



Council Minutes

January 26th, 2016

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

PUBLIC: Patty Linn, June Schlosser, Kaye Fox, JoAnn Neddeau, Glenn Reinemer, Judy Whitfield, Lori Garcy, Rick Dominguez, Elizabeth Coleman, Randy & Gayle Simpson, John Morrison, Allen Buzzard, and Alex Paul (Albany Democrat Herald).

The pledge of allegiance was recited.

ADDITIONS AND DELETIONS: McDowell added under Action Items C: Park Board Meeting change, under D: IGA with Halsey, and under E: IGA with Benton County. McDowell also deleted Item 9 under Legislation: O 759 as Staff needs more preparation time.

MINUTES: Councilor Cole made a motion to approve the December 15th, 2016 meeting minutes as presented. Councilor Chambers seconded the motion. The motion passed unanimously.

PUBLIC HEARINGS OR PRESENTATIONS:

Brownsville Art Association (BAA) – Mr. McDowell recently met with BAA leadership and prepared a good final draft of the BAA Agreement for Council. Typically this agreement, and all like agreements, runs for a period of three years so that there are always some Councilors that are aware of the past agreement history. There were no questions from Council. Councilor Cole commented that she thought this partnership has been very successful. Folks in the BAA have worked very hard to produce a great place to learn about and promote the arts, it is promoting economic development, and she heartily endorses the agreement. Senator Merkley presented the BAA with a flag that has flown over the capital in recognition of their hard work and commitment. Councilor Gerber made a motion to authorize the Mayor and Mr. McDowell to execute the MOU with the BAA. Councilor Cole seconded the motion, and it passed unanimously.

DEPARTMENT REPORTS:

1. **Sheriff's Report.** LCSO Lieutenant Duncan was present. She reported that in December there were 4 traffic cites, 11 warnings, in total 26 hours were spent on traffic, bringing their total for the month to 206. Deputy Chris Wagner has recently completed his training program, and you will be seeing him in Brownsville very soon.
2. **Public Works.** Mr. Frink reported that it has been a busy month. Public Works had two water leaks, a 2" waterline broke, and a vactor truck had to be called in. The GR12 project is just about complete. A tree blew down in the Park, and a tree service had to be called in. There are sand bags available for public use, located at the Rec Center. A new sidewalk has been poured from the Rec Center down to the grandstands in the Park. Mr. Frink has heard a lot of positive comments on the new path. A new sign has been placed at the entrance to the cemetery provided by the Brownsville Cemetery Association. It has a coating on it that should ensure that it lasts for many years. The Library light project is underway. The project is



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about 80% complete, and will also provide dimmable capacity. The front of City Hall is torn up due to the new concrete pour scheduled for tomorrow, January 27th. Grass will be planted this spring, (weather dependent) and the fountain will be placed out front as well. More parking spots are expected to be created out front of the Art Center. Four broken windows have been repaired at the Rec Center recently. AMI will be working up an estimate for a metal guarding/screen of some sort. Councilor Chambers asked about the flag at the cemetery, and why it is no longer up. Mr. Frink responded that he had just been informed of this, and he will check with Rick Dominguez at the Legion. Councilor Chambers also asked about the water backing up at the corner of Oak and Center Streets. Mr. Frink responded that it is a reverse inflow which is how the drainage was designed. The drain needs to be tied into Ash Street but the costs associated with such a project makes it not feasible. The City cannot feed more water onto private property, so for the time being, the problem will continue as there is no easy answer.

3. Administrator's Report. – Mr. McDowell recently met with Brian Hoffman at Sweet Home Sanitation and toured their facility. He said it is likely that there will be a rate increase this year; Mr. Hoffman will be visiting with Council soon. Mr. McDowell remarked that he has been impressed with the service they provide the City. Mr. McDowell, Tammi Morrow and Jannea Deaver, Administrative Assistants, will be meeting with Bill Palmer of Boldt, Carlisle & Smith to continue to work out some items in the finance system. OGE (SEI) will only be accepting electronic submissions this year. Mr. McDowell and Mrs. Morrow will take the online training in order to assist the Councilors with the process as needed. Mr. McDowell has been invited to participate on the Linn County Transportation Plan Advisory Committee; this plan will likely take a year or more to complete. Council will need to send representatives to public hearings regarding the plan. One is tentatively planned for Lebanon. If Kirk Avenue is ever to be a joint project with the County, certain Council members need to be there and be heard. McDowell will apprise Council of the meeting date when it is determined. McDowell also stated that there is a GO Team meeting here tomorrow at 9:00 a.m. They will be meeting with Nancy Straw who is the new economic director for the Ford Foundation. Their goal is to make updates to the prospectus and get it out to the County and other major economic development partners. The Ford Leadership project continues, with lots of folks in this 5th and final Cohort. The CIS conference is upcoming: McDowell has been practicing with the band as the lead singer, and traveling regularly to Salem for practice. Employee performance evaluations have been completed. Senator Merkley recently visited the City for an open forum with the community. Merkley sent a thank you card to McDowell in appreciation for the hospitality. Mayor Don Ware and Mr. McDowell will attend a luncheon soon for the Council of Governments. Mr. Frink and Mr. McDowell recently met with representatives from DEQ following up on an article that was in the Albany Democrat Herald concerning the TMDL. DEQ is trying to make sure all cities have a plan. The City's stance on the matter is that we do not have a storm water system. The meeting went well, and the outcome was fairly good. Staff will continue to report out annually on the TMDL. Councilor Cole stated that she appreciated Staff being proactive with the situation. She also inquired if it was time to send the Canal Company a letter and request some action from them. Council agreed by consensus.
4. Library Report. No comments.
5. Court Report. No comments.



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6. Council Comments. No comments.
7. Citizen Comments.
Allen Buzzard, 220 School Avenue, stated his support for R 2016.03, Transient Room Tax. He agreed that these funds should be earmarked for the Chamber to draw more visitors to town.

LEGISLATIVE:

1. Resolution 2016.1: Judges Pro-Tem. *Councilor Cole made a motion to approve R 2016.01 appointing Pro-Tem Judge(s) for the Brownsville Municipal Court. Councilor Shepherd seconded the motion, and it passed unanimously.*
2. Resolution 2016.02: Commitment to Safety Program. *Councilor Cole made a motion to approve R 2016.02 as presented. Councilor Gerber seconded the motion, and it passed unanimously.*
3. Resolution 2016.03: Chamber Transient Room Tax. *Councilor Cole made a motion to approve R 2016.03 as presented. Councilor Gerber seconded the motion, and it passed unanimously.*

ACTION ITEMS:

1. Central Linn School District. Councilor Cole, Councilor Shepherd, and Administrative Assistants Elizabeth Coleman and Tammi Morrow recently met with Superintendent Brian Gardner, Board Members Eric Gerber and Mark Penrod to informally discuss the closing of the school district's Blakely Street district offices and the disposition of the building. Council was presented with notes from the meeting; however, nothing new was learned. General consensus is that Council is willing to support the school district, but that no financial commitment could be made at this time. Council has a list of concerns that have not been addressed. McDowell stated that this is the school's project, and Council may want to wait for more information before proceeding. The talk around town has it that the school may be going out for a bond measure in May. *Councilor Shepherd made a motion to table this item until more information is available. Councilor Gerber seconded the motion, and it passed unanimously.* Also along that same line of thinking, Council needs to be thinking about the viability of the Rec Center building. If the building is gigantically beloved by the community, it will take a sizeable amount of funding to upgrade and continue to operate. Items to consider will be the kitchen, electrical, stairs, scoreboard, wood floor, and the heating system. Mr. McDowell suggested forming a task force to investigate the matter. Councilor Gerber would be happy to be on this taskforce, and strongly believes in supporting the recreational activity in our community, recognizing that it is hard to provide this service with an all volunteer force only. This information will be critical as Council considers acquiring another recreational building. Council agreed by consensus to pursue this information. Mayor Don Ware appointed Councilor Neddeau, Cole, and Gerber to the task force and to ask Mark Running from the Rec Center to participate from the CLRA.



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2. Simpson Proposal. Randy and Gayle Simpson were present to ask Council again to modify the business license to allow marijuana businesses to operate in town. They have been trying for two years to open in town. They feel that the federal piece of the business registration is a way for the City to have a backdoor to be able to deny them to open. They want to open for local cardholders. Their application has been tabled until they can acquire a business registration from the City. Randy Simpson stated that they would like a trial period until the November vote, and are just asking for a fair shake. He also stated that the advisory vote was not fair, as it was skewed against them due to the wording. They stated that recently Councilor Cole went down and toured their facility and they are happy to give more information as needed by Council. Councilor Gerber asked Councilor Cole to summarize her visit. Councilor Cole stated that she felt what Randy and Gayle says makes a lot of sense, and she is of two minds. This situation is a conflict for her; it is a first rate facility. Then she comes back to the advisory vote from the community. Two out of three city voters have said by the vote that they don't want this in their town. Councilor Chambers asked about the wording on the ballot. McDowell responded that our legal counsel prepared the wording for the ballot to fully follow the law. Councilor Chambers asked if the wording will be the same in the upcoming vote. McDowell responded, yes, unless Council changes something. To clarify, McDowell stated that Brownsville has to have another vote because in Linn County the vote against marijuana was slightly below the needed 55%. Councilor Chambers stated that she is in favor of waiting until the next vote in November before making any changes. Councilor Gerber empathizes with the Simpsons, but feels that Council has a clear directive from the voters, and that is all the direction that Council has right now. Councilor Cole stated that Council has taken a stand on obeying federal law; for the Simpsons it is an unfortunate position. Councilor Shepherd stated that when he took his oath of office, he swore to uphold federal law, and that is what he is going to do. Also, the Simpsons have not proven to be good neighbors, and he, and the town, are upset by their actions by having free marijuana giveaways when Council had directed them not to operate their marijuana facility. It was hard on the neighbors across the street, and there was also an altercation at the American Legion building. Councilor Chambers stated that she felt they proved their character last summer with their free giveaways, she will not vote for a change at this time. Councilor Neddeau stated that he is comfortable with how things are at present; he will not change his vote. *Councilor Shepherd made a motion to continue on with the current legislation and policy regarding marijuana. Councilor Neddeau seconded the motion. The motion passed unanimously.*
3. Park Board. McDowell reported that Park Board would like to recommend to Council that they meet in January, March, May, July, September, and November, basically every other month, with extra meetings as needed. *Councilor Gerber made a motion to accept this recommendation. Councilor Cole seconded the motion, and it passed unanimously.*
4. IGA with City of Halsey. The City of Halsey would like to enter into an intergovernmental agreement with us to provide personnel in the event they have



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a shortage or an emergency need. Brownsville would charge them a flat rate. Their insurance would cover liability issues, ours would cover the workman's compensation. If they have a need, it would probably be Mr. Frink that would respond. Halsey will also try to establish an IGA with Harrisburg. This IGA could be mutually beneficial for all concerned in the future. *Councilor Cole made a motion to authorize Mr. McDowell and Mayor Don Ware to execute an IGA with the City of Halsey. Councilor Neddeau seconded the motion, and it passed unanimously.*

5. IGA with Benton County. McDowell would like to establish an IGA with Benton County in regard to purchasing a service truck through that organization. *Councilor Cole authorized Mr. McDowell and Mayor Don Ware to execute an IGA with Benton County. Councilor Gerber seconded the motion, and it passed unanimously.*

DISCUSSION ITEMS:

1. Budget Committee Business. McDowell reminded Council that it is quickly approaching advertising time for the Budget. In 2013 Council authorized Mr. McDowell to proceed through the process as needed. This is just an awareness item.
2. Community Garden Agreement. This agreement is located in Council's packet for reference. Brian Gardner has assured us that the community garden is not part of the parcel that the school district has offered for sale. Councilor Shepherd stated that he would like the City to step out of the agreement. Councilor Cole stated that she would like the City to be an umbrella for this arrangement. Mr. McDowell will do a rewrite on the agreement and put it in the February packet for further discussion and review. The CFA has grown and changed a lot since their inception, they may want to handle this arrangement on their own.
3. Templeton Street Kennel Approval. McDowell informed Council that on December 15th, 2015, the Planning Commission approved a kennel on Templeton Street. It will probably take a year or more for it to be completely operational. Staff is concerned with possible future noise complaints from neighbors next to the operation.
4. December Financials. No comments.

CITIZENS COMMENTS – Kaye Fox commended Council for waiting for the November vote before changing any marijuana legislation. Also, she is having a hard time sleeping, the corner of Averill and Kirk is very loud.

EXECUTIVE SESSION was entered into at 8:14 p.m.

- Council will be discussing a real property transaction.



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- 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 was exited at 8:31 p.m.

Councilor Shepherd made a motion to authorize Staff to finalize a contractual agreement related to an easement. Councilor Cole seconded the motion, and it passed unanimously.

ADJOURNMENT: *Councilor Cole moved to adjourn at 8:39 p.m. Councilor Shepherd seconded the motion, and it passed unanimously.*



City Administrator S. Scott McDowell



Mayor Don Ware