



## Council Minutes

January 24<sup>th</sup>, 2017

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

**PUBLIC:** Kaye Fox, June Schlosser, Ron Whitted, Doug Block, Kim Clayton, Jerry Papineau, Captain Kevin Guilford and Greg Newman (LCSO), Elizabeth Coleman, Jannea Deaver, Jordan Parrish (*The Times*), and Alex Paul (*Democrat-Herald*).

The pledge of allegiance was recited.

**ADDITIONS AND DELETIONS:** None.

**MINUTES:** Councilor Gerber made a motion to approve the December 20<sup>th</sup>, 2016 meeting minutes as presented. Councilor Shepherd seconded the motion, and it passed unanimously.

### **PUBLIC HEARINGS OR PRESENTATIONS:**

**Oaths and Affirmations of Office – Judge Jad Lemhouse.** Judge Lemhouse requested that newly elected Council members Doug Block, Carla Gerber, and Lynda Chambers come to the front of the room to perform the Oath of Office ceremony. The group raised their right hands and were duly sworn in by Judge Lemhouse. Judge Lemhouse congratulated the new officials on their appointments.

### **DEPARTMENT REPORTS:**

1. **Sheriff's Report.** LCSO Captain Guilford congratulated the new Council members on their appointments. He reported that LCSO issued 17 citations, 16 traffic warnings, 22 hours spent on traffic for a total of 213 hours spent in Brownsville for the month of December. Deputy Newman was present as well and reported on the ongoing investigation of several recent burglaries around town. The main perpetrator is still currently lodged in Linn County Jail, with several juveniles also cited and released. Mr. McDowell asked Deputy Newman to share his thoughts on the current Recreational Vehicle policy. Newman stated that the Brownsville Municipal Code is currently written in a way that makes it difficult to enforce. Along the same lines, Council will be asked to look at a new resolution dealing with harassment and vagrancy. This new ordinance will greatly help the Sheriff's Office with enforcement issues regarding public safety.
2. **Public Works.** Public Works Superintendent Karl Frink reported that all instruments have been calibrated at the Water Treatment Plant; a process that is required every 3 months. He is happy to report that the City had no permit violations this year. Frink reported that a couple of damaged trees have been removed, and the leaf cleanup in Pioneer Park is underway. Public Works has also been replacing traffic signs around town. In all, the City has over 100 signs in town, and there are still a few more to be installed. You may notice new signs in intersections that have previously not had them before. The red shed project has been completed, and is now just waiting for weather warm enough to finish the caulking and painting. Councilor Cole asked what a permit violation entails? Mr. Frink replied that basically the City does a lot of required testing to make sure that there is only a certain percentage of contaminants in the water before discharge



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into the river. The test results monitor several contaminants such as ecoli, total suspended solids, etc. When Frink receives the lab reports back, he is required to report any violations to DEQ. Cole remarked that the Red Shed project came out very nicely. Councilor Chambers inquired about who is in charge of the street sign placements. Frink reported that the City does not have a program or ordinance for each sign. Street sign standards changed every few year, and when replaced the City is required to bring the signs up to the current Manual of Uniform Traffic Control Devices (MUTCD) Code published by the Federal Highway Administration. The new signs have reflectors on them, are very bright, and the minimum size is 30”.

- 3. Administrator’s Report.** Mr. McDowell reported that he and Mayor Ware have been to a series of meetings with other rural cities concerning the LCSO contract. They have also had the first meeting with Sheriff Riley and his Staff on January 13<sup>th</sup>, 2017. The meeting went well. A follow-up meeting in February is scheduled. The basic complaint is that the cities need to get the results that the communities want to see for the service that all communities are paying for as extra services. Most of the cities (Halsey, Harrisburg, Millersburg, Mill City, Scio, and Brownsville) have the same concerns that we do.

McDowell has been actively working with the GO Team on a regional proposal. Several key players have been identified as well as three focus areas. McDowell anticipates some action on the project soon, hopefully in February.

McDowell and Mrs. Coleman have initiated an investigation concerning the Urban Growth Boundary (UGB) with David Kinney. Mr. Kinney approximates that the project will cost about \$40,000. Once concern for residential expansion is that that are some areas that could be utilized within the UGB. McDowell will be taking this project to discussion with the Budget Committee as well as Council in the near future in regards to funding and logistical steps needed.

Pages 47 & 48 in your packet highlight reoccurring legislation and reviews. McDowell provided this document to give Council a reminder of what legislation typically happens throughout the year, not to mention all of the other things Council handles.

The RV situation has already been discussed tonight. In the near future Council will be asked to take a look at the Brownsville Municipal Code to make improvements for LCSO and Staff.

The City has been informed that there will not be a formal Chamber sponsored annual event of Stand By Me this year. They have opted to not rent park facilities, etc. Consequently park facilities have been rented out for a family reunion including the Central Linn Rec Center.

Councilor Chambers stated that as she took her oath of office tonight for her next term, she is very concerned about the differing stands on the law and how it pertains to her as she carries out her duties as a Councilor. She has written to several of our local government representatives (Defazio, Merkley, and Wyden) and expressed her concerns particularly in regards to marijuana still being illegal federally, but is somehow State sanctioned. Councilor Cole remarked that she would like to hear what those elected officials have to say. Cole also asked if the Simpson’s have an open date for their medical marijuana facility. Mr. McDowell responded as to the application process they are required to complete. They first will have to get their conditional use certified, the City will have to complete a Land Use Compatibility Statement (LUCS) and then the application will be sent on to the Oregon Health Authority (OHA), and then they will get an open date shortly after that. It is important to note that another conditional use application would be needed to allow recreational marijuana sales as that business is supervised by a different State entity, OLCC not OHA.



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4. **Library Report.** No comments.
5. **Court Report.** No comments.
6. **Council Comments.** Councilor Shepherd commented that on page 49 of the packet you will find electronic leashes information. He has done some research and found that this leash is actually a training collar and can cause a dog to go “nut-so” on another dog or human. He would like Council to take this under advisement in case this matter is brought up to Council again.
7. **Citizen Comments.** Kaye Fox stated that she was present at the Planning Commission meeting last night and voiced some concerns about the approval of the conditional use application from Randy Simpson and Gayle Ashford regarding the opening of a medical marijuana facility on Bishop Way. Their ill-treatment of City Staff and the citizens of the community should not be tolerated. She requested that they conduct themselves in a better manner. The Simpson’s did not respond to her comments or request. Mrs. Fox also wanted it noted that there are big gaps of time in the Sheriff’s report showing their presence in town. Her issue is that the City’s traffic problems continue every day, and she would like to see more coverage on a more consistent basis.

### **LEGISLATIVE:**

1. **Resolution 2017.01 – Pro-Tempore Judge Appoint.**  
*Councilor Cole moved to approve and adopt R 2017.01 as presented. Councilor Chambers seconded the motion, and the motion passed unanimously.*
2. **Resolution 2017.02– Commitment to Safety Program.**  
*Councilor Gerber moved to approve R 2017.02. Councilor Cole seconded the motion, and the motion passed unanimously.*
3. **Resolution 2017.03 – Recognize Nan Van Sandt’s Public Service.**  
*Mr. McDowell presented to Council the matted frame and engraved pen that will be presented to Mrs. Van Sandt as a parting gift of appreciation. Councilor Cole moved to approve R 2017.03 thanking Mrs. Van Sandt for her terrific public service to the City. Councilor Gerber seconded the motion, and the motion passed unanimously.*
4. **Resolution 2017.04 – Disburse Transient Room Tax Funds.**  
*Councilor Cole moved to approve R 2017.04 as presented. Councilor Gerber seconded the motion, and the motion passed unanimously. Councilor Cole asked what the Chamber typically spends this funding on? McDowell responded that the Chamber has a robust event schedule, including the Antique Fair, as well as sponsoring the summer flower baskets and promotes Brownsville during the course of the year for tourism purposes. McDowell feels that the business community and the City receive a good return on the transient room tax ordinance.*
5. **Ordinance 765 – Utility Billing Additions (First Reading).**



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*Councilor Chambers moved to read O 765 by title only. Councilor Cole seconded the motion, and the motion passed unanimously. Mr. McDowell stated that this ordinance is clearly laid out, but welcomes Council input. The City has about 2 dozen habitually late customers. The new ordinance language cleans up existing language, and puts practice into place as it should be, with onus on the users, not Staff. Councilor Gerber inquired about the extreme hardship language and if that will be difficult to define and implement? McDowell responded that the language is pretty clear and Staff have a lot of latitude that allows for good, consistent decisions to be made on an account by account basis. Basically, customers deal with Staff first and if not satisfied they will be directed to Council via agenda. McDowell stated that in the ten years he has been here, there have been no complaints that have had to be heard by Council. Councilor Chambers and Councilor Neddeau met with McDowell and Administrative Assistant Jannea Deaver for input on this new language and implementation before it was brought to Council. Councilor Neddeau did say that some of the concerns Council Gerber raised were addressed in the meeting.*

6. **Ordinance 766 – Public Safety (First Reading).**

*Councilor Gerber moved to read O 766 by title only. Councilor Cole seconded the motion, and the motion passed unanimously. Mayor Don Ware read ordinance by title. McDowell stated that this ordinance is needed due to the recent increase of harassment and unsavory situations in town and the park over the past few years. The language was provided by Deputy Newman and was taken from the Albany Municipal Code. Mayor Don Ware would like to see “electronic means” incorporated into the language. Council concurred. McDowell will update the language for the next reading and present it to Council in February.*

### **ACTION ITEMS:**

1. **Elect Council President (Two Year Term).**

*Councilor Cole made a motion to re-elect Councilor Chambers as Council President. Councilor Shepherd nominated Councilor Gerber as Council President. Councilor Block seconded the motion. A vote was called for with Councilor Cole, Neddeau and Gerber voting for Councilor Chambers and Councilors Block, Shepherd, Chambers and Mayor Don Ware voting for Councilor Gerber. Gerber won the nomination and is willing to serve as Council President.*

2. **Appoint Cascade West Council of Governments Representative (Two Year Term).**

*Councilor Cole made a motion to appoint Councilor Block as CWCOG Representative. Councilor Gerber seconded the motion. The group meets every other month from 2:00 – 4:00 p.m. on a Thursday. Councilor Block said that he would rather not be this representative as it interferes with his work schedule. Councilor Shepherd nominated Councilor Neddeau for this position. Councilor Gerber seconded the motion, and it was approved unanimously. Neddeau accepted the appointment.*

3. **Appoint Central Linn Recreation Board Liaison (Two Year Term).**

*Mayor Don Ware stated that he felt it was important to have a representative at*



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this monthly meeting. *Councilor Cole nominated Councilor Block for this position. Councilor Gerber seconded the motion, and it was approved unanimously. Block accepted the appointment.*

4. **Budget Committee & Planning Commission Advertisements.**

McDowell reported that this is just an annual reminder as it is standard reporting practice for Mr. McDowell to post advertisements for the budget and openings as needed. There is an opening on the Planning Commission. Council will see an advertisement for that soon.

5. **Approve Total Maximum Daily Load (TMDL) Plan.**

Mayor Don Ware complimented McDowell on the document and the beautiful summary. McDowell reported that this document is just basically telling the City's story which is a story about limited funds and many capital improvements projects that have dominated the budgeting landscape over the last nine years. The City has no funding with which to accomplish the end to which the TMDL is driving toward. The City is trying to do the parts and pieces that we feel are appropriate for us to do, and the City does try to mitigate drainage problems whenever possible. McDowell is asking for Council to pass this tonight, and then this document will be forwarded to DEQ, and we may receive recommendations back from them. *Councilor Cole made a motion to accept the TMDL Plan as presented. Councilor Gerber seconded the motion, and it passed unanimously.* Councilor Cole asked if the City has tried developing a cooperative movement like with the agreement for the LCSO. Can the City partner with other small cities in regards to TMDL? McDowell responded that everyone seems to be doing their own thing. McDowell and a few others have tried, but the results have not been good at all. Efforts will continue to be made toward this end.

6. **Central Linn School Board.**

Councilor Shepherd suggested that a contingent meet with CLSD board members. *Councilor Gerber made a motion to authorize Mayor Don Ware and Councilor Shepherd to arrange informational meetings with school representatives. Councilor Cole seconded the motion, and it passed unanimously.*

### **DISCUSSION ITEMS:**

1. **Set Goal Setting Sessions.**

A doodle poll has indicated that March 11<sup>th</sup>, 2017 seems to be the best date for all members to attend this important goal setting training session. Please mark your calendars! The hours are from 8:00 a.m. – 12:00 p.m.; breakfast and lunch will be provided. At that meeting the group will schedule another time to capstone that session, perhaps before an upcoming Council meeting.

2. **December Financials.** No comments.

**CITIZENS COMMENTS** – No comments.



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**COUNCIL COMMENTS** – Mr. McDowell invited Council to “test drive” the four chairs presented and express your opinions by vote for Council chair replacement.

**EXECUTIVE SESSION** was entered at 8:11 p.m.

- Council will be reviewing the performance of the City Administrator.
- Oregon Revised Statutes, Chapter 192.660 governs the conditions for a public body to convene in an Executive Session. The City will invoke Section (i) to review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.
- 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.

**EXIT EXECUTIVE SESSION** at 8:24 p.m.

*Councilor Gerber moved to adjourn the executive session at 8:24 p.m. Councilor Cole seconded the motion, and it passed unanimously.*

**ADJOURNMENT:** *Councilor Cole moved to adjourn the Council meeting at 8:25 p.m. Councilor Gerber seconded the motion, and it passed unanimously.*

A handwritten signature in blue ink, appearing to be "SM", written over a horizontal line.

City Administrator S. Scott McDowell

A handwritten signature in blue ink, appearing to be "DW", written over a horizontal line.

Mayor Don Ware