5. **May Financials.** No comments.

CITIZEN COMMENTS. No comments.

COUNCIL COMMENTS. Councilor Chambers addressed Mayor Don Ware asking that when Council is participating in discussion, that he would allow time to accomplish this without the feeling of being rushed and moving on before discussion is finished.

Councilor Shepherd stated that he feels that someone from Council should be the one to go down and monitor the recycling dumpster.

ADJOURNMENT: Councilor Shepherd moved to adjourn at 8:28 p.m. Councilor Block seconded the motion, and it passed unanimously.

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

S. Scott McDowell
City Administrator

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

Don Ware
Mayor