

BROWNSVILLE CITY COUNCIL  
MEETING MINUTES

February 24<sup>th</sup>, 2009

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

**ADDITIONS AND DELETIONS:** None.

**MINUTES:** The Council reviewed the minutes of the January 27, 2009, City Council meeting. Councilor Cole moved that they be approved. The motion was seconded by Councilor Shepherd and was approved unanimously. The February 17, 2009, minutes will be addressed at the next meeting.

**PUBLIC HEARINGS / PRESENTATIONS:**

1. **Introduction of New Staff Members.** Mr. McDowell introduced Ms. Sherri Lemhouse, Librarian, and Mr. John Shelton, Public Works Operator.
2. **Rob Wingren – Holloway Heights Proposal.** Mr. Rob Wingren addressed the Council, asking them to consider participating in the cost of putting a dust suppression treatment on the gravel road on Holloway Heights next summer. Mr. Wingren said the dust is a nuisance for the residents and they would be willing to pay half the cost of the treatment if the City would pay the other half. He said he estimated the cost at about \$1,200 total. Councilor Shepherd said that he should check the price as the cost to Linn County has gone up quite a bit recently which has caused Linn County to cut back on the amount of roads they were treating. Mr. McDowell said that if it were to be done it would probably be applied around the time of Pioneer Picnic. Mr. McDowell suggested that he get more information, including a more current cost estimate, and the Council could look at the question again at the next meeting. Mr. McDowell noted that the City has never agreed to pay for dust suppression treatment in the past but has instead saved the money to use for paving. Mr. Wingren said that almost all the streets are now paved and this is one of the few gravel roads left in town.

**CITIZEN COMMENTS:**

Ms. Jean Peterman told the Council that Mr. Carl Rybloom, a former City Councilor, recently had a severe stroke and is in Sacred Heart Hospital.

**DEPARTMENTAL REPORTS:**

1. **Sheriff's Report.** Sgt. Lawler was present and told the Council that things had been quiet for the past month. Sgt. Lawler reminded everyone not to fall for internet scams, mentioning the one where someone offers to purchase an item with a check larger than the purchase price and have the seller send "the difference" to a third party. He said that there is normally nothing the Sheriff's office can do to assist as the parties are usually out of the country.
2. **Planning.** Mr. Sattler told the Council that he had recently seen an increase in real estate sales which he attributed to some sellers beginning to reduce their prices. He said that he had seen a number of homes on the mark for the last two years for the same price but that it appeared some sellers were starting to drop prices and homes were starting to sell.
3. **Public Works.** Mr. Frink said that he and Mr. McDowell had been working with a consultant to challenge the issues raised in the DHS Drinking Water Division report. Mr. Frink said that in response DHS had dropped their demands. Mr. Frink said that the consultant had not cost the

City anything as he was paid by the Oregon Association of Water Utilities. Mr. Frink said that the changes requested by DHS would not have made any difference in the City's water quality but would have been very expensive to implement. Mr. Frink said that he and the engineers had done the 1-year walkthrough for the new sewer plants for warranty purposes. He said that he is having a problem with the pumps in the chlorination system and had had to stop discharging to avoid having water quality violations. Mr. Frink said that the engineers are aware of the problem and are working to find a solution. Mr. Frink said that the downtown bathrooms are still being repaired. All of the sills and plumbing have been replaced, the buildings have been insulated and the new drywall should be installed soon. Mr. McDowell said that he had met with Councilor Shepherd and Jim Smith from the Linn County Road Department regarding their observation of what they believed to be sewage in the ditch along Seven Mile Lane. Mr. Frink said that he been observing the ditch and had not seen any sewage there. Mr. McDowell said that initially he had been concerned that someone had plumbed a sewage line into a storm drain but suspects perhaps someone dumped an RV tank into a catch basin. He said that they'll continue to keep an eye on it

4. Administrator Report. Mr. McDowell told the Council that he had attended a meeting at the Cascades West Council of Governments regarding the new federal economic stimulus bill. He said that there will be little impact locally as Linn County would receive around \$1 million for road work and Albany would receive about the same. Mr. McDowell said that the State or Oregon will be spending much of their money on replacing traffic barriers around the State due to the fact that none of the contracting regulations or environmental regulations are being relaxed so there's not much work that can be done within the timeframe allowed. Mr. McDowell said that there is a little money through the Department of Energy the City might try to apply for, which would be used to make City buildings more energy efficient. He said that most of the money in the bill is in the form of loans and that the grants available require significant matching funds. The projects are supposed to start work within 120 days and that is barely enough time to go through the bid and award process required. Mr. McDowell reported that the regional tourism group he's been working with has been awarded \$10,000 from Linn County to help print up their materials to be distributed. He said that they are going to be completing an information kiosk at the Linn County Expo Center in Albany and are also looking at creating a portable booth that can be used at large events in the area to distribute Tourism information. McDowell reported that he had attended a conference hosted by the City's insurer, CCIS. He said that they are tightening regulations regarding volunteers and the City will need to do a lot more record keeping in the future whenever volunteers are used due to changes in how they are handling workers compensation issues for volunteers. McDowell has placed all of the volunteers on the computer database through CIS. The Park Board met with Bud Baumgartner regarding the status of the trees in Pioneer Park. Mr. Baumgartner identified a few trees that are hazards and need to be replaced. Mr. McDowell said he is working with the Central Linn schools to try to get more participation for Arbor Day this year. The draft audit report came today and the final should be available within a week or so.
5. Library Report. Ms. Lemhouse submitted a written report.
6. Council Reports. Councilor Cole said that if any of the other Councilors were interested in attending the COG meetings she would be glad to turn over that role to them. She said that the meetings are held during the afternoon on weekdays.

#### CONSIDERATIONS:

1. City Hall Usage. Mr. Sattler asked the Council not to make any final commitments until he and McDowell had had a chance to look into what would be involved with converting the building into a particular proposed use. He said he had spoken with the Building Department regarding changing the use in general terms but wanted to have the opportunity to confirm the specifics. Mayor Ware said it seemed like the Council needed to address the issue of whether to rent the space to Sharing Hands first,

as that would determine where the rest of the conversation would go. Mayor Ware said that he is on the Board of Directors of Sharing Hands and would not be voting on any decision regarding them. He identified three possible courses of action for the Council, which included renting the space only to Sharing Hands, turn the space into a community use space and have one of the groups manage it, or turn the space into a multiuse space and have City staff manage it. Councilor Chambers said that there had been little interest in the first floor space and asked if Sharing Hands would be interested in using just that space. Mayor Ware said he wasn't sure but that perhaps the Food Bank could move there. He said that he thought it was good to have the other operations downtown and was concerned that if they moved there would be a number of empty storefronts downtown. Councilor Van Sandt said that the Council should be looking to benefit the greatest number of people and she thought using the space for multiple uses would achieve that. Councilor Cole agreed, saying she thought the multipurpose center would be the best use and she would like to see one of the groups manage the space. Mr. McDowell said one concern was how to manage the liability issues related to the space. He said that he had spoken with Dunny Sorenson from CCIS who told him that the City is already covered if the City runs the space, otherwise the group managing the space would have to spend around \$2,000 for additional coverage. McDowell said that is similar to what the City does with the Rec Center, where the Rec Board carries insurance and the City pays them enough to cover most of the insurance cost. Mr. McDowell said that while one group might not pay enough rent to cover the utility cost for the space a combination of groups might pay enough to at least offset most of the expense. If one group paid a substantial amount of "rent" they would be entitled to priority in the use of the space. Councilor Shepherd said that it was important that the Council try to have the users pay for the cost of maintaining the space. There was some discussion about the City using the downstairs for parking City vehicles. Mr. Kevin Rogers said that starting and running vehicles inside the building causes a major air quality problem for the entire space including upstairs. Mr. McDowell said that he had discussed the skate park idea with CCIS and there were some serious potential issues with liability that need to be cleared up before the idea could be considered. Councilor Cole said that the issues were bigger than just the bottom line financially, saying that there is a real need for a community centers. Councilor Gerber suggested setting a reasonable fee schedule based on usage that the local organizations could afford. Councilor Shepherd said that Sharing Hands was the only group that said they could pay substantial rent for the space. Mr. McDowell said that the cost for the space would only be around \$250-\$300 for the space and most communities would love to have a community center for so little money. Councilor Van Sandt said all of the groups seeking to use the space provide a real benefit to the community. McDowell suggested that the Council make the decision on whether to rent the space to Sharing Hands. Councilor Cole made a motion that the space be used as a multipurpose community center and to have Mr. McDowell look at the financial arrangements to see what could be done towards making it a self-funded operation. Councilor Shepherd seconded the motion. Mayor Ware asked for comment. Ms. Kaye Fox said that the Seniors needed more space. Ms. Jean Peterman said that the Seniors had money and could afford to pay for the use of the space and agreed that they really needed more space. The Council approved the motion unanimously.

#### LEGISLATIVE ACTION:

1. Resolution 620 – Cable Television Franchise Transfer. Mr. McDowell said that he still wasn't ready for the Council to act on this and recommended that it be tabled until the next meeting.
2. Ordinance 721 – Conditional Use Permits. Mayor Ware stated that this is the second reading of this ordinance. Councilor Cole moved that the ordinance be read by title only. The motion was seconded by Councilor Shepherd and was approved unanimously. Mayor Ware then read the title of Ordinance 721. Councilor Cole then moved that Ordinance 721 be approved. The motion was seconded by Councilor Shepherd and was approved unanimously.
3. Ordinance 722 – Weed Abatement. Mr. McDowell said that this was the first reading of the draft ordinance. Councilor Van Sandt said that she had concerns about the draft language, saying that she thought it just made the rules stricter without clarifying the standards. She said that she was concerned that many of the larger properties in town would be in violation of the

proposed ordinance. Councilor Van Sandt said that she was concerned that the Council was regulating appearance instead of public safety and she didn't think it was the job of the Council to mandate this level of detail in how properties are maintained. Mayor Ware asked her what rules she would propose. Councilor Van Sandt said that she didn't think the rules needed to be so strict and that due to the wide variety of properties and terrain she didn't think one set of rules would work for the whole town. Councilor Van Sandt asked Mr. Frink if the new ordinance would affect Public Works. Mr. Frink said that the City property needs to be kept in compliance with the law and that the new ordinance would mean more time spent mowing and less on other things but that that was a policy decision to be made by the Council. Ms. Kaye Fox said that she thinks the vegetation growing in the Tail Race is a problem. Mr. McDowell said that last year the Special Development Zone was a problem and the City had to somewhat overstep its authority to deal with the situation. Councilor Van Sandt suggested keeping the existing ordinance except for modifying the rules for the Special Development Zone to address the problem. Mayor Ware suggested that with three new Councilors perhaps more time should be spent discussing the matter. Councilor Van Sandt said that she thought the time frame proposed in the new ordinance was too long in the Spring and Fall. Councilor Shepherd said that if the weather was too wet the City wouldn't enforce the ordinance. Councilor Van Sandt said that she thought that was part of the problem as that is another matter for interpretation, which is what was stated the new ordinance was trying to avoid. Mayor Ware asked if there was a motion to amend the draft language to change the height limit. Councilor Van Sandt moved that the maximum height be changed from 10" to 12". The motion was seconded by Councilor Chambers and was approved unanimously. Councilor Gerber moved that the ordinance language be clarified to state that a variance from the ordinance lasted for the duration of the ownership of the property or unless the use of the property changed. The motion was seconded by Councilor Cole and was approved unanimously.

#### ACTION ITEMS:

1. Municipal Court – Department of Revenue Registry Process. Mr. McDowell said that Judge Lemhouse had asked him to look into setting the City up with the Department of Revenue so that the City could garnish wages and/or file liens against the property of those people who owe large amounts to the Court. Mr. McDowell said that he had spoken with Ms. Nida and she had said that those people often don't have jobs or property and he would look into the situation further, suggesting that the matter be tabled. Mayor Ware agreed.

#### DISCUSSION ITEMS:

1. City Hall Usage. Already covered earlier in meeting.
2. ADA Parking Space for Main Street Proposal. Mr. McDowell said that he had received a request for another ADA parking space, this one to be located on Main Street in front of the Pharmacy. Councilor Shepherd noted that there is already one ADA space in front of the bank, just a few spaces down from the proposed location. Mr. McDowell said the ultimate decision would be up to Linn County but the Council could make a recommendation which would be given weight. Councilor Shepherd said that he thinks there is a shortage of parking downtown. Mr. McDowell asked if any Councilor was in favor of pursuing the idea, none were and the matter was tabled. Ms. Kaye Fox told the Council that there was a problem with business owners parking on Main Street in front of their stores. Mr. McDowell said that this has been addressed and approach by the Chamber but many business owners were unwilling to work together to resolve the situation.
3. Reminder: March 14<sup>th</sup> Goal Setting Session for Council. Councilor Cole asked if the session could include some training on the budget process. Mr. McDowell said he would be sure to include some.

4. January Financials. Mr. McDowell said that the City will realize \$236,000 of revenue that was not reflected in the financial reports for November. He said that means the City will meet the revenue figures projected in this year's budget.

COUNCIL COMMENTS:

CITIZEN COMMENT: Ms. Leslie Heckathorn reported a street light out and said that her neighbor's fence has poison oak growing in it and she would like them to take care of it. Ms. Kaye Fox asked why the City couldn't make the store owners downtown move their cars. Mr. McDowell said that the matter has been discussed many times over the years and brought to their attention, but that they are legally parked and the City cannot make them move if they do not want to. He suggested that Ms. Fox go talk to them as a customer and see if that would have any effect. Ms. Fox said that she had seen surveyors working on Kirk Avenue and asked about the timetable for work on the street. Mr. McDowell said that the work is not imminent as the City and County are still working on the agreement for the work to be done. Once the agreement is in place, the County will have plans review sessions for public review and discussion.

ADJOURNMENT: The Council meeting was adjourned at 9:00 p.m.



City Administrator S. Scott McDowell



Mayor Don Ware