



Council Minutes

January 22nd, 2019

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

PUBLIC: Kim Clayton, Elizabeth Coleman, Jannea Deaver, Dave Brown, Tim McLain, Jered and Stephanie McLain, Bryan Bradburn, Bob Anderson, Lori Garcy (*BAA*), Sgt. Greg Klein (*LCSO*), and Jorden Parrish (*The Times*).

The pledge of allegiance was recited.

ADDITIONS AND DELETIONS: McDowell would like to add several items to the agenda tonight: 10) F. Cemetery Bridge Report, 10) G. Linn County Judgeship IGA, 11) E. Main Street Crosswalks.

MINUTES: Councilor Block made a motion to approve the December 18th, 2018 meeting minutes as presented. Councilor Shepherd seconded the motion, and it passed unanimously.

PUBLIC HEARINGS OR PRESENTATIONS:

1. **R 2019.01 – Councilor Shepherd Public Service Recognition.** Mr. McDowell read R 2019.01 thanking Councilor Shepherd for his many years of outstanding service, unmatched commitment and significant contribution to the community and City of Brownsville. He then presented Councilor Shepherd with a plaque and an engraved pen.
2. **Oath & Affirmations.** Mr. McDowell administered the Affirmation of Office to David Hansen and Tricia Thompson. Councilor Shepherd stepped down and Councilor Hanson took his seat.
3. **Brownsville Art Association (BAA) – Dr. Lori Garcy.** Ms. Lori Garcy was present to give the annual report to Council from the BAA. She expressed the BAA's gratitude for the space and the great support they get from the City. They have been in the building for 9 years in July, which is just amazing. BAA has \$5K in reserves as an effort to be self-sustaining. They appreciate that the City charges them a minimal amount for rent and expenses; and are grateful for the MOU that extends the City's approval for the space for three (3) more years. This year they have been working with the Chamber. This partnership has enabled them to utilize more volunteers, and be able to be open to the public more often. One thing they have discovered this year is diminished class sizes. Research indicates it is because more folks seem to be utilizing YouTube videos for instruction, then actually participating in classes. They are brainstorming ways to entice artists into the building for instructional training opportunities.

DEPARTMENT REPORTS:

1. **LCSO Sheriff's Report.** Sergeant Klein reported that in December there were 9 traffic citations, 24 warnings, 87 complaints, 13.5 hours for traffic enforcement,



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and 211 hours overall. Klein did check on the January cites and they were up to 18 cites and 24 warnings as of today. Klein stated that the LCSO will have extra patrols out on Superbowl Sunday as well.

- 2. Public Works.** Public Works Superintendent Karl Frink reported that Public Works switched over to the wells this month. Frink reported that one well failed, and the other one was not working properly. Repairs have been made, and all is in order again. The downtown sewer collection system has had significant problems this month. It is a combination issue between the City main and customer lines. Mr. Frink called the vactor truck in and addressed 5 root wads and several grease areas causing blockages. One downtown customer was very unhappy. When the vactor truck works, there is a lot of pressure in the lines. Air pressure ended up sucking all the water out of the unhappy customer's toilet and put sewer gases in her building to improper venting in the customer's property. She was very abrasive and unpleasant with Public Works. (This particular customer had a sewer problem at her residence in town several months ago. Frink went above and beyond in an effort to help. She subsequently made derogatory comments on Facebook, not understanding that the problem she was experiencing was her own.) The customer discovered that their building does not have proper venting. As the building owners, they will need to address the situation to avoid another problem. Frink estimates that the vactor truck was able to remove about 90% of the grease in the lines. This timely repair helped us avoid a major sewer backup in the downtown sewer lines.

Superintendent Frink continues to work on DEQ regulations and requirements to keep the City in compliance.

Public Works Staff continues to work in Pioneer Park raking and picking up leaves. Recently, a person was trespassed out of the park and arrested. It appears the situation has been going on for several months. Santiam Tree Service removed a large tree in the cemetery. They did a great job of avoiding damage to nearby headstones or the surrounding grounds. All debris was picked up and hauled away. Councilor Chambers thanked Mr. Frink for his reports and ongoing education for Council. It is much appreciated.

- 3. Administrator's Report.** Mr. McDowell stated that Resolution (R) 2019.02 – Appointing Pro Tempore Judges was placed on Council's desk tonight. It is ready for passage. Council will also find an e-mailed invitation from United Way, and policy planning notes from Saturday's goal setting session. Council values seem to be in in order, maybe a few additional comments will be added.

Councilor Block and McDowell recently attended the LCSO quarterly meeting. Sheriff Yon was present. Councilor Block again asked for more work in the traffic area. The warnings are out of balance in comparison to citations and he asked for the situation to be addressed. Other cities, during the meeting, expressed the same issue. McDowell stated that a lively discussion took place and we are hoping for better results moving forward. The next meeting is scheduled for March because the 2-year agreement is expiring and needs to be renegotiated. Hours and personnel costs will be discussed at length. Councilor Block thought that it was the most productive meeting so far.

Mrs. Coleman and Mr. McDowell attended a meeting with the Linn County Planning & Building Department. Several cities were present for this cooperative meeting. Linn County is working on connecting to the State E-permitting system.



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The cities expressed that these customers are citizens that are building businesses and homes in our towns. All the cities present have an intergovernmental agreement (IGA) and would like to work with the County to streamline the system and the overall process.

McDowell reminded Council that in this month's agenda packet there is reoccurring legislation for informational purposes. He also reported that soon the City will have audio visual equipment for use. This equipment will be used for agendas and will roll through items as Council conducts their monthly meeting.

McDowell also thanked Staff for all their support and hard work during this busy, hectic month!

4. **Library Report.** No comments.
5. **Court Report.** No comments.
6. **Council Comments.** No comments.
7. **Citizen Comments.** Bob Anderson, Stanard Avenue, stated that he recently read the letter to the editor in the paper regarding the plan or proposal for dealing with pedestrian areas in town and was not happy. Firstly, he thanked Council for serving the community. Secondly, enough is enough! Mr. Anderson stated that we can't lose our mind on this crosswalk issue! He would like to see more tickets written for speeding; perhaps some speed readers could be used to increase awareness. The issue is important to address, but this proposal is really overdone. We all love Ed Petermen, he is fixture in the community, but this proposal is not warranted.

LEGISLATIVE ITEMS:

1. **Resolution 2019.01 – Shepherd Public Service Recognition.**
Councilor Hansen moved to approve as presented. Councilor Block seconded the motion, and it passed unanimously.
2. **Resolution 2019.02 – Appoint Pro-Tempore Judges (Annual).**
Councilor Block moved to approve as presented. Councilor Chambers seconded the motion, and it passed unanimously.
3. **Resolution 2019.03 – Commitment to Safety Program (Annual).**
Councilor Block moved to approve as presented. Councilor Hansen seconded the motion, and it passed unanimously.
4. **Resolution 2019.04 – Disburse Transient Room Tax (Annual).**
Councilor Block moved to approve as presented. (This disbursement goes to the Brownsville Chamber of Commerce.) Councilor Hansen seconded the motion, and it passed unanimously.
5. **Resolution 2019.05 – Authorize Check Signers.** McDowell stated that bank requirements are cumbersome. We are trying to make this as easy as possible. *Councilor Chambers moved to approve R 2019.05 stating that as the City Administrator, Mr. McDowell is authorized to make these changes and conduct City business. Councilors Block and Neddeau have agreed to be additional check signers. Mayor Ware and Mr. McDowell will remain check signers as well. Councilor Thompson seconded the motion, and it passed unanimously.*



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ACTION ITEMS:

1. **Appoint Council President (Two Year Term).** *Councilor Chambers made a motion to nominate Councilor Block. No other nominations were made; nominations were closed. Councilor Hansen seconded the motion and it was approved unanimously.*
2. **Appoint Cascade West Council of Governments Representative (Two year Term).** *McDowell stated that Mayor Ware and Councilor Neddeau are willing to continue to be representatives if Council so desires. They have been doing a great job, and continuity in the position would be good at this time. Councilor Block moved to reappoint Mayor Ware and Councilor Neddeau to these positions. Councilor Thompson seconded the motion and it was approved unanimously.*
3. **Appoint Central Linn Recreation Association Liaison (Two Year Term).** *Mr. McDowell stated Councilor Block recently served as liaison and Councilor Chambers had served in this capacity two years prior. Councilor Thompson indicated that she would be willing to serve in this position. Councilor Block moved to appoint Councilor Thompson to this position. Councilor Chambers seconded the motion and it passed unanimously.*
4. **Mid Valley Bike Club.** *McDowell stated that this group camped in the park last year by agreement. The folks were very respectful and responsible. He would like to recommend the same agreement for this year. Councilor Chambers moved to approve an agreement with the Mid Valley Bike Club. Councilor Block seconded the motion and it was approved unanimously.*
5. **Ed Putman Proclamation.** *Mayor Ware stated that Ed Putman turns 100 years old on March 22nd, 2019. Ware is intending on proclaiming that weekend as Ed Putman weekend. His daughter is very appreciative of the City for this recognition. She is tentatively planning a celebration at Randy's Main Street Coffee at 8:00 a.m. on March 22nd, 2019. By consensus, Council approved this proclamation.*
6. **Approve Judgeship – IGA Agreement.** *Councilor Block moved to authorize Mayor Ware and Mr. McDowell to execute the Linn County IGA. Councilor Hansen seconded the motion, and it passed unanimously.*

DISCUSSION ITEMS:

1. **Cemetery Bridge Report.** *McDowell reported that McGee Engineering inspected the bridge as an effort to develop a plan of action. McGee's first recommendation was to close the bridge. That is impossible as the McLain family*



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resides up there. Public Works Superintendent Frink has sent out requests for quotes to repair the bridge. Staff has received one quote and are waiting for more quotes to come in before a firm decision can be made. Staff recommends hiring McGee Engineering to professionally inspect the bridge during repairs. It is estimated that there are enough funds in the street budget to complete these repairs this fiscal year. With these repairs is it estimated that the bridge should have a rating of 17-33 tons. *Councilor Hansen made a motion to authorize Mayor Ware and Mr. McDowell to enter into a repair contract not to exceed \$85,000, and engineering fees not to exceed \$6,500. Councilor Thompson seconded the motion, and it passed unanimously.*

2. **Budget Advertisements 2019.** Mr. McDowell reported that Council will begin to see the annual budget advertisements appearing in the local paper soon as required by State Law.
3. **Goal Setting Session Recap.** McDowell requested that Councilors Chambers and Neddeau have their suggestions submitted to McDowell as soon as possible. There will be a conversation around the issues at February Council meeting.
4. **December Financials.** Mayor Ware mentioned that the City's reserves have now reached the \$5 million mark! Ware said this was a goal set many years ago. He is excited to see this milestone achieved.
5. **Approve TMDL Changes.** McDowell included the TMDL plan changes in the packet. He provided two sets, one with the mark ups by the State and the one completed by Staff under the direction of Council in response to the State proposal. There are things DEQ is requesting that the City is not doing by direction of Council. They want the City to adopt a model ordinance. We already have this process in place for reviews of all development that occurs in the City. Many of the things DEQ is asking for are already being done. One recommendation was for Council to subjugate their authority to the Calapooia Watershed Council, a non-political body. Council's across Oregon continue to be pre-empted by the State. If Council continues to give away their authority, what will be left in ten (10) years time? TMDL was a voluntary program in 2008. Now regulators are threatening findings and orders for compliance.

Changes that McDowell and Frink were told to include were rejected. McDowell stated that "as resources allow" the City would implement the Parks Master Plan. Language included by the State required enforcement which violates Council's discretionary immunity. McDowell would like to contact Jon Erwin, the City's former City engineer, and have him come talk to Council about the regulations and what he witnessed during his career. TMDL is a component of The Clean Water Act and it was originally geared toward cities of 50,000 or more population. It was never intended to apply to small cities like Brownsville. The major concern is the end-goal of this program. Stormwater treatment is being required in major cities around the nation. The to the citizens of the City of Brownsville would be between \$12 - \$16 million. TMDL folks say that the City of Brownsville should have a stormwater system. Brownsville does not have one based on the study performed



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by Lee Engineering. How much tax burden can Council ask the citizens to bear? Multiple issues continue to inundate cities with expenses, the main water line break, aging beyond useful life of downtown sewers, etc. Our financial position is good, but our current ability to bond is limited due to the refinancing of the bonds in 2016. A new water treatment plant is scheduled for consideration in 2024, as well as aging park buildings and the future of the Central Linn Recreation Center. Council agreed to go forth with this draft.

6. **Downtown Crosswalks.** On Council's desk tonight there is an 1884 map from the Library of Congress Mr. Buzzard found. The map details suggestions on installation of additional stop signs and lowering the speed limit to 15 mph. It is important to consider ramifications these new ideas may have. Large vehicles will have a hard time getting around the corner by Carlson's due to stop signs being added. Critical parking spaces may be eliminated. McDowell recommends sending Staff forward to do additional research and gather information with Linn County. Estimated cost for a traffic engineer would be \$3,500 - \$6,500. Council consensus agreed to gather more information before proceeding.

CITIZENS COMMENTS – Stephanie McLain expressed concern about the cemetery bridge safety. They have needed fire assistance in the last few months, and want to make sure that the bridge will allow fire trucks to cross. After the bridge repairs are done, it will then be determined what load rating the bridge will bear. A new bridge is expected to cost about \$250,000, which the City simply doesn't have funding for at this time.

COUNCIL COMMENTS – Councilor Thompson suggested having a work session after the February Council meeting to continue to work on items not finished from the Goal Setting Session. Council concurred.

ADJOURNMENT: Councilor Block moved to adjourn the Council meeting at 8:24 p.m. Councilor Chambers seconded the motion, and it passed unanimously.

Handwritten signature of S. Scott McDowell in blue ink.

City Administrator S. Scott McDowell

Handwritten signature of Mayor Don Ware in black ink.

Mayor Don Ware