



## Council Minutes

October 25<sup>th</sup>, 2016

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

**PUBLIC:** Doug Block, Kim Clayton, Tricia Thompson, John Morrison, Greg Klein (LCSO), Marilyn Grimes, Elizabeth Coleman, Jannea Deaver, Allen Buzzard, June Schlosser, Kaye Fox, Patty Linn (*The Times*), Sally Lockhart, Elizabeth Swartzendruber, Jordan Parrish, Leon Carson and Jim Hagan.

The pledge of allegiance was recited.

**ADDITIONS AND DELETIONS:** McDowell informed Council that Marc Nelson was unable to be present resulting in being removed from the agenda. Also, Jim Hagan would like to be moved to the front of the agenda.

**MINUTES:** Councilor Cole made a motion to approve the September 27<sup>th</sup>, 2016 meeting minutes with the following corrections: she would like a list of social services resources available on the City web site and this information to be handed out when posting nuisances when appropriate. Councilor Chambers seconded the motion, and it passed unanimously.

Councilor Van Sandt wanted to clarify that she may have said, but did not mean, what was published in the minutes from last Council meeting about RV's. Councilor Van Sandt does not think that the City needs to make sure that everyone has a place to live.

### **PUBLIC HEARINGS OR PRESENTATIONS:**

**Future Capital Improvements Planning – Part I** – Mr. McDowell and Mr. Frink presented a slideshow on future capital improvements planning. They are not trying to ring the warning bell for Council, but this is a critical part of their role as community leaders. It is imperative to be strategic in planning as well as to know what issues the City is facing, and to be aware of the financial impacts these tremendous needs will have should the services they provide be continued into the future. The slideshow will give just a brief overview. It is important to note that over the past ten years, through shrewd organizational management, the Treasury has been built from \$1.8 million to \$4.3 million, and the City has self-funded and completed more than \$3.3 million in projects. It is essential to celebrate the victories and the positives, but there is a lot of work yet to be done; this slideshow is just to raise awareness of those issues.

Sources for the presentation include CIS, Staff, Staff reports such as the 2008 Capital Improvements Plan, the annual City Prospectus and other records. Competing priorities and considerations include storm drainage, streets, PW personnel, community kitchen, internet capacity, E-books, records storage, tech needs, sidewalks, video camera security, croquet court, disc golf, skate park, Emergency Planning Committee, dog park, and a community theatre, just to name a few. Mr. Frink stated that this slide shows a number of issues that the City Staff deals with all the time. It is hard to set priorities as the needs are so high. For example, the budget reflects about \$100,000 each year for streets. This figure does not even come close to covering all the City's needs or desires. The figure also does not include sidewalks. Unfortunately, according to Frink, the City does not have the luxury of budgeting both projects.



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The next slide discussed was areas of interest. McDowell reminded Council that 33% of the General Fund budget goes for Municipal Court and the Law Enforcement Agreement with the Linn County Sheriff's Office. Facilities and programs to be maintained include the City Shop, City Hall, Library, Central Linn Recreation Center, the downtown restroom on Spaulding Avenue and Pioneer Park which includes the pavilion and dance hall, stage, community arts building, flower building, and park rest rooms. Other potential impacts and needs for the General Fund include the Canal Company and Mill Race, cemetery land, future historic structures, future land investments, and bond issue considerations. Mr. Frink stated that as an example, the cemetery is basically full now. There is potential expansion, if the land should be donated. However, this gift would come at a high price as the land would have to be logged off, stumps removed, the property graphed out/surveyed. It would take a substantial amount of funding just to make it a usable cemetery. Then maintenance costs would need to be considered as well. Realistically, we don't have enough staff now to take care of what we have. McDowell discussed the age and condition of the buildings in Pioneer Park and the basic costs of roofing, seismic retrofitting and the like are considerable investments in these assets. Frink stated the Library has new carpet, new heating units, and a roof replacement scheduled for this year. These are pretty big expenses, and they are ongoing expenditures that need to be considered and continually maintained.

The next areas of interest slide talked about other utility operations and maintenance needs that include the north wastewater facility, south wastewater facility, wastewater collection lines, water distribution lines, reservoirs, and the water treatment plant which includes filter maintenance, process maintenance, computerization, and the green building. Future requirements will be assessing future capital improvement costs and implications, water rights capacity, and future regulations. Also to consider would be ongoing training and certifications requirements, engineering and planning, general operations and optimization. Mr. Frink stated that there is a continuing need for utility expansion in the next 5 - 10 years which will cost millions of dollars. Filter maintenance was \$60,000 to rebuild (sand replacement), it needs to be done every 10 years, and there are three filters. The plants are computerized and electronic. Updates are quite expensive. The City just spent \$45,000 to reprogram the water plant; trying to keep up with technology. McDowell stated that 45% of our sewer lines are at the end of their life. Frink stated that the smaller reservoir is ten years past its useful life, and storage capacity will need to be increased. The Budget Committee & Council have decided to include the new reservoir into a future bond measure. Public Works Superintendent Karl Frink projects the cost of a new reservoir to be upwards of \$1.5M. New facilities do require maintenance and care as well. Electronic surges can take out equipment just like what happened to the WWTP's in 2009.

External challenges to keep in mind are federal regulations (unfunded mandates) including Safe Drinking Water Act (OHA), Clean Water Act (DEQ), Total maximum Daily Load (TMDL), Water of the United States (WOTUS), FEMA pending changes, and the Affordable Health Care Act to name a few. State regulations include OWRD and Water Rights (Interest Groups), DLCDD and process implications, recreational immunity impact, State Revenue Sharing, and the current and future tax structure. Municipal operation considerations include current and future policy implications on local resources, and general operations. Mr. Frink stated that the rules and regulations were simple when he started nearly 25 years ago; they are 20-30 times worse now. Frink stated that the water plant runs about 23 hours a day. McDowell stated that special interest groups have sued the State of Oregon and have won certain considerations that will cause major dollars to be spent complying with new rules that do not make sense. They are trying to limit our future water use. This limitation is threatening our ability to grow, and with no growth, there is no adequate tax base to pay for these expenses.

McDowell then showed valuation slides for city buildings and the park. Replacement costs were discussed for sand filters, reservoirs, water plant and the green



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shop. Securing future water rights and protecting current water rights is imperative to the City's continuing health and well being.

The presentation concluded with services and history. Discussion included the impact of accepting gifts, building community amenities, creating desirable conditions, operations and maintenance, capital repairs and replacement. The City's bonding ability is limited going forward. Right now the City could probably borrow \$2.5 million, and that amount will not go far based on the number of assets that City has acquired over time.

Overall, the next question is now what? Future planning will continue to be a balancing act as funding is low and requirements are great. McDowell stated that there are many challenges ahead, but don't panic, more conversations will need to be had for this formidable task. As a new Council is seated in January, Council goals will need to be examined and prioritized.

**Jim Hagan – Leash Law Request.** Jim Hagan, Calapooia Avenue, was present to appeal to Council to consider an amendment to the Leash Law that would allow electronic leashes to be used. He uses such a device for his dog, and it has always kept his dog within his control. He is asking Council to change the ordinance to allow the use of this type of electronic leash.

### **DEPARTMENT REPORTS:**

1. **Sheriff's Report.** LCSO Sgt. Klein reported that they spent 220 contract hours in September for the City, resulting in 3 traffic citations, 25 warnings, and 29 hours of traffic enforcement overall. A new Deputy, Greg Newman, has been assigned to Brownsville for the last month. He made a juvenile arrest last night for one or more of the burglaries that have recently transpired in town. It is an ongoing investigation, so information is limited at this time. Klein reported that Captain Gilford is adjusting schedules and dedicating 4 hours of overtime to try to help out with the traffic situation. Sgt. Klein then introduced Deputy Newman to Council. Deputy Newman stated that he had made another arrest tonight. He believes that there are 3 juveniles and one 21 year-old adult involved with these crimes.
2. **Public Works.** Mr. Frink reported that on October 13<sup>th</sup>, 2016, they switched water sources from the Calapooia River. The timing was good as a big storm came in shortly thereafter which muddied the water dramatically. Generators were serviced today, all are operating properly. A dead tree on Spaulding was removed. The street painter is probably not going to be able to paint striping this fall due to weather. Road grading has begun as well as maintenance and grounds keeping in the Park. As weather permits, the road by the river will be removed and replaced with grass. Work on the red shed is complete; we are waiting on the garage doors ordered from Lowe's. All heating units in city buildings were serviced, and a heating unit in the Rec Center was replaced. The gutters at the Library were cleaned. Mr. Frink and Andy Day are scheduled to attend a pesticide conference in Springfield for recertification. Frink stated that with the recent heavy rains the river came up 4 – 4 ½ feet overnight.
3. **Administrator's Report.** Mr. McDowell reported that the Chamber hosted a candidate's forum on October 20<sup>th</sup>, 2016. McDowell would like to revisit one item for clarification that was discussed, the Kirk Avenue paving project. The City approached the County about 15 years ago regarding the possibility of adding Kirk Avenue to their inventory. At that time, the County was considering this major project. In the recent past, 2010, the City did receive a transportation grant that beautified the south side of town with lighting, trees, etc. The County was a financial partner and stakeholder in that grant. The County Commissioners have



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also recently shored up the Veterans home in Lebanon as well as spending funds on public safety through the Linn County Sheriff's Office. Kirk Avenue is not necessarily at the top of their priority list. Timing is important, and the City will lobby for this improvement when prudent.

The Kirk Avenue project would be quite difficult for the City to take on alone due to the sheer cost of such an improvement. Cost estimates are difficult to determine until the County Engineer designs the project, however, the initial discussion was \$2.2M. The City will have many necessary improvements such as storm drainage, hydrants, water lines, manholes, etc. There are also right of way issues, and agreements will need to be made with property owners from Main Street clear down to 382 Kirk Avenue. A LID (Local Improvement District) could be formed and the cost of the project would be assessed to the folks living along Kirk Avenue. It would likely double tax bills for up to ten years and could be as high as \$29,000 per property depending on the scope of the project.

Once the road is paved, there is also the consideration of the increase of speeds along this thoroughfare. With a newly improved roadway, property valuations may go up, which could in turn mean higher taxes. Higher taxes are good for the City, but can be a hardship for property owners. It is a complex issue for sure.

Community development pieces encompass weed enforcement, capital improvements, etc. In regards to the RV issues from September, it is important for Council to remember that Staff has worked with most of the folks for a long period of time, in one case over 2 1/2 years. Staff shields Council at every opportunity. We are the ones that take the heat from the neighbors that can't sell their house because of the condition of these violators, among many other issues.

The Central Linn Elementary School is conducting some mold and air quality testing, and may be in need of additional classroom space. McDowell stated that the Kirk Room, Community Room, and the Rec Center would be most conducive. The City will keep Fisher Hall open and available for other groups needing to rent space. *Councilor Gerber made a motion to authorize Mr. McDowell to provide CLES room as needed. Councilor Cole seconded the motion, and it was unanimous.*

McDowell stated that we, as a small town, often have a difficult time with perception, misinformation and disinformation. Recently the issue of campaign signs came up again. The City has historically chosen not to enforce certain kinds of signs out of the right-of-way. This non-enforcement helps many of the businesses and non-profit groups by allowing them to advertise on sandwich boards all over town. Some candidates have elected to put their signs in the ROW for the upcoming election. Darrin Lane, Linn County Roadmaster, stated that the County does not generally remove the signs unless they are obstructing a view. Lynn Detering, ODOT, said that the State does not allow any type of advertising in the ROW. Signs in those locations could be removed, and candidates should be advised to place their signs in a safer location. City Hall and Public Works have never asked for signs to be moved. If signs are up for more than 2 weeks after an election, a call may be placed.

4. **Library Report.** No comments.
5. **Court Report.** No comments.
6. **Council Comments.** No comments.
7. **Citizen Comments.** No comments.



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### LEGISLATIVE:

1. **First Rate Roofing Proclamation** – Mayor Don Ware declared he would be signing a proclamation for First Rate Roofing's new building. Councilor Cole added that the McManus's asked for the Historical Review Board's input on the design of their new building, so they could stay in keeping with the historical feel of downtown. Their compliance is greatly appreciated.

### ACTION ITEMS:

1. **Official Appointments.** *Councilor Gerber made a motion to approve the following appointments: Kaye Fox, Budget Committee, Gary Compton, Planning Commission, J. David Erickson, Mandy Cole, and Tricia Thompson, Historic Review Board, and Patty Linn to the Parks & Open Space Advisory Board (POSAB), and also to approve Staff's recommendation of Sarah Glenn to the POSAB to fill Joanne Neddeau's vacancy. Councilor Van Sandt seconded the motion, and it was approved unanimously.*
2. **2017 Council Schedule.** *Councilor Cole made a motion to approve the 2017 Council Schedule as presented. Councilor Chambers seconded the motion, and it passed unanimously.*
3. **Brownsville Senior Center MOU.** *McDowell stated that it is time to review/renew the Memorandum of Understanding with the Brownsville Senior Center. Councilor Gerber authorized McDowell to negotiate with the Senior Center for any changes to the MOU and bring it back for Council approval. Councilor Van Sandt seconded the motion. Discussion was called for. Councilor Shepherd stated that it might be a good time to start stepping down the amount, like Council did with the Brownsville Art Association agreement. Councilor Cole would like to stay with the \$600 and use broader language so that they could use the funds for whatever they needed. Councilor Van Sandt likes a rounder number, like \$500, because it all adds up. A vote was called for to send McDowell forward to negotiate with the Senior Center and the motion passed unanimously.*
4. **Chamber of Commerce MOU.** *McDowell stated that it is time to review/renew the Memorandum of Understanding with the Chamber of Commerce. McDowell recently met with Chamber President John Morrison and several items were discussed. Bryan Wyant would like to donate the Tree House he built for the *Stand by Me* celebration in July. McDowell encourages Council to say no thank you, as the City is then responsible for maintaining it, moving it, etc. Another ever bigger issue is recreational immunity. There needs to be language written into the MOU regarding recreational immunity to allow for maximum flexibility as changes will surely be coming from CIS. Councilor Gerber stated that in recent case law in Oregon, a city and city officials were sued due to an occurrence in a Portland park. Cities used to have immunity for these types of claims, and that seems to no longer be the case. Due to this immunity being eroded, the City's liability risk is rising at a great pace. Councilor Cole inquired what kind of time frame is needed to help with the Chamber events. Mr. McDowell responded that it can easily be 10-15*



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hours a week for office staff; it is really dependent on the event. For example, Mrs. Morrow helped set up and clean up with the Candidate's Forum, and Mr. McDowell helped with language for candidate questions, which required a couple of hours of time from each of them. Councilor Cole thinks that it is important to think about the cost of partnering with some of these groups. This is an important partnership because it does help the community and local businesses, but it is a real cost, and will continue to be. Mr. Morrison stated that he has always had good cooperation with the City and that it is much appreciated. The Chamber has discussed having a FAQ area on their website for commonly asked questions that might alleviate phone calls generated to the City. *Councilor Shepherd made a motion to authorize Mr. McDowell to negotiate this MOU. Councilor Gerber seconded the motion, and it passed unanimously.*

### DISCUSSION ITEMS:

1. **Canal Company Update.** McDowell reported that there is nothing to report. They are reviewing options with their attorney at this time.
2. **September Financials.** Mayor Don Ware remarked that he appreciates getting this report each month.

**CITIZENS COMMENTS** – No comments.

**COUNCIL COMMENTS** – Councilor Van Sandt asked if there was anything new happening on the EPC. McDowell reported that Staff is working with Norman Simms. The County is holding a meeting in November that we may try to attend. Mayor Don Ware stated that he and McDowell have met with others regarding the LCSO issues and that there will be more information available at a later date. Councilor Cole remarked that there seem to be a number of cars and people hanging around the library after hours to take advantage of the Wi-Fi. It could be construed as an attractive nuisance after business hours. Councilor Van Sandt thanked McDowell for providing the Peter DeFazio letter.

**ADJOURNMENT:** *Councilor Shepherd moved to adjourn at 8:30 p.m. Councilor Van Sandt seconded the motion, and it passed unanimously.*

  
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City Administrator S. Scott McDowell

  
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Mayor Don Ware