BROWNSVILLE CITY COUNCIL
MEETING MINUTES

January 26th, 2010

ROLL CALL: Mayor Ware called the meeting to order at 7:00 p.m. with Councilors Chambers, Gerber, Ginn, Van Sandt, 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 an item regarding an appointment to the Planning Commission. Councilor Cole added a report from the Cascades West Council of Governments on the COG meeting under Council Reports.

PUBLIC HEARINGS OR PRESENTATIONS:

1. Country Music Festival. Mr. Warren Williamson updated the Council on the progress of the 2010 Country Music Festival. He reported that there will be a CLASA fundraiser on February 13th, 2010 with Rockie Lynne performing at Main Street Café. The Festival is scheduled for August 19-22 this year and new events have been added. He said that he is interested in the use of the firebays during the Festival and he will follow up with the Council later in the year.

2. Brownsville Art Association. Mr. John Mulder returned to continue the discussion regarding the use of the firebays by the Brownsville Art Association as a shared workspace with various art and performance groups in town. Mr. Mulder provided a more detailed proposal as had been requested at the last Council meeting. He said a number of groups are interested in the idea, including photographers, musicians, theatre groups and the Art Association. He said that they hoped to work with Linn Benton Community College (LBCC) to bring in classes. Mr. Mulder said that the Art Association would be the core group managing the space with plans to add as many other groups as possible. He said a volunteer Board of Directors would manage the entire operation. The plan is for the space to be self-supporting without needing City funds and they would like to get started as soon as possible. Mayor Ware asked about the Stand by Me museum idea presented by Linda McCormick. Mr. Mulder said that he didn't believe the citizens of Brownsville would benefit nearly as much from that proposal and that he was open to having some exhibits regarding Stand by Me in the space if it could be made compatible, particularly for special events. Councilor Ginn asked about 501(c)(3) status. Mr. Mulder said that it has been too expensive for the Art Association so far but he is working with the Corvallis Art Association who does have their nonprofit status. He said the project will be non-profit and hopes that the art center will ultimately be independent of the Art Association. Mr. Mulder was asked who would pay for the needed improvements. He said that the Art Association would pay for them and would do the work as funds become available. Councilor Gerber asked if they had applied for grant money for any of the work. Mr. Mulder said that it hadn't been possible without an agreement to use the space but that they would be applying if the space is made available to them. He said that their improvements would not be dependent on receiving grant money. Councilor Cole asked Mr. McDowell what the next step in the process would be. Mr. McDowell indicated that he would meet with representatives from the Art Association and draft an agreement for Council review. He suggested an initial three year term to provide some continuity for Council when it was up for renewal. Councilor Shepherd expressed support, saying that the Art Association had said that they weren't going to cost the City money and Mr. Mulder had proved that to his satisfaction. Councilor Cole said that there was consensus to move forward and asked Mr. McDowell to prepare a draft agreement.

3. Rec Center Agreement. Mr. Mark Running was present to discuss the agreement with the Council or answer any questions. Councilor Cole said the agreement looked good to her and she was supportive. Mr. McDowell said that the only change from the prior agreement was to add language regarding Council approval of subletting. He said it's not intended to cover use of

the building in the normal course of operations, only when long term agreements are made such as had been done with the Family Bible Church. The Council discussed what was meant by subletting and what would trigger review by the Council. Councilor Gerber suggested adding language to the effect of "outside the normal course of business." She moved to add that language to the agreement and approve the agreement with that revision. Councilor Cole seconded the motion and it was approved unanimously.

4. Senior Center Agreement. Marilee Frazier and Kaye Fox were present representing the Senior Center. Mr. McDowell said the Seniors had voted to relocate to the Community Room and he had drafted an agreement for the Council to review. Mayor Ware asked who would do the scheduling for the room. Mr. McDowell said that would be done through City Hall. Councilor Cole said that if there is a telephone in the Community Room was there a way to prevent abuse of that. Mr. McDowell said that it could be put in an office which could be locked. He said that he wasn't too worried about it and that phones were not needed so much any more with so many people having cell phones. Councilor Van Sandt asked about the term of the agreement. Mr. McDowell said that the draft provided for a one year term as it was all new and he felt it was in the best interest of both parties to proceed carefully. The one year agreement allows for modifications to be made sooner. Councilor Ginn asked if they would need a closet/pantry. Ms. Fox said they would and while they wouldn't use the refrigerator already there they might put one in the closet/pantry. Mr. McDowell said that he wanted to thank the Seniors for cleaning the room up. Councilor Shepherd moved that the agreement be approved. The motion was seconded by Councilor Chambers and was approved unanimously.

5. Gateway Project Report. Mr. McDowell indicated that staff had met with Chuck Knoll and Daineal Malone of the Linn County Road Department to go over the most recent plans for the project. He said an issue had come up where a section of old waterline running down Washburn and across Hwy. 228 may need to be replaced prior to the project being done. Mr. McDowell said that Linn County was working with the Oregon Department of Transportation (ODOT) and following ODOT's regulations required some changes such as eliminating one of the median strips. Mr. McDowell said one remaining issue was what type of signage to put at the intersections. Mayor Ware and Councilor Cole said that they wanted to see a white picket fence in the corners of the intersection. Mr. McDowell said that whatever the final design is, especially the plants, will need to be low maintenance unless a local group was interested in taking over responsibility for maintaining the areas. The way the project is currently designed will require Public Works to maintain the median strips. (Councilor Cole at the 02.23.2010 Council meeting indicated that she was neutral on the design of these signs.)

DEPARTMENT REPORTS:

1. Sheriff. Sgt. Brad Kelly provided a written report for the Council.

2. Planning. Mr. Sattler told the Council that the Planning Commission would be meeting twice in February. He said that he has received an application for a Conditional Use from Mr. Greg Hopla who is planning to build an entertainment facility on his property off of Hwy. 228. He said Mr. Hopla has many years of experience in this field and is known all over the world for his work so he hopes the project will be successful.

3. Public Works. Mr. Frink said that numerous residents had developed water leaks during the extremely cold weather. He said that discharge at the North Sewer Plant has finished and went well and the South Plant discharge has just started. The leaves have been removed from the Park. Mr. Frink said that there has been more vandalism at the Library and the downtown restrooms. Councilor Cole asked if more lighting is needed. Mr. Frink said that there is plenty of light in most of the areas but more lighting on the walkway between the Linn County Museum and the Library might help. He said that if people want to do vandalism they will do it whether there are lights there or not. Mr. Frink provided the Council with handouts showing the

dramatic decrease in inflow to the sewer system following completion of the wastewater project. He said that there has been a 65-80 percent reduction in inflow. Mr. Frink said that as a result of the new LT2 water treatment rules as required by the United State Environmental Protection Agency (USEPA) Public Works will have to do testing twice a month which will cost $15,000 per year. He warned that if the results of the tests don't come out well the City could have to spend millions in upgrades to the water system. Mr. McDowell said the cost to the City of Portland is estimated at $1.9 billion.

4. Administrator Report. Mr. McDowell said that he and Mr. Frink will be attending the Watershed Council meeting on February 9th, 2010 at 7:00 p.m. in the Kirk Room which will be addressing work on the section of the Calapooia running through town, including Pioneer Park. He said that Leisa Keyser had reported a leak in the roof at the Pioneer Picture Gallery and he is obtaining quotes for the repair. He reminded everyone that the newsletter will be coming out in March and to get their articles submitted as soon as possible. Mr. McDowell said that he had consulted with the City Attorney on how to address the RV abatement issue staff has been working on.

5. Library Report. Ms. Lemhouse provided a written report.

6. Court Report. Ms. Nida provided a written report.

CITIZEN COMMENT: Ms. Kaye Fox said that items are still needed for the Community Room and asked the Council to provide up to $500 to purchase tableware, a rolling cart and tubs to put dishes in. Councilor Ginn asked if she had priced these items. Ms. Fox said that she had not. Councilor Ginn said that Main Street Coffee purchased their tableware at thrift stores and United Grocers. Councilor Cole moved to approve up to $500 for the purchase of the needed items. Councilor Van Sandt suggested reducing the amount to $250. Councilor Cole agreed to change the amount to $250. The amended motion was seconded by Councilor Gerber and was approved unanimously.

LEGISLATIVE ACTION: NONE

ACTION ITEMS:

1. Visit Linn Coalition. Mr. McDowell said that he had reported to Council that the City would act as a representative of the Visit Linn Coalition for the purpose of applying for a grant from the Ford Family Foundation. He said that it has turned out that the City would have to be the actual grantee and responsible for the administration of the grant. He told the Council that Jo Ann McQueary, Linn County Sheriff's Office, would handle the grant administration and there would be no cost to the City. He said the only possible downside for the City would be that the funding agency would consider it a grant to the City and might be less willing to provide other grants if requested. Mr. McDowell said that he would like the Council to again approve the application as the circumstances have changed from what was earlier requested. The Council agreed by consensus.

2. Planning Commission Appointment. Mr. McDowell said that Mrs. Tricia Thompson was the only applicant for the Planning Commission vacancy and recommended appointing her to the Commission. Councilor Cole moved to appoint Mrs. Thompson. The motion was seconded by Councilor Gerber and was approved unanimously.

DISCUSSION ITEMS:

1. Brownsville Municipal Code Section 15.60 – RV Occupancy. Mr. McDowell explained that in the process of abating an RV recently, deficiencies in the Brownsville Municipal Code have come to light which have made enforcement more difficult and time consuming. He said that the relevant Code section was placed in the development code rather than the nuisance section and

recommended amending the Code to allow abatement as a nuisance if it would be better in a given situation. The Council agreed by consensus. Mr. McDowell will draft an ordinance revision for the Council to review.

2. Brownsville Municipal Code Chapter 9 – Discharge of Weapons. Councilor Cole suggested that the Council take this up when there is more time available for a full discussion. Councilor Van Sandt suggested involving the Sheriff's Office in the discussion. Councilor Gerber suggested inviting public input by putting notice in *The Times*. The Council agreed to table the matter until the next meeting.

3. Model Filming Ordinance. Mr. McDowell said that the Oregon Film Commission is working to attract more filmmakers to Oregon and hoped that by providing a uniform legal framework across the state it would make it easier for them to work. Mr. McDowell said that Oregon is attractive as we don't regulate them as extensively as other states. He said that we have had several films shot in town recently and it the City current system has proven to work very well. McDowell didn't see any need for a new ordinance. The Council agreed by consensus.

4. December Financials.

EXECUTIVE SESSION: The Council adjourned to Executive Session pursuant to ORS 192.660(i) and 192.660(b) at 8:45 p.m. The Council returned from Executive Session to regular session at 9:20 p.m. A motion was made by Council Ginn, seconded by Councilor Shepherd to approve a 5.8% increase for City Administrator S. Scott McDowell, in line with the Cost of Living Adjustment (COLA) given to staff in July of 2009, and make the action retroactive to January 1st, 2010. The motion was approved unanimously. The meeting adjourned at 9:25 p.m.

City Administrator S. Scott McDowell

Mayor Don Ware