

BROWNSVILLE CITY COUNCIL  
MEETING MINUTES

December 28<sup>th</sup>, 2010

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

PUBLIC: Rick Dominguez, Mike Nida, Kaye Fox, Leslie Heckathorne, Jo Ann McQueary, Steve Chambers, Jim & Debbie Berry, Lorraine & Al Still, Angela Pellerin and Brianne Skipworth.

ADDITIONS AND DELETIONS: Mr. McDowell added three items regarding agreements with the Senior Center, the Calapooia Food Alliance and the Croquet Club.

MINUTES: Council reviewed the minutes of the November 22<sup>nd</sup>, 2010 meeting. Councilor Van Sandt had a correction on the motions regarding the passage of Resolution 730. Councilor Gerber had made the motion and it was seconded by Councilor Van Sandt. Councilor Gerber then moved to approve the November 22<sup>nd</sup>, 2010 minutes with that correction. The motion was seconded by Councilor Shepherd and was approved unanimously.

PUBLIC HEARINGS OR PRESENTATIONS:

1. American Legion – Rick Dominguez. Mr. Dominguez told the Council that the Presbyterian Church is ceasing operation and the building may be made available to a local organization for use. He said that the American Legion is interested in using the building. He said that he thought the Legion would make good use of the building and would preserve it. Mr. Dominguez provided the Council with copies of a letter from the Albany Legion supporting their effort. Mr. Dominguez said that he knew some would be concerned about the Legion serving alcohol and said that the Brownsville Legion would not have alcohol in the building. Councilor Shepherd asked Mr. Dominguez to clarify what he was asking of the Council. Mr. Dominguez said that he would like a letter from the Council expressing support for the Legion's proposal. Mr. McDowell told the Council that he had received a letter from the leaders of the Presbyterian Church saying that they would begin meeting on January 19 to hear proposals for possible uses of the building and anyone interested in the building should apply. Councilor Shepherd moved to have the Council send a letter supporting the Legion's proposal. The motion was seconded by Councilor Chambers. Mr. Sattler said that the Legion's proposal would be a Conditional Use which would go to the Planning Commission and that since the Council is the appeal body for Planning Commission decisions it would create difficulties for the Council to have gone on record as officially supporting the application. Mayor Ware asked if the individual Councilors could express their support and Mr. Sattler said that would be preferable. Councilor Shepherd withdrew his motion and the Council decided to act individually if they desired.
2. Debbie Berry – Eugene Kennel Club. Ms. Berry said that she is the Chairperson for the 2011 Kennel Club show and she has been in contact with Mr. McDowell for several months to see if it would be possible for the Kennel Club to use Pioneer Park for their annual dog show event. She said that the event has been held at the Lane County Fairgrounds for a number of years but the rental fees had become too high for the Kennel Club to afford. Ms. Berry said that the event would bring many people to town and would be a benefit to the City. Councilor Shepherd asked if the event would be open to the public. Ms. Berry said that the event is free and open to the public and in addition there would be other events at the same time such as a free dog health clinic. Councilor Gerber expressed concern about possible damage to the soccer fields.

Ms. Berry said that it should only be a concern if there should be a lot of rain to soften the ground but that heavy rain that time of year is highly unlikely. Ms. Berry said that she had discussed this issue with Mr. McDowell and the Kennel Club is prepared to put down a substantial damage deposit which could be used to pay for any needed repairs. Councilor Shepherd asked what the Park Board had decided. Mr. McDowell said that they were in favor of the proposal so long as a damage deposit was obtained. Ms. Berry said that she attended many of these events and she doubted there would be any damage at all to the fields based on her past experience. Councilor Gerber moved to approve the proposal from the Eugene Kennel Club. The motion was seconded by Councilor Van Sandt and was approved unanimously.

#### DEPARTMENT REPORTS:

1. Sheriff's Report. Sgt. Brad Kelly was not available and Ms. Jo Ann McQueary was present from the Sheriff's Office. She said that Neighborhood Watch is continuing to meet and she has recorded some radio spots to advertise the organization.
2. Planning. Mr. Sattler updated the Council. He said that the City has been upgrading computers to prepare for the new billing system and that has been keeping him busy. Mr. Sattler said that he would be taking a week of vacation after Christmas and said that he would have an agenda item later regarding the Oak Street alley.
3. Public Works. Councilor Gerber asked if there had been flooding in Pioneer Park. Mr. Frink said that it hadn't been bad and has been dropping. Councilor Chambers asked if Public Works had reduced the amount of sidewalk cleaning they were doing downtown due to complaints. Mr. Frink said that they had. He said that the complaints were mainly about noise and some complaints about the debris stirred up. Mr. Frink said that legally the business owners were responsible for maintaining the sidewalks adjacent to their properties. Mayor Ware asked if there had been any more problems with the downtown bathrooms. Mr. Frink said that there had not been any issue since the bathrooms were reopened.
4. City Administrator. Mr. McDowell said that he and Mr. Sattler had met with the Chamber's Executive Board to discuss the signboard issue and that the Chamber would attempt to work with the downtown business owners to find a solution. Councilor Chambers noted that there were now three signboards placed on one corner and thought that was excessive. Mr. McDowell said that he, Mr. Frink and Mr. Erwin had met with ODFW about their plan to restrict the City's water supply during summer months. He said that the City's water would be capped at 575,000 gallons per day in the future which would place an upper limit on how much development would be possible in the area. Mr. McDowell said that he has taken this issue to the state legislators but didn't know how much response he would get due to the specific impact this issue has on Brownsville. Mr. McDowell said that the Calapooia Watershed Council had applied for grant funds for the Reach 2 project which would include Pioneer Park. He said that the funding decision would be made in January but they have already been told that the project would not be fully funded. Mr. McDowell said that he had met with Mr. Knoll and Ms. Malone from the Linn County Road Department regarding the Gateway Project. He said that they are continuing to negotiate with ODOT over final details on the plans such as the location of crosswalks. Mr. McDowell said that they hope to go to bid in January as if the project is completed by June ODOT has agreed to overlay the pavement area of the project. He said that the contracting regulations prevented the City from hiring local contractors to do the sign work and it would have to go through the general bidding process. Mr. McDowell said that the fire bay remodeling project has been nearly completed by Public Works. He said that a glass door had shattered but it was not due to vandalism it was just a failure of the glass. He said that Kathy Nida planned to retire in 2011 and he is looking at the possibility of sharing a court clerk with Harrisburg and Halsey. Mr. McDowell said that he has been asked to be on the OPRD board that reviews grant applications and he thought it would be a good opportunity for the City to look at the process.

5. Library Report. Ms. Lemhouse provided a written report.
6. Court Report. Ms. Nida provided a written report.
7. Council Comments. Councilor Boyanovsky said that there had not been a Rec Board meeting last month.
8. Citizen Comment. Ms. Kaye Fox asked how many open positions there are on City committees. Mr. McDowell said that currently there is one on the Library Board, seven on the new Emergency Preparedness Committee and probably one on the Park Board.

#### LEGISLATIVE:

1. Resolution 658 – Sensus Water Meters. Mr. McDowell said that several years ago the City began buying touch read meters to gradually convert the whole system. He said that he wanted to purchase two handheld reading devices so they could be integrated with the new billing software. Mr. Frink said that about twenty percent of the system is currently set up for the touch read system. Councilor Gerber moved to approve Resolution 658. The motion was seconded by Councilor Boyanovsky and was approved unanimously with a correction of the date in the resolution to December.

#### ACTION ITEMS:

1. Ads for Library Board, Emergency Preparedness and Park Board Openings. Councilor Van Sandt moved to approved placing the ads. The motion was seconded by Councilor Gerber and was approved five to zero with Mayor Ware abstaining due to a conflict of interest.
2. Oak Street Alley Deed of Dedication. Mr. Sattler said that he would like a motion from the Council to initiate the alley vacation process which would involve notices to property owners and advertisements of a public meeting. Councilor Boyanovsky moved to proceed. The motion was seconded by Councilor Chambers and was approved unanimously.
3. Agreements with Seniors, Community Gardens and Croquet Club. Mr. McDowell said that the operating agreements with these groups are soon to expire and he needs to negotiate new agreements with these various groups. Councilor Van Sandt moved to direct Mr. McDowell to renegotiate those agreements. The motion was seconded by Councilor Boyanovsky and was approved unanimously. Councilor Shepherd asked about the water usage allowed in the agreements with the Community Gardens and Croquet Club. Mr. McDowell said that would be an item of negotiation and the agreements would come back to Councilor for final review and approval.
4. Gary Compton – Storm Drainage Issue. Mr. Compton addressed the Council regarding a drainage problem he is having. He said that he lives on the north end of Ash and a major drainage ditch runs along the west side of his property. Mr. Compton said that the drainage ditch backs up at times and floods the rear of his yard as well as making his entire property wet. Mr. Compton said that there is an undersized culvert in the ditch at the City Limits and he would like the City to contact the property owners and have them clean out the ditch and replace the undersized culvert. Councilor Shepherd said that Linn County has been dealing with the same issues and that the problem areas in this ditch lie outside the City Limits so the City staff couldn't work on it or provide materials. He said that the solution is for the neighbors to work together to take care of the problem. Mr. Compton said that it might be helpful for Mr. McDowell to contact some of the property owners. Mayor Ware asked if the problem has been getting worse. Mr. Compton said that the last three years have been worse than prior years. Councilor Chambers noted that this is the second winter with large amounts of water at her

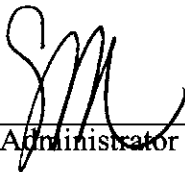
home which is also new. Councilor Shepherd suggested the possibility of installing a low water crossing as farmers often don't need to get equipment into their fields in the winter when it is wet. Councilor Van Sandt suggested having Mr. Frink look at the situation. The Council discussed how they wanted to proceed and reached a consensus to have Mr. McDowell call some of the property owners to see if he could assist in coordination but not to authorize any work outside of the City Limits. Mr. McDowell told the Council that there had also been some flooding on the north end of Oak Street and he had provided some sandbags to the property owner.

DISCUSSION ITEMS:

1. Millrace and Canal Company Clarification. Mr. McDowell summarized the situation by saying that he had been contacted by the Canal Company to see what the City and County could do to assist. He said that Linn County was not interested in participating and the Council didn't want to raise fees to pay for electricity and maintenance. He said that the City had signed a contract with Pacific Power to have them run power to the pump station and would be liable for about \$10,900 if the pumps were not operated. Mr. McDowell said that the Watershed Council has expressed concern as they fought with the State to get a great deal of grant money for the pump station and they are concerned about how it would reflect on them if the City abandoned the pump station. Mr. McDowell said that the money could be found to pay for the power if the Council decided to do so and it would be up to the Budget Committee to find funds for maintenance and repair. Mr. Frink said that the installation is a very basic agricultural type pump station and it is not possible to run it at a reduced flow, it is either on or off and it would cost about \$10,000 to install a variable frequency drive and it could cost several thousand to install a timer to turn it on and off. Councilor Gerber said that the City does have an interest in maintain the millrace for storm drainage and not using it could create serious credibility issues.
2. Nuisance Abatement Policy. Mayor Ware said that he wanted to make a decision on this matter at this meeting. He said that the Council needed to decide on the wording of the ordinance and whether to keep the same process. He also said that they should decide if they wanted to respond to complaints or seek out problems. Councilor Shepherd said that he wanted to adopt the Sweet Home ordinance on page 12 of the Council Packet. Councilor Gerber asked other Councilors to review the wording and have suggestions for the next council meeting. Councilor Shepherd made a motion to have Mr. McDowell prepare an ordinance reflecting that language. The motion was seconded by Councilor Boyanovsky and was approved with Councilors Chambers and Van Sandt voting no.

CITIZEN COMMENT: Ms. Kaye Fox spoke again and asked if the Kirk Avenue project was going to take place because her property floods every winter. Councilor Shepherd said that the Kirk Project wouldn't fix her flooding because the tail race will still back up. Mr. Mike Nida said that he was in favor of not spending any City time or money on the Millrace.

ADJOURNMENT: Councilor Shepherd moved to adjourn. The motion was seconded by Councilor Boyanovsky and was approved unanimously. The meeting was adjourned at 8:55 p.m.



City Administrator S. Scott McDowell



Mayor Don Ware