



Council Minutes

September 22nd, 2015

ROLL CALL: Mayor Don Ware called the meeting to order at 7:01 p.m. with Councilors Shepherd, Neddeau, Van Sandt, Chambers and Gerber present. Councilor Cole was traveling. Public Works Superintendent Karl Frink, Administrative Assistant Tammi Morrow and City Administrator Scott McDowell were also present.

PUBLIC: Lt. Michele Duncan (LCSO), Kaye Fox, June Schlosser, Kim Clayton, Doug Block, Allen Buzzard, Christine Harrison, Patricia Linn, Darrel Tedisch (Linn County Emergency Planning), and Elizabeth Coleman.

The pledge of allegiance was recited.

ADDITIONS AND DELETIONS: Additions to the agenda include Dan Holt, Templeton Fence Concern under Public Hearings. Also, Council will find the Planning, Public Works, and LCSO reports on the desk tonight.

MINUTES: Councilor Gerber made a motion to approve the July 28th, 2015 meeting minutes as presented. Councilor Van Sandt seconded the motion, and it passed unanimously.

PUBLIC HEARINGS OR PRESENTATIONS:

Darrel Tedisch – Emergency Preparedness – Darrel Tedisch was present to discuss Brownsville’s Emergency Preparedness. He is currently employed by the City of Albany and is very actively involved with Emergency Planning at the County level. He offered a handout as well as several ideas about starting up the process here in Brownsville again. He stated that he thought it would take 3-5 years to put a good solid, workable plan together. This plan could be modeled after the FEMA “Whole Community Approach.” The first thing to do is to appoint a non-staff community leader. It is critical that this person can work well with others. After that, the program will need 10-12 good qualified community leaders to serve on the committee. He listed several local agencies that would be critical to the success of this endeavor. Councilor Gerber made a motion to authorize and advertisement for this committee chairperson position. Councilor Van Sandt seconded the motion, and it passed unanimously, with Mayor Don Ware abstaining from the vote. Mayor Don Ware asked for a Councilor to volunteer to work with staff on this project. Councilor Van Sandt volunteered for the position.

Mr. and Mrs. Housley – Neighborhood Nuisance Complaint - Mr. McDowell directed Council to pictures furnished to Staff by the Housleys. The pictures highlight two boats, not on trailers, a pickup bed liner, bikes in the yard, a basketball hoop on its’ side, etc. None of these instances violate the current code. The Housley’s are upset enough to be listing their house and moving out of the area. New codes recently implemented have greatly helped with the construction of fences and accessory structures, and perhaps Council would like to make a few more policy changes. Councilor Shepherd recently had a situation with a dead animal on a neighboring property, and that incident again brought the shortcomings of a workable code to light. Council agreed that it would be a good idea to take a drive and construct a common plan with Staff in the near future.

Dan Holt – Templeton Fence Concern – On June 1st Council implemented an ordinance stating that no fence or accessory structure may be built on public property. Mr. McDowell reviewed this concern as one predicted prior to the passage of this ordinance by City Council. Mr. Holt is in the process of building a fence, and it was



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structured to be partly on the public right-of-way. Staff sent him a letter asking that he desist construction on public land due to the new ordinance. Ms. Elizabeth Coleman took this matter back before the Planning Commission, and they are standing firm with the Ordinance as written and recommended to Council, no private property on public land. Staff would like clarity from Council on the matter. *Council consensus is to stand by the ordinance as written.*

DEPARTMENT REPORTS:

1. **Sheriff's Report.** Lieutenant Michele Duncan was present. Lt. Duncan reported that they have spent 203.75 contract hours in town, which was primarily spent on traffic. Only two of the calls dealt with property crime, which overall is a positive thing. Nationally more small towns seem to be experiencing more heroin use. There is a lot of speculation about the reason for this, the legalization of marijuana, etc.
2. **Public Works.** Mr. Frink reported that Public Works has installed one new water service this month. The Averill and north Main project is basically done, with paving happening tomorrow. The GR 12 project is well underway and is proceeding well. The hosts in Pioneer Park are done for the year, and have moved on. Mr. Frink stated that there will be a new information kiosk going into the Park soon. This kiosk will feature a map which will guide folks around the park, also have the park rules as well as rental information, etc. Public Works has installed a new drinking fountain at Kirk's Ferry Park. The cemetery has been mowed and maintained. At the Rec Center new stage lights have been installed as well as a 4-way switch that operates stairway lights on several different levels. Mr. Frink was in Utah last week for a week long supervisor's training session. He expressed his appreciation for the City allowing him to participate in the training. He has also had lots of good comments about the new electricity in the Park; it has been very much appreciated by vendors and park users.
3. **Administrator's Report.** – Mr. McDowell reported that he and Councilor Neddeau recently traveled to Coburg for a League of Oregon Cities meeting. The state of Oregon is in a grave water situation. The Army Corp of Engineers is forecasting adequate rainfall for the year, but very little snowpack. If this is the case, we may be in a similar drought situation next summer, which could make for a tense year for water supply for many folks. On the marijuana front, it is pretty much status quo. Council passed legislation that will require another vote in November 2016. Staff has received a business permit application for a dispensary at a Bishop Way location. The Brownsville Assembly of God has installed a modular trailer that will house classrooms. If you have any questions, please feel free to contact Elizabeth Coleman. The project did go through the Planning Commission and of course met all the necessary requirements of the Brownsville Municipal Code.

Staff continues to get requests to take electronic payments. We do have a third party outside agency that currently handles this for the City. The minimum fee is \$4.95 for the service. The LOC has been working on a .007 cents per transaction program; McDowell will keep Council informed as more information comes to light. Mr. McDowell updated Council on the current new HVAC system for the Library. We have received 3 quotes so far, and the contract price is looking reasonable. In October Staff should have a Resolution for Council's approval. Staff is having a harder time securing quotes for the sidewalk project. We have rolled the City Hall project and the park sidewalk into one project in hopes of attracting more bidders. Hopefully this project will be complete by February. McDowell



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directed Council's attention to the traffic study for the BWCMF in the packet. The highest day was Friday, doubling normal numbers, but still not a lot of traffic for the road overall. Even if the numbers quadrupled next year, the numbers would not make a dramatic impact on local roads. The City will request that this study be done again next year so that we can compare numbers again.

October 3rd will be the Citywide Clean Up Day this year. The nuisance and weed abatement season is just about concluded, and overall it has been a fairly good year. Staff made preliminary phone calls, and sent out some RFA's (Request for Action) letters with good results. Mr. Frink has been acting as the inspector for the large water projects going on. He had a hunch one day and asked that the contractor stop – and they had stopped within an inch of rupturing a main line! Good job Karl!!

Recently the Park Board heard a proposal from the Cemetery Association to install new signage at the cemetery. The Park Board approved the signage and installation. McDowell will be speaking about Nuisance Abatement at the League of Oregon Cities conference in Bend this Friday. Councilor Chambers raised a question about the Bob Waibel Memorial plaque in the Park. McDowell said Staff is following up on this, trying to establish some process and procedure.

Mr. McDowell recently had a meeting with CLSD Superintendent Brian Gardner about possible plans for the disposition of the school district property on Blakely. He encouraged Mr. Gardener to schedule an informational meeting with Council to discuss future plans, details, etc. Council concurred.

4. Library Report. No comments.
5. Court Report. No comments.
6. Council Comments. Mayor Don Ware stated that he had attended the Cascade West Council of Governments State of the Region meeting last week. He said he gathered very interesting information; things like characteristics of our population, etc. He is willing to share the information if anyone is interested, please contact him.
7. Citizen Comments. Christine Harrison suggested that a timeline be put together for the EPC. She also stated that it is important to celebrate successes as you go along.

LEGISLATIVE:

1. R 2015.22 Legal and Engineering Fees. Council should recall that they recently passed a machinery and personnel cost resolution; this resolution was not updated this year, as it was still relative. R 2015.22 allows the City to charge a 3% interest rate for unpaid bills due to the City. We have recently dealt with a few instances where agreements have not been signed and reimbursement monies have not been paid timely to the City. This resolution will help Staff deal with those kinds of scenarios. *Councilor Gerber made a motion to approve R 2015.22 as presented. Councilor Van Sandt seconded the motion, and it passed unanimously.*



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2. O 754: Discharge of Weapons (Second Reading). *Councilor Gerber made a motion to read O 754 by title only. Councilor Van Sandt seconded the motion, and it passed unanimously. Mayor Don Ware read the ordinance by title. Councilor Van Sandt made a motion to approve O 754 as presented. Councilor Chambers seconded the motion, and it passed. Councilor Shepherd abstained from the vote as he feels any shooting in town is unsafe.*
3. Arbor Day Proclamation. Tabled until next month.

ACTION ITEMS:

1. Adoption of Criminal Justice Information Services (CJIS) Policy. McDowell stated that in January the City court was audited. The audit revealed that some minimum standards are not being met, and requires an update to our employee handbook and practices. These changes will only impact Mr. McDowell, Court Clerk Jan Henry, and Administrative Assistant Jannea Deaver. *Councilor Gerber made a motion to adopt this policy as presented. Councilor Chambers seconded the motion, and it passed unanimously.*
2. Authorize Surplus Sale. McDowell stated that it is time once again to hold the semi-annual surplus sale. *Councilor Van Sandt made a motion to approve the surplus sale and advertisements as needed. Councilor Gerber seconded the motion and it passed unanimously, with Mayor Don Ware abstaining due to conflict of interest due to his affiliation with The Times.*
3. Dead End Street Sign for Washington Street. Staff has had a request to install dead end street signs on Washington Street at the entrances to the CLSD property. Council would like to take this under advisement as the disposition of the property has not yet been determined. *Councilor Shepherd made a motion to table this matter. Councilor Van Sandt seconded the motion, and it passed unanimously.*
4. Planning Commission Recommendation on Fence Encroachments. *Councilor Gerber made a motion to approve the Planning Commission's recommendation to enforce our fence encroachment standard as adopted. Councilor Shepherd seconded the motion, and it passed unanimously.*
5. Park Board Recommendation – Remington Park Options. Park Board would like to recommend to Council that Remington Park have the current playground equipment removed. Park Board further recommends that a lease could be entered into with a third party to care for and improve the Park. *Councilor Gerber made a motion to move forward with the Park Board recommendations and to enter into a lease agreement if appropriate. Councilor Neddeau seconded the motion, and it passed unanimously.*
6. Melero Lease Agreement. Mr. McDowell and Mr. Frink would like to recommend to Council a Lease Agreement with Mr. Brock Melero at 125 Millhouse Street. This agreement clarifies property lines and allows the Melero's to park their RV more strategically. Councilor Shepherd asked how this agreement would be different



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than a fence encroachment, and feels that Council should stand by the new standards not allowing private use on public property. *Councilor Gerber made a motion to table this item for now. Councilor Shepherd seconded the motion, and it passed unanimously.*

DISCUSSION ITEMS:

1. Elected and Appointed Officials Availability. Staff is experiencing several instances of non-attendance on various City Boards, and this is impacting overall functionality of said Boards. Council recently passed R 718 which addresses this subject. Staff is asking how Council would like to handle these kinds of situations? Council agreed that Mayor Don Ware, Councilor Shepherd, and Councilor Gerber would meet, discuss the situation, and make a recommendation back to Council.
2. Code Interpretation Disputes & Associated Legal Fees. Mr. McDowell informed Council that recently the City has been experiencing higher than normal attorney fees (easily amounting to \$2,000 - \$4,000 per year) in relation to complaints from residents about the new ordinances, standards, and nuisances. These challenges seem to be happening on a daily basis. Mr. McDowell thought that this could be handled a couple of different ways. One way is for the challenger to have to pay for the related attorney costs incurred. Councilor Gerber thought that maybe it would help if we had a formal grievance process in place? Mr. McDowell stated that this is information for Council to think about, and it can be discussed again at a future meeting.
3. July and August Financials. No questions or comments.

CITIZENS COMMENTS – No comments.

COUNCIL COMMENTS – Councilor Gerber stated that she thought this meeting was a very nicely run and executed Council meeting! Councilor Chambers expressed her appreciation for the Volunteer Picnic held last week for the City's many volunteers. She thanked the Staff for a job well done. Councilor Chambers also stated that she would like to table the Spay and Neuter Program until November when Councilor Cole will be back in attendance.

ADJOURNMENT: *Councilor Shepherd moved to adjourn at 8:43 p.m. Councilor Neddeau seconded the motion, and it passed unanimously.*



City Administrator S. Scott McDowell



Mayor Don Ware