



## COUNCIL MINUTES

June 26<sup>th</sup>, 2012

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

PUBLIC: Kaye Fox, Brad Kelley, Anne Hankins, Scott Johnson, Ernie Martin, Cynthia Burgeson, Sarah Dyrdaahl, Tara Davis, Don Leber & Neal Karo.

ADDITIONS AND DELETIONS: Mr. McDowell added three legislative items, 1) Resolution 686 – Utility Arrangements, 2) Resolution 687 – Budget Allocation Explanation, and 3) Resolution 688 – Adding Signer to City Bank Accounts. Mr. McDowell added Discussion items regarding Kirk Avenue, the Emergency Preparedness Committee and the League of Oregon Cities policy survey. Mr. Sattler added a Public Hearing regarding Ordinance 736.

MINUTES: The Council reviewed the minutes of the May 29<sup>th</sup>, 2012, meeting. Councilor Cole moved to approve the minutes. The motion was seconded by Councilor Boyanovsky and was approved unanimously.

### PUBLIC HEARINGS OR PRESENTATIONS:

1. Willamette Country Music Festival. Ms. Anne Hankins and Mr. Dan Leber were present to update the Council on the status of the Music Festival. Ms. Hankins described a number of changes from last year such as increased security, flaggers to direct traffic, permission from ODOT to stop traffic on Hwy. 228 to speed the flow of traffic in and out of the Festival and an onsite medical facility with staff complete staff. Mr. Leber said that there is an opportunity for Brownsville business to get free advertising from the Festival in both print ads and video ads being shown during the Festival. He encouraged the businesses to take advantage of the opportunity.
2. Riverbank Stabilization Projects and the Calapooia Watershed Council. Ms. Sarah Dyrdaahl and Ms. Tara Davis were present to discuss what lessons had been learned about riverbank stabilization projects and their long term success or failure on the Calapooia River. Photographs were shown of the projects done just downstream of Brownsville and the damage they had suffered during last winter's high water periods. She noted that funding agencies are no longer funding these type of projects due to the high failure rates over time. Ms. Davis discussed the changes occurring at the site of the Brownsville Dam since its removal and the discovery of the old wooden crib dam structure. Ms. Davis said that there is about \$10,000 remaining in the project funds and was seeking input on possible uses. She said that it cannot be used for normal operation but can be spent on unforeseen expenses. She asked the Council to contact her if they had any suggestions.
3. Sweet Home Sanitation Report. Mr. Ernie Martin was present and told the Council that the citywide cleanup had gone well and described how much had been collected including 20 tons of garbage, 2.41 tons of yard debris, 148 tires, 2.13 tons of wood, 100 items of E-waste. Councilor Shepherd asked if he had made progress on the franchise agreement. Mr. Martin said that he wants to add some services such as household hazardous waste collection events.
4. Exchange Student Program. Cancelled.



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5. French Street Vacation. Mayor Ware opened a public hearing seeking input on the proposed vacation of a section of French Street per Ordinance 736. There was no one who wished to comment and Mayor Ware closed the public hearing.

### DEPARTMENT REPORTS:

1. Sheriff's Report. Sgt. Kelley reported that Pioneer Picnic had gone well and said that Deputy Putney had spent quite a bit of time there. Sgt. Kelley said that his office is preparing for the Music Festival coming up in August.
2. Planning. Mr. Sattler said that there has been a continuing uptick in real estate activity with quite a few people calling or coming in to discuss possible property purchases. Mr. Sattler said that he will be posting the first round of vegetation abatement notices. He said that the second reading of Ordinance 736, vacating a portion of French Street, will be on the agenda later in the meeting. Mr. Sattler said that he has been picking up the Accounts Payable duties as Jannea is available to train him.
3. Public Works. Mr. Frink said the Oak Street project is nearly finished. He said progress on the Pioneer Park restrooms has been spotty due to the rainy weather. Mr. Frink said that the dust control coating had been applied to Washington Street, Hume and Holloway Heights.
4. Administrator's Report. Mr. McDowell reported that Karo Construction is trying to finish the Pioneer Park restroom project before July 1<sup>st</sup> but it didn't look like that would be possible due to various delays. He said that the same situation pertains to the South Oak Street Project but it was looking more hopeful to get that project substantially complete. Mr. McDowell said that he has been continuing to work with Schroder Law regarding the City's water rights. He said that they reviewed the re-implementation of a water right associated with an old well that dates back to 1921 which could be of great benefit so they are looking at the various options for what could be done with that right. Staff made a few recommendations regarding the possible installation of tile in the Art Center. The City is waiting for official word from the Association. Mr. McDowell informed the Council that Mr. Hopla and Mr. Ginn had come to him with urgent requests for temporary liquor licenses and that Mayor Ware had signed them as there had not been time to wait for the full Council meeting.
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. None.

### LEGISLATIVE:

1. Resolution 683 – Fiscal Year 2012-2013. Mr. McDowell directed the Council's attention to a change made since the last draft of the Resolution due to the new LB1 form. Councilor Cole moved to approve Resolution 683. The motion was seconded by Councilor Shepherd and was approved unanimously. Mr. McDowell asked for authorization to republish the corrected LB 1 form. Councilor Cole moved to approve the



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- republishing. The motion was seconded by Councilor Shepherd and was approved unanimously.
2. Resolution 684 – Setting Water Rates. Councilor Cole moved to approve Resolution 684. The motion was seconded by Councilor Van Sandt and was approved unanimously.
  3. Resolution 685 – Setting Sewer Rates. Councilor Van Sandt moved to approve Resolution 685. The motion was seconded by Councilor Shepherd and was approved unanimously.
  4. Resolution 686 – Budget Transfers. Councilor Cole moved to approve Resolution 686. The motion was seconded by Councilor Van Sandt and was approved unanimously.
  5. Resolution 687 – Transfer of Funds. Mr. McDowell told the Council that the purpose of this Resolution was to document the disposition of some funds received from USDA-RD several years ago associated with the wastewater project. Councilor Cole moved to approve Resolution 687. The motion was seconded by Councilor Boyanovsky and was approved unanimously.
  6. Resolution 688 – Adding Signer to City Bank Accounts. Councilor Cole moved to approve Resolution 688. The motion was seconded by Councilor Van Sandt and was approved unanimously. Councilor Shepherd will be added as an authorized agent.
  7. Ordinance 736 French Street Vacation (Second Reading). Councilor Boyanovsky moved to read by title only. The motion was seconded by Councilor Van Sandt and was approved unanimously. Mayor Ware read the title of Ordinance 736. Councilor Cole moved to approve Ordinance 736. The motion was seconded by Councilor Van Sandt and was approved unanimously.

### ACTION ITEMS:

1. Move August Council Meeting Date. Mr. McDowell recommended moving the August meeting to September 4<sup>th</sup> due to a scheduling conflict. Council agreed to move the meeting back a week to September 4<sup>th</sup>, 2012.
2. Authorize RFP For Central Linn Rec Center Roof. Councilor Boyanovsky moved to approved publishing an RFP for a new roof for the Rec Center. The motion was seconded by Councilor Shepherd and was approved unanimously.
3. Authorize RFQ for Backhoe Purchase. Councilor Cole moved to approve publishing an RFQ for the purchase of a new backhoe. The motion was seconded by Councilor Van Sandt and was approved unanimously.
4. Authorize RFQ for Mower Purchase. Councilor Cole moved to approve publishing an RFQ for the purchase of a mower. The motion was seconded by Councilor Van Sandt and was approved unanimously.

### DISCUSSION ITEMS:

1. Animal Ordinance. Mr. McDowell said that he had not heard anything further regarding the complaints on Northpoint. Mr. McDowell said that any of the suggested changes to



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the ordinance would not have any effect on the situation due to the size of the lot in question. Further, if Council changes the ordinance to incorporate lots of that size, no one in town would be permitted to have farm animals. Mr. McDowell reported that many people in town are strongly in favor of allowing animals and continuing the current policy and asked Council if he should spend more time on the issue. Mayor Ware said that he liked the current policy. Councilor Cole said that Brownsville is a rural community and she thought the current policy was fine. Councilor Shepherd said that he would like to see more work done as he is having a problem with his neighbor. Other than Councilor Shepherd the rest of the Council wished to keep the current policy.

2. FEMA Update. Mr. McDowell indicated that an issue had recently arisen with the City's FEMA application. FEMA has a strict time frame for eligible damages. FEMA's time frame on the Oregon flood event is January 17<sup>th</sup> – 21<sup>st</sup>. The City documented the initial damage to the waterline occurred prior to that period. FEMA has determined that the damage is almost certainly not eligible for FEMA funding. Mr. McDowell said that he could proceed but there is realistically no hope for success and that the other option is to withdraw the claim. Mr. McDowell said that the river level needs to drop before the damage can be ascertained but that he thinks it is almost certainly in the 45 degree coupler. If that is the case the repair should cost \$80,000 to \$120,000 as a broad estimate. The consensus of the Council was to direct Mr. McDowell to withdraw the application. He said that the plan is to work with the Corps of Engineers and DSL for an emergency permit to do the work. Councilor Cole asked about the long term viability of a repair. Mr. McDowell said that the first priority is to get the line repaired and then to start saving toward the boring project previously discussed or possibly to look into a revenue bond to pay for the work.
3. May Financials. Mr. McDowell said that the May financials are not yet finished due to problems that had been found in the accounting. He said that the Auditors have not had time to help resolve the issues and asked for permission to hire an outside accountant to help if needed. The request was approved unanimously.
4. Linn County Road Department and Kirk Avenue. Mr. McDowell said that he had met with Mr. Lane regarding Kirk Avenue and that Mr. Lane had suggested doing an overlay on the street except for the approach from Averill Street to Main Street where the road would be dug out and the base rebuilt, including curbs, gutters and sidewalks. Mr. Lane said that should bring the project cost down to around \$600,000 to \$700,000. Mr. McDowell reported that the City would not be required to contribute any funds towards the project. He said that Mr. Lane thought the work could be scheduled either for next summer or for 2014. Mr. McDowell said that he will work on getting an agreement finished with the County later this year.
5. Emergency Planning Commission. Mr. McDowell indicated that he EPC had been charged with public education and drafting an emergency response plan. He reported that they had been doing well but then took a break last Summer and work on the plan had slowed. Mr. McDowell said that some of the people attending meetings were creating issues for others and slowing down the work of the committee. Mr. McDowell said that there have been three resignations out of the seven members. Mr. McDowell said that part of the problem is that the topic is very broad, but that people tend to come to the committee focused on only one small area and that has been driving off other volunteers. He said that the some options are to repeal the ordinance and do away with the committee completely or to create an adjunct committee chosen by the City Administrator. He said that he would continue to follow up on the options and report back to Council.



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6. League of Cities Policy Update. Mr. McDowell explained that the League is polling cities to choose legislative priorities and asked the cities to choose four areas. He asked Councilors to email him with their suggestions.

COUNCIL COMMENTS: None.

CITIZEN COMMENT: Ms. Fox said that the Seniors have raised enough money to pay for the new ADA door for the building and that she is still working on finding an electrician to do the work for them. She said that they will have a dedication ceremony when it is finished. Ms. Fox said that the blacktop pathway between the Library Park and the Museum is lifting in places due to roots growing underneath. She said that the Baptist Church is looking for donations to help exchange students.

EXECUTIVE SESSION: The Council moved to Executive Session at 9:10 p.m. pursuant to ORS 192.660. Council returned from Executive Session at 9:22 and reconvened in regular session.

LIBRARY BOARD. Mayor Ware indicated that Librarian Sherri Lemhouse recommends Jennifer Ashcraft for the open position on the City's Library Advisory Board. A motion was made by Councilor Cole, seconded by Councilor Van Sandt to appoint Jennifer Ashcraft to the Library Advisory Board. The motion carried unanimously.

ADJOURNMENT: Councilor Shepherd moved to adjourn. The meeting was adjourned at 9:26 p.m.

A handwritten signature in cursive script, appearing to be "SM", written over a horizontal line.

City Administrator S. Scott McDowell

A handwritten signature in cursive script, appearing to be "Don Ware", written over a horizontal line.

Mayor Don Ware