

BROWNSVILLE CITY COUNCIL  
MEETING MINUTES

April 24<sup>th</sup>, 2012

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

PUBLIC: Kaye Fox, Heather Tinseth, Steve Chambers, Scott Smith, Debbie Jensen, Desiree & Tim Housley and cast members from the zombie film.

ADDITIONS AND DELETIONS: Mr. McDowell added Resolution 676 under Legislative, a street vacation request under Action Items and a Discussion item regarding Mr. Mark Hetrick.

MINUTES: The Council reviewed the minutes of the March 27<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. Scott Smith – Road Closure Request. Mr. Smith said that LB Productions is filming a zombie movie and would like to use Spaulding Avenue between Main and Averill on April 29<sup>th</sup> in the late afternoon and evening. He said that they would like to close the street around 4 p.m. and work until 11 p.m. or so. Councilor Cole said that only the Brownsville Fitness Center is open on Sunday evening and she didn't think the road closure would be a problem. Councilor Gerber asked if the owners of the Fitness Center had been consulted. Mr. Smith said that he was sure they would be fine with the plan but then said he hadn't specifically asked them. Councilor Shepherd said that Henshaw Lane is a Linn County Road and that they would need a permit from Linn County if they were planning to film there. Mr. Smith said that they would not be using Henshaw Lane. Councilor Cole moved to approve the use of Spaulding as requested and to allow the closure of Spaulding from 4 p.m. to 12 a.m. on April 29<sup>th</sup>. The motion was seconded by Councilor Gerber and was approved unanimously.
2. Desiree & Tim Housley. Ms. Housley said that they live at the east end of Washington Street and have an issue with the traffic of the school buses using the street and traffic going to the Community Garden. She suggested that the School District should have an access directly onto Hwy. 228 so the buses wouldn't have to use Washington Street. Mayor Ware asked if they had spoken with the School District. Ms. Housley said that they hadn't had any success with them. Councilor Cole asked if they had spoken with the School Board. Ms. Housley said that they hadn't. Councilor Shepherd said that the school has been using that street for the buses for many years and he didn't expect them to change that but he suggested that Ms. Housley talk to the School Board. Ms. Housley said that they would like the street to be maintained better. Mr. McDowell said that the City has a contract to have the street ground and returned to gravel so that it could be better maintained than it is currently with the failing pavement.
3. Joe Ervin – Park Avenue Closure Request. Mr. Ervin was not able to be present but Mr. McDowell said that he could explain the request. Mr. McDowell said that Mr. Ervin is hoping to put on a 5K/10K run/walk as a fundraiser for Central Linn. He would like to

use Library Park as a staging area. Mr. McDowell said that there are no objections from the neighbors. He said Mr. Ervin would like to close that section of Park Avenue between 4 p.m. and 9 p.m. on Saturday, June 16<sup>th</sup>. Councilor Gerber made a motion to approve the request. The motion was seconded by Councilor Shepherd and was approved unanimously.

#### DEPARTMENT REPORTS:

1. Sheriff's Report. Sgt. Kelley was not able to be present but provided a written report.
2. Planning. Mr. Sattler said that he has seen a surge in interest in property in the last month or so and has met with quite a few different people interested in various properties. He said that this is significantly busier than the last several years. Mr. Sattler said that people are particularly interested in some of the homes with large lots and larger pieces of vacant land. Mr. Sattler said that one of the Library computers acquired a particularly nasty virus he has been working several days to remove. He said that the Planning Commission approved the request by Kris & Pam Solberg to operate a hair studio from their residence on Amelia Avenue. The Spring Newsletter went out and was able to include the annual Water Quality Report to save on postage and labor. Councilor Cole corrected one section of his report saying that the Historic Review Board is merely investigating the possibility of becoming a Certified Local Government.
3. Public Works. Mr. Frink said Public Works has been busy keeping up with mowing. Mr. Frink said that they had discharged 21.9 million gallons from the wastewater plant without a problem and that there will be an additional 17 million gallons discharged before the end of the season. Mr. Frink said that several sites had been painted due to a recent outbreak of graffiti. He said that the remodeling of the kitchen in the Pioneer Park pavilion has been completed and he thinks it came out well. Mr. Frink said that there is a roof leak at the Rec Center and he is working with Snow Peak Roofing to get it repaired.
4. Administrator's Report. Mr. McDowell indicated that he had had spoken with Sgt. Kelley regarding the parking issue discussed at the last Council meeting and that Sgt. Kelley had spoken with several people around town about the issue. Mr. McDowell said that Sgt. Kelley had spoken with the local deputies about the City's position on animal complaints. Mr. McDowell reported that Senator Merkley will be in town on May 3<sup>rd</sup> at 4 p.m. to discuss several issues facing the City. He asked that if Councilors had suggestions for issues they'd like discussed to e-mail them to him as soon as possible. Mr. McDowell mentioned that the Notice to Proceed has been issued on the South Oak Street project which starts the clock on the construction period. He said that the contractor is having a little trouble locating the proper pipe due to the closure of a key local supplier. Mr. McDowell discussed how the State is increasing various fees the City has to pay and is taking a larger cut of the Municipal Court proceeds. Mr. McDowell reported that the seasonal Public Works employee has been hired and he is just waiting for the final paperwork to be completed. The Pioneer Park Caretakers will be here around the middle of May. Mr. McDowell reported that the Emergency Preparedness Committee will be present at the Bloom'n'BBQ event at Central Linn Elementary School. Mr. McDowell discussed the ongoing issues regarding the County possibly taking over Kirk Avenue and rebuilding the street. Mr. McDowell said that since the project was proposed more than 10 years ago there have been a lot of changes. Budgets are also much tighter. Mr. McDowell said that the proposed project on Kirk Avenue has a lot of challenges as the County would be obligated to rebuild it to certain standards and that the current right of way is too narrow, meaning that property would have to be acquired from neighboring properties. In addition, the City would have to do some large storm drainage projects

before the street work could be done along with substantial changes to water services along Kirk. Councilor Cole asked if the project was a low priority at this time due to the other big issues being faced by the City and Mr. McDowell agreed with that assessment. Mr. McDowell reported that Snow Peak Roofing had looked at the Rec Center roof and found that it is in need of replacement. He estimated the cost at \$30,000 to \$40,000 based on the cost of the recent roofing project for City Hall. McDowell also reported that the City has assisted the Pioneer Picnic Association in apply for an Oregon Heritage Tradition designation through the State. He continued by saying that Ken Lamb from ODOT dropped off the necessary permit for this year's Picnic Parade.

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 there is a pothole at the corner of Kirk and Averill that needs to be fixed.

#### LEGISLATIVE:

1. Resolution 676 – Pioneer Park Restrooms. Mr. McDowell gave a brief history of restroom project and said that he had obtained proposals from five area contractors. He gave a summary of the bids, saying that the low bid was \$75,280 from Karo Construction. Councilor Cole moved to award the bid to Karo Construction. The motion was seconded by Councilor Shepherd and was approved unanimously. Councilor Chambers asked when the work would start. Mr. McDowell said that the paperwork would start the next day and that he would like to see it finished by Pioneer Picnic but realistically he was hoping for July 4<sup>th</sup> but that it was hard to predict because of materials delivery and sub-contractor scheduling.
2. Resolution 677 – Workers' Compensation Annual Resolution. Mr. McDowell explained that the Council adopts a resolution each year stating the intent to cover City volunteers. Councilor Gerber moved to approve Resolution 677. The motion was seconded by Councilor Shepherd and was approved unanimously.
3. Resolution 678 – Verifying Services for State Revenue Sharing. Councilor Cole moved to approve Resolution 678. The motion was seconded by Councilor Shepherd and was approved unanimously.
4. Proclamation – Older Americans Month. Mayor Ware proclaimed May as Older Americans Month.

#### ACTION ITEMS:

1. Park Restrooms. Mr. McDowell said that this item was placed in the agenda for a possible transfer of funds but nothing needed to be done at this time based on the bids that were received.
2. Willamette Country Music Festival Camping. Mr. McDowell told Council that there is an arrangement to create 30 camping spaces for RVs for the Music Festival. They would be rented for a flat rate for the entire event, not by the night, to keep down the come and go traffic. Mr. McDowell reported that Ms. Anne Hankins said that the Music Festival was

limited on how many camping spaces they could have by their permit so the City would rent the spaces and the Music Festival would provide names of people to contact. Mr. McDowell said that the Rec Center had approved the plan and will make arrangements so there is no conflict with sports. Councilor Shepherd moved to approve the proposal. The motion was seconded by Councilor Boyanovsky and was approved unanimously.

3. OLCC Liquor License Renewals. Councilor Cole said that she would like to send recommendations that the renewals be approved. The consensus of the Council was to have Mr. McDowell send a letter to OLCC recommending approval. Councilor Gerber made a motion to that effect. It was seconded by Councilor Chambers and was approved unanimously.
4. Advertise for Library Advisory Board Member. Councilor Gerber moved to approve the advertisement. The motion was seconded by Councilor Cole and was approved unanimously with Mayor Ware abstaining due to a potential conflict of interest.
5. Authorize Oregon Emergency Management & FEMA Contract. Councilor Cole moved to approve the agreement and to authorize Mr. McDowell and Mayor Ware to execute any necessary documents. The motion was seconded by Councilor Shepherd and was approved unanimously.
6. Schroeder Law Contract. Mr. McDowell reported that Schroeder Law had reviewed the City's water rights and researched their history and status. Mr. McDowell recommended retaining Schroeder Law to assist with working with the State regarding keeping the City's reserve water rights. Councilor Cole moved to authorize Mr. McDowell to hire Schroeder law to represent the City in the water rights matter. The motion was seconded by Councilor Boyanovsky and was approved unanimously.
7. Change May Council Meeting Date. Mr. McDowell requested that the May Council meeting be moved to May 29<sup>th</sup> to work better with required timeline for approving the 2012-2013 Budget. Otherwise, Council would need to have two meetings in June. Councilor Gerber made a motion to move the date to May 29<sup>th</sup>. The motion was seconded by Councilor Cole and was approved unanimously.
8. Authorize Cascades West Council of Governments (COG) Agreement. Mr. McDowell recommended using Scott Wilson of the COG to assist with payroll issues dealing with Oregon Prevailing Wage Law compliance on the S. Oak Street Waterline project and the Pioneer Park Restroom project this year. He said that the City contracted with Mr. Wilson and the COG during the Wastewater Improvements Project a few years ago. He said that the work would be paid for by funds from the projects but additional funds may need to be transferred to include these and other associated costs such as permits. Councilor Cole moved to approve retaining Mr. Wilson by contracting with COG. The motion was seconded by Councilor Gerber and was approved unanimously.
9. French Street Vacation Request. Mr. Sattler said that he had received a request to vacate a portion of French Street. He said that the residents had requested that the western 15' of the right of way be vacated. This would allow the Catholic Church to build an addition they need and would legalize the Vanderark's yard which is currently in the City right of way. Mr. Sattler noted that the right of way of the small, one block long street is 66' wide. The reduction proposed would bring the street width down to 51' which is typical for City streets. Mr. Sattler said that there are no City utilities in the 15' proposed to be vacated. Councilor Gerber moved to proceed with the vacation process which would

involve scheduling a public hearing and considering an ordinance to vacate the property. The motion was seconded by Councilor Cole and was approved unanimously.

#### DISCUSSION ITEMS:

1. Pioneer Park Erosion. Mr. McDowell recommended that the Council wait until October or November to decide what to do with the riverbank in Pioneer Park. He said that the work could not proceed until late summer of 2013 at the earliest and that would give the Council more time to evaluate the situation. Mr. McDowell said that two of the stabilization projects just downstream from Pioneer Park had suffered heavy damage during the high water this winter and the impact couldn't be assessed fully until water levels drop. Mr. McDowell said that someone had filed a report with the State seeking an archeological investigation of an old garbage dump in Pioneer Park. He said that this was potentially a serious problem with the attempt to seek federal assistance for the waterline project but that he had spoken with the office of the State Archeologist and he believes that the archeological work previously conducted in March 2011 is adequate and no further work will be needed. Mr. McDowell said that if items are discovered during the course of the work they will be documented.
2. FEMA Update. Mr. McDowell explained that the City had submitted an application to repair and mitigate the broken waterline across the Calapooia by boring the line underneath the river, but that certain rules prevent FEMA from accepting the City's proposal. FEMA can only restore the waterline (or any damage for that matter) as it existed prior to the incident. McDowell said that if the line is broken underneath the Calapooia River the repair would cost about \$415,000, but if the line is broken in the 45 degree portion in the actual river bank the cost would be around \$222,000 according to Erwin Engineering. Mr. McDowell said that the City had received an extension of time to submit the 'Scope of Work.' FEMA cannot proceed until the Scope of Work is defined. The City cannot define the Scope of Work until the water level falls in the Calapooia. McDowell reported that Brian Dorst of FEMA has indicated that the worst-case scenario, if the 45 degree line is damaged, would be that FEMA would authorize paying up to 75 percent of the \$222,000 to make the repair only. FEMA does allow mitigation efforts and the best-case scenario, again if the 45 degree line were broken, would mean FEMA could fund up to 75 percent of \$444,000. Mr. McDowell suggested using the mitigation money to pay for the boring mitigation effort as originally submitted by the City. The cost estimate to do that work was \$496,000. Digging the line deeper under the river is the City's best opportunity to truly fix the problem. He said that the line would be bored about 10' below the river bed which should be adequate to protect it against future movements of the river. The City is currently at a stand-still until the Scope of Work can be defined.
3. Clean-up Day Outcome. Mr. Frink reported that the Cleanup had gone well this year. Councilor Shepherd agreed.
4. Public Buildings. Mr. McDowell said that various public spaces the City rents out are being well used but that there is a problem with the facilities being left unlocked when the events are finished. Mr. McDowell said that there is a concern about someone entering the buildings and vandalizing them, noting that there has been a recent rash of vandalism around town. Councilor Cole suggested the possibility of a security deposit. Councilor Shepherd suggested that the deposit be done annually for regular renters to avoid having to do it every time. Councilor Gerber suggested a "fine" if the rooms are left unlocked. Councilor Gerber suggested sending a letter to all the people who rent the rooms reminding them of the need to lock up and having them sign an agreement that

they are responsible for any damage if the rooms are left open and assess them a penalty for leaving them unlocked. Mr. McDowell reported that there has also been an ongoing problem with patrons of the Art Center parking in front of the fire bays. He said that the situation needs to be resolved or the City will have to prohibit all parking in front of the Art Center. Mr. McDowell said that he had had a discussion with Alice Tetamore about the possibility of installing tile in the Art Center and he will invite the Association to the next meeting to discuss this further. Mr. McDowell reported that there has been a recent situation where the Art Center agreed to let the Cavy Breeders use the space for their August show, but then recently told them that the space was not available. Mr. McDowell asked them to follow the agreement they had made and if they didn't want the Cavy Breeder to use the space they needed to find them an agreeable alternative and asked the Council for endorsement of that position. Councilor Shepherd made a motion to enforce the agreement to allow the Cavy Breeders to use the space. The motion was seconded by Councilor Cole and was approved unanimously.

5. Mark Hetrick. Mr. McDowell said he received a call Friday from Mr. Hetrick asking if the City is interested in seeking USDA grant funds for the purpose of bringing fiber optic data service to Brownsville. Mr. McDowell said Staff would follow up and try to get more information if Council was interested. Council agreed to move forward by consensus.
6. March Financials. No discussion.

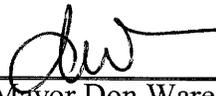
CITIZEN COMMENT: Ms. Fox thanked the Mayor for the Older Americans Month proclamation.

COUNCIL COMMENTS: No comments.

ADJOURNMENT: Councilor Cole moved to adjourn. The motion was seconded by Councilor Shepherd and was approved unanimously. The meeting was adjourned at 8:55 p.m.



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City Administrator S. Scott McDowell



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Mayor Don Ware