



Council Minutes

April 23rd, 2019

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

PUBLIC: Kim Clayton, Jamie Cross, Elizabeth Coleman, Don Neddeau, Allen Buzzard, Phil and Kaye Fox, Sarah Helgeson, Kathryn Henderson, Captain Kevin Guilford (*Linn County Sheriff's Office*), Bryan Bradburn, and Tia Parrish (*The Times*).

The pledge of allegiance was recited.

ADDITIONS AND DELETIONS: McDowell added two items to the agenda: 1) Kathryn Henderson (Mental Health Advisory Board), and 2) 8 Cities RAIN IGA. One item was deleted; Central Linn Rec Center's Katie Cheney was removed from the agenda this month.

MINUTES: Councilor Block made a motion to approve the March 26th, 2019 meeting minutes as presented. Councilor Neddeau seconded the motion, and it passed unanimously.

PUBLIC HEARINGS OR PRESENTATIONS:

1. **Child Abuse Prevention & Awareness – Sarah Helgeson.** Sarah Helgeson is the program coordinator for Linn County. The month of April is nationally recognized as Child Abuse Prevention & Awareness month. Linn County is rated rather high, 9th out of 36 counties in the State of Oregon for child abuse. The group has put up blue pinwheels throughout town to raise awareness and encourage folks to take trainings to help children get the assistance they need.
2. **Older Americans Mental Health Month – Kathryn Henderson.** Ms. Henderson serves on the Mental Health Advisory Board. She appreciates Council proclaiming May as Older Americans Mental Health Month. She stated that a lot of their work centers around increasing awareness. The goal is for all to talk openly around our mental health issues, and to listen non-judgmentally. She thanked Council for their support. Mayor Ware asked Mr. McDowell to read the proclamation to the audience. Mayor Ware then made the official proclamation with Council's confirmation.
3. **Canal Company (CC) & the City.** Mr. McDowell presented a slide show regarding the Canal Company. McDowell briefly recounted the three meetings that Councilor Block, Councilor Thompson and Administrative Assistant Tammi Morrow and he attended. McDowell talked about the Canal Company's purpose and history. The CC filed articles of incorporation in April 1965. Past and current history were discussed. Officers and members have been entertaining the idea of dissolution. If dissolution were to happen, it would not serve the members of Company nor the City well. McDowell highlighted a few options for working with the CC: 1) do nothing, 2) propose a drainage taxing district (which would be extremely difficult to get folks to pass to tax themselves), 3) create a partnership with the City establishing a city-wide utility, or 4) create a partnership with the City establishing a city-wide utility with a certain amount set aside for funding to be diverted to the Councilor Block noted that approximately 221 homes are affected.



Council Minutes

CC for them to pay for insurance, improvements, and other necessary expenses. Canal Company obstacles and challenges include general lack of knowledge and purpose of the Canal Company and the Mill Race, lack of cooperation, strong personalities, and personal histories among other issues.

Benefits to forming a partnership would include the City taxpayers not footing the entire bill for the CC, maintenance is easier to contract, operational funds would be available for the CC, and standards would be established for culverts and drainage. McDowell reminded Council that the canal is critical drainage for the City. The one year that it did not run, the town had excessive amounts of mosquitoes in town due to the standing water in the ditch. For years the City has been content to pay for the electricity for the pumps, but it is time to forge a partnership before it is too late. The City has been a good steward and responsible partner for the Canal Company. It is time to explore and establish an agreement. Folks have been receiving benefits without financially contributing for those services received. Councilor Chambers stated that she thought the City needed to move forward. McDowell will bring the issue back to Council in May for further action.

DEPARTMENT REPORTS:

1. **LCSO Sheriff's Report.** Captain Kevin Guilford arrived late due to a meeting in Harrisburg that ran long. He reported that in March there were 14 traffic citations, and 35 warnings, 27.5 hours for traffic enforcement, and 204 hours overall. The marijuana ordinance was discussed. Guilford said that it might be a good idea for Mr. McDowell to ask for an LCSO officer to accompany him when citing these nuisances. It can quickly turn into a volatile situation. Council asked Guilford to keep an eye on an issue centering around parking in the cul-de-sacs in south Brownsville. The homeless camping situation was addressed briefly. It is likely that Brownsville will continue to use our past practice of trespassing folks when necessary regardless of their living situation or status. There may well come a time when camping will not be allowed in Pioneer Park for a variety of reasons.
2. **Public Works.** Public Works Superintendent Karl Frink reported that the new automated water reading system is up and running. It has been a real success. It took about 2 hours to read all the meters in town! It is also likely that this number will decrease as Frink gets more accustomed to the system. He has spent considerable time tracking down the 53 meters that were unidentifiable. He spent 16 hours alone looking for a meter that does not exist. It had been sent back due to a broken screen. All meters in town are now 100% accounted for and operational. Mrs. Deaver has also done a complete audit of the billing side of the project. Overall, the meters are a great upgrade for the City, and should serve us well for years to come. Frink extended an invitation to any of the Council who would like to ride along when he does readings.

Frink talked about equipment repairs and acquiring new equipment to replace old and obsolete equipment.

Frink recapped the river discharging that will cease on April 30th. Both facilities filled up very fast this year due to the amount of rain we have gotten. He is uncomfortable with the high levels going into summer. It is important to remember that when the pond levels are low, the odor can be strong and sometimes that is just the way it is due to future storage needs.



Council Minutes

Mr. Frink has been working with DEQ with processing all reports electronically. It is now required to file electronically, but their system is poorly written, so it has been a struggle.

Frink reported that mowing has begun in Pioneer Park. They have started late due to the heavy rains. They will have to mow the two ball fields twice a week to try to deal with the heavy grass load. Some appliances in the pavilion need replacement or maintenance. He has a call in for repairs now.

- 3. Administrator's Report.** Mr. McDowell reminded Council that the Budget Committee will meet this Thursday, April 25th, 2019, here in Council chambers at 7:00 p.m. Hopefully, the Committee will be able to complete the process in two meetings like last year.

McDowell shared an excerpt from the budget message with Council highlighting the river bank changes in Pioneer Park at the direction of Councilor Gerber. Basically, in 2011 Council spent a lot of time, energy, and funds to try to find a solution to the bank erosion problem. The City hired a River Design Group out of Corvallis to research solutions. The basic outcome boiled down to two options. Both options were quite costly, with one option being too risky and the other option being too costly. Council basically decided to retreat from the bank at that time. It is likely that the playground equipment will need to be moved this year. The Park Board will review locations and McDowell will bring their recommendation back for Council review.

Last month, the City experienced issues with getting the utility billing out on time. Surprisingly, the issue centered around our software provider, not the new meters. Thank you to Administrative Assistant Jannea Deaver and Public Works Superintendent Karl Frink for a job well done!

McDowell also reported that all officials successfully completed their responsibility with Oregon Government Ethics Commission. Thank you everyone!

The City received a thank you from State Representative Marty Wilde for hosting a town hall meeting here last month. Thanks go out to Mayor Ware, Councilor Hansen and Councilor Block. McDowell also received a thank you from the City of Sweet Home for speaking at their annual goals retreat.

Kevin Sullivan, Alyrica, reports that they have had a hiccup from their engineering firm. They are still very interested in coming to Brownsville and are actively working on project development.

The September Council meeting is scheduled for September 24th, 2019. If Council has no objections, the meeting will be moved to September 17th, 2019 due to scheduling conflicts. Council concurred.

McDowell shared a few thoughts on Planning and Development as written in the report for Council. The City is always in a difficult spot when it comes to new development or, even, redevelopment. No one wants to be told "no" when they want to do a project, but they often want to tell their neighbors "no" due to perceived or real changes being proposed on the given property. It is important to remember that private property issues, if allowed by local laws and zoning, are private property issues. It is the City's responsibility to protect the public's investment in water, sewer and street infrastructure, among other interests, and to make sure that local rules and regulations are followed. The City also works closely with Linn County and, in some cases, the State of Oregon and NFIP.



Council Minutes

4. **Library Report.** No comments.
5. **Court Report.** No comments.
6. **Council Comments.** No comments.
7. **Citizen's Comments.** Mr. Allen Buzzard, School Avenue, complimented Administrative Assistant Tammi Morrow on her work for the grant for Jacob's Kits. He also complimented Superintendent Frink on his performance for the City. Buzzard stated that Frink works very hard for the City, and handles things with great humor. He also suggested that Council should send a thank you to Darin Lane, Linn County Road Department for the great work they did on cleaning the bridge recently. Mayor Ware stated that a thank you has already been sent.

LEGISLATIVE ITEMS:

1. **Resolution 2019.09 – Annual Audit.** *Councilor Gerber moved to approve R 2019.09, as presented. Councilor Block seconded the motion, and it passed unanimously.*
2. **Resolution 2019.10 – Verification of Services.** *Councilor Block moved to approve R 2019.10, as presented. Councilor Hansen seconded the motion, and it passed unanimously.*
3. **Ordinance 778 – Social Gaming Modification (First Reading).** *Councilor Gerber made a motion to read O 778 by title only. Councilor Block seconded the motion, and it passed unanimously.*
Councilor Gerber made a motion to approve O 778 as an emergency. Councilor Chambers seconded the motion, and it passed unanimously.
4. **Older Americans Month.** Mayor Don Ware proclaimed May as *Older American Month* in Brownsville.

ACTION ITEMS:

1. **Urgent Care Letter Request.** Mr. McDowell has heard from several sources that the Urgent Care Clinic located at the Pioneer Villa may be closing. It may be prudent to send a letter explaining how critical this service is to our rural community. *Councilor Hansen made a motion to authorize Mayor Ware to send a letter highlighting the need for these services in our rural area. Councilor Chambers seconded the motion, and it passed unanimously.*
2. **Marijuana Nuisance Ordinance.** McDowell reviewed the marijuana nuisance ordinance for Council and the audience. Council passed a marijuana ordinance last year. It is a reactive, not proactive, meaning that the City does not actively look for these nuisances, they are complaint driven by neighbors or affected parties. Over the course of last summer, McDowell along with Administrative Assistant Tammi Morrow, Councilor Block and Councilor Shepherd and others visited on site 43 times. Basically, the ordinance cannot be posted until a strong and consistent odor



Council Minutes

persists. The City Administrator has to witness that a nuisance does in fact exist. After multiple visits, in August, Staff determined that a nuisance did exist. Staff effectively posted the property per Brownsville Municipal Code. The property owner did not comply with the nuisance abatement request. Staff then asked LCSO to cite the nuisance violation into court. They declined per advice from the District Attorney.

After a conversation at Council, LCSO cited another violation into court. One based on sight lines. Council is being asked to review the circumstances regarding ordinance enforcement tonight to ensure that the ordinance is hitting the goal and intention of Council. The only modification that McDowell would recommend would be to authorize him, or his designee, to issue the citation. Council would like McDowell to request a LCSO presence when serving any citations for safety's sake. The marijuana nuisance ordinance seems to be a no-win situation. If you nullify, or do away with the ordinance, folks are going to be upset. If you do cite these nuisances into court, growing season will be effectively over giving no remedy to affected neighboring property owners. Overall, it seems best to move forward and have something on the books, as opposed to no ordinance. McDowell related a call to City Hall from a person inquiring about ordinances or rules regarding marijuana. The State does require grow sites to complete a LUCS, or Land Use Compatibility Statement, if they decide to grow for multiple cardholders. So, in those instances, the ordinance does provide neighbors with some remedy or even a deterrent. *Councilor Gerber made a motion to authorize Mr. McDowell to go forth and propose new language for the marijuana ordinance to be brought to Council in May. Councilor Neddeau seconded the motion, and it passed unanimously.*

3. **Linn County Pioneer Picnic – Road Closure.** *Councilor Block moved to approve this road closure request. Councilor Hansen seconded the motion, and it passed unanimously.*
4. **Stand by Me – Road Closure.** *Councilor Gerber moved to approve this road closure request. Councilor Hansen seconded the motion, and it passed unanimously.*
5. **EPC Partnership Request – Fire District Request.** *Councilor Gerber made a motion to approve a partnership request with the local fire departments for \$1,000. Councilor Neddeau seconded the motion, and it passed unanimously. The project installs mini triage kits in every classroom in the Central Linn community.*
6. **OLCC License Renewals.** *Councilor Block made a motion to approve the OLCC renewals as presented. Councilor Hansen seconded the motion, and it passed unanimously.*
7. **TMDL Five Year Plan Approval.** *McDowell stated that after 6 months of discussion, DEQ did finally remove the items Council had opposed. Mayor Ware will write a letter accepting the updated five-year plan. Councilor Gerber moved to*



Council Minutes

approve the plan. Councilor Hansen seconded the motion, and it passed unanimously.

- 8. Eight Cities and RAIN IGA.** Oregon RAIN and 8 City Collaborative have requested funding for future work this upcoming fiscal year. Councilor Gerber moved to fund this request and to authorize McDowell and Ware to collaborate with RAIN. Councilor Hansen seconded the motion, and it passed unanimously.

DISCUSSION ITEMS:

- 1. Canal Company & the Mill Race.** Council consensus would like McDowell to reach out to the Canal Company and ensure that insurance has been obtained to start and run the pumps for the year.
- 2. Linn County Sheriff's Office Contract.** McDowell informed Council that the contract is not ready yet. Collectively, the cities and the County are not interested in renewing a contract until the labor negotiations are finished. The cities would like to tie contract execution to service performance. The quarterly meetings seem to be helping; Councilor Block has been very consistent attending these meetings.
- 3. March Financials.** Councilor Block commented that they looked good.

CITIZENS COMMENTS – Kaye Fox, Averill Street, addressed the Canal Company debacle. She thinks that the entire membership should be involved before anything final happens.

COUNCIL COMMENTS – No comments.

ADJOURNMENT: Councilor Block moved to adjourn the Council meeting at 8:34 p.m. Councilor Gerber seconded the motion, and it passed unanimously.

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