

BROWNSVILLE CITY COUNCIL
MEETING MINUTES

January 25th, 2011

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

PUBLIC: Alice Tetamore, Ray Bubak, Rick Dominguez, Joshua Kometz, Kaye Fox, Leslie Heckathorne, Jo Ann McQueary and Marilee Frazier.

ADDITIONS AND DELETIONS: Mr. McDowell said that he had handed out a new revised agenda for the Councilors with the changes on it; the agenda was posted in accordance with State law.

OATH OF OFFICE: Judge Lemhouse administered the Oath of Office to Councilors Shepherd, Boyanovsky and Cole.

MINUTES: The Council reviewed the minutes of the December 28th, 2010, meeting. Councilor Shepherd asked to have added to the item regarding the discussion with Mr. Compton that he had suggested that Mr. Carsow install a low water crossing in the ditch being discussed. Ms. Fox wanted her comment regarding high water to say that her house floods every winter. Councilor Gerber moved to approve the minutes with those corrections. The motion was seconded by Councilor Boyanovsky and was approved unanimously.

PUBLIC HEARINGS OR PRESENTATIONS:

1. **Marilee Frazier – Senior Center.** Ms. Frazier said that she wanted to provide the Council with an overview of the activities of the Senior Center. She said that they are a non-profit that serves anyone in the community over the age of 50 years. Money is raised through dues and fundraisers. She said that the Senior Center does a lot of educational projects for Senior on subjects such as medications and Medicare. Councilor Shepherd asked how the new space is working out. Ms. Frazier said that it has been good. She said that attendance at the potlucks has been very high and the large space helps. Councilor Van Sandt asked how many members there are. Ms. Frazier said there are 28 members but they have had 75 different people attend their events over the past year. She said that the Senior Center offers scholarships for local students attending LBCC and invited applications. Mr. McDowell said that he has been working on the new agreement with the Senior Center and that there are few changes. He said that the City will no longer provide a telephone as it got little use due to most people having cell phones. Instead, the City will be taking messages for the Senior Center and he is working to set up a voicemail system for them. Mr. McDowell said that the term of the agreement will be one year with an option to renew for an additional year. Mr. McDowell said that he thought it best to keep the term fairly short. Councilor Shepherd asked Ms. Frazier if the Seniors would like a longer term on the agreement. She said not at this time. Councilor Gerber moved to approve the new agreement and to authorize Mr. McDowell and Mayor Ware to execute any necessary documents. The motion was seconded by Councilor Van Sandt and was approved unanimously.
2. **Alice Tetamore – Brownsville Art Association (BAA).** Ms. Tetamore said that the Art Association is asking Council to act as their representative in a grant application for funding to improve the new space in City Hall. She said that the application requires a representative such as the City to participate with the BAA. She thanked the Council for all their work in getting the space ready for the BAA. Ms. Tetamore said that the Art Association has been working hard at finishing the space and it is looking good. She said that the grant is for money to fund construction of storage cabinets on the north wall. She said that they will consult with a local

cabinet maker to help with the grant application. Councilor Shepherd moved to approve the request to participate in the grant application. The motion as seconded by Councilor Van Sandt and was approved unanimously.

DEPARTMENT REPORTS:

1. Sheriff's Report. Sgt. Brad Kelly was not available and Mrs. Jo Ann McQueary was present from the Sheriff's Office. She talked about the "Map Your Neighborhood" program to help with emergency preparedness.
2. Planning. Mr. Sattler updated the Council. He said that he had met with the Department of Environmental Quality (DEQ) last week regarding their requirement that the City adopt a Total Maximum Daily Load (TMDL) plan. Mr. Sattler said that he had negotiated with DEQ and that the City will need to adopt some construction standards for bioswales and DEQ will sign off on the plan. Mr. Sattler said that he considered that a very successful outcome to the situation. He said that he met with the current owners of the partially developed subdivision property off Depot Avenue and they are looking for possible projects for the property. Mr. Sattler said that some type of senior residences seemed to be the only option that might make economic sense at the moment and the owners are investigating that possibility further.
3. Public Works. Mr. Frink said that the National Pollutant Discharge Elimination System (NPDES) permit for the wastewater plants was submitted on time. He said that the restrooms have been removed from Pioneer Park due to the recent additional erosion which had come right up to the building. Councilor Shepherd said that there's a big pothole on Kirk Avenue and he thought the Council should ask Linn County to prohibit truck traffic on Kirk Avenue perhaps by resolution. Mr. McDowell said he will look into it and it can be discussed at the next meeting. Councilor Chambers said that the street sweeper only makes the potholes worse on Oak Street and suggested that the City ask them to not sweep that portion of Oak. Mr. Frink said that it would not be a problem to take it off the list. The Council briefly discussed the condition of Oak Street and the need for major utility work before it could be improved.
4. City Administrator. Mr. McDowell said that he had met with Chuck Knoll from the Linn County Road Department regarding the Gateway Project. He said that originally they had hoped to go to bid in January but now it looks like it will be late February due to ODOT delaying their approval and making last-minute changes. Mr. McDowell said that now ODOT is saying they want to charge the City for doing a paving overlay when the project is done but negotiations are still underway. Mr. McDowell said that Saturday, February 26th, 2011 from 10:00 a.m. to 2:00 p.m. has been selected for the Council Goal-Setting Session. He said that the Council does this every other year. Mr. McDowell said that the Watershed Council has not yet heard the results of their grant application to fund the work in Pioneer Park and other projects. Mr. McDowell said that the new agreement with the Croquet group would come to the Council in February and the Calapooia Food Alliance agreement would be ready in March. Mr. McDowell said that he has been elected Chairperson of the Visit Linn Coalition and they are working on a Linn County tourism website. Councilor Shepherd said that he is concerned about how much money the City has spent on the Gateway Project. He said that he thought it would be about \$160,000. Councilor Van Sandt said that some of the work, such as the waterline replacement, was needed whether the Gateway Project occurred or not. Councilor Cole said that the project was the result of a community goal-setting process and one of the intents is to try to induce more visitors to come north on Main Street into downtown. Councilor Chambers said she is also concerned about the cost but thought that it was too late to be arguing about it at this time.
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 will be a Rec Board meeting the next Monday. Councilor Chambers said that the Pioneer Picnic will have three Courts, Junior, Teen and Senior.
8. Citizen Comment. None.

LEGISLATIVE:

1. Resolution 659 – Brownsville Art Association Grant Application. A motion was made by Councilor Gerber, seconded by Councilor Boyanovsky to support the BAA by acting as their representative for the Linn County Cultural Coalition grant and was approved unanimously.
2. Resolution 660 – Transfer for NPDES Renewal. Mr. McDowell asked for this Resolution for audit purposes to document what was done. Councilor Gerber moved to approve Resolution 660. The motion was seconded by Councilor Boyanovsky and was approved unanimously.
3. Resolution 661 – Appoint Pro Tem Judges. Mr. McDowell said that this is an annual Resolution to appoint Pro Tem judges should Judge Lemhouse not be available for any reason. Councilor Van Sandt moved to approve Resolution 661. The motion was seconded by Councilor Shepherd and was approved unanimously.
4. Ordinance 731 – Revising Nuisance Ordinance. Councilor Van Sandt moved to read Ordinance 731 by title only. The motion was seconded by Councilor Shepherd and was approved unanimously. Councilor President Cole read the title of Ordinance 731 and asked for discussion. Councilor Gerber suggested some changes in the proposed language. In Section (a) she would strike the phrase “bikes and toys”, strike all of Section (c) and in Section (d) strike the language about “uniform edges”. Councilor Boyanovsky agreed with the recommendations and suggested striking “truck canopy” in Section (a). Councilor Chambers said that she is still concerned about how strict the language would be and said she thought it sounded too much like the rules of a gated community and continued that the whole thing feel "big brotherish." Councilor Boyanovsky said that it could be changed later if necessary. Councilor Gerber suggested changing the language in Section (c) to remove the language about back or side yard and just say “not in front yard”. Mr. Ray Bubak spoke and said that he had lots of experience with this issue from his years on the City Council. He said that the regulations need to be simple and he thought that this proposed ordinance is making it hard. He reminded the Council that they have to address everyone and older people can't do as much work in their yards, gardens can have weeds in them or get overgrown at the end of the year and so forth but they shouldn't be considered a nuisance. Ms. Kaye Fox said she was concerned about her neighbor burning their wood pile in an unsafe manner. The second reading of the Ordinance will be at the February Council meeting.

ACTION ITEMS:

1. Elect Council President. Councilor Van Sandt nominated Councilor Cole but Councilor Cole said that she would like to decline the nomination. Councilor Boyanovsky nominated Councilor Gerber. Councilor Chambers nominated Councilor Shepherd. Councilor Shepherd was elected three to two with Councilors Boyanovsky and Shepherd voting for Councilor Gerber and Councilors Gerber, Chambers and Van Sandt voting for Councilor Shepherd.
2. Apply For Oregon Parks & Recreation Grant. Mr. McDowell said that the Park Board had recommended not submitting a grant application this year. Last year the City was unsuccessful in their attempt to get a skateboard park for Kirk's Ferry Park. The question of what to do in Pioneer Park with replacing the restrooms has not been settled. He said that the City did receive a grant in 2006 for the new playground equipment in Pioneer Park. Councilor Shepherd moved

to not apply in 2011. The motion was seconded by Councilor Chambers and was approved unanimously.

3. Brownsville Chamber and Culpepper-Merriweather Circus. Mr. McDowell said that the Culpepper-Merriweather Circus had an open date on May 29th, 2011 and would be in the area coming from Harrisburg and heading to Jefferson. He said that they are interested in performing in Pioneer Park on that date. They would work through the Chamber of Commerce with the goal of raising funds for the Chamber through ticket sales. Mr. McDowell said that the Park Board had recommended approval for the proposal. Mr. McDowell said he was concerned as there had been a great deal of worry about damage to the ground from the Eugene Kennel Club event in September and the ground would be much softer and much more easily damaged in May. Mr. McDowell said that the Park Board had recommended an agreement between the Chamber and the City for the event. Mr. McDowell said that at the current rate the charge to the Chamber would be \$190. Councilor Boyanovsky moved to approve the proposal. The motion was seconded by Councilor Chambers. Councilor Gerber said that she had many concerns about the proposal. She said she is worried about the effects of the heavy equipment on the wet ground and felt it would be sure to cause damage. Councilor Gerber said that she is concerned about the fact that the Circus uses animals such as lions and tigers. Councilor Van Sandt said that she agreed and asked exactly where it would be located. Mr. McDowell said that the southeast portion of the park, next to the batting cage, is the proposed site. Councilor Cole noted that the Chamber would be responsible for any damage to the fields. Mr. McDowell said it was addressed in Item 4 of the proposed agreement. Councilor Cole said that the Chamber has not yet seen the agreement and they would be concerned about the possible cost of repairing any damages compared to the small amount of money that would probably be raised. Councilor Shepherd asked what the City charged the Eugene Kennel Club for the use of the Park... Mr. McDowell said the charges for the Chamber's agreement were based on the same charges used for the Kennel Club. The City was not requiring a large deposit because the Chamber is a local civic organization. Councilor Van Sandt asked if the Park Board had approved the proposal. Mr. McDowell said that they had but then they had asked him to prepare a Park Use Agreement. Councilor Boyanovsky said he was also concerned about the possible damage to the ground and the treatment of the animals. Councilors Shepherd and Chambers voted in favor of the proposal. Councilors Gerber, Boyanovsky and Van Sandt voted against the motion so it failed three to two with Council President Cole not voting due to her involvement with the Brownsville Chamber of Commerce.
4. Appoint Emergency Preparedness Committee Members. Mr. McDowell said that he had received five letters of interest for the new committee. He said that Christine Harrison, Kaye Fox, Mike Nida, Kneil Stucky and Mike Green had applied for the positions. Councilor Shepherd moved to appoint the five who had applied. The motion was seconded by Councilor Boyanovsky and was approved unanimously.
5. Appoint Library Advisory Board member. Mr. McDowell said that Ms. Marian Reinemer had applied for the open position. Councilor Van Sandt moved to appoint Ms. Reinemer. The motion was seconded by Councilor Gerber and was approved unanimously.
6. Acknowledge LDS Service Project at Cemetery. Mr. McDowell said the local LDS church has done a great deal of volunteer work at the Cemetery over the years and he thought Council would want to acknowledge their efforts.
7. Gary Compton – Storm Drainage Issue. Mr. McDowell went over the recent history of the situation. He said that the Council had asked him to meet with Mr. Carssow and he had done so. He said that Mr. Compton had asked the Council to consider contributing material, equipment and labor to work on the ditch on Mr. Carssow's property. Mr. McDowell said that the City's insurance company had advised against any work on private property in general due to the potential liability issues it would create. Councilor Gerber said that the issue had already

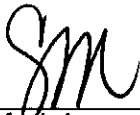
been discussed by the Council and they had decided against it. Councilor Shepherd recommended sticking with that decision. Councilor Boyanovsky asked what the Council could do about the flooding situations. Mr. McDowell said that there isn't any easy answer as the basic problem is that there is nowhere for the water to go. It drains into Cochran Creek a few miles north of town and to fix the problem it would be necessary to start there and work all the way back to the City. He said that there is almost no slope in that area and drainage will always be a problem, as it is in many other areas of town. Even if the City had the resources to install the proper drainage pipe, clean and maintain all the ditches to all of the outfalls, there would still be a very good chance of flooding.

DISCUSSION ITEMS:

1. **Joling Property.** Mr. McDowell said that there has been a lot of discussion about this property and he has sought an opinion from the City Attorney. He said that the property is zoned Light Industrial and that storage is a permitted use in that zone. He said that the City Attorney has given the opinion that the City could do an abatement of the property but the best solution would be to work with the property owner. Mr. McDowell said that the property owner has been agreeable but has not been able to afford the costs of having the work done. He said that originally Sweet Home Sanitation had quoted \$8,000 to remove the trailers but they have now come down to a cost of \$4,500 - \$5,000 to perform the removal. Mr. McDowell said that the City could pay for the work up front and place a lien against the property to try to recover the cost. Councilor Van Sandt moved to ask McDowell to negotiate with the property owner for the removal of the dilapidated units on the property. The motion was seconded by Councilor Boyanovsky and was approved unanimously.

CITIZEN COMMENT: Ms. Kaye Fox said that he had been involved with a fundraiser involving a circus years ago and it had not been very successful. She said that the Brownsville Art Association would be using the upstairs bathrooms in the Community Room and she was concerned about the lack of railing on the stairs. McDowell indicated that the City will look into the matter.

ADJOURNMENT: Councilor Shepherd moved to adjourn. The motion was seconded by Councilor Boyanovsky and was approved unanimously. The meeting was adjourned at 9:05 p.m.



City Administrator S. Scott McDowell



Mayor Don Ware