



Council Minutes

April 24th, 2018

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

PUBLIC: Kim Clayton, Elizabeth Coleman, Sergeant Andy Franklin (*LC*SO), Crystal Garcia, Alex Paul (*Democrat Herald*), Jorden Parrish (*The Times*), Kim & Faye Roman, Steve & Nan Van Sandt, Joni Nelson, Allen Buzzard, Bryan Bradburn, Scott Gagner (*Sweet Home Sanitation*), and Phil & Kaye Fox.

The pledge of allegiance was recited.

ADDITIONS AND DELETIONS: None tonight.

MINUTES: Councilor Gerber made a motion to approve the March 27th, 2018 meeting minutes as presented. Councilor Shepherd seconded the motion, and it passed unanimously.

PUBLIC HEARINGS OR PRESENTATIONS:

- 1. Sweet Home Sanitation (SHS) - Scott Gagner.** Scott Gagner stated that he is not here to ask for a rate increase for Brownsville. However, he is here to inform Council on the current state of recycling with China. SHS has been incurring a huge cost increase over the last 12 months. History shows that China used to buy about 50% of the world's recycling products; they are now importing only 20%. SHS used to get paid \$20-\$30 a ton, and now are being forced to pay \$85 per ton for disposal. Waste haulers nationwide are experiencing this crisis. He may be coming back to Council in a few months with a tentative proposal, potentially around a price increase. A new recycle flyer has been distributed; SHS is no longer able to recycle nearly the amount of materials that were once permitted. Basically, they can take plastics (#1 & #2 only), newspaper and paper (but not shredded paper) and clean cardboard. Mr. McDowell stated that he serves on the Solid Waste Advisory Committee and they are working on a re-education piece as well. Wishful recyclers are causing a lot of the problems. Many people think something is recyclable, but it isn't which causes contamination of the recycling stream. McDowell also stated that State laws are going to have be examined and likely modified to comply with the new restrictions. Councilor Gerber asked about re-educating folks at events like Pioneer Picnic. Mr. Gagner was enthusiastic about that idea. Gagner continued by asking to please let him know if the City needs information packets or anything else related to recycling.

DEPARTMENT REPORTS:

- 1. Sheriff's Report.** Sergeant Andy Franklin was present to recap the month. In March LC



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2. **Public Works**. Public Works Superintendent Karl Frink reported that March was fairly unremarkable. The broken turbidity meter was repaired. Public Works has also been flushing hydrants around town. Frink is alternating flushing as to not overly impact the reservoirs. He will probably put that project on hold until the City is back on river water. The annual drinking water report (Consumer Confidence Report) was just distributed and featured in the Spring newsletter. The report is also available on-line at the City's website. Public Works is also working on a paving project on Oak Street and other areas. He is exploring options for bridge repair/maintenance on the cemetery road. The bridge is not a load-bearing qualified bridge. Frink is trying to engage Linn County on the project and the City engineer is also being consulted. Pioneer Park was opened on March 30th, to allow the annual Easter Egg hunt event to happen. Staff is doing maintenance and repair in Pioneer Park as well.
3. **Administrator's Report**. McDowell informed Council of the imminent retirement of City Engineer Jon Erwin. He officially retires May 25th, 2018. The City has contacted Ryan Quigley, Dyer Partnership, to fill this vacancy. Ryan is a former employee of Erwin Consulting, so he is very familiar with the City of Brownsville.

McDowell reported that new leadership has been appointed at the Chamber of Commerce. At a recent Executive Board meeting McDowell reviewed with them details concerning projects, building rentals and the details of the agreement between the Chamber and the City. The City expects some growing pains, but are excited to see what the new leadership will do.

McDowell reported that Inspections Unlimited has issued their findings report. He and Mr. Frink will review the report and forward a 2-page summary to Council and community partners along with the full report. He anticipates holding a town hall meeting to analyze and receive feedback from the community on projects going forward at the May Council meeting.

Senator Merkley will be holding a town hall event at Linn Benton Community College on April 30th, 2018. If anyone wants to go, please contact Mr. McDowell. On the desk tonight Council found a notice to local taxing districts about enterprise zone changes from John Pascone, Enterprise Zone Manager. The meeting is scheduled for May 9th, 2018 at 3:00 p.m. Again, Councilors are encouraged to attend, contact Mr. McDowell for details.

Cascade West Council of Governments Economic Development & Policy Advocacy Update. Mr. McDowell reported that the group had approved an EcoNorthwest study. The study is now compiled and completed. McDowell has been meeting with other Linn County cities and all are interested in going forward and having a bullet points strategy plan to follow based on the Rural Linn Economic Development strategy developed by the Go Team. A regional group of cities including Brownsville has received grant funding from the State of Oregon to hire a Regional Accelerator and Innovation Network (RAIN) representative for our area. RAIN serves entrepreneurs by connecting them to resources and partners that can help turn ideas into thriving, local traded-sector companies.

Staff is monitoring the on-going situation at 382 Kirk. The property is going through the foreclosure process and property managers are currently waiting on



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the legal process to take its course prior to cleanup. It appears that April 30th is the date that all occupants should depart the premises. The party responsible for the clean-up of the property said that clean-up is likely to begin around May 15th. Staff will continue to monitor the situation and keep neighbors informed. A nuisance notice may be posted to get some action on the property depending on timing and legality of the property issues. The City has heard deep concern from all neighboring property owners.

State Audits Division Letter. McDowell received an answer back from the State, no further action is needed.

The first Budget Committee meeting is this upcoming Thursday, April 26th.

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

CITIZEN COMMENTS.

Mr. Bryan Bradburn was present and addressed Councilor Chambers personally. A 5-minute recess was called for.

Nan Van Sandt spoke next stating that for her Brownsville is the best of both worlds, city and country. It reminds her of a Norman Rockwell painting. She believes that ordinances are very important, but that we don't want to be just like everyone else. She loves all of the country feel, but feels like we are turning into the *Stepford Wives*. She is all about being outdoors and enjoying nature. When she was on Council she fought to keep the larger areas in town not mowed. Van Sandt stated she likes the look of the larger parcels not mowed; we need to keep nature here.

Steve Van Sandt spoke next stating that he now dreads seeing the City Council minutes come out. There are a lot of big issues to address in the world and instead the Council is focusing on cutting grass and telling folks what kind of plants they can grow. He is concerned that every time the Council meets the City gets more ordinances. Van Sandt stated that the more rules and regulations you have, the more people will break the laws, or have no regard for rules at all. Most people who live here want fewer rules and ordinances. He suggests encouraging community, not more rules and laws.

Kim Roman spoke next regarding the animal ordinance. She moved here from Seattle and enjoys the cuteness of the rural town. Animals make Brownsville what it is, and she is opposed to so many rules about animals. She understands it is a case by case basis. Her daughter, Faye, said that she loves her chickens and roosters.

Joni Nelson stated that she would like to speak for her chickens. They have enjoyed shopping uptown all of their lives. She does not want to coop up her chickens. She also stated that Council should be using water glasses, not plastic bottles. Let's think about where the recycling is coming from.



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Allen Buzzard spoke next stating that he would like to validate the Van Sandt's, Kim & Faye Roman and Joni Nelson's testimony. Buzzard stated that he has lived here for 11 years now, and the last thing he wants is for Brownsville to turn into Eugene. He believes the noise ordinance is ridiculous; we are ordinances ourselves to death. Buzzard went on to say that the budget outlook starts this Thursday, and he thinks the City should keep all their services less than the 4.2% CPI rate. He recently patronized the new Dollar General Store, and was happy not to have to drive to another town. Buzzard stated that he was told they are looking to establish a DC (Distribution Center) in a couple of years, and he encouraged Council to look into that, it would be creating jobs for us.

LEGISLATIVE:

- A. Resolution 2018.10: Verification of Services – DAS - SRS.** Mayor Don Ware stated this is an annual event. *Councilor Gerber moved to approve R 2018.10. Councilor Shepherd seconded the motion, and the motion passed unanimously.*
- B. Ordinance 772 – Nuisance Abatement (First Reading).** *Councilor Chambers made a motion to read O 772 by title only. Councilor Gerber seconded the motion, and it passed unanimously.* Mayor Don Ware asked for clarification of the proposed ordinance – could folks be exempt if land over 1 acre is used for natural habitat? Councilor Gerber stated that she didn't think that would work but would like to offer a compromise of making the ordinance read 3 acres and larger to reach this exemption. Councilor Shepherd commented that he would like to see 5 acres be used for the exemption citing that the State of Oregon spent \$37 million on wildfires last year alone. Dry grass is what started those fires, so if you have a yard, you should mow it. It should be equal for all until you reach a certain size, if not, it is unfair to those maintaining their areas. He stated that mowing helps invite folks in to the City too.

Councilor Block commented that he would like to see all areas maintained in a similar manner. Councilor Chambers commented that she would like to see small areas dedicated to bunnies, raccoon, and small creatures. Mr. Frink interjected that Public Works mows and maintains Pioneer Park, and while well maintained, there are plenty of areas for squirrels, birds, other wildlife and insects. Councilor Thompson stated that she would like to support Councilor Chambers and Mayor Don Ware. She said it speaks well for the City that we allow birds and wildlife and are stewards of the environment. Mr. McDowell chimed in stating that several things have been said tonight that are misleading/not on point. The ordinance is only asking for folks to mow down to 12". All parcels including the larger parcels are typically only mowed once or twice a year by the ordinance. The weed and grass nuisance season runs from June 1st to September 30th. Mr. Buzzard talked tonight about the high tax rate. This ordinance promotes the look and feel of a certain perception. There are many different views on what is right, but many feel that the City should require properties to be maintained in a manner supports property values. Mayor Don Ware asked specifically that is Council passes this ordinance will the Van



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Sandt's be able to leave their property the way it is now (in its natural state)? McDowell responded that no, that would not be the case. Refer to page 27 in the packet. Mayor Don Ware responded that he wants to strike D from the ordinance. Councilors Thompson and Chambers agreed with Ware.

Councilor Gerber would like to proceed with the ordinance, but to change the lot size to 2 acres. She stated that any lot, regardless of size, can do native plantings and implement burrowing areas for small animals. She would also like to address the issue of unimproved lots, regardless of size. If there are no structures on the land, she would like to see that they are required to mow. Agriculture uses are different in the ordinance; McDowell explained the City's practice when it comes to agricultural crops on the field.

Councilors Block and Shepherd maintain that fire load is fire load, regardless of size, and agree with a mowing requirement. Mr. McDowell stated that Staff has brought this to Council because the current system is not working well. Ordinances can and should be redone as needed to meet the City's needs. Councilor Gerber stated that if Council doesn't want to make any of her proposed changes, she would probably vote with Ware, Thompson, and Chambers. *Councilor Chambers made a motion to approve O 772 as presented but strike out section D. Councilor Thompson seconded the motion. The motion was voted on and passed, with Mayor Don Ware, Councilors Thompson, Gerber, and Chambers voting in favor. Councilor Block and Shepherd voted against, and Councilor Neddeau abstained.* The ordinance will be on the agenda next month for the second reading. Councilor Shepherd remarked that maybe we should strike the whole ordinance and let folks do what they want.

- C. Ordinance 773 – Attractants (First Reading).** *Councilor Gerber made a motion to read O 773 by title only. Councilor Block seconded the motion, and it passed unanimously.* McDowell stated that this ordinance is not prohibitive, it is to create a force of law to deal with the issue. When there are attractant nuisances reported to the City, Staff has no way of effectively enforcing anything around this issue. This ordinance is meant to be proactive not punitive. The City of Philomath experienced a terrible problem with an influx of turkeys several years ago that caused a lot of problems and controversy for their Council and Staff.
- D. Ordinance 774 – Noise (First Reading).** *Councilor Gerber made a motion to read O 774 by title only. Councilor Block seconded the motion, and it passed unanimously.* Mr. McDowell stated that contrary to previous testimony tonight, the noise issue is not an anomaly, or only an issue with McFarland Cascade. McFarland Cascade was under no force of law to make improvements or corrections to the new peeling plant located southwest of Brownsville. But, of their own accord and to their credit, they spent considerable funding to make improvements and mitigate the noise from their operation for the benefit of the City. As Council begins talking about expanding the UGB boundaries, time is of the essence to have City recourse and limitations



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on the books. Again, force of law is the issue because without, the City has no chance of requiring a future business, industry or other use to mitigate a problem or concern.

E. Ordinance 775 – Animals (First Reading). *Councilor Gerber made a motion to read O 775 by title only. Councilor Block seconded the motion, and it passed unanimously. Councilor Gerber stated that the biggest issue seems to be the chickens penned and the roosters not permitted. McDowell said the ordinance states that chickens should be properly contained within fences, not in a chicken coop. McDowell recounted an issue several years ago between a neighborhood and a rooster owner. Gerber asked if the ordinance could be scalable for folks with larger parcels? Brownsville is a small town and she feels like we should try to preserve that when possible. Chambers asked about the liability for the chickens wandering downtown. McDowell responded that this ordinance is around trying to strike a compromise, not ‘ruin’ Brownsville. He stated that it is hard to find peace for all in a city that doesn’t have some rules and regulations. Councilor Gerber made a motion to approve O775, but strike rooster prohibition to administrative review. Councilor Block seconded the motion. The motion was voted on and passed unanimously. Councilor Block stated that Council is here for the greater good, not just a few special folks.*

ACTION ITEMS:

- 1. Mental Health Month Proclamation.** Mayor Don Ware proclaimed May 2018 as Mental Health month in Brownsville. McDowell read an excerpt from Dick Knowles sharing local statistics about the issue.
- 2. Older Americans Month Proclamation.** Mayor Don Ware proclaimed May 2018 as Older Americans month in Brownsville.
- 3. Appoint Board and Commission Members.** *Councilor Block made a motion to appoint Sandy Saltzer and Linda McCormick to the Library Advisory Board. Councilor Shepherd seconded the motion, and it was approved unanimously.*
Councilor Block made a motion to appoint Kaye Fox to the Planning Commission. Councilor Shepherd seconded the motion, and it was approved unanimously.
- 4. OLCC Renewals.** *Councilor Gerber made a renew all OLCC applicants. Councilor Chambers seconded the motion, and it was approved unanimously.*
- 5. Oregon State University Internship Program.** McDowell provided information in the packet for Council. He would like at least one Councilor to be a part of the interview committee. Councilors Gerber and Neddeau volunteered to participate. Council voted by consensus to move forward reviewing the possibility of having an intern.



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DISCUSSION ITEMS:

1. **Proposed Language – Marijuana Regulation (Measure 56).** Councilor Block stated that he is favor of going out for a vote in November on the marijuana issue. He would like Mr. McDowell to craft the language so that it is easy to understand, unlike the last marijuana vote. Councilor Chambers clarified that it would have no effect on home grows, right? McDowell responded that that was correct. State regulations are too complicated and not very enforceable for individual grows which makes rulemaking impossible. Mr. McDowell stated that cities can go out for the vote in November of even numbered years, so now is the time to do it, if Council desires. *Councilor Block made a motion to send the issue back to the voters on the November 2018 ballot. Councilor Shepherd seconded the motion, and it passed unanimously.*

2. **March Financials.** No comments.

CITIZEN COMMENTS. No comments.

COUNCIL COMMENTS. No comments.

ADJOURNMENT: *Councilor Gerber moved to adjourn at 8:36 p.m. Councilor Neddeau seconded the motion, and it passed unanimously.*

A blue ink signature of S. Scott McDowell, consisting of stylized initials "SM".

S. Scott McDowell
City Administrator

A blue ink signature of Don Ware, consisting of stylized initials "DW" followed by a long horizontal stroke.

Don Ware
Mayor