



Council Minutes

June 23rd, 2015

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

PUBLIC: Linda McCormick, June Schlosser, Phil and Kaye Fox, Sal & Leda Sepulveda (*The Times*), Greg Klein (LCSO), Joel Stith, Steve Brenner, Donald & Christine Seale, Chad Hein, Doug Block, Kim Clayton, Jannea Deaver, Elizabeth Coleman, Alex Paul (*Albany Democrat Herald*), and Allen Buzzard.

The pledge of allegiance was recited.

ADDITIONS AND DELETIONS: No addition or deletions this month.

MINUTES: Councilor Cole made a motion to approve the May 26th, 2015 meeting minutes with one small change: on page 7 unenumerated ordinance should read unenumerated nuisance. Councilor Shepherd seconded the motion as amended, and it passed unanimously.

PUBLIC HEARINGS OR PRESENTATIONS:

Budget FY 2015-2016 Hearing and Passage – The hearing was opened. No comments were made. The hearing was closed.

Stand By Me (Stand by Me) Celebration – Linda McCormick was present and informed Council of some of the upcoming events celebrating SBM Day on July 23rd. The event this year will be on a Thursday. Next year will be the 30th anniversary, held on a Saturday, and a big event is being planned including a big 40” screen showing the movie in the Park; hopefully Rob Reiner and Stephen King will make an appearance as well. Jane Ridley, Special Events Manager for the Governor’s Office, State of Oregon Film, is also involved with the planning of the 30th anniversary event. Council thanked Ms. McCormick for all her hard work on this project.

DEPARTMENT REPORTS:

1. **Sheriff’s Report.** Sergeant Greg Klein was present. He is one of the new supervisory personnel assigned with Lt. Michelle Duncan to south Linn County. He stated that he will attend as many Council meetings as possible. Sgt. Klein reported that in May LCSO spent 242 hours in Brownsville including 21 traffic hours, 16 citations and 11 warrants. Currently, LCSO is working on improving traffic patrol in the rural towns for public safety.
2. **Public Works.** Mr. Frink reported that Public Works has been very busy this month. They have completed paving projects and patchwork in various locations around town. They will soon begin applying shoulder rock to the edges of the newly paved roads. The downtown parking lot was repaved and restriped. Some shrubbery was also removed to clean things up a bit. It seems as if there has been a lot of complaining this year, with very little appreciation for the paving jobs well done. The Park Caretakers, the Grangers, have been doing a great job in the Park. There have been several vandalism incidents in the Park this year; some is pretty obscene and graphic. The drinking fountain was also destroyed, but it was



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repaired before Pioneer Picnic festivities. Mr. Frink is currently in the process of purchasing a new gator for the Park as well.

3. Administrator's Report. – Mr. McDowell placed miscellaneous items on Council's desk. He explained R 2015.17 and the delinquent sewer accounts. He also shared before and after pictures of 903 Ash Street and the nuisance abatement completed at that property. McDowell informed Council that the Central Linn Recreation Association can no longer allow classrooms on a basement floor. Parents and Pals are currently looking for a new location. July 4th preparations are complete, including 10 additional portable toilets in the Park, 3 additional light towers, and Sweet Home Sanitation will provide extra garbage and recycling cans that will be spread out around the park during that weekend. Ms. Coleman is working on getting some local community groups to help with the trash cleanup the day after the fireworks show.

Mr. McDowell reviewed the weed and nuisance program. He reminded Council that this ordinance is not for aesthetics; it is for fire protection. Green weeds will not be posted, as they are not combustible. The weed season runs from June 1st – September 30th. This year there were 34 notable violations that were addressed; more than half of the folks complied with the ordinance, after receiving a letter or phone call from Staff. On June 1st Staff posted 16 properties. The property owners were given 10 days to bring their properties into compliance. Staff went back out on June 11th and found 12 properties that would require abatement. Staff then compiled a list for the City contractor to abate. He has been very busy with the nuisance cleanup projects at 108 E. Blakely Avenue and 903 Ash Street. Staff is hopeful that he will have the first wave of abatements finished by mid-July. At the end of July/beginning of August the second wave will begin. Staff again will go out and review the town and plan for the whole process to start again. By the time the second wave of abatements is finished, it will be close to the end of September.

Mr. McDowell has been working a lot on the weekends lately due to constant interruptions by the public in his normal work day. Staff is going to try to encourage folks to set appointments for better time management. There are a lot of things happening with code enforcement/interpretation lately. Everyone can access the Brownsville Municipal Code (BMC) online through the City website. With higher end homes being built in town, these folks are paying higher taxes, and have higher expectations for code enforcement to keep the City operating at a high visual level. Staff has been actively working on the permitting systems. These permitting systems are trying to ensure that projects (such as fences) are done right the first time which protects the citizens from incurring more debt later to fix problems not done right the first time when they try to convey the property. Right of Way (ROW) issues continue to crop up. Folks have installed fences, sprinkler systems, etc. on the ROW and then try to claim that area. Staff is saying no to those requests. If Council would like to direct Staff on this issue, now would be a good time to address it. Mr. McDowell would like to extend a thank you to Paula Bivens for working with the City so well on the resolution of the nuisance at 108 E. Blakely Avenue. In reality, three months was a pretty fast turnaround to abate and clean the property to the current level. LCSO's Deputy Thurman was a big help as well. Mr. McDowell attended a 911 meeting today. They are working on replacing their computer-aided dispatch system. New technology will be coming in this area soon.

4. Library Report. No comments.



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5. Court Report. No comments.
6. Council Comments. Mayor Don Ware recapped the latest Cascade West Council Of Governments meeting and said that what they think the future holds for banking may well be “mobile banking”. It may be that small cities will find it difficult to lure traditional institutions into the small markets. Councilor Shepherd would like to encourage Council to make a small field trip trek tonight after the meeting out to 903 Ash Street to observe the massive cleanup project the City has undertaken. Our contractor has uncovered an additional 30 yards of trash, and then 100 yards of garbage after that on the property. Councilor Cole remarked that she has heard complaints about young people entering the property. Mr. McDowell stated that LCSO has been informed and all persons unauthorized to be there will be trespassed off the property.
7. Citizen Comments. Mr. Steve Brenner, 127 N. Main Street, stated that he would like to discuss the weapons discharge policy that Council is considering changing to be a ban across the board. He stated that there are several ideal shooting areas located throughout the town. The Christian Church is a prime example with a 30’ berm that goes all the way around. Brenner added that he has always taken a lot of pride in this town with the town’s openness to pets, and safe shooting ranges, etc. Pastor Joel Stith spoke next also in support of allowing weapons discharge in certain areas in town. He stated that they have formed a club, have stringent requirements, and have had no mishaps. Karen Levine spoke next, also in favor of having shooting areas in town. Chad Hein addressed the issue also speaking in support of allowing weapons discharge in the City. He is one of the few people that have actually applied for, and received, a provisional permit. Hein stated that his insurance agent is aware of the weapons discharge on his property and has assured him he has adequate liability insurance coverage. Don Seale spoke next in favor of allowing the sport in town with proper safety precautions. Christine Seale also spoke in favor of allowing bows and arrows in town and implored Council to please consider a way to make it doable for people to shoot safely and legally.

LEGISLATIVE:

1. O 754: Weapons Discharge (Second Reading). Councilor Van Sandt made a motion to read O 754 by title only. Councilor Cole seconded the motion, and it passed unanimously. Councilor Gerber read O 754, and then asked Mr. McDowell to open the discussion. Mr. McDowell recapped the history of the weapons discharge in town. Last month Council was presented with two different Weapons Discharge proposals. The first proposal required certain topographical features on certain lots in town, and the 2nd model banned all weapons discharge in town; at the May meeting Council seemed inclined to prefer the total ban ordinance. Councilor Gerber has given this ordinance a lot of thought and thinks that allowing archery in a controlled setting would be fine. Councilor Shepherd stated that it is too dangerous to allow in the City and he will not be voting for it. Councilor Cole stated that she will not vote for the ordinance as it is proposed; she would like to see some language with criteria added where shooting could make sense. Mr. McDowell reminded Council that our insurance agent would like to ban shooting in town of course. Councilor Van Sandt and Councilor Chambers thought there might be some middle ground; perhaps some areas in town



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permissible. Councilor Neddeau thought we should stop doing the permitting system, but allow shooting in certain approved situations. Mayor Don Ware stated that he is against this ordinance, and he will be voting no. *Councilor Cole made a motion to not approve O 754 as presented. Councilor Neddeau seconded the motion. A roll call vote was taken with all members voting yes, except Councilor Shepherd. Councilor Cole made a motion to direct Mr. McDowell to craft a new ordinance for consideration at the next meeting. Mayor Don Ware seconded the motion, and it passed unanimously.*

2. R 2015.13: FY 2015-2016 Budget Appropriations. *Councilor Cole made a motion to approve R 2015.13 as presented. Mayor Don Ware seconded the motion, and it passed unanimously.*
3. R 2015.14: Water Rates Annual Adjustments. *Councilor Cole made a motion to approve R 2015.14 as presented. Councilor Shepherd seconded the motion and it passed unanimously.*
4. R 2015.15: Sewer Rates Annual Adjustments. *Mayor Don Ware made a motion to approve R 2015.15 as presented. Councilor Shepherd seconded the motion and it passed unanimously.*
5. R 2015.16: Overdue Utility Accounts. *Councilor Cole made a motion to approve R 2015.16 as presented. Councilor Chambers seconded the motion. Discussion was called for. Utility Clerk Jannea Deaver was present and stated that the ordinance that Council passed last year, not allowing users to go over the 60 day mark has been very effective on the collection end. Right now the average bill is \$76-\$80 per month. With the annual 3% increase, the new average bill will be \$72.50-\$94.50. The \$100 deposit comes nowhere close to recouping the City's costs for unpaid bills. By implementing a cap of \$180, regardless of time, it may be a better way to keep the accounts receivable costs lower. A vote was called for, and the motion passed unanimously.*
6. R 2015.17: Year End Transfers FY 2014-2015. *Mayor Don Ware made a motion to approve R 2015.17 as presented. Councilor Van Sandt seconded the motion, and it passed unanimously. Mr. McDowell also noted that there is a clarification note at the bottom for the library carpet project.*
7. R 2015.18: Zoning and Planning Fees Update. *Councilor Cole made a motion to approve R 2015.18 as presented. Councilor Shepherd seconded the motion. Discussion was called for. Administrative Assistant Elizabeth Coleman was present and discussed the particulars of the resolution. A vote was called for, and the motion passed unanimously.*
8. R 2015.19: Marijuana Advisory Vote. *Councilor Cole made a motion to approve R 2015.19 as presented. Mayor Don Ware seconded the motion. Discussion was called for. Mr. McDowell clarified what Council has done in the past around this issue; this resolution also accepts the results from the Linn County Clerk's Office. He reminded Council that this is not an end-all vote. Other government entities*



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could change their rules/laws and that may force Council to address those changes. Councilor Van Sandt stated again that she thought the medical and recreational portions of the marijuana vote should be voted on separately. Councilor Shepherd and Mr. McDowell both reiterated that this is not possible, and that currently they are both illegal at the federal level. *A roll call vote was called for, and the motion passed unanimously.*

ACTION ITEMS:

1. Central Linn Recreation Association Agreement (Option Year). Mr. McDowell recapped the year's performance with the CLRA Agreement. Staff continues to streamline procedures and policies and has compiled some recommendations for their Board for their June meeting. Staff fully understands the amount of work involved but feels that this partnership is beneficial for the community. Keep in mind, a lot of their Board Members no longer have children in the system either, but they continue to serve this worthwhile program. Councilor Gerber stated that she felt it was important to continue to support them how we can. *Mayor Don Ware made a motion to approve the agreement for one more year. Councilor Shepherd seconded the motion and it passed unanimously.*
2. Spay/Neuter Voucher Program. *Councilor Shepherd made a motion to table this issue due to the lateness of the hour. Councilor Cole seconded the motion and it passed unanimously.*
3. Bishop Royale Request. Council has been asked for some relief on the bill (found on the desk tonight) for the Bishop Royale construction. McDowell reported that several financial considerations have already been made to make this project possible for the builders. The builder had been informed at the beginning of the project of these required costs, and had requested to just be invoiced at the end of the project. *Mayor Don Ware made a motion to approve the invoice as prepared. Councilor Shepherd seconded the motion, and it was approved unanimously.*
4. Design of Spaulding Street Trees. Staff had recently brought forth a proposal to redesign the proposed planters for Spaulding Avenue. The proposal was met with some resistance on the design by several appointed officials. Park Board has asked Staff, including Mrs. Coleman, Mr. Frink, and Mr. McDowell, to bring back options to the Park Board later this Fall. The trees are heaving the sidewalk, and growing into the power lines. The plan now is to take the trees down, patch the holes, and come back with a new design/plan. *Councilor Shepherd made a motion to accept Staff's recommendation. Councilor Cole seconded the motion, and it passed unanimously.* Mayor Don Ware stated that perhaps the Garden Club would be interested in putting up some plant tubs with flowers in these spots. Councilor Cole requested clarification on the gray area with Park Board and the Historic Review Board (HRB). Mr. McDowell responded that there is no gray area, it is Park Board's responsibility and duty to oversee this type of project. Council recommended this to the Historic Review Board; there is not a requirement to do.



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DISCUSSION ITEMS:

1. Weed and Nuisance Abatement Update. McDowell updated Council on the nuisance program. RFA's (*Request for Action*) letters have been sent, and most have complied. If compliance is not met by around the 1st of August, these nuisances will be posted, and then cited into Municipal Court. Councilor Cole stated that she would like to look at the disabled/non-running vehicle ordinance for possible improvements.
2. Council Goals. Mr. McDowell informed Council the Council Goals Board is at the print shop, fixing some errors on their part. If Council has modifications, now would be the time to make changes. Councilor Cole stated that on page 4 at the bottom of the page, she suggests that it should read something like Staff and Council recognize the need for ongoing training and development for all. On page 57, under "Elected and Appointed Official" she would like the last sentence stricken. No other changes were suggested. Mayor Don Ware thanked Mr. McDowell for working on this project so relentlessly. He would also like to encourage all Councilors to support Staff as much as possible. If a Councilor cannot answer a citizen's question, it might be best to have them contact City Staff for clarification.
3. May Financials. No questions or concerns.

EXECUTIVE SESSION entered into at 9:16 p.m.

- Council will be discussing a real property transaction and the performance of the chief executive officer.
- Oregon Revised Statutes, Chapter 192.660 governs the conditions for a public body to convene in an Executive Session. The City will invoke Section (e) to conduct deliberations with persons designated by the governing body to negotiate real property transactions.
- Representatives of the news media are specifically directed not to report on any of the deliberations during the executive session, except to state the general subject of the session as previously announced. No decision may be made in executive session.
- A final decision may be made after this Session.

Executive session adjourned at 9:25 p.m.

Councilor Cole made a motion to authorize Mr. McDowell to move forward with real estate transactions. Councilor Gerber seconded the motion, and it passed unanimously.



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ADJOURNMENT: Mayor Don Ware moved to adjourn at 9:34 p.m. Councilor Cole 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 black ink, appearing to be "Don Ware", written over a horizontal line.

Mayor Don Ware