

**BROWNSVILLE CITY COUNCIL  
MEETING MINUTES**

February 22<sup>nd</sup>, 2011

**ROLL CALL:** Mayor Ware called the meeting to order at 7:00 p.m. with Councilors Gerber, Van Sandt, Boyanovsky, Cole and Shepherd present. Councilor Chambers arrived at 7:22 p.m. Also present were City Administrator Scott McDowell, City Planner Bill Sattler and Public Works Superintendent Karl Frink.

**PUBLIC:** Brad Kelley, Tori Jaeger, Ed Hudson, Rick Dominguez, Colleen Garrison, Jay Marsh, Leanne Bell, Cecil Bell, Scott Johnson, Ernie Martin, Randy Ginn, Warren Williamson, Natalie Wade, Patty Linn, Marilyn Grimes, Kaye Fox and Leslie Heckathorne.

**ADDITIONS AND DELETIONS:** None

**OATH OF OFFICE.** Mr. McDowell administered the Oath of Office to Mayor Ware who had not been present at the January meeting.

**MINUTES:** The Council reviewed the minutes of the January 25<sup>th</sup>, 2011, meeting. Councilor Cole moved to approve the minutes. The motion was seconded by Councilor Van Sandt and was approved unanimously.

**PUBLIC HEARINGS OR PRESENTATIONS:**

1. **Scott Johnson – Sweet Home Sanitation.** Mr. Johnson discussed issues that had come up in recent Clean-Up Days in Brownsville. There has been a problem with large piles of unorganized trash that were extremely difficult and time consuming for the volunteers to pick up among other issues. Mr. Johnson said that one possibility would be to switch to a system where dumpsters would be provided at a central location and residents would be responsible for bringing their trash to that location. He said arrangements could be made for elderly and disabled people who might not be able to do it themselves. Another option would be to keep the current arrangement but to cover the extra costs by increasing rates an average of \$1.14 per month. Finally the City could eliminate the citywide cleanup and Sweet Home Sanitation could pay a franchise fee instead. Mr. Johnson said that they would be seeking a one percent increase in rates due to increases in disposal fees. Councilor Cole asked for clarification on the depot idea. Mr. Johnson said that their staff would come with a number of large dumpsters for a Saturday. The Council decided to wait until the March meeting to make a decision on which course of action to choose.
2. **Natalie Wade – Pioneer Picnic Beer Garden.** Ms. Wade told the Council that she was ambivalent about doing a beer garden again at Pioneer Picnic. She said that she had lost money on the first event but thought she might be able to do better if she did it again. Councilor Shepherd asked Ms. Wade if she wanted to do it again. Ms. Wade said that she would do it again if she is given permission for another event. She said that this time she would do more promotion of the event. Councilor Cole moved to authorize Ms. Wade to host a beer garden at Pioneer Picnic this year. The motion was seconded by Councilor Shepherd and was approved unanimously.
3. **Randy Ginn – Motorcycle Ride.** Mr. Ginn said that he hoped to host another motorcycle ride event like the one last summer and he would again be approaching the County Commissioners for permission to close Main Street in front of his business for several hours. He said that he was seeking Council's support before going to the County. Councilor Gerber moved to support the application for street closure on August 20<sup>th</sup>, 2011, from 5 p.m. until 10 p.m. and to

authorize Mr. McDowell and Mayor Ware to execute a letter of support. The motion was seconded by Councilor Cole and was approved unanimously.

#### DEPARTMENT REPORTS:

1. Sheriff's Report. Sgt. Brad Kelly said that former Linn County Deputy Jeff Wilcox had recently died of cancer. Kelly has also been attending training.
2. Planning. Mr. Sattler updated the Council. He said that there are currently two homes under construction in town and that staff are still working on installing and converting to the new accounting and billing system. He said that progress is being made but that there was still a good ways to go.
3. Public Works. Mr. Frink said that a fire hydrant had been struck by a car but it has been repaired. He said that the handrails at City Hall had been fixed after being mentioned at the last Council meeting. Councilor Van Sandt asked if there had been any more problems with the downtown bathrooms. Mr. Frink said that there had not been any problems since they had been reopened.
4. City Administrator. Mr. McDowell reminded the Councilor of the goal-setting session on February 26<sup>th</sup> from 10 a.m. until 2 p.m. He said that he had met with Judy Cleeton from Halsey and Ralph Wyatt from Linn County regarding the Court Clerk position and the possibility of sharing a court clerk from Harrisburg. He said a contract would be needed between the City and Linn County. Councilor Cole asked how the cost would compare. Mr. McDowell said that he expected to realize a savings of about \$7,000 over the current arrangement. He said that he would refine the numbers before presenting the plan to the Budget Committee. Mr. McDowell said that he had met with Gary Compton and George Carsow regarding the drainage problems on the north end of town. He said that the ultimate problem is the long distance the runoff has to go north of town and the neither the City nor the County has the authority to require the proper maintenance of drainage ditches. Mr. McDowell said that he had attended the City County Insurance Services annual conference the previous week and it had been very useful for him. He reminded everyone of the plan to publish the City Newsletter the end of March and asked for articles for the Newsletter.
5. Library Report. Mrs. Lemhouse provided a written report.
6. Court Report. Mrs. Nida provided a written report.
7. Council Comments. Councilor Boyanovsky said that he had attended the Rec Board meeting the previous month and they are now considering staying with the current floor in the Rec Center. Councilor Van Sandt said that she had attended the Calapooia Watershed Council meeting and she would plan on attending more.
8. Citizen Comment. Ms. Leann Bell, 723 North Main, said that she would like Public Works to stop blowing the sidewalks clean in front of her home. Mr. Frink said that would be taken care of.

#### LEGISLATIVE:

1. Ordinance 731 (Revising Nuisance Ordinance). Councilor Gerber moved to read by title only. The motion was seconded by Councilor Cole and was approved unanimously. Mayor Ware read the title of Ordinance 731. Councilor Boyanovsky said that he had talked to the City Administrators in Sweet Home and Lebanon about the subject. He said that Lebanon uses police officers to enforce their ordinance and that he thought the public supported it. He said that both administrators said it was a challenging issue to deal with. Councilor Cole said that the Council had worked on the

ordinance for quite a while so it should be passed and they could see if it worked out. Councilor Cole moved to approve Ordinance 731. The motion was seconded by Councilor Shepherd. Councilor Chambers said that she still didn't see what was wrong with the current ordinance and why there was a need to change to the proposed ordinance. Councilor Gerber said that she thought the current ordinance is too vague. Councilor Cole said that it would eliminate having to interpret the ordinance. Mrs. Marilyn Grimes said that Brownsville is a rural community and should not try to look like Sweet Home or Lebanon which are much larger communities. She said that she had moved to a small town to try to get away from that kind of regulation. Mr. Jay Marsh said that if you look around Lebanon you'll find just as many messy places as in Brownsville so the ordinance didn't seem to be doing much for them. Ms. Colleen Garrison said that people should have a right to use their property as they saw fit so long as it didn't affect the health or safety of the community. Ms. Tori Jaeger said that she wrote policies and that if you have a policy that is not working the answer is not to write a stricter policy. Mrs. Kaye Fox said she supported the ordinance because her neighbor makes unsafe bonfires on his property. Mrs. Leann Bell said she supported it because cars speed on Main Street and her neighbor also makes fires she thinks are unsafe. In addition, her other neighbor has had laundry hanging on his back porch for months. A vote was taken and the ordinance was approved 5 to 2 with Councilors Chambers and Van Sandt voting no.

2. Ordinance 732 – Vacating an Alley (First Reading). Councilor Geber moved to read by title only. The motion was seconded by Councilor Cole and was approved unanimously. Mayor Ware read the title of Ordinance 732.
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 or have a conflict of interest. Councilor Van Sandt moved to approve Resolution 661. The motion was seconded by Councilor Chambers and was approved unanimously.

#### ACTION ITEMS:

1. Meals on Wheels Request. Mr. McDowell said that Meals on Wheels had requested a contribution of \$750. Councilor Cole moved to approve a contribution of \$750 to Meals on Wheels. The motion was seconded by Councilor Boyanovsky. Councilor Shepherd suggested increasing the amount to \$1,000. The suggestion was agreed to by Councilor Cole and Councilor Boyanovsky and the motion was approved unanimously.
2. Croquet Court Agreement. Councilor Cole suggested removing the Chamber of Commerce reference from Section 8 of the agreement. Mr. McDowell went over the history of the agreement and said that the Chamber was withdrawing from the agreement and the croquet group would manage the court. Councilor Shepherd said that the group had not lived up to the agreement as they were supposed to provide a key. Councilor Cole said that the facility had been open to the public. Councilor Cole moved to approve the agreement. Councilor Van Sandt seconded the motion. Councilor Chambers said that since the area would be smaller that they should need less water. Mr. McDowell said that he would revise that section of the agreement. Councilor Chambers asked when the facility would be open to the public. Mr. McDowell said that the Park Caretakers would have a key and he would add information in the Park Policies as well as making some equipment available. Councilor Cole suggested putting information in the City Newsletter. Councilor Shepherd suggested tabling the motion until a key was received. Councilor Cole decided to withdraw her motion as there were issues that needed to be addressed at the next meeting.
3. Advertise for Budget Committee Members and Budget Notices. Councilor Gerber made a motion to authorize advertising for Budget Committee members and to authorize placing the required budget notices in the Brownsville Times. The motion was seconded by Councilor Van Sandt and was approved unanimously with Mayor Ware and Councilor Cole abstaining due to a conflict of interest.

4. Appoint Members of the Emergency Preparedness Committee. Mr. McDowell said that he had received applications from Tori Jaeger and Linda Hite the previous week and had just received applications from Ken Dorsey, Mark Stevens and Josh Kometz. Mr. McDowell recommended that the Council appoint Ms. Jaeger and Mrs. Hite and name Mr. Dorsey, Mr. Kometz and Mr. Stevens as alternates. Mr. McDowell said that he would like to see as many people involved as possible. Councilor Cole moved to do as recommended by Mr. McDowell. The motion was seconded by Councilor Shepherd and was approved unanimously. Councilor Cole said that at the next Chamber meeting Jim Howell would be making a presentation on emergency business continuation and anyone was welcome to attend.

#### DISCUSSION ITEMS:

1. Proposed Kirk Street Resolution. The Council discussed a proposal raised by Councilor Shepherd at the February Council meeting to ask Linn County to prohibit large trucks on Kirk Avenue. Councilor Cole asked how that would impact Larry Northern and Jay Curtis among others who use Kirk Avenue. Councilor Shepherd said it would not be a problem for them to drive out Northern to McKercher Park to access Hwy. 228. Mr. McDowell said that if the Council wanted to pursue this he thought it would be better to send an informal letter rather than a Resolution as he was concerned about how it might impact the Kirk Avenue reconstruction project. Councilor Shepherd agreed that the letter would be best and the consensus of the Council was in agreement.
2. Pioneer Park & Calapooia Erosion. Mr. McDowell said that the Calapooia Watershed Council is still working with the Oregon Watershed Enhancement Board (OWEB) to try to obtain funding for work on the Calapooia, including Pioneer Park. He said that they have not received a final determination and are continuing to monitor the situation. Mr. McDowell said that he had heard that the State of Oregon would be releasing some new regulations that might help out with making it simpler and less expensive to do the work. Mr. McDowell said that he is still actively exploring all the possible options. He will be contacting the Department of State Lands to discuss possibilities on March 2<sup>nd</sup>.
3. Joling Property Follow-up. Mr. McDowell said that he had spoken with Mr. Joling again about cleaning up his property. He said that Mr. Joling has been willing to clean up the property, the issue has been the cost which he couldn't afford. Mr. McDowell said that he thought Mr. Joling would be willing to agree to the City's proposal but wanted some time to look at it and see if he could arrange to do the work himself. Councilor Chambers asked if the City would also pay the costs of cleaning up other properties. Mr. McDowell said that is how it is already done, the City hires the work done and then gets reimbursed by the property owner.

CITIZEN COMMENT: Mr. Rick Dominguez said that the American Legion would be hosting a meeting in April which would bring nearly 200 visitors to town.

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