



Council Minutes

July 28th, 2015

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

PUBLIC: Linda McCormick, Norman Simms, Rick Dominguez, Robert Johnson, Sal and Leda Sepulveda (The Times), Lt. Michele Duncan & Sgt. Greg Klein (LCSO), Bob Babcock, Kaye Fox, June Schlosser, Rob & Caryn Shepherd, Dot Marsh, Chenowith Robertson, Kim Clayton, Joni Nelson, John Morrison, John Cavill, Karl & Deborah Jones, Gary & Mari Vanderstelt, Allen Buzzard, Shih-Lih Shen, and Doug Block.

The pledge of allegiance was recited.

ADDITIONS AND DELETIONS: Additions to the agenda include Mrs. Linda McCormick under Public Hearings and a Garden Club MOU under Action Items.

MINUTES: Councilor Cole made a motion to approve the June 23rd, 2015 meeting minutes as presented. Councilor Chambers seconded the motion, and it passed unanimously.

PUBLIC HEARINGS OR PRESENTATIONS:

Stand By Me Celebration – SBM Chairman Linda McCormick was present and reviewed SBM events for Council. She reported that she was very pleased with the overall outcome of the event, with over 200 people attending. She reported that the Green Cross building next door was open, holding one of their free marijuana giveaways. The Green Cross folks were instructing the people coming in to their facility to go next door to the American Legion and sign the SBM guest book and take a picture of their signature. This picture would then be posted on the Green Cross Facebook page; it was held as a sort of contest. The picture takers were also capturing sign in information (names and addresses) meant to be private for the SBM organizers. American Legion Commander Rick Dominguez stepped in and asked folks to stop and desist, and to vacate the premises. He accidentally touched the cell phone of one lady, and she is accusing him of assault. She has lodged a complaint with the American Legion organization, and Mr. Dominguez is now under investigation. Commander Dominguez spoke in his defense to clarify the situation. He, the Brownsville American Legion Post, and SBM organizers are very distressed with this treatment by their Green Cross neighbors and patrons, and are seeking legal counsel in regards to their guest book, etc.

DEPARTMENT REPORTS:

1. **Sheriff's Report.** Lieutenant Michele Duncan and Sergeant Greg Klein were present. Lt. Duncan addressed the SBM and American Legion folks stating that simply taking pictures is not a crime, but if Green Cross is profiting from the activity, perhaps something could be done. LCSO will continue to show a force on Thursdays for the foreseeable future. (Mr. McDowell remarked that it has been suggested that the free giveaway day may change as well.) Sgt. Klein stated that they had to uphold the law, but beyond that, they would prosecute. He then reported that in June LCSO spent 211.5 hours in Brownsville including 14.75 traffic hours, 12 citations 3 warnings, 3 MVA's, and 8 adult arrests. They continue to work



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on the dog situation on Oak and Coshow Streets. Mr. Claasen will be following up with Officer Putney, Dog Control. Sgt Klein has been in contact with the District Attorney's office in regards to an educational training for the Council. Mr. McDowell asked that Council email him dates that were available for them and he will schedule the training accordingly. Lt. Duncan again stated that the LCSO is very committed to maintaining Brownsville as a safe community at all times. McDowell reminded Council that with the new laws that have been passed, there is a certain amount of marijuana can be freely exchanged between consenting adults. With that said, it is the intention of Council that no one is allowed to smoke marijuana publicly on the streets, they would also like the parking laws enforced, etc. Mayor Ware commented that their presence has been noted by a lot of the local constituents, and it is much appreciated.

2. **Public Works.** Mr. Frink reported that Public Works has had 5 water leaks this month. They have also repaired the pressure reducing valves, and all of the paving has been done as of June 30th. There is more paving to be done, and the City will get to it as the budget allows. The Park hosts have been doing a good job, as well as the seasonal help. There has been some tree activity in the park this month. A large cottonwood tree split and was leaning precariously over the river. Staff cordoned off the area and called in Buena Vista Arbor Care for an emergency tree fall. The tree was taken down, and still remains in the river. It will be removed by the end of the summer; Staff is waiting on a few more quotes and options. There are also 5-6 high hazard trees in the park that will be removed this year, and then Staff will begin the reforest part of the project. Mr. Frink would like to publicly thank Neal and Sue Karo for watering the Blakely Park and also Irene Corbett for watering at the Library Park. Councilor Cole inquired about the outcome of the USDA Rural Development inspection held recently. Mr. Frink assured Council that the City passed with flying colors. Drought conditions were mentioned, but Mr. Frink assured Council that the City is fine at this time, but Public Works will be keeping a close eye on the situation.
3. **Administrator's Report.** – Mr. McDowell placed miscellaneous items on Council's desk tonight including the Organizational Prospectus and Council Goals. There are group notes on the areas that the City is responsible for. Mr. McDowell updates the project outlook once or twice a year. This information is very important for Council as it speaks directly to the projects that the City will be working on during the budget year. McDowell would like to thank Linn County Road Department for their work on the traffic study for the upcoming WCMF. They will be conducting traffic counts during normal operations and during the WCMF weekend. Ford Family Foundation will be conducting another leadership seminar in our area. City Staff has signed up to participate in the program. It will include some weekend time commitment. Mr. Frink will be headed to Salt Lake City for supervisory training this fall. It should be a great training opportunity for him. The Cascade West Council of Governments State of the Union address will be held at their mid-September session. Mr. McDowell asked that anyone that wants to go to let him know by August 1st. McDowell continues to work on the economic development movement with Mayor Ware, Mayor Paula Aziz and City Administrator Gary Marks of Lebanon, Mayor Gurley and Craig Martin of Sweet Home. They are having discussions about education and what outcomes they are driving towards in our local area. There have been confirmed cougar sightings in town on three different occasions. The situation will continue to be monitored. On Oak Street there is a property that continues to drain into the public street. After conferring with the City Attorney, the City sent a letter to the property owner informing them that the City would be extending the drainage pipe to the property and urging them



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to finish the project. Mr. McDowell publicly thanked Public Works and Ms. Liz Coleman for helping to organize the 4th of July event. The Pioneer Picnic event went fairly well; key return can be improved on for next year. A memorial for Bob Waibel was one of the featured events this year. Mr. McDowell informed Council that there would be a pre-construction meeting on Friday July 31st, in Council chambers. The annual audit will begin August 3rd, and the auditors will be in house most of the week. On the Emergency Preparedness front, Staff is having a difficult time getting folks to commit. The bottom line is the City has an ordinance; however we will need help from community partners such as the school and the local fire departments to accomplish this goal. There was a good committee put together a few years ago, but it dissolved due to one person on the committee. Staff is not abandoning this project; we are just having a difficult time getting around on this issue. Councilor Cole asked if representatives from Pacific Power and Northwest Natural Gas are involved? McDowell replied yes, but not at our level. They are active at the County level, and we have access to all that information. Councilor Cole inquired about the bell at the front of City Hall. Mr. Frink stated that it would be reinstalled soon.

4. Library Report. No comments.
5. Court Report. No comments.
6. Council Comments. No comments.
7. Citizen Comments. Allen Buzzard, 220 School Avenue, stated that he is a member of the American Legion, and he couldn't be more pleased with the dignified service Commander Rick Dominguez exhibits at the Legion. Mr. Buzzard also informed Council that he has a name for the subdivision he resides in, North Quarry Neighbors. He said they have formed a consortium, not an association, of the four separate subdivisions up there. He said that there has been some preliminary interest in further developing Remington Park, and asks that Council hold off on any decision on the Park before they bring a proposal to Council. They also intend to finish the sign at the front entrance of the development. John Morrison extended a thank you to Linda McCormick for her work on the *Stand By Me* event. He says it seems to be a troublesome time with neighbors lately. Hopefully we can get back to the place where everyone is getting along again. All of the Chamber events are staffed by volunteers, and small communities work best when people are getting along. Kaye Fox, 203 Kirk, stated that during a family event she had family members suffer severe allergy attacks due to the tall weeds on the property next door. She is asking that Council make it more important to get a hold of this program. Her opinion on the Spay and Neuter Program is that it should not be funded with the City's treasury. This pet project could be funded by special groups, and not run through the City at all.

LEGISLATIVE:

1. R 2015.20 Assign Loans to LCHRP. Councilor Cole made a motion to approve R 2015.20 assigning loans to LCHRP. Councilor Shepherd seconded the motion, and it passed unanimously.
2. R 2015.21: Secretary of State – Audits Division. Mr. McDowell explained the resolution for Council. He stated that in our FYE 2014 audit report sent to the State there were comments stating that the City was in non-compliance with several



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items. Three out of the four exceptions were issues that need to be resolved by the auditors during the actual audit process. Our auditor this year was a different member from their firm, and so may not have fully understood all of the processes undertaken by the City. We are hopeful that the City will not have these exceptions next year due to conversations we will be having with our auditor this year. The fourth exception dealt with appropriated and unappropriated balances in the Resolution sent to Linn County. Linn County did not agree with the way the resolution was written, and asked for it to be written differently, and the City complied as they are the folks who actually levy City funds. Budget law is actually written two different ways, and we have shared our consternation with our auditor and with the State. *Councilor Cole made a motion to approve R 2015.21 as presented. Councilor Gerber seconded the motion, and it passed unanimously.*

3. O 754: Discharge of Weapons (First Reading). Mr. McDowell presented two options for Council, Model A or B. Model A allows weapons discharge on lots of sufficient size; Model B basically only allows shooting at any shooting or target range maintained or provided by the City of Brownsville, any public or private school or the Brownsville Christian Church. *Councilor Cole made a motion to read Model A by title only. Councilor Gerber seconded the motion.* Discussion ensued. Mayor Don Ware is in favor of Model B stating that he doesn't think that Staff needs to be taking time to work through the permitting process, paperwork, etc. that Model A will require. He stated that if Council passed Model A, the current time consuming process would continue. Councilor Cole is in favor of Model A, and stated that with explicit criteria, Staff time should be minimal. Mr. McDowell commented that if Council did not like either Model, ideas from Council would be welcome. Councilor Cole maintains that if Council put in very clear features, she thinks it would reduce time for Staff. Councilor Neddeau asked the question of what law have we passed that someone doesn't complain about? It's not possible to please everyone; there will be people that will complain, regardless of the laws that Council passes. Councilor Shepherd agrees with Mayor Don Ware and stated that he thought the Christian Church is agreeable to letting people use their range. *A roll call vote was called for. All those in favor of Model A: Councilor Cole, Councilor Neddeau, Councilor Gerber. Those opposed: Councilor Chambers, Councilor Shepherd, Councilor Van Sandt, and Mayor Don Ware. Motion failed.*

Councilor Van Sandt made a motion to read Model B by title only. Councilor Chambers seconded the motion, and a roll call vote was called for. All those opposed: Councilor Cole, Councilor Neddeau, and Councilor Gerber. All those in favor: Councilor Chambers, Councilor Shepherd, Councilor Van Sandt, and Mayor Don Ware. Motion passed.

4. O 756: Prohibiting Recreational Sales by Medical Marijuana Dispensaries (Emergency). *Councilor Cole made a motion to read by title only. Councilor Gerber seconded the motion, and it passed unanimously.* Discussion was called for. Mr. McDowell stated that since Council is in recess next month, this ordinance will need to be passed as an emergency. This law, if approved on an emergency basis, will take effect immediately, and will stay on the books until repealed. If we don't pass this law now before the State may pass a law that would require us to



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allow dispensaries, we would not be able to pass this law later. *Councilor Gerber made a motion to approve O 756 as presented. Councilor Cole seconded the motion and it passed unanimously.* Councilor Chambers asked if this ordinance forbids marijuana dispensaries from selling recreational marijuana. Mr. McDowell answered in the affirmative.

5. O 757: Prohibiting the Establishment of Marijuana Facilities in the City of Brownsville (Emergency). *Councilor Gerber made a motion to read by title only. Councilor Van Sandt seconded the motion, and it passed unanimously.* Discussion was called for. Mr. McDowell stated that this ordinance will be filed with the Secretary of State Oregon Health Authority, and once on file, they will not issue any licenses for marijuana facilities in Brownsville. The City will then have an official vote in November 2016. Keep in mind the City will not receive any State Revenue Sharing for marijuana sales. Also good to remember is this ordinance is for sales, not giveaways. *Councilor Gerber made a motion to approve O 757. Councilor Van Sandt seconded the motion, and it passed unanimously.* Discussion was called for. Councilor Shepherd stated that he has had a lot of people asking him why we would be voting again. The first vote was an advisory vote only; simply for Council information. Council desired a vote of the people on what they would like in their town relating to marijuana so that they could act accordingly.

ACTION ITEMS:

1. Spay/Neuter Voucher Program. Councilor Chambers spoke about this issue. She stated that the City had recently spent over \$2,800 for one neighborhood cat problem alone. \$2,500 for this program would be an effort to prevent this in the future, and thinks that this would be money well spent. Councilor Chambers sees cats all over town and these are decimating the wildlife population. Cats can have litters at 4 months old, and it is really sad to see these animals just thrown out there. Councilor Cole is concerned about the health issue for neighborhoods. Councilor Van Sandt wondered how many people would take advantage of this program? Councilor Cole suggested trying this for a year and calling it an experiment? Councilor Shepherd asked if this program would be income dependent? Councilor Chambers responded that it would not. Councilor Shepherd said it might be easier to sell the idea if it was. Mr. McDowell weighed in stating that as a Staff this program is a stretch at best for a town our size. Water rates have just gone up in July (3%), and Staff will be getting railed for a program like this when folks have a hard time paying their water bills. If Council goes ahead with this idea, he would strongly suggest some criteria for the program. One idea would be to "dial in" some ideas to bring back to Council. Councilor Cole offered to help Councilor Chambers compile some criteria for this program. Councilor Neddeau agrees with everything, except the City funding this kind of pet project! Councilor Gerber stated that she was reluctant to fund this program due to so many other community needs, and Mayor Don Ware agreed with her. He would like to take a vote and get this matter behind Council tonight. Cole commented that there is not a complete proposal before Council at this time. Gerber also comment that feral cats are not likely to be brought in for spaying or neutering, so the cat over population is not necessarily going to diminish. *Councilor Shepherd made a*



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motion to table this matter until more information is available at the October meeting. Councilor Gerber seconded the motion. Discussion was called for. Councilor Van Sandt would like to see the program address more about feral cats as well.

Councilor Shepherd withdrew his motion.

Councilor Gerber made a motion to table this matter until the October meeting as Councilor Cole will not be at the September meeting. Councilor Cole seconded the motion. A roll call vote was called for. In favor of the motion: Councilor Cole, Councilor Chambers, Councilor Van Sandt, Councilor Gerber. Opposed to the motion: Councilor Neddeau, Councilor Shepherd, and Mayor Don Ware. Motion passed.

2. Garden Club MOU. Councilor Gerber made a motion to approve the Garden Club MOU. Councilor Cole seconded the motion and it passed unanimously. Councilor Chambers asked how much this MOU has cost the City this year. Approximately \$775 was the response from McDowell.

DISCUSSION ITEMS:

1. Weed and Nuisance Abatement Update. McDowell updated Council on the nuisance program. Staff will be going out for Phase 2 postings and RFA's (Request for Action) letters. The City contractor just finished up Phase 1 due to two large cleanup projects the City has been working on this spring. Staff will go out around August 7th – 10th and compile a list of properties not in compliance. If compliance is not met, the properties will be abated around mid-September. Remember, our nuisance code does not apply to aesthetic standards; it is mainly for fire danger. Staff is trying to encourage folks to work with their neighbors on nuisance issues as much as possible. RFA's have been working very well and largely compliance has been met with this method. McDowell suggested that in the fall or early winter, Council may want to rent a van and take a drive around town with Staff to evaluate and review the City's nuisance program.
2. 2015 Water System Improvements Project. Mr. McDowell informed Council that after going out for bid, the City will be unable to fund all the projects for the year. The bid was awarded to Stettler Supply Company for \$301,564 for Schedules A & B which includes the GR 12 project and the Averill Street project. Preconstruction this Friday for anyone who wants to attend.
3. Master Project Outlook List (FY 2015-2016). Council will find this information on the desk tonight. McDowell met with Staff last week, assigned tasks, and will collectively be working on this project list as the year progresses. Keep in mind, we will be unable to complete everything on the list.
4. June Financials. No questions or concerns.



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5. Space Port. McDowell informed Council of an interesting project in relation to Economic Development. Truth or Consequences and the State of New Mexico, spent \$209 million in tax payers money to build a space port. This space port will launch people for \$250,000 a pop into space and the outer orbit for 15 minutes. This is interesting to see how much risk this state took in search of economic development.
6. R 2014.15. McDowell reviewed this fee schedule which regulates what we can charge. The list will stand for 2015 as is.

CITIZENS COMMENTS – Kaye Fox stated that it is hard to have a neighborly weed abatement conversation with a vacant lot. Allen Buzzard returned to the podium and had several questions about Remington Park. Discussion ensued. Mr. Buzzard stated that they may have interest in improving Remington Park. McDowell responded that if they would bring something (probably some sort of lease agreement) before Council, it would definitely be considered.

EXECUTIVE SESSION entered into at 8:52 p.m.

- Council will be discussing a real property transaction and the performance of the chief executive officer.
- Oregon Revised Statutes, Chapter 192.660 governs the conditions for a public body to convene in an Executive Session. The City will invoke Section (e) to conduct deliberations with persons designated by the governing body to negotiate real property transactions.
- 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.

Executive session adjourned at 9:01 p.m., and the Council meeting was reconvened.

COUNCIL COMMENTS – Councilor Cole stated that she had come up with a brilliant idea! She would like to have Councilors come in to City Hall and field complaints to help relieve Staff. Councilors would take information, and then relay it to Staff as necessary. Mr. McDowell loves the idea and the energy of this; Staff would love to show Council what we do on a daily basis. Lots of folks have complaints, and sometimes just need to be heard. If Council does not know the Brownsville Municipal Code, it may cause more problems. LC District Attorney's Office would like to come down and do some training on the marijuana issue the City has been dealing with. Mr. McDowell requested that Council email him times that are available for them, and he will get the meeting scheduled.

Along those lines, Councilor Chambers asked about clarification on the pot giveaways and how they could be able to be doing that without a license. McDowell indicated that they



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could because they were giving marijuana away within the limits allows by law. McDowell stated that lots of folks have come into City Hall very upset about the situation. Councilor Van Sandt asked what was their point? It seems like pure aggravation on their part. Councilor Gerber felt that "depriving the situation of oxygen" seems to be the best policy. Councilor Shepherd stated that they are definitely not good neighbors. Councilor Chambers suggested perhaps doing a peaceful protest, perhaps with parking, etc. She has been threatened with a recall as well. Councilor Chambers also stated that she felt that Mayor Don Ware's behavior of taking photographs with them, etc., is sending the wrong message to the town. As Mayor she would hope for better behavior from him.

ADJOURNMENT: *Councilor Gerber moved to adjourn at 9:15 p.m. Councilor Cole 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 black ink, appearing to be "Don Ware", written over a horizontal line.

Mayor Don Ware