



Council Minutes

May 27th, 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 & City Administrator Scott McDowell were also present.

PUBLIC: Kaye Fox, John Morrison, Sweet Home Sanitation's Josh Metcalf and Scott Johnson, Elizabeth Coleman, Jannea Deaver, Christine Harrison, Bill Mazurek, Rick Dominguez, Marlene Sloan, and Randy & Gayle Simpson.

The pledge of allegiance was recited.

ADDITIONS AND DELETIONS: Mr. McDowell advised Council that he will add authorization for elections advertisements under Action Items.

MINUTES: Council reviewed the minutes of the April 22nd, 2014 meeting. *Councilor Cole moved to approve the minutes with one small correction. The motion was seconded by Councilor Van Sandt and was approved unanimously.* Council reviewed the minutes of the May 8th, 2014 budget committee meeting. *Councilor Gerber moved to approve the minutes as presented. The motion was seconded by Councilor Cole and was approved unanimously.*

PUBLIC HEARINGS OR PRESENTATIONS:

State Revenue Sharing Hearing – Mayor Don Ware opened the state revenue sharing hearing and called for public comment. No comment was made, the hearing was closed.

Budget Hearing – Mayor Don Ware opened the budget hearing and called for public comment. No comment was made, the hearing was closed.

DEPARTMENT REPORTS:

1. **Sheriff's Report.** Brad Kelley was present and reported that things are going well. The WCMF contracts are underway, with no major changes expected. The recent LCSO's levy passed, which the department is very excited about. They will be scheduling extra deputies for the upcoming parades. LCSO has a new deputy assigned to south county, Brandon Thurman. He is currently finishing up his training.
2. **Public Works.** Mr. Frink reported that the sanitary sewer deficiencies have all been corrected. The crew is mowing and weeding at the waste water treatment plant. The McFarland Cascade water line is complete, and the paving on Hwy 228 should be done on or about June 4th, 2014. Mr. Frink reported that we have new caretakers in the park, Lamont and Georgann Davis. He encouraged Council to stop down in the park and meet them. The drinking fountain at Kirk's Ferry Park should be installed after Pioneer Picnic. Councilor Boyanovsky inquired about the park erosion this year. Mr. Frink responded that it was fair, not too dramatic this year. Council complimented Mr. Frink on the condition of the cemetery for the Memorial Day festivities held there. It did appear that the portable toilet needed to be serviced.



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3. Administrator's Report. – *CLRA* – Mr. McDowell reported that he and Ms. Morrow attended a meeting with the Central Linn Recreation Association. They have requested help with some program administration, janitorial service, etc. There should be a proposal for Council to consider in June. *WCMF* – Mr. McDowell attended the latest Linn County Commissioner's hearing for the WCMF. Roger Nyquist ran a good, solid meeting. There was hope that the parties would enter into a contract for the 2015 & 2016 events. Instead, the Commissioners would like to debrief this year's event and hold the next hearing on September 24th, 2014 to plan for future events. *WAG & Festival of Tents* – Both event MOU's are out, with no major changes proposed. Council should have these back for approval at the June meeting. *Upcoming Elections* – Mr. McDowell reminded Council that there are four positions open for the upcoming election: Mayor Don Ware, Councilor Cole, Councilor Boyanovsky, and Councilor Shepherd's positions. He has heard of some interest from the community. There is information downstairs for anyone seeking re-election. *OPRD* – Mr. McDowell continues to serve on this Board. The annual meeting is scheduled for next week, in Salem. Mr. McDowell has not decided at this time whether he will serve for another four years or not. *Electronic Cigarettes* – Mr. McDowell informed Council of a situation in a public library (not ours) with a patron smoking an electronic cigarette in their facility. The City does not have a current ordinance to address this kind of issue, and Mr. McDowell wondered if Council would like to be proactive on this matter. *Councilor Gerber made a motion to revisit the City's smoking ordinance at the next meeting. Councilor Chambers seconded the motion, and it passed unanimously.* *Canal Company* – Mr. McDowell and Ms. Deaver attended a meeting with the Canal Company on May 12th, 2014. There seems to be some dissension between the Canal Company and a property owner. The City's stance is to be a neutral party. The City's position is more of a mediator position. A proposal was brought forth to hire a 3rd party, an engineering firm, to settle the current dispute. Another meeting may be forthcoming.
4. Library Report. Librarian Sherri Lemhouse was present. She sang a very nice ditty for Council highlighting library events, accomplishments, etc. She also reported that the RFQ for the library flooring project is ready, and will go out soon. Estimated completion date is fall of 2014. She also requested that Council approve the increase for out of town users from \$15 to \$20 which will be proposed formally at the next Council meeting.
5. Court Report. No comments.
6. Council Comments. No comments.
7. Citizen Comments. Randy Simpson reported to Council that he had received his official Marijuana Dispensary Licensure from the State of Oregon. He is waiting for Council to form a committee to revisit the moratorium. He said there are 90 dispensaries approved statewide.

LEGISLATIVE:

1. O 745: Universal Residential Service (Second Reading). *Councilor Gerber made a motion to read Ordinance 745 by title only. Councilor Cole seconded the motion and it passed unanimously.* Scott Johnson and Josh Metcalf from Sweet



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Home Sanitation were present to discuss implementing a universal residential service within the City of Brownsville. (From last meeting: Mr. Johnson stated that there are approximately 690 users, and Scott Johnson stated that they currently have about 500 customers. This new legislation will impact about 190 households within the City. Mr. Johnson stated that the least expensive service they offer is about \$11/month, which includes recycling and yard debris containers. He also stated that if people take their trash up to the transfer station the minimum fee is about \$20.) Councilor Cole asked if implementing this new universal service could affect rates. Mr. Johnson responded that the addition of universal service could stabilize rates dependent on disposal increases. Last February the rates increased 2 1/2%. Councilor Cole commented that the sense she gets from Mr. McDowell is that staff time to deal with nuisances is extensive. Mr. McDowell reported that in 2012 there were 20 trash complaints, and in 2013 there were 30 trash complaints. The new RV ordinance seems to be very effective. In 2012-13, we dealt with 36 RV complaints. With the policy shift, that number is down to one currently and that seems to be resolved for the time being. Mr. McDowell feels that some of the City's ordinances need to be updated to begin working in a more positive, systematic way. In day to day operations Staff tries to be proactive when dealing with complaints for Council's benefit. At the same time, Staff has a hard time enforcing law without clear rules. Councilor Cole asked how many hours Staff spends on nuisances/complaints a year. Mr. McDowell responded that this is hard to quantify, but at least 120-140 hours of staff time each year. Councilor Chambers agrees that the City should address this situation, but is uncomfortable with the thought of attaching trash service to the water bill, and potentially shutting off water if residents fail to comply with the universal service rule. Councilor Gerber expressed that she is in favor of universal service, and that she thinks it is reasonable in City limits. Councilor Van Sandt agrees with Councilor Gerber and states that Council needs to consider the needs of the community. Councilor Chambers stated that she thought \$11 per month is a hardship to some folks in our town. Councilor Cole stated that in her opinion, it doesn't make sense to haul your trash for at least \$20 each trip, when you can get a month's service for \$11, picked up at your residence. Mr. McDowell stated that there are other options; perhaps establish a 24-hour notice policy. This would incur a lot of Staff time as well as Public Works being involved to do clean up as needed. Billable hour rate is approximately \$400-\$500 per hour just to cover staff costs once equipment is included. *Councilor Gerber made a motion to pass O 745. Councilor Cole seconded the motion.* Discussion was called for. Councilor Shepherd stated that he had received a complaint from a resident that they were burning their trash. This ordinance may help that situation. Christine Harrison from the audience spoke. She stated that she believes that universal service would be a hardship for folks on unemployment or a fixed income. Some folks take their trash to their employer's workplace, what will happen to them? Councilor Boyanovsky suggested running an advertisement to get more community input before making a decision. Councilor Cole stated that she was not in favor of tying this service to the water service. *Councilor Cole made a motion to table O 745, put an ad in the paper, and revisit the issue in June. Councilor Boyanovsky*



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seconded the motion, and it passed unanimously with Mayor Don Ware abstaining.

2. R 2014.08: Electing to Receive State Revenue Sharing. *Councilor Van Sandt made a motion to approve R 2014.08 as presented. Councilor Gerber seconded the motion and it passed unanimously.*

ACTION ITEMS:

1. Authorize Weed Season Advertisement. *Councilor Cole authorized Staff to run an advertisement(s) regarding weed season. The motion was seconded by Councilor Chambers and it passed unanimously with Mayor Don Ware abstaining.*
2. Authorize Flower Arrangement – 729 N. Main Street. *Councilor Gerber made a motion to approve authorizing the owners of 729 N Main Street to use, beautify, and maintain the right-of-way along Main Street from Depot Avenue to Locust as long as proper maintenance, plant height limitations, etc. are observed. Councilor Van Sandt seconded the motion and it passed unanimously.*
3. Authorize Millhouse Sanitary Sewer Bid Advertisements. *Councilor Cole authorized Staff to run an advertisement regarding Millhouse Sanitary Sewer Bid. The motion was seconded by Councilor Chambers and it passed unanimously with Mayor Don Ware abstaining.*
4. Calapooia Food Alliance. *Mr. McDowell informed Council that the CFA has countered the City's proposal of \$50/mo. rent for the red shed with a \$10/mo. offer. Mr. McDowell reminded Council that the CFA has been using this building at no charge since 2008. Councilor Cole made a motion to agree to the counter offer of \$10. Councilor Gerber seconded the motion. Discussion was called for. Councilor Shepherd stated that he thought the offer of \$10 was ridiculous. For example, the Gleaners would likely be happy to pay \$50 for the space, and they feed more than 150 people every week. A vote was called for. The motion failed, with Councilor Cole voting yes, and all others voting no. Councilor Van Sandt made a motion to authorize Mr. McDowell to make a counteroffer of \$25/mo. for the space. Councilor Boyanovsky seconded the motion, and it passed with all voting for, with the exception of Councilor Cole voting against.*
5. Authorize Upcoming Elections Advertisement. *Councilor Cole authorized Staff to run an advertisement regarding upcoming Council elections. The motion was seconded by Councilor Boyanovsky and it passed unanimously with Mayor Don Ware abstaining.*

DISCUSSION ITEMS:

1. Acknowledge Tax Rolls. *Mr. McDowell reported that he will prepare the final budget document as well as the delinquent accounts list and present to Council at the next meeting.*



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2. Key Bank Update. Mr. McDowell reported that two banks have backed out of coming to town. A KeyBank Operated ATM will remain at the location. Bob Anderson, building owner, is continuing to pursue other options for acquiring a financial institution.
3. Mazurek Fence and Right of Way Infringements. Mr. McDowell presented a slide show highlighting zoning infringements, rules and regulations within the City. The current zoning regulations are having limited success. The City has inherited a lot of these issues due to poor policy, but McDowell feels like this is a good time to make some real, positive changes. The presentation showed RV's parked in the right-of-way, porches and accessory structures built in the right-of-way, fences built on the right-of-way or directly on property lines with inappropriate setbacks, etc. Mr. McDowell related a story about a situation that happened in California costing their City more than three times the amount that it should have due to these same kinds of right-of-way infringements. The City should consider dealing with these encroachments around town in a way that may include recording documents at the County level. Council could consider some funding at the next fiscal year. These recorded encroachments would state that if, for example, a porch or barn burnt down, the owners would not be allowed to rebuild in the right-of-way. These encroachments are only being allowed due to existing conditions. Mr. McDowell also stated that due to the current UGB there has been a lot of "infilling" within the City. A lot of this infilling has consisted of \$200,000 homes in \$100,000 neighborhoods. Many small lot sizes are not conducive to accommodating a \$200,000 home. By the time the large house is built, the yard left is miniscule. For resale purposes, this can make it difficult to find buyers as well. Councilor Cole asked if the Planning Commission could be tasked to make a recommendation to Council for these changes. Mr. McDowell responded that the Planning Commission is very ready for some positive changes and liked the direction Staff was heading on these and other issues, but that this legislation should come from Council, perhaps be reviewed by the Planning Commission, then put into Ordinance form. The slideshow also showed disparity in the weeds ordinance which could be addressed. *Councilor Cole made a motion to approve Staff to research and develop language dealing with accessory and right-of-way encroachments, fence and construction permits, etc. Councilor Shepherd seconded the motion, and it was approved unanimously.*
4. Water Line Project. Mr. McDowell reported to Council that the three projects (GR12, Averill, and Main Street water lines) scheduled for this next fiscal year will all be rolled together into one project to save money and will be bid out in probably January of 2015.
5. Sage Street and Voight Update. Mr. McDowell reported that progress on the Sage Street Vacation initiated by John Voight is at a standstill. He is trying to create a private access drive off of the public right-of-way. State law basically prohibits this from happening. Information has been given to John Voight, and some conversation with his attorney has happened but nothing has moved forward just yet in terms of a workable solution. This project will more than likely entail considerable expense on Mr. Voight's end.



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6. Senior Center Phone Update. The MOA with the Seniors has been executed. Century Link has been informed, and hopefully it will be off the billing in June, if not sooner.
7. Medical Marijuana Moratorium Committee. McDowell reported that he has been in contact with the City attorney regarding the medical marijuana moratorium. Council needs to decide which way they would like to proceed. Do they want to ban dispensaries entirely or only allow them in certain zones? If Council decided to only allow a dispensary in certain zones in the City, the situation turns into a land use issue which will need to go through the DLCD and can take up to 4-6 months to properly process. Gail Simpson has informed Mr. McDowell that she as a cardholder can pass marijuana to another cardholder up to a certain level as long as money is not exchanged. She indicated that this has been happening at the downtown location. This seems to be in conflict with the intent of the moratorium that Council passed. Councilor Boyanovsky stated that he did not condone this behavior. Councilor Cole inquired as to the possibility of forming a committee to report back to Council on this issue? Council agreed to this committee formation and elected Mayor Don Ware to form said committee. All Councilors were willing to serve with the exception of Councilor Van Sandt. Mayor Don Ware appointed Councilor Cole and Councilor Gerber to the committee. Several community members will also be asked to serve.
8. April Financials. No questions or concerns.

CITIZEN COMMENT: Rick Dominguez, 403 Templeton, spoke in regards to universal service. He doesn't think this service should be tied to the water accounts. He is retired from the military and stated that we take care of ourselves within the City. Kaye Fox spoke in favor of the universal service throughout town. She has neighbors that burn their trash, and that is a real hazard to the whole neighborhood and town. There have been numerous complaints made to the fire department. Randy Simpson stated that what the CFA does for the community is worth more than \$25/mo. Jannea Deaver spoke on this issue. She stated that the City partners with various civic organizations throughout town, and they all pay for facilities/services rendered and they also do a great deal for our town.

COUNCIL COMMENTS: No additional comments.

EXECUTIVE SESSION: The Council adjourned to Executive Session at 9:12 p.m. pursuant to ORS 192.660 Section (e).

Mayor Ware & Council returned to Regular Session at 9:20 p.m.

ADJOURNMENT: Councilor Shepherd moved to adjourn. The meeting was adjourned at 9:20 p.m.



City Administrator S. Scott McDowell



Mayor Don Ware