



Council Minutes

March 22nd, 2016

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

PUBLIC: Sgt. Greg Klein (LCSO), Linda McCormick, Patty Linn, Don Andrews, Allen Buzzard, Jerry Papineau, Linda Hite, Karen Grant, Jannea Deaver, Elizabeth Coleman, Eric Gerber, Linda Scronce-Johnson, Sharon McCoy, Linda Cheney, Brian Tenbusch, Chandra Evans, Kihara Evans, Janessa Evans, Michael Evans and Alex Paul (Democrat Herald).

The pledge of allegiance was recited.

ADDITIONS AND DELETIONS: McDowell informed Council that he will be replacing 6A. Goal Priority, with a presentation from Karen Grant, Single Action Shooting Society, concerning a demonstration in the Park during the Pioneer Picnic event. Other additions include 10) E., Appoint Mike McDaniel to the Budget Committee, and 10) F., Meals on Wheels support request.

MINUTES: Councilor Gerber made a motion to approve the February 23rd, 2016 meeting minutes as presented. Councilor Van Sandt seconded the motion. The motion passed unanimously.

PUBLIC HEARINGS OR PRESENTATIONS:

Karen Grant, Pioneer Picnic Board and Linda Hite, Single Action Shooting Society – Mrs. Grant was present to ask for Council's permission to allow an Old West Shooting demonstration in the Park during Pioneer Picnic. They are trying to implement a few new ideas and add a little excitement to the event. Mrs. Hite, as a member of the shooting group, informed Council that the demonstration was basically a re-enactment or a skit and they would be using real firearms loaded with blank bullets. She said that Council had approved this demonstration last year, but due to insurance requirements, the event did not happen. This year they have located a sponsor that will be paying for the insurance costs for this event. McDowell commented that the City has a weapons ordinance that will need to be addressed for this issue. He also stated that recreational immunity has significantly changed recently, so our insurance carrier and attorney should be consulted before approval. Council had a handout received from CIS on their desk regarding the recreational immunity implications. He will gather feedback for Council's consideration at the April meeting.

Brownsville Garden Club (BGC) – Mr. Jerry Papineau, Flower Building Irrigation Project. Mr. Papineau indicated that there is a folder on Council's desk tonight concerning irrigation around the Flower Building in the Park. (*The plan was also included in the agenda packet.*) The folder contains drawings as well as price quotes from two different vendors. Mr. Papineau is asking the City to purchase the materials for the project; the labor will be done by the BGC. Costs estimates range from \$529.14 - \$734.84. Councilor Gerber asked Mr. Frink for his input on the project. Mr. Frink stated that there have been a lot of wonderful volunteer projects done around town, however, one problem tends to be that when the volunteer momentum falls off, many projects are hard to sustain long-term. Council had several comments, from applying to Brownsville Community Foundation (BCF) for funding, to asking local vendors to perhaps donate the supplies, or



Council Minutes

at least a portion of them. Councilor Van Sandt commented that since the City does own this property, perhaps it would be appropriate to pay for this request. *Councilor Shepherd made a motion to refer the BGC to the BCF for funding for this project. Councilor Gerber seconded the motion. Discussion ensued with Councilor Van Sandt stating that she wanted to stick with the fact that the property and building belong to the City. The motion passed, with Councilor Van Sandt voting in opposition.*

Brownsville Garden Club, Linda Scronce-Johnson, President – Garden Tour. Ms. Scronce-Johnson stated that the BGC is holding their first ever garden club tour. This is the 2nd season the group has been in existence. The club is very appreciative of the City helping to pay for the flowers that beautified the town last year. She is requesting the support of the City by being named as a sponsor for the event. There is no cost to the City to be a sponsor. *Councilor Van Sandt made a motion to approve being a sponsor for the BGC garden tour for 2016. Councilor Gerber seconded the motion.* Discussion was called for. Councilor Shepherd inquired if the event will require any streets being closed. Ms. Scronce-Johnson replied in the negative. She said admission will be \$15, and is basically a self-guided tour. Participants will get a map and hopefully walk around the town to the 5 various garden sites thereby generating business for the local shops. *The motion was voted on and passed unanimously.*

DEPARTMENT REPORTS:

1. Sheriff's Report. LCSO Sgt. Klein reported that they have spent 207 local contract hours in February for the City of Brownsville, with 13 hours dedicated to traffic patrol. He also reported that LCSO will be teaming up with Oregon State Police on extra patrols on Highway 228 between Brownsville and Halsey. OSP will also be working with them during the Bi-Mart Willamette Country Music Festival. Sgt. Klein reported they had several complaints this month, one of which was a dog complaint down on Millhouse. Animal control has issued a warning to the dog owners. If there is another incident, citations will be issued. He will follow up with this at the next Council Meeting in April. Sgt. Klein also stated that LCSO will be working the Stand By Me July 23rd event, and is coordinating this effort with Linda McCormick.
2. Public Works. Mr. Frink reported that he has been planning for several upcoming projects. Two trees on Spaulding were damaged by a motor vehicle and had to be removed. Public Works will grind out the stumps and patch with concrete for now. Leaf clean up in the park is complete resulting in 11, 30-yard dumpsters full of debris removed. Jason Curtis will be doing the backfill on the sidewalk project connecting the Rec Center to the park as soon as weather allows. Catch basins will be cleaned out at the end of the month. The bike rack next to the bathrooms was removed and replaced with a picnic table. The City Hall front lawn project is continuing. Irrigation has been installed, and soil and sod will soon follow. The utility flyer on Council's desk tonight denotes city responsibility and homeowner responsibility for water and sewer lines. The objective of this flyer is to clarify everyone's responsibility. If room allows, it will be published in the spring newsletter as well. The new service truck has been ordered through Jim Burke at Benton County. Hopefully the vehicle will arrive within the next 45-60 days. Councilor Chambers commented that the new pet station downtown was very nice.
3. Administrator's Report. Mr. McDowell reported that as spring approaches there are several small projects the City is hoping to complete within this fiscal year. A Holloway Heights resident came in with a road condition concern. She was upset because the road was not paved. McDowell explained that in a situation such as



Council Minutes

this, City Staff would call in City Engineer Jon Erwin to size up the project. Funding for this project would likely be the City paying 10% of the project cost, and a LID (Local Improvement District) would be formed that would require the affected homeowners to fund the rest of the project. McDowell also provided a handout to Council that shows City and owner responsibility when it comes to public utilities. There have been several discussions with property owners recently about these responsibilities. McDowell wanted to review the facts with Council in the event someone decides to bring an issue to Council.

McDowell continues to work with the Go Team and Cascade West Council Of Governments, more information as it is available. McDowell has also been working with Brian Latta, City of Harrisburg, on VLC business; and working on the Trails to Linn website. On the OGEC follow up, it seems like everyone is doing pretty well. Please contact City Hall if you need assistance. McDowell recently hired ATEZ to do inspections at City Hall and the Rec Center, specifically the ceiling tiles there. All buildings passed with flying colors. Painting or covering the ceiling tiles is adequate. If removal is needed, further inspection will need to be conducted. On February 29th Mrs. Deaver and McDowell attended a CLRA Board meeting. Processes still need to be evaluated for efficiency, and Staff will be meeting with them soon for clarification and needed updates. The City may rely more on a depot style intake system for their paperwork. The Willamette Country Music Festival will have a hearing in front of the Linn County Commissioners on March 30th. Most agencies have signed off on the event and are very supportive. Mayor Don Ware inquired whether Mr. McDowell expected controversy. McDowell responded, no more than normal - hopefully. Staff will be at the meeting for support.

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

Chandra Evans, Ash Street, was present to speak in favor of the school bond. She is the teacher for the Learning Tree Preschool and is asking for the Council to stand with the students and parents and help the school bond pass.

Don Andrews, School Avenue, spoke in favor of the school bond. He distributed school wrist bands and pins to Council, and stated that we all have an obligation to provide the best education for the kids in our community.

Brian Tenbusch, Kirk Avenue, was also present to speak in support of passing the school bond measure. He shared many thoughts and wrapped up with claiming that it is not how much you're going to pay, just when you will pay it.

Allen Buzzard, School Avenue, read from a typed statement and spoke in opposition of the school bond. His main concern was what the face of education will look like in 30 years, and he believes it will be vastly different than today's standards.

Linda Cheney, Main Street, spoke next in favor of the bond issue, stating that we need to ensure the great sense of community between Brownsville, Halsey, and Shedd.



Council Minutes

LEGISLATIVE:

1. Ordinance 760: Park Board Meetings Modification (Second Reading). *Councilor Gerber made a motion to read O 760 by title only. Councilor Chambers seconded the motion, and it passed unanimously. Councilor Gerber made a motion to approve O 760 as presented. Councilor Shepherd seconded the motion, and it passed unanimously.*
2. Resolution 2016.07: Worker's Compensation. *Councilor Van Sandt made a motion to approve R 2016.07 as presented. Councilor Shepherd seconded the motion, and it passed unanimously.*
3. Resolution 2016.08: Supporting Central Linn School District Bond Measure. *Councilor Gerber commented that she was concerned that the proposed resolution 2016.09 does not really support the bond measure. Councilor Gerber made a motion to propose tabling the issue for now and is willing to take questions and concerns and discuss them at the April Council meeting. Councilor Shepherd seconded the motion. Mayor Ware called for discussion. Councilor Van Sandt commented that she was uncomfortable with passing this resolution that basically doesn't say anything. Councilor Chambers asked why it is Council's job to say yes or no to the school bond. She believes it is up to the voters to make their own decision. Councilor Gerber stated again that she would like to do a compilation of questions or concerns around this issue. *The motion was voted on and passed, with only Councilor Chambers in opposition.* Mr. McDowell commented that he wanted to respect Council's time this evening, but feels that Councilor Gerber is still looking for questions and concerns for Council in an effort to move the discussion forward at the next Council meeting. Councilor Chambers asked the question of why Council is being asked to comment on a political issue that is not the City's issue.*

Mr. McDowell responded that Council has just finished dealing with the marijuana issue for nearly two years, and not once did we hear from the School Board or the teachers in relation to the hard line approach that Council took on that issue. Perhaps we could assume that all those folks felt good about how Council was handling it's business. McDowell fully understands the paradox this issue is having on the community. On one hand the issue will greatly impact the City, but on the other hand it is a School Board issue.

Superintendent Gardner came into the City Administrator's office last week claiming that the City needs to refinance their debt. We review this option each year with the USDA who is ultimately responsible for evaluation of our debt and the ramifications of refinancing, etc. Staff has a very good handle on the City's financial matters and will always operate and continue to operate in the City's best interests. This issue is explained in detail each year with Council and the Budget Committee during budget season as well. McDowell has contacted Holly Halligan with USDA for further evaluation. If the City does make a move, we want to ensure that it doesn't cause USDA to view the City as a self-sustaining entity, thereby jeopardizing our ability to secure future funding. Councilor Gerber wanted to



Council Minutes

clarify what question McDowell was trying to iterate. McDowell responded that there really was no question here. He feels like the Superintendent is overreaching by focusing on City finances instead of trying to facilitate the passage of the school bond measure. McDowell's question to Council is how comfortable are you politically with this issue? If the school system leaves, we will all suffer for sure. McDowell is unsure why we are being asked for this support now. It seems like a better discussion should have happened before the School Board resolved to put the matter to the voters. McDowell has heard many negative comments from both the proponents and the opposition. Regardless of all the discussion, the School Board has set forth the course through an election. The School Board resolved to take the measure to the voter's on May 17th, 2016.

Councilor Van Sandt commented that she was sorry that McDowell has had to go through all this. Councilor Shepherd commented that he believes we should keep ourselves out of their business, and let the voters decide. Councilor Chambers commented that she has talked to a lot of people, for and against the issue. A major concern is that this bond will cost a lot of money and Council's main job is to represent all the people, not just the folks in favor of the bond. Councilor Van Sandt agreed that it is an individual decision. Councilor Gerber stated that she understands that Council may not reach agreement on this issue but believes that Council does take action on items that have political ramifications all the time. Councilor Shepherd commented that we have had meetings with School Board representatives and posed many questions that are still unanswered. Councilor Gerber would like to go ahead and get the questions to Mr. Cheney for clarification. Councilor Van Sandt stated that she thought we should not make a statement either way as a governing body. Everyone is entitled to their own opinion.

4. **Resolution 2016.09: Authorizing Library Lighting Change Order.** McDowell reminded Council that the City has entered into an emergency contract with Norm's Electric to install lighting upgrades at the library. The lighting fixture replacement bulbs are no longer available thereby forcing this upgrade. The City should see a substantial energy savings with the new LED fixtures, with a minimal amount of maintenance. In their bid, the contractor missed one entire room (approximately 16 fixtures) which consists of an additional cost of approximately \$4,000 per the change order. \$1,200 will be granted back to the City by the Energy Trust Fund. Councilor Shepherd feels that the contractor bid the job, and he would like to stick with the original proposal as provided. Mr. McDowell remarked that Norm's Electric has never gone this far askew on a bid in the past. *Councilor Gerber made a motion for Council to approve R 2016.09. No second, and no vote called for.* Councilor Neddeau commented that everyone makes mistakes, and wondered about some sort of compromise. *Councilor Neddeau made a motion to have the City pay for the materials, and ask the contractor to pay for the labor for the change order. Councilor Gerber seconded the motion, and it passed unanimously.*

ACTION ITEMS:

1. **Central Linn School District Agreement (Tabled).**



Council Minutes

2. Calapooia Food Alliance Agreement (CFA). *Councilor Gerber made a motion to approve the MOU with the CFA as presented. Councilor Van Sandt seconded the motion, and it passed unanimously.* Mr. McDowell clarified that this agreement deals only with the water, not the land used. The CFA will deal directly with the CLSD on the land use agreement.
3. Portable Toilets and Summer Events. Mr. McDowell reminded Council of the Brownsville Chamber of Commerce's request last month for funding to provide portable toilets for more of the summer events. (Typically each group must provide this amenity for their own event.) Last month the Chamber provided a bid that would allow for the portable toilets to remain in the park for several weeks, thereby providing service for more events. The Pioneer Picnic group has their own setup and does not wish to participate at this time. There would be 12 toilets located around town, 10 in the park and 2 in other locations around town. It was determined that City Staff would be able to make callbacks if the facilities needed extra service. *Councilor Gerber made a motion to approve the expenditure of \$1,028 toward this project (this amount is what the City paid last year for this service). Councilor Shepherd seconded the motion, and it passed unanimously.*
4. Appointments. *Councilor Gerber made a motion to appoint Norman Simms as Volunteer Emergency Preparedness Coordinator. Councilor Van Sandt seconded the motion, and it passed unanimously.*

Councilor Shepherd made a motion to appoint Mike McDaniel as a Budget Committee member. Councilor Van Sandt seconded the motion, and it passed unanimously.
5. Meals on Wheels Donation. *Councilor Gerber made a motion to donate \$1,000 to the Meals on Wheels program. Councilor Shepherd seconded the motion, and it passed unanimously.*

DISCUSSION ITEMS:

1. Spaulding Avenue Address Confusion. McDowell has provided maps for Council highlighting the confusion in addresses on Spaulding Avenue. This matter has been brought to the City's attention by Linn County. Linn County is upgrading and reworking their CAD system (emergency services computer system) and would like the situation to be rectified. Mr. McDowell recommended Council requesting a letter from Linn County addressing this issue. Council may have to follow up with some future legislation to accomplish this task. *Councilor Gerber made a motion to direct Staff to request a letter from Linn County addressing this issue. Councilor Shepherd seconded the motion. It was voted on and passed unanimously.*
2. Canal Company. McDowell informed Council that the Canal Company is having their annual meeting on May 2nd, 2016. Basically the Canal Company owns a 40' strip from 219 Millhouse to the Calapooia. The City has a reverse water right for



Council Minutes

storm water purposes. There are a total of 12 water rights along the canal. McDowell suggested perhaps having a series of town hall style meetings to get input from the public on how to garner some income to pay for the upgrades, etc. He will bring this back before Council next month.

3. February Financials. No comments.

CITIZENS COMMENTS – None.

COUNCIL COMMENTS – None.

EXECUTIVE SESSION – Entered into at 8:58 p.m.

- Council will be discussing a real property transaction and employee performance.
- Oregon Revised Statutes, Chapter 192.660 governs the conditions for a public body to convene in an Executive Session. The City will invoke Section (e) to conduct deliberations with persons designated by the governing body to negotiate real property transactions and 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 – Exit executive session at 9:22

Councilor Gerber made a motion to authorize Mr. McDowell & a Council representative to discuss a real property transaction with Central Linn School District. Councilor Neddeau seconded the motion. The motion was voted and passed unanimously.

Councilor Gerber made a motion to open negotiations on City Administrator McDowell's contract in June. Councilor Shepherd seconded the motion. The motion was voted and passed unanimously.

ADJOURNMENT: *Councilor Shepherd moved to adjourn at 9:29 p.m. Councilor Chambers seconded the motion, and it passed unanimously.*

A blue ink signature of S. Scott McDowell.

City Administrator S. Scott McDowell

A blue ink signature of Mayor Don Ware.

Mayor Don Ware