

BROWNSVILLE CITY COUNCIL
MEETING MINUTES

June 24, 2008

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

ADDITIONS AND DELETIONS: Mr. McDowell added an action item related to the Corner Café's liquor license application, Resolution 610 and various handouts.

MINUTES: The Council reviewed the minutes of the May 27, 2008, City Council meeting and the June 5, 2008, special meeting. Councilor Shepherd moved that both sets of minutes be approved. The motion was seconded by Councilor Hoffman and was approved unanimously.

CITIZEN COMMENT:

1. Jay Marsh – 382 Kirk Avenue. Mr. Jay Marsh said that he wanted to address the Council and discuss the situation at his residence. He said that he has been told that the City has received complaints about his property. Mr. Marsh said that during the City's Cleanup Week in the Spring he had collected a lot of metal from around town and sold it. He said that after that people kept bringing him material and was offered material by many people so he has continued to recycle some metal. Mr. Marsh said that he mainly goes to farms and other places to gather metal, assembles a truckload at his home and then drives it off to sell it. Mr. Marsh said he doesn't do any buying or selling at his house and doesn't have any customers coming there, it's just used for temporary storage while he puts together a load to take and sell. Mr. Marsh provided the Council with a list of signatures of his neighbors who supported what he was doing. Mr. Marsh said that he has been working with McFarland Cascade to try to buy a small portion of their property in order to start a real recycling business in town and they have been interested in selling to him. Mr. Johnny Marsh said that Jay is helping to support many people in his household and is not making money for himself with this work. Mr. Jesse Marsh said that Jay has been in town a long time and is trying to help people get rid of what they consider trash and gives the material away to anyone who asks for it. Mr. Kurt Presley said he lives near Mr. Marsh on Kirk Avenue and that Jay had helped him out by giving him car parts he needed to get his car running and that Jay is helping people. Councilor Ginn said that Mr. Marsh needs a permit in run a business in a residential zone. Councilor Shepherd said that he didn't like the mess and clutter that was being created on the property. Mayor Ware suggested looking for a solution to the situation. Mr. McDowell said that the issue needed to be addressed and Mr. Sattler informed Council that the City has a process for a Conditional Use through the Planning Commission which could allow a business in a residential zone subject to appropriate conditions. Ms. Janet Briley said that she was concerned about the fire danger. Ms. Kaye Fox said she was also concerned about the possibility of fires. Councilor Shepherd suggested using the side yard. Mr. Marsh said that it is part of another property and he can't use it. Councilor Ginn moved that the Council direct Mr. Marsh to apply for a Conditional Use for a home occupation if he wishes to continue operating at that location. Mr. Marsh asked if he could continue working until the hearing. Councilor Ginn amended her motion to also allow him to continue as he has been until the Planning Commission hearing. The motion was seconded by Councilor Hoffman and was approved unanimously.

SHERIFF'S REPORT: Sgt. Dave Lawler was present and updated the Council. Sgt. Lawler said last month had been quiet in Brownsville. The Pioneer Picnic was busy as it always is but no major problems. Councilor Ginn asked if there had been any problems with identity theft. Sgt. Lawler said that there hadn't been. Councilor Shepherd asked if people parking near the crosswalks downtown were going to be cited. Sgt. Lawler was not familiar with the problem and Councilor Shepherd said that the County had eliminated some parking spaces downtown to provide for better visibility for

people using the crosswalks but that cars were regularly parked there anyway. Sgt. Lawler said that the curbs need to be painted yellow to be a no-parking zone and those were not. Janet Briley asked about people parking over sidewalks. Sgt. Lawler said that if it was a real problem he would address it but he was usually too busy to have much time to deal with parking matters. Mr. Warren Williamson said that there would be signs indicating no parking on Seven Mile Lane during the music festival and cars would be towed if they parked there.

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 the repair cost estimate for the failed culvert / bridge on Averill was \$49,775, which would be paid out of the federal grant money remaining in the wastewater project. Mr. McDowell said that he had had to stop work on the Seven Mile Lane portion of the project while the funding agencies tried to determine just how much money was left to spend. Mr. McDowell said that they had told him they wanted to spend all the remaining funds but he was not having any luck getting a firm number on how much was left unspent. Mr. McDowell said that one possible use of the remaining funds would be repairs to the 600 and 700 blocks of Oak Street which are in terrible condition.
2. Public Hearing – Budget Revisions FY 2008-2009 Budget. Mayor Ware opened a public hearing to take input on the revisions made to the proposed budget. Ms. Kaye Fox said that the Budget Committee had been told that some employees would be given benefits by means of an employment contract and now she sees a proposed resolution changing the personnel policy instead. She said she wanted to know why there had been a change. Mr. McDowell said that he would be discussing that later in the meeting. Mr. McDowell said that he had a lot to say about Resolution 610. He said that there had been three reasons to make the budget revisions. First, he had to include a levy to pay for sewer bond indebtedness when he had been told the City had to make a payment in December, 2008, then there was a need to redo the sewer bond fund and finally redo the Stormwater SDC fund. In addition, Mr. McDowell said Mrs. Nida had found an error in the water fund and had had to make changes there also. Mr. McDowell directed the Council to look at page 32 of their packet regarding the sewer debt service fund. He said the total in the new resolution was \$78,195, but that the actual numbers will not be final until August. Mr. McDowell said that the reason for the change is to budget for the sewer bond payment to the State of Oregon in December, 2008, and that the amount budgeted is intended to leave a slight cushion to avoid having to go through a supplementary budget process if the actual numbers should come in slightly high. If the funds collected are not needed this year they will simply be carried over to the next budget year and next year's tax levy reduced proportionately.
3. Public Hearing – Sewer Bond Retirement Strategy and Water & Sewer Rates. Ms. Linda Chambers asked if the information in last week's *Brownsville Times* was correct. Mayor Ware said that it was, the debt service fee is to be set at \$15 per month. Ms. Chambers said that water and sewer rates were too high. Mayor Ware said that the City had no choice in the matter and that when the sewer bond was passed it was made clear that sewer rates would have to increase to pay the bond debt. Mr. McDowell said that he has been working with Mr. Ray Bartlett to develop a sewer bond retirement strategy and has not been happy with how things have been going. Mr. McDowell said that Mr. Bartlett wanted the City to put the additional fees into the sewer rates so that the money could be used in any way the City wanted and would not be committed to being used to repay the bonds. Mr. McDowell said that was exactly the reason he wanted to create a separate fee and account, so that the money could not be diverted to any other purposes. Mr. McDowell suggested that the Council proceed with the proposed plan and create a dedicated sewer debt service account and fund it with a separate fee on the monthly bills, with the balance of the annual debt payment funded by property taxes. Ms. Kaye Fox asked if there would be an increase in the base rates. Mr. McDowell said that there is a need to

increase the base rates to keep up with the cost of operations. Mr. McDowell said that in February of 2009 he will be recommending that the city have an audit conducted of the water and sewer operations to determine the real cost of operations, as at that time the new sewer plants will have been operating for a full year. Mr. McDowell reminded everyone that the recent sewer project had repaired or replaced 45 percent of the City's collection system, leaving 55 percent still consisting mainly of 45 year old concrete pipe which is still in need of repair or replacement. Mr. McDowell said that the original projection at the time of the vote on the bond measure was an average monthly sewer cost of \$70 to \$75 and that the actual rates are in line with that projection.

CITIZEN COMMENTS: None.

DEPARTMENTAL REPORTS:

1. Administrator Report. Mr. McDowell said that the planned July 4 dedication of the new features at the Library Park has been postponed and he will notify everyone of the date when a new date is determined. Several Councilors said that they had not yet received the quarterly financial disclosure form from the State. Mr. McDowell said that he will send them out to everyone the next day. Mr. McDowell told the Council that he will be recommending some minor changes to the utility operations portions of the City Code to help resolve some situations that have come up, such as cars being parked over water meters to prevent the service from being disconnected.
2. Public Works. Mr. Frink submitted a written report. Mr. Frink said that people had been making comments about the water plant regarding the low water level in the filters and the amount of algae growing there. Mr. Frink provided a copy of the operating manual prepared by Lee Engineering showing the filters running at twelve inches of water and said that the water levels are maintained where they are supposed to be. Mr. Frink said that the algae and other microorganisms are a vital part of the cleansing process used by the water plant and described the "schmutzdecke" which is the name for the layer of microorganisms which forms on the surface of the filter. During the summer there is a lot of algae due to the heat and sun, but that is a normal function of the system.
3. Planning. Mr. Sattler provided a written report and updated the Council on current projects around town. Mr. Sattler said he had spent a lot of time preparing a report which has been required by DEQ known as a "TMDL Plan." Mr. Sattler explained that Oregon DEQ is requiring all cities to submit a TMDL plan regardless of the size of the City and they are working to make all cities reduce the amount of non-point pollution. They are focusing on temperature increases in rivers and coliform bacteria at this time. Mr. Sattler warned the Council that in his opinion this is the first step in requiring the City to treat all of its stormwater, as is done for sewage, and that this will be extremely expensive.
4. Library Report. Mr. Smith submitted a written report for the Council.

LEGISLATIVE ACTION:

1. Resolution 603 – Increasing ICMA Contribution by 5%. Mr. McDowell said that the Budget Committee had recommended increase the City's retirement plan contribution from 10 percent to 15 percent. Mr. McDowell said that it was supposed to have been increased 2.5 percent in fiscal year 2007-2008 but was overlooked so the Budget Committee recommended increasing it by a full 5 percent. He said that the long-term goal has been to get it to 15 percent and that there are no plans to increase it beyond that point at this time. Councilor Hoffman moved that Resolution 603 be approved. The motion was seconded by Councilor Ginn and was approved unanimously.

2. Resolution 604 – Amending the Brownsville Personnel Handbook. Mr. McDowell asked to come back to this item later as he wanted to discuss some of the details in Executive Session.
3. Resolution 605 – Millrace Matching Funds. Mr. McDowell said that the Council had directed him to find funding for the potential \$20,000 contribution for matching funds for the pump station installation on the Millrace and that the Stormwater SDC Fund was an appropriate source. Councilor Ginn moved that Resolution 605 be approved. The motion was seconded by Councilor Brenner and was approved unanimously.
4. Resolution 606 – Collection of Templeton Street Sidewalk LID. Mr. McDowell explained that two property owners had failed to pay their LID assessments and that Resolution 606 would enable the City to have the unpaid amounts be added to their property tax bills so the money could be collected. Councilor Ginn moved that Resolution 606 be approved. The motion was seconded by Councilor Shepherd and was approved unanimously.
5. Resolution 607 – Disbursement of Transient Room Tax Funds. Mr. McDowell said that he hasn't had time to work on the sign project with the Chamber of Commerce and recommended disbursing the funds to the Chamber of Commerce requiring them construct appropriate signage. Councilor Shepherd moved that Resolution 607 be approved. The motion was seconded by Councilor Ginn and was approved unanimously.
6. Resolution 608 – Sewer Rates. Mr. McDowell said that Resolution 608 increased base rates by five percent and added a \$15 per month sewer bond repayment fee to each bill. Councilor Ginn moved that Resolution 608 be approved. The motion was seconded by Councilor Brenner and was approved unanimously.
7. Resolution 609 – Water Rates. Mr. McDowell said the only change was a three percent increase in base rates, all other charges would remain the same. Councilor Hoffman moved that Resolution 609 be approved. The motion was seconded by Councilor Shepherd and was approved unanimously.
8. Resolution 610 – Adopting and Appropriating FY 2008-2009 Annual Budget and Categorizing and Levying Property Taxes. Mr. McDowell provided the Council with various handouts showing the corrected figures. Mr. McDowell said that the changes have been discussed, adding \$73,650 to the sewer bond fund, the water fund changed to eliminate some projects and appropriating \$20,000 from the Stormwater SDC fund by Resolution 605. Councilor Ginn moved that Resolution 610 be approved. The motion was seconded by Councilor Hoffman and was approved unanimously.

ACTION ITEMS:

1. Park Board Recommendation to Name Kirk Avenue Park as Kirk's Ferry Park. Mr. McDowell said that the Park Board had recommended that the park near Kirk Avenue and Main Street where the basketball court is located be officially named Kirk's Ferry Park. Councilor Hoffman moved that the proposal be approved. The motion was seconded by Councilor Brenner and was approved with three yes votes, Councilor Shepherd voting no and Councilor Ginn abstaining.
2. Park Board Recommendation for a Drinking Fountain and Bike Rack at Kirk's Ferry Park. Councilor Ginn asked where the funding for the improvements would come from. Mr. McDowell said it would come from general park funds. Councilor Ginn moved that the proposal be approved, subject to available funding. The motion was seconded by Councilor Hoffman and was approved unanimously.
3. Corner Café Liquor License. Mr. McDowell said that OLCC had requested input from the City Council on the Corner Café's application for a limited liquor license to serve wine and beer with

dinner. Councilor Ginn moved that the Council recommend that OLCC approve the liquor license and directing Mayor Ware to sign the OLCC form. The motion was seconded by Councilor Shepherd and was approved unanimously. Mr. Warren Williamson said that he thought it would be a great addition to town.

4. Transportation SDC. Mr. McDowell said that the Council had asked him to look into the possible uses of money collected from a transportation SDC and that Jerry Lidz, City Attorney, had said that if the SDC was carefully crafted some of the money could be used to repair and reconstruct existing roads. Mr. McDowell said that he had recently been contacted by the Central Linn School District and that they are interested in pursuing the recently enacted option of imposing a \$1 per square foot excise tax on new construction and that considering that factor and the downturn in the housing market he didn't think this was the right time to add another SDC fee. Mr. Sattler seconded this opinion. Mr. Sattler said that while there are several approved housing projects all of them are at least a year away from actually selling lots so there is no rush to implement the new SDC. The Council discussed the matter and decided to wait until the fall to see if the economic conditions had changed to make it a more attractive pursuit.

DISCUSSION ITEMS:

1. Willamette Country Music Festival. Discussed at start of meeting. Mr. Warren Williamson provided Council with a general update of the festival.
2. May Financials.

COUNCIL COMMENTS:

CITIZEN COMMENT: Ms. Kaye Fox asked about Resolution 604. Mayor Ware explained that the Council would be adjourning to Executive Session to discuss some personnel matters, after which they would reconvene the regular session and take action on Resolution 604. Ms. Fox asked how long the Executive Session would take, Mr. McDowell estimated 10 to 15 minutes. Ms. Fox expressed her displeasure at the arrangement. Mr. McDowell said it was an unusual situation and that the Council tried not to arrange things this way but it was necessary in this case.

EXECUTIVE SESSION: At 9:05 p.m. Mayor Ware called an Executive Session pursuant to ORS 192.660(2)(a) to discuss the employment of a public officer, employee, staff member or individual agent. At 9:20 the Council returned from Executive Session and reconvened the Regular Session of the meeting.

Resolution 604 – Amending the Brownsville Personnel Handbook: McDowell explained that the City's insurance carrier, City/County Insurance Services, requires a resolution if there are any changes made to who is being covered by any City or County. The City is not permitted to do this by individual contract unless therefore Council will need to amend the policy if they choose to offer benefits to employees working a certain amount of hours. Councilor Ginn moved that Resolution 604 be approved. The motion was seconded by Councilor Shepherd and was approved unanimously.

ADJOURNMENT: The meeting was adjourned at 9:30 p.m.



City Administrator S. Scott McDowell



Mayor Don Ware