



## Council Minutes

May 22<sup>nd</sup>, 2018

**ROLL CALL:** Mayor Don Ware called the meeting, a joint session with the Park & Open Space Advisory Board, to order at 7:00 p.m. with Councilors Gerber, Neddeau, Block, Shepherd, Chambers and Thompson present. Members of the Park & Open Space Advisory Board included Pat Cook, Betsy Ramshur, Rick Dominguez, Brandie Simon, and Marilyn Grimes. Administrative Assistant Tammi Morrow, Public Works Karl Frink and City Administrator Scott McDowell were also present

**PUBLIC:**

Kim Clayton, Linda McCormick, Cyndi Anderson, Mark Penrod, Diana Knight, Jon and Connie Erwin, Elizabeth Coleman, Chenoweth Robertson, Kevin Sullivan, Tammy Cook, Kim Roman, Marilyn Grimes, Steve Brenner, Blaine and Katie Cheney, Jorden Parrish (*The Times*), Rick Dominguez, Debra Wyne, Kaye Fox, Brandie Simon, Marilee Frazier, President and CEO Kevin Sullivan (*Alyrica*), Deputy Brandon Thurman (*LCSO*), and Tia Wood.

The pledge of allegiance was recited.

**ADDITIONS AND DELETIONS:** Mr. McDowell added items to the agenda, 10) C. Street bids, and 11) B. November marijuana ballot measure.

**MINUTES:** Councilor Block made a motion to approve the April 24<sup>th</sup>, 2018 meeting minutes and May 3<sup>rd</sup>, 2018 Budget Committee minutes as presented. Councilor Shepherd seconded the motion, and it passed unanimously.

**PUBLIC HEARINGS OR PRESENTATIONS:**

1. **Jon Erwin Recognition.** Mayor Don Ware presented a proclamation and pen set to Mr. Erwin in recognition of his nearly 25 years of service to the City of Brownsville as the City Engineer. Council expressed their appreciation for a job well done and wished him well in his retirement endeavors.
2. **Danny Bivens – Parking Challenge.** Danny Bivens was present to address Council on a parking issue at 503 Spaulding Avenue. Mr. Bivens stated he purchased the property about two years ago as well as two small lots in the area. Bivens intended to build a garage on the extra lots and was given the okay by Linn County. He was then told by the City that he couldn't build just a garage on a property because you must have a primary residence on the property first. Bivens came back to the City to ask for a street vacation and the City said no, because the Canal Company owns land in between the properties among other reasons.

Mr. Bivens is here tonight to ask the City to vacate Putnam Street at his residence. He said the properties above him could be accessed by Amelia Street. Bivens has had problems with people parking in his driveway (which is actually Putman Street) to access the adjacent properties. Mr. McDowell spoke at this point and say that we cannot vacate the street due to utilities located in that street. The Canal Company owns an actual piece of property, not just an easement. The City is currently in the process of contacting the Canal Company, so things are a bit up in the air right now, at best. Any street vacation needs to go through Staff before coming to Council and there is certainly not enough information for Council to



## Council Minutes

make a decision tonight on this matter. McDowell encouraged Mr. Bivens to meet with Staff next week and discuss the issue to determine what can be done.

- 3. Alyrica – President Kevin Sullivan.** President Kevin Sullivan from Alyrica was present to speak to Council about the possibility of coming to Brownsville to provide high-speed Internet service. He stated that Alyrica is looking for a City that needs Internet access and they have created a plan going forward. What he needs from Council is a note of welcome and a franchise agreement in order to commit to investing in placing fiber Internet in the City. Mr. Sullivan stated that most of his lines will be aerial, about 80%. After a survey the poles appear to be in very good shape and the cable spot that was vacated leaves a spot for their needs. Some areas will have to be underground. The timeframe is late fall or winter to start the project. It will optimistically be finished in about a year but may take up to three years.

Mayor Don Ware asked what kind of commitment is needed from Council. Sullivan replied that realistically his company needs about 48% of the market to be feasible. He would need to reach this goal within about three years from installation. He stated that he already has some customers in Brownsville on Alyrica's wireless system now. He has contacted them, and they are 100% happy with the service they are receiving. This fiber-optic line would offer high-speed Internet service and telephone. Prices for the service ranged from \$99 per month to as low as \$19 a month for the phone service. Mr. McDowell welcomed them enthusiastically. He asked Mr. Sullivan if he needed a formal letter from the Mayor. Sullivan replied in the affirmative. They will collectively begin to start sampling franchise agreements for Council review. *(Councilor Gerber arrived at this point of the meeting.)* McDowell stated that we are desperately in need of higher quality Internet and the City is extremely excited about this opportunity. U.S. Senator Merkley recently provided funding opportunities that may apply to the City as well.

- 4. Public Hearing: Proposed Use of State Revenue Sharing.** Mayor Don Ware opened the hearing. No comments were made, the hearing was closed.
- 5. Public Hearing: Budget FY 2018 – 2019.** Mayor Don Ware opened the hearing. No comments were made, the hearing was closed.
- 6. Recreational Buildings – Town Hall.** Mr. McDowell stated that tonight we are having a joint meeting with the Parks and Open Spaces Committee to review the condition of buildings in Pioneer Park and the repair/replacement priorities. We will take a small break to rearrange the room for the projector slideshow.

Mr. McDowell then gave a brief overview of the report submitted from Inspections Unlimited. Highlights of his presentation included how did we get here, funds included in the budget, and aging assets were discussed. Community events, memorials, and the lottery for the Pavilion were also discussed. McDowell recommended forming a subcommittee to bring back an in-depth study for Council. He suggested appointing two Council members with one alternate, two Park Board Members, and two Community Members to sit on the panel. The committee's purpose will be to determine needs, develop associated costs, explore funding strategies, and provide a recommendation for Council's consideration. Members appointed are Lynda Chambers, Carla Gerber, and Doug Block as an alternate from Council. Park Board representatives will be Rick Dominguez and Brandie Simon. Central Linn Recreation Association representative is Blaine Cheney. Debbie Wyne will represent Pioneer Picnic and events in general.



## Council Minutes

Additional folks interested in being on this committee should contact Mr. McDowell.

### DEPARTMENT REPORTS:

1. **Sheriff's Report.** Deputy Brandon Thurman (*LCSO*) was present to recap the month of April. There were 14 traffic citations, 21 traffic warnings, with 42 traffic hours spent overall. Total hours for the month are 203. Deputy Newman moved up to Detective Division and Scott Muney is the new Brownsville Deputy. Deputy Muney comes to us from Stayton; he was traffic enforcement there.
2. **Public Works.** Public Works Superintendent Karl Frink reported that Public Works has been busy this month. They are working on engineering for the Robe Street Waterline project. The engineer on the project is Dyer Engineers headed by Ryan Quigley who is very familiar with Brownsville, having worked for Erwin Engineering for many years. On May 15 the City switched from the wells to the Calapooia River. Public works and is working on Oak Street project grinding out in repaving of a portion of that Street. They are working on replacing street signs and working on the bridge out by the cemetery.

The Park Caretakers, Don and Carol Neddeau, have officially started their duties this past Monday. They worked half a season last year and did a fabulous job we are excited to have them back. Joel Pynch recently passed away and a bike rack in Memorial has been erected in his memory. Public Works staff is also working on a permanent ramp by the Pavilion and mowing and weeding the cemetery for Memorial Day. These projects constitute a tremendous amount of work but are almost finished and ready. The community room is getting new can lights installed and painted drywall repair should be finished up this week. The backstop in the Park has been replaced. Frink recently purchased a quick attach safety equipment for the backhoe. This purchase will eliminate safety hazards and back strain possibilities; it's a nice safety upgrade to have.

3. **EPC Update – Tammi Morrow.** Ms. Morrow given up EPC update. The committee met on May 17<sup>th</sup>, 2018. Upcoming events include the CLES safety play day end of the year activity. They have been in contact with the CLHS to facilitate EPC activities next school year. City staff has ordered clipboards waterproof pens and writing paper for emergency events. The supplies will be stored at various locations around town. Staff is also working on a contact sheet that will feature names, pictures, and contact information for Staff, Council and EPC committee members.

September 20<sup>th</sup>, 2018 was chosen as the community outreach education date. The share will feature an ice cream social held at the American Legion from 6:00 to 8:00 p.m. This event will be promoted through the local paper and the fall City newsletter. The committee would like to encourage Council to complete the 100 & 200 NIMS training online. Please let McDowell or Morrow know if you need that link sent to you again. Ms. Morrow has completed the 100 NIMS training class.

4. **Administrator's Report.** McDowell informed Council of the total meltdown of his computer. The website was created and implemented through this computer and McDowell has been unable to resurrect the website. Some of the links still work, but many are not operational. Staff is working on implementing a new website, which we had been planning on doing anyway. We've experienced lots of



## Council Minutes

technical difficulties with the new website provider; the new launch may be the end of June. This is a huge tool to lose. The City hopes to have it up as soon as possible.

McDowell reported that Go Team, regional economic development project, is on track. They are rallying around some really great projects; the progress is directly related to Mr. McDowell's time and energy invested in this project. The Go Team will be adding capacity in our area, phenomenal progress. Council recently approved a \$500 Economic Northwest study expenditure to cover a portion of this study. This study has since been completed, and it is fascinating. The group had a debrief meeting to look at the study and great conversations were had; the effort seems to be really moving forward. Mayor Ware thanked Mr. McDowell for all of his hard work on this project. McDowell in turn thanked staff for always being here and enabling him to go out and accomplish these things for Brownsville.

McDowell reminded Council of the camping changes being implemented in Pioneer Park. It is important to remember Pioneer Park is a park, not a campground. Camping will only be allowed on Friday, Saturday, and Sunday and will be extended around holidays. This will be a challenging year as folks adjust to the new system. Agreements and pavilion rentals will be allowed to camp per agreement requirements.

McDowell recently attended a meeting with Art Fish and John Pascone about the Enterprise Zone legislation and opportunity.

McDowell referenced Council to page 73 of the packet which included an article from Kristina Surfus, director of legislative affairs for the National Association of Clean Water Agencies in Washington, D.C. this article talked about TMDL and its implications. The writing on the wall here does not look promising, we will continue to work on this as we move forward. The voluntary matrix has turned into a mandatory matrix. McDowell and Frink will continue to monitor the situation and keep Council apprised.

Staff continues to monitor the on-going situation at 382 Kirk Avenue. The property is going through the foreclosure process and property managers are currently waiting on the legal process to take its course prior to cleanup. It appears that June 8<sup>th</sup>, 2018 is the soonest the City could post the property for cleanup. McDowell intends on posting the property that day unless anything changes.

5. **Library Report.** No comments.
6. **Court Report.** No comments.
7. **Council Comments.** No comments.

### **CITIZEN COMMENTS.**

Mayor Ware asked that citizens remember comments need to be limited to three minutes per audience member. When you step to the podium please state your name and address prior to commenting for the public record. Councilor Gerber reminded the citizens that Council cannot interact with the public during this time.

Danny Bivens asked if there is a future plan for erosion in the Park. McDowell recapped the history of this process for Mr. Bivens. Basically, there is no easy



## Council Minutes

solution that is cost-effective, and the City has decided to retreat. There is funding in the budget to move the playground equipment as needed; it is frustrating for the City as well. Council continues to monitor City priorities.

Kim Roman was present to talk about the farm animal ordinance. She said she has talked to many residents who have no idea about the ordinances; they are not involved. She said this ordinance is about more than just the farm animal ordinance, pretty soon we are just like other big cities. Roman said Brownsville is an unusual community just like it was 40, 50, and or 60 years ago. Let's keep it that way.

Cyndi Anderson, Stanard Avenue, stated that she has lived here almost 40 years. She has to pinch yourself daily; they love it here. She thanked all for serving as Council members and Staff. She is here tonight to talk about her roosters. She has a two-year-old grandson that lives in Portland that loves to come see her roosters. She wants to preserve the community like it is for future generations. She also owns an Air B & B and the guests there say they love hearing the roosters. Anderson showed pictures of her grandson and roosters for Council to see. She also distributed earplugs for those folks that don't like the sound of the roosters, and distributed a handout on conflict resolution.

Tia Wood, Spaulding Avenue, was also present to talk about the farm animal ordinance. The quaintness of Brownsville is what brought her and her family here. She thinks folks should be able to raise a pig for 4-H if they want to. She hears roosters in the distance and believes they are fun.

### **LEGISLATIVE:**

- A. Resolution 2018.11: Election to Receive State Revenue Sharing.** *Councilor Gerber moved to approve R 2018.11. Councilor Block seconded the motion, and the motion passed unanimously.*
- B. Resolution 2018.12: Enterprise Zone Designation.** *Councilor Gerber made a motion to approve R 2018.12 as presented. Councilor Shepherd seconded the motion, and it passed unanimously.*
- C. Ordinance 772 – Nuisance Abatements (Second Reading).** *Councilor Block made a motion to read O 772 by title only. Councilor Gerber seconded the motion, and it passed unanimously. McDowell stated that the only things changing are the items in yellow highlight. Councilor Gerber made a motion to approve O 772. Councilor Shepherd seconded the motion, and it passed unanimously.*
- D. Ordinance 773 – Attractants (Second Reading).** *Councilor Chambers made a motion to read O 773 by title only. Councilor Neddeau seconded the motion, and it passed unanimously. Council Chambers asked if this ordinance applies to cats as well. Mr. McDowell stated that basically this ordinance is for anyone putting out food that can attract nuisance animals. The City must have force of law or we don't have any way to assist in situations that get out of control. Cats, turkeys and other animals can become nuisances. Folks are not safeguarding foodstuffs. The City has had folks tell us they put out 50 pounds of cat food for feral cats every week. These feral cats then cause problems for*



## Council Minutes

neighboring property owners. When neighbors complained they are often met with hostility. This ordinance will allow staff to go out in a situation and have the opportunity to try to handle the issue. *Councilor Gerber moved to approve O 773. Councilor Shepherd seconded the motion, and it passed unanimously.* Councilor Chambers asked for clarification on how this ordinance will be enforced. McDowell responded that the rules will not come into play unless there is a problem. If there is a warranted complaint, Staff will pursue the situation.

**E. Ordinance 774 – Noise. (Second Reading).** *Councilor Chambers made a motion to read O 774 by title only. Councilor Gerber seconded the motion, and it passed unanimously. Councilor Gerber made a motion to approve O 774. Councilor Block seconded the motion.* Councilor Chambers commented that this ordinance is not about neighbors blaring music. McDowell responded that that is correct. This ordinance allows the City to have a criterion to follow in a situation like McFarland Cascade coming to town. McFarland Cascade did not have to comply and remedy the situation when the City received noise complaints after they built their peeling plant west of town. They did significant upgrades and sound baffling to mitigate the noise complaints on their own accord. Again, this ordinance will give the City a standard to follow. *The motion was voted on and passed unanimously.*

**F. Ordinance 775 – Animals. (Second Reading).** *Councilor Block moved to read by title only. Councilor Shepherd seconded the motion, and it passed unanimously. Councilor Shepherd made a motion to approve O775. Councilor Block seconded the motion.* Mayor Ware stated that the reason for this ordinance is to give the City the ability to enforce the laws. McDowell responded that certain prohibitions, like exotic animals, are not permitted outside. Chickens need to be confined to the owner's property; this is for the welfare of the animals and humans alike. Sheep, bees and roosters will be dealt with by administrative review for the peace health and safety of all. There will be difficulties with some of these issues in the future. People need to keep and care for animals responsibly. Councilor Gerber stated that complaints will be driven by neighbors and others, and investigated from there. *The motion was voted on and passed unanimously.*

### **ACTION ITEMS:**

- 1. Dollar General Recognition and Proclamation.** McDowell has prepared a proclamation thanking Dollar General for their recent new construction located on Main Street. Staff has taken a lot of flak about the establishment of this business in charming Brownsville. The City did not actively recruit Dollar General, nor any other development over the last two decades or more. People and companies are able to buy land wherever they chose and do what they will with it, if it is allowed by local codes. The Dollar General is a good company. They offer products needed by the community at large, they will provide local jobs and this store will help many



## Council Minutes

in residents of our community by providing groceries and other goods at affordable price points.

- 2. Paving Project – N. Oak Street.** Mr. McDowell reported that Mr. Frink put together the specifications for this project and he did a great job. He has taken the time to meet with these bidders. Knife River and North Santiam Paving Company have both submitted bids for the project. North Santiam Paving Company came in as the lowest bid. *Councilor Gerber moved to authorize Mr. McDowell and/or Mayor Ware to negotiate and accept the bid from North Santiam Paving. Councilor Block seconded the motion, and it passed unanimously.*
- 3. November Ballot Measure.** Mr. McDowell has been in contact with City Attorney Ross Williamson to find out what the City needs to do to put the marijuana measure on the November ballot. The attorney recommends doing all of the items listed in his email that McDowell provided for Council. *Councilor Block made a motion to direct Mr. McDowell to go forth and include everything as recommended by the City Attorney. Councilor Shepherd seconded the motion, and it was approved unanimously.*

### **DISCUSSION ITEMS:**

- 1. April Financials.** No comments.

**CITIZEN COMMENTS.** Diana Knight, Hausman Avenue, stated that she would like to see a better definition on what is an abandoned, feral, or stray cat. In the past she has taken on many, many cats that businesses and others have abandoned. Many of these cats are outdoor cats; they are owned and fed outside. Not feeding cats is a direct violation of new State law she said. She would like Council to address that issue.

Kim Roman spoke next. She said the house they bought came with a cat. His food is outside. Outside cats eat the mice, and that is good for everyone. She doesn't think that she should not be allowed to feed her cat outside.

Marilyn Grimes, Oak Street, stated that she had trapped an outside cat and gotten her fixed, and then gave away the kittens. She is a responsible pet owner.

**COUNCIL COMMENTS.** Councilor Chambers commented that the new ordinance will not forbid folks from helping starving cats. Feeding 40 cats as opposed to one is much different. McDowell commented that we are a City that allows cats to be outside, unlike other cities.

Councilor Shepherd addressed the scolding letter Council received from Allen Buzzard. The letter is not accurate and not appreciated.

**ADJOURNMENT:** *Councilor Shepherd moved to adjourn at 8:45 p.m. Councilor Block seconded the motion, and it passed unanimously.*

A blue ink signature of S. Scott McDowell.

S. Scott McDowell  
City Administrator

A blue ink signature of Don Ware.

Don Ware  
Mayor