

BROWNSVILLE CITY COUNCIL
MEETING MINUTES

May 27, 2008

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

ADDITIONS AND DELETIONS: Mr. McDowell added Resolution 602 as well as a discussion regarding the leash law in Pioneer Park.

MINUTES: The Council reviewed the minutes of the April 22, 2008, City Council meeting. Councilor Cole moved that the minutes be approved. The motion was seconded by Councilor Shepherd and was approved unanimously. The Council then reviewed the minutes of the May 1, 2008, Budget Committee meeting. Councilor Shepherd moved that the minutes be approved. The motion was seconded by Councilor Cole and was approved unanimously.

CITIZEN COMMENT:

1. Linda McCormick – Stand By Me Committee. Ms. McCormick told the Council that she would like a modification of their decision regarding street closures for the Stand By Me Cruise-In to be held on August 16th. Mrs. McCormick said that some of the entrants come in early and she would like to mark off “no-parking zones” on the north side of Spaulding Avenue and the south side of Park Avenue by 1 p.m. The Council discussed the matter and agreed to the change by consensus.

SHERIFF’S REPORT: Deputy Tom Hargrove was in attendance and introduced himself as the new South County deputy, replacing Deputy Mark Rossiter who had transferred to work in Albany. Deputy Hargrove said that he had worked in the South County for years but had been working in the office in Albany for the last four years.

PUBLIC HEARINGS / PRESENTATIONS:

1. Sewer Project – Westech Engineering. Mr. Chris Brugato from Westech Engineering was not present and Mr. McDowell updated the Council on the progress of the wastewater project. Mr. McDowell said that Pac Ex is finishing up on Kirk Avenue and is starting work on Averill Street, beginning at the south end on Kirk. Mr. McDowell said that Potelco should have the phone company work done by the end of the week so that Pac Ex could start working up the street. Mr. McDowell said that he is running into some complications with the financial side of the project, including the Portland office of USDA getting involved. He said that a determination need to be made regarding the sequestered funds and has recommended using the money toward the principal of the amount owed. USDA interested in using the funds to make the bond payments next year. Mr. McDowell said that USDA wanted him to delay levying another year and to use the funds for the payment the year after next, which Mr. McDowell said was too long to wait based on the maturity of the bonds and the contract for the funding package. Mr. McDowell said it would be good to go ahead and levy and use the sequestered funds to pay down the principal of the loans, which would decrease the overall cost. Mr. McDowell said that the State of Oregon had recently sent him an email saying that the first payment on the state funds would be due December 1, 2008, and that the City does not have the funds as he was not expecting to make the first payment until 2009. Mr. McDowell said that he will be meeting with them soon to work that out. Mr. Ray Bartlett is working on a presentation for the next Council meeting regarding sewer rates. Councilor Cole asked if would do any good to speak to the City’s legislative representatives regarding the funding issues. Mr. McDowell said that would be the last resort but would be done if nothing else worked. Mr. McDowell explained that his biggest problem at this time is the fact that the State and USDA are

seemingly headed in two different directions leaving the City “holding the bag.” The City needs them to agree on a course of action. He said that the City implemented a short-term investment policy by resolution last year to meet statutory requirements carried out by the Oregon Short Term Fund Board (OSTFB). McDowell has applied for an extension but is still awaiting final determination. McDowell is unclear as what the ramifications would be if the Board did not extend the policy. Mr. Frink said that the construction on Kirk Avenue had gone very well with no change orders.

2. Public Hearing – FY 2008-2009 Budget. Mr. McDowell explained that the City is required to have a public hearing to accept public comment and input on the budget. Mayor Ware opened the hearing and invited public comment. There was none and the public hearing was closed.

CITIZEN COMMENTS: None.

DEPARTMENTAL REPORTS:

1. Administrator Report. Mr. McDowell submitted a written report to the Council. Mr. McDowell updated the Council on the projects going on in the Library Park. Mr. McDowell said that Jason Curtis, Ben Swartzendruber and Todd Karo have been donating work to the project and have the excavation work completed, the rock in place and forms ready to pour concrete. Mr. McDowell said that Rick Dominguez has come through with the items he promised but that Robert Dominguez had not obtained the donations he had promised. Mr. McDowell told the Council that he had had to agree to buy the concrete and rock needed to get the project moving and hoped that the vendors would ultimately agree to write off some portion of the cost as a donation. The dedication has been rescheduled to July 4, with an invocation and comments by local veterans. Mr. McDowell said that there will be another work party at the cemetery this Saturday, May 30. Mr. McDowell told Council that he met with the Rec Board and they agreed to the plan to dedicate the new basketball courts to Ace Nelson with a plaque being placed there. The dedication ceremony will be June 21st at noon, during Pioneer Picnic. Mr. McDowell updated the Council on the Kirk Avenue park, saying that the half pipe had been removed by Jay Marsh at the request of the skateboarders who said that they really didn’t want it and thought it was dangerous. A high school group, the Senior Class Project, had recently pressure washed the old jail building and painted it with the help of Public Works. There are plans to put a new roof on the building in the near future.
2. Public Works. Mr. Frink submitted a written report. Mr. Frink told the Council that the new telemetry is installed at the water plant. He is having some issues that need to be resolved, particularly with the auto-dialer. There had been one sewer backup due to the sewer project when the heavy equipment crushed a service line but no damage was done to the residence. Mr. Frink said that the Public Works department has been doing a lot of mowing, especially in Pioneer Park. The new electrical work in Pioneer Park is almost done. Mr. Frink said that the Rec Center is adding another ballfield and the large rocks will be relocated to the north around the new basketball court to keep cars from driving on the court and damaging it. Mr. Frink noted that they had donated their grass clippings to the Community Gardens to be used as mulch and compost. Mr. Frink told the Council that the flower bed in front of City Hall had been landscaped and planted by Kathy Nida and Jannea Deaver.
3. Planning. Mr. Sattler provided a written report and updated the Council on current projects around town. Mr. Sattler said that the Planning Commission had met the work before to review a proposal to site a teen center in the Howe Building at 104 Spaulding. Mr. Sattler said that while the Planning Commission would have preferred to see a retail operation go into the space services are also allowed in the zone. The Planning Commission recognized that there were some potential adverse consequences which could result from the use and gave a conditional approval while scheduling a second public hearing for November, 2008, to see if the use had in fact caused any negative consequences to the downtown area. Mr. Sattler said that the Planning

Commission had also heard from Carl Harrison of McFarland Cascade who asked the Commission for permission to begin storing raw logs on their property along Hwy. 228. Mr. Harrison said that they had acquired quite a bit of additional timber with the expectation that their Brownsville facility would be operational this Spring but that there had been delays in getting the peeler installed. Mr. Harrison assured the Planning Commission that they would begin making the required improvements to the site this Summer, including installing a berm along Hwy. 228 and landscaping. The Planning Commission granted approval for the request and scheduled a follow-up hearing for May, 2009, to confirm that McFarland was installing the improvements as required. Councilor Shepherd asked about the fencing issue. Mr. Sattler said that the Planning Commission had specifically addressed the issue at the Conditional Use hearing and had left it up to McFarland Cascade as to whether they wanted to fence the entire property. Councilor Shepherd referred to a city ordinance prohibiting the stacking of logs and lumber where it was attractive and accessible to children. Mr. Sattler said that the Planning Commission had noted that the McFarland site is nearly half a mile from residential areas and noted that both Carlson's Hardware and Mr. Fred Smith currently had piles of lumber and logs stored without incident. Mr. Sattler updated the Council on the status of the pump station installation on the Millrace, saying that the bids had come in significantly higher than expected and the Watershed Council is working hard to try to secure additional funding and to redesign the pump station to save money so that the project could move forward. Mr. Sattler said that it appeared that the new fire hall could be under construction in a month or so as it looks like all the necessary permits have finally been obtained.

4. Library Report. Mr. Smith submitted a written report for the Council.

LEGISLATIVE ACTION:

1. Resolution 600 – Verifying Services. Mr. McDowell said that Resolutions 600 and 601 are resolutions the City is required to adopt annually in order to provide state revenue sharing funds. Resolution 600 says that the City provides certain utility services and Resolution 601 states that the City requests the funds. Councilor Cole moved that Resolution 600 be approved. The motion was seconded by Councilor Brenner and was approved unanimously.
2. Resolution 601 – Requesting State Revenues. Councilor Cole moved that Resolution 601 be approved. The motion was seconded by Councilor Shepherd and was approved unanimously.
3. Resolution 602 – 2009 Special Allotment Grants. Mr. McDowell told the Council that he hopes to apply for a small grant program funded by ODOT for which small cities are eligible. Resolution 602 authorizes the application. Councilor Cole moved that Resolution 602 be approved. The motion was seconded by Councilor Brenner and was approved unanimously.

ACTION ITEMS:

1. Law Enforcement Contract. Mr. McDowell said that the proposed contract shows about a seven percent increase from the previous year while providing the same level of service. Councilor Hoffman moved that the City approve the proposed contract. The motion was seconded by Councilor Shepherd and was approved unanimously.
2. Transportation SDC. Mr. McDowell said that he had solicited proposals from nine vendors and had received three responses. One response did not address what the RFP requested, one was around \$20,000 and one was about \$15,000. Mayor Ware said that the response from Angelo Planning said that the SDC fee would not solve the City's street issues. Mr. McDowell said that was true but the SDC is the only significant source of funding available. There was a discussion concerning what the SDC money could be used for, whether it could only be used for construction of new streets or whether it could be used to repair and upgrade existing streets. A consensus was reached to have Mr. McDowell research that issue and report back to the Council at the next meeting.

3. Appoint Brandi Simon to the Parks & Open Spaces Advisory Board. Mr. McDowell said that the ordinance creating the Parks & Open Spaces Advisory Board called for one of the members to be a representative of the Rec Board. Mr. McDowell said that Brandi Simon had volunteered to replace Bill Nelson in that position. Councilor Cole moved that she Ms. Simon be appointed. The motion was seconded by Councilor Hoffman and was approved unanimously.
4. Capital Improvements Plan Ad Hoc Committee. Mr. McDowell asked the Council who they would like to see as members of the committee and how many members they thought there should be. Mr. McDowell said that he would like to have himself, Mr. Frink and Mr. Sattler on the committee and around four or so other people. The committee's mission would be to review the capital improvements plan and prioritize the items. The Council recommended Councilor Shepherd, Councilor Ginn and Mr. Ray Bubak for the committee. Councilor Ginn moved that the committee be formed and members appointed as discussed. The motion was seconded by Councilor Cole and was approved unanimously. Mr. McDowell will contact Mr. Bubak and report back to the Council.
5. Park Rules Regarding Dogs. Mr. McDowell said that the park caretakers had said that they had run into situations where they had instructed visitors to the park to leash their dog but as the current ordinance says that dogs must either be on a leash or under voice control they felt they didn't have legal authority to require them to be leashed. The Council had an extended discussion regarding whether the ordinance should require dogs on leashes at all times in the park. Councilor Hoffman said that many people use the park, particularly during the winter, to run their dogs without incident and she didn't want to see it mandatory that dogs be leashed. Mr. McDowell said that the City could exercise discretion and only enforce the requirement in the event of a problem. Councilor Cole moved that that the park ordinance be amended to require all dogs to be leashed between Memorial Day and Labor Day and declaring an emergency. The motion was seconded by Councilor Brenner and failed on a five to one vote with Councilor Hoffman voting no.

DISCUSSION ITEMS:

1. Drainage Issues. Mr. McDowell said that the City has been doing bits of drainage work around the City for some time and that at times the work created as many problems as it solved. For example, the upper ends of a ditch on the north end of town were cleaned recently, which helped the adjoining properties but caused flooding further down the ditch where it hadn't been cleaned. Mr. McDowell said that Lee Engineering had completed a Drainage Master Plan for the City about 10 years ago which showed the major drainage projects required throughout the City. One major piece of work was recently completed with the new storm drain project on Galbraith but most of the others had not been done due to the high cost. Mr. McDowell said that any successful work was going to require the cooperation of private landowners as much of the drainage crosses private property. Councilor Brenner said that the City needed a comprehensive fix for the problems. Mr. McDowell said that the City could do citywide work to greatly reduce the drainage problems but the cost would probably be around 5 to 6 million dollars and even that would not be of any help during periods of extremely high water and heavy rain. Mr. McDowell said that the City is doing what it can with the financial constraints that exist. He said that the City could adopt an ordinance requiring landowners to maintain their drainage ways, but that would create additional policing issues and could expose the City to additional liability. Councilor Brenner asked about Ms. J.D. Cochran's drainage issues. Mr. McDowell said that the City allowed her to connect to the existing storm drain at the corner of her property. She had made the appropriate arrangements with outside contractors to fix her problems by installing some drainage lines in her yard. McDowell said that was a good example of landowners doing their part to solve their problems. Mr. McDowell said that the Capital Improvements Plan being reviewed will prioritize these kinds of improvements.
2. TMDL & DEQ. Mr. McDowell said that the City had received a letter from DEQ regarding the development of a TMDL plan. Mr. McDowell said that he is concerned because he believes

this is only a first step towards requiring the City to start treating stormwater and regulating all land uses near the river. Mr. McDowell said that it appears the City will be required to develop a plan and will be working with DEQ to develop the least restrictive plan possible. The Federal regulations do not apply to City's under the population of 10,000. Mr. Sattler will be working with Jared Rubin of the Department of Environmental Quality to satisfy the requirement.

3. Audit Changes. Mr. McDowell discussed the changes that are being promulgated by the American Institute of Certified Public Accountants (AICPA) for the annual audit. He said that the cost will be increased by about 20 percent but that there will not necessarily be any improvement in the final product. Mr. McDowell said that much of the focus will be on internal control procedures but with only a handful of employees the City is doing pretty much all that can be done. There was Council discussion regarding the cost of the audit and the possibility of soliciting proposals for auditing services from other firms. Mr. McDowell said that he wouldn't recommend changing firms this year while the sewer project was wrapping up but would be open to the idea for next year. Councilor Ginn said that Linn County had recently moved away from Boldt, Carlisle and Smith since their main auditor had left the firm.

COUNCIL COMMENTS:

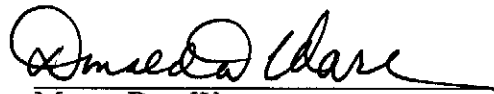
HANDOUTS:

1. Westech Monthly Report.
2. April Financials.

ADJOURNMENT: The Council adjourned to an executive session pursuant to ORS 192.660(e) at 9:00 p.m. The meeting returned to regular session and was adjourned at 9:45 p.m. with no further action being taken.



City Administrator S. Scott McDowell



Mayor Don Ware