



## Council Minutes

November 27<sup>th</sup>, 2018

**ROLL CALL:** Mayor Don Ware called the meeting to order at 7:00 p.m. with Councilors Thompson, Neddeau, Chambers, Shepherd, Block, and Gerber present. Parks & Open Space Advisory Board members present were Betsy Ramshur, Brandie Simon, Pat MacDermott, Rick Dominguez and Pat Cook. Administrative Assistant Tammi Morrow, Public Works Superintendent Karl Frink and City Administrator Scott McDowell were also present.

**PUBLIC:** Debie Wyne, Blaine Cheney (*CLRA President*), Eric Simon, Kim Clayton, Elizabeth Coleman, Jered McClain, Allen Buzzard, Ed Petermen, David Hansen, Phil & Kaye Fox, Sgt. Greg Klein (*LCSO*), Candi Younger (*Sweet Home Sanitation*), Alex Paul (*Democrat Herald*), and Jorden Parrish (*The Times*).

The pledge of allegiance was recited.

**ADDITIONS AND DELETIONS:** No additions or deletions tonight.

**MINUTES:** Councilor Gerber made a motion to approve the October 23<sup>rd</sup>, 2018 meeting minutes as presented. Councilor Shepherd seconded the motion, and it passed unanimously.

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

1. **Candi Younger – Sweet Home Sanitation (SHS).** Ms. Younger was present representing SHS. She recapped the Clean Up Day event held on October 6<sup>th</sup>, 2018. She said that it was a great team-building event and she expressed heartfelt thanks to the Public Works crew for working the event. Councilor Shepherd chastised Ms. Younger about SHS neglecting to pick up debris for the elderly that had made previous arrangements for that service. He stated that he had to haul the debris to the dump site himself, and he would appreciate it if SHS would do what they had said they would do. Councilor Chambers stated that she had called SHS to arrange pickup and was argued with quite extensively on the phone. The crew did pick up the debris for her as arranged, however. Ms. Younger stated that they did curbside service for 4 elderly persons in town. They will, however, look into working the system better next year.
2. **Facilities Review Committee (FRC) Recommendation.** Mr. McDowell presented the Big Picture Dashboard, which in effect was an overview of needs vs. wants. The dashboard included State Legislature priorities, information revolving around finance, Capital Improvements Plan, Economic and Community Development, the 2024 Water Treatment Plant Improvements, information in the pipeline (TMDL, water regulations, wastewater compliance issues, WOTUS, FEMA Rules changes, etc., citizen wants, and projects in the works currently). It was a lot of information, and Council and the audience were entranced with the information provided. McDowell stated that the City has an A+ rating with Standard and Poor's, quite a feat for a town our size. In 2016, the USDA allowed cities to refinance their debt and Brownsville saved over \$1.2 million with this debt refunding. This refunding also capped what future debt the City can incur until 2024. There are still a lot of funding priorities that need to be addressed, such as the downtown sewers. When analyzing the current rates, it was determined that Brownsville has the second lowest rates with neighboring cities, and in Linn



## Council Minutes

County. That would change if we were to try to get a loan through USADA-RD or other State agency, so the City is trying to hold off and self-fund the improvement.

Legacy implications exist that determine future charges. The Water Treatment Plant is in need of improvements that will cost approximately \$4 - \$6 million. Staff is hoping that the system will continue to effectively operate until 2024-2025. Citizens wants, and priorities were discussed. Topping the list continues to be Kirk Avenue. A few years ago, the County was possibly going to partner with the City on this major project; their priorities have changed. Cost to do the complete project is between \$2.4 - \$2.8 million. If the City does a minimal project on the road, costs are still estimated to be about \$600,000 and current issues, such as drainage, etc. will continue.

TMDL is looming; mercury is thought to be one of the next things. Gov. Kate Brown is likely to ignore federal regulations, and proceed with WOTUS, within our State as she stated clearly during her recent campaign for Governor. Implications will be huge, and long lasting. The housing crisis continues to be very newsworthy. If accessory structures are allowed to address the situation, the load put on our streets, utilities, etc., could be substantial.

Land use inventory needs to be considered into the future. There are pockets in town that are dry lots. It is quite expensive to get utilities into these areas at times. It may take the City building them out and then charging the costs back to the users. When, and if, expansion happens, lift stations may be needed. They can cost over \$1 million alone for one lift station depending on the size needed and other factors. McDowell stated that the City currently has roughly \$42 million of assets. \$15-\$17 million are in poor or critical condition. The City receives roughly \$700,000 in tax revenue each year for the general fund. Brownsville taxes on the annual tax statements represents 33% of a citizens annual tax bill. Less than 8% of the bond revenue goes to the City to pay water & wastewater debts. McDowell related this summary to give Council, the POSAB, and the audience awareness of current and future conditions as context for Mr. Cheney's presentation of the Facilities Review Committee recommendation.

Blaine Cheney, *Central Linn Recreation Association President*, directed Council's attention to page 38 & 39 to findings and recommendations from the FRC. He reviewed current building conditions, and talked about the meetings held and the folks involved with the committee. Basically, they would like to put forth 4 recommendations / considerations:

- 1) Consider a broader community group discussion to include community partners such as CLSD, City of Halsey, Pioneer Christian Academy, etc. in an effort to tap into bigger funding options.
- 2) Council should consider budgeting for a structural engineering review to establish a definite, clear, consistent view with safety a primary concern.
- 3) Council should consider reassessing the options of either repair or replacement, and long-term investment protection.
- 4) Funding options were also discussed. The group suggested many different opportunities such as a regional bond, local bond, specific general fund fee, state grant, USDA loan, or perhaps a fundraising campaign.

Mr. Cheney concluded with group consensus indicating that they felt it was important to offer up all options. He thought that a great first step would be to



## Council Minutes

consider the regional funding options model. The FRC is willing to continue to research based on Council's future desires as well.

Mayor Ware thanked Mr. Cheney and the FRC for their very thorough work on this project. He said that it sounded like lots of groups were fairly represented, and that he would like to proceed with cautious optimism. He personally would like to drive toward actionable items, and thinks that it is prudent to make sure we have the right model going forth. Ware asked who would be the one to reach out to the community partners? CLRA, City of Brownsville, or FRC? McDowell recommended the City reaching out to these agencies and getting some agreement for some conversations to be initiated, then a larger group could be involved.

Councilor Gerber would like to recommend proceeding with the structural review, regardless of the outcome tonight as it will give us a stronger basis for where we stand right now. Councilor Shepherd stated that he felt the conversation needs to be had with the people who are going to try to fund this. He would like to see the debt load spread out to other communities as well to make it more equitable for all the facility and building users. Councilor Chambers remarked that she felt that this situation is actually two different things. She feels the CLRA should be a separate issue from the Park. She stated that the park is used for all, but Brownsville pays for it. The CLRA is used by 60% of outside users, and 40% Brownsville folks. *Councilor Gerber made a motion to send Mr. McDowell forward to reach out to community stakeholders regarding CLRA facilities located in Brownsville. Councilor Block seconded the motion. The motion passed unanimously with POSAB voting in favor as well.*

3. **TMDL (Total Maximum Daily Load) Presentation.** McDowell referenced the TMDL matrix and information provided in the Council's agenda packet this month. He and Mr. Frink have met with Priscilla Woolverton and let it be known that the City does not want to negotiate on TMDL. Basically, this is an unfunded Federal mandate coming down that the City will be unable to fight and will have a very difficult time meeting all requirements with current funding and all other projects that need to be prioritized as previously discussed by Council. McDowell focused on informing Council of the updates made to the matrix documents including bacteria, temperatures, mercury, illegal discharges and all pollutants. McDowell also added items the Council had already completed such as referenced to the Park Master Plan and the NPDES requirements. The Agriculture Lobby is untouchable in Oregon as it is in most States and because the Feds won't take on this lobby, all the cities are paying the price for this program. The City should hear back from DEQ soon. McDowell will bring that to Council and ratify the document as needed. Corvallis has stated on their website that they will spend over \$100 million over the next 10 years on TMDL; there are going to be some tough choices for our City to make.
4. **Water Meters & Water Management.** McDowell & Frink did a presentation on water meters and water management. Water and sewer are the most essential function of our local government. Services have always been expensive, and in our case, we are spreading out the cost over roughly 700 users and also funding through property taxes. Mr. Frink took over the presentation informing Council of the differences in Sensus (current meters) and Kamstrup (proposed new meters). Frink talked at length about the failing parts, technology and associated costs. Kamstrup is a vital update that will deliver up to date technology and features not currently available for the Sensus meters, such as backflow detection, meter



## Council Minutes

reading cell phone interface (changing meter reading from 4 days to 30 minutes), and more accurate water metering.

McDowell then informed Council of the associated costs of this new system. Basically, this system will pay for itself in 3-4 years due to more accurate usage capabilities. The quote received is good until December 31<sup>st</sup>, 2018. Staff would like Council to approve looking into financing, using the \$40K we have budgeted this year for this specific project to perhaps leverage a loan. *Councilor Shepherd made a motion to send McDowell forth to obtain more information for Council's consideration. Councilor Neddeau seconded the motion, and it passed unanimously.* It was mentioned that we might need to have some education for folks that their bills may increase slightly due to these new accurate meters. Councilor Neddeau stated that it might be better to detect leakage faster rather the longer detection times it can take right now.

### DEPARTMENT REPORTS:

5. **LCSSO Sheriff's Report.** Sergeant Klein was present and reported that in October there were 9 traffic citations, 24 hours for traffic enforcement, and 218.5 hours overall. Klein did check on the November cites for the month, and they were up to 15 cites as of today. Councilor Block commented that 9 cites is very low, especially compared to 36 cites the month before. Council would like to see that number on the increase again.
6. **Public Works.** Public Works Superintendent Karl Frink reported that there were 5 leaks this month and that the Sensus meters will often fail during the freezing cold weather. (Another reason to seriously consider the upgrade to Kamstrup.)

The Robe Street project is complete. Frink would highly recommend the contractor, DSL Builders, and hopes to work with them on future projects. They did an outstanding job.

Public Works Staff finished scraping the last filter at the Water Treatment Plant. The WTP chlorine meter and soda ash pump failed. The pumps have both been rebuilt and calibrated back to factory standards and are again in service. Frink continues to work on hydrant flushing but will stop that process soon as we are switching to the wells. A tree company is coming in soon to address several trees that need trimming and removal. The 150' tall tree at the cemetery will have to be hand-cut down due to risk to headstones and folks using the cemetery. With the rains coming, street grading will be happening as well.

Pioneer Park was closed on October 31<sup>st</sup>, 2018 as per ordinance. The Park has been cleaned, the tables stowed for winter, garbage cans collected, etc. Leaf collection continues.

7. **Planning.** Administrative Assistant Elizabeth Coleman was present to review a few things with Council. Ms. Coleman gave an update on the Smith project at 900 Depot Avenue. It is a Planned Unit Development (PUD). They have been approved through the Planning Commission; Linn County Road Department has some requirements that they need to meet. The major issue remaining are the two ponds on the West side of the property. They have had to work with Linn County and the City of Brownsville for the process approval. They are working on the floodplain, have had surveyors in, and are currently at a standstill until the floodplain analysis is finalized.



## Council Minutes

The project at 333 Depot Ave. is moving forward. They are in the process of a fence permit and will have six months to accomplish the work.

Ms. Coleman has had at least three phone calls recently regarding storage and cargo containers. Last month this issue was brought to Council for consideration. She feels that there is more information for her to impart to Council surrounding this issue. Uses for these containers include storage, an accessory building, or even as a primary structure. Primary structure units are approximately 8 x 20; and folks are wanting to place them and then live in them. Councilor Shepherd commented that he likes them; they are very secure.

Coleman also stated that with 160 square feet folks also want to use them for air B&Bs; some storage containers are not being used as they have been in the past. As an example, Coleman said that with her average, small lot in town she could place two storage units on her property and use them for various uses. Is this really what Council wants? She hears a lot about preserving historical values in Brownsville and wonders if this issue should be reviewed more thoroughly. She is asking for Council's support to do some additional research to bring back to Council she stated these are just some things to think about for the new year. *Councilor Gerber moved to authorize Staff to go forth and do some research on the various options around storage container regulations. Councilor Chambers seconded the motion.* Discussion was called for.

Councilor Shepherd stated that if it looks nice, he sees no problem with using them for storage. Lots of folks have several buildings and how is this any different? He doesn't like to tell people that they can't have this on their property. He stated that it's BS, and if it looks like crap he would have it hauled out. Ms. Coleman stated that she was not necessarily talking about Councilor Shepherd's storage container, or calling him out. She just wonders if Council wants to set some parameters. Mr. McDowell said he has also heard a lot of folks talking about historic Brownsville lately and storage containers as homes may not be what everyone envisions. This discussion is where Council determines what their City looks like, feels like and decides to allow. *Mayor Ware called for a vote on the motion with everyone in agreement to proceed, with only Councilor Shepherd opposed.*

- 8. Administrator's Report.** Mr. McDowell stated that last month he had a group of third-graders come up to City Hall for a tour. He read some thank you cards he received from them, with one letter stating he would like to see the Mayor next time!

The auditors from Boldt, Carlisle, and Smith finalized their fieldwork this year in four days. They were a great team to work with. The City should receive the final report by the end of December.

Discussion around the marijuana tax ensued. Every City received allotment dollars. Council asked for Staff to segregate the funds. Legal counsel has advised Mr. McDowell that we can reveal those numbers. The original deposit numbers are just over \$6,000.

The election results are finalized, and David Hansen is the newly elected Council member. He will be sworn in at the January meeting. The marijuana vote to prohibit large grows in town has officially passed. Mayor Ware and McDowell will now go forward to talk to Linn County Commissioners and the City's UGB request.



## Council Minutes

*Councilor Shepherd made a motion to authorize Mr. McDowell to proceed. Councilor Gerber seconded the motion and it was approved unanimously.*

In September, Staff requested LCSO to cite into Municipal Court a marijuana nuisance odor Code violation. Linn County Counsel determined that in their opinion, our nuisance ordinance was not enforceable, and they would not proceed with the citation. Lieutenant Duncan stated at a Council meeting that they could cite on public view, and she proceeded to go out and inspect the nuisance and then cite the property owner the next day. McDowell has received language to modify the ordinance per hour attorney's advice, and is wondering if Council is interested in pursuing that. McDowell is concerned from a policy standpoint that if we don't have an ordinance on the books, it could proliferate and get very bad indeed. Neighbors would have no recourse. *Councilor Shepherd moved to modify the ordinance per the attorney's advice. Councilor Gerber seconded the motion and it passed unanimously.*

McDowell stated that the City has taken a lot of heat from Facebook lately. It is a bunch of rumors and lies for the most part; Councilors have been called corrupt, among other things. Some of the rumors surround the marijuana citation. The defendant pled guilty in November and the judge levied a fine of \$500 and a \$10 Court fee. The judge waived \$250 of the fine. The issue was cited by the LCSO.

The System Development Charges (SDC) at 1170 Linn Way has been paid in full.

The Robe Street project came in nearly \$4,000 under budget. The contractor did a fantastic job on this project.

WNHS is currently undergoing some restructuring. Information regarding some of the details was included in the agenda packet. McDowell will keep Council apprised.

McDowell offered a cemetery bridge update. Staff has been looking at the project for the last few years. Tomorrow, McDowell should receive a cost estimate; he believes it will be over hundred and \$180,000 for the bridge repair/replacement. Jered McLain and John Holbrook have been working on the issue. Mr. McClain is attempting to install a culvert so that he can cross the ditch. The issue is a private matter between Mr. McClain and the Canal Company which at this point is John Holbrook. Councilor Shepherd stated that the County should come out and inspect the bridge. County officials did come out and review the bridge. Linn County Engineer Chuck Knoll and Linn County Bridge Inspector Kevin Groom were excited that the bridge is built out far better than expected. Bridger Johnson from McGee Engineering will be coming down to do an inspection and a weight rating soon. If the inspection is favorable, we are hoping to wait on repairing/replacing the cemetery bridge for another 15+ years.

The League of Oregon Cities has trainings coming up for elected officials. If anyone is interested in being part of that group, please contact Mr. McDowell.

9. **Library Report.** No comments.
10. **Court Report.** No comments.
11. **Council Comments.** No comments.



## Council Minutes

- 12. Citizen Comments.** Ed Petermen stated that the City needs safer crosswalks. He believes the only viable solution is pushbutton crosswalks. These crosswalks will make it safer for everyone, not just for wheelchairs, visitors and residents alike. He stated that he would like both sides of Spaulding and Main and at Carlson's Hardware to have these crosswalks. He stated the cost is maybe \$25,000.

Alan Buzzard spoke next, he said ditto what Ed Petermen said. If Council feels that it would mar the vision of downtown, there are other options. He feels doing something is better than doing nothing; the worst decision would be to just do nothing.

### LEGISLATIVE ITEMS:

- 1. Resolution 2018.22 – Certify 2018 General Election Results.** Councilor Block moved to approve election results as presented. Councilor Shepherd seconded the motion, and it passed unanimously.

### ACTION ITEMS:

- 1. Budget Committee Appointment.** Councilor Gerber moved to appoint Gary Shepherd to the Budget Committee. Councilor Block seconded the motion and it was approved unanimously, with Councilor Shepherd abstaining.
- 2. Parks and Open Space Advisory Board Appointment.** Councilor Block moved to appoint JoAnn Neddeau to the POSAB. Councilor Gerber seconded the motion and it was approved unanimously.
- 3. Oregon Film Trail Project Support.** Mr. McDowell stated that the Oregon Film Trail Project is focusing on iconic movies produced in the State. They are going to be doing an advertising campaign with Travel Oregon that will include PDX and many rest areas throughout the State. The City is being asked to consider purchasing a sign, approximately \$350, and the sign would be located inside City Hall. It will be interactive eventually. Gerber moved to approve the funding of the purchase of the sign up to \$500. Counselor Neddeau seconded the motion. Discussion was called for and Councilor Thompson suggested asking the Brownsville Chamber of Commerce to pay for all of its, or at least partner with the City for the cost of the sign since this is a tourism related issue. Councilor Shepherd agreed with Councilor Thompson. Councilor Gerber modified the motion to offer to pay for half the sign and approach the Brownsville Chamber to pay for the other half. Councilor Shepherd seconded the motion and it passed unanimously.
- 4. Legislative Session Advocacy Letters.** McDowell asked Council to begin to write advocacy letters representing Brownsville. He suggested appointing Mayor Ware and Councilor Gerber to an ad hoc committee around this issue. Councilor Shepherd moved to appoint Ware and Gerber to this committee. Councilor Thompson seconded the motion and it was approved unanimously.
- 5. Crosswalks on Main Street.** McDowell reminded Council that there was a proposal around this issue last month that Council asked for review. He included



# Council Minutes

these reports in the Council packet for discussion. Councilor Gerber stated that she would like to see this added to our planning and goal setting session training work session. Councilor need to light Mr. Buzzard’s suggestion of perhaps moving some things around, to address some of the parking issues. Councilor Shepherd stated that part of the problem is that the police are not patrolling, and he is not sure that fixing these are the highest priority. He stated it does need to be looked at but who is going to determine which spot is the worst for crossing the street.

Councilor Thompson thinks that we have been challenged to look at the issue. Councilor Chambers would like to suggest that Ed Petermen have some reflectors may be a flashing light or something on his wheelchair that would make him more visible. Councilor Shepherd stated that Mr. Volk used to have a flag on his chair and it helped with visibility. Personal responsibility is important to consider as well. Councilor Gerber stated that street safety is an important issue to look at; it is multi-faceted. Council agreed to table the issue for now and discuss it at the January goal setting session.

6. **Goal Setting Session.** Possible dates for the goal setting session were discussed. He would like to have session in January and have the goals ready for the February Council meeting. The session will be four hours or so and will include teambuilding exercises etc. Councilor Neddeau indicated that he may be gone the entire month of January. The date tentatively decided on was January 19<sup>th</sup>, 2019.

7. **Counselor Training and Review.** Councilors Neddeau and Thompson will participate in training with David Hansen regarding understanding City Hall and the budget presentation. Councilors Neddeau and Thompson will help impart some knowledge for Council-Elect David Hansen as well as participate in reviewing the information. Mr. Hansen will receive a Council Manual in January.

8. **October Financials.** No comments.

**CITIZENS COMMENTS** – Ed Petermen stated that the fact he is in a wheelchair should not mean that he has to have special flags or reflectors; he wants to be able to do things like everyone else. This crosswalk is not just for him it’s for safety.

**COUNCIL COMMENTS** – Councilor Chambers stated that she was not being cavalier about the situation; these are just suggestions for Ed’s own safety. Councilor Block stated that he has driven the local school bus for several years. Cars go right through his red flashing lights all the time. You can’t expect people to do what they should be doing or to do the right thing.

**ADJOURNMENT:** Councilor Shepherd moved to adjourn the Council meeting at 9:04 p.m. Councilor Block seconded the motion, and it passed unanimously.

  
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City Administrator S. Scott McDowell

  
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Mayor Don Ware