



Council Minutes

December 20th, 2016

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

PUBLIC: Doug Block, Kim Clayton, Greg Klein (*LCSO*), Elizabeth Coleman, Jannea Deaver, Jordan Parrish (*The Times*), Kneil Stucky, Allen Buzzard, Kaye Fox, June Schlosser, Randy Simpson, Gayle Ashford Simpson, and Alex Paul (*Democrat Herald*).

The pledge of allegiance was recited.

ADDITIONS AND DELETIONS: None.

MINUTES: Councilor Gerber made a motion to approve the November 22nd, 2016 meeting minutes as presented. Councilor Neddeau seconded the motion, and it passed unanimously.

PUBLIC HEARINGS OR PRESENTATIONS:

Emergency Preparedness Committee – Kneil Stucky. Mr. Kneil Stucky was present to report on EPC progress. Stucky reported that there are currently three people serving on this committee, Norman Simms, Marilee Frasier, and himself alongside City Staff McDowell and Administrative Assistant Tammi Morrow. The committee's goal is to increase public awareness and participation. Mr. Stucky related that the committee plans to do several outreach community events throughout the year. They plan on uploading information to the City website by October 2017. They would also like to develop a city emergency board that would list locations for emergency supplies, shelter, points of contact and help. Another goal is to develop community partnerships with skilled labor individuals in the City for help in the event of an emergency situation. EPC will hold quarterly meetings and work with Linn County EPC to establish contacts there. Mayor Don Ware praised Mr. Stucky for the committee's work thus far. McDowell expressed appreciation for their efforts and remarked that the committee is definitely focused around what the ordinance says and the City's goals for this purpose. He also suggested to Council that everyone should consider going through the NIMS (National Incident Management System) to assist with City continuity in an emergency event.

DEPARTMENT REPORTS:

1. **Sheriff's Report.** LCSO Sgt. Klein reported that there were 11 citations, 20 traffic warnings, 25 hours spent on traffic, 2 MVA's, 7 adults and 3 juveniles arrested, and 58 complaints for a total of 228 hours spent in Brownsville for the month. Deputy Frambes made an arrest for the tree vandalism, and that case will be going to Circuit court soon. LCSO has also assisted the City in citing ordinances, with two more to be cited shortly.
2. **Public Works.** Public Works Superintendent Karl Frink reported that it has been a busy couple of months. Road grading has been completed. On October 20th a tree was removed due to a winter storm event. During the recent ice/snow storm one tree top fell in Pioneer Park; all fallen debris has been cleaned up. A tree at the Library also fell during the last ice storm causing damage to several downtown business power connections. As this is considered an Act of God, repair and connection updates are the responsibility of the property owners.



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- 3. Administrator's Report.** Mr. McDowell reported that the City was a victim of ransom ware attack in November. Mr. Alex Paul placed an article in the Democrat Herald about the event. McDowell received several phone calls from others affected by the same virus and he was able to help some of them recover from their attacks. The City has basically had several weeks of computer nightmares! A new server computer was purchased and that migration alone has consumed innumerable hours. There are many programs that have to be interfaced and operable. Harris Software, Sensus Meter Reading Software, along with three different printers. Glitch after glitch occurred. But after several calls to support from various vendors, everything is "back to normal."

On the desk tonight you will find letters and the audit for FY 15-16 from Boldt, Carlisle. Council will review the audit in more detail in January. The annual Secretary of State audit report has been filed. Staff also filed the report with Standard & Poor's as required by the refunding of the bonds.

Staff has heard some concerns from folks about the development on the north side of town just south of Depot Avenue. New owners are in the process of building storage units. The project being completed is an outright permitted use in a Light Industrial Zone according to the Brownsville Municipal Code. The City ensures that all required standards are met with each development including TMDL. The developer is in the process of making sure the stormwater calculations are correct for the amount impervious surface to be created by this project. There is another part of this situation that involves a private property dispute between property owners which of course is not a City issue.

Earlier this week, a tree fell in the yard of Library which damaged electrical services for several Spaulding Avenue businesses. The City is not negligent because it was an 'Act of God.'

Alyrica is currently evaluating where their next new high speed fiber optic internet cable will be installed; they are deciding between Philomath and Brownsville. Mr. McDowell asked Council members to forward any suggestions they have heard from the public.

Mr. Wade Long has expressed an interest in organizing another vintage trailer show in Pioneer Park. He would like to possibly be part of the Stand By Me weekend. Mr. Long's initial estimate is to bring in 100 to 150 trailers. The event may be allowed through an agreement, or better yet, as a Chamber of Commerce event.

As city-wide development continues to happen, it might behoove the City to have some standard development codes in place. The Historic Review Board is looking at putting some guidelines together for the Planning Commission to consider. The Canal Company leadership is still trying to determine what they want to do with the canal ditch. It is important for Council to remember that it is all private property and the City is not interested in taking on that responsibility. The costs alone would require major service changes for the City. McDowell is unsure how the situation will resolve.

- 4. Library Report.** No comments.
- 5. Court Report.** No comments.



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6. **Council Comments.** No comments.
7. **Citizen Comments.** No comments.

LEGISLATIVE:

1. **Resolution 2016.20 – Certify 2016 General Election Results.**
Councilor Gerber moved to approve and adopt R 2016.20. Councilor Van Sandt seconded the motion, and the motion passed unanimously. Mr. McDowell thanked all the candidates who ran for office giving congratulations to those who will serve the City in the near future; this election proved how important one vote can be.
2. **Resolution 2016.21 – Approve Department of Revenue IGA.**
Councilor Gerber moved to approve R 2016.21. Councilor Chambers seconded the motion, and the motion passed unanimously.
3. **Resolution 2016.22 – Setting Marijuana Tax Rate.**
Councilor Van Sandt moved to approve R 2016.22. Councilor Chambers seconded the motion, and the motion passed unanimously.
4. **Ordinance 762 – Voter Approved Marijuana Tax.**
McDowell provided this legislation for Council awareness.
5. **Ordinance 763 – Business Registration Amendment.**
This ordinance removes federal requirements from the City's business registration ordinance. Councilor Gerber asked if this ordinance is due to the voters approving the legalization of marijuana sales in Brownsville. McDowell confirmed this was the case. Councilor Van Sandt moved to read O 763 by title only. Councilor Gerber seconded the motion, and the motion passed unanimously. Mayor Don Ware read ordinance by title. Councilor Gerber moved to adopt O 763, and adopt as an emergency, to take effect in 30 days. Councilor Van Sandt seconded the motion, and the motion passed unanimously.
6. **Ordinance 764 – Marijuana Taxation Amendment.**
Councilor Gerber moved to read O 764 by title only. Councilor Van Sandt seconded the motion, and the motion passed unanimously. Mayor Don Ware read ordinance by title. Councilor Van Sandt moved to approve O 764 with one reading. Councilor Neddeau seconded the motion, and it passed unanimously. This ordinance will repeal O 757, which was enacted before the vote on the issue. It is important to note that medical marijuana sales are not taxed, only recreational marijuana sales.

ACTION ITEMS:

1. **Marijuana Tax Collection IGA Option with the Oregon Department of Revenue.** McDowell is asking for Council to authorize Mayor Don Ware and



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himself to approve the documents. *Councilor Van Sandt moved to approve. Councilor Chambers seconded the motion, and the motion passed unanimously.*

2. **Brownsville Municipal Code Considerations.** McDowell would like Council to appoint two members of Council to review two issues for consideration, 1) public safety, and 2) utility billing clarifications. McDowell would like to meet with the appointed members along with Staff to address those two concerns and bring back the discussion to Council. Councilor Neddeau and Chambers volunteered to review these two issues with Staff. Councilor Gerber also expressed interest in helping. Mayor Ware appointed all who expressed interest.

DISCUSSION ITEMS:

1. **Goal Setting Sessions.** Mayor Ware suggested setting two goal setting sessions in February. He also suggested doing a city tour as we will have a new member, and the tour is very informative. McDowell asked Council to come to the January meeting with their schedules in hand in order to plan the time needed to complete this important task. Typically, the Saturday session is about four (4) hours, however, at least two (2) more hours are usually required to finish the required task. These extra hours could be incorporated into work sessions before Council meetings, or possibly the scheduling of another Saturday. Also there is an upcoming training titled, "Elected Essentials" in Lebanon on January 25th, 2017 from 8:30 a.m. – 4:15 p.m. This is a free workshop offered through the League of Oregon Cities, and it be very valuable for Council to attend. Topics range from: how to use your League, the role of elected official and staff, land use, city finances and budget, legal issues (ethics, meetings, and elections), and risk management. You will need to register to attend the training, please inform Mr. McDowell if you are able to attend and Staff can make sure you are registered.
2. **November Financials.** No comments.

CITIZENS COMMENTS – Kaye Fox thanked folks for their concern over her health. The Fox family would like to wish everyone a Merry Christmas and a Happy New Year.

COUNCIL COMMENTS – Mayor Don Ware thanked Councilor Van Sandt for her service on Council. This will be her last official meeting, Doug Block will be sworn in and take her seat in January. Van Sandt thanked Council, and said that she has had a wonderful time serving her community. Mrs. Van Sandt will be present for the ceremonial transition at the January 2017 meeting.

ADJOURNMENT: *Councilor Cole moved to adjourn at 7:45 p.m. Councilor Van Sandt seconded the motion, and it passed unanimously.*



City Administrator S. Scott McDowell



Mayor Don Ware