

BROWNSVILLE CITY COUNCIL
MEETING MINUTES

June 28th, 2011

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

PUBLIC: Jack Burrell, Jason Cota, Steve Chambers, Leslie Heckathorn, Kaye Fox, Roy & Wendy Houtz, Scott Johnson, Ernie Martin, Don Nealon, Mike Nida & Jad Lemhouse.

ADDITIONS AND DELETIONS: Mr. McDowell had several additions to the agenda. Canal Company President John Holbrook under Presentations. An action item regarding Holloway Heights dust control was added as well as discussion items on park hours and executive meeting minutes protocol.

MINUTES: The Council reviewed the minutes of the May 24th, 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. **Mr. Jad Lemhouse.** Mr. Lemhouse told the Council that he owns an interest in a drive commonly referred to as "Pearl Street". He said that he owns a one-half interest in the parcel and the City owns a one-quarter interest. The drive serves the rear of Mr. Lemhouse's property and two residences at the north end of the drive. Mr. Lemhouse said that there are some power poles now located in the roadway and Pacific Power wants \$22,876 to relocate them. He asked Council to consider paying a portion of the cost for moving the poles. Councilor Cole asked why the poles needed to be moved. Mr. Lemhouse said it would make it easier to get farm equipment to his fields and provide better emergency access to the two residences. Councilor Van Sandt asked if the road had been relocated recently. Mr. Lemhouse said that he had cleared brush from the west side of the road. Mr. Lemhouse said that he would like to fence off his property and the road needed to be moved further west for that to occur. Councilor Cole asked about the City's involvement in the property. Mr. Sattler explained that when the sewer lagoons were constructed in 1964 the City required access to the north end of the lagoon site and the best option was by using the property for access. The City acquired a one-quarter interest in the property for that purpose. Councilor Shepherd asked Mr. Nealon, the owner of one of the residences at the north end of the drive, if he had any comment on the proposal. He said that he did not but agreed to write a letter to the Council. The Council decided not to take any action but to consider the proposal further.
2. **Sweet Home Sanitation – Mr. Scott Johnson.** Mr. Johnson was present to give Council a report on Cleanup Day. He said that he thought it had gone well with about 70% of last year's volume being hauled. Mayor Ware said that the entrance and exit situation was a little awkward but hoped that people would be more familiar with it next year. Mayor Ware said that he had been approached by people who thought the sixty cent increase in the rates was due to the event. Mr. Johnson explained that the increase was due to increased disposal fees. Councilor Shepherd said that he had come by three times and that he thought there was a problem with people running into the street to remove items from the backs of trucks. Mr. Johnson reported that quite a few items had been donated to St. Vincent De Paul. Councilor Chambers said that she wasn't happy with the change and she would prefer to see those items reused in Brownsville instead of being taken out of town. Councilor Boyanovsky noted that Halsey has two pickup dates each year. Mr. Johnson said that is part of their franchise agreement with Halsey. Sweet Home Sanitation is in the process of discussing their agreement with the City of Halsey. The amount of material is considerably less in Halsey versus Brownsville. Councilor Van Sandt

said she still thought having the event the week after the Citywide Garage Sale would be good timing. Vacation scheduling presents a challenge for personnel.

3. Jack Burrell – K&D Engineering. Mr. Burrell said that he and Jason Cota were present representing Mr. Loren Shortridge, the owner of 157 Holloway Heights. Mr. Burrell said that a recent survey had turned up several irregularities. One corner of the home is built extending into the City right of way for Holloway Heights. The survey also discovered that the City's sewer line in that area is not actually running within the existing 10' alley. Mr. Burrell said that having the encroachment makes it very difficult for Mr. Shortridge to sell the property and proposed to Council creating a "license" agreement to legally allow the residence to remain where it is and initiate a vacation of the utility easement. In exchange, the property owners would grant an easement for the sewer line in the correct location. Councilor Shepherd asked Mr. Frink if a 10' easement would be wide enough. Mr. Frink said it would be difficult to work within such a narrow easement and suggested a 20' easement. Mr. Burrell said that the property owners would probably agree but it might become an issue with structures on the property. Mr. Sattler suggested something along the lines of a permanent 10' sewer easement along with a construction easement of an additional 10' if work is needed, which seemed to be acceptable. Mr. Burrell will follow up with his clients to resolve that issue. The Council discussed various details of the license agreement but decided to postpone final decisions until a draft could be reviewed at the July Council meeting. Councilor Cole moved to approve initiation of a vacation process for the sewer easement. The motion was seconded by Councilor Boyanovsky and was approved unanimously. Councilor Van Sandt moved to review a draft license agreement at the July Council meeting. The motion was seconded by Councilor Gerber and was approved unanimously.
4. Scott Johnson Sweet Home Sanitation – Joling Property. Mr. McDowell said that the environmental review of the properties had found a very small amount of asbestos present in four of the seven units on the property. He said that he had received a bid of \$16,000 to remove the asbestos. Mr. McDowell said that he had been able to obtain a second bid of \$6,000 which might be affordable. Mr. Johnson said that the asbestos needed to be removed before the units could be demolished and his company could not transport the waste without a certification that the asbestos had been properly removed. Mr. Johnson said that he had reviewed the situation and Sweet Home Sanitation had decided they would be willing to donate the cost of transport and disposal of the units in order to help the community get rid of the eyesore; a value of \$4,500. Mr. Johnson said that it would be helpful if the removal could be completed by Fall. Mayor Ware and the Council thanked Mr. Johnson for the donation and his support of the community. McDowell reported that Mr. Joling asked him to contact Department of Environmental Quality (DEQ) regarding the asbestos levels to determine if anything can be done.
5. Brownsville Canal Company – John Holbrook. Mr. Holbrook said that he was present to make the Council aware of a situation on the Millrace that was causing a problem. Mr. Holbrook said that one of his neighbors had installed a culvert several years ago that was placed too high and was causing water to back up in the Millrace. He said the culvert was undersized and could create a problem during periods of high flows. Mr. Holbrook said that he thought that the backed up water could cause the City to have to pump more water which might increase the electricity costs. Mayor Ware asked what Mr. Holbrook would like from the City. Mr. Holbrook said that the Canal Company might need to take legal action to resolve the situation and he wanted to make the City aware of it. Councilor Chambers asked if the Canal Company had sufficient money to fund a legal action. Councilor Cole said that she is the Treasurer for the Canal Company and they do not. Mr. Shepherd said that the Canal Company can barely fund their insurance policy each year. Mr. McDowell discussed Council's attempt to enter into an agreement with Linn County. He reiterated Council has agreed to take care of the maintenance of the pump station and to pay for the electricity costs. McDowell indicated that there are numerous issues along the Millrace that could potentially cause the dumping cost to be high.

Maintenance of the Millrace is the responsibility of the Canal Company, however it is very difficult to maintain the drainage way with no cooperation and no money.

DEPARTMENT REPORTS:

1. Sheriff's Report. Sgt. Brad Kelly was excused.
2. Planning. Mr. Sattler said that he had been busy with abatements in the last few weeks and that City abatement mowing would be taking place in the near future. He said that most of the property owners had responded but that many of the foreclosures and vacant houses would need to be abated. Mr. Sattler said that the Library is adopting the Follett electronic inventory system and he has been working on getting the new computer network installed and operational for them.
3. Public Works. Mr. Frink said that Public Works had spent the last several weeks getting the Cemetery ready for Memorial Day and the Park getting ready for Pioneer Picnic. In addition, Public Works had worked on the road on Holloway Heights, cleared and mulched City flower beds throughout town. Mr. Frink said that the new caretakers had started work and were doing well. Mayor Ware asked about the adoption of Public Works standards. Mr. Frink said that he was working on it but he might not have time to finish the project and may end up having to refer it to an engineer for completion depending on his schedule. Mayor Ware said that he had received many compliments on the appearance of the City and thanked Public Works.
4. City Administrator. Mr. McDowell said that pre-construction conference for the Gateway Project would be tomorrow morning at 9:00 a.m. He said that the meeting is open to the public but was intended for the contractors to make arrangements. McDowell indicated that the Council meeting on September 27th, 2011 will include a Town Hall meeting to discuss the restrooms in Pioneer Park. McDowell will make sure that all of the stakeholders are invited meeting as well as the public for comment. McDowell is working on a deadline for United States Department Of Agriculture Rural Development's questions regarding the audit from FY 2010 – 2011. Mr. McDowell said that the Emergency Preparedness Committee (EPC) was doing a fine job and had been present at the Fire Department Open House and Pioneer Picnic handing out preparedness information. The EPC is working on developing the basic emergency plan for the City this summer. Mr. McDowell said that he had participated in the Oregon Parks and Recreation grant meetings and thanked the Council for the opportunity; McDowell just completed the first year of a four-year term. He reported that the State allocates 70% of the grant funds for the first year the biennium and 30% for the second year of the biennium. McDowell also mentioned that he has been working with the League of Oregon Cities to complete a training video.
5. Library Report. Ms. Lemhouse provided a written report.
6. Court Report. Ms. Nida provided a written report.
7. Council Comments. It was reported that the Beer Garden at Pioneer Picnic had very low turnout and probably would not be repeated next year.
8. Citizen Comment. Ms. Kaye Fox said that the Seniors had talked to the Motion Picture Licensing Association because they wanted to show movies at the Senior Center. Mr. McDowell said that the City had been contacted by ASCAP but that the City didn't play any music or sponsor any events where music is played. Ms. Fox said that she thought that the grass should be removed when properties are cut for abatement. Ms. Leslie Heckathorn agreed with her.

LEGISLATIVE:

1. Resolution 664 – Appropriations FY 2011-2012. Councilor Cole moved to approve Resolution 664. The motion was seconded by Councilor Shepherd and was approved unanimously.
2. Resolution 665 – Water & Sewer Rates FY 2011-2012. Councilor Gerber moved to approve Resolution 665. The motion was seconded by Councilor Cole and was approved unanimously.
3. Resolution 666 – Transfers FY 2010-2011. Councilor Cole moved to approve Resolution 666. The motion was seconded by Councilor Van Sandt and was approved unanimously.

ACTION ITEMS:

1. Best Pots Greywater. Mr. McDowell said that the City had been approached by Best Pots to see if they could dispose of shower water from the Willamette Country Music Festival. Mr. Frink said that he had looked into it and found that there would be no adverse impact to the City's sewer system and recommended a fee of around \$300 based on what other entities were charging. Councilor Cole moved to approve the proposal. The motion was seconded by Councilor Van Sandt and was approved unanimously.
2. Dust Control – Holloway Heights. Mr. McDowell stated that for the last two years the City has agreed to pay half the cost of dust control treatment on Holloway Heights with the adjoining property owners paying the other half. He said that the cost had come down slightly this year to \$1,035 so the City's portion would be about \$518. Councilor Gerber moved to approve the City paying half the cost. The motion was seconded by Councilor Cole and was approved unanimously.
3. Calapooia Watershed Council Contract Addendum. Mr. McDowell indicated that the Watershed Council had received some extra funding and had taken on two interns through October 2011. Additional office space was needed for them so he had offered the record room upstairs in City Hall and they had agreed to pay an additional \$75 per month rent for the space. Councilor Van Sandt moved to approve the changes. The motion was seconded by Councilor Cole and was approved unanimously.
4. Brownsville Art Association – Carpet. Mr. McDowell said that he had been approached by Alice Tetamore of the Art Association and she had said that they were interested in installing carpet in the old firebay space they are currently using as an art center. McDowell wanted Council to be aware that an addendum to the Art Association contract would be prudent to cover concerns such as possible damage and maintenance to the carpet by other groups using the space. He said that no action was needed by Council at this time.

DISCUSSION ITEMS:

1. Sweet Home Sanitation – Contract Review. Postponed.
2. OR 228 Property. Previously completed.
3. May Financial. Councilor Cole said that she had noted the large amount of carryover in many of the funds and thanked Staff for their careful expenditure of City funds.
4. Park Hours. Councilor Cole said that she would like to see the park hours extended in the Summer to allow people to remain until a couple of hours after dusk. She said that she and some friends were in the park watching bats and were asked to leave. Mr. McDowell recommended referring the issue to the Park Board for a recommendation and Council agreed.

Mr. Frink recommended keeping the hours as they currently are citing operational concerns. Councilor Chambers said that related to the Park she had been approached by people who wanted to use the Croquet Court and asked if the promised information sign had been installed. Mr. McDowell apologize for the delay and said that he would look into it.

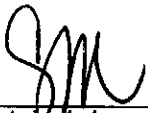
5. Executive Session Minutes. Mr. McDowell said that Oregon law allows either taping of executive sessions or for summary minutes to be written. He said that in the past they had been recorded and he stored the recordings in a locked cabinet but he would like to switch to writing minutes instead. He recommended that the minutes be reviewed and signed by the Mayor and the Council President or designee in the event of an absence of one of those to members. He said that ultimately he would like to put that into the Council Rules. Councilor Gerber moved to approve the proposal. The motion was seconded by Councilor Cole and was approved unanimously.

CITIZEN COMMENT: Ms. Kaye Fox said that speeding is a problem on Kirk Avenue.

EXECUTIVE SESSION: The Council went into to Executive Session at 9:00 p.m. and returned to regular session at 9:13 p.m.

COUNCIL COMMENTS: Mayor Ware reported on the meeting he attended with the Seniors regarding the use of the Community Room. He said the Seniors feel restricted in the current space and would like to hang some pictures of past presidents in such on one of the walls. Ware indicated that Marilee Frazier, President, will be the sole point of contact between the Seniors and staff. He also stated that capital issues would need to be addressed during contract review. Councilor Cole moved to authorize the Mayor to execute the City Administrators Employment Agreement which will be a three-year contract set to expire in December of 2014. The motion was seconded by Councilor Gerber. The motion carried unanimously.

ADJOURNMENT: The meeting was adjourned at 9:19 p.m.



City Administrator S. Scott McDowell



Mayor Don Ware