



Council Minutes

May 26th, 2015

ROLL CALL: Mayor Don Ware called the meeting to order at 7:00 p.m. with Councilors Shepherd, Chambers, Van Sandt, Neddeau and Gerber present. Councilor Cole was not present. Administrative Assistant Tammi Morrow, Public Works Superintendent Karl Frink and City Administrator Scott McDowell were also present.

PUBLIC: June Schlosser, Alex Paul (Albany Democrat Herald), Allen Buzzard, John Morrison, Kim Clayton, Doug Block, Lieutenant Michelle Duncan, Randy & Gayle Simpson, and Marshal & Connie McManus.

The pledge of allegiance was recited.

ADDITIONS AND DELETIONS: Mr. McDowell stated that he would like to add Authorization for the 2015 Water Line Improvements, under Action Item D.

MINUTES: *Councilor Gerber made a motion to approve the April 28th, 2015 meeting minutes as presented. Councilor Van Sandt seconded the motion, and it passed unanimously. Councilor Van Sandt made a motion to approve the May 14th, 2015 Budget Committee meeting minutes as presented. Councilor Shepherd seconded the motion, and it passed unanimously.*

PUBLIC HEARINGS OR PRESENTATIONS:

Proposed Use of State Revenue Sharing – Mayor Ware opened the hearing and asked for public comment. None was made. The hearing was closed.

Budget Hearing FY 2015-2016 – Mayor Ware opened the hearing and asked for public comment. No one commented. The hearing was closed. Mr. McDowell reviewed the following highlights:

Items included by the Budget Committee in this FY 2015-2016 budget are below:

- ▶ Approve the Full Permanent Tax Rate – \$6.9597 per \$1,000.
- ▶ Approve the levy amount needed for the Wastewater Bond Debt – \$192,240.
- ▶ Approve the levy amount needed for the Water Bond Debt – \$58,663.
- ▶ Acknowledge the Cost of Living Adjustment for the upcoming fiscal year as 1.7%.
- ▶ Approve Historic Use of State Revenue Sharing.
- ▶ Approve the 2015-2016 Budget as amended and recommend the same to Council.
- ▶ Budget Committee included funds to purchase an additional \$5M in Earthquake Insurance.
- ▶ Budget Committee is recommending \$2,500 for a feline spay/neuter voucher program.
- ▶ McDowell explained the City may work with the City of Halsey to purchase a portable traffic radar unit.



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- ▶ Budget Committee endorses and recommends a performance accommodation to Staff for exceptional fiscal responsibility.
- ▶ Budget includes an increase of \$5,500 for the Central Linn Recreation Association agreement.
- ▶ Highlighted projects include 2015 Waterline Improvements including GR 12, Street Paving, Pioneer Park Sidewalk Extension and General Ledger & Utility Billing Software.

108 E. Blakely – Property Owner – Mayor Ware opened the hearing and asked for public comment. No one commented. The hearing was closed. Mr. McDowell explained the resolution necessary for such a procedure. McDowell also indicated that Staff would send the resolution as per the original notice and post it at the property as well.

DEPARTMENT REPORTS:

1. Sheriff's Report. LCSO Lieutenant Duncan was present. She reported that for the month of April Brownsville received 295 hours of patrol. LCSO has restructured their personnel and hours, and the City should experience more coverage and better access to the Department under this new restructuring.
2. Public Works. Mr. Frink reported that he was on vacation last week, so his report this month is short. The park caretakers, Borden and Sandy Granger, arrived last week. Mr. Frink will be doing further orientation with them on Friday. The cemetery mowing was held up a little this month due to weather. Holderman Paving is in town this week, and will be paving the parking lot downtown, Menefee Walk, and several other projects around town.
3. Administrator's Report. Mr. McDowell thanked Mr. Frink for having the Public Works Department well prepared for his vacation. The City hosted a League of Oregon Cities meeting this month. Councilor Neddeau prepared chicken and rice for the gathering. Staff did a wonderful job helping with the logistics and making sure everything was just right. The luncheon was very well received. The hot topic was the skyrocketing cost of flood insurance rates. The City has retained Dave Kinney as a planning consultant and one of the issues he has been working on is the analysis of these flood implications and what that might mean for the City.

The City is still waiting on the Cottage Grove ruling (curtailment issue from several years ago). Hopefully within the next three months the City should have some direction on this issue.

Bob Anderson and Don Ware continue to actively pursue banking options.

The League of Oregon Cities is working with a vendor that may be able to offer a state fee rate of .07 cents per credit/debit card transaction. Currently, the City goes through an outside agency that charges the customers substantially higher rates. The front desk gets a lot of requests to pay utility bills by credit/debit card. More information to follow as it becomes available.

The Mr. & Mrs. Bivens at 105 Blakely Avenue, approached the City to inquire about installing a fence on their property line to protect them from the ongoing nuisance at 108 E. Blakely Avenue. Mr. McDowell asked them to wait on the



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construction of this fence until after the cleanup project is completed around mid-June. *Councilor Shepherd made a motion to honor the fence agreement with the Bivens utilizing the current ordinance. Councilor Van Sandt seconded the motion. It was voted on and passed with only Councilor Chambers opposing the motion.*

The City has had several calls asking for permission to sell goods/wares out on Highway 228 during the Willamette Country Music Festival in August. The City does not, and will not, handle these requests. All vendors would need to receive approval through ODOT and/or Linn County. McDowell stated that ODOT has the right to remove any vendors at any time without notice due to traffic concerns, among other reasons.

Recently, Mr. McDowell and Linda McCormick met with Jane Ridley. The Oregon Film Office is very interested in getting behind the *Stand By Me* project to help in promoting the event.

Next week McDowell is serving on the OPRD Board in the capacity of grant reviewer. He will be out of the office Tuesday – Thursday.

In regards to the May 19th marijuana advisory election question, Mr. McDowell reminded Council that there is a 14-day waiting period for the appeals process. Once this time period has passed, the County will certify the election results to the City within twenty days of the election and Council will be able to move forward with this issue, most likely, at the June Council meeting.

McDowell also mentioned that he would like to take photos of each council member to post on the website.

Central Linn School District has forwarded a proposal to the City about the possible building/rebuilding of the District Office site in Brownsville. Mayor Don Ware and McDowell have been invited to go to Corvallis to take a look at some of their projects. The project is in a very early, exploratory stage.

4. Library Report. No comments.
5. Court Report. No comments.
6. Council Comments. No comments.
7. Citizen Comments. Allen Buzzard expressed his thoughts on the proposal of WNHS redeveloping the Central Linn School District property at 331 E Blakely Avenue. Mr. Buzzard's notes are part of the public record.

LEGISLATIVE:

1. O 754: Weapons Discharge (First Reading). Staff has brought before Council two models for Weapons Discharge in Brownsville. Council should note that it is an approval system, not a permitting system. Basically, model 1 is structured closely to the old ordinance prior to any changes that occurred over the last four years. Model 2 bans weapons discharge outright. Discussion followed. Councilor Gerber commented that the approval system does not assume liability. A preliminary vote was taken with the following results: in favor of Model 1: Councilors



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Neddeau, Gerber, and Mayor Ware; in favor of Model 2: Councilors Chambers, Shepherd, and Van Sandt. *Councilor Gerber made a motion to read by O 754 – Model 1 by title only. Councilor Neddeau seconded the motion. A roll call vote was called for with Councilors Neddeau, Gerber, and Mayor Ware voting yes and Councilors Van Sandt, Chambers, and Shepherd voting no.*

Councilor Shepherd then made a motion to read O 754 – Model 2 by title only. Councilor Chambers seconded the motion. A roll call vote was called for with Councilors Van Sandt, Chambers, Shepherd and Mayor Ware voting yes and Councilors Neddeau and Gerber voting no. The motion passed – 4-2. The second reading will be at the June meeting.

- 2. O 755: Temporary Weapon Exclusion.** Oregon Old West Shooting Society has been approached to put on a demonstration during the Pioneer Picnic festivities this year. Insurance will need to be acquired for this event, and this amount will be paid for by the Pioneer Picnic Association. Councilor Chambers reported that the demonstration may not happen due to the associated costs. *Councilor Van Sandt made a motion to read O 755 by title only. Councilor Chambers seconded the motion, and it passed unanimously. Councilor Van Sandt made a motion to approve O 755 as an emergency. Councilor Chambers seconded the motion, and it passed unanimously.*

Councilor Gerber asked about of the shooting that she heard in the Park this past weekend. Mr. McDowell responded that the City had been approached to give permission for a small canon to be shot off in celebration of Memorial Day in the Park. Permission was denied due to late notice, insurance requirements, etc. McDowell was then told if the canon was shot, it would be done from private property. Councilor Gerber said the shots were very loud at her house and it scared a lot of people.

- 3. Resolution 2015.11 – Election to Receive State Revenue Sharing.** *Councilor Gerber made a motion to approve R 2015.11 as presented. Councilor Van Sandt seconded the motion, and it passed unanimously.*
- 4. Resolution 2015.12 – Declaring a Dangerous Building.** *Councilor Gerber made a motion to approve R 2015.12 as presented. Councilor Van Sandt seconded the motion, and it passed unanimously.* Mr. McDowell stated that it was important to note that the owner/occupants/tenants have until Monday, June 15th at 8 a.m. to rectify the situation. Councilor Chambers commented that she had made a point to drive around town recently. She was amazed at how many properties there were around town that needed attention.

ACTION ITEMS:

- 1. 903 Ash Street – Property Conditions.** McDowell informed Council that the City believes that the property owner may be deceased. The squatters have left the premises. This property will be posted for weeds, etc. on June 1st. The grass will be abated, trash removed, and the house secured against random entry.



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Councilor Gerber made a motion to deem 903 Ash Street an unenumerated nuisance needing correction. Councilor Shepherd seconded the motion, and it passed unanimously.

2. Central Linn High School Soccer Request. Mr. McDowell stated that the CLHS is trying to field a fall soccer team. The group has requested usage of the Park from August – October; maybe into November. They were informed that their schedule cannot conflict with any other Park events. *Councilor Van Sandt made a motion to approve this request. Councilor Shepherd seconded the motion, and it passed unanimously.*
3. eCivis Grant Proposal. McDowell informed Council that this program is basically a data base filter used in search of grants that would be applicable to the City. It can find grants at a fraction of the time ordinarily needed. *Councilor Gerber made a motion to approve the eCivis Grant proposal. Councilor Shepherd seconded the motion, and it passed unanimously.*
4. Water Line Improvements. *Councilor Shepherd made a motion to authorize the project and allow Mayor Don Ware and Mr. McDowell to sign and execute the contracts as needed. Councilor Gerber seconded the motion, and it passed unanimously.* Mr. McDowell stated that the time frame for this project is that by the second or third week of June we are out for bid, and the project should be ready to start by August 1st and run through the end of October.

DISCUSSION ITEMS:

1. Council Goals. Mr. McDowell reported to Council that the goals they had discussed at the last goal setting session were in the packet tonight for approval. He would like to hear any edits, concerns, thoughts, etc. Discussion followed. *Councilor Gerber made a motion to approve the Council Goals and Vision Statement as presented. Councilor Chambers seconded the motion, and it passed unanimously.*
2. April Financials. No comments.

CITIZEN COMMENTS: No comments.

COUNCIL COMMENTS: Councilor Gerber mentioned that there is a piece of property on Park Street close to the entrance to the park that looks very worn off and there have been a lot of bikes sighted on the grassy hillside. Concern was raised over the possibility of these bike riders being hit by vehicular traffic on this road.

EXECUTIVE SESSION entered at 7:59 p.m.

- Council will be discussing a real property transaction.
- 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 and (d) to conduct



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deliberations with persons designated by the governing body to carry on labor negotiations.

- 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 at 8:36 p.m.

The regular meeting was called back into session at 8:36 p.m.

Councilor Gerber made a motion to adopt the easement agreement with First Rate Roofing as presented. Councilor Van Sandt seconded the motion, and it passed unanimously.

Councilor Gerber made a motion to amend the easement agreement with Carol N. Deshon deleting condition #6 and offering \$5,000 in compensation for these items #3, 4, 5, & 7. Councilor Neddeau seconded the motion, and it passed unanimously. Mr. McDowell commented that if Ms. Deshon does not agree to this new agreement, the City may have to go another route in order to get the project started and completed in this calendar year. If there is no signed deal by June 1st, 2015, the City will have to take a different approach. Councilor Gerber made a motion to authorize Mayor Don Ware and Mr. McDowell to negotiate, sign and execute an agreement with Carol Nia Deshon based on their judgment. Councilor Shepherd seconded the motion, and it passed unanimously.

Councilor Gerber made a motion to adopt the suggested written additions to Mr. McDowell's employment contract, and to add \$10,000 to his 457 Plan per year. Additionally, Gerber authorizes Mayor Don Ware and Mr. McDowell to sign and execute the agreement. Councilor Shepherd seconded the motion, and it passed unanimously.

Councilor Gerber made a motion to authorize Mayor Don Ware and Mr. McDowell to investigate acquisition of real property. Councilor Shepherd seconded the motion, and it passed unanimously.

ADJOURNMENT: *Councilor Van Sandt moved to adjourn at 8:51 p.m. Councilor Shepherd seconded the motion, and it passed unanimously.*

City Administrator S. Scott McDowell

Mayor Don Ware