

BROWNSVILLE CITY COUNCIL  
MEETING MINUTES

March 27<sup>th</sup>, 2012

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

PUBLIC: Kaye Fox, Mr. & Mrs. Walter Ortiz, Mr. & Mrs. Ron Tinseth, Terri Silkeet, Sharlene Whitaker and husband and Jim Bitle.

ADDITIONS AND DELETIONS: None.

MINUTES: The Council reviewed the minutes of the February 28<sup>th</sup>, 2012, meeting. Councilor Cole noted one typographical error. She moved to approve the minutes with that correction. The motion was seconded by Councilor Shepherd and was approved unanimously.

PUBLIC HEARINGS OR PRESENTATIONS:

1. Tony Miller - Road Closure Request. Mr. McDowell said that Mr. Miller is planning to film another zombie movie and asked for road closures similar to the last movie. Mr. McDowell said that the City needed more information and the item was tabled until next meeting.
2. Heather & Ron Tinseth. Mrs. Tinseth lives on Northpoint Loop and has a neighbor who has animals and she is bothered by the noise and smell. She said that the City does not have any regulations regarding animals and she thinks the Council should adopt some. Mrs. Tinseth provided copies of ordinances from other cities for Council review. Councilor Chambers asked if there were other problems. Mr. McDowell said that there have been a couple of instances around town where people aren't acting responsibly with their animals. He said that the City has contacted the Sheriff's Office and is working with the property owners to resolve these situations. Mayor Ware said that the Council has looked at the issue several times in the past and has decided not to adopt any new regulations each time. Councilor Van Sandt said that her neighbor keeps sheep and it does not cause any problems. Mrs. Terri Silkeet, a neighbor of the Tinseths, said that she didn't like to use her back yard because of the neighbor's animals. Councilor Chambers asked if either the Tinseths or Mrs. Silkeet had discussed the issue with their neighbor. They said that they had not. Mr. Walter Ortiz spoke, saying that he has the rooster that they are complaining about and no one had spoken to him about any concerns. He said that it's a long way from his house to theirs. Mr. Ortiz said that about 12 years ago one of his dogs had attacked a neighbor's sheep and had been shot for it. He said that at the time he was very upset and had tried to get Council to adopt regulations against keeping animals, but that he had talked with Ace Nelson who had made him see that he needed to change his point of view. He said that today he was grateful that he had not been successful because then no one would have been allowed to have animals. Mr. Ortiz said that the Whitakers had done a lot of work to improve their property since they moved in and he had never noticed any smell and he is their neighbor. Mr. Ortiz said that a person who lives above him seems to be going around the neighborhood stirring up trouble and he thought that was the root cause of the problem. Mrs. Sharlene Whitaker said that she is the person Mrs. Tinseth is complaining about. She said that they had specifically chosen to move to Brownsville so that they could have their animals at their home. She said that they have an acre and a half of property. Mrs. Whitaker said that she had killed her

rooster about six months ago and that the donkey Ms. Tinseth complained of is on another property out of town. She said that she wished the neighbors would have come and spoken with her and said that she had some previous issues when they had been throwing food over the fence which had injured one of her animals when eaten. Mayor Ware suggested that the Council ask staff to look into the situation and report back to Council. The Council agreed by consensus. Councilor Cole asked Mr. McDowell to do what he could to mediate the situation. Mr. McDowell said that staff deals with neighbor disputes on regular basis and the only good solutions are when people can come to an agreement between themselves.

#### DEPARTMENT REPORTS:

1. Sheriff's Report. Council received a written report.
2. Planning. Mr. Sattler reminded the Council that the SEI reports are due on April 15<sup>th</sup> and he is collecting them to mail as a group if the Councilors want to participate. He said that the Planning Commission will be meeting on April 9<sup>th</sup> to hear a request for a Home Occupation Conditional Use. Mr. Sattler said that the Spring Newsletter will be going out in a few days so there is a brief opportunity to submit any additional articles.
3. Public Works. Mr. Frink said that the pumps on two of the City's wells had failed during the period of power outages recently. He said that he is having them rebuilt. Councilor Cole asked about installing surge protectors. Mr. Frink said that the City Engineer has looked into something similar but due to the size of the motors used they would be very expensive. In addition, most of the equipment is permanently wired so there would be a significant expense for installation. Mr. Frink said that Public Works is remodeling the kitchen in Pioneer Park to make it more useable. Mayor Ware asked about the incident in the Cemetery recently. Mr. Frink said that someone had driven off the road and through the lower portion of the cemetery but had managed to avoid the taller headstones. Several of the flat headstones had been driven over but damage appeared to be minimal. Mr. McDowell said that the person involved is someone who has done work for the City and he is willing to make any repairs as needed. He said the incident was said to be an accident. Councilor Cole asked about possibly getting some training for Public Works employees in tree care. Mr. Frink said that the goals of Public Works are different from those of homeowners, they are more concerned with clearances and safety issues more than aesthetics. Mr. McDowell said that the Oregon Department of Forestry does offer some training and that the City has been using a certified arborist to oversee tree care. Councilor Boyanovsky asked about the picnic table which is near the edge of the Calapooia. Mr. Frink said that it will be removed when the ground dries up some along with a few trees to keep them from falling in the river.
4. Administrator's Report. Mr. McDowell said that the preconstruction meeting for the South Oak Street Project had gone well. He said that the project needs to be completed by the end of June to be paid out of the current fiscal year's budget and that did not appear to be a problem however it is dependent on the weather. Mr. McDowell said that the contractor estimated the work would take about three weeks for them to complete. Mr. McDowell reported that he had attended the Linn County Commissioners' meeting regarding the Willamette Country Music Festival and it had gone well. He said that the Commissioners had requested additional security and more medical personnel. He said that the WCMF has contracted with the manager of the Oregon Country Fair for management assistance, doubled security, added a contract with Linn County Sheriff's Office and hired a full-time medical staff for this year's event. Councilor Boyanovsky said that the Rec Center floor looks wonderful. Mr. McDowell said that the contractor

will be providing information on how to care for the floor to extend its life. He said that there are a few areas that will need to be resealed and the contractor will come back and do that work but the floor needs to cure for 30 days before the work can be done. Mr. McDowell said that the new Pioneer Park Caretakers have been hired, they are Richard and Kate Watkins of Mesa, Arizona, and they will be here about the middle of May. Councilor Cole asked about camping in Pioneer Park during Pioneer Picnic. Mr. McDowell said that the Pioneer Picnic Association had decided that the City should charge camping fees during Picnic for the first time this year. The City will be allowed to charge a flat rate of \$15 for camping Thursday through Sunday.

5. Library Report. Ms. Lemhouse provided a written report.
6. Court Report. The Municipal Court provided a written report.
7. Council Comments. None.
8. Citizen Comment. Ms. Kaye Fox said that she was acting on behalf of the Senior Center and read a letter of appreciation to the Council and staff for what has been done for the Senior Center over the years.

#### LEGISLATIVE:

#### ACTION ITEMS:

1. Pioneer Picnic Association Letter. Councilor Cole said that she liked the letter. Councilor Chambers had a correction to the camping fees listed. Councilor Van Sandt moved to approve the letter. Councilor Cole seconded the motion and it was approved unanimously.
2. Pioneer Park Restrooms. Mr. McDowell said that he is working with Todd Karo to finish the design. Mr. McDowell said that the contracting rules require him to obtain three proposals for the project. He said that he had spoken with the City Attorney regarding the BOLI issues and couldn't find any solution. Since the project is estimated at about \$65,000 it is subject to the prevailing wage requirements, which means the final cost will be closer to \$90,000. Mr. McDowell said that there is \$80,000 in the budget so Council may have to move some funds if they want the project completed at the beginning of Summer. Councilor Shepherd said that he liked the proposed design and thought the Council should move forward on the project. Councilor Chambers asked when the bathrooms could be finished. Mr. McDowell indicated that it would be great to get it done by Picnic but there were too many variable to predict a time line. He said that the middle of July is more likely. Councilor Cole made a motion to move forward with the project and obtain three proposals. The motion was seconded by Councilor Chambers and was approved unanimously.
3. Willamette Country Music Festival Camping. Mr. McDowell stated that there is an opportunity to provide some additional camping for the Festival and to make some money for the City. He said that he spoke with the Park Board and they thought that there could be room for 30 RVs on the east side of the park. Councilor Boyanovsky presented the idea to the Rec Board who agreed with attempting to work up an agreement. Mr. McDowell said that he thought the best solution would be to contract with the Festival to provide them with 30 RV spaces and let the Festival handle the rental arrangements. Councilor Cole moved to approve the proposal and asked McDowell to move forward. The motion was seconded by Councilor Chambers and was approved unanimously.

4. Sidewalks and Parking Enforcement. Mr. McDowell said that he had received a complaint about people parking on Kirk Avenue with their vehicles touching the sidewalk. He said that there is an ordinance prohibiting that but that people on Kirk had been parking that way for many years. Mayor Ware said that the sidewalks are so bad no one uses them but walk in the street instead. Councilor Van Sandt said that it's difficult to determine if there is a sidewalk in many areas. Councilor Shepherd said that he thought ordinances should be enforced. Councilor Cole moved to let the Sheriff's Office know that there is an ordinance and to enforce it at their discretion. Councilor Shepherd seconded the motion and it was approved five to one with Councilor Chambers voting no.

#### DISCUSSION ITEMS:

1. Pioneer Park Erosion. Mr. McDowell recommended tabling any decisions until later in the year and reiterated Council's decision to wait until October before starting any engineering design work. The Calapooia Watershed Council reported that the projects downstream on the Susan Ross and Donny Nealon properties apparently suffered quite a bit of damage during the recent high water periods and once the water drops the situation will be assessed. Sarah Dyr Dahl indicated that she would be willing to come back to Council to make a presentation.
2. FEMA Update and Outcomes. Mr. McDowell reported that representatives from FEMA had visited the day before. He said that there is an issue with trying to determine the actual damage to the water line as it can't be assessed until the water drops but there is a short time limit to apply for funds. He indicated that there is only a 60 day period to determine the scope of work. Mr. McDowell stated that the agencies did prefer that the new line be bored under the river for environmental reasons and it should make permitting much easier. He said that they will be back again in a week or so. Mr. McDowell said that a FEMA representative had said that bank stabilization could be included as mitigation work in certain circumstances. He said that the cost for all the work would be about \$750,000 which creates a budget issue due to having to pay the expense up front and request reimbursement. Mr. McDowell said that this point it's not certain what they will cover, if anything, but he would continue to work with them to get the best possible outcome.
3. Metal Collection and Cleanup. Mr. McDowell said that he understood Council's main concern was that the operation of the cleanup not be interfered with. A suggestion was made that perhaps Kirk's Ferry Park would be a good location. Councilor Chambers said that it was a shame that there isn't a better arrangement to recycle useable items as used to be done. Councilor Van Sandt said that the best arrangement would be to have Cleanup Day shortly after the Citywide Garage Sale day. Mr. McDowell said that it didn't work for Sweet Home Sanitation to have the Cleanup Day in the summer but that if the garage sales are moved to later in the year it might be possible.
4. Linn County Cultural Coalition & Brownsville Art Association. Mr. McDowell said that the grant has been closed out and the Art Association will be having an open house on April 7<sup>th</sup>. McDowell asked Councilors to attend if possible because he would be out of town.
5. February Financials. No discussion.

CITIZEN COMMENT: Ms. Kaye Fox said that the Seniors would like to know how much it cost to move the phone line so that they could reimburse the City.

COUNCIL COMMENTS: Councilor Van Sandt said that the Elementary School's teaching garden is doing well.

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



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City Administrator S. Scott McDowell



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Mayor Don Ware