



Council Minutes

May 28th, 2019

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

PUBLIC: Katie Cheney, David Dodson, Kaye & Phil Fox, Allen Buzzard, Elizabeth Coleman, Steve Brenner, Fred Abousleman & Rachel Maddock-Hughes (COG), Sergeant Greg Klein (*Linn County Sheriff's Office*), Alex Paul (*Albany Democrat Herald*), Bryan Bradburn, and Tia Parrish (*The Times*).

The pledge of allegiance was recited.

ADDITIONS AND DELETIONS: None tonight.

MINUTES: Councilor Block made a motion to approve the April 23rd, 2019 meeting minutes as presented. Councilor Neddeau seconded the motion, and it passed unanimously.

PUBLIC HEARINGS OR PRESENTATIONS:

1. **Central Linn Recreation Center – Katie Cheney.** Basketball Coordinator Katie Cheney was present to highlight the past season. She said CLRA serves K-6th grade children with many different teams and activities offered. All 10 teams enjoyed a winning record this season. She is also planning open gyms and camps this spring and summer; trying to increase interest and utilize gym space more effectively. Katie thanked the front office staff, Jannea and Tammi, for their great help with scheduling. She also thanked Mr. McDowell for getting new rugs for the gym.
2. **Cascade West Council of Governments (COG) – Fred Abousleman & Rachel Maddock-Hugh.** Executive Director Fred Abousleman thanked Council for their recent partnership for the Meals on Wheels program. Last quarter they served 1,500 meals at the Brownsville site. Mayor Ware stated that the CLCF also donated to the program, and that it serves a vital need here. A lot of the seniors come for lunch and stay to interact with each other.

The COG is a 3-county social services and planning organization. They have a staff of 170 that run 300 different programs, with 300 different funding sources as well. This year a main focus has been advocacy, and Mr. McDowell has been instrumental in engaging and helping us to move forward through the legislative process. Hot topics include loss of local control, unfunded mandates, transportation funding and senior services funding. They are tracking 6 bills, and still have 4 alive in session currently. One of the most important bills focuses around wetlands and reassessing development restrictions.

Abousleman also stated that they have programs to help the City with IT, HR, finance, etc., as the need arises. McDowell stated that the City truly appreciates what the COG has done for us, fighting for the rights of our communities. He stated that the power of our democracy is sitting right here in the Council seats, and that the leaders in the community are the last line of defense. Home rule is so important. Without standing up and advocating for ourselves, we are effectively



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giving away the power that has been invested in us by the State Constitution. We are excited to have the COG advocating for us.

3. **Proposed Use of State Revenue Sharing (SRS).** Mayor Ware opened the hearing, and asked for any public comment; hearing none, he closed the hearing.
4. **2019-2020 Budget Public Hearing.** Mayor Ware opened the hearing, and asked for any public comment; hearing none, he closed the hearing. Mr. McDowell stated that the Budget Committee is recommending levying the full tax rate. The SRS funds go towards public safety, specifically streetlights. The 3rd column on the budget document will be completed and ready for approval at the June Council meeting with no further recommendations or changes requested by Council.
5. **Richard Hall & Timothy Smith 368 Spaulding Variance Appeal Request – David Dodson.** Mayor Ware read the procedural items that included the following information, 1) rules of meeting conduct, 2) meeting process, 3) the nature and purpose of the hearing, 4) burden of proof on the applicant, 5) conflicts of interest, ex parte contact or other items to members may want to mention or declare. McDowell stated that the Council packet included, the April 22nd, 2019 Staff Report and a draft version of the April 29th, 2019 Planning Committee Minutes. The Planning Commission denied the variance due to unmet criteria. Council is obligated to hear the appeal and to make a decision tonight based on the materials provided; there are basically three options going forth 1) grant the variance outright, 2) deny the variance based on criteria, or 3) approve the variance with conditions.

Mr. David Dodson, working on behalf of the property owners, presented the outline of the current plan, which was submitted May 10th, 2019, after the denial by the Planning Commission. Dodson indicated that an outright permitted use for the property zoned HDR could be accommodations of up to 21 units, three stories high. Dodson continued saying that the property owners are interested in neighborhood compatibility and towards that end are proposing to divide the parcel into 3 lots, imposing a height restriction of 2 stories, and implementing a deed restriction to only allow single-family homes or duplexes. Dodson quoted the Brownsville Municipal Code and asked for Council to approve the variance with these new restrictions. Councilor Gerber stated that she is amenable to 1-2 duplexes instead of duplexes on all 3 lots, citing concern over traffic load and density in the area. McDowell stated that the variance, if granted, would be brought back to Planning Commission or Council for approval of future building plans.

McDowell also stated that the letter the Dodson is referring to is basically adding a condition of density. Council is not addressing the drainage issue this evening. Drainage plans will have to come back through the City's formal approval process which will include a complete review by the Public Works Superintendent and the City Engineer. McDowell reminded Council that basically there are 2 prongs tonight. The first is approval of the 21 units, high density plan, the 2nd is for approving the variance with height limitations, and no more than 3 duplexes on the parcel (there is sample language on the dais).

Mayor Ware closed the hearing, and Council discussion ensued. Councilor Block recused himself from the vote because he is an abutting neighbor of the property under discussion. Councilor Gerber stated that her only concern was the density in a fairly small area. Councilor Hansen stated that he would rather see units of duplexes opposed to the possibility of a 21-unit apartment complex scenario, which



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would be much worse for neighborhood density. Councilor Chambers made a motion to approve the variance request with conditions found in the Staff Report dated April 22nd, 2019. She also moved to add additional conditions as follows: 1) the property owner will add deed restrictions as suggested in Willamette Valley Planning LLC letter dated May 10th, 2019. Future construction cannot exceed two stories and only duplexes or single-family units can be constructed on the property. 2) The variance time frame is two years. Applicant will have two years to submit a land partition for the property to the City of Brownsville. 3) The City of Brownsville will require future conditions for the land partition. The conditions in the Staff report include: 1) Variance is subject to the applicant providing a conceptual site plan suitable to the City. 2) Developer shall submit a landscaping plan for frontage to eliminate vision clearance issues off Spaulding Way. 3) the approved flag lot location shall be considered the only driveway access for the lots; additional footage shall not be considered a private access for abutting lots. Councilor Hansen seconded the motion, and it was approved by all, with Councilor Block abstaining from the vote.

6. **Municode Reservation Module Overview.** Mr. McDowell stated the City recently organized a meeting with community partners to discuss the idea of setting up a community events calendar and reservation system. Mrs. Deaver and McDowell have been working with Municode to facilitate an online calendar. Municode has offered up a reservations module which McDowell demonstrated for Council. It will be accessed through the City's website, and requests will be routed to Staff for approval and confirmation of the reservation or denial. There are still a few bugs to work out, but we are close to being operational.

DEPARTMENT REPORTS:

1. **LCSO Sheriff's Report.** Sergeant Greg Klein presented the numbers for April 2019. There were 4 traffic citations, 17 warnings, 4 warrant arrests, 1 runaway, and 73 total complaints taken for the month. LCSO devoted 2.5 hours to traffic, and 205.5 hours overall. He checked on the May numbers and citations are up to 19, with 40 warnings given. LCSO has been working with the Pioneer Picnic group to address their needs. Councilor Chambers asked about the lawfulness of someone driving in the middle of the road in a wheelchair. Is that a citable offense? Klein stated that they have received a complaint letter, and they are dealing with the situation.
2. **Public Works.** Mr. Frink was excused due to sickness. McDowell discussed a few details over the last few weeks including a water leak and a sewer backup.
3. **Administrator's Report.** The City received a thank you letter (on the desk tonight) from the Halsey-Shedd Rural Fire Protection District for partnering in the Jacob's kit program. On May 16th, 2019, a contingent of the Emergency Preparedness Committee met with Principal Heidi Hermanson at Central Linn High School. The group received good feedback and cooperation in participating with installing the Jacob trauma kits in the schoolrooms and on the buses. Other news in EPC centered around the possible creation of a logo to go with the kit and engage several local entities towards our common EPC goal. One idea is to create a shared website that would be standalone. One website provider possibility would be wix.com; the cost would be a few hundred dollars each year. Council approved the creation of the joint website by consensus.



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McDowell reported that on May 22nd, 2019, an Historic Oregon Film Trail Unveiling Event was held at three locations throughout town. There is a major marketing campaign underway directing folks to the major movie sites around the State. The movie, *Stand By Me*, was shot in Brownsville in 1985, and continues to be a tourist draw every year, all year long. Brownsville is the 2nd city in Oregon to be honored, and the Oregon Film Commission predicts about 100 sites by the end of the year. They will have marketing at PDX encouraging folks to participate and visit various cities. The event started at the Linn County Museum, stopped by City Hall, and then moved on to the park. Signs have been installed at all 3 locations.

Mr. Frink and Mrs. Deaver have been looking at new software technology associated with the new meters, and Council may need to consider a few policy changes to take full advantage of the new capabilities.

Mr. McDowell spoke about the art of advocacy and what that means for Council. McDowell loves the exuberance about City issues, but the City should be more prepared before talking with our State representatives. Council should consider developing written points to share with representatives and members of our community. The City recently received a letter from an aide asking for information about an issue, which causes unnecessary work to accommodate such a request. It may behoove Council to hire retired Judge Jad Lemhouse to help guide us down this path with impacts to municipal courts for example. He has been advocating for courts and cities for years, and has a clear understanding of relevant and important issues. McDowell stated that he thought that it is important for Council not lose our positive momentum on this very important topic. Mr. Abousleman interjected to remind Council that the most important people to elected officials are other elected officials. McDowell said it is imperative that Council advocate for their city. The City is in the "infancy stage" with this effort, but it is important to be intentional with our effort and communication.

McDowell suggested planning to apply for State park grant funding next year. They are in the short cycle this year, and the long cycle with a larger funding base should be happening next year. It is unclear just yet where the funding will fall out until the legislative session is finished. It may take a couple of funding cycles to get funded, so this is just something to keep in mind. McDowell also reminded Council that we are hearing complaints again about the park bank eroding away. Council will remember this issue has been discussed many, many times, and there are simply no good options. We will be retreating to preserve the playground equipment. Park Board is considering this matter, and will bring a recommendation to Council.

The TMDL matrix was sent, and approved. We also received new requirements. TMDL seems to be going down the path as expected. Advocacy discussion needs to be had on this topic, and we will likely need to reload with the Cascade West Council of Governments again on this issue.

It is important for Council to remember that outright permitted uses go through reviews with Planning, Public Works, and Administration at City Hall, not the Planning Commission. Clarity is really needed around these planning issues as the general public can become confused on what the legal requirements are for the City.

Public Works recently had a lot of fun with a sewer lateral down on Washington Street. A root wad in the City's system caused damage to a property owner's sewer lateral. The property owner hired an outside contractor to repair the line. The City will be filing an insurance claim on this repair work. Public Works also had a line



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break on Hausman and Ash last week. After several attempts, it was determined that the repair could not be made at night, so some water was off overnight. The affected citizens were very understanding, and Staff greatly appreciated that courtesy. Water service was restored the next morning.

4. **Library Report.** No comments.
5. **Court Report.** No comments.
6. **Council Comments.** No comments.
7. **Citizen's Comments.** Mr. Allen Buzzard, School Avenue, complimented Public Works, particularly Andy Day and Josh Kometz for their work getting Main Street weeded and freshly barked before Pioneer Picnic. He is also still concerned about sidewalk safety, and has been circulating a petition for folks to sign. He would like the City to work with Linn County Roadmaster regarding speeds, repainting crosswalks, and insist all property owners either pay for, or contribute toward, a traffic impact study. Buzzard said that he would be back in June to speak to Council.

LEGISLATIVE ITEMS:

1. **Resolution 2019.11 – Election to Receive State Revenue Sharing.** *Councilor Block moved to approve 2019.11, as presented. Councilor Hansen seconded the motion, and it passed unanimously.*
2. **Ordinance 779 – Amend General Penalties Provision, Chapter 1.05 of the Brownsville Municipal Code (Emergency).** *Councilor Gerber made a motion to read O 779 by title only. Councilor Hansen seconded the motion, and it passed unanimously. Councilor Block made a motion to approve O 779 by emergency. Councilor Gerber seconded the motion, and it passed unanimously.* Mr. McDowell reminded Council that we have been talking about this issue for a long time. The effort has been spearheaded by citizen Bryan Bradburn. Basically, under the current general provisions, only a peace officer could cite the nuisance into court. This ordinance change will allow the City Administrator, or his designee, to cite this nuisance into court. It will first need to be determined that a nuisance exists, and the problem with that is olfactory is subjective. These nuisances will likely occur in late summer, as plants fully mature, and the time frame could change each year, depending on growing and environmental factors. Again, the ordinance is not perfect, but it is thought that to have something on the books is better than nothing.

ACTION ITEMS:

1. **Linn County Museum Road Closure.** The museum is holding a *Hands on History* event on August 24th, 2019. They would like to close Park Avenue from Main to Averill to accommodate the event. *Councilor Block made a motion to approve this road closure. Councilor Gerber seconded the motion, and it passed unanimously.*



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DISCUSSION ITEMS:

1. **Canal Company & the Mill Race.** Insurance confirmation has been received, and the pumps will likely be starting up this next week. Would Council like Mr. McDowell and Councilor Block to move forward with negotiations based on last month's presentation? *Councilor Gerber made a motion to authorize Mr. McDowell and Councilor Block to move forward with the Canal Company discussion and negotiations. Councilor Hansen seconded the motion, and it passed unanimously.*
2. **Linn County Sheriff's Office Contract.** McDowell informed Council that right after the last meeting, he received an email from Sheriff Yon stating that the current contract will stay in effect until labor negotiations are completed.
3. **April Financials.** No comments.

CITIZENS COMMENTS – Allen Buzzard spoke again stating the while he was circulating his petition, he has heard from an enormous number of folks that want to see more law enforcement. Buzzard suggested that if we are not getting the service from LCSO, that we should maybe cut them out completely. We could install cameras and issue tickets by photo enforcement. He said that the City has other avenues than depending solely on LCSO.

Bryan Bradburn, Washington Avenue, spoke next. He agrees that Brownsville needs to have more tickets written, but cameras would be a ridiculous waste of money. It doesn't set well with the image of this town, and what we want to see here. It is absurd. He thanked Council for passing O 779, he appreciates the effort, and time will tell how well it will work. He thanked Council again for trying to help him find a resolution to this quagmire and issue he has been dealing with for four long years now.

COUNCIL COMMENTS – No comments.

ADJOURNMENT: *Councilor Block moved to adjourn the Council meeting at 8:19 p.m. Councilor Neddeau seconded the motion, and it passed unanimously.*

Handwritten signature of S. Scott McDowell in blue ink.

City Administrator S. Scott McDowell

Handwritten signature of Don Ware in blue ink.

Mayor Don Ware