

BROWNSVILLE CITY COUNCIL
MEETING MINUTES

March 23rd, 2010

ROLL CALL: Mayor Ware called the meeting to order at 7:00 p.m. with Councilors Chambers, Gerber, 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 an appointment to the Budget Committee and Councilor Shepherd added a discussion regarding Cleanup Day.

PUBLIC HEARINGS OR PRESENTATIONS:

1. Spay, Inc. – Julie Shoemaker. Ms. Shoemaker told the Council that she operates a nonprofit cat rescue center in Brownsville called Spay, Inc. She said the main focus of the operation is spaying cats to prevent unwanted kittens. Ms. Shoemaker said that last year they spent \$49,000 on this project and need funding to continue operating. She said that she would like the Council to donate \$2,000 to Spay, Inc., and provide free water and sewer to their building. She told the Council that she was not asking for an immediate decision and would let the Council consider the request before making a decision.
2. Brownsville Road – Karl Jones. Mr. Jones said that he had moved to Brownsville three years ago and he is concerned about the speed of vehicles entering town on Brownsville Road. He said that some drivers don't slow down in the 35 mile per hour zone. He said that he would like to see something done such as lowering the speed limit or extending the 35 mile per hour zone further out of town. Mr. McDowell noted that Brownsville Road is a Linn County road and any action would have to be taken by Linn County. Mr. McDowell explained the system used in Oregon to determine speed limits which includes the Oregon Department of Transportation monitoring the speeds of vehicles and basing the speed limit on how fast people actually drive the road. Mr. McDowell said that the speed limit had been lowered to 35 miles per hour just a few years ago and said that if people are ignoring the signs now there's no reason to believe they wouldn't ignore any new signs. He said that Linn County would not install speed bumps on a major road but there is the possibility of using rumble strips such as are installed on Rock Hill Road where it intersects with Brownsville Road. Mr. McDowell said that he will speak with the County Road Department and see what they think of the idea. The issue of getting a speed reader board to display the speeds of vehicles was raised. Sgt. Kelly said that they didn't do much as people who speed know that all they do is show your speed, they don't write tickets so they are ignored. Councilor Van Sandt made a motion directing Mr. McDowell to write to the Linn County Road Department to investigate the possible actions that could be taken. The motion was seconded by Councilor Cole and was approved unanimously.
3. Pioneer Picnic Beer Garden. Mayor Ware said that there were quite a few people in the audience who would like to speak so he asked everyone to keep their comments to three minutes or less. Mr. Charles Williams was the first person to speak. He said that everyone says they're concerned about the children in town so they shouldn't allow the consumption of alcohol in Pioneer Park as intoxicated people may be driving out of the park. Mr. Mike Nida said that he has been in town since 1989 and there used to be a lot of problems associated with Pioneer Picnic which have ceased since the beer garden was closed. Mr. Nida said that he didn't doubt Ms. Wade would do an excellent job of managing the beer garden, the problem is the people driving out of the park. Mr. John Mulder told the Council that he is in favor of the beer garden and he would like to see the ordinance changed to allow the Council to issue permits on a case by case basis. He said that there might be other events where it would be appropriate. Mr. Kevin Rogers said that he believes the current ordinance is working fine and doesn't see any need to change the law to accommodate one person. Mr. Jay Marsh said that he

remembers Picnic from when he was younger and he said it used to be a lot more fun. He would like to see the beer garden come back and would like to see more of the old events return such as the tug of war. Mr. Josh Kometz said he wasn't here for the prior beer garden but thinks that the current ordinance is working fine and doesn't see any need to change it. Ms. Tori Jager said that she is involved with the Pioneer Picnic Association and the event is dead in the evenings. She said that something needs to be done to attract people in the evenings. She said that no one is attending the dance and thinks that the beer garden would attract more people. Ms. Mary Lehto said that when she was young her family went to Pioneer Picnic and her dad would go to the beer garden. She said something needs to be done to attract people to Pioneer Picnic. Ms. Marilyn Grimes said that she has been working on this idea for two years. She said that there's already people drinking in Pioneer Park so why not have it in a controlled environment within the beer garden. She said that it doesn't have to be permanent, if there's a problem then quit doing it. Mayor Ware said that he had received a letter from Margaret Weger which said that she's 91 years old and has been going to Pioneer Picnic all her life. She said that she is in support of having the beer garden again. Mr. Randy Clausen said that he left town for a while and when he returned he was surprised at how dead Pioneer Picnic had become. Mr. Clausen said that drinking in the park should be allowed. Mr. Andrew Wenger said that everyone seems to be looking to alcohol to solve the problems of Pioneer Picnic and asked if they thought that was the best course of action. Mrs. Fran Weppler said that she thought the beer garden had originally ceased operations due to problems with obtaining affordable insurance. She said that she didn't remember any particular problems associated with the event. Councilor Shepherd said that it was his recollection that the Picnic put on a band and the Chamber of Commerce operated the beer garden. Councilor Cole said that she thought that the matter had been approved at the last meeting. Mr. McDowell said that at the last meeting the Council had voted to direct him to prepare a draft ordinance which would create a mechanism to allow the Council to issue a permit for a beer garden. The ordinance was prepared and the Council could vote to approve it or not. He said that this would be the first reading. The second reading would be at the May meeting and it would go into effect thirty days later. Councilor Cole moved to approve the draft ordinance as written. Councilor Cole then moved to read the ordinance by title only. The motion was seconded and was approved unanimously. Mayor Ware read the title of Ordinance 723. Councilor Chambers said that she would like to pass Ordinance 723 with an emergency clause so it would go into effect immediately so as to give more time to prepare for the event and made a motion to that effect. The motion was seconded by Councilor Shepherd and was approved unanimously.

4. Brownsville Art Association. Mrs. Alice Tetamore said she was representing the Brownsville Art Association and was present to discuss the operating agreement with the City. She said that she had provided a draft of the revised agreement for the Councilors to review. She said that Santiam Spokes had been added to the list of organizations as they had expressed an interest in using the space. Mrs. Tetamore said that she had made a list of the improvements needed to make the space useable. She said the main item was to have heat before next winter and that they would be seeking grants and doing fundraising to fund improvements. Mrs. Tetamore said that one change the Art Association had requested in the agreement was to change the required notice of termination from thirty days to ninety days. Councilor Cole asked what improvements the City should do. Mr. McDowell said that he thought the City's responsibility should be providing heat for the space and exterior improvements. He said that is the same policy as is already in place with the Rec Center and the Pioneer Picnic Art Gallery and the City should be consistent. Councilor Shepherd said that City Hall would be painted this summer and any exterior changes should be completed before that happens. Councilor Cole moved to approve the revised Memorandum of Understanding. Councilor Van Sandt seconded the motion Mr. McDowell said that there were still changes that needed to be made to the agreement before it was finalized. Mayor Ware suggested that the motion be changed to approving moving forward with the agreement and having Mr. McDowell prepare a draft for approval at the next Council meeting. Councilor Cole agreed and the motion was approved unanimously.

5. Weapons Ordinance. Mayor Ware said that he thought the Council had three options. The options would include doing nothing and leaving the ordinance as it is, adopting the language of the Albany ordinance or writing a new ordinance. Mr. Charles Williams said that he would like to see safe archery practice allowed in Brownsville. Mr. Williams said that he had done some research and had not been able to find any record of someone being hurt from a neighbor's archery practice. Mr. Craig Starr said that he is president of Wapiti Bowmen and he appreciated the efforts of Mr. McDowell to research the issue and provide options. Mr. Starr said that he was a bit concerned about some of the language in the possible new ordinance regarding toys because it is hard to define what is or is not a toy. Mr. Starr said that bow hunting requires a great deal of practice to become and remain proficient so as to avoid wounding animals and that being able to practice at home would be a great benefit. Mayor Ware said that he would like to discuss the options and see how the Councilors felt. Councilor Chambers said that she doesn't like the current ordinance and would like to see it changed to allow safe archery practice. She said her preference would be to adopt the Albany language. Councilor Shepherd said that he strongly felt it should be left as it is and is opposed to changing the ordinance. He said that he had found many examples of people being injured and killed by people practicing archery. Councilor Van Sandt said that she likes the language of the Albany ordinance but would like to do more research. Councilor Cole said that she would prefer to leave it as it is. Mayor Ware said that he was in favor of adopting the Albany language. Councilor Shepherd asked Sgt. Kelly his opinion. Sgt. Kelly said that the job of the Sheriff's Office is to enforce whatever law the Council adopts. He said they don't have a problem with the current ordinance but if the Councilor adopted the Albany ordinance people who were being unsafe could still be cited. The Council decided to put the matter on the agenda at the May meeting.

DEPARTMENT REPORTS:

1. Sheriff's Report. Sgt. Brad Kelly said that the deputies have been spending a little more time running traffic enforcement in the area. He said that he had spoken with Mr. Jones regarding his concern about speed on Brownsville Road but said that he had found that signs had very little effect on peoples' behavior. Councilor Cole asked if anything was effective. Sgt. Kelly said that he hadn't seen anything, even if they ran heavy enforcement in an area drivers slowed until they quit then started speeding again. Sgt. Kelly said that there had been some scuffles at the Brownsville Saloon but said that it was related to Ms. Wade refusing to serve intoxicated persons.
2. Planning. Mr. Sattler said that he had met with the new owners of the Depot Avenue project and they are interested in what options they have to complete the project. He said that they are interested in reducing the number of lots so they can increase the size of the lots which they believe will make them more attractive. Mr. Sattler said that the grant request for technical assistance funds from Department of Land Conservation Department (DLCD) had not been funded so he will be exploring options to complete the Economic Opportunity Analysis for the possible Urban Growth Boundary (UGB) expansion without having to hire a consultant. Mr. Sattler said that the City newsletter had been sent out the previous week and that it was twice the size of previous editions thanks to many groups contributing articles.
3. Public Works. Mr. Frink said that he had been spending a lot of time completing numerous reports required by various agencies related to the water and wastewater operations. He said that Pioneer Park will open on April 1 as usual. Mr. Frink said that the roof on the Picture Gallery has been fixed and that Public Works has hired a new worker, Mr. Leon Vineyard.
4. City Administrator. Mr. McDowell said that he has been working with Linn County on the Gateway Project to finish up final design details and to determine what work the City would need to complete before the project begins. He said that Chuck Knoll, the Road Department

engineer, believe that there is a chance the project could start this summer. Mr. McDowell said that it appears that an older waterline running under Hwy. 228 along Washburn Street should be replaced prior to the project. It looks like the distance will be about 275 feet of line to be replaced. Mr. McDowell said that the engineer's estimate for the work is around \$94,000 and he is investigating to see if any of the cost could count as part of the City's match for the project. Mr. McDowell said that Chuck Knoll is working hard to get ODOT to repave the area after the construction project and it would be bad luck and poor practice to have to cut up the new pavement to repair the old waterline. Mr. McDowell said that there will be a public hearing sponsored by Linn County about the work on May 4 at City Hall. Councilor Cole asked if the project would include the Brownsville sign. Mr. McDowell said that it would be up to the City to do the sign. Councilor Cole said that she wanted to reopen the discussion about what kind of sign to install. Mayor Ware said that a design had been done and he didn't want to start over again. Councilor Van Sandt made a motion to adopt the design already completed. The motion was seconded by Councilor Chambers and approved 3 to 2 with Councilors Shepherd and Cole voting no.

5. Library Report. Ms. Lemhouse provided a written report. Mayor Ware reported that the Library had received an award for their summer reading program.
6. Court Report. Ms. Nida provided a written report.
7. Council Comments. Mayor Ware reported that he would be attending the Rec Board meeting the next Monday to present the revised operating agreement to them.
8. Citizen Comment. None.

LEGISLATIVE:

1. Ordinance 722 – (Second Reading) Amending Title 15 Uniform Development Code (Nuisance Abatement). Councilor Cole moved that Ordinance 722 be read by title only. The motion was seconded by Councilor Chambers and was approved unanimously. Mayor Ware read the title of Ordinance 722. Mr. McDowell told the Council this Ordinance is designed to give the City more flexibility when dealing with a situation involving the occupancy of an RV in violation of City Code. It would allow the City to abate the situation as a nuisance or deal with it as currently set out in the Code, which takes much longer. Councilor Cole moved to approve Ordinance 722. The motion was seconded by Councilor Van Sandt and was approved unanimously.
2. Resolution 638 – Adopting Parks Master Plan Update 2010. Councilor Cole moved to approve Resolution 638. The motion was seconded by Councilor Shepherd and it was approved unanimously.
3. Resolution 639 – Approving Public Works Equipment Purchase. Mr. McDowell said that Mr. Frink has wanted a utility box for one of the trucks for several years and the money has been budgeted. Mr. McDowell said that the cost of the utility box was in the area of \$5,000 and an opportunity had come up to purchase a nice newer truck with a utility box for the same price as the box alone. Mr. McDowell said that he had independent purchasing authority for up to \$5,000 and the price of the truck was \$5,000 but some extras has slightly increased the price so he was asking Council to ratify his actions. Councilor Van Sandt moved to approve the purchase. The motion was seconded by Councilor Cole and was approved unanimously.
4. Resolution 640 – Ford Foundation Grant Award. Councilor Cole moved to approve Resolution 640. The motion was seconded by Councilor Van Sandt and was approved unanimously.

5. Resolution 641 – Authorize Oregon Parks & Recreation Grant Application. Councilor Cole moved to approve Resolution 641. The motion was seconded by Councilor Chambers and was approved unanimously.
6. Resolution 642 – Authorizing Sewer Administration Transfers. Mr. McDowell said that a refund needed to be made and this Resolution would move budgeted funds for this purpose. Councilor Cole moved to approve Resolution 642. The motion was seconded by Councilor Van Sandt and was approved unanimously.

ACTION ITEMS:

1. Authorize Advertisement for Budget Related Notices. Mr. McDowell requested authorization for all budget related notices including the Budget Committee notices and State Revenue Sharing notices required by law. Councilor Van Sandt moved to approve as requested. The motion was seconded by Councilor Shepherd and was approved three (3) to zero (0) with Mayor Ware and Councilor Cole abstaining due to a conflict of interest.
2. Process to Fill Open Council Seat. Mr. McDowell said that there were six applicants for the open position. Mayor Ware said that he would prefer to make a decision to fill the seat and asked what process should be used. Councilor Chambers also wanted to fill the position in time for budget season. Councilor Shepherd said the last open position had been filled by going in order of votes received in the last election. Mr. McDowell said that the candidates had been interviewed but that the Council was free to use whatever criteria they deemed appropriate. Councilor Cole said that she didn't think going by votes would be fair as not all the candidates ran in the last election. She would prefer to interview them and make a decision. Mr. Mike Nida, one of the candidates, said that he agreed with Councilor Shepherd and the Council should go by votes. Councilor Shepherd asked if Mr. Boyanovsky had applied. Mr. McDowell said that he had but he was not able to be present. Councilor Shepherd moved to appoint Mr. Boyanovsky to fill the Council seat. The motion was seconded by Councilor Van Sandt and was approved four to one with Councilor Cole voting no.
3. Appointment to Budget Committee. Mr. McDowell said that Ms. Melissa Kometz had applied and recommended appointing her to the Budget Committee. Councilor Cole moved to do so. The motion was seconded by Councilor Shepherd and was approved unanimously.

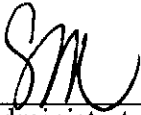
DISCUSSION ITEMS:

1. Brownsville Municipal Code – Discharge of Weapons. Already covered during Public Comment.
2. Holloway Heights – Oiling Letter. Mr. McDowell said that last year the City had split the cost with the adjoining landowners at a cost of \$600 each. He said that this year the City has been requested to bill the landowners directly. He said that a letter will be sent to the landowners to see if they are willing to participate.
3. February Financials. No discussion.
4. Cleanup Day Discussion. Councilor Shepherd said that he knew Jay Marsh would be collecting scrap metal again during the cleanup day time frame and suggested that the Council consider allowing him to store his metal on the property near the City Shop so he wouldn't have to store it in his driveway. Mr. Frink said that he would prefer that it not be there. He said he was concerned about issues such as contamination from oil or chemicals. Councilor Shepherd said that Mr. Marsh would be responsible for any problems. Councilor Van Sandt said that she was concerned about the precedent this proposal would set. Councilor Cole agreed. Councilor Chambers moved to approve Councilor Shepherd's plan to allow Mr. Marsh to use the space for two weeks. The motion was

seconded by Councilor Shepherd. The motion failed on a two to three vote with Councilor Cole, Councilor Van Sandt and Mayor Ware voting no.

Council entered Executive Session at 9:10 p.m. under ORS 192.660 (e) and returned to regular session at 9:15 p.m.

ADJOURNMENT: The meeting was adjourned at 9:15 p.m.



City Administrator S. Scott McDowell



Mayor Don Ware