



Council Minutes

January 29th, 2014

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

PUBLIC: Elizabeth Coleman, Rick Dominguez, Roy and Wendy Houtz, Mike and JoAnn Neddeau, Marilyn Grimes, Jim Hagan, Randy Simpson and Gail Ashford.

The pledge of allegiance was recited.

ADDITIONS AND DELETIONS: Mr. McDowell would like Council to add Medical Marijuana Dispensary under 6) B. Public Hearings/Presentations, and Customer Billing under 10) D. Action Items.

MINUTES: Council reviewed the minutes of the December 17th, 2013 meeting. Councilor Gerber moved to approve the minutes as presented. The motion was seconded by Councilor Shepherd and was approved unanimously.

PUBLIC HEARINGS OR PRESENTATIONS:

Roy and Wendy Houtz – Mr. Houtz stated that he had not gotten any letters from the City of Brownsville regarding cleanup at his property at 613 Kay Street before a phone call he received from Mr. McDowell. Roy went on to state that he would have the red camper and trailer it is sitting on removed from the property by this weekend, February 2nd, 2014. *[For the record: The City has sent several letters to the Houtz's regarding their property cleanup. Mr. McDowell and Ms. Morrow met with the Houtz's on August 7th, 2013, and sent a follow up letter outlining the cleanup needed on September 6th, 2013. Many time extensions were granted, with minimal progress achieved. An abatement notice was posted on November 13th, 2013, with abatement proceedings ensuing November 23rd, 2013. Mrs. Houtz called and requested yet another six (6) week extension, which was granted. The final deadline was January 22nd, and since the property still had not been brought into compliance, the Houtz's were encouraged to appear before Council.]*

Medical Marijuana Dispensary – Mr. Randy Simpson was present to discuss the possible opening of a medical marijuana dispensary in downtown Brownsville. The facility will be operated as a legal dispensary licensed through the State of Oregon. The official application period will open on March 3rd, 2014. Mr. Simpson stated that they will abide by all laws and rules, and is requesting that the City of Brownsville not try to ban this facility like the City of Albany is doing. He also stated that Crystal Smith will be their bookkeeper, and that it will not be a 'fly-by-night' operation. Councilor Boyanovsky asked where the nearest like facility is located. Mr. Simpson responded that there is one in Eugene, and also in Salem. Mr. McDowell stated that his first concern is that the zoning code does not prevent a dispensary from being located in town. Another concern is the proximity of a marijuana dispensary to the many youth centered activities in town such as the Sharing Hands Learning Tree School located at the Brownsville Recreation Center, the City Library and their youth events, Brownsville Art Association and their activities, as well as the Central Linn Recreation Center and all of their various youth athletics. Our attorney advised Mr. McDowell that the current law would likely not



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recognize the Learning Tree as a school under the State definition. Cities around the State have had varying opinions about having these facilities within their communities. Medford said no, while Ashland was very receptive to the idea. Our attorney advised the City that there is legislation on the floor that will allow cities to deny these facilities to operate in their communities but the bill has not been voted on.

DEPARTMENT REPORTS:

1. Sheriff's Report. Sergeant Brad Kelley was present and reported that Bruce Riley has taken over as interim Sheriff. Officer Rossiter has been moved to Detectives, and Officer Putney to Dog Control. Officer Kelley reported that local south county law enforcement coverage is being made by miscellaneous other deputies at this time, and LCSO is working on hiring more full-time designated south county deputies. Mr. McDowell extended a thank you to Sergeant Kelley for his assistance in dealing with the RV's/trailers parked on Templeton Street.
2. Public Works. Mr. Frink reported that Public Works had several leaks this month, mostly probably due to the freezing temperatures. The Automation Group (TAG) has redone several screens at the Water Treatment Plant, and should implement the final improvements in the next two (2) weeks. Mr. Frink continues to monitor weak spots in the water and sewer lines, and continues to evaluate which lines will need to be addressed first. Leaf raking continues in the Park, and one of the new gates has been installed. The second gate should be built and installed by April. Cascade Timber Consulting did the work, and Mr. Frink commented that they have done high quality work, and been great to work with.
3. Administrator's Report. Flood Insurance – Mr. McDowell reported that Barker-Uerlings is our current insurance carrier, and the City has been very pleased with their service. A new issue looming on the horizon is that FEMA is backing out of subsidizing flood insurance. Everyone can expect to pay a 25% increase each year. The ceiling is up to and exceeding the value of the home/property. The City shop is located in the flood zone, and is currently valued at \$243,000. It may be a good time for Council to make a long-term plan for this property. UGB/Linn County Commissioners – Mr. McDowell reported that Anne Hankins has received information from the Linn County Commissioner about the WCMF. They are considering reducing the number of camping spots from 3,000 to 1,500, as well limiting ticket sales, attendance, etc. The City of Brownsville will be represented at the Linn County Commissioners meeting slated for March, and we will encourage other community organizations to fill the room and again reiterate the economic impact the Festival has for our small, rural community. DLCD (Dept. of Land Conservation and Development) may have another viable option which McDowell will share with Linn County Administrator Ralph Wyatt. Bill Sattler MOU – The City has extended the Consulting Services MOU with Bill Sattler for another year. Upcoming Elections – Mr. McDowell reported that three of the four Councilors have declared interest in re-election. Councilor Cole is yet undecided. McFarland Cascade – Mr. McDowell stated that the land use documents have been signed, everything looks good, and McFarland could even break ground as early as April. Ford Family Foundation – Mr. McDowell reported that he attended a Ford Family Foundation meeting in Lebanon on the evening of January 29th. Basically the Ford Family Foundation teaches



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leadership skills and community building techniques and is a great foundation piece for our area. There was lots of good cooperation going on in the room. Business Licenses/Construction Permits – Mr. McDowell recommends that Council take a look at both of these issues. Construction permits would clarify boundaries, setbacks, etc. (The City currently has an issue in an alleyway, and is trying to figure out how to deal with it.) There are two primary reasons to implement a Business License Permit system in town. The first benefit would be the City's ability to verify zoning codes. Secondly, the fire department would have an opportunity to understand what is on the property in terms of emergency services needs.

4. Library Report. No comments.
5. Court Report. No comments.
6. Council Comments. No comments.
7. Citizen Comments. Craig Star from Lebanon was present. He requested a copy of the proposed weapons ordinance to review. He reserved his right to speak later in the meeting.

LEGISLATIVE:

1. O 742: Amending Title 9 of the Brownsville Municipal Code, Chapter 9, Section 9.20.010; Discharge of Weapons (First Reading). *Councilor Gerber made a motion to read O 742 by title only. Councilor Shepherd seconded the motion and it passed unanimously.* Council discussion followed. Councilor Gerber was concerned about some of the language, specifically about not including air guns (BB guns, paint guns, etc.). Mr. McDowell reiterated the history of the Ordinance. He recently received concerns from our insurance agent, Mike Hoyt, about the City's liability with the current weapons discharge ordinance. Mr. Hoyt feels strongly that with a permitting process, the liability will revert to the property owner/permit holder. Councilor Boyanovsky inquired as to the distinction between a toy gun and a real weapon? Councilor Shepherd felt that the new ordinance is fairly clear.
2. R 2014.01: Pro-Tem Judges. *Councilor Shepherd made a motion to approve R 2014.01 as presented. Councilor Boyanovsky seconded the motion, and it passed unanimously.*
3. R 2014.02: Commitment to Safety Program. *Councilor Gerber made a motion to approve R 2014.02 as presented. Councilor Shepherd seconded the motion, and it passed unanimously.*
4. R 2014.03: Transient Room Tax Funds. *Councilor Boyanovsky made a motion to approve R 2014.03 as presented. Councilor Gerber seconded the motion, and it passed unanimously.*



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5. R 2014.04: Transfers. *Councilor Gerber made a motion to approve R 2014.04 as presented. Councilor Shepherd seconded the motion, and it passed unanimously.*

ACTION ITEMS:

1. Main Street Water Line Estimate. Mr. McDowell and Mr. Frink met with City Engineer Jon Erwin to discuss the Main Street water line repair/replacement. Mr. Erwin submitted an estimate to replace the water line from the bridge to the top of Kirk Avenue in Phase 1. The estimated cost is \$84,856.78, which would be a considerable savings in relation to replacing the whole line at this time. The line will still need to be replaced from Kirk to Carlson's, but it is not imperative right now. *Councilor Gerber made a motion to authorize Mr. McDowell to go forth with the Phase 1 plan as proposed. Councilor Shepherd seconded the motion and it passed unanimously.*
2. Senior Center Phone Services. Several years ago when the Seniors moved downtown, Council decided to continue to pay for their phone service at the level of \$50 per month. Mr. McDowell has been approached by their Vice President, Kneil Stuckey to request continuance of paying for this service for them. Mr. McDowell informed Council that over the last several years, the cost has gone up considerably. His recommendation would be that if Council decides to continue this service for the Seniors, that an MOU would be a good idea from a budgeting standpoint. *Councilor Gerber made a motion to proceed with an MOU authorizing \$600/year. Councilor Shepherd seconded the motion, and it passed unanimously.*
3. Goals Review & Organizational Prospectus. Council expressed an interest in setting up a two hour time frame on a Saturday morning for their annual Goals Review. A day and time will be discussed when more of the Council is present. McDowell may send out an e-mail.
4. Customer Billing Error. Mr. McDowell reported an anomaly within the Water System Billing Program. A customer has not been charged for water services, only sewer, for the past 8-10 months. Mr. McDowell asked Council for direction. Should the City forgive all or some of the bill, enter into a payment plan with the customer? *Councilor Shepherd made a motion to forgive half of the outstanding amount owed, and allow the customer to enter into a payment plan if needed. Councilor Boyanovsky seconded the motion, and it passed unanimously.*

DISCUSSION ITEMS:

1. BCS Audit Report & USDA. The 6/30/2013 audit has been appropriately filed with the State of Oregon and USDA. One transaction last year was not entered



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until August for a June payment, so USDA may have some questions on that transaction. Next year this transaction will be handled differently. Council had no questions on this report.

2. Advertisement Procedure. Mr. McDowell would like to streamline this process, if Council does not object by automatically advertising budgeted projects, process and openings that transpire during the course of any given year. *Councilor Gerber made a motion to authorize Mr. McDowell to initiate any advertisements as required by law, i.e. budget advertisements, open positions on Boards, etc. Councilor Shepherd seconded the motion, and it passed unanimously.*
3. Red Barn & Calapooia Food Alliance MOU. The CFA has been using the Red Barn on Park Street to service the Farmer's Market and to store items from that event. They recently consolidated their items back into the original footprint laid out by the City. Mr. Frink suggested perhaps constructing some walls within that space to better define their area, and to make it a more lockable space for them. Mr. McDowell proposed entering into a MOU with them, and there could be a fee of some sort attached. Mr. McDowell reminded Council that we should consider CFA's volunteer efforts, and the value of the Farmer's Market for the community. With giving them a reduced rental fee (say \$25), the CFA can consider the rest of the usual rental amount to be an in-kind contribution which could potentially help them in acquiring grant monies from other agencies. Councilor Shepherd stated that he would like to see at least a \$50 rental fee for that space. Mr. McDowell will negotiate with CFA and bring the matter back to Council.
4. Economic Development & the Urban Growth Boundary. Mr. McDowell stated that without a full Council, this conversation does not seem appropriate. However, Ed Moore, DLCD, confirmed the City's suspicion that the UGB cannot be extended to the Reed Anderson Ranch east of town.
5. Recreational Vehicle & Trailer Process. Mr. McDowell shared a video with Council highlighting a proposed zoning change, current abatement issues, etc. Gail Erickson is requesting a zoning change to build another residential structure on the back part of her property. Besides the zoning issues, there are a lot of owner costs that would be incurred to undertake this project. Mr. McDowell has heard of new proposed legislation happening that will declare 1000' from any river as a special flood hazard area, which might also impact this project. Mr. McDowell showed nuisance photos highlighting 903 Ash and 382 Kirk. On January 22nd, 2014 Sweet Home Sanitation cleaned up both of these properties that had been abated by the City. City Staff continues to deal with trash, junk accumulation, unlicensed RV's, and unsafe structures within the City. Staff would like some direction from Council as far as proceeding with nuisances, abatements and Recreational Vehicles. It would be very helpful for Staff to have the processes laid out and clearly defined for consistent application of the Code when it comes to several issues including Recreational Vehicles.
6. Historic Registry Update. Mr. McDowell attended the Brownsville Chamber of Commerce meeting on January 9th, 2014. Their main discussion topic was the formation of a downtown Historic District. Mr. McDowell reported that there are two ways to do this. A certified local government could be formed, or the City



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could just form the District now as much of the downtown area is already zoned Old Town Commercial. The certified local government is a state program, and will have new requirements of the business owners, and great concern from one local business owner was expressed about what these new requirements would be. At this time, the City will wait to see what develops.

7. City Hall Restoration. Mr. McDowell presented a drawing of the proposed restoration project for the front of City Hall. The price of the restoration has come in higher than anticipated. There are several ways to deal with that. Council could piece meal the project, have Public Works complete some areas of the project, or just do some of the work now, and wait for the new budget period and dedicate additional funding to finish the project. Council does not need to make a decision tonight, but Mr. McDowell will develop some alternatives with Public Works Superintendent Karl Frink.
8. December Financial. No questions or concerns.

CITIZEN COMMENT: Craig Star took the podium again and stated that he had read through the proposed weapons ordinance. His general observation is that there are no standards mentioned. He stated that in his opinion, local governments have a lot of latitude to make regulations. Mr. Star stated that he thinks the City needs to decide whether the City is gaining or reducing liability by issuing weapon permits.

COUNCIL COMMENTS: None at this time.

EXECUTIVE SESSION: The Council adjourned to Executive Session at 8:34 p.m. pursuant to ORS 192.660 Section (e) and (i).

Mayor Ware & Council returned to Regular Session at 9:05 p.m.

Councilor Shepherd made a motion to award Mr. McDowell a 1.5% COLA and a 2.5% step increase in salary. The motion was seconded by Councilor Boyanovsky and the motion passed unanimously.

ADJOURNMENT: *Councilor Shepherd moved to adjourn, with Councilor Gerber seconding the motion.* The meeting was adjourned at 9:08 p.m.

A blue ink signature of S. Scott McDowell.

City Administrator S. Scott McDowell

A blue ink signature of Don Ware.

Mayor Don Ware