

BROWNSVILLE CITY COUNCIL
MEETING MINUTES

December 22nd, 2009

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

ADDITIONS AND DELETIONS: Mr. McDowell added a discussion item concerning New Year's Eve and deleted the item about an appointment to the Historic Review Board.

MINUTES: The Council reviewed the minutes from the November 24th, 2009 Council meeting. Councilor Cole found an error in the attendance report as Councilor Gerber had not been present. Councilor Cole moved that the minutes be approved with that correction. The motion was seconded by Councilor Shepherd and was approved unanimously.

PUBLIC HEARINGS / PRESENTATIONS:

1. Elizabeth Groves – Chamber of Commerce. Ms. Groves introduced herself to the Council as the Marketing Director for the Brownsville Chamber of Commerce. She said she wanted to discuss a plan for a new community events sign to be placed at the northwest corner of Park Avenue and Main Street to replace the old sign which has been placed there for years. She said the Chamber has selected a sign maker and a builder and is requesting an additional \$1,200 for the sign. Council had forwarded over \$1,300 from Transient Room Tax funds for this sign. She explained that there would be a sign holder installed and around a dozen different signs that would be mounted in the holder during the year for various events. She said that the Historic Review Board had approved the proposed design. Councilor Shepherd asked if the sign would be on City property. Mr. McDowell said that there is enough room to place the sign on street right of way and to avoid private property although Penny Bridgman, owner's representative, supported the idea and couldn't see any problems with locating the sign there. Councilor Ginn moved that Council approve contributing \$1,200 toward the sign with a \$1,200 match being contributed by the Brownsville Chamber. The motion was seconded by Councilor Gerber. Councilor Van Sandt asked when the sign would be installed. Ms. Groves said they were hoping for the end of February for the Storytelling Festival. The motion was approved 6 to 1 with Councilor Chambers voting no.

CITIZEN COMMENTS: NONE

DEPARTMENTAL REPORTS:

1. Sheriff's Report. Sgt. Brad Kelley said the call volume has been down with the cold weather. He said a couple of cars stolen in Eugene had turned up on Kirk Avenue and said that he thought someone was looking for a ride from Eugene to Brownsville. Councilor Cole said that there had been another incident of vandalism in Library Park in which a bench had been broken and tipped over. She asked if putting up a light in the area would help. Sgt. Kelly said that he thought lighting the area would help cut down on vandalism and that the area is pretty dark.
2. Planning. Mr. Sattler said that he had heard the new flood plain maps were to be approved in February 2010, which would enable the City to adopt the new floodplain management ordinance. Mr. Sattler told the Council of his progress in negotiating a TMDL agreement with DEQ and discussed the ongoing pressure from the State to impose more and more control over cities along with the associated costs. He told the Council that he had initiated an abatement action after complaints of a couple of RVs being occupied on a long term basis in violation of City code.

3. Public Works. Mr. Frink said that Public Works would be installing Christmas decorations on November 30th and that the leaves in Pioneer Park are scheduled for pickup during the middle of December. Mr. Frink said that Public Works had cleaned up the Cemetery after Veteran's Day and had completed some improvements to the new Community Room. Councilor Cole asked if the animal waste bags were only in Pioneer Park. Mr. Frink said that they are only there but it might be a good idea to expand the program to the other park areas, particularly Library Park. There was discussion regarding the cost of expanding the program. Councilor Van Sandt moved that the bags be installed at Library Park. The motion was seconded by Councilor Shepherd and was approved unanimously.
4. Administrator Report. Mr. McDowell said that he was contacted by the City's auditors and informed that the audit report won't be finished until the end of January or February. He did say that the City won't be charged for the extension this year. Councilor Van Sandt asked if there were checklists made up for each of the spaces the City rents out. Mr. McDowell said that those have been in place for about a month. He said that he had sent a letter to all of the organizations using the spaces because there had been several occasions when he had found the back door unlocked and/or lights left on. Councilor Shepherd asked about the Community Garden's use of water beyond what was agreed on with them. Mr. McDowell said that they were going to be billed for the overage. Councilor Shepherd said that he was concerned that they were billed at the "bulk rate" and since the seniors in town weren't getting a break he didn't think it was fair that the Community Garden get a break on their water. Mr. McDowell said that he would cover the issue later in the meeting as it was on the agenda.
5. Library Report. Ms. Lemhouse submitted a written report. Councilor Van Sandt reported that the Library made \$444.70 from the December book sale.
6. Court Report. Kathy Nida provided a summary of court activity.
7. Council Reports. None.
8. Citizen Comment. Ms. Kaye Fox said that she was concerned that the flags in Library Park fly all of the time and are not lighted at night. Councilor Cole suggested talking to the new American Legion post in town as it sounded like a good project for them.

LEGISLATIVE ACTION:

1. Ordinance 718 Amending Brownsville Municipal Code Section 8.2.040 (Weed Ordinance) First Reading. Councilor Cole moved that the ordinance be read by title only. The motion was seconded by Councilor Gerber and approved unanimously. Mayor Ware read the title of Ordinance 718. Councilor Cole moved that Ordinance 718 be approved. The motion was seconded by Councilor Ginn and was approved unanimously.

ACTION ITEMS:

1. Advertise for Historic Review Board and Planning Commission Vacancy. Mr. McDowell said that it turns out that there is not an opening on the Historic Review Board due to a late notice on a re-appointment but there is a vacancy on the Planning Commission due to Ben Swartzendruber moving out of town. Councilor Ginn moved to authorize Mr. McDowell to advertise the vacancy. The motion was seconded by Councilor Van Sandt and was approved five to zero with Mayor Ware and Councilor Cole abstaining do to conflicts of interest.
2. Lane Council of Governments Wetland Study (LCOG). Mr. McDowell told Council that about nine months ago he had been approached by LCOG and asked to write a letter of support for a grant they were seeking to fund a regional wetland studies. He said that recently they had contacted the City seeking a \$5,000 contribution to matching funds for the project after they had received the

grant. He said that there had been no commitment to contribute any money to the project and he was concerned about the “new expectation” since LCOG had received a Federal grant to perform the study. Mr. Sattler said that they now proposed to hire a consultant to identify any possible wetland areas in each town and to provide maps of those areas to DLCDC so that development could be restricted in those identified areas. Mr. Sattler also indicated that LCOG is interested in wide-scale ordinance revisions which would further impose restrictions for development. Historically, the City has required Wetlands determinations and studies as the financial responsibility of the private developer. Mr. Sattler said that he didn’t believe this would be in the City’s best interest. Mr. McDowell said that no further action was needed by the Council, he had wanted to update them on what was going on. The Council agreed by consensus not to participate in the project.

3. New Year’s Eve Office Schedule. Mr. McDowell said that New Year’s Eve is always very quiet at City hall and recommended closing at noon. He said that staff had all agreed to use their leave time for the afternoon. Councilor Gerber moved to approve the suggestion. The motion was seconded by Councilor Cole and approved unanimously.

DISCUSSION ITEMS:

1. Rec Center Agreement. Mr. McDowell said that he had spoken with Mr. Mark Running from the Rec Board and he thought the only item that needed to be discussed was a provision allowing the City the right of review and approval in the event of the Rec Board subletting the building. Mr. McDowell said the Rec Board has been working well with the City and he thought the relationship has improved over the last few years since the last contract renegotiation. He said that Mr. Running will take the draft of the agreement to the Rec Board and see if they have anything they want to address. Councilor Cole asked who is responsible for maintenance such as a new roof. Mr. McDowell said that the City is responsible for major maintenance such as the roof. Councilor Ginn asked if there was a need to limit the sublets to “recreational purposes” only. Mr. McDowell said that the Rec Center is used for a wide variety of community purposes, not just recreation, and he didn’t think it should be limited; McDowell briefly described the previous tenant which was a local church. Councilor Shepherd said that it’s good for the community to have the space available for a variety of purposes and mentioned memorial services which have been held at the Rec Center. Mr. McDowell said that the Rec Center now has a page on the City website complete with the Rec Center schedule.
2. Community Development & Studies. Mr. McDowell indicated that he had met with Councilor Cole to review the information from the November 5th, 2010 Special Session and Councilor Cole suggested starting with a complete review of the various studies that had been completed in recent years and to see what has been implemented and what other priorities could be added. McDowell suggested a special session for Council to thoroughly review and discuss these items.
3. Calapooia Food Alliance – Community Gardens. Mr. McDowell said that the City has agreements with the Community Gardens and the Croquet court and that the Council had passed Resolution 593 and Resolution 596 supporting community groups. He said that the first version of the agreements didn’t have any limits on the amount of water used which caused concerns in the past. The latest contracts included a limit and provided that any amounts over the allocation be billed at the bulk water rate. Mr. McDowell said that the Community Gardens had used 8,000 cubic feet over the allowance and were going to be billed for that amount. He said they would be billed the bulk water rate because that’s what the agreement requires. Mr. Sattler said that his recollection was that the bulk water rate meant what the City charged individuals who wanted to buy a limited quantity of water, such as to fill a truck, and that that rate is higher than what homeowners pay on their accounts. Councilor Shepherd said that he had been concerned that they were getting discounted water and so long as they were not there was not an issue.
4. November Financials and Capital Improvements. Councilor Ginn asked if there had been any slowdown in tax collections this year. Mr. McDowell said that Linn County hadn’t reported much

difference this year and had collected 83.51 percent of their total billings by the end of November. Mr. McDowell reviewed all of the figures on the month end Financial Report for Council. Mr. McDowell indicated that several Councilors had discussed reviewing Capital Improvements for 2009-2010 due to the state of the economy. Mr. McDowell said that Councilors were interested in determining if any of the capital improvement projects planned should be postponed. Councilor Gerber asked what had changed for the City in particular. Mr. McDowell said that that actually there hadn't been any changes for the City, but the public perception due to the state of the economic situation might be the issue Council wanted to discuss and consider. He mentioned that on the other hand the longer projects are put off the more they cost in the future. Mayor Ware said that it's wonderful to actually have a completed capital improvements plan for the first time. Mr. McDowell recommended having a special meeting in January to discuss the community development studies and review the capital improvements plan. A date of January 12th, 2010, was agreed on for the special meeting.

COUNCIL COMMENTS: NONE

CITIZEN COMMENT: Mr. Allen Buzzard of 220 North Avenue said his taxes had gone up 14.6 percent this year. He asked if the City couldn't break down projects into smaller pieces and suggested requesting waivers or delays from State and Federal agencies so the City didn't have to spend so much money. Mr. McDowell responded that the mandates on the City have been very sweeping and that DEQ is very aggressive in enforcing their mandates. The Wastewater Project just completed by the City was nearly ten years in the making. He said that it seems the State and Federal levels are not concerned with the financial impact to the City or residents, only in compliance with the rules and regulations. He reported that the City of Portland is facing a \$1.9 billion expenditure to comply with the new LT2 water rules going into effect. Brownsville could be faced with a \$1.5-3.0 million expenditure based on the same rule.

ADJOURNMENT: The Council meeting was adjourned at 8:25 p.m. and went into Executive Session pursuant to ORS 192.660 (e) and (i). The Council returned from Executive Session and adjourned the meeting at 8:57 with no further action being taken.



City Administrator S. Scott McDowell



Mayor Don Ware