

BROWNSVILLE CITY COUNCIL  
MEETING MINUTES

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

ROLL CALL: Mayor Ware called the meeting to order at 7:00 p.m. with Councilors Chambers, Van Sandt, Cole, Shepherd and Gerber 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: Mr. McDowell added items regarding the Pioneer Park restrooms, a request from Mr. Bob Anderson and a request by the Calapooia Watershed Council.

MINUTES: The Council reviewed the minutes of the September 22<sup>nd</sup>, 2009, City Council meeting. Councilor Cole moved that the minutes be approved. The motion was seconded by Councilor Shepherd and was approved unanimously.

PUBLIC HEARINGS / PRESENTATIONS:

1. Marcia Rae – Calapooia Food Alliance (CFA). Ms. Rae told Council that the CFA would like to have a “Holiday Market” the first two weekends in December, the 5<sup>th</sup> and the 12<sup>th</sup>. Due to the expected rainy weather they would like to have the market indoors in the old fire bays at City Hall. Councilor Cole said that it sounded like a good idea and asked who would be participating. Ms. Rae said that was not determined yet but the CFA would be soliciting local farmers and crafters. Ms. Kaye Fox said that the Seniors would be holding a craft sale upstairs in the Community Room on one of those days. Councilor Shepherd asked about requirements for food service licensing and liability issues. Mr. McDowell said that he would look into it. Ms. Rae said that there wouldn't be any prepared food sold so there would be no licensing required. The discussion moved onto the subject of food licensing requirements in general. Mr. McDowell said that he and Ms. Rae had met with representatives from the Oregon Department of Agriculture and Linn County Environmental Health to discuss their requirements in regards to creating a Certified Community Kitchen. Mr. McDowell said that a key issue was whether the public was invited to an event. If the event is for a closed group there are minimal requirements or none but if the public is invited then licensing is required. Councilor Cole moved that the Council allow the CFA to use the fire bay space as requested based on the research to be completed by Mr. McDowell. The motion was seconded by Councilor Van Sandt and was approved unanimously.
2. Tricia Thompson – Utility Bills. Mr. McDowell said that Mrs. Thompson had met with him earlier and had decided not to come to the meeting but he would summarize her concerns. He said that Mrs. Thompson was concerned about the cost of water and sewer bills for low income residents. She had discussed some type of forgiveness of bills but Mr. McDowell was concerned about how the Council would determine who deserved discounts and how much they would be applied. He said that the City already has generous policies such as a credit for water leaks which no other city does any more and the City makes extensive arrangements with customers to meet their obligation. The City also works with the Community Consortium and Herb Dominguez to pay for those in need. Councilor Gerber said that perhaps a discount could be given to persons on SSI. Councilor Cole said that if the City decreased rates to some residents the remaining customers would have to make up the difference. Councilor Shepherd mentioned a program where other customers could put extra on their bill, sort of like the gas company does for those families that need assistance. Councilor Gerber said that she would follow up on her ideas with Mr. McDowell after the meeting.
3. Chamber of Commerce – Event Sign. Mr. McDowell said the Chamber was not present and there was nothing new to discuss.

CITIZEN COMMENTS: NONE

## DEPARTMENTAL REPORTS:

1. Sheriff's Report. Sgt. Brad Kelley said that the Willamette Country Music Festival had gone well, there hadn't been any particular problems other than the usual associated with large public gatherings. Mayor Ware asked if there were any updates on some of the theft problems that had occurred. Sgt. Kelley said that one juvenile had been arrested and he expected more arrests to be made. Councilor Cole asked about the downtown "break-ins." Sgt. Kelly said there hadn't been any more problems and he didn't expect any.
2. Planning. Mr. Sattler told the Council that he would be bringing an updated flood plain management ordinance before the Council in the near future. He said that as FEMA updates their maps they require cities to update their ordinances to keep up with changes in the NFPA standards. Mr. Sattler said that he had sent in grant applications for the Historic Review Board and for a Technical Assistance grant from DLCD to assist with a possible UGB expansion which would add about forty acres of light industrial land to the lands inventory. He said that he had received the new computers for the Library, which had been paid for by the Friends of the Library, and had installed them. Mr. Sattler said that he had received some complaints about someone living in a camp trailer on Filbert Street and had contacted the property owner about the matter.
3. Public Works. Mr. Frink said that had been patching streets and winterizing facilities to prepare for winter. He said that he is working with the Watershed Council to see if anything needs to be done to winterize the millrace pump station. They have been working on City Hall and the Rec Center to get them ready for the painting contractor and had to cut back some of the landscaping to give them room to work. Councilor Shepherd asked about the proposed new clean water well for the new sewer plant. Mr. McDowell said that it was not eligible for grant funding and will need to be budgeted. Councilor Shepherd asked about the engineering firm paying the cost. Mr. McDowell said that he is trying to obtain a letter from Mr. Nate England certifying that it was a design error and that without that there would be little chance of them paying for it. If he does get the letter he will pursue it with Westech Engineering.
4. Administrator Report. Mr. McDowell said that it had been a busy month. He said that he had spoken with Antioch Ministries about removing the old manufactured homes from their property along Hwy. 228. He said that there might be an opportunity to work with the fire department to do a "burn to learn" with them. He said that he has also talked to Jay Marsh about possibly tearing them down for the owner at a more reasonable price. Mr. McDowell said that he had been working with Kara Crompton and Natalie Wade in dealing with some issues with OLCC regulations. Mr. McDowell said that he had met with Ms. Alice Tetamore from the Brownsville Art Association regarding displaying some of the Art Association's work in the Community Room to beautify the space and give some exposure to the artists. He said that there is a good opportunity to update the Water Master Plan because an engineering graduate student, John Cunningham, has approached the City looking for a project. He said that he's spoken with Jon Erwin and DHS who both thought it was a good idea to allow Mr. Cunningham the opportunity. Mr. McDowell said that Mr. Cunningham is currently a licensed engineer in Oregon. There would be some minimal costs for expenses and to pay Mr. Erwin to review the work but it would be a huge savings for the City. Mr. McDowell said that the person renting the apartment behind the Pioneer Picture Gallery has approached him about renting space in the City's red storage shed to store his camper. The consensus of the Council was they didn't think it was a good idea and the City needed the storage space. Mr. McDowell said staff is working on writing new rules and checklists for the various rooms available for rent as there have been some problems with the rooms being left in disarray.
5. Library Report. Ms. Lemhouse submitted a written report.
6. Court Report. Kathy Nida provided a summary of court activity.

7. Council Reports. None.

8. Citizen Comment. Ms. Kaye Fox asked if the Seniors could volunteer to keep the Picture Gallery open more hours. She was told to contact Leisa Keyser as the Pioneer Picnic Association operates the Picture Galley. She asked if there is a Garden Club in Brownsville. She was told that there is one but it is not very active other than sponsoring a competition during Pioneer Picnic.

#### LEGISLATIVE ACTION:

1. Ordinance 721 (Second Reading) Amending Brownsville Municipal Code Section 8.20.040 (Pets in the Park). Councilor Cole moved that the proposed Ordinance be read by title only. The motion was seconded by Councilor Gerber and was approved unanimously. Mayor Ware read the title of Ordinance 721. Councilor Cole moved that Ordinance 721 be approved. The motion was seconded by Councilor Van Sandt and was approved unanimously.

#### ACTION ITEMS:

1. Arbor Day. Mayor Ware declared November 14<sup>th</sup>, 2009, to be Arbor Day in Brownsville.
2. DLCD Application. Councilor Cole moved to authorize Mayor Ware and Mr. McDowell to execute any documents needed to submit a grant application to DLCD for Technical Assistance Funds. The motion was seconded by Councilor Gerber and was approved unanimously.
3. Authorize Letter to Linn County Road Department. Mr. McDowell said that he had received a request from a resident to extend the 25 mph speed zone on Main Street north beyond Hausman Avenue. Mr. McDowell said that if the Council wanted to pursue it the first step would be to request Linn County to authorize a speed study on the road. Mr. Sattler noted that speed limits are determined by state law and that the speed is determined by what speed people actually are driving, so there is a good possibility that the speed limit would actually be increased as the result of the study. He said that the 35 mph zone had been moved northwards just a few years ago to its current configuration. The Council discussed the matter and decided not to pursue the issue.

#### DISCUSSION ITEMS:

1. Weed Ordinance. Councilor Van Sandt suggested that the beginning date for enforcement, stating that she thought the May 15 date was too early. Councilor Shepherd suggested that the ordinance discussion be tabled until later. Mayor Ware agreed. Mr. McDowell said that he thought June 1 to September 30 would be adequate, the June 1 date allows the City to clean up before Pioneer Picnic. The Council discussed the provision making property owners responsible for maintaining the public right of way along their property and decided by consensus not to include that provision. Mr. McDowell said that he would revise the draft and have it ready for a first reading at the next meeting.
2. Pioneer Park Restrooms. Mr. Frink asked the Council how they wanted to proceed with the Pioneer Park restrooms. He said that they are not in imminent danger of falling into the river and suggested leaving them where they are unless it looks like there is danger of them being destroyed. Councilor Shepherd moved that the restrooms remain where they are for now. The motion was seconded by Councilor Gerber. Mr. Frink asked if he could remove them if it appeared he needed to. The motion was revised to give Mr. McDowell the authority to remove the restrooms in the case of an emergency and was approved unanimously.
3. Bob Anderson Proposal. Mr. McDowell said that Mr. Anderson had been told by Pacific Power that he needed to lower the power meters located on the commercial buildings he owns downtown.


Mr. Anderson said that the cost to do the work was estimated at \$4,000 which he didn't believe he should have to bear by himself. He said that part of the reason the meters were high was that the alley was lowered when it was reconstructed. Mr. Anderson was requesting that the City pay one third of the cost with Mr. Anderson and Pacific Power splitting the remainder. The Council did not believe that the City had any responsibility in lowering the meters. Councilor Shepherd moved that the City not contribute toward the cost of relocating the meters. The motion was seconded by Councilor Chambers and was approved unanimously.

4. Calapooia Watershed Council (CWC) – Use of Office Space. Mr. McDowell said that he had been approached by the CWC who said that they needed more office space. Councilor Cole said that it would help strengthen the relationship between the CWC and the City which she thought had been beneficial. Mr. McDowell said that he thought it was reasonable to request a contribution towards utilities. Councilor Shepherd suggested that \$200 per month would be a reasonable rent which would cover the utility costs. Councilor Cole moved that Mr. McDowell be authorized to negotiate with the CWC to try to reach an agreement for them to rent office space. The motion was seconded by Councilor Shepherd and was approved unanimously.
5. Special Session – November 5, 2009. Mr. McDowell reminded Council of the upcoming special meeting to review the Comprehensive Plan.
6. August Financials. No discussion.

COUNCIL COMMENTS: NONE

CITIZEN COMMENT: Ms. Kaye Fox said that there used to be more opportunities for her to speak at Council meetings. Mayor Ware said that there are two specific periods set aside during Council meetings which has been standard for quite a while.

ADJOURNMENT: Councilor Chambers moved that the meeting be adjourned. The motion was seconded by Councilor Cole and was approved unanimously. The Council meeting was adjourned at 8:50 p.m.

  
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City Administrator S. Scott McDowell

  
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Mayor Don Ware