



Council Minutes

July 22nd, 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 and City Attorney Lauren Sommers were also present.

PUBLIC: Phil and Kaye Fox, Elizabeth Coleman, Jannea Deaver, JoAnn Neddeau, Patty Linn, Jennifer Moody, Alan Buzzard, Kacey Urrutia and Erin Sedlacek (Tobacco Prevention for Linn County), John Morrison, and Randy and Gayle Simpson.

The pledge of allegiance was recited.

ADDITIONS AND DELETIONS: Mr. McDowell informed Council that he would add 2 items to the agenda: Under Action Items – J. Anne Hankins, WCMF Tour Invitation, and K. Economic Development.

MINUTES: Councilor Cole made a motion to approve the June 24th, 2014 meeting minutes as presented. Councilor Van Sandt seconded the motion, and it passed unanimously.

PUBLIC HEARINGS OR PRESENTATIONS:

Medical Marijuana Committee Report – Councilor Cole read an oral report containing the Committee's findings. "The report was dated July 22nd, 2014. Members of the committee included Aimee Addison, Bob Anderson, Joe Ervin, Merritt Schilling, Carla Gerber and Mandy Cole. As stated in the Council minutes of July 22nd, 2014, the Medical marijuana Dispensary Committee was tasked with forwarding a recommendation to City Council with regard to locating medical marijuana dispensaries in Brownsville. From the outset, Committee members agreed on the following facts: 1) the use of medical marijuana can be highly beneficial to many people with health issues, 2) Medical marijuana is available now to Oregon cardholders through a variety of methods, 3) Medical marijuana, while legal in Oregon, is currently considered by the Federal government as a Schedule I Controlled Substance, and 4) the legislative landscape concerning marijuana, medical and/or recreational, is changing from day to day and that the Committee recommends the Council take a long-term approach to the issue. The Committee's discussions centered on: Brownsville's diminutive size and its historical character; the atmosphere of the town, its traditional businesses, the importance of foot traffic, and its family-friendly nature. The Committee feels that this ambience needs to be maintained. The Committee considered the three possible zones in which a dispensary could be located: Old Town commercial, Volume Commercial, and Industrial, concluding that medical marijuana dispensaries are generally incompatible with Brownsville's atmosphere and character. The Committee is concerned with the fact that marijuana is classified as illegal by the Federal government and that Brownsville is dependent on Federal funding for future infrastructure projects. **Recommendation:** The Medical Marijuana Dispensary Committee recommends that the Brownsville City Council institute a business registration system whereby registered businesses are in compliance with Local, County, State, and Federal laws. Business registration will allow for the protection, safety, and economic health of Brownsville's businesses and residents." Council discussion ensued. Councilor Gerber talked about the other reasons that a business registry would make sense. One example is for information gathering for the Fire Department, and it would be supportive of the health and safety of the



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community. The business registry should not restrict businesses; it should just ensure that the businesses obey all laws. Mayor Don Ware opened the floor to public comment. No comments were made. *Councilor Shepherd made a motion to take the Committee's recommendations and proceed with the business registry process, with the moratorium remaining in place at this time. Councilor Gerber seconded the motion, and it was voted on and passed unanimously.*

DEPARTMENT REPORTS:

1. Sheriff's Report. No comments.
2. Public Works. Mr. Frink was present and asked if Council had any questions for him at this time. Council did not.
3. Administrator's Report. – Mr. McDowell reported that the budget input has been accomplished with some difficulty. The City will be shopping for a new accounting software this year. With the assistance of Public Works, Greg Tilley applied the dust control product throughout town. Staff is working on the CLRA logistics with George Frasier. A meeting is scheduled for next week to work out details. Mr. McDowell stated that he did not have an opportunity to work on the garbage issue that was tabled last month. Councilor Cole asked if there was a way to vote not to do it at all. Mr. McDowell responded that basically Council effectively did that last month by tabling the issue. Willamette Country Music Festival signs were delivered to Sandy Sayer last month. They were negotiated as with BWC MF. Mrs. Sayer seemed pleased with the signage. After the Fourth of July, several civic groups, and members of the Park Board, participated in the garbage clean-up in the Park. The civic groups were compensated with a token amount for their help with this project. John Holbrook, Canal Company, requested that he be allowed to help run the pumps, panels and appurtenances for the canal. There have been some difficulties this year with keeping the pumps running. The City's response is that Public Works personnel should only have access to operations due to liability concerns, among others. On another front, the unsafe structure located in the right-of-way at 122 Putman has been demolished, and clean up is complete along Calapooia Avenue.
4. Library Report. Councilor Cole commented that Floyd & Irene Corbett have been moving the sprinkler at the Library and keeping the grounds looking great. It was requested that Staff make sure a thank you goes out to them.
5. Court Report. No comments.
6. Council Comments. Councilor Boyanovsky informed Council that he had attended the CLRA meeting on June 30th, 2014. The Board is excited about the City's involvement with their organization, and would like to take the transition slowly and incrementally. Councilor Boyanovsky also attended the Cascade West Council of Governments meeting in Albany, and got some good information there as well.
7. Citizen Comments. Kaye Fox stated that she has attended most of the City Council meetings since she has moved here. She has witnessed a lot of disrespect toward the Councilors and the community. She suggested treating everyone with respect as we are all here serving one community. Gayle Simpson stated that the one Medical Marijuana Committee meeting she attended, she felt that the committee was just looking for reasons not to allow a dispensary in Brownsville.



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She stated that crime rates have dropped in areas that have dispensaries. Ms. Simpson stated that she felt the Committee was not interested in looking at the real facts, and were not forward thinking enough to see past their own personal agendas.

LEGISLATIVE:

1. O 745: Universal Residential Service (Tabled). Councilor Boyanovsky stated that he has talked to several residents since the last Council meeting about universal service. The feeling he got from these folks is that the people that are having excessive solid waste would not benefit from a small sized trash can. Councilor Boyanovsky also feels that these few non-compliant individuals need to be dealt with sternly. Some sort of structure needs to be in place to deal with these issues. Ideally the City should not have to do anything more than observe and implement the ordinance. Councilor Shepherd commented that these offenders have received letters, sometimes phone calls, properties were posted, and still our ordinance does not have enough teeth to achieve compliance. Connecting the water service to the universal trash service was just one option for aiding enforcement capabilities. Councilor Shepherd also commented that Sweet Home Sanitation has been very accommodating with helping the City achieve trash compliance at various residences. They have donated a lot of time and services toward this end. Councilor Shepherd also reminded Council that trash is not a new problem for the City. Council has been working on this issue for at least the last eight (8) years that he has served on Council. Mayor Don Ware reiterated the City's appreciation for Sweet Home Sanitation. They continue to be a great community partner for the City. Councilor Chambers wondered about having landlords required to provide garbage service to their tenants. Councilor Gerber stated that she does not envy the City in regards to coming up with a solution to this problem. There are many reasons for piling up garbage: mental illness, poverty, etc. The City is continuing to wrestle with this issue, and it will not be an easy, simple fix.
2. Ordinance 746: Public Buildings Smoking Ban. Councilor Cole made a motion to read Ordinance 746 by title only. Councilor Boyanovsky seconded the motion, and it passed unanimously. Councilor Cole made a motion to approve Ordinance 746. Councilor Van Sandt seconded the motion, and it passed unanimously.
3. Resolution 2014.15: Update Machinery, Materials & Human Resource Rates. Councilor Gerber made a motion to approve Resolution 2014.15 as presented. Councilor Gerber seconded the motion. Discussion was called for. Mr. McDowell stated that this resolution sets prices for machinery, materials and human resources rates. For example when the fire hydrant at the corner of Depot and Main Street was recently damaged, this resolution will provide the necessary replacement rates. *The motion was voted on, and it passed unanimously.*
4. Resolution 2014.16: Library Flooring Project. McDowell reminded Council that this project has been planned for several years. This project is budgeted this fiscal year, in the amount of \$32,000. The City has received three bids for this project.



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After reviewing the quotes for the project, Staff's recommendation is to award the bid to Thomas Kay Flooring. Their bid was not the lowest, but it was the best quote when considering the associated moving costs of the book inventory. *Councilor Gerber made a motion to approve Resolution 2014.16 as presented. Councilor Shepherd seconded the motion and it passed unanimously.*

5. Resolution 2014.17: Millhouse Sanitary Sewer. McDowell informed Council that construction is underway for the replacement of the Millhouse Sanitary Sewer. The first change order has been submitted. Public Works Superintendent Karl Frink found that the main line that was supposed to be an eight inch (8") line was actually a two inch (2"), and it zigzags over the new sanitary sewer line in several places. The contractor has agreed to replace this line for the City at a cost of \$37,350. *Councilor Cole made a motion to approve Resolution 2014.17. Councilor Gerber seconded the motion and it passed unanimously.*

ACTION ITEMS:

1. Authorize Library Advisory Board Opening. McDowell informed Council that Marion Reinemer recently passed away. Her loss will be greatly felt at the Library and in Brownsville. *Councilor Van Sandt made a motion to authorize Staff to advertise for the opening on the Library Advisory Board. The motion was seconded by Councilor Boyanovsky and it passed unanimously, with Mayor Don Ware abstaining.*
2. Community Development Services Contract. McDowell recommended entering into a contract with Dave Kinney to provide services to the City. These services shall include items such as community development, ordinance review and creation. Mr. Kinney is a retired city administrator and city planner. McDowell stated that Mr. Kinney's rate is much lower than our attorney fees, and the City could save considerable funding by using Mr. Kinney as a first option. He would be a great resource for Ms. Coleman to use. Staff has consulted with him once already, and he was a huge help. *Councilor Boyanovsky made a motion to approve authorizing Mr. McDowell to proceed with this contract. Councilor Gerber seconded the motion.* Discussion was called for. Councilor Cole asked how this contract would be funded. McDowell assured Council that there was \$7,500 budgeted in this line item for this fiscal year. *The motion passed unanimously.*
3. Fourth of July Event. Mr. McDowell informed Council that the Fourth of July event this year was much larger than normal – with approximately 300-400 more people attending the event. Several issues could be addressed ranging from parking, possible vendors, traffic patterns, etc. Council would like to review the matter further; it will be added to the September agenda.
4. Camping Rule Consideration. Mr. McDowell informed Council that the park caretakers are suggesting establishing a checkout time for campers to streamline the process and make it more effective. *Councilor Cole made a motion to*



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approve a 1:00 p.m. checkout time for camping in Pioneer Park. Councilor Van Sandt seconded the motion, and it passed unanimously.

5. Weapons Discharge Policy. Mr. Chad Hein has applied for a Weapons Discharge Permit. Staff has met with Mr. Hein at his property and reviewed the situation. He lives on a dead end street, and has obtained permission from his neighbors to discharge his weapon in the neighborhood. Mr. Hein proposes shooting from the middle of the public street into his target at the end of the dead end street. He states that he has been doing this for the past three years. Councilor Van Sandt commented that she is not comfortable with his shooting in the City right-of-way. Councilor Cole stated that she thought there is definite language stating no shooting on public property, and doesn't see how we could approve this permit. *Councilor Shepherd made a motion to deny this proposed permit. Councilor Cole seconded the motion, and it passed unanimously.*

6. Millhouse Waterline Hydrant. Mr. McDowell has received a complaint from Mr. Brock Melero concerning the placement of a hydrant during the Millhouse Sanitary Project. The hydrant is located on the corner of his and his neighbor's property lines. The concern raised by Mr. Melero was that he was intending to put in a concrete slab on which he would park his recreational vehicle, and that this hydrant is now blocking that access. After further investigation, Mr. Melero's fence is actually located two and a half feet (2½') on his neighbor's property and he probably would not have been allowed to pour the concrete slab as he intended. The main reason for the placement of the hydrant in this location is first and foremost fire protection, and locating this hydrant due to the proximity of a large gas main in the area. Staff (Erwin Engineering) estimates the cost to move the hydrant to be between \$6,000-\$8,000. Mr. Melero also complained about the construction company damaging his fence during the project. The construction company has replaced/repared the fence to Mr. Melero's satisfaction. *Councilor Cole made a motion to not authorize the relocation of this hydrant. Councilor Gerber seconded the motion, and it passed unanimously.*

7. Moody Court – Unenumerated Nuisance. A complaint was made at last month's regular session Council by Heather Dillon and Shannon Cason about the 30-50 diseased cats living in the area of 120 Moody Court. Staff has investigated the situation and found all neighbors to be in agreement on the situation, and that the animals are proving to be a real menace and health crisis for the neighborhood. Mr. Gardner, property owner, is said to leave out fifty (50) lb. bags of cat food for the feral cats, which perpetuates the nuisance. Mr. Gardner is also alleged to be running a kennel out of his home, for which he does not have a proper licensure through the County, or a Conditional Use permit issued by the City. McDowell has consulted with the City Attorney Lauren Sommers and was advised to write a report for Council. The report is enclosed in the Council agenda packet for this meeting. Mr. McDowell suggests treating this nuisance as an unenumerated nuisance and abating this nuisance in this way. If Mr. Gardner denies ownership of these cats, the City may have to hire an outside agency to trap and relocate the animals. *Councilor Van Sandt made a motion to authorize Staff to resolve this issue. Councilor Shepherd seconded the motion, and it*



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passed unanimously. Councilor Chambers wondered if the City could establish a licensing procedure for cats.

8. Official Conduct. Mayor Don Ware stated that he has tried multiple times unsuccessfully to meet with appointed official Marilyn Grimes to discuss her recent conduct. This matter will be reviewed in Executive Session. *Mayor Don Ware made a motion to consider the matter closed. Councilor Gerber seconded the motion, and it passed unanimously.*
9. Bi-Mart Willamette Country Music Festival. Anne Hankins has issued an invitation for Council to come out to the event on Saturday, August 16th, 2014 at 3:00 p.m. for a tour of the event and grounds. Councilor Shepherd, Councilor Boyanovsky, Councilor Chambers, Mayor Don Ware, and Mr. McDowell expressed interest in attending.
10. Sweet Home Economic Development Group. The SHEDG group is going to be meeting in August. One of Council's goals has been a commitment to economic development. Mr. McDowell is wondering if Council is still interested in partnering with SHEDG. *Councilor Cole made a motion to support an exploration of a partnership. Councilor Boyanovsky seconded the motion, and it passed unanimously.*

DISCUSSION ITEMS:

1. Bank Update. Mr. Alan Buzzard attended a meeting with Umpqua Bank and reported that there are several people still working very hard on enticing the bank to open a branch in Brownsville. Recently Umpqua Bank acquired Sterling Bank, and they have closed several duplicative branches. They are however, still opening new branches and looking for new marketplaces.
2. Public Works Standards. McDowell reported that adopting these Public Works Standards could save the City financially in the future. These standards cover everything from water meter placement, utility line locations, to pavement overlay details and sidewalk requirements, to name a few. The City has a working draft in the office, Council is encouraged to come in and take a look at it. The final draft will come to Council at the September meeting.
3. Accessory Structures & Fence Language Proposals. Mr. McDowell reported that Staff has implemented a construction permit process within the last month. Accessory structure and fence permits are still in the working phases. There are a lot of parameters to consider, and Staff has had a limited amount of time to address the issues this month. Prohibitive fences would include razor wire, barbed wire, stockade type, possibly. Fences would also probably have to be positioned at least one foot (1') off of the property lines unless a recent survey has been performed. The fence ordinance could be a very controversial issue. Staff should have a rough draft to Council in September.
4. Corner Café – Roof Glare. McDowell related to Council that there have been many complaints about the glare off of the new roof at the Corner Café building.



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- 5. Council Training.** Mr. McDowell recapped for the group the condition & culture of Council eight years ago when he first came on board. In that eight years Council and Staff have worked continually to develop a new organizational identity & culture. Council chambers has been improved in many ways, from pressed woods desks and folding chairs to upgrading to a platform for Council, new paint, matching chairs and air conditioning. In the past, there was arguing between the audience & Councilors, Councilors and other Councilors, Councilors and Staff. Significant improvement has been made by Council and Staff who strive to make Council meetings a place of respectful, civil engagement that encourages dialogue. Councilor Gerber stated that when she first started on Council there were a lot of team building exercises, and that McDowell has a lot of skills and training that have been very beneficial. It was suggested that an outside instructor might be helpful as well. Joseph Bailey was suggested as a possible mediator/training consultant. Councilor Cole remarked that with McDowell's help a good partnership has been built between Council and Staff. McDowell has done a tremendous job with long-term planning and helping Council be forward thinking. Cole also commented that while Council is working well together, Council will continue to face difficulties no matter how organized we get, but believes that Council all has the same goal in mind. Councilor Chambers commented that it is very important to have respect for each other also. Councilor Boyanovsky suggested having some mini skill building training sessions. Each Councilor would meet with the Mayor and Administrator for 15-30 minutes to address their weaknesses and strengths. Mr. McDowell commented that current staff has really come into its own and continues to improve their capacity as employees. Staff is more of a team now than ever before, but sometimes finds it very difficult to find a balance when we have a code violation, and Council sometimes finds it hard to deal with offenders/violators. Mr. McDowell informed Council that the annual Master Things To Do List (MTTDL) presented to Council tonight has this year's and last year's goals and tasks on it. Green or white highlights indicate Council goals. This list is just a sampling of the work that City Staff completes over the course of a year.

- 6. June Financials.** No questions or concerns.

CITIZEN COMMENT: Alan Buzzard complimented Linda McCormick, Norman Simms, Fred Anderson, and several tour guides that hosted a fabulous event for *Stand By Me Day* on July 23rd. Also, he informed Council that he is running for City Council, and that he would appreciate their vote come November. City employee, Jannea Deaver spoke to Council informing them that on a daily basis Staff is subject to a lot of hostility. Council only sees bit and pieces of it at the Council meetings. Ms. Deaver challenged Council to go out and talk with others about what the City is really all about. Kaye Fox stated that she also was threatened at a Council meeting a couple of months ago from some of the attendees.

COUNCIL COMMENTS: No comments at this time.

EXECUTIVE SESSION: The Council adjourned to Executive Session at 8:54 p.m. pursuant to ORS 192.660 Section (e).

Mayor Ware & Council returned to Regular Session at 9:10 p.m.



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ADJOURNMENT: *Councilor Gerber moved to adjourn. Councilor Shepherd seconded the motion, and it passed unanimously.* The meeting was adjourned at 9:17 p.m.

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