



## Council Minutes

April 28<sup>th</sup>, 2015

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

**PUBLIC:** June Schlosser, Kaye Fox, Alex Paul, Allen Buzzard, John Morrison, JoAnn Neddeau, Randy Ginn, Kim Clayton, Doug Block, Dick Knowles (*Linn Co. Mental Health*), Danny and Paula Bivens, James Phillips, Linda Hite, LCSO Brad Kelley, John Claasen, JoAnn Neddeau, Thane Ashcraft, and Sherri Lemhouse.

The pledge of allegiance was recited.

**ADDITIONS AND DELETIONS:** Mr. McDowell stated that he would like to add John Claasen to the agenda, under public hearings, and under legislation add a resolution regarding an Oregon Parks Grant opportunity.

**MINUTES:** Councilor Gerber made a motion to approve the March 24<sup>th</sup>, 2015 meeting minutes as presented. Councilor Shepherd seconded the motion, and it passed unanimously.

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

**John Morrison, Brownsville Chamber President** – Mr. John Morrison informed Council that he has long believed that the community of Brownsville itself is very important. The Chamber is interested in making it vibrant for business opportunities in many different ways. They currently have a website, a Facebook page, a Twitter account and Instagram. The Chamber also sends out a monthly newsletter to about 430 subscribers. He showed Council new bumper stickers that are available, as well as sweatshirts that are available for purchase. Approximate cost is \$30. Another exciting event that will be happening this fall is a Ford Family Foundation Leadership training workshop. This workshop trains folks in a collaborative style of management, addresses conflict resolution and teaches other leadership concepts. Mr. Morrison passed out application forms and encouraged all to register and attend these valuable workshops.

**Linda Hite – Oregon Old West Shooting Society** – Linn County Pioneer Picnic's Leisa Keyser approached Linda Hite asking if the OOWSS would put on a demonstration during the Pioneer Picnic festivities. Ms. Hite is here to ask for Council's permission to proceed with these activities. The Picnic Association will be paying for the insurance requirements. Mr. McDowell stated that there is a possibility of obtaining the required insurance through CIS; approximate cost is \$250. Councilor Gerber made a motion to direct Mr. McDowell to craft an emergency ordinance for consideration at the next meeting. Councilor Neddeau seconded the motion, and it passed unanimously. Councilor Cole asked if we would be rewriting the ordinance, Mr. McDowell responded Council will be asked to pass a twenty-four (24) hour exception period according to City Attorney Ross Williamson.

**Paula Bivens – Blakely Street** – Paula and Danny Bivens were present to inform Council of a situation next door to them at 108 E. Blakely Avenue. Basically the house has been abandoned by the owners, and is now in foreclosure. The owner's son is currently staying in the house. Many neighbors have noticed increased traffic and likely drug activity at all hours of the day and night at this residence. Rumor has it that the



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power and City services have been shut off. There is trash, boats, and furniture in the yard. Mrs. Bivens stated that the occupant has a record, and is a convicted felon. It has turned into a nightmare situation for the entire neighborhood. She also stated that she is very concerned about the back part of the house that had a marijuana grow room in it, which has collapsed. She is concerned about the potential of who is going to get hurt if the structure collapses more. Ms. Bivens stated that she would like the City to condemn the house.

James Phillips, a neighbor from across the street, stated that he is also very disturbed by this nuisance in the neighborhood. He reiterated that every single day and night something bad is going on over there. Mr. McDowell shared pictures of the house's current condition. The roof appears to have come down approximately three to four months ago. An option is for Council to deem this as an unsafe structure. The procedure for this would be to affix a notice, and the occupant/owner will have an opportunity to appeal at the May meeting, then action could be taken to address the situation. Hopefully, when the unsafe structure notice is served, the occupants will disperse. McDowell reminded Council that the City removed over six tons of refuse from the property in December of 2014 after following the Brownsville Municipal Code requirements. *Councilor Cole made a motion stating that Council has received the Staff report on the property at 108 Blakely, approved it, and directs Staff to move forward. Councilor Van Sandt seconded the motion, and it passed unanimously.*

The conversation segued into a discussion of the property at 903 Ash Street. This is also an abandoned property and into the foreclosure process. This property is uninhabited at this time, and will be posted for the weeds and trash on site. There is an abandoned vehicle on the property as well that may need to be dealt with. Mr. McDowell encouraged Council to discuss foreclosures with Linn County. The County is responsible for several foreclosures that could be acted upon and that have been empty for a long time. Weeds and other nuisances are a common ongoing and recurring occurrence on these properties.

**John Claasen – 906 Oak Street** – John Claasen stated that he is having problems with barking and biting dogs at his neighbor, Charles and Barbara Williams residence. Another neighbor, Tanis Richey, has been attacked by these Dobermans. Mr. Claasen has contact the Linn County Sheriff's Office (LCSO) dog enforcement, but has had no good resolution. LCSO Sergeant Kelley was present and said that he will look into the situation to see what could be done.

### DEPARTMENT REPORTS:

1. Sheriff's Report. Sergeant Brad Kelley was present. He said the LCSO is well aware of the situation at 108 E. Blakely Avenue and that the occupant has recently been arrested.
2. Public Works. Mr. Frink reported that this month there has been a couple of small leaks in the pressure release valves. The City has finished discharged from the North Lagoon, is currently discharging from the south lagoon until the end of the month. Holderman Paving is tentatively scheduled to be here at the end of May for paving projects around town. The Park electricity project continues to slowly move along, hopefully to be done in time for all the summer activities. In the pavilion a refrigerator and the food warmer have been repaired, and a new freezer has been installed.



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3. Administrator's Report. McDowell informed Council that he has had an allergic reaction to medication and is wearing gloves to protect his peeling hands. He reminded Council that the first Budget Meeting is scheduled for this Thursday, April 30<sup>th</sup>, at 7:00 p.m. It looks like we shall have a full, veteran committee. Budget books will be completed by Thursday and will be provided to members at that meeting. McDowell informed Council that he had met with John Morrison and several others to discuss logistics for the Antique Faire. There will be a new traffic flow pattern this year, which will hopefully improve the event. Public Works Superintendent Karl Frink has reviewed the situation too.

McFarland Cascade has reported that Linn County will not allow them to open their building permit, so they will need to generate a new one to work on more noise mitigation procedures at the Brownsville plant. The City will continue to assist them as much as possible. A review meeting with the Central Linn Recreation Association has been scheduled with George Frasier to discuss logistics surrounding the agreement the City signed back in July 2014.

The contract with Pacific Power to get electricity to the GR 12 well has been signed. The Oregon Water Resources Department has sent a certificate of issuance for the four well heads in the park; tentatively good news. The situation at Moody Court continues to be monitored. The last sighting only showed two cats in the area; the situation seems to be holding steady. Nuisance and garbage and weeds – oh my! Our weeds ordinance takes effect again as of June 1<sup>st</sup>. Staff will put an advertisement in the local paper reminding folks to get their mowing done by the deadline. It was noted that Sweet Home Sanitation will be picking up yard debris every week in May.

4. Library Report. Mrs. Lemhouse was present, and sang a short ditty. She told everyone "Happy National Library Month!" Kristin Whitehead put on a luncheon for all the library volunteers – about 25 out of the total 40 volunteers attended. She thanked everyone for serving on Council and serving the community. Children's Story time and events have greatly expanded over the last few years.
5. Court Report. No comments.
6. Council Comments. Lynda Chambers stated that she had attended the CLRA meeting last night. They expressed their appreciation for all the hard work that the City Staff has been doing on their behalf.
7. Citizen Comments. Kaye Fox stated that the grass and weeds on the lot next to her is very long. She understands that Council has set a June 1<sup>st</sup> start date for weeds in their ordinance, but would like to encourage Council to reconsider and set May 1<sup>st</sup> as the start date for the weed ordinance.

Thane Ashcraft was present and would like to suggest to Council the creation of an annual day of community service for Brownsville. It could be a day of pulling weeds around town, a specific project, or general clean up etc. He would be happy to spearhead the event but would like some direction from Council/Staff. Councilor Cole inquired what he saw this event encompassing – private or public land? Mr. Ashcraft replied either, or both, as Council saw fit. He was also directed to contact United Way to see if they had need of his services for this sort of project. Apparently the Senior Center also has a list of needy senior citizens that might need this type of assistance. McDowell will explore this opportunity further with Mr. Ashcraft. Ashcraft also remarked that perhaps the street



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sweeping does not need to be done by his residence, up on Northpoint Loop. That particular area of town seems to stay fairly tidy. He is wondering if the City could save some funds and perhaps take that area off the sweeping schedule.

Allen Buzzard thanked Linn County Sheriff's Office for their service, but stated that as he is newly elected on the Budget Committee this year, he is ever mindful of protecting the City treasury. He is wondering how the City can support the 5% contract increase. Councilor Cole stated that she is in support of the LCSO, and is grateful for their support.

### LEGISLATIVE:

1. O 752: Elected Official Replacement Policy (Second Reading). Councilor Gerber made a motion to read O 752 by title only. Councilor Shepherd seconded the motion, and it passed unanimously. Councilor Cole summarized the ordinance stating that basically this ordinance defines how Council will be taking elected official's vacancy applications, conducting interviews, and majority vote will rule in the event this ordinance were needed in the future. McDowell concurred. Councilor Gerber made a motion to adopt O 752 as presented. Councilor Cole seconded the motion, and it passed unanimously.
2. O 753: Dog Leash Law (Second Reading). Mr. McDowell placed on Council's desk a rewritten ordinance with only a few typographically corrections. Councilor Gerber made a motion to read O 753 by title only. Councilor Van Sandt seconded the motion, and it passed unanimously. Discussion followed. Councilor Cole asked if dogs are in the right-of-way unleashed, what happens then? The running at large language in the ordinance should cover that situation. The off-leash area in the park was discussed including ideas about fencing in the area. Another question was raised about enforcement. Sergeant Kelley responded that this would probably be under officer discretion. McDowell will meet with the LCSO to define what their approach will look like and what can reasonably be expected. Councilor Gerber made a motion to approve O 753. Councilor Chambers seconded the motion, and it passed unanimously.
3. Resolution 2015.08 – Verification of Services (State Revenue Sharing). Councilor Cole made a motion to approve R 2015.08 as presented. Councilor Shepherd seconded the motion, and it passed unanimously.
4. Resolution 2015.09 – Annual Worker's Compensation Coverage Declaration. Councilor Cole made a motion to approve R 2015.09 as presented. Councilor Gerber seconded the motion, and it passed unanimously.
5. Resolution 2015.10 – Authorization to Apply for a Grant for a Master Park Plan Update. Mr. McDowell informed Council that this Master Park Plan will have to be completed by an outside consultant in order to meet grant requirements. The grant would probably be about a \$30,000 - \$50,000 grant. Councilor Cole made a motion to approve R 2015.10 as presented. Councilor Van Sandt seconded the motion, and it passed unanimously.



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### ACTION ITEMS:

1. Mental Health Month Proclamation. Mayor Ware informed Council that he would be signing this proclamation unless there was any objection. No objection, so Mayor Ware will complete this proclamation.
2. Pioneer Picnic Letter (Park Board Recommendation). *Councilor Gerber made a motion to approve the Pioneer Picnic Agreement as presented. Councilor Shepherd seconded the motion, and it passed unanimously.*
3. Pioneer Picnic Association Street Closure Request. *Councilor Cole made a motion to approve the Pioneer Picnic Street Closure as requested. Councilor Van Sandt seconded the motion, and it passed unanimously.*
4. OLCC Renewals. Council reviewed the renewals, and instructed Staff to proceed.
5. Linn County Sheriff's Office Contract. Mr. McDowell informed Council that the LCSO's Law Enforcement Agreement includes a 5% increase as has been the case for the last several years. McDowell has placed some draft language with the agreement for consideration. He recommends approving the agreement with the possibility of adding some of the draft language which would provide a little more control over the coverage and outcomes. The City has been working with LCSO for many years and considers them to be an outstanding community partner. Brian Latta, Harrisburg City Administrator, is experiencing some of the same concerns. Mr. McDowell reminded Council that compression affects the amount of operating levy funding that LCSO receives so one of the only ways for them to increase their funding is through their local city contracts. *Councilor Gerber made a motion to approve the LCSO contract, but instructed Staff to proceed with negotiations. Councilor Shepherd seconded the motion, and it passed unanimously.*

### DISCUSSION ITEMS:

1. Weapons Discharge Policy. Mr. McDowell reminded Council that they had asked for Staff to come back with ideas for the Weapons Discharge Ordinance for this meeting. City Attorney Ross Williamson suggested that Council could hear the applicant's permit applications at Council meetings, but why would Council want to proceed this way? It seems like a waste of time because the concerns Staff has been dealing with are not going to change. Council will be dealing with the same issues. City Insurance Agent Mike Hoyt is against the whole idea, stating that he sees it as a huge liability for the City. CIS has weighed in, but they are more of the mind of allowing cities to do things that make the most sense for their own city. Councilor Cole stated that she is feeling very radical, and is very concerned about the liability. She stated that she feels we are setting ourselves up for a future problem with issuing permits (permission) to discharge weapons in town. Councilor Gerber stated that she would like to see something similar to the previous ordinance – which allowed for shooting on properties that were greater than one (1) acre, and for farm exemptions. Councilor Cole, Councilor Van Sandt,



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Councilor Chambers, and Councilor Shepherd are fairly opposed to allowing any shooting in town. Mr. McDowell reminded Council that there are several properties in town on which you could safely discharge and warned Council that folks will come and voice complaints to a city wide ban in his opinion. *Councilor Shepherd made a motion create an ordinance to ban weapons discharge in Brownsville. Councilor Chambers seconded the motion, and it passed with Councilor Gerber, Mayor Don Ware, and Councilor Neddeau opposing.* Legislation will be presented for Council's consideration at the next meeting.

2. Master Task to Do List. Mr. McDowell informed Council that this list encompasses a lot of the Staff goals for the year, and also serves as enlightenment for Council on the basic elements of what Staff does on a daily basis. It is also important to understand the items Council is working on as it relates specifically to the Budget Committee later this week.
3. Vision Statement and Council Goals. Council agreed to meet after the 3<sup>rd</sup> budget meeting on May 14<sup>th</sup>, 2015 to finalize the year's vision statement and goals.
4. April Financials. No comments.

**CITIZEN COMMENTS:** No comments.

**COUNCIL COMMENTS:** Councilor Cole will meet with Councilor Gerber before the May 14<sup>th</sup>, 2015 Budget Meeting to discuss her input on the Vision Statement and Council Goals as Councilor Cole is unable to attend the May 14<sup>th</sup>, 2015 meeting.


EXECUTIVE SESSION entered at 8:49 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.
- 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 8:56 p.m.

The regular meeting was called back into session at 8:56 p.m.

**ADJOURNMENT:** *Councilor Cole moved to adjourn at 8:57 p.m. Councilor Van Sandt seconded the motion, and it passed unanimously.*

  
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City Administrator S. Scott McDowell

  
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Mayor Don Ware