

**BROWNSVILLE CITY COUNCIL
MEETING MINUTES**

December 18, 2008

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

ADDITIONS AND DELETIONS: Mr. McDowell added several items to the agenda. Resolution 623 was added under Legislative items, an item regarding OECD was added as an action item as was an item regarding board appointments. An item regarding a Council orientation session was added as a discussion item.

MINUTES: The Council reviewed the minutes of the November 20, 2008, City Council meeting. Councilor Cole moved that they be approved as presented. The motion was seconded by Councilor Hoffman and was approved unanimously.

PUBLIC HEARINGS / PRESENTATIONS: NONE

CITIZEN COMMENTS:

Mr. Jay Marsh of 382 Kirk addressed the Council, asking if they had decided whether to refund his application fee. Councilor Cole said that the Council had been unclear on the criteria for requiring a home occupation conditional use when they had directed him to apply for one and suggested that the Council refund Mr. Marsh's application fee. Councilor Ginn moved that the money be refunded. The motion was seconded by Councilor Hoffman and was approved unanimously.

DEPARTMENTAL REPORTS:

1. **Administrator Report.** Mr. McDowell reminded the Council about the quarterly public disclosure forms and said that they need to be returned by January 15. Mr. McDowell said that traditionally the current Councilors attend the first meeting of the new term and "hand over" the Council seats to the new Councilors at the start of the meeting. He said that the meetings will return to the fourth Tuesday of the month beginning January 27, 2009. Mr. McDowell said that the City is recruiting for two positions, Librarian and Public Works Operator. He said that the positions are posted on the City's web site and listed with the State Employment Office. In addition they will be advertised in the Brownsville Times and the Albany Democrat-Herald. The closing date for applications is January 16th, 2009. Mr. McDowell said that a group will be formed to interview candidates for the Librarian position, the Public Works Operator candidates will be interviewed by Mr. McDowell and Mr. Frink. He hopes to make selections in February with a starting date in March for the Library opening. Mr. McDowell said that he had received a letter of interest from the Senior Center for the vacated Fire Hall space. He said that the issues regarding the temporary loading zone for Sharing Hands has been worked out and that Mr. Frink will be making up a sign for them. Mr. McDowell reported that there will be training in Salem for Councilors on January 7th. If anyone is interested in attending please let him know. Mr. McDowell said that with Christmas falling on a Thursday this year he was considering closing City offices on Friday, December 26, as that would normally be a very quiet day. The employees would take vacation time for the day. Councilor Cole moved to approve closing on December 26th. The motion was seconded by Councilor Shepherd and was approved unanimously.
2. **Public Works.** Mr. Frink submitted a written report. Mr. Frink said that a stop sign had been destroyed by a vehicle at Hume and Blakely but that the operator of the vehicle had been

located and will be paying for the replacement of the sign. Mr. Frink said that he had been at training in Hood River to maintain his certifications. Mr. Frink said that he had also attended a training session regarding source water protection. Mr. Frink said that it didn't particularly apply to Brownsville but it was required for his licensure. Councilor Cole asked why the City would work on source water protection. Mr. Frink said that it might make the City eligible for some grants but it wasn't worthwhile at this time due to the requirements of the program. Councilor Cole asked about the status of the downtown restrooms. Mr. Frink said that he'd just repaired some vandalism damage which is an ongoing problem but that he has been able to stay on top of it and keep the bathrooms open.

3. Planning. Mr. Sattler provided a written report and updated the Council. Mr. Sattler said that the Planning Commission had met the previous Monday to review the operation of the Teen Center. He said that when the conditional use was approved the Planning Commission had been concerned about the impact of the Teen Center on the downtown and had scheduled a review after six months. The meeting was well attended with many there to support the Teen Center. Two people had issues with Mr. Will that did not relate to the conditional use and there was no evidence of any negative impact to the surrounding properties or businesses. The Planning Commission voted unanimously to approve the use and to not schedule any further hearings. The Planning Commission also discussed the referral from the City Council regarding home occupation conditional uses. Mr. Sattler said that he had summarized that discussion in a memo which is included in the Council packet and which will be discussed later in the agenda.
4. Library Report. Mr. Smith submitted a written report.
5. Sheriff's Report. Sgt. Lawler was not in attendance but submitted a summary.
6. Council Reports. None.

LEGISLATIVE ACTION:

1. Resolution 620: Cable Television Franchise Transfer. Mr. McDowell said that he had heard that the cable system might not be ready for the changeover to digital and in fact he had seen a test and it indicated that the system is not ready for the conversion. Mr. McDowell said many customers had been double-billed for November and that he had spoken with Almega and they are trying to straighten it out. Resolution 620 was tabled again until the next meeting.
2. Resolution 621: Certify Election Results. The official results had been received from the Linn County Clerk. Mayor Ware asked the audience for any concerns or comments about the Election Results as presented. No one commented. Councilor Cole moved that the results be certified and Resolution 621 approved. The motion was seconded by Councilor Brenner and approved unanimously.
3. Resolution 622: Appoint Pro-Tem Judges. Mr. McDowell said that this is a resolution which needs to be renewed every year. Councilor Hoffman moved that Resolution 622 be approved. The motion was seconded by Councilor Cole and was approved unanimously.
4. Resolution 623: Payment to Calapooia Watershed Council. Mr. McDowell explained that the City had agreed to contribute \$20,000 to the pump station project and that so far \$19,250 had been spent. Resolution 623 authorized the payment of the remaining \$750 to the Watershed Council. Mr. McDowell explained that the Watershed Council will end up spending the money to reimburse the City for electrical costs but that this Resolution is necessary for accounting purposes. Councilor Cole moved that Resolution 623 be approved. The motion was seconded by Councilor Shepherd and was approved unanimously.

ACTION ITEMS:

1. Board Appointments. Bob Schlosser and Sandra Weingarten had asked to be reappointed to the Library Advisory Board. Councilor Hoffman moved that they be reappointed. The motion was seconded by Councilor Brenner and approved unanimously. Mr. McDowell said that Mr. Lee Smith had applied for the open position on the Library Advisory Board. Councilor Pinnock moved that Mr. Smith be appointed. The motion was seconded by Councilor Shepherd and was approved unanimously. Councilor Cole asked if it was necessary to advertise the openings. Mr. McDowell said that they are usually advertised but generally it's necessary to recruit someone to fill the position as there is seldom much response to the advertisements. Mr. McDowell said that Ms. Marilyn Grimes had applied for one of the openings on the Budget Committee. Councilor Ginn moved that Ms. Grimes be appointed and that the remaining openings be advertised. The motion was seconded by Councilor Cole and was approved unanimously.
2. Calapooia Food Alliance (CFA) Lease Agreement. Mr. McDowell said that in response to the concerns expressed about off-street parking, Councilor Brenner had provided a map of the proposed layout which provided for 13 parking spaces. Councilor Ginn asked about vendor parking. Councilor Brenner said that the vendors would park away from the market after unloading so they wouldn't tie up parking spaces. Councilor Ginn wanted them to be required to park at the Rec Center or other location away from downtown. Councilor Cole thought 13 parking spaces should be plenty. Councilor Hoffman said that there is no off-street parking at the current location. Councilor Cole moved that the lease be approved with a provision requiring the vendors to park off site. The motion was seconded by Councilor Hoffman. Councilor Ginn asked when the lease would become effective. Councilor Brenner said Spring, 2010. Councilor Shepherd asked exactly what kind of development is being proposed for the location. Councilor Brenner said the CFA would be working with the Park Committee to design something and the resulting proposal would then come to the Council for approval. Councilor Brenner said that it takes time to apply for grants and it is important to have the lease agreement in place before applying for grants as it gives credibility to the application. Mr. McDowell said that as part of the lease agreement a clause could be added to require the vendors to park away from the market area. Councilor Shepherd said they should park at the Rec Center. Councilor Hoffman said that the parking downtown is public parking and available to anyone. Councilor Ginn said that the Council didn't need to make a decision immediately. Councilor Cole stated that there was a motion made and seconded and she would like a vote on her motion. Ms. Nan Van Sandt asked why the Rec Center lot couldn't be used for the market and why a permanent structure is needed. Councilor Brenner said that the CFA Board of Directors believes that the Kirk Avenue Park is a better location and that currently volunteers are spending a lot of time each week hauling tables back and forth which could be eliminated with a storage building. Councilor Ginn again said that she would like to table the matter and have more discussion. Mayor Ware said that there is a motion on the floor that needs to be voted on. Councilor Shepherd suggested that Councilors Hoffman and Brenner had a conflict of interest and should not vote on the matter. Councilor Brenner said that his total income from selling at the market last year was less than ten dollars and he didn't feel that constituted a conflict of interest. Councilor Hoffman said that she is involved with the CFA but has no financial interest in it. Mayor Ware called for the vote and the motion passed 4 to 2 with Councilors Shepherd and Ginn voting no, Councilors Hoffman, Brenner, Cole and Pinnock voting yes.
3. Oregon Economic Community Development Department (OECDD) Loan Agreement. Mr. McDowell said that the state revolving loan funds are all under a contract with OECDD and that contract is ready to be closed out. Mr. McDowell asked the Council to authorize him and Mayor Ware to execute the necessary documents to close out the contract. Councilor Shepherd so moved and was seconded by Councilor Cole. The motion passed unanimously. Mr. McDowell said that when the final accounting was completed the State found \$46,000 which they believe they owe the City and will be sending the funds.

DISCUSSION ITEMS:

1. Planning Commission Outcome – Draft Codification. Mr. McDowell said that the Planning Commission had developed some draft language for a possible addition to the Municipal Code regarding home occupations to try to clarify when a conditional use permit is required. Mr. McDowell said that he wanted to discuss the language with the Council before putting it into ordinance form. Mr. McDowell said that if the Council liked the language he would draft an ordinance for the next meeting. Councilor Hoffman said that she liked the language. Mayor Ware agreed that it seemed reasonable. Councilor Cole agreed and the consensus of the Council was to proceed with an ordinance.
2. Weed Abatement Language. Mr. McDowell said that he had had put the most recent proposal into draft ordinance language per the Council's request and asked what the next step should be. Councilor Cole said that there needed to be a provision to allow for exception areas. She suggested forming a citizen committee to review the proposed ordinance. Councilor Ginn suggested that a public hearing at the next meeting would be sufficient. Councilor Cole said that she didn't like the "one size fits all" approach while Councilor Shepherd said that he thought there were too many exceptions in the proposed ordinance. Mr. McDowell said that it was common to have ordinances which allow for strips to be mowed around the property edges while the interior remains unmowed. Mr. McDowell said that staff and Council have been working to come up with a proposal that is reasonable and fair to everyone. Mr. McDowell said perhaps there should be a committee to review proposed abatements before they are posted. Ms. Nan Van Sandt asked what is the definition of a weed. She said her husband has large gardens and what he considers a crop someone else might consider a weed. She said that she didn't think there was an existing problem and that this was being pushed by people who just want to regulate the appearance of other person's property. Ms. Van Sandt said that she has already heard from citizens who are upset about the proposal and is concerned about it being used to harass people. Mr. McDowell said that fire protection is the City's responsibility. Mr. Frink suggested a variance process where someone who wanted an exemption would apply to the Council. Councilor Cole said that there would have to be specific criteria in the ordinance or it would create problems. Councilor Ginn said that she liked the idea and wanted Council to hear the applications for variances. Discussion ensued regarding a possible variance committee otherwise Council could potentially be overrun listening to weed abatement issues. Councilor Ginn made a motion that Mr. McDowell try to draft some language allowing such a variance process. The motion was seconded by Councilor Hoffman and was approved unanimously.
3. Nuisances Language. There was no discussion on this subject.
4. November 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.
5. Council Orientation. Mr. McDowell suggested the possibility of renting a church bus so that everyone could travel together. He asked for suggestions for a date for the event. Most of the Councilors wanted to have the event on a Saturday. Nan Van Sandt said that January 17th was the only Saturday in January that would work for her. Mr. McDowell said that he will follow up with everyone and set a date.

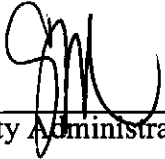
COUNCIL COMMENTS: Councilor Hoffman asked about the citizen committee to discuss uses of the fire hall. Mr. McDowell said that the deadline for submitting letters of interest is January 30th and Council will decide the next steps after that deadline or at the next Council meeting.

CITIZEN COMMENT: NONE

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.

A motion was made by Councilor Ginn, seconded by Councilor Shepherd to recommend and approve an increase in the City Administrator contract of 9.8% based on performance and to make compensation more competitive.

ADJOURNMENT: A motion was made by Councilor Shepherd, seconded by Councilor Ginn to adjourn at 9:15 p.m. The motion carried.



City Administrator S. Scott McDowell



Mayor Don Ware