



Council Minutes

November 28th, 2017

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

PUBLIC: Chenoweth Robertson, Elizabeth Coleman, Kim Clayton, Alex Paul (*Democrat Herald*), Greg Klein (*LCSO*), Josh Metcalf & Scott Gagner (*Sweet Home Sanitation*), Norman Simms, Kneil Stucky, Marilee Frasier, and Jorden Parrish (*The Times*).

The pledge of allegiance was recited.

ADDITIONS AND DELETIONS: No additions or deletions tonight.

MINUTES: Councilor Cole made a motion to approve the October 24th, 2017 and November 14th, 2017 meeting minutes as presented. Councilor Chambers seconded the motion, and it passed unanimously.

PUBLIC HEARINGS OR PRESENTATIONS:

1. **Sweet Home Sanitation.** Scott Gagner and Josh Metcalf were present from Sweet Home Sanitation to report on the fall cleanup day and field any questions concerning the franchise agreement. Gagner stated that Public Works was on hand to assist them throughout the day, and he felt there was a public great turnout. They received 19 tons of garbage, 4.3 tons of wood, 2 tons of yard debris, 40 appliances, 5 full boxes of metal, 5 tons of tires, and 4.5 tons of electronic recycling. SHS also had record turnout for the Household Hazardous Waste event. They collected a record number of pounds, and with constant traffic all day long.

Councilor Neddeau inquired about a second clean up event, hopefully in April each year as well. There are always several requests for it. Metcalf and Gagner replied that they would have to research a price for another such event. Their overall cost for such an event is approximately \$20,000 when considering staff, materials disposal, etc. A second cleanup day could cost the City as much as \$11,000, which may well be cost prohibitive. Mr. McDowell reminded Council that they reason for the switch to depot style as opposed to pick up at residences range from theft, illegal dumping, etc.

Councilor Chambers thanked SHS for being such a great community partner over the years; they have helped with several nuisance abatement and cleanup situations all over town. McDowell also reminded Council of the partnership with the removal of the mobile homes west of town several years back. Clean up day brings great value to the community.

The Franchise Agreement is reviewed every 3 years; this is a review year. Metcalf and Gagner stated they would be happy to field any questions. Councilor Shepherd also thanked SHS for their great service and support of the community. Councilor Chambers inquired about the recycling changes that might be coming. Metcalf stated that they have very good relationships with their processors, and he is confident in that continuing. Mr. Metcalf explained some of the challenges with China accepting recycled materials.



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- 2. Emergency Preparedness Committee.** Norman Simms, Coordinator for EPC, Marilee Frasier, and Kneil Stucky were present to give an oral report to Council on EPC. He said the group has achieved all the goals they set for the year, including various public information opportunities including a picnic in Pioneer Park, elementary student outreach & education events, and Community Emergency Planning meetings at the American Legion. The group has also attended various training events such as the bi-monthly meetings in Albany, etc. Simms has also recently taken a class on disaster preparedness, and continues to serve as a CERT member.

He informed Council that there is a CERT class coming up that will be at the American Legion the last two weekends of January from 8 a.m. – 5 p.m. After successfully completing the course, you will eligible to become a Linn County CERT member, or can serve as just a neighborhood team member. Cost is \$25. Contact Mr. Simms to sign up for the class, or for more information. McDowell stated that this group has been tremendous to work with. They are very cooperative and actively go to events and are always doing outreach activities for the community. The City is very grateful for their incredible energy around this issue. Councilor Cole echoed Council's appreciation for their service to the community.

- 3. Central Linn Community Foundation.** Chenoweth Robertson was present to answer any questions Council may have around a donation request for the CLCF. Councilor Cole asked if they were looking for the same donation as last year? Robertson responded, they would appreciate anything Council could give. Last year they supported the Calapooia Food Alliance, the Gleaners, Calapooia Watershed Council, Sharing Hands, Pioneer Picnic Association, Meals on Wheels, and talk it up Tuesday at CLHS. *Councilor Cole made a motion to donate \$1,000 to CLCF. Councilor Neddeau seconded the motion, and it passed unanimously, with Mayor Don Ware abstaining.* Councilor Gerber stated that she likes the opportunity to give to the foundation as they support many groups that would be petitioning Council for funds. Robertson invited Council to attend their annual May event held in the Community Room.

- 4. Bi-Annual TMDL Report.** Mr. McDowell and Mr. Frink put a tracking matrix report together for TMDL, found on pages 65-67 of the packet. McDowell and Frink have been through the process twice this year, and are confident that they are fulfilling all requirements as needed. The report will be coming to Council in January for approval. Frink and McDowell also attended the IDDE (Illicit Discharge Detection & Elimination) meeting in Salem recently. Most of those in attendance were from much larger organizations, with more staff and funding at their disposal. They seem to be overreaching a bit. Responding to incidents such as a dead fish, or a pop can in the ditch. Many larger cities also have incident response, which would be a hardship for our small city to bear. This used to be a voluntary program, but has been turned into a mandatory program.

Measures that the City has taken include containing runoff on site, and a slow return to offsite areas. The City will be putting "Do Not Dump" signs on the catch basins to hopefully keep contaminants out of the river and waterways. We are working on achieving public education now. This program is difficult for a town our size; we don't even have a storm drain system! Folks need to educate themselves and begin writing letters to our representatives around this issue and opposing these unfunded mandates that pose a serious threat to municipal treasuries and could pose an additional bond on taxpayers.



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DEPARTMENT REPORTS:

1. **Sheriff's Report.** LCSO Sergeant Klein reported that October had 11 traffic citations, 18 warnings, 80 complaints, and 60 hours dedicated to traffic enforcement; a total of 238 hours spent in Brownsville for the month. Councilor Shepherd commented that Council would still like to see the traffic citation numbers increase.
2. **Public Works.** Public Works Superintendent Karl Frink reported a relatively quiet month. The WTP influent valve is functioning properly. The sanitary survey for drinking water is complete, with just a few minor issues to address. In 2005 the State conducted a tracer study, which is basically a time measurement of how long it takes for chlorine to travel through the WTP. The City's is 83 minutes. This study was done when the plant was built. Now the State is saying that the tracer study is incorrect. Mr. Frink sent all the information to them, and all issues were resolved. McDowell commented that Analytical Labs does our water testing, all reports are coming back with the same, great results. Frink said that the average time to disinfect the water is 23 minutes.

All the City streets have been graded, which is rather hopeless this time of year with the amount of rain that has fallen. Public Works is still working on stop signs around town as well as trimming trees. The cemetery was mowed and weed eaten in preparation for Veteran's Day. A couple of leaning trees were removed down by the pumps in the infiltration gallery. A little fence repair will be needed there. We had an overloaded circuit in the Rec Center, that has been repaired. Minor repairs are being made to the Library cupola.

3. **Administrator's Report.** McDowell reported that he has been actively working on creating an advocacy representation/group for our regional small cities. He has made several presentations around the area to various groups garnering a lot of interest in the concept. The CWCOG is in a position to play a convener role where we would have a platform to build relationships with our legislators and express our needs and desires in a positive, effective manner. Ultimately the goal is that we would activate under the COG and we would present a more organized front when it comes to legislation.

McDowell reported that WNHS is going to be merging with Nedco soon; they are excited about the merger. They will now represent 6 counties, instead of 2. Linn County will be very interested to discern how we are getting our residents needs met. More information when it becomes available.

McDowell recently learned of the marijuana secrecy clause signed by the Oregon Department of Revenue. They are expecting cities to sign this agreement in some form as well. They are going through this process because they are accepting money from an illegal source. It is unknown how much revenue is to be gained. It is strange and somewhat unsettling.

McDowell recently met with Councilor Cole and Councilor Chambers talking about goals, policy pieces, etc. This information is in the packet every month. Some goals have met with difficulty, some have simply met with inactivity. It would be nice to get some forward motion on these issues. Issues that Council wants to discuss have been identified, Councilors should meet with Staff and try to engage around these policy pieces to move forward.



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4. **Library Report.** No comments.
5. **Court Report.** No comments.
6. **Council Comments.** Councilor Block reported that Blaine Cheney is now the President of CLRA, Sean Johnson is Vice president, and Betsy Ramshur is treasurer.

Citizen Comments. No comments.

LEGISLATIVE:

- A. **O 770 – Marijuana Home Grow Operations (First Reading).** *Councilor Gerber moved to read O 770 by title only. Councilor Cole seconded the motion, and it passed unanimously. Mayor Don Ware read by title only. Mr. McDowell indicated that he has had conversations around this issue for the last few months. He rewrote the ordinance around particulars that Council last indicated. Last month Councilor Cole inquired how indoor grow operations were working in Eagle Point. McDowell answered her question this month stating that Eagle Point leadership indicated that 4-5 citizens complained initially. Their Council has committed to their new ordinance, and it is effective there now. McDowell commented that the best way to deal with odor is to allow indoor grows only. Councilor Gerber stated that she felt it would be much easier to enforce only indoor grows as opposed to trying to regulate plant species, etc.; she would like to encourage legislation for indoor grows only.*

Councilor Cole commented that she thought it was interesting to hear about Eagle Point, and that it seems to be working and mitigating the problem as best as possible. Councilor Block stated that there is no good way to do this, and he feels that indoor grows present certain safety concerns. McDowell commented that Eagle point has tried to set stringent requirements to do the best they can..

It is important to remember that the driving force behind this legislation is that these marijuana grows are causing health issues for neighbors, and this might be the best that Council can do to protect all of their citizenry. Councilor Gerber stated that she would like it to stop infringing on the neighbors. Councilor Block agrees, if it is safe, controllable, and enforceable. Mayor Don Ware stated that if it makes Staff's job easier, he is comfortable with that. Councilor Neddeau wondered about number of plants, etc., inside. McDowell stated that perhaps there would be a permit process, with any related costs paid by the permittee.

Council did a general consensus with Councilor Cole agreeing with Councilor Gerber and stating that of the two options, the indoor rather than outdoor grow is more definitive and easier to control. Councilor Chambers disagrees a bit, thinking that it may be unsafe. Cole stated that we can't protect people from themselves, we can only try to protect the neighbors. Councilor Shepherd is in favor of the Eagle Point legislation. Councilor Block stated that he is in, if that's what others want. *Councilor Shepherd moved to approve send Mr. McDowell forth to bring back legislation for Council review in January focusing on indoor marijuana grows only. Councilor Block seconded the motion, and it passed unanimously.*



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- B. **O 771 – Amending Brownsville Municipal Code Code Title 8 – Park Camping Rules (Emergency)**. Councilor Gerber moved to read by title only. Councilor Cole seconded the motion, and it passed unanimously. Mayor Don Ware read O 771 by title only. Councilor Shepherd moved to approve O 771 as an emergency, effective immediately. Councilor Block seconded the motion, and it passed unanimously.
- C. **R 2017.19 – Emergency Planning Commission – Community Partners**. Councilor Gerber moved to adopt R 21017.19. Councilor Chambers seconded the motion, and it passed unanimously.

ACTION ITEMS:

1. **Vintage Trailers Event**. Mr. McDowell informed Council of a vintage trailer event that would like to reserve the park this summer. They were here in conjunction with *Stand By Me* a few years ago, and had an overwhelmingly positive response. They will be using the prairie area in the park with an estimated 50-100 vintage trailers, maybe 600 folks involved. They will also utilize the restrooms at CLRC for showers. We have also had interest from a cycling group that would like the same weekend. McDowell proposes putting them over by the basketball court, or down by the well area. They will be here Friday night only. Councilor Gerber made a motion to authorize Mayor Don Ware and Mr. McDowell to enter into a contract with the vintage trailer event folks. Councilor Cole seconded the motion, and it was approved unanimously. McDowell indicated that he has talked with the SBM folks, but they are sticking to their original date of Monday, July 23rd for their event. More information to follow as details emerge.
2. **Recommend Appointees**. Mayor Don Ware stated that last month Councilor Cole made a motion to require everyone to reapply for positions on the City's volunteer boards. Ware has gotten feedback from the community and stated that several folks think it is insulting to them, and that they have expressed that they will not reapply. Councilor Gerber disagreed stating that she thinks it is showing that they still have valid interest in serving. Mayor Don Ware disagreed.

McDowell suggested perhaps rolling out this new process slowly and get folks engaged at that level; stating that there are great folks on the boards, but also some folks that should have been done after one term. Gerber stated that it is a point well taken, to be doing this so precipitously; having a fair and equitable system is important to her and she would like to see more than just retired people serving on these boards. Councilor Block stated that he thinks we should be focusing on those that are not serving well, instead of focusing on getting everyone to reapply.

Councilor Chambers agreed with Block, perhaps look at attendance, and have the folks served well? Mayor Don Ware stated that it is difficult to get folks to serve on these committees at best. We need to be gentle and helpful to get folks to apply and do the job they are applying for. Gerber wondered if this might be a conversation for Council retreat? Councilor Shepherd would like to reappoint this time, but perhaps make changes in the future. McDowell stated that institutional knowledge



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is very helpful in serving well, but fresh blood brings a lot of good, fresh energy. Mr. Gary Compton has served on the Planning Commission for many, many years and does a terrific job as Chair of the Commission. Others serving on boards are not really living up the requirements and needs of the committees. Councilor Cole stated that with regard to the motion, it was passed last meeting, and for process sake, motions should not be ignored. Ware responded that he just wanted Council to discuss the issue again given the feedback he was getting from constituents. *Councilor Gerber made a motion to withdraw the motion for reconsideration of appointees and to have it reconsidered at a later date. Councilor Cole seconded the motion, and it passed unanimously.* Councilor Block stated that if you look in the audience tonight, it is the same folks that are here. Vacancies can be hard to fill. *Councilor Cole moved to appoint the proposed appointees on page 18. Councilor Chambers seconded the motion, and it passed unanimously.*

- 3. Set Town Hall Meeting.** The City is hiring Inspections Unlimited to perform an evaluation on aging city building including the Rec Center, park buildings, picture gallery, etc. Staff would like to encourage Council to hold a town hall meeting for the community to discuss the results, and get opinions for what is most important going forward. A tentative date for the meeting would be March 2018. *Councilor Gerber moved to go forward with the inspection contract, and set March as a tentative community hall meeting date. Councilor Chambers seconded, and it passed unanimously.*

DISCUSSION ITEMS:


- 1. October Financials.** No comments.

Happy Birthday to Councilor Block today! Also, congratulations for celebrating 5 years of employment with the City of Brownsville goes to Tammi Morrow, Administrative Assistant!

ADJOURNMENT: *Councilor Cole moved to adjourn at 8:39 p.m. Councilor Block seconded the motion, and it passed unanimously.*



S. Scott McDowell
City Administrator



Don Ware
Mayor