

BROWNSVILLE CITY COUNCIL  
MEETING MINUTES

April 22, 2008

ROLL CALL: Mayor Ware called the meeting to order at 7:00 p.m. with Councilors Brenner, Cole, Ginn and Shepherd present. Councilor Hoffman and Councilor Pinnock were excused. Also present were City Administrator Scott McDowell, City Planner Bill Sattler and Public Works Director Karl Frink.

ADDITIONS AND DELETIONS: A discussion item regarding the use of the Rec Center parking lot was added.

MINUTES: The Council reviewed the minutes of the March 25, 2008, City Council meeting. Councilor Cole moved that the minutes be approved. The motion was seconded by Councilor Shepherd and was approved unanimously.

CITIZEN COMMENT: NONE

SHERIFF'S REPORT: This item was moved up to allow Sgt. Lawler to leave. Sgt. Lawler reported that he was back to regular duty and that things had been quiet around town recently. Mayor Ware thanked him for his actions dealing with a difficult situation.

PUBLIC HEARINGS / PRESENTATIONS:

1. Public Works. Mr. Chad Brown and Mr. Marvin Borntrager were present. Mr. Frink introduced them to the Council. Mayor Ware thanked them for their service.
2. Sewer Project – Westech Engineering. Mr. Chris Brugato from Westech Engineering was present to update the Council on the project. Mr. Brugato said that Phase 1 is basically complete and Emery Construction has moved their equipment out. Substantial completion was declared and will start the twelve (12) month warranty period as of March 12, 2008. Mr. Brugato said that Westech will follow up with the City prior to the end of the year to check the status of the project in case warranty work is needed. Mr. Brugato noted that the project cost approximately \$4.2 million and that there were less than \$35,000 in change orders, which is extremely low and the sign of a good project. He said that Westech is working on trying to get Phase 2 restarted after the completion of the original scope of work. Additional installation of collection lines will be done on Kirk Avenue, Averill Street and Seven Mile Lane/Linn Way. The amount of funding is uncertain so the work on Seven Mile Lane has been broken down into three phases. The work will begin at the North wastewater plant and go south on Seven Mile Lane as long as funding is available. Mr. Brugato said that they are hoping to start work around May 1 to May 5. The allotted contract time is 90 days as Key Bank has agreed to extend the interim financing period until September. Councilor Cole asked how the utilities were doing with moving their facilities. Mr. Brugato said that the only real problem was on Averill and that work on Averill would not start for several weeks so he thought they were in good shape. Councilor Shepherd asked if they were going to grade the ditch by Advanced Mechanical. Mr. Brugato said that the contractors had restored the surface to the condition they found it in and didn't plan on doing any additional work. Mr. McDowell said that Public Works would do some work there to resolve the drainage issue.
3. Public Hearing – Wastewater Improvement Project Performance. Mr. McDowell said that the federal funding required the City to hold a public hearing to take any public comment on how the wastewater improvement project had gone. Mr. McDowell introduced Juan Benavidez who had served as the project inspector and Mr. Scott Wilson who had done contract work helping the City with stay in compliance with the funding agencies' requirements, particularly those

dealing with labor requirements. Mr. Wilson provided a handout showing the project budget and how much had been expended to this point. Councilor Cole said that she was pleased with the project and that there had been some difficult issues arise during the project which had all been successfully resolved. Mr. Wilson said that this had been a large, complex project and that everyone involved had done a good job. Mayor Ware said that he had expected problems in a project of this size and had been happily surprised at how well things had gone.

4. Calapooia Watershed Council – Denise Hoffert-Hay & Bud Baumgartner. Mr. McDowell introduced Ms. Hoffert-Hay and Mr. Baumgartner. Mr. McDowell said that the Watershed Council is in the process of getting bids for the installation of the pumping station at the site of the Brownsville Dam. Soon they will need to have power to the site. Pacific Power has required that a contract be signed by the party that will be responsible for the billing and the Watershed Council has asked the City to sign the contract. Councilor Cole asked Ms. Hoffert-Hay why The Oregon Watershed Enhancement Board (OWEB) had backed out of their commitment to pay the electricity costs for the first ten years. Ms. Hoffert-Hay said that the OWEB representative had made a mistake in promising to pay for that as they are prohibited from paying for power charges. Ms. Hoffert-Hay said that the Watershed Council has \$1,100 in private grant funding they would contribute towards paying the power bill and will continue to work on obtaining funding from other sources. She said that she has been working with a representative from Bonneville Environmental Fund and may be able to work out some kind of assistance either in grant funding or reduced power rates. Councilor Cole asked about alternative power sources. Ms. Hoffert-Hay said that the large pumps required too much power to be able to be operated by a reasonable-sized solar power array and installing a small hydro system wouldn't produce enough power. Mr. McDowell told the Council that he would be willing to pursue the matter with local legislators to see if they could either restore or replace the funding. Councilor Cole asked Ms. Hoffert-Hay if this would cause a problem for the Watershed Council. Ms. Hoffert-Hay explained that the matter was between the City and OWEB, the Watershed Council would have to remain neutral. She noted that most of the Watershed Council's funding came from OWEB. She said that the Watershed Council's grant will pay more than \$10,000 for bringing three phase power to the site. The Council agreed by consensus to have Mr. McDowell and Mayor Ware contact the City's State representatives and see what they could do. The Council discussed the power contract. Councilor Cole moved to have Mr. McDowell and Mayor Ware execute the agreement after it had been reviewed by the City Attorney. The motion was seconded by Councilor Brenner. Councilor Shepherd said that he wanted to consult the Canal Company before approving the contract. The Council voted on the motion before them and it was approved 4-1 with Councilor Shepherd voting no. Mayor Ware thanked the Watershed Council for all their work on this project. The next meeting of the Canal Company will be May 5, 2008.

CITIZEN COMMENTS: None.

DEPARTMENTAL REPORTS:

1. Administrator Report. Mr. McDowell submitted a written report to Council. Mr. McDowell provided the Councilors with copies of the draft Capital Improvements Plan he and Mr. Frink had created. Mr. McDowell suggested that the Council create an ad hoc committee to review the plan and prioritize needed projects. Mr. McDowell noted that the City has nearly \$34 million dollars worth of infrastructure. After the projects have been prioritized the Council should officially adopt the plan. Councilor Cole asked about the "shelf life" of the plan. Mr. McDowell said in a town the size of Brownsville he expected that it should be reviewed about every three to five years. He hoped to have the plan finalized and adopted by the Council by the end of 2008. Mr. McDowell said that he hoped to have 4-6 people on the committee reviewing the plan and that the Council could make appointments at the next meeting. Councilor Cole asked if any of the items were included in the 2008-2009 budget currently being considered. Mr. McDowell said that some were included. Mr. McDowell provided the Council with copies

of the Budget Committee minutes and agenda for the meeting on Thursday, April 24. He said that the Pioneer Picnic Association will have a special open house at the Picture Gallery on April 26 and had invited the Council to attend. Mr. McDowell said that he had been looking into having additional power drops installed at Pioneer Park for summer events and had obtained a bid on the work which had come in higher than he had expected. He is talking to Doris Johnston from Pacific Power and other groups in town to see if he could get some assistance with the funding. Mr. McDowell said that he had received a request from Mr. Warren Williamson to use the North Lagoon property for fireworks during the music festival. Based on the approvals and the process necessary, Mr. Williamson withdrew his request. Mr. McDowell said that he would be attending the Linn County Budget Committee meeting to support Judge Lemhouse. Councilor Ginn said she would also be attending.

2. Public Works. Mr. Frink submitted a written report. Mr. Frink told the Council that he had repaired the two wells in Pioneer Park that were having problems. The new sewer plants have been up and running since April 1 with no major problems. The Pioneer Park Caretakers will be here the week before Memorial Day. The Public Works crew will be grading roads for the next week. Councilor Cole asked if the plan included the park area, Mr. Frink said it did not. Councilor Cole asked what hours the downtown bathrooms are open. Mr. Frink said that they are always open. Mr. Frink said that the downtown bathrooms will be repaired and fixed up in the near future. He said that with the current setup the stall door interferes with the ADA space, he is going to reconfigure the layout so a door can be put installed.
3. Planning. Mr. Sattler provided a written report and updated the Council on current projects around town.
4. Library Report. Mr. McDowell told the Council that the Library is in the process of entering the library's collection into the Follett software with a goal of having 9,000 volumes entered by November. He said that there had been some discussion about starting to use the computerized system but that the decision had been to wait until most of the books had been entered into the software.
5. Sheriff's Report. The Sheriff's Department provided a written report for the Council.

#### LEGISLATIVE ACTION:

1. Resolution 598 – Linn County Plan to Combat Homelessness. Councilor Cole asked if this would cost the City any money. Mr. McDowell said that the resolution only offered moral support, not financial support. He said it may help them obtain some federal funding. Councilor Cole moved that Resolution 598 be approved. The motion was seconded by Councilor Brenner and was approved unanimously.
2. Resolution 599 – Workers' Compensation Coverage for Volunteers. Mr. McDowell explained that it is necessary to pass a resolution every year providing Workers' Compensation coverage to volunteers who work on City projects. Councilor Cole moved that Resolution 599 be approved. The motion was seconded by Councilor Shepherd and was approved unanimously.
3. Proclamation of Older Americans Month. Mayor Ware signed a mayoral proclamation regarding proclaiming May as Older Americans Month.

#### ACTION ITEMS:

1. Stand By Me Request. Ms. Kathleen Swayze was present to discuss the proposal of the road closures for the event. Mrs. Linda McCormick was unable to attend. Ms. Swayze said that the Stand By Me committee would like to close Spaulding Avenue and Park Avenue between Main and Averill on August 16<sup>th</sup> for a Cruise-In event. Councilor Cole asked about possible impact to the

Museum, particularly for disabled people. Mr. McDowell said he spoke with Gary Timms at the Museum. Mr. Timms was aware of the request and excited about the event because it increases traffic in the Museum. Councilor Shepherd moved that the request be approved. The motion was seconded by Councilor Cole and was approved unanimously.

2. OLCC License Renewal. Mr. McDowell said that it was not necessary for the Council to act on this issue but could. The State allows the licenses to automatically renew unless they receive objections in writing. Mayor Ware asked McDowell to forward a letter of support and approval for the City's local vendors. Councilor Cole made a motion that the Council recommend approval of the license renewals. The motion was seconded by Councilor Shepherd and was approved unanimously.
3. Appoint Josh Kometz to Planning Commission. Mr. Sattler reported that the Planning Commission had interviewed three candidates for the Planning Commission position and had voted unanimously to recommend that the Council appoint Mr. Kometz. Councilor Cole moved that Mr. Kometz be appointed. The motion was seconded by Councilor Brenner and was approved unanimously.
4. Transportation SDC. Mr. McDowell indicated to Council that several vendors had declined to forward a proposal regarding the development of an SDC methodology for a Transportation SDC. McDowell said the deadline for proposals was May 9<sup>th</sup>.
5. Park Board Recommendation: Kirk Avenue Park Proposal. Mr. McDowell told that Council that at the last Park Board meeting the Board had discussed some possible changes to the basketball area and park at Kirk and Main. The park committee was considering the idea of recommending that the basketball court and fence be removed, grass planted and possibly a gazebo built. The old jail building could also be repaired and fixed up. The Park Board wants to have a public meeting to provide input on the idea. Councilor Cole asked if the Park Board was aware of how much resistance there had been to using the area to build senior housing a few years ago. Councilor Shepherd said that lots of people who live near it use that park and parents of small kids would not feel comfortable sending them to Pioneer Park to use the basketball courts there. Councilor Ginn had similar concerns about the convenience of the park. Councilor Cole asked what action was being requested of the Council. Mr. McDowell said that Council would need to authorize the advertisement of the meeting. Councilor Ginn made a motion that public notice of the meeting be published. The motion was seconded by Councilor Cole. Mayor Ware recused himself due to a potential conflict of interest. The motion was passed unanimously. Councilor Ginn moved that the Council support the Park Board's recommendation to hold a public meeting. The motion was seconded by Councilor Cole and was approved unanimously. Councilor Cole added that she had spoken with Ace Nelson and talked to Mrs. Nelson and they liked the idea of placing a small plaque at the new basketball courts recognizing Ace. Councilor Shepherd moved that the Council approve placing a plaque at the new basketball courts honoring Ace Nelson. The motion was seconded by Councilor Cole and was approved unanimously. Mr. McDowell said he would forward Council's recommendation to the Rec Board for their approval.

#### DISCUSSION ITEMS:

1. Picnic Association Letter. Mr. McDowell noted a draft copy of a letter that would be sent to the Pioneer Picnic Association delineating each party's responsibilities during the Pioneer Picnic. He said that he had sent a similar letter last year and it had worked well to eliminate confusion. Mr. Frink asked if the Picnic Association would be using City equipment, and if so, he wanted to have someone identified as being responsible for the equipment. Mr. Frink said that in the past the Picnic Association had been loaned equipment by Fisher Implement and others. Mr. Frink said that he thought it would be best to have the Pioneer Park caretakers operate the City equipment. The Council agreed that this sounded like a good plan. Councilor Cole suggested that the Picnic Association could make arrangements with caretakers' for the time they spend working on garbage collection for Pioneer Picnic. Councilor Brenner asked if the new power drops had been installed. Mr. McDowell said that the bids had come in higher than expected


and they probably would not get done this year. Mr. Frink said that he had heard reports of circuit breakers acting up but had never been told exactly which ones were problematic and asked everyone to identify any breakers that were problems so they could be fixed. Councilor Ginn said that when she had worked in the Pavilion that breaker number 23 had frequently tripped. Mr. McDowell said that the Rec Board had been concerned about the old refrigerator in the Pavilion which appeared to date from the 1960's and is dying. Mr. Frink found a replacement for sale for \$750 and would be purchasing it to replace the old refrigerator. McDowell and Frink checked with the Rec Board and the Chamber of Commerce before purchasing the equipment.

COUNCIL COMMENTS: Councilor Brenner said that the Antique Faire organizers were concerned about the loss of the vacant downtown lot due to the move of the Saturday Market and were interested in approaching the Rec Center to see if the Rec Center lot could be used for overflow vendors on the day of Antique Faire. Councilor Shepherd suggested that instead they use the downtown parking lot behind the medical center since that lot has been paved and it is more conveniently located. The consensus of the Council was that was a good idea. McDowell reminded everyone of the Rec Center work party the coming Saturday to prepare the baseball fields. Councilor Cole asked when the striping and signage work would be done on the downtown streets. Mr. Frink said it would be done before Pioneer Picnic weather permitting. Mr. Frink said that half of the downtown parking lot is currently striped for parking spaces and he would be installing a "day use only" sign to keep people from storing vehicles in the lot. Councilor Cole asked about replacing the street trees that had recently been injured and destroyed by a truck. Mr. McDowell said that he is following up on this issue with the responsible party.

HANDOUTS:

1. Westech Monthly Report.
2. March Financials.

ADJOURNMENT: The meeting was adjourned at 9:00 p.m. with no further action being taken.

  
\_\_\_\_\_  
City Administrator S. Scott McDowell

  
\_\_\_\_\_  
Mayor Don Ware