



## Council Minutes

September 24<sup>th</sup>, 2013

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

**PUBLIC:** Kaye Fox and Sergeant Brad Kelley (LCSO) were also present.

The pledge of allegiance was recited.

**ADDITIONS AND DELETIONS:** No agenda additions or deletions this month.

**MINUTES:** Council reviewed the minutes of the July 23<sup>rd</sup>, 2013 meeting. *Councilor Cole moved to approve the minutes as presented. The motion was seconded by Councilor Shepherd and was approved unanimously.* August Council meeting was cancelled.

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

**Summer 2013 Nuisance & Weed Abatement Program Review** – Mr. McDowell reviewed the program for the year which included 46 vegetation abatements and 28 nuisance/junk/trash abatements. Mr. McDowell shared a slideshow that highlighted some of the properties and abatements that Staff dealt with this year. Mr. McDowell then went on to review the Municipal Code and language therein. Staff determined that one barrier to the process was that our Code 8.30.060 only requires lots and parcels more than one acre to be maintained to within 30 feet of any building or accessory structure, and to within 20 feet of any roadway, walkway, or property line. Staff received several complaints about the fact that these properties were basically held to a different standard than they were. Complaints ranged from increased fire danger issues to weed control issues. Staff also had several trash complaints this year. Several scenarios included piles of black trash bags containing household garbage that are a real cause for concern in terms of rats, pestilence, etc. Mr. McDowell suggested that perhaps the City would like to put within the Franchise Agreement a requirement for City residents to have trash service. Council indicated that they would like Mr. McDowell to gather more information for future consideration. Mr. McDowell also reported that Nuisance Request for Action (RFA) letters were implemented this year, and that almost all were responded to positively. Council did not make any language changes tonight. Mr. McDowell brought up the Google map and showed Council the corner of Depot and Main Street vision clearance issue. *A motion was made by Councilor Cole to authorize Mr. McDowell to write a letter requesting curb painting at Main & Depot intersection from the Linn County Road Department. The motion was seconded by Councilor Gerber and passed unanimously.* Councilor Van Sandt inquired about the curb on the other side and was assured that area would be addressed as well.

During Mr. McDowell's slide show he also showed the Visit Linn Coalition commercial that was shown out at the WCMF on the Jumbotron to thousands of people every day. Council was impressed by the quality.



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### **DEPARTMENT REPORTS:**

1. Sheriff's Report. Officer Brad Kelley reported that the BWCMF went very well. It was a vast improvement over last year, with only a little traffic backup on the main highways. The call level was down this year, and overall it was a safer, family friendly environment.
2. Public Works. Mr. Frink stated that Public Works has replaced 8 water services this month. Mr. Frink reported that the streets have been graded. Public Works purchased a box scraper for the tractor, and it is working well. Mr. Frink reported that the last heavy rain storm washed out the road up at the cemetery. The Public Works crew has re-graded and re-rocked the area, and it is looking great again. Frink continues to work on the contract with The Automation Group at the Water Treatment Plant.
3. Administrator's Report. Mr. McDowell sent the agenda packet out to Council last month in an audio format. He requested feedback from Council. The general consensus was good, but Mayor Ware found it hard to hear. Mr. McDowell reported that the financial issues from last fiscal year and the audit went well. Jannea Deaver and Tammi Morrow are doing a great job in this area. The Auditor stated that all seems to be in good order. McDowell expects to see the audit report before Christmas. Mr. McDowell attended the Solid Waste Advisory Committee meeting last month. The Committee did pass a motion to allow all Linn County Waste Haulers to implement a hazardous material fee, which is approximately .59¢ per bill. This fee will be used to help them recover their expenses. McDowell thought that representatives from Sweet Home Sanitation will be at Council soon to discuss this program change/opportunity. Mr. McDowell reminded Council that there are several pieces of land in town that the City owns but has no use for. McDowell would like Council's authorization to consult with the attorney to draw up some language/procedure to vacate them. Council concurred. Mr. McDowell reported that the BWCMF went well in regards to the City. Staff is still trying to get a fix on the financial benefit to the community and is working on a strategy moving forward with next year's event. Mr. McDowell reviewed the impact from the Affordable Care Act. CIS is scrambling at this point; Mr. McDowell will bring more information when it is available. The City is still trying to determine the best course of action. The City may need to consider offering an employee health benefit stipend, instead of health insurance.
4. Library Report. No comments.
5. Court Report. No comments.
6. Council Comments. Mr. McDowell reported that he and Councilor Boyanovsky recently attended a CWCOG meeting. Mayor Don Ware commented that he has been impressed with how Staff (Ms. Morrow and Ms. Coleman) has handled several public matters.
7. Citizen Comments. Kaye Fox informed Council that representatives of SHIBA will be at the Senior Center to conduct some round table discussions. If you have any questions, please give them a call at 541.466.5935.



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### LEGISLATIVE:

1. R 717: Unclaimed Property totaling \$10 and less to be written off. *A motion was made by Councilor Cole to approve R 717. The motion was seconded by Councilor Van Sandt, and the motion passed unanimously.*
2. *Mayor Don Ware proclaimed October 19<sup>th</sup>, 2013 as the City's Arbor Day celebration. A tree will be planted at 523 North Main Street to commemorate the event. The public is encouraged to attend.*
3. *Mayor Don Ware issued a proclamation to Dr. Kirt Glenn congratulating him on his new location at 102 E. Bishop Way.*

### ACTION ITEMS:

1. Authorize Oregon Public Works Emergency Response Agreement. *A motion was made by Councilor Cole to authorize the Oregon Public Works Emergency Response Agreement. The motion was seconded by Councilor Gerber, and the motion passed unanimously.*
2. Authorize ODOT Permitting Application (Welcome Signs). *Per our insurance, this permission is needed to protect us while mowing on the State Right of Way. McDowell is still working on this issue with State Staff. A motion was made by Councilor Cole to authorize the ODOT Permitting Application (Welcome Signs). The motion was seconded by Councilor Van Sandt, and the motion passed unanimously.*
3. Authorize Advertisement of Surplus Sale. *Mr. McDowell informed Council that the last surplus sale was held in 2007, and inventory has built up enough to hold another sale. A motion was made by Councilor Gerber to authorize an advertisement for and sale of surplus property. The motion was seconded by Councilor Shepherd, and the motion passed unanimously.*
4. Collins, Voight, & Bowman Consideration. *Mr. McDowell reported that there is an ongoing drainage issue between these properties. In March, Staff went out and reviewed the situation. The complaint is the high water level and that trash is washing up on adjacent properties from November – March. Staff informed the parties that this seems to be a private drainage issue, not a City issue. Mayor Ware and Councilor Shepherd have met with the Bowmans to discuss this issue. McDowell indicated that they are recommending sending another letter to Ms. Collins about the drainage situation. A motion was made by Councilor Cole to authorize Mr. McDowell to write a letter encouraging additional ditch work to help properly address the standing water issue. The motion was seconded by Councilor Chambers, and the motion passed unanimously.*



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5. Park Board Appointment. *A motion was made by Councilor Gerber to appoint Joanne Neddeau to serve on the Park Board. The motion was seconded by Councilor Cole, and the motion passed unanimously.*
6. Meals on Wheels Program Request (CWCOG). *A motion was made by Councilor Van Sandt to approve the annual contribution to CWCOG for the Meals on Wheels Program for FY 2013-14. The motion was seconded by Councilor Shepherd, and the motion passed unanimously. McDowell pointed out that the City received last year's invoice late. Council just paid that in May of 2013 but it was last fiscal year.*

### **DISCUSSION ITEMS:**

1. Linn County Planning & Building Department Proposal. Mr. McDowell reported that the City is in receipt of a proposal from the Linn County Commissioners regarding the City enlarging the UGB (Urban Growth Boundary) to accommodate the BWCMF inside that boundary in the future. The Festival would have to change locations, as it is currently over 3 miles outside of the City and the UGB would not extend that far. McDowell indicated that the City Attorney suggests gathering more information about this possibility. It may be very difficult for the Festival to find the same acreage needed to hold this event within this new UGB boundary. Council Van Sandt asked about the City's liability if we should permit the event. The City Attorney indicated that neither the County nor the City are liable under the current County Code that is being discharged. The County's role is just to determine if the minimum life safety issues are being addressed. *A motion was made by Councilor Van Sandt to authorize a letter to the County for clarification of the UGB issues. The motion was seconded by Councilor Cole and the motion passed unanimously.*
2. Chamber of Commerce Agreement Review. Mr. McDowell reviewed the benefits of having an agreement with the Chamber. McDowell indicated that things went better this year but there is still room for improvement. One example was with the rental of the Park during the Antique Fair this year. Food was moved into the kitchen early, and this was a problem because that facility had been rented out for the Friday before the Antique Fair event. The deposit was not paid in a timely manner (a day before the event), and the kitchen needed some cleaning after the event before being presentable for the next occupants. Mr. McDowell consulted with Mayor Ware and \$25 was deducted from the deposit refund. In the future, Mr. McDowell and the Chamber President will work this out during the new agreement. McDowell also pointed out a letter from Mrs. Larsen regarding the closure of Spaulding Avenue for the City-wide Garage Sale. McDowell indicated that it may be in the best interest of Council to make sure the organizer gets with Public Works to make sure the road has the proper signage and there is enough time to get the proper signatures from all of the business owners along the street. A question was also asked if the City would make a parking map for out of town folks with RV's. This issue is a little tricky. We don't currently allow this at the public parks, and this would have to go through the process (Park Board, Council, Rec Center Board, etc.). It might be feasible to create a sign that says Free City Parking is some areas.



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3. Rec Center Agreement (One Year Option Exercised 2012). Council encouraged Mr. McDowell to seek appropriate signatures.
4. Water System: Towing & Wells Policy (Continued). No new information at this time.
5. System Development Charges Review (Continued). No new information at this time.
6. July and August Financials. Discussion called for, no questions were asked.

CITIZEN COMMENT: No Citizen comments at this time.

COUNCIL COMMENTS: No Council comments at this time.

EXECUTIVE SESSION: The Council adjourned to Executive Session at 8:15 p.m. pursuant to ORS 192.660 Section (e) and (i).

Mayor Ware & Council returned to Regular Session at 8:52 p.m.

Mr. McDowell was asked to continue researching the issues regarding the Urban Growth Boundary and future development. McDowell also reported that City Attorney Lauren Sommers is working on a report regarding economic development tools.

ADJOURNMENT: *Councilor Gerber moved to adjourn, with Councilor Shepherd seconding the motion.* The meeting was adjourned at 8:55 p.m.

A handwritten signature in blue ink, appearing to be "SM", written over a horizontal line.

City Administrator S. Scott McDowell

A handwritten signature in blue ink, appearing to be "Don Ware", written over a horizontal line.

Mayor Don Ware