

BROWNSVILLE CITY COUNCIL
MEETING MINUTES

July 22, 2008

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

ADDITIONS AND DELETIONS: Mr. McDowell added Resolution 612 to Legislative Action.

MINUTES: The Council reviewed the minutes of the June 24, 2008, City Council meeting. Councilor Cole noted an error on the last page where it was indicated that she had seconded a motion when actually Councilor Shepherd had done so. Councilor Hoffman moved that the minutes be approved with that correction. The motion was seconded by Councilor Shepherd and was approved unanimously.

PUBLIC HEARINGS / PRESENTATIONS:

1. Wastewater Improvement Project. Mr. McDowell updated the Council on recent activities. He said that the culvert under Averill Street has been manufactured and will be installed in the next few days. McDowell said that he is still working with the funding agencies to try to determine how much money is remaining. McDowell said that USDA (Rosanne) still has not provided a final number for him to work with. September 9th, 2008 is the closing date for the interim funding portion of the project so there is not much time left, particularly as the Contractor has demobilized and would have to bring their equipment back to town. Mr. McDowell said that his impression is that the funding agencies consider the project done from their perspective and he doubted that the City would be able to add any additional work to the project.

CITIZEN COMMENTS:

Mr. Jay Marsh addressed the Council and said that after he came to the last Council meeting someone had called the State of Oregon regarding his health status and he also said that he had heard that someone has been saying that he has been selling drugs, which he denied. Mr. Marsh said that he intended to circulate a recall petition to recall Councilor Shepherd because he felt Councilor Shepherd was using his Council position to cause problems for him.

DEPARTMENTAL REPORTS:

1. Administrator Report. Mr. McDowell said Mr. Holbrook had signed an easement so the City could have power installed to the new pump station for the millrace after which Mayor Ware had signed the contract with Pacific Power to get the installation started. Mr. McDowell said that the Watershed Council is still waiting for the signed commitment from ODFW for the balance of the necessary funds but that CES, the project engineers, had advanced the money so that work could get started.
2. Public Works. Mr. Frink submitted a written report. Mr. Frink said that a fire hydrant had been run over by a truck making deliveries to the Willamette Country Music Festival and that Mr. Williamson had agreed to pay for the damage. Mr. Frink said that Emery & Sons will be back soon to finish up their work. Councilor Cole asked about the Library landscaping. Mr. Frink said that Mr. McDowell has been working on that. Mr. McDowell said that he still doesn't have a firm date from Home Depot for the work and while they haven't backed out he's not confident of their commitment to the project. Mr. McDowell said that if that plan does not work out there is the option of having Rhoda Fleischman and others develop a plan and get the plants in the ground this Fall using volunteers. Councilor Ginn said that the grass along the curb near

Kirk's Ferry Park needed to be cut. Mr. Frink said that they have a lot of grass to mow this time of year and he would take care of it when he could. Mr. McDowell said that there were several instances around town of property owners not taking care of the street right of way adjoining their property and that in cities where he's previously worked it was the legal responsibility of property owners to care for that area. Mr. McDowell said that it might be a good idea for the Council to pass an ordinance clarifying that issue as the Brownsville Code is not clear. Mr. Frink was asked if the downtown parking lot had been striped. Mr. Frink said that nothing had been striped as the usual contractor did not show up, and as it is now after the start of the fiscal year there is no money in the budget until next summer. Mr. Frink said he would be locating another contractor to take care of the work. Ms. Kaye Fox said that after the sewer work the street right of way adjoining her property is not in good condition and she didn't want to be responsible for taking care of it if the City wasn't going to restore it to good condition. Mr. McDowell said that the Contractor had restored it to the condition it was in prior to construction and that is all they are responsible for doing. Ms. Fox then said that trucks cut the corner and damage the grass on her side of the street. Mr. McDowell said that the trucks will probably continue due to the narrow nature of the streets.

3. Planning. Mr. Sattler provided a written report and updated the Council on current projects around town. Mr. Sattler said that the Planning Commission would be meeting on July 28 for the public hearing relating to Mr. Jay Marsh's home occupation application. Mr. Sattler said that the Watershed Council's work on the millrace pump station was waiting for a final commitment on the last of the funding from ODFW but it appeared that the money would be forthcoming. Mr. Sattler said that he had submitted the draft TMDL plan to DEQ and was waiting for their comments. Mr. Sattler said that many properties had been posted for weed abatement. He said that most of these were vacant properties and properties in the midst of foreclosure.
4. Library Report. Mr. Smith submitted a written report for the Council. A question was asked about the disposition of books that are disposed of. Mr. McDowell said that some are sold in the library on a special sale rack, others are sold at book sales held by the library. Ones that can't be sold are put on a "free" rack for anyone to take.
5. Sheriff's Report. Sgt. Lawler was present and updated the Council. Sgt. Lawler said that the music festival had been quiet with only one arrest for MIP. The July 4 activities in the park had also been quiet. Sgt. Lawler was asked to estimate the attendance at the Country Music Festival. Sgt. Lawler said he thought there were about 500 people present Friday evening and perhaps 1500 on Saturday. Sgt. Lawler said OLCC was investigating the Festival as liquor sales were supposed to be confined to the beer garden area and Mr. Williamson had opened beer sales up inside the event itself which was not permitted in his liquor license.

LEGISLATIVE ACTION:

1. Resolution 611 – Defining Mill Race Participation. Mr. McDowell said that as the Council was contributing matching funds for the pump station he thought it would be appropriate to clarify the role the City was taking with regard to the millrace. Mr. McDowell said that he was concerned about the possibility of future regulatory changes which could create a significant liability if the pump station or any appurtenances needed to be upgraded or added. Councilor Shepherd moved that Resolution 611 be approved. The motion was seconded by Councilor Hoffman and was approved unanimously.
2. Resolution 612 – Hwy. 228 / Main Street Gateway Project. Mr. McDowell said that Linn County had asked for a Resolution stating the City's commitment to the project and agreement to contribute the required matching funds. Resolution 612 states that the City will contribute up to \$41,500 in matching funds for the project and authorizes Mr. McDowell to enter into an

Intergovernmental Agreement for the project. Councilor Cole moved that Resolution 612 be approved. The motion was seconded by Councilor Brenner and was approved unanimously.

ACTION ITEMS:

1. Authorize Advertisements for Council Positions. Mr. McDowell said that there will be three Council positions on the next general election ballot and that it is time to start advertising for candidates. Mr. McDowell asked the Council to approve placing ads in the Brownsville Times. Mayor Ware and Councilor Cole excluded themselves from the discussion and the vote due to conflicts of interest. Councilor Pinnock moved that the Council proceed with the advertising. The motion was seconded by Councilor Hoffman and approved 5 to 0.

DISCUSSION ITEMS:

1. Internal Controls – Boldt, Carlisle & Smith. Mr. McDowell said that the annual audit fee would be increasing by about 20 percent this year. Mr. McDowell said that there is an emphasis being placed on internal control procedures this year. He said that the City is doing about all it can do with the limited number of staff but that some new processes would be introduced. Mr. McDowell explained the new purchase order system being implemented this fiscal year.
2. Drainage Concern – Gary Compton. Mr. McDowell explained that last year the upper portion of a ditch on the north end of town had been cleaned and that had caused problems for some properties further down the ditch due to increased flows. Councilor Shepherd said that the root of the problem lies outside of the City's control due to the fact that all of the ditches ultimately drain into larger ditches which cross the farmland surrounding town. Councilor Shepherd said that that the farmers don't want any more water coming onto their property. Councilor Ginn asked about the County's program to work on the rural drainage ditches. Councilor Shepherd said that they don't do that any more. Mr. McDowell said that there is no simple answer and that individual property owners need to do what they can to protect their property. Mr. McDowell said that just on the one ditch running north from town there are 5-10 large culverts that need to be replaced and said that the City doesn't have the funds to pay for them and may not legally be allowed to do so anyway as they are on private property. Councilor Cole said that about all the City could do would be to facilitate a meeting between the property owners if they were interested. McDowell was asked to formulate a written response to Mr. Compton.
3. Ordinance 709 – Social Gaming. Mr. McDowell said that when Ordinance 709 was passed the Council had scheduled a review of how the ordinance was working. He said that the Corner Café and the Brownsville Saloon have been running regular poker games and there had not been any problems or complaints. There had also been two charity events sponsored by the Central Linn Senior Class. Councilor Cole asked if the Council should look at the situation again in a year. Mr. McDowell said that any ordinance can be amended or appealed at any time and suggested that if any problems arise, Council could review as needed and determine a course of action.
4. TMDL Report. A copy of the draft TMDL plan was provided for the Council to review. Mr. McDowell pointed out the action items included in the plan. Mr. Sattler said that he had tried to draft the plan so as to commit the City to as little as possible within the framework required by Department of Environmental Quality.

COUNCIL COMMENTS:

Councilor Brenner asked when the process would start for deciding the use of the Fire Hall. Mr. McDowell said that it is set for October. Councilor Cole asked about starting the Economic Development task force. Mr. McDowell said that it had been set for October but given that three new members will be joining the Council in January it might be best to wait until after January. The

consensus of the Council was that it would be best to wait. Mr. McDowell said that he would like to take the Councilors on a tour of the City's facilities now that the wastewater project is nearly completed.

CITIZEN COMMENT:

Ms. Kaye Fox asked when the process would start for the work on Kirk Avenue. Mr. McDowell said that he will meet with representatives from Linn County in August to start discussions and that Linn County has tentatively scheduled the work for 2010.

ADJOURNMENT: The meeting was adjourned at 8:30 p.m.



City Administrator S. Scott McDowell



Mayor Don Ware