

BROWNSVILLE CITY COUNCIL
MEETING MINUTES

February 26, 2008

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

COUNCILOR RESIGNATION: Mayor Ware announced that Councilor Hoyer had resigned his position effective immediately for personal reasons. Mayor Ware said that the Council would appoint a replacement and would be advertising for applicants.

ADDITIONS AND DELETIONS: None.

MINUTES: The Council reviewed the minutes of the January 15, 2008, City Council meeting. Councilor Cole moved that the minutes be approved. The motion was seconded by Councilor Shepherd and was approved unanimously.

CITIZEN COMMENT: None.

PUBLIC HEARINGS / PRESENTATIONS:

1. Wastewater Project. Mr. Chris Brugato from Westech Engineering was present to update the Council on the wastewater project. Mr. Brugato said that Phase 1 is about 95 percent complete. The lift stations and other equipment were in the process of being started and that process will continue for another week or so after which time the system will be put into regular operation. At that time the project will be deemed to be "substantially complete" and the final project punchlist will be determined. All of the punchlist work should be completed by the end of March which is good as there is a need to discharge from the North Lagoon as soon as the chemical feed system is operational. Mr. Brugato said the project has gone very well and that the contractors and City staff have done a good job. Phase 2 of the wastewater project is being expanded to utilize available grant funding with work to be done on Kirk Avenue, Averill Street and Seven Mile Lane. Mr. Brugato said the engineering design for the additional work will be completed in March, necessary permits and approvals should be obtained in April and work should begin in May. The gas line in Averill is a problem as Northwest Natural laid their gas line right on top of the sewer line. They are responsible for the cost of relocating their line according to their franchise agreement but it may take a while to complete the work. There was discussion concerning how this could affect the Pioneer Picnic parade. Mr. Brugato said that the construction on Averill could be put off until after the parade or the sewer line could be relocated if necessary.

Councilor Cole asked if Mr. Brugato had seen other projects go so well. Mr. Brugato said a number of factors came together in this case. He noted that the original budget included a very expensive lagoon liner which was able to be eliminated and that the housing market slowdown had caused a larger number of bidders on the project which helped drive down the cost. Mr. McDowell noted that the team representing the City has done an excellent job. Mr. Frink, Project Inspector Juan Benavidez, Mr. Brugato, both Contractors Staff & Crew, Scott Wilson from Cascades West Council of Governments and agency representatives from both State and Federal agencies have been conscientious, easy to work with and very helpful. Councilor Shepherd asked if the City could delay declaring substantial completion and push back the start of the warranty period. Mr. Brugato said that at most the City could delay it by a week or so and that the Contractor would be pushing for substantial completion as soon as possible.

2. Linn County Roadmaster – Mr. Darrin Lane. Mr. Lane said that he was present to update the Council and public on the Kirk Avenue project and to answer any questions. Mr. Lane said that he had been handed a list of questions from the audience regarding Kirk Avenue and that he would go through the list and answer them all. Mr. Lane started by going over the history of the project which was first discussed in the late 1990's and he said that the County had agreed to take over Kirk Avenue and reconstruct it because it connected Northern Drive and Main Street which are both important County roads. The timing of the project has been contingent on the City finishing utility and drainage work on the street. Mr. Lane said that the County Road Department has faced some financial challenges but is still committed to keeping its agreement regarding Kirk Avenue. Mr. Lane then answered the questions submitted to him. The first question was whether Kirk Avenue would be widened. Mr. Lane said that the County has certain standards to which roads must be built and that Kirk Avenue would normally be built to a 46' curb to curb width. Due to the residential nature of the area Mr. Lane said that an alternative standard could be used which would allow all of the improvements to be constructed in a 50' right of way, including bicycle lanes and sidewalks. Mr. Lane said that it didn't appear possible to make the street any narrower due to state and federal requirements for bicycle lanes and ADA compatible sidewalks. He did point out that the road would still mainly consist of two travel lanes and those would be in approximately the same location they are now.

Mr. Lane said that prior to design there would be traffic studies conducted to determine the volume of traffic on the street. The next question was whether the County would pay for any land taken for the project. Mr. Lane said that if there is any property taken for the project it would be paid for at fair market value as required by state and federal law. Mr. Lane said the County tries very hard to avoid condemnation but sometimes it is unavoidable. Mr. Lane said that in that circumstance the County Commissioners would probably require the City to pursue the condemnation action. A question was asked if there would be sidewalks. Mr. Lane said that ADA compliant sidewalks would be required. Normally the adjoining property owners are required to pay for the sidewalks but if property is taken for the project the cost could be offset against the payment for the property. Mr. Lane was asked what would be done to slow traffic. Mr. Lane said that devices such as speed bumps are not generally effective and are a problem for emergency vehicles and trucks. He said that there are other design features which can be used to slow traffic and cited 34th Street in Albany as a good example. Mr. Lane said that the County would be using the best design possible to try to slow traffic on the street and felt confident it would be successful.

It was then asked if the County could prohibit trucks from using Kirk Avenue. Mr. Lane said that would be contrary to the purpose of the County taking over Kirk and said that there are residents off Northern Drive who have a right to drive their trucks on the public roads as much as anyone else. Mr. Lane said that improving the street will significantly reduce the impact of the trucks as much of the noise and vibration is due to the poor condition of the road. He was then asked if the road would be lowered. He said that the ideal is to have a two percent slope upward to the center of the street with the edges of the pavement at the level of the adjacent grade. In general this would require substantial lowering of the street but it would depend on the conditions along the road as to how much it would or could be lowered. Mr. Lane asked where the funds would come from to pay for the improvements. He said that the County would pay for it; the County does receive federal funding but it would not be used to pay for this project. Rather, it would be used to pay for other operations which would free up County money for Kirk Avenue. Mr. Lane was asked if any trees removed would be replaced. Mr. Lane said that if they are in the right of way they might not be replaced, if they are on private property acquired by the County they would be paid for. Mr. Lane was asked about street lights. He said that the County would defer to the City on what type of street lights would be installed but that would be an item for negotiation.

The next questions were about the reduction of on-street parking. Mr. Lane said that in the narrower sections of the right of way it would not be possible to include parking but that much

of the street would be wide enough to include parking as part of the design. Mr. David Erickson said that his house is only 18' from his front property line and he didn't want the street any closer to his house. Mr. Lane noted that the actual driving lanes would be in the same location as they currently exist, only the bike lanes would be closer. Mr. Lane said that the bike lanes provide an element of safety where there is on-street parking and also provide additional room for oversize vehicles such as farm equipment. Ms. Kay Fox asked Mr. Lane what the next step would be in getting the project started. Mr. Lane said Linn County is waiting for the City to say everything is in place to move forward. Mr. Lane explained the construction scheduling, saying that normally a construction date was set first depending on the availability of the work crews, and everything else was scheduled backwards from that. Mr. McDowell said that he planned to meet with Linn County late in the summer and that construction would most likely occur in 2010, possibly 2009.

3. Benefit Concert in Pioneer Park – Mr. Steve Otis. Mr. Steve Otis addressed the Council regarding his plan to hold a benefit concert in Pioneer Park this summer. Mr. Otis said that he graduated from CLHS and now lives in Portland. He would like to put on a concert to benefit the CLHS music department. The proceeds would go to the school, except for a small amount to reimburse the musicians for their travel costs from Portland. Mr. Otis said that he is asking for the use of the stage area for one day for the concert. The style of music proposed is “pop.” It is family-friendly and not objectionable. Mr. Otis said his parents, Kathy and Tim Otis, would be acting as the local coordinators. Mr. Otis said that the Pioneer Park venue would be a major attraction for the artists he is soliciting. Mayor Ware asked about concessions at the event. Mr. Otis said that Central Linn would be handling those if they wish. Mr. Otis said that the Brownsville Women's Study Club is arranging lodging, food and town tours for the visiting musicians. Councilor Shepherd moved that the City approve the proposal and that Mr. McDowell be authorized to negotiate a contract with Mr. Otis. The motion was seconded by Councilor Hoffman and was approved unanimously.

CITIZEN COMMENTS: None.

DEPARTMENTAL REPORTS:

1. Administrator Report. Mr. McDowell submitted a written report to the Council. Mr. McDowell said that Sgt. Dave Lawler was doing well and will be back at work as soon as possible. He said Sgt. Lawler thanked the community for their support. Cleanup Day will be April 5 this year. Mr. McDowell said that the Assembly of God church will be making breakfast at the fire hall for volunteers this year in addition to the lunch normally provided by Sweet Home Sanitation. Mayor Ware encouraged volunteers for this event as turnout has been low the last few years. Mayor Ware asked that residents at least come out and help load up their stuff to be hauled away if possible. Mr. McDowell said that the City website has been overhauled and updated recently in order to better communicate with the public. Mr. McDowell reminded the Council of the changes in the financial disclosure rules requiring that a Statement of Economic Interest must now be filled out every three months.
2. Public Works. Mr. Frink submitted a written report. In addition, Mr. Frink told the Council that he had been ill for the last two weeks but is doing better. Mr. Frink said that he had inspected the contact chamber at the water plant and it was fine. There was another sewer backup on Averill Street which turns out to have been due to some large rocks and pieces of concrete in the line. Mr. Frink said he had no idea of where they had come from, the line had been inspected and was fine, it could have been someone dropping them in through a manhole. Mr. McDowell said that he had been asked about the orange cones in the street, those had been placed there because there had been concern about the line collapsing and causing a sinkhole. Television inspection of the line showed it was in good shape and the cones had been removed. Mr. Frink said that he had been spending a lot of time at the wastewater lagoons as the new pump and control systems are being tested and brought online. A lot of work has been done on

the Pioneer Park bathrooms with new plumbing fixtures, lights and hand driers being installed to update the bathrooms. Mr. Frink said that he is checking on the cost of having a new roof installed on the old jail building. There has been substantial vandalism at the Rec Center with 18 windows being broken out. Councilor Cole asked about the status of the Library landscaping. Mr. Frink said that a representative of Home Depot would be coming the next week to look at the project and they are still planning to donate time and material to assist with the project.

3. Planning. Mr. Sattler provided a written report and updated the Council on current projects around town. Mr. Sattler said that there had been three applications for the vacant Planning Commission position and suggested that the Council could refer them to the Planning Commission to be interviewed so that the Planning Commission could recommend their choice for the position. Mr. Sattler said that the two ordinances on the agenda, Ordinances 714 and 715, are there to implement the decision reached at the last meeting to annex and rezone 4.98 acres off Hume Street. This will be the first reading of the ordinances with the second reading at the March meeting. Mr. Sattler thanked Mayor Ware and Councilor Shepherd for attending the meeting regarding the Gateway project the previous Friday when he had been unable to attend. Finally, Mr. Sattler said that there were continuing to be problems between neighbors at the east end of Coshow Avenue. Mr. Sattler said that he and Mr. McDowell had spent quite a bit of time trying to resolve the situation but it appeared that the residents involved may be applying to have the end of the dead end street vacated so that it could be divided and fenced between their properties.
4. Library Report. Mr. Smith provided a written report for the Council.
5. Sheriff's Report. The Sheriff's Department provided a written report for the Council.
6. Council Report. Councilor Cole said that the Council should send a letter commending Sgt. Lawler for his actions protecting the community in a difficult situation. Mayor Ware asked Mr. McDowell to write a letter for him to sign.

LEGISLATIVE ACTION:

1. Ordinance 713 – Park Ordinance. Mr. McDowell requested that this ordinance be considered on an emergency basis so that it could be included in this year's addendums to the Municipal Code which are due this month. Councilor Cole moved that Ordinance 713 be considered with the addition of an emergency clause. The motion was seconded by Councilor Pinnock and was approved unanimously. Councilor Cole then moved that Ordinance 713 be read by title only. The motion was seconded by Councilor Pinnock and was approved unanimously. Mayor Ware read the title of Ordinance 713. Councilor Hoffman then moved that Ordinance 713 be approved. The motion was seconded by Councilor Cole and was approved unanimously.
2. Ordinance 714 – Glaser Annexation. Councilor Hoffman moved that Ordinance 714 be read by title only. Councilor Cole seconded the motion and it was approved unanimously. Mayor Ware read the title of Ordinance 714 and set the second reading for the March meeting.
3. Ordinance 715 – Glaser Zoning. Councilor Cole moved that Ordinance 715 be read by title only. The motion was seconded by Councilor Hoffman and was approved unanimously. Mayor Ware read the title of Ordinance 715 and set the second reading for the March meeting.
4. Resolution No. 597 – Setting Court Fees. Councilor Cole moved that Resolution 597 be approved. The motion was seconded by Councilor Shepherd and was approved unanimously with the correction of one typographical error.

ACTION ITEMS:

1. Appointments to Open Positions on Budget Committee and Planning Commission. Mr. McDowell said that three applications had been received for the open Planning Commission position and recommended that the Council ask the Planning Commission to review the applications and make a recommendation to the Council as suggested by Mr. Sattler. Councilor Cole made a motion to that effect which was seconded by Councilor Pinnock and was approved unanimously. Mr. McDowell said that there are three open positions on the Budget Committee and he had only received one application, from Mrs. Kaye Fox. Councilor Shepherd moved that Mrs. Fox be appointed to the Budget Committee. The motion was seconded by Councilor Cole and was approved unanimously.
2. Central Linn School District / Community Gardens. Mr. McDowell said that he had been meeting with Superintendent Curtis from the CLSD and that the District's main concern about the proposed agreement was with regard to termination of the agreement and restoration of the property to its original condition should the agreement be terminated. Mr. McDowell said that he had drafted a proposed termination clause for the contract and suggested that the City pay a small sum of money for restoration rather than agreeing to do the work. Mr. McDowell said that the draft agreement proposed an amount "not to exceed \$1500." Mr. McDowell said that once the area is converted to gardens he thought it would be highly unlikely the school would want to turn it back into grass. Councilor Shepherd questioned the role of the City in compensating the School and stated that the Brownsville Coop should be responsible for any costs associated with terminating the agreement. Councilor Cole said that she thought a 50/50 split between the City and the Coop would be reasonable. Councilor Hoffman said that if the Coop turned the property into a garden they could do the labor of converting it back, perhaps the City could pay for grass seed. Mr. McDowell said the idea sounded fair but said that a cash payment is less complicated. Councilor Cole moved that the Council approve the Memorandum of Understanding subject to Mr. McDowell and Mayor Ware negotiating a termination clause with the provision that the City would make some contribution but that the Coop provides the labor. The motion was seconded by Councilor Hoffman and was approved unanimously.
3. Meals on Wheels Funding Request. Mr. McDowell said that Meals on Wheels was requesting a \$600 contribution towards funding the program in Brownsville. Councilor Cole moved that the donation be approved. Mr. McDowell said that the item was not budgeted at this time and recommended that the matter go to the Budget Committee for their consideration to be added to the next fiscal year's budget. Councilor Cole agreed and withdrew her motion.

DISCUSSION ITEMS:

1. Transient Room Tax. Sharon McCoy introduced herself as President of the Chamber of Commerce and Ms. Elizabeth Groves introduced herself as Marketing Director for the Chamber. Ms. Groves addressed the Council regarding the efforts of the Chamber to promote the City and ways the Transient Room Tax funds would be used. Ms. Groves identified one key project as being a reader board which could be used to promote upcoming events. The location for the sign is not yet determined. Ms. Groves said that the anticipated cost of the sign and the associated landscaping would probably be in excess of the funds. Mayor Ware asked the Council if they wished to transfer the Transient Room Tax funds to the Chamber for the use of promoting the City, and if so, what kind of arrangement they wanted to make with the Chamber. One possibility, suggested by Mayor Ware, would be to transfer the balance of the funds at the start of the year and ask for a report at the end of the year describing how the funds had been used. Councilor Cole moved that the Transient Room Tax funds be dedicated to the Chamber of Commerce for the purpose of promoting the City and that they provide an annual report to the Council on the use of the funds. The motion was seconded by Councilor Hoffman and the motion was approved unanimously.
2. City Hall Building Use Process. Mr. McDowell said that he wanted to discuss the process the Council would use to determine how to use the space being vacated by the Fire District, not to

discuss the actual uses at this time. The new fire hall should be done about the end of the year. Councilor Cole said that she would like to see a committee formed consisting of all the possible users of the new space, such as the Senior Center, the Brownsville Art Association and other civic groups and that the committee could make recommendations about the use of the space. Mayor Ware said that he supported community involvement in the process. Councilor Shepherd said that any group that wants to use the space should be prepared to participate in the cost of utilities. Councilor Shepherd and Pinnock said that there could be an issue regarding code compliance due to the change of use. Mr. McDowell said that he would look into the requirements regarding the change of use. Councilor Shepherd said that the space would need sprinklers and would need to be ADA compliant. Mr. McDowell said that he would report back to the Council on those issues.

3. Nuisance Abatement. Mr. McDowell said he has been discussing this issue with Council and staff and wanted to recommend a list of four priorities to be addressed, consisting of trash, trees, tires and vehicles. Mr. McDowell said that he had arranged with Sweet Home Sanitation to have a pickup site for old tires on Cleanup Day this year at minimal cost. Mr. McDowell said that he recommended placing an article in the next newsletter informing residents of the Council's intent to focus on these issues and put notices on the City website. In addition, he suggested that a committee be formed consisting of himself, Karl Frink, Bill Sattler, Mayor Ware, Councilor Shepherd and Councilor Pinnock. This committee could review each case to determine if a nuisance did exist prior to the City becoming involved. The first step would be to contact the owner and request compliance which has been successful in most cases in the past. Legal enforcement actions would only be used as a last resort. The consensus of the Council was in agreement with Mr. McDowell's suggestions. A meeting of the committee was scheduled for March 14 at 8:30 a.m. at City Hall.
4. House Numbering Ordinance. Mr. McDowell told the Council that Public Works had recently noticed a large number of buildings in town do not have house numbers posted. The City has an ordinance requiring that house numbers be visible from the street so that emergency vehicles can locate their destination. Mr. McDowell told the Council that he would be putting out some information in the Newsletter to remind people to post the numbers.
5. Application of Resolution 593. Mr. McDowell asked the Council how they wanted to implement the policies of Resolution 593 regarding economic and community development. Councilor Cole suggested that the matter be brought back to the Council when there is more time to discuss it as the hour was getting late. The Council agreed by consensus.
6. Arbor Day Celebration. Mr. McDowell said that the Arbor Day celebration had been moved to October 4th of this year instead of April.

COUNCIL COMMENTS: None.

HANDOUTS:

1. Westech Monthly Report.
2. January Financials.

EXECUTIVE SESSION: The Council adjourned to an executive session pursuant to ORS 192.660 (a) and (e) at 9:10 p.m.

ADJOURNMENT: The Council returned from Executive Session and the meeting was adjourned at 9:55 p.m. with no further action being taken.



City Administrator S. Scott McDowell



Mayor Don Ware