

**BROWNSVILLE CITY COUNCIL  
MEETING MINUTES**

January 27<sup>th</sup>, 2009

**ROLL CALL:** Mayor Ware called the meeting to order at 7:00 p.m. with Councilors Ginn, Shepherd, Hoffman, Pinnock, Brenner and Cole present. Councilor Chambers 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 a discussion item regarding the Canal Company to the agenda.

**MINUTES:** The Council reviewed the minutes of the December 18, 2008, City Council meeting. Councilor Shepherd moved that they be approved as presented. The motion was seconded by Councilor Cole and was approved unanimously.

**OATHS OF OFFICE:** Municipal Judge Jad Lemhouse was present to administer the oath of office to newly elected Councilors Nan Van Sandt and Carla Gerber. After taking their oaths Ms. Van Sandt and Ms. Gerber took their places with the Council. Outgoing Councilors Pinnock, Hoffman and Brenner stepped down at that time. Mayor Ware gave certificates of appreciation and small gifts of thanks to the outgoing Councilors and thanked them for their service.

**PUBLIC HEARINGS / PRESENTATIONS:**

1. **Calapooia Watershed Council & the Reach Project.** Ms. Tara Putney, Coordinator of the Calapooia Watershed Council, was present to update the Council on the Watershed Council's activities. Ms. Putney said that the Watershed Council is involved in a number of projects, one of which is the "Middle Reach Project." Ms. Putney said that they had received funding for an assessment of the middle reach of the Calapooia, in the area around Brownsville and Sodom Dam. Ms. Putney said that they are aware of the problems being experienced with erosion in Pioneer Park and that the assessment recommends restoration of that area. She said that restoration would involve regarding the banks and working to stabilize them with plantings and other features. Ms. Putney said that would be a long process and that they are working to raise money for the design work. Councilor Cole asked what was meant by "restoration" of the river. Ms. Putney said that meant active work to return the river banks back to their original condition, including regrading and replanting with native vegetation, placement of artificial logjams and other such work.

**CITIZEN COMMENTS:**

Mayor Ware began by saying that the Council had asked him to manage the meetings more closely and part of doing that was asking anyone who wished to comment to come to the podium. Mayor Ware said that there would be opportunities to speak at the start of the meeting, at the end of the meeting and before the Council voted on agenda items. Mayor Ware said that he hoped having more structure would allow everyone an opportunity to speak and participate.

**DEPARTMENTAL REPORTS:**

1. **Administrator Report.** Mr. McDowell said that quite a bit of land had been lost on the west side of Pioneer Park during the high water this season. He said that Mayor Ware and the City had contacted Congressman Defazio's office last summer and put them on notice of the situation. Mr. McDowell said that the City of Harrisburg has a sewer plant on the banks of the Willamette and the Feds and the Army Corps won't allow them to work on the river bank to try to resolve their problems so Mr. McDowell said that he thought working with the Watershed Council was the City's best opportunity to try to get something done. Mr. McDowell said that the Oregon Watershed Enhancement Board had agreed to fund the final \$35,000 of the Brownsville Dam

project to complete the work. Mr. McDowell discussed the delay of the City's audit report. He said that he had agreed to the Auditor's request for an extension, which was solely due to their being behind, and had been surprised to receive a bill for \$205 from the firm for submitting the extension request. Mr. McDowell said that he had contacted Boldt, Carlisle & Smith (BCS) about this and does not feel the City should pay this bill. Mr. McDowell said that he had been working with the Linn County Visibility Commission which is a regional tourism effort. He said that they would be seeking some state funds to print an attractions map of the East Linn area to be distributed and that the City of Lebanon and the Lebanon Visitors Center was a major financial contributor. Mr. McDowell told the Council that he and Public Works Superintendent Karl Frink would be interviewing candidates for the Public Works position on February 6<sup>th</sup> and for the Librarian position on February 11<sup>th</sup>. He said that sixty-three (63) applications had been received for the Public Works position and thirty-four (34) for the Librarian position. Mr. McDowell reported that the Spring Cleanup Day has been tentatively scheduled for Saturday, April 4<sup>th</sup>.

2. Public Works. Mr. Frink submitted a written report. Mr. Frink said that he had received the draft Sanitary Survey from the Department of Human Services (DHS) Drinking Water program and that the City had been docked for a deficiency in the area of turbidity measurement. Mr. Frink said that DHS is telling him that the turbidity needs to be measured prior to the contact chamber because they are interpreting the contact chamber as being a "storage" area. Mr. Frink said that he disagrees with their interpretation and that the change would be very expensive to implement. He didn't believe any benefit would be provided by the change. In addition, the turbidity of the water is only a small fraction of what is allowed, so there's no danger of the City being out of compliance with State law. Mr. Frink said that the review had not discovered any real problems. Mr. McDowell said that the survey had been done by a new employee with DHS and that he and Mr. Frink will be contesting the finding as well as their recommendation to put in a diffuser system into the filters. He said that the cost of such would be on the order of a quarter of a million dollars with no real benefit to the water supply. Besides the fact that DHS approved the slow sand filters when the plant was completed in 1996. Mr. McDowell said that he and Mr. Frink will be working with Mr. John Potts, who acts as a consultant for cities regarding water systems to see if there is any basis to dispute DHS over the survey results. The consensus of the Council was in agreement with using Mr. Potts' services. In other matters Mr. Frink said that the new wastewater facilities are finishing up their first full year of operation with the complete new system. He said that he is having some trouble with the dechlorination system which is taking much more sulfur than it should. He said that a number of possible causes have been suggested and he has made some progress but that he suspects the problem is the use of "dirty" water to mix with the sulfur compound and that clean water is needed. He said that he believes that to be an engineering deficiency and that it will probably be necessary to drill a well at the south lagoon to solve the problem. Mr. Frink said that the facility is still under warranty and that USDA-RD is still involved. Westech Engineering came out and did some testing so they are aware of the issue. Mr. Frink said the top broke out of a tree in Pioneer Park and the tree had to be removed. Councilor Cole thanked him for his excellent report.
3. Planning. Mr. Sattler provided a written report and updated the Council. Mr. Sattler said he had just received the draft version of the new aerial photos from Linn County. He said that the City had worked in cooperation with Linn County to get some high resolution photos taken while Linn County was doing their new photos. Mr. Sattler said the new photos are the best so far and will be very useful. Mr. Sattler said that he had recently learned that LIDAR data for Brownsville has recently been obtained by the State of Oregon. He said that the State is trying to get data for the whole state and they started with the Willamette Valley, and started the Valley Linn County, and that the Brownsville area had been one of the first areas flown. Mr. Sattler explained that LIDAR is a new system of obtaining extremely high resolution topographical data using laser beams from aircraft which gives elevation data every few inches and is accurate to a small fraction of an inch. The result is a 3D image with tremendous detail of an area. He said that he is working to get a copy of the data from the State. Mr. Sattler said

that he had met with the Historic Review Board (HRB) and representatives from the State Historic Preservation Office (SHPO) to discuss information about various kinds of Historic Districts, what was involved in setting them up and the impacts they could have. He said the HRB is interested in the idea and will be having some public meetings to discuss the idea of setting up some type of Historic District in Brownsville. Mr. Sattler reminded everyone of the Spring Newsletter coming out in March and asked for material for the Newsletter.

4. Library Report. Ms. Lemhouse submitted a written report.
5. Sheriff's Report. Sgt. Lawler was present and said things had been quiet.
6. Council Reports. Council Cole said that she attended the Cascades West Council of Governments meeting and they are looking for projects for the proposed Stimulus Package. Councilor Ginn attended the Rec Board meeting the night before. She said the Pioneer Picnic Association is really lobbying them to do the chicken dinners at Picnic again. Councilor Ginn said the lighting at the Rec Center may need to be upgraded and that Mark Running will contact Mr. McDowell about it.

#### LEGISLATIVE ACTION:

1. Resolution 620 – Cable Television Franchise Transfer. Mr. McDowell said that he had sent Rapid a bill for \$580 for legal services related to the transfer. No action was taken on the Resolution.
2. Resolution 624 - Signatures. Mr. McDowell said that he had recommended that Mayor Ware, Councilor Chambers, Councilor Cole and himself be named as signers on the City's accounts. He said that the reason is simply that they are available in town much of the time. Councilor Cole moved to approve Resolution 624. The motion was seconded by Councilor Van Sandt and was approved unanimously.
3. Proclamations. Already covered; they were provided to outgoing Councilors.
4. Ordinance 717 – Conditional Use Permits. Mayor Ware read the title of the ordinance and it was scheduled for a second reading at the next meeting.

#### ACTION ITEMS:

1. Elect and Appoint Council President for 2009. Mr. McDowell said that the Charter requires that the Council President be elected in January of odd numbered years. Councilor Shepherd moved that Councilor Cole be retained in the position for another term. The motion was seconded by Councilor Gerber and was approved unanimously.

#### DISCUSSION ITEMS:

1. City Hall Usage – Next Steps. Mr. McDowell said that he planned to invite everyone who had submitted a proposal to come to the Council and make a presentation giving the Council an opportunity to ask questions. Councilor Cole asked about public input. Mr. McDowell said that the meeting would be a public meeting and would be advertised, anyone who wishing to participate could attend and comment. A possible meeting date was discussed and Tuesday, February 17<sup>th</sup>, was agreed on. Mr. McDowell said that he would talk to John Morrison to see if he would be interested in facilitating the meeting. Councilor Gerber moved that the special meeting be advertised in *The Times*. The motion was seconded by Councilor and was approved unanimously with Mayor Ware and Councilor Cole abstaining.


2. Weed Abatement Language. Mr. McDowell said that Council thought Mr. Frink had a good idea at the last meeting regarding a variance process and he had put language to that effect in the draft ordinance. Councilor Van Sandt said that she had looked at the ordinances of other cities and this language seemed to be more strict than what other communities are doing and she didn't see the need for it. Mr. McDowell said that the Council needs to enforce ordinances uniformly. He said that laws need to be clear enough to be enforceable. Mr. McDowell said that he is trying to determine what the will of Council is with this issue and to draft an ordinance that accurately reflects those wishes. Councilor Ginn said that she thought the new regulations are important for fire protection purposes. Councilor Gerber moved that the Council accept the proposed language. The motion was seconded by Councilor Cole and was approved 6 to 1 with Councilor Van Sandt voting no.
3. December Financials. Mayor Ware asked about the item for "Water Bond." Mr. McDowell explained that money was collected all year to make the annual payment on the City's water bond. Mayor Ware asked for an overview of the City's financial situation. Mr. McDowell said that he would be glad to do so but that he needed an opportunity to prepare the information.
4. Canal Company. Mr. McDowell said that he had received a call from an individual concerned about several issues involving the Canal Company but as the situation was outside the City and on Canal Company property there wasn't much the City could do. Councilor Cole said perhaps she and Mayor Ware could talk to John Holbrook about setting up a meeting as requested last month.

COUNCIL COMMENTS: NONE

CITIZEN COMMENT: Ms. Kaye Fox asked when Budget Committee meetings would begin. Mr. McDowell said that the first meeting is planned for April 9<sup>th</sup>, 2009.

EXECUTIVE SESSION: Mayor Ware stated that the Council would be holding an executive session pursuant to ORS 192.660(a). The Council adjourned to Executive Session at 8:25 p.m.

ADJOURNMENT: The Council returned to regular session at 9:15 and was adjourned without further action being taken.



City Administrator S. Scott McDowell



Mayor Don Ware