



Council Minutes

March 28th, 2017

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

PUBLIC: Sergeant Greg Klein (*LC*SO), Elizabeth Coleman, Jannea Deaver, Jorden Parrish (*The Times*), John Morrison, Tricia Thompson, Linda McCormick, Cheryl Haworth, Sherri Lemhouse and Alex Paul (*Democrat-Herald*).

The pledge of allegiance was recited.

ADDITIONS AND DELETIONS: McDowell would like to add Linda McCormick to the agenda to discuss the *Stand By Me* event and also discussion regarding the Pioneer Picnic MOU with the Linn County Pioneer Association.

MINUTES: Councilor Cole made a motion to approve the February 28th, 2017 meeting minutes as presented. Councilor Neddeau seconded the motion, and it passed unanimously.

PUBLIC HEARINGS OR PRESENTATIONS:

- Brownsville Art Association (BAA) Sponsorship Request.** Cheryl Haworth, BAA, was present to request sponsorship for two grant applications that the Art Center is applying for. The first grant is to the Linn County Cultural Coalition (LCCC) for \$500 and will be used for scholarships for children's art classes, art camp, supplies, etc. The second grant is for \$750 to the Central Linn Community Foundation (CLCF) that will be used for two new signs for the building. Councilor Cole stated that it is important to note, no monies are being asked for from the City for their sponsorship. Councilor Shepherd stated that he would like to see what the signage would look like before proceeding. Mr. McDowell stated that this matter should be handled through the lease agreement process. He recommends encouraging BAA to apply for the LCCC grant, but to put the CLCF grant on hold at this time. The City will contact Jane MacQueen for a like sign for the building; there are some funds in the budget that could be utilized for this purpose. McDowell said that it is important to honor the agreement/contract process in place. *Councilor Gerber made a motion to approve City sponsorship for the Linn County Coalition grant for the BAA. Councilor Shepherd seconded the motion, and it passed unanimously.*
- Stand By Me Event (SBM) – Linda McCormick.** Mrs. McCormick was present to inform Council about the SBM event planned for this year. It will be a small event; planning is still underway. She would like to request the closure of Park Street from Main to Averill on July 23rd from 9:00 a.m. to 5:00 p.m. McCormick stated that she has talked with all of the neighbors and received their approval. *Councilor Cole made a motion to approve this request, provided proper insurance has been obtained as well. Councilor Gerber seconded the motion, and it passed unanimously.*
- Public Works Standards and Lot Infill.** Mr. McDowell stated that this information is from a group discussion involving Mr. Frink, Mrs. Coleman, and



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himself. The recently adopted public works standards and specifications are working well. However, Staff would like to share with Council some of the private development cost concerns the City is facing as it relates to land use and infill. After McDowell's presentation, Staff will be looking for direction from Council. The problem is that high development costs prevent the City from infilling available lots. If the City is unable to infill those lots, the State Department of Land Conservation & Development (DLCD) will not allow the City to add residential land for future development. With that said, some standards seem extreme, and cost prohibitive for filling in these lots. One suggested modification could be based on area conditions. Instead of having to develop streets with curbs and gutters, which can be quite expensive, language that would develop the area to match existing area conditions would be more conducive to future development; the new development would need to improve gravel to asphalt. This modification could really benefit the City and those building in town. Mrs. Coleman stated that in one week she got three phone calls about the same property, and this standard was a major concern. With Council's approval, McDowell will bring some language back for Council review. Council agreed by consensus to ask Staff to provide some modifying language.

4. **City Website Review.** Mr. McDowell provided a website review for Council. The website is full of useful information including local events information and hot links that feature several pertinent organizations such as Fire Med, Pacific Power, Sweet Home Sanitation, Chamber of Commerce, etc. Other useful information includes agendas, executed Council meeting minutes, as well as access to forms for the Sweet Home Sanitation scholarship, CLRA sports forms and information, etc. McDowell also stated that budget information can be found on the website. Overall, the website compiles a large amount of information in one place. That being said, it is time to begin to think about updating the website. McDowell would like to outsource this project and move the whole website to a more current platform. This will be one of the things that Council will be asked to consider in the near future during budget hearings.

DEPARTMENT REPORTS:

1. **Sheriff's Report.** LCSO Sergeant Klein was present and expressed LCSO support for the SBM event in July. Klein reported that they have fulfilled 208 hours for the City with 15 traffic citations and 9 warnings issued. For the month of March, they already have 19 citations and 1 warning. Deputy Newman's burglary investigation is going well. Newman related to Sergeant Klein that he felt it was very constructive to have a conversation with Council about current ordinances and enforcement concerns last month. Klein stated that he may be bringing deputies to Council in an effort to increase communication and awareness. Klein also encouraged all Councilors to do a ride along with the deputies. Forms are available on their website. After the forms are submitted electronically, LCSO will contact them with pertinent information. The citizen's academy is also a good connection, and he encouraged all to participate in that as well.
2. **Public Works.** Public Works Superintendent Karl Frink reported that the last few weeks have been quite busy. We had two water leaks, one on the new line going in on Ash Street. That water line is completely in the ground now, and the testing process has begun. They have begun working on the sewer line the last two days. It seems to be moving along well. Public Works had one seal and one pump fail,



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and the level transmitter also went out. The transmitter was about a \$1,200 repair. Again, this month, the City has had no permit violations. Work on the NPDES permit continues. Westech Engineering completed the facility permit. Public Works is still working on the streets as time allows. The park will open this Friday, and the leaf cleanup is finally complete. Several repairs have been made in the park including 9 boards being replaced in the grandstand and 9 boards out in the stands by the baseball area. There has been a lot of vandalism in the park this year. Councilor Shepherd inquired about the bank washing away down in the park. Should signs be installed or preventative safety measures taken? Frink replied that Public Works have left the boulders in place for now, closing the road closest to the river, and will begin work on that project taking out that road and converting the area back to dirt and grass soon. The playground equipment may have to be moved out to the prairie area one day if needed. Councilor Neddeau commented that the steam heater in the kitchen is working well.

- 3. Library Report – Sherri Lemhouse.** Mrs. Lemhouse was present and said there will be no singing tonight! Late last fall the bird bath was pushed over and damaged. The bowl was flaking, so that has been fixed and ready for installation. Mrs. Lemhouse put out a request for anyone that might have a pole for the birdbath, and interest in installing the pole and birdbath. Thor Targets, LLC came out on a Sunday, fixed the pole, and did a fantastic job. Lemhouse has sent them a thank you to express the City's gratitude. Mrs. Lemhouse then related upcoming events and presentation information. Also, for the solar eclipse on August 21st, 2017, they would like to have a viewing event in the Library Park. She is requesting the closure of Park Avenue between Main and Averill from 8:00 a.m. until 12:00 p.m. on August 21st, and 10:00 a.m. – 1:00 p.m. on August 7th for a bike rodeo. *Councilor Cole made a motion to approve these requests conditionally, if no objections from the nearby home owners or businesses are heard. Councilor Gerber seconded the motion, and it passed unanimously.*

- 4. Administrator's Report.** Mr. McDowell reported that he has been in contact with Calapooia Food Alliance (CFA) and reminded them that the Blakely school property is in the process of being sold. The City was offered the piece of land that the CFA uses for the community gardens, but with recreational immunity such an unknown right now, the City is unwilling to take on any more exposure. McDowell encouraged Kathleen Swayze, Steve Brenner and Don Lyon to continue to work with the school to determine a long term solution.

McDowell and Coleman attended the Linn County Pioneer Picnic Association (LCPPA) meeting on March 21st and discussed recreational immunity and how it will apply to their event. All of their vendors will need to provide proof of insurance, and if this is not available, they will need to be named as an additionally insured on the LCPPA's insurance policy. Every year the City has operated on a letter, and this year the agreement has been upgraded to a MOU, which Council will find on the desk tonight. The area on page 5 is greyed out, LCPPA will need to fill that in. Council decided by consensus to authorize McDowell to move forward with this agreement. One change this year will be for the City to be collecting camping fees as regular protocol. These camping fees go toward park expenses. The new electricity was discussed. It is important to note that it is not the City's obligation to ensure that the LCPPA vendors have the right electricity cords to access the new power system installed by the City. Vendors are responsible for safely using the electricity. The lease agreement for the Picture Gallery was discussed. The agreement has been a handshake agreement for the past several years. The City did indicate to LCPPA that the building is not worth



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fixing according to multiple reports. LCPPA representatives will attend a Council meeting in September or October to discuss the future of the building.

McDowell reported that on the TMDL, Staff has replied to some follow-up questions. Also Bessie Joyce, executive director for the Calapooia Watershed Council, may be interested in doing a partnership with the City and conducting an outreach program around the TMDL issue.

Budget meetings are quickly approaching. Mark your calendars for April 27th, May 4th, and May 11th. McDowell stated that we should have a full committee this year with the appointment of Ms. Kim Clayton.

McDowell reported that the public rooms the City has for rent that the non-profits use on a consistent basis have been a topic of conversation lately. The rooms are used for no charge, but in return, the rooms need to be left in a clean and orderly condition. The public rooms have become a hub for many of our partners, which brings business into town promoting economic development, etc. Hopefully a few gentle reminders will be all that is needed to bring the situation into compliance.

McDowell was recently contacted by Linn County indicating that there has been some discussion at the County level surrounding the Calapooia river erosion issue we are facing. He was told that grant funding is available to address the issue. To recap history, McDowell reminded Council that on January 19th, 2011 the park restroom was lost to the river. After that flood event, the City reached out to the Governor's Regional Solutions Team, Linn County and Federal representatives to review the situation. The options that were offered included a 'new techniques' approach at the cost of \$575,000, which included a 50% chance of failing in any given flood event. The Army Corp of Engineers indicated their project would cost approximately \$1.4 million, but would be a better long term solution. McDowell wonders how just land will qualify for a grant, when our restroom building did not qualify? Even if the City does qualify, there are matching funds required, and frankly, the City does not have the money at this time. McDowell would like direction from Council on the matter. Mayor Ware commented that the City should stay the course which is to retreat if need be. Council consensus was to stay the current course. Ware continued. "The river's gonna do what the river's gonna do, and we will need to adjust accordingly." At this point the City cannot really afford to do anything else without going for a bond.

Staff is still working on the Accela software conversion project. By going through the Cascade West Council of Governments (COG) the City has received a \$27,695 proposal. This proposal basically saves the City \$20,000 by going through the COG. Many area municipalities are using this software, so that is exciting in the long term and perhaps helpful in the short term with usability questions that will arise. Staff tentatively plans to get the new software up and running by July 1st.

Mr. Frink and Mrs. Morrow have recently conducted interviews and have hired Curtis and Tami Bayer to act as Park Caretakers for the year. They should be arriving in mid-May and will start their duties on May 22nd, 2017.

McDowell informed Council that Staff is working on the Spring newsletter, and it should be going out by Friday. McDowell also thanked Mayor Don Ware and others for helping in the office.

5. **Library Report.** Earlier in the meeting.
6. **Court Report.** No comments.
7. **Council Comments.** Councilor Neddeau and Mayor Don Ware recently attended a COG meeting. The meeting focused mainly on Albany's properties for



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sale and swamp land. Councilor Neddeau indicated that the City of Albany wasn't overly alarmed about the change to Recreational Immunity.

8. **Citizen Comments.** John Morrison, Chamber President informed Council that on Friday, March 31st, they are having a meet and greet at Randy's Main Street Coffee from 7:30 a.m. – 9:00 a.m. He encouraged everyone to come. After that he is rushing off to have lunch with Governor Kate Brown. Morrison also sits on the Linn County Parks Board, and they don't seem all that worried about recreational immunity. McDowell responded that a lot of folks don't understand the implications of what a change to recreational immunity means. He explained that the entities will be responsible for covering claims made against their organization up to a certain amount that could be as high as \$50,000 per occurrence. City/County Insurance Services will make the deductible high to avoid paying claims, which means the entities, cities and counties, will be paying them. Linda McCormick related a story about a woman in Portland that was injured during an Easter Egg hunt, and was awarded \$112,000. The financial implications are huge.

LEGISLATIVE:

1. **Resolution 2017.07 – Worker's Compensation Declaration.** Councilor Cole moved to approve R 2017.07. Councilor Neddeau seconded the motion, and the motion passed unanimously.
2. **Ordinance 766 – Public Safety (Second Reading).** Councilor Cole moved to read O 766 by title only. Councilor Gerber seconded the motion, and it passed unanimously. Mayor Don Ware read the ordinance by title only. Councilor Cole moved to approve O 766 as presented. Councilor Shepherd seconded the motion, and the motion passed unanimously.
3. **Ordinance 767 – Public Parking (First Reading).** Councilor Gerber moved to read O 767 by title only. Councilor Cole seconded the motion, and it passed unanimously. Mayor Don Ware read the ordinance by title only. Discussion followed with Councilor Cole inquiring if the City is having chronic problems with some of these issues. McDowell responded that not necessarily chronic problems, but that this ordinance will address harassing behavioral issues we have faced in the past that LCSO has had no way to address through current laws. McDowell stated that there is no need for a decision tonight. Councilor Block stated that he thinks it is time to tighten things up a bit. Councilor Shepherd agreed and said that when the marijuana giveaways were happening, LCSO had no force of law to deal with the situation. This ordinance will help in the future if the City encounters like undesirable behaviors. The City of Albany is struggling with some of the same issues and continue to modify their Code language to effectively address disorderly conduct issues.

ACTION ITEMS:

1. **Linn County Pioneer Picnic Road Closure Request.** Councilor Gerber made a motion to approve this road closure with the stipulation that neighbors and businesses are notified, and proper insurance is secured. Councilor Cole seconded the motion, and the motion passed unanimously.



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2. **Appoint Budget Committee Member.** Mr. McDowell reported that Ms. Kim Clayton was the only application received to fill the vacant budget committee member position. *Councilor Cole moved to appoint Ms. Clayton to the position. Councilor Chambers seconded the motion, and it was approved unanimously, with Councilor Block recusing himself from the vote.*
3. **Summer Portable Restrooms.** McDowell informed Council that the Chamber would like to partner with the City to rent portable toilets for summer events again this year. McDowell stated that he felt that 6 units would be sufficient for the event cycle this year, with the 4th of July falling mid-week, and SBM also a mid-week, smaller scale event. McDowell and Frink will continue to have control to call and talk to the supplier as the situation may warrant. Council consensus was to authorize McDowell to go forth.

DISCUSSION ITEMS:

1. **Linn County Sheriff's Office Contract.** McDowell updated Council with information from the latest series of LCSO meetings attended by Mayor Don Ware and himself. McDowell said that they will be having quarterly meetings. They have formed a new rate structure that will be \$65 per hour. Currently about 27% of the budget is dedicated to the LCSO contract. The new rate structure, at 25% of General Fund, will be \$156,000 next year; that number represents 200 hours. The cities have mutually agreed to try this arrangement for the next fiscal year, and see how it goes. The proposed agreement is for two years and will run concurrently with the LCSO labor agreement. McDowell will be working with the LCSO on final language over the next few weeks.
2. **Goals Review.** In the agenda packet, McDowell included a list of 2017-2018 Council Goals compiled from the March 11th, 2017 work session. Councilor Gerber commented that she would like the slight change of adding *continuing* to develop a more effective relationship between Council and Staff. Mr. McDowell stated that there is currently a good working relationship between Council and Staff, but there are shortfalls around policy and language that impedes Staff from doing their jobs effectively. Councilor Chambers and Councilor Block are moving forward with the RV issues, but that issue will go to legal first before changes can be made.
3. **Council Tabled Items Review.** McDowell stated that there are several items that have remained on the *tabled list* for quite some time. Councilor Gerber and Councilor Cole are looking at weeds, nuisance, and junk vehicle improvements. There are also many other items on the list, such as attractant nuisance, noise mitigation, etc. McDowell would like direction from Council on how to proceed. Councilor Gerber stated that she would like the noise mitigation ordinance to come up soon. She feels this speaks to a quality of life issue and is hard to deal with after the fact. It would be nice to have standards in place. Councilor Cole stated that she is less enthusiastic about the animal ordinance. McDowell stated that currently there is nothing to prevent a swine operation, for example, to locate in town. This would likely cause a lot of public concern, and Council is being asked to be



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proactive around these and similar issues. McDowell commented that it has been great to have standing appointments with Councilors to review the agenda and City happenings; this seems to be working well. He would like to encourage more effective use of e-mail for correspondence. Mayor Don Ware has offered to help with pickup and delivery of the agenda packets on the Friday before Council meetings. Councilor Chambers offered to come in and pick hers up. McDowell reminded Council that if they travel for regional meetings and would like reimbursement for mileage, to contact Mrs. Morrow, and she will provide the necessary forms. OGEK needs to be electronically filed no later than April 15th. If you need assistance, please see Mr. McDowell or Mrs. Morrow. Also, LCSO is participating in the Linn County drug take back event on April 29th, here at City Hall between 12:30 p.m. – 1:30 p.m.

4. February Financials. No comments.

CITIZENS COMMENTS – No comments.

COUNCIL COMMENTS – No comments.

EXECUTIVE SESSION – Council entered into executive session at 8:40 p.m.

- Council will be reviewing the performance of the City Administrator.
- Oregon Revised Statutes, Chapter 192.660 governs the conditions for a public body to convene in an Executive Session. The City will invoke Section (i) to review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.
- Representatives of the news media are specifically directed not to report on any of the deliberations during the executive session, except to state the general subject of the session as previously announced. No decision may be made in executive session.
- A final decision may be made after this Session.

Executive session adjourned at 8:55 p.m.

Councilor Shepherd moved to approve Mr. McDowell's employment contract. Councilor Chambers seconded the motion, and it passed unanimously.

ADJOURNMENT: *Councilor Shepherd moved to adjourn the Council meeting at 9:00 p.m. Councilor Gerber seconded the motion, and it passed unanimously.*

Handwritten signature of S. Scott McDowell in blue ink.

City Administrator S. Scott McDowell

Handwritten signature of Don Ware in black ink.

Mayor Don Ware