

BROWNSVILLE CITY COUNCIL  
MEETING MINUTES

April 28<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: Mr. McDowell added an Executive Session at the end of the agenda and a discussion item.

MINUTES: The Council reviewed the minutes of the March 24<sup>th</sup>, 2009, City Council meeting. Councilor Cole moved that the minutes be approved with one correction. The motion was seconded by Councilor Van Sandt and was approved unanimously.

PUBLIC HEARINGS / PRESENTATIONS:

1. Sherri Lemhouse – Report on Conference. Librarian Sherri Lemhouse reported to the Council on a conference she had recently attended in Salem. She said that she had obtained a grant to pay some of her expenses and that it had been an excellent opportunity to meet other people from around the state that she interacted with in her role as Librarian. She said that she had picked up a lot of good ideas for things to do with the Brownsville Library. Ms. Lemhouse told the Council that she is painting the magazine room and the Library sign is being fixed so that it can be reinstalled.
2. Linda McCormick – Stand By Me Museum. Ms. McCormick introduced Ms. Kathryn Wilson who had been the location casting director for the movie “Stand by Me.” Ms. McCormick said that she is looking for space for a Stand by Me museum and was thinking that the old fire truck bays could be converted to that use. Ms. Wilson said that she has a number of artifacts from the movie that she would be willing to contribute to get the museum started. Ms. Wilson said that the donation could possibly be used as matching funds for a grant application to help with the startup costs. Mayor Ware suggested that Ms. McCormick and Ms. Wilson take the idea to Mr. McDowell and the Chamber of Commerce to get more input and if the idea was promising to come back to Council with it.
3. Sweet Home Sanitation – Rate Request. Mr. Scott Johnson of Sweet Home Sanitation said that they had not requested a rate increase since 2006 and needed an adjustment to make up for some of their increased costs. He said that the selling price of their recyclables had dropped by 75 percent in the last year which had reduced the income from the recycling end of their business. Mr. Johnson said that he would like the City to adopt an ordinance requiring multi-family residential units of five or more units to have a recycling center. Councilor Cole asked what increase they were seeking. Mr. Johnson said that they are requesting a four percent increase to be effective June 1<sup>st</sup>. Councilor Van Sandt said that a 3.5 per cent increase after three years seemed like a very reasonable request. Councilor Cole asked if it could wait and be considered at next week’s special meeting. The Council agreed by consensus to table the matter and take it up at the May 5 meeting.

CITIZEN COMMENTS:

Mr. Brenton Hawkins asked the Council for permission to use the grandstand in Pioneer Park for a concert to benefit St. Jude’s Hospital. He would like to have the concert on May 23<sup>rd</sup> from 2 to 5 p.m. The music would be mainly local country and Christian music. Councilor Cole asked if there would be security. Mr. Hawkins said that Eagle Security will donate their time. He said that they plan to solicit donations from the persons attending the concert. Mr. McDowell said that it is a similar situation to Mr. Steve Otis’ concert last year and they sold tickets to the seats for that event. Mr. McDowell asked the Council to waive the rental fee for

the event as it is a charitable event. Councilor Cole moved that the fee be waived and to authorize Mr. McDowell and Mayor Ware to work out the details of the event and execute any needed agreements. The motion was seconded by Councilor Shepherd and was approved unanimously.

#### DEPARTMENTAL REPORTS:

1. Sheriff's Report. Sgt. Lawler was present. Sgt. Lawler said that there had been some minor thefts and criminal mischief but that there were suspects being investigated. He said that a drunk driver had run into the bridge and caused some damage. Otherwise things had been pretty quiet. Councilor Cole asked what could be done about the thefts. Sgt. Lawler recommended not leaving any tempting targets and to keep an eye out for suspicious behavior. He said that the most important thing is to be willing to testify if needed. Sgt. Lawler said that as of June 1<sup>st</sup> he will be transferring to the Albany office and he will be replaced but his replacement has not been selected yet.
2. Planning. Mr. Sattler told the Council that Linn County's decision to waive building permit fees had been very successful in creating interest in starting new projects and that several building permits for new homes, major additions and commercial space had been submitted to take advantage of the program.
3. Public Works. Mr. Frink said that there will be a preconstruction conference next week for the final phase of the sewer project which will consist of replacing main lines along Seven Mile Lane. Mr. Frink said that Norm's Electric had upgraded the lighting at the Rec Center and Mr. Andrew Wenger had loaned his scaffolding to assist with the project. Mr. Frink said that Public Works will be working on Remington Park on North Avenue this summer. Mr. McDowell said that the downtown restrooms are looking great. Mr. Frink said that the outside work isn't done yet but he hoped to finish it up in early July.
4. Administrator Report. Mr. McDowell told the Council that the sewer project will start up again on May 4<sup>th</sup> and needs to be completed around June 15<sup>th</sup>. He said that the Albany Democrat Herald had run an article about the erosion problem in Pioneer Park. Mr. McDowell said that a possible positive outcome is that the Corps of Engineers has said that they are willing to work with the City in trying to find a solution. Mr. McDowell explained that it is necessary to obtain permits from the Corps of Engineers, among others, before any work can be done in the river to attempt to stabilize the bank. He said that two representatives from the Corps will be in town on Friday to view the site and discuss possible solutions. Mr. McDowell said that he and staff have been looking for any opportunity for the City to tap into the federal stimulus funds but that they are either already committed or are dedicated to other agencies and larger cities. Mr. McDowell reported that the legislature had been successful in trying to fix the problems with the recent ethics law changes and had eliminated the quarterly reporting requirement. He reminded the Council that if they had a concern about the ethics laws they could contact OGEC for advice, and that if they followed the advice they would be safe from prosecution. Mr. McDowell said that Joseph Bailey will be attending the May 5<sup>th</sup> special meeting to serve as a facilitator.
5. Library Report. Ms. Lemhouse submitted a written report.
6. Council Reports. Councilor Cole reminded everyone that the Canal Company would be meeting in the Council chambers on May 4<sup>th</sup> at 7:00 p.m.

#### LEGISLATIVE ACTION:

1. Resolution 627 – Workers Compensation Coverage for Volunteers. Mayor Ware said that this is a resolution required each year by the City's insurer. Councilor Cole moved that Resolution

627 be approved. The motion was seconded by Councilor Gerber and was approved unanimously.

2. Ordinance 719– Defining the Parks and Open Spaces Advisory Board Responsibilities (First Reading). Councilor Cole moved that Ordinance 719 be read by title only. The motion was seconded by Councilor Van Sandt and was approved unanimously. Mayor Ware read the title of Ordinance 719. Mr. McDowell said that he would be making a change to Section H of the draft to spell out the Park Board Strategic Plan. Councilor Cole asked if the ordinance would give the Board authority. Mr. McDowell said that the Board’s function is to advise the Council and that the Council has the authority. Mr. McDowell said that he will make the changes and bring the ordinance back for a second reading at the May Council meeting.

#### ACTION ITEMS:

1. Municipal Court – Department of Revenue Registry Process. Mr. McDowell said he had spoken with Mr. Ismail of the Department of Revenue who had told him that the process is not difficult and would not involve any substantial additional work for staff. The process would allow the Court to garnish wages and lien property for outstanding fine amounts greater than \$3,000. Mayor Ware asked why this was being pursued. Mr. McDowell said that it was at the request of Judge Lemhouse and would add another tool to the Court’s ability to collect outstanding fines. Councilor Gerber moved that Mr. McDowell and Mayor Ware be give authority to execute any agreements necessary to implement the process. The motion was seconded by Councilor Van Sandt and was approved unanimously.
2. Planning Commission Appointment. Mr. McDowell said that one application had been received in response to the advertisements, from Mr. Rob Wingren. Councilor Cole moved that Mr. Wingren be appointed to the Planning Commission. The motion was seconded by Councilor Van Sandt and was approved unanimously.
3. Ruth Lawhon Proclamation. Mayor Ware said that he was issuing a Mayoral Proclamation thanking Ms. Lawhon for her many years of service on the Planning Commission.
4. Linn County Sheriff’s Office Agreement. Mr. McDowell said that the requested amount for the coming year was \$107,469, which represented a three percent increase and would pay for 70 percent of two deputies. He said that he had anticipated a request for a seven percent increase. Councilor Cole moved that the agreement be approved and that Mr. McDowell and Mayor Ware be authorized to execute any needed agreements. The motion was seconded by Councilor Chambers and was approved unanimously.

#### DISCUSSION ITEMS:

1. Holloway Heights Dust Control Proposal. Mr. McDowell said that he had obtained a bid of \$1,138 to spread a dust control substance on Holloway Heights this summer. He said the best time to apply it would be around the third to fourth week of June. Mr. Wingren said that he had obtained commitments from nine or ten property owners to contribute towards half the cost with the City to share the other half. He suggested making it a trial project for one year to see how it worked out. Councilor Gerber moved that the City contribute 50 percent of the cost of spreading dust control on Holloway Heights, based on the total cost of \$1,138. The motion was seconded by Councilor Cole and was approved unanimously.
2. Landlord / Tenant Billing Concept. Mr. McDowell said that water and sewer billing for rental properties has been an ongoing issue for many years as the property owners are liable for any unpaid bills left by the tenants when they move out. His concept was to create separate rules for rental properties that would be somewhat stricter than for owner-occupied properties. The intention would be to keep the bills from being able to accumulate such large outstanding

balances and would be accomplished by shortening up the time limits to pay the bills before water is turned off. He said that he thought this would be preferable to increasing the required deposit. Mr. McDowell said that tenants would be given until the end of the month to pay the bill. Some ability to use discretion would be needed but the rules could be made stricter. He said that he will check with other cities to see how they handle this issue. He said that he was looking for approval from the Council to proceed before going further. The consensus of the Council was to proceed researching the matter.

3. City Hall Usage. Mr. McDowell said that the Council had asked him to negotiate with the Senior Center and the American Legion to see how much they would be willing to pay to have scheduling priority over the new community center space. He said that he had done so and it had turned out that they would not be using the space as much as anticipated and were not able to pay any significant amount of money to use the space. Mr. McDowell asked the Council how they wanted to proceed as it had turned out that there is not much opportunity for cost recovery. Councilor Cole said that she thought it would be acceptable to try using the space on a donation basis and see how that worked out. Councilor Shepherd said that a six month trial on that basis would be acceptable. Councilor Gerber agreed and the consensus of the Council was to proceed on that basis. Mr. McDowell said that he would work on the idea of having a small set fee for commercial users of the space and present the information at the next meeting.
4. Downtown Parking & Crosswalk. Mr. McDowell said that he had received complaints about cars being parked next to the downtown crosswalks and which are blocking pedestrians' visibility and creating a hazard. Mr. Sattler said that several years ago the County had not painted parking lines at those spaces intending them not to be parking spaces. Mr. McDowell said that for the deputies to enforce them as no-parking zones the curbs needed to be painted yellow, which had not been done, and he needed the Council to approve him asking Linn County to paint them. Councilor Gerber moved to approve the request. The motion was seconded by Councilor Cole and was approved unanimously.
5. Park Board Items. Already covered.
6. Credit Card Payment Options. Mr. McDowell said that he had found a credit card service that would offer payment services for \$280 and 1.9 percent of the transactions. The Council discussed the idea and decided that there had not been any groundswell of support for the idea so they decided to table it for the present.
7. March Financials. Mayor Ware asked if the new month-end recap is useful. The Council agreed that it was. Councilor Cole noted that expenditures were well below the budgeted amounts. Mr. McDowell said that Mr. Frink had been very frugal in his expenditures.

COUNCIL COMMENTS:

CITIZEN COMMENT:

EXECUTIVE SESSION: Mayor Ware said that the Council would be going into Executive Session pursuant to ORS 192.660(e) to discuss matters pertaining to real property transactions. The Council went into Executive Session at 8:55.

ADJOURNMENT: The Council returned from Executive Session and the meeting was adjourned at 9:15 p.m.



City Administrator S. Scott McDowell



Mayor Don Ware