



## Council Minutes

April 22<sup>nd</sup>, 2014

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

**PUBLIC:** Kaye Fox, John Morrison, Sweet Home Sanitation's Josh Metcalf and Scott Johnson, John Voight, Clare Gerber, Elizabeth Coleman, Tim McBride, and Larry and Karen Bowman.

The pledge of allegiance was recited.

**ADDITIONS AND DELETIONS:** Mr. McDowell advised Council that Madeline Decker was unable to attend tonite, she will be rescheduled for next month. Mr. McDowell add Linn County Sheriff's Office Law Enforcement Agreement under 10) E. Action Items and the Voight scenario under 11) G. discussion items.

**MINUTES:** Council reviewed the minutes of the February 25<sup>th</sup> and March 11<sup>th</sup>, 2014 meetings. Councilor Van Sandt made a modification to the minutes on March 11<sup>th</sup>, 2014. Councilor Cole provided the proper way to make the correction. *Councilor Van Sandt moved to approve both sets of minutes as presented modifying the March 11<sup>th</sup>, 2014 minutes as discussed. The motion was seconded by Councilor Chambers and was approved unanimously.*

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

***Alice Tetamore (Art Association)*** – Mrs. Alice Tetamore representing the Brownsville Art Association reported that the Association would like to submit a grant application to the Brownsville Community Foundation and would like to request Council support. Mrs. Tetamore indicated the application would include a digital projector, a high resolution camera and additional funds to help defray the costs for education classes during the course of 2014. Mrs. Tetamore was very appreciative of Council for their assistance with Association projects in the past. *A motion was made by Councilor Shepherd to support and allow the Association to utilize the City's nonprofit status in order to apply for said funding as presented. The motion was seconded by Councilor Van Sandt and was approved unanimously.*

***Laura Meckle (Chamber of Commerce)*** - Ms. Meckle representing the Brownsville Chamber of Commerce reported on two different events, the Antique Faire and the City-wide Garage Sale. Ms. Meckle provided a full report for the proposed Swap Meet & Car Show that is planned to be part of this year's Antique Faire in August. Meckle indicated that they would like to use the west ball diamond for the swap meet. Mayor Ware expressed concern about the potential for rain. Councilor Cole asked if the Central Linn Rec Board had reviewed these plans. Ms. Meckle wanted to come to Council the before going to the Board. Mr. McDowell indicated that the Board will have a meeting on March 31<sup>st</sup> at 7:00 p.m. in the Music Room at the Rec Center. McDowell indicated that he would forward the information provided to Board President George Frasier.

Ms. Meckle continued by requesting the closure of the downtown parking lot on Spaulding Avenue for the City-wide Garage Sale. She is requesting the closure for Saturday (July 19<sup>th</sup>) only, hoping this will allay the concerns of Mrs. Debbie Larsen at the Brownsville Liquor Store. Councilor Cole asked about the logistics between Sharing



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Hands and St. Vincent's donations. Ms. Meckle reported that Sharing Hands does not want to take big items and that Sharing Hands is involved in the event as well. Councilor Shepherd indicated that Ms. Meckle will be responsible for setting up the signs and coordinating for the signs with Public Works Superintendent Karl Frink prior to the event. *A motion was made by Councilor Cole to approve the closure of the parking lot on Spaulding Avenue as requested and to allow the use of Pioneer Park pending Central Linn Rec Board approval. The motion was seconded by Mayor Ware and was approved unanimously.*

**Linn County Pioneer Picnic Association** - The Association requested the closure of the necessary roads for the Kiddie Parade and the Grand Parade as has been done in years past. The Association will need to coordinate signage with Public Works Superintendent Karl Frink. *A motion was made by Councilor Van Sandt to approve the closures as requested for the Linn County Pioneer Picnic to authorize the Mayor and/or City Administrator to execute any necessary documents. The motion was seconded by Councilor Shepherd and approved unanimously.*

### DEPARTMENT REPORTS:

1. Sheriff's Report. No report tonight.
2. Public Works. Mr. Frink reported that the SCADA, computer system at the Water Treatment Plant, was up and running. The City will be receiving an inspection from the Oregon Health Authority on April 8<sup>th</sup>, 2014. Mr. Frink reported that the wall had been completed in the Red Barn on Park Avenue. He is still working on procuring roll up doors for the building. The City should be able to move forward now with an agreement with the Calapooia Food Alliance for the continued use of the facility. Mr. Frink spent some time on the cross connection program to ensure compliance. He reported that 27,000,000 gallons of wastewater had been treated and discharged from the facility since last meeting. Public Works has cleaned up a few trees that have fallen recently. Mr. Frink has been working with Norm's Electric to install new LED lights throughout town. The City should see a longer useful life of each light and lower electric bill. Mr. Frink reported that Cascade Timber Consulting has finished the second gate in Pioneer Park. The new gates will provide a better level of security and better functionality for Public Works during the off-season. Several improvements have been made to the Rec Center including a thermostat in the preschool room and new door returns for the two front doors.
3. Administrator's Report. – Mr. McDowell reported that the City Wide Clean-up has been set for Saturday, October 4<sup>th</sup>, 2014. The Central Linn Rec Board has been notified of this date change as has the public via the City website. McDowell indicated there would be a delay in the delivery of the March Newsletter. McDowell reported that the pre-construction meeting for the McFarland Cascade utility project will be held at City Hall on March 26<sup>th</sup> at 11:00 a.m. Public Works Superintendent Karl Frink and City Engineer Jon Erwin will be representing the City. Staff continues to work closely toward the development of Bishop Royale which will be located between Sharing Hands and Dr. Glenn's Office. The City is requiring a public sewer and several other improvements to ensure the best future outcomes for the City and future owners. McDowell said he was in the process of lining up Mike Sossie for the flooring work at the Rec Center. McDowell hoped to have Sossie complete the work by the end of April. McDowell reported that he will be meeting with Seniors representative Kneil Stucky on



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developing a memorandum of agreement as authorized by Council at the January meeting. McDowell said he is also still working with the Calapooia Food Alliance to develop a similar agreement for the use of the Red Barn on Park Avenue. McDowell shared that the Visit Linn Coalition had been working very closely with the Oregon Jamboree, Willamette Country Music Concerts and Bi-Mart to create Facebook pages that drive traffic to the Trails to Linn website. McDowell was very encouraged by the cooperation and very interested to see what results from this continuing effort.

4. Library Report. No comments.
5. Court Report. No comments.
6. Council Comments. No comments.
7. Citizen Comments. Kaye Fox shared times when Seniors could use the Central Linn Rec Center for walking.

Randy Simpson of Sheep Head Road, Brownsville spoke in opposition to the second reading of Ordinance 743. (Mr. Simpson provided a handout which can be found as part of the public record.) Mr. Simpson's points are summarized as follows, 1) the security system is now in place and the look of the building will not change, 2) Council is not in breach of their "oath of office" due to the State's administration and regulation of Medical Marijuana Facilities, 3) the facility will be highly regulated and there have been no problems reported by the media to date, 4) we encourage Council to consider a probationary period for this facility so folks don't have to drive out of the community for their medicine, and 5) if it is necessary for them to hire additional help their neighbor, Mike Reed who is a retired Linn County Probation Officer, would assist.

### LEGISLATIVE:

1. O 743: Establish Moratoria for Medical Marijuana Facilities (Second Reading). Councilor Van Sandt made a motion to read Ordinance 743 by title only. Councilor Shepherd seconded the motion and it passed unanimously. Mayor Ware read the ordinance by title only. Mayor Ware then opened the floor for Council discussion.

Councilor Chambers indicated that she takes her oath of office very seriously and to that end she's discussed this issue with many residents. She indicated that most are not discussing the medicinal qualities of marijuana, rather they are concerned about the facility being located downtown. Chambers continued by stating that folks using medical marijuana are already receiving their medicine somewhere else. She feels it is appropriate for Council to take the necessary steps to study this issue further. Councilor Shepherd said that most of the folks he's talked to were not in favor of having a dispensary in town. He indicated that he would like to have more time to study this issue, determine outcomes in other communities and consider any additional safeguards in place. Councilor Cole agreed with both Councilor Chambers and Councilor Shepherd and wanted to clarify that this moratoria does not have to last an entire year. The City could take action sooner. Mr. McDowell indicated that Council could act sooner and



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reported that the State Legislature would be taking a more in-depth look at this issue when their session opens next year. *A motion was made by Councilor Cole to adopt Ordinance 743 as written, placing a one-year moratorium on Medical Marijuana Facilities/Dispensaries, and declaring an emergency. The motion was seconded by Councilor Chambers and approved by a 5 to 1 vote. Councilor Van Sandt dissented.*

### ACTION ITEMS:

1. Unsafe Structure (Calapooia Avenue). Mr. McDowell provided a report in the Council packet that showed the dilapidation of a structure along Calapooia Avenue. Mayor Ware indicated that he had recently been approached about this same structure. Mr. McDowell recommended Council proceeding as the City had on the unsafe structure at the corner of Pine Street and Hausman Avenue last year. (Staff simply visited with the property owner in order to create a timeline for removal, avoiding the public hearings and notices.) Council agreed to use this same approach. *Councilor Shepherd made a motion to have Staff proceed with approaching the property owner in creating a timeline for the removal of the structure on Calapooia Avenue. The motion was seconded by Councilor Boyanovsky passed unanimously.*
2. Mayor's Day for National Service Proclamation. The Mayor provided a proclamation thanking volunteers for their service to our greater community.
3. System Development Charge (SDC) Agreement. – Mr. McDowell reported that Bobby & Carine Jeffery never paid for their system development charges for their home on Holloway Heights. McDowell indicated that he based this agreement on the McFarland Cascade agreement that was approved last year by Council allowing for a payment plan with 3% interest as provided for in the Brownsville Municipal Code. *Councilor Van Sandt made a motion to approve this SDC agreement as written and asked Staff to proceed with notifying the property owner to make the necessary arrangements for payment. Councilor Cole seconded the motion and it passed unanimously.*
4. Linn County Sheriff's Office Law Enforcement Agreement. – Sheriff Bruce Riley provided the updated law enforcement agreement for Fiscal Year 2014 – 2015; there is a 5% increase which is the same as the last three years. Councilor Cole inquired as to the amount of hours the Sheriff's Office spends in the community. McDowell reported the figures from the agreement then continued saying deputies spend about three times that amount providing service to Brownsville. *A motion was made by Councilor Cole to approve the law enforcement agreement and to authorize the Mayor and/or the City Administrator to execute any necessary documents. The motion was seconded by Councilor Shepherd and it passed unanimously.*



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### DISCUSSION ITEMS:

1. Goals Review & Organizational Prospectus. Mr. McDowell reported that the date will be Saturday, April 19<sup>th</sup>, 2014 at 9:00 a.m. here at City Hall. Councilor Cole will be unable to attend. Lunch will be served.
2. Central Linn School District Meetings (Washburn Property). Mr. McDowell reported that Central Linn School Superintendent Brian Gardner has begun a series of discussions with the Central Linn community regarding the possibility of building new schools somewhere in the Central Linn community. The next meeting will be held on Tuesday, April 8<sup>th</sup> at 6:00 p.m. at the Elementary School in Halsey with a final meeting to be held on Thursday, April 17<sup>th</sup> at 6:00 p.m. at the fire station in Shedd. McDowell reviewed the development logistics of the Washburn property. McDowell indicated that should the School Board decide to build a K-12 building on this property, they would need an additional 15 to 20 acres. McDowell reminded Council of the letters previously forwarded to the School District regarding the development of this property. McDowell indicated that Staff, Administrative Assistant Elizabeth Coleman, had met with former City Planner Bill Sattler to discuss possibilities for the development of this property. Mr. Sattler indicated that the easiest path would be to keep the property in the County and simply have it recognized as School land. The other option is to move toward an Urban Growth Boundary expansion and include light industrial land in a broader area south of the McFarland Cascade property. Sattler warned this process could be lengthy and expensive. Mayor Ware reported on a follow-up meeting he had with the City of Halsey's officials. The City provided Halsey with copies of all communication regarding this issue to help ensure that our relationship stays intact. McDowell encouraged attendance at either of the next meetings.
3. Linn County Commissioners. Mr. McDowell gave a brief description of the March 18<sup>th</sup> meeting with Commissioner Tucker, Robert Wheeldon and Rick Partipilo that he attended with Administrative Assistant Tammi Morrow. McDowell reported that he shared Council's solutions oriented approach concept and it was heard by Mr. Partipilo of Environmental Health. Basically, Commissioner Tucker did not feel that Brownsville had anything to add. He was not interested in allowing Brownsville to participate. McDowell had a long conversation with Senator Beyer regarding all details surrounding this issue on March 20<sup>th</sup>. Senator Beyer has contacted Commissioner Nyquist. McDowell felt that doing anything further would be counterproductive at this point. Hopefully, the Commissioners will do the right thing at the April 1<sup>st</sup>, 2014 Public Hearing for this year's Festival set for 10:00 a.m. at the Courthouse.
4. KeyBank Update. McDowell reported that building owner Bob Anderson has been working non-stop to garner interest of another financial institution. Commissioner Nyquist has offered support on this issue. The hope is to have another financial institution in place just as KeyBank closes this facility on June 6<sup>th</sup>, 2014. McDowell will be meeting with officials from Willamette Community Bank later this week.
5. GR 12 Update. McDowell shared the map and options as provided by City Engineer Jon Erwin for the well redevelopment located off of Kirk Avenue. Council agreed to move forward with the lowest cost option for this upcoming budget.



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6. Voight Scenario. Administrative Assistant Elizabeth Coleman explained the lot line adjustment as completed by Mr. Voight and Mr. Castleberg recently. The City required a deed restriction to be placed on this property due to its location in the floodplain. Mr. Voight is asking the City to develop the end of Sage Street or to grant him permission to develop the end of the street. Mr. McDowell explained the challenges and wanted Council to be aware of the situation.
7. February Financials. No questions or concerns.

CITIZEN COMMENT: No additional comments.

COUNCIL COMMENTS: Councilor Boyanovsky said that he appreciated the work of Staff in dealing with the many difficult issues that have recently been presented.


EXECUTIVE SESSION: The Council adjourned to Executive Session at 8:27 p.m. pursuant to ORS 192.660 Section (e).

Mayor Ware & Council returned to Regular Session at 8:35 p.m.

*A motion was made by Councilor Cole to appoint Councilor Chambers, Councilor Boyanovsky and the City administrator as representatives to negotiate a real estate transaction. The motion was seconded by Councilor Shepherd passed unanimously.*

ADJOURNMENT: Councilor Shepherd moved to adjourn. The meeting was adjourned at 8:37 p.m.

  
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City Administrator S. Scott McDowell

  
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Mayor Don Ware