

BROWNSVILLE CITY COUNCIL
MEETING MINUTES

February 23rd, 2010

ROLL CALL: Mayor Ware called the meeting to order at 7:00 p.m. with Councilors Chambers, Gerber, Ginn, Van Sandt, Cole and Shepherd present. Also present were City Administrator Scott McDowell, City Planner Bill Sattler and Public Works Director Karl Frink.

ADDITIONS AND DELETIONS: Mr. McDowell added an item regarding an appointment to the Planning Commission. Mr. McDowell also said that the Executive Session on the agenda would not be needed.

PUBLIC HEARINGS OR PRESENTATIONS:

1. Bruce's Burgers – Bruce McMurry. Mr. McMurry said that he has had a program providing free meals to homeless people in Lebanon for some time and was hoping to expand to include Brownsville. He said he also provides sleeping bags and blankets to people who need them. He is proposing to offer a meal in Pioneer Park every other Wednesday. Councilor Cole asked how the program was funded. Mr. McMurry said that they raise their own money from donors and area churches. Councilor Cole asked if he was concerned that his program would attract homeless people to Brownsville. Mr. McMurry said that he didn't think it would but that was a common phobia he has encountered. Councilor Cole asked what would be done with any trash generated. Mr. McMurry said he would bring his own trash container and take away any trash. Councilor Gerber asked who was eligible for the event. Mr. McMurry said anyone who wanted to come is welcome. He said that he would work with Sharing Hands, as recommended by Councilor Ginn, and community churches to make them aware of the resource. Councilor Shepherd said he would need to have a food handler's license to serve food to the public. Mr. McMurry said that he had one but it has recently expired. Councilor Shepherd said every group that serves food at the park is required to have one. Councilor Gerber said that he might need to have a permit from Linn County Environmental Health for a commercial kitchen. Councilor Cole said that she would like to see that Mr. McMurry has all his permits in order before approving the proposal. Councilor Shepherd said that he was concerned about the City's liability. The consensus of the Council was to table the matter for another month to allow Mr. McMurry to return with more information.

2. Pioneer Picnic – Beer Garden Proposal. Ms. Natalie Wade of the Brownsville Saloon told the Council that every year there are requests to have a beer garden again at Pioneer Picnic as was done at times in the past. Ms. Wade said that Pioneer Picnic is a busy weekend for her and if there's a beer garden she would like to be involved. She said that she would propose having a beer garden on Friday and Saturday nights and Saturday afternoon during the poker tournament. She said that it would be in an enclosed area and no one would be allowed to take alcohol out of the area. Councilor Ginn asked if there would be a dance area in the beer garden. Ms. Wade said that it would be a separate event so people under 21 could attend. The Council discussed where the dance should be held and other issues relating to Pioneer Picnic. Mayor Ware reminded everyone that the issue before the Council was whether to amend the Municipal Code to allow alcohol in Pioneer Park. Councilor Shepherd said that he thought it would be good to give it a trial and made a motion to approve the request. McDowell indicated that to approve the proposal it would be necessary to amend the Municipal Code because currently alcohol is prohibited on all public land. Councilor Shepherd amended his motion to favor approving the proposal and amending the Code to allow it. Councilor Ginn seconded the motion. The motion was approved six to zero with Councilor Gerber abstaining without stating her reason for doing so. The consensus of the Council was to have Mr. McDowell work on drafting an ordinance revision to bring back to Council at the March meeting.

3. City Weapons Ordinance. Mr. Charles Williams told the Council that he had been cited for shooting his bow in his yard. He said that there are a lot of archers and bow hunters in town who practice regularly and none had realized that it wasn't permitted. Councilor Ginn asked him if he was on his property or on public property. Mr. Williams said that he was in an area that's part of his driveway but that it might be part of the dead-end right of way. Mr. Craig Starr said that he lives in Lebanon and has also practiced in his yard for years and didn't realize there was a problem. He said he will be working with the City of Lebanon and the City of Sweet Home to change their ordinances to match the Albany ordinance which allows archery practice so long as the arrows don't leave their property. He said that unlike firearms, archery doesn't make any noise and arrows don't travel far. Councilor Shepherd told him that people have shot arrows onto his property in the past. Mr. Harold McCraven said that he is involved in a number of Oregon bowhunting and archery associations and said that archery is being used in schools now as well as being used as a therapy for Post-traumatic Street Disorder (PTSD.) He said that the City of Albany allows archery with reasonable precautions. He said that under their ordinance if someone is being unsafe they can be cited just as they could be now under the Brownsville ordinance. He said that there's no record of anyone ever being injured in Albany due to someone practicing archery. Councilor Ginn asked Sgt. Kelly his opinion. Sgt. Kelly said that officers have discretion on how to handle situations under the current ordinance, but said that if the ordinance were to be changed there are other laws which could be used if someone was creating a public safety concern. Sgt. Kelly said that if the ordinance was changed to allow people to shoot safely and they did not comply with that they could be cited just as they could be now under the current ordinance. Mr. Mike Sprinkle said that he lives in town and is a bow hunter. He said that he has been practicing in his yard for years and has never had an issue. He said that deputies have visited and seen him practicing and have never said anything to him about it being prohibited. He said that the ordinance should punish people who are not safe and should not punish everyone by preventing them from enjoying their hobby. Councilor Gerber said that she thought it best that the City's code say what is actually meant and not have to rely on officer discretion on how an ordinance is interpreted. She said lots of kids in town participate in 4-H and should be allowed the opportunity to practice their archery so long as they do it safely. Councilor Gerber said her kids have practiced archery in their yard but now that she knows it's not permitted she can't allow them to do so any longer. Councilor Ginn suggested looking at the Albany ordinance which seems to be working fine. Councilor Shepherd said that he liked the ordinance the way it is and enforcement should be left to the deputies. He said that Mr. Williams had been cited because he was on City property and someone had complained because they felt unsafe. Mr. McDowell said that the current situation is similar to the law prohibiting alcohol in Pioneer Park. He said that people who create a problem are cited but people who were responsible and not creating a public disturbance are not cited. Mr. McDowell suggested adding language to the effect that archery is prohibited if it is reckless or unsafe. Councilor Chambers said that she thought the current ordinance is vague and overbroad so it should be changed. Councilor Gerber suggested having Mr. McDowell look at the Albany regulations and other ordinances and report back to the Council at the next meeting. Councilor Cole said that she didn't want to change the ordinance, perhaps only to allow children's toys. The consensus of the Council was to take the matter up at the next meeting so Mr. McDowell could provide more information for consideration.

DEPARTMENT REPORTS:

1. Sheriff's Report. Sgt. Brad Kelly said that things haven't been too bad lately; they've been dealing primarily with one person who has created a lot of problems. Councilor Ginn asked if there had been any progress on the issue of juvenile vandalism. Sgt. Kelly said a couple of youths had been cited and they're trying to identify any others who were involved. Councilor Cole said that she knew someone who had rented an office downtown next to the old Senior Center and had felt unsafe when working there in the evenings. Sgt. Kelly said that she should have called dispatch and had them send a deputy. He said that without a report there's not much they can do. Mr. McDowell said this is a common problem, people need to call the

Sheriff's Office with these kinds of concerns. It is most effective to call when the situation is happening to give the deputies a chance to deal with the problem. He also stressed that if a suspect is apprehended it is necessary to press charges and turn the matter over to the professionals who deal with these situations regularly instead of letting the matter drop.

2. Planning. Mr. Sattler said that the Planning Commission will be meeting twice in February. The first meeting will be to orient the new members and the second will be a public hearing for an application by Greg & Shawna Hopla. They are planning a large dinner theatre type of entertainment project which will include Oregon and Brownsville history as a theme. This will be done on their property off Hwy. 228 behind Central Linn Video. He also told the Council that the City's TMDL plan has been approved by DEQ.
3. Public Works. Mr. Frink said that there was good news regarding the LT2 sampling program. He said the initial estimate was around \$15,000 for the total cost of the sampling but it now appears that it will be less than \$1,000. Mr. Frink said that the repairs to the Community Center had been completed. He said that as often happens with repairs what started out as a small project had turned into a much larger project. Mr. Frink said that he had received a surprise visit from the State Fire Marshall's office to do an inspection of hazardous materials and they had found a couple of items that need to be changed.
4. City Administrator. Mr. McDowell said that he had attended a meeting with Oregon Parks and Recreation Department (OPRD) last week to investigate the eligibility of obtaining a grant for the Kirk's Ferry Park improvements. He said that the proposed project would meet their eligibility criteria but there isn't much money available. Staff will prepare an application package for consideration. McDowell, Councilor Gerber, Councilor Cole and Public Works Superintendent Karl Frink had attended a meeting with the Calapooia Watershed Council to discuss possible riverbank restoration work in Pioneer Park. Mr. McDowell said that he will ask Mr. Tim Otis to give a presentation to Council on the plan that he has developed in the next few months. Mr. McDowell told the Council that the City's auditors had filed a second extension request with the State and that the request had not been approved. However, he said that there is no penalty involved. Leisa Keyser had reported a leak in the roof of the Picture Gallery and it appears that the roof needs to be replaced. Mr. McDowell said that a contract has been awarded on an emergency basis (three quotes were obtained) to get the roof repaired but is waiting on obtaining a permit from Linn County.
5. Library Report. Ms. Lemhouse provided a written report.
6. Court Report. Ms. Nida provided a written report.
7. Council Comments. Mayor Ware reported that he had attended a meeting regarding the Linn County Shuttle to explore the possibility of having the Shuttle service Brownsville. He said that it looks like there will be one trip per week at this time. Councilor Ginn encouraged people to use the service as it may help get more funding.
8. Citizen Comment. Ms. Kaye Fox said that the Senior Center had been looking for dishes and tableware but now has plenty. She said a square dancing group from Sweet Home had donated fifty sets of tableware and plenty of dishes. Mr. Rick Dominguez said that he would like to finish the improvements at Library Park this summer and he will talk to Mr. Frink to coordinate the work with him.

LEGISLATIVE:

1. Ordinance 722 – (First Reading) Amending Title 15 Uniform Development Code (Nuisance Abatement). Councilor Cole moved that Ordinance 722 be read by title only. The motion was seconded by Councilor Van Sandt and was approved unanimously. Mayor Ware read the title of

Ordinance 722. Mr. McDowell told the Council this Ordinance is designed to give the City more flexibility when dealing with a situation involving the occupancy of an RV in violation of City Code. It would allow the City to abate the situation as a nuisance or deal with it as currently set out in the Code, which takes much longer. Ordinance 722 was set for a second reading at the March meeting.

ACTION ITEMS:

1. Authorize Advertisement for Budget Committee Member. Councilor Gerber moved to authorize advertising to fill Budget Committee vacancies. The motion was seconded by Councilor Van Sandt and was approved five to zero (5-0) with Mayor Ware and Councilor Cole abstaining due to a conflict of interest.
2. Budget Committee Appointee. Councilor Cole moved to appoint Ms. June Schlosser to the Budget Committee. The motion was seconded by Councilor Gerber and was approved unanimously.
3. nCourt Online Payment Service. Mr. McDowell said that Mrs. Nida located a service which would accept on-line credit card payments and remit one hundred percent of the payment to the City. They do this by charging a processing fee to the customer. Mr. McDowell said that the City would have some input on what the processing fee would be. Councilor Ginn moved to have Mr. McDowell move forward with setting this system up for accepting court and utility payments. Councilor Cole seconded the motion. Councilor Van Sandt asked about the term of the contract. Mr. McDowell said that there is no contract so it can be terminated if it doesn't work out for any reason. Mr. McDowell said that he has checked on the company with other cities and they seem to do a good job.
4. Meals on Wheels Request. Mr. McDowell said that Meals On Wheels had requested a \$750 contribution from the City, the same amount as last year. Councilor Cole moved to approve the request. The motion was seconded by Councilor Ginn and was approved unanimously.
5. Planning Commission Vacancy. Mr. McDowell said that he had received one letter of interest for the Planning Commission vacancy, from Mr. Damien Sands, and recommended appointing him to the Commission. Councilor Ginn moved to appoint Mr. Sands to the Planning Commission. The motion was seconded by Councilor Cole and was approved unanimously.

DISCUSSION ITEMS:

1. Brownsville Municipal Code – Discharge of Weapons. Already covered during Public Comment.
2. Community Development Data Tally. Mr. McDowell said that so far he has only received input from Mayor Ware and asked the other Councilors to complete their survey and return it to him.
3. January Financials. Mayor Ware asked when the City makes bond payments. Mr. McDowell said those are made in December and August of each year.
4. Councilor Ginn. Mr. McDowell read a letter from Councilor Ginn stating that she needed to resign from the Council as she is moving out of town to Lebanon. Councilor Cole moved to regretfully accept her resignation and advertise the open position. The motion was seconded by Councilor Van Sandt and was approved four to zero (4-0) with Mayor Ware and Councilor Cole abstaining due to a conflict of interest regarding the advertising. Councilor Ginn did not vote.

ADJOURNMENT: Councilor Ginn moved that the meeting be adjourned. The motion was seconded by Councilor Shepherd and was approved unanimously. The meeting was adjourned at 8:55 p.m.



City Administrator S. Scott McDowell



Mayor Don Ware