



Council Minutes

June 28th, 2016

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

PUBLIC: Jannea Deaver, Elizabeth Coleman, Trisha Thompson, Marc Nelson, Sgt. Greg Klein (LCSO), Patty Linn, John Morrison, Sally Lockhart, Bryan Wyant, Boy Scouts Ashton Burgess, Cody Burgess, Karson Lafayette, and Gunner Kometz, Leaders Huff Meyr and Danny Bivens, Allen Buzzard, Linda McCormick, and Alex Paul (Democrat Herald).

The pledge of allegiance was recited. Mayor Ware welcomed everyone to the meeting, and asked that we have a respectful meeting.

ADDITIONS AND DELETIONS: McDowell informed Council that he will be adding Item 6) C., Linda McCormick and Stand By Me, and 10) F. Appoint Planning Commission members. Also on the desk you will find the Public Works Report and corrections on Resolution 2016.16. In addition, Mr. Allen Buzzard has submitted an application for the Planning Commission vacancy.

MINUTES: Councilor Gerber stated that the April 26th, 2016 addendum has not been done. Hopefully she will have this finished for next month. *Councilor Cole made a motion to approve the May 24th, 2016 meeting minutes as presented. Councilor Gerber seconded the motion, and it passed unanimously.*

PUBLIC HEARINGS OR PRESENTATIONS:

FY 2016-2017 Budget Public Hearing – Mayor Don Ware opened the budget hearing and invited the public to speak. There were no comments and the hearing was closed.

Total Maximum Daily Load (TMDL) – TMDL has been an ongoing discussion. On January 26th, 2016 Staff met with DEQ who expressed some concerns with the numbers that the City had projected in relation to the possible future construction of a storm water system. It was noted that the City has been doing many capital projects over the last several years. McDowell made sure that this information was presented to the Budget Committee so that it has been reflected on the public record several times. McDowell is working on updating the Capital Improvements Plan (CIP). The DEQ representatives seemed interested in knowing the fact that we don't have a storm water collection system upholds the projected cost of implementing said program.

Stand By Me – Linda McCormick – Mrs. McCormick is projecting large turnout numbers for the SBM event on July 23rd, 2016 for the 30th anniversary celebration. McCormick reviewed several event details, planning is well underway.

DEPARTMENT REPORTS:

1. **Sheriff's Report.** LCSO Sgt. Klein reported that they have dedicated 29 hours to traffic patrol in May. Dog complaints have declined. Pioneer Picnic went well, with no incidents to report. There will be 2 deputies in town during the 4th of July festivities. They will also have extra patrols on Kirk Avenue during the WCMF weekend. Sgt. Klein expressed LCSO's appreciation to Mr. McDowell for participating in recent interviews for the Sheriff's Office Sergeant Oral Boards.



Council Minutes

Councilor Cole asked about the number of citations issued this month in comparison to last month. The numbers included 21 citations this month, and this increase is much appreciated. McDowell remarked that the City has had numerous complaints about illegal parking recently. It would be appreciated if LCSO would deal with those complaints more effectively. McDowell indicated that citing individuals who are ignoring yellow curbs and No Parking signs have already been warned.

2. **Public Works.** Mr. Frink reported that Public Works had no water leaks this month. Projects on Howe Street will happen this summer. Carters will be coming in soon to test backflow devices. If folks sign up with the City, they can get a discounted rate. The backflow testing keeps the water supply fully tested and safe for all. The millrace pumps have been turned on. It took about 9 days for the water to get to town. Substantial leaks have been found, Frink will investigate further. Councilor Shepherd spoke of places he knew were concerns. Millrace water rights start on May 15th, and run through October unless the City is directed to turn the pumps off early, which is quite common. There is a lot of tree work around town that will be happening soon. Pioneer Park caretakers Dave and Sharon Peterson are doing an excellent job for us. Summer hire Clint Taskinen is assisting them this year. All of downtown has been weeded and re-mulched for the season. This job takes a tremendous amount of Public Work man hours. The new service truck should arrive very soon. Councilor Gerber asked about advice on the hot topic of arsenic and lead in the water system. Frink said that testing is expensive – usually ranging from \$150 to \$200. The City tests every 3 years. He also suggested residents should let the water run a little before consumption. By flushing the pipes in this way, you eliminate most of the contaminants. Folks can also replace their water lines if they so choose. The materials used today are vastly different than materials used many years ago. The City also uses a ph control procedure to help stabilize any arsenic in the pipes. Arsenic is not just a local concern, it ranges country wide.
3. **Administrator's Report.** Mr. McDowell reported to Council that the Canal Company meeting is tentatively set for July 14th. He will report back to Council. Code enforcement for RV's was discussed last month. One factor that has not been established is how to interface enforcement with LCSO. Many folks have their RV's in the ROW, and don't have room to actually store their RV on their property. The City assumes a certain amount of liability for RV's remaining in the ROW. Mayor Don Ware stated that he felt we should apply the code as written. Councilor Cole felt like this is an important education piece for city residents. An article will be placed in the September newsletter informing citizens of the code, and enforcement will begin after that. Nuisance enforcement will kick off in July. The weed abatement program has been very successful this year. The City only had to post about 10 properties for non-compliance. The City has been receiving a lot of complaints lately about the cleanliness of the Rec Center. Marilyn Grimes got a group of friends together and they have spent several hours in the building cleaning windows, mopping floors, etc. The City would like to give a great big thank you to Marilyn Grimes and friends. Every year the city gets updated Natural Gas information in the form of maps provided to the City. Public safety information is available at City Hall. The COG has done a nice job of talking about their program. McDowell would like his contract to be reviewed in July this year. There have been two laws recently that include language that allows City personnel personally responsible, more information next month. The City currently carries a \$60,000 policy on McDowell in the event he mishandles official duties of City Administrator. The City also carries a \$400,000 excess crime policy as required



Council Minutes

by the USDA. The marijuana issue will require a November election vote. McDowell will have the legislation and more information ready for next month.

4. **Library Report.** No comments.
5. **Court Report.** No comments.
6. **Council Comments.** Councilor Gerber spoke with Ruth and Dan Christenson about utility bill relief for low income folks. This issue will be explored in the Fall.
7. **Citizen Comments.** Allen Buzzard, School Avenue, apologized for his late response for his application for the Planning Commission vacancy. He highlighted his qualification, and thanked Council for their consideration.

LEGISLATIVE:

1. **Resolution 2016.13: FY 2016-2017 Budget Appropriations (Annual)** – *Councilor Cole moved to pass R 2016.13. Councilor Gerber seconded the motion, and it passed unanimously.*
2. **Resolution 2016.14: Water Rates Adjustment (Annual)** – *Councilor Gerber moved to accept R 2016.14 as presented. Councilor Cole seconded the motion, and it passed unanimously.*
3. **Resolution 2016.15: Sewer Rates Adjustment (Annual)** – *Councilor Gerber moved to accept R 2016.15 as presented. Councilor Cole seconded the motion, and it passed unanimously.*
4. **Resolution 2016.16: Year End Transfers FY 2015-2016 (Annual)** – *Councilor Gerber moved to accept R 2016.16 as presented. Councilor Shepherd seconded the motion, and it passed unanimously.*
5. **Ordinance 761: Camping Rules Revision (Park Board - Emergency)** – *Councilor Gerber moved to read O761 by title only. Councilor Cole seconded the motion, and it passed unanimously. Councilor Van Sandt asked what the changes entailed. The City has had some issues lately with folks staying beyond the approved 10 days. McDowell has spoken with the City attorney, and this language strengthens the City's position for any liability issues surrounding that rule. It is important to remember, we are a park that offers camping, not a campground. As we are in the middle of camping season now, it would be best to adopt this ordinance as an emergency. Councilor Gerber moved to adopt O 761 as an emergency, effective immediately. Councilor Shepherd seconded the motion, and it passed unanimously.*

ACTION ITEMS:

1. **Park Board – Recreational Immunity and Public Parks** – Mr. Frink is in charge of operations and maintenance at City parks. He has developed a playground inspection form. Due to recreational immunity changes, some cities



Council Minutes

are choosing to simply shut down their parks. In an effort not to do that, the City has put together some policies, and designated some “free” areas. By invoking this discretionary immunity, should there be litigation, hopefully this language and these definitions will protect the City a little better. *Councilor Cole moved to adopt new Parks and Open Spaces Definitions and Language as recommended by Park Board as an emergency, effective immediately. Councilor Shepherd seconded the motion, and it passed unanimously.*

2. **Bonded Debt Options.** McDowell stated that per Matt Donahue, D.A. Davidson, associated refinancing costs will be nearly \$100,000. If the City should receive an ‘A’ rating, potential savings could be between \$45,000-\$62,000 per year with refinancing. McDowell also stated that cities the size of Brownsville typically do not have a bond rating. It will cost approximately \$13,500 to apply for this rating. So basically, the City is risking \$13,500 to save a possible \$1.6 million. Councilor Gerber inquired whether this refinancing would risk our ability to achieve future loans through USDA. Per Holly Halligan, USDA, there is no longer a penalty for refinancing as USDA has recently changed their policy on this. They are allowing refinancing due to the extremely low rates. Councilor Cole asked if the rate was an adjusting rate. McDowell indicated that the new rate will be a fixed rate. *Councilor Cole made a motion to authorize McDowell and the Mayor to move forward in obtaining this rating. Councilor Shepherd seconded the motion, and it passed unanimously.*
3. **Central Linn School District Agreement.** McDowell stated that the latest information he has is that Willamette Neighborhood Housing Services (WNHS) is moving forward in an attempt to secure the Blakely school property. Recently Mayor Ware met with Chairman Mark Penrod, CLSD, and exchanged information on this project. They will be meeting again in July to further discuss this issue. One of the City’s concerns is that this hot topic is not simply dropped in the Planning Commission’s lap to deal with. Penrod stated that WNHS should be holding some public hearings early in the process in an effort to address community concern, involvement, and information items. Administrative Assistant Elizabeth Coleman provided a written report for the agenda packet that details information from the June 13th, 2016 Central Linn School Board meeting.
4. **Central Linn Recreation Agreement.** Staff is recommending a one year agreement extension be passed. Application procedures are moving toward the City being more of a depot style intake system. Staff has put too much time in gathering necessary information on behalf of the Rec Center. Mr. Frasier has worked on this issue since February. CLRA is also working on setting up an intake system at CLES. Councilor Gerber stated that the possible intern will not be here this year, hopefully next year that program will come together. *Councilor Van Sandt made a motion to extend the agreement for one more year. Councilor Cole seconded the motion, and it passed unanimously.*
5. **Appoint Library Advisory Board Member.** McDowell recommended tabling this item until the July meeting. *Councilor Gerber made a motion to table this*



Council Minutes

item until next month. Councilor Cole seconded the motion, and it passed, unanimously.

6. **Planning Commission Vacancy.** Applicants for this position include Bryan Wyant, Doug Block, and Allen Buzzard. It was noted that a person cannot sit on Planning Commission and Council at the same time. *Councilor Cole made a motion to appoint Bryan Wyant and Doug Block. Councilor Chambers seconded the motion, and it passed unanimously.*

DISCUSSION ITEMS:

1. **Mini Council Retreat/Work Session.** McDowell stated the need to have a mini-work session soon, perhaps August or September. McDowell recommended that it would be prudent to make some policy decisions now while this veteran Council is still seated. The group agreed to meet on September 23rd from 3:30 – 5:00 p.m. for a work session. Reminders will be sent.
2. **May Financials.** Mayor Ware asked if there is a time when the reserve funds increase substantially? McDowell stated that the City has been working on a large number of self-funded capital improvement projects over the last several years. This next budget year we have only a minimal amount scheduled. By January or February, you may see some increases to the bottom line.

CITIZENS COMMENTS – Huff Meyr, Bishop Way, thanked the Council for their service. He stated that his local Boy Scout troop has been very active with raking and clearing debris in the park for the last several years. They continue to be willing to help the City, and would like to be a visible presence here. Councilor Cole suggested that there might be an opportunity for a partnership approach for an Arbor Day celebration this fall.

COUNCIL COMMENTS – Councilor Van Sandt commented that last month she had thanked the State for cleaning up the blackberries on Highway 228 next to her house. Her neighbor, John Manning, was actually the one who did the clearing and cleanup.

ADJOURNMENT: *Councilor Shepherd moved to adjourn at 8:26 p.m. Councilor Van Sandt seconded the motion, and it passed unanimously.*

City Administrator S. Scott McDowell

Mayor Don Ware



Council Minutes

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