



Council Minutes

April 22nd, 2014

ROLL CALL: Mayor Don Ware called the meeting to order at 7:00 p.m. with Councilors Van Sandt, Shepherd, Cole, Boyanovsky, Gerber and Chambers present. Administrative Assistant Tammi Morrow, Public Works Superintendent Karl Frink and City Administrator Scott McDowell were also present.

PUBLIC: Kaye Fox, John Morrison, Sweet Home Sanitation's Josh Metcalf & Scott Johnson, John Voight, Claire Gerber, Elizabeth Coleman, Tim McBride, and Larry & Karen Bowman.

The Pledge of Allegiance was recited.

ADDITIONS AND DELETIONS: Mr. McDowell advised Council that Madeline Decker was unable to attend tonight due to illness. She will be rescheduled for next month. Mr. McDowell added discussion concerning Tour DaVita, Brownsville Municipal Code Language, and the Linn County Commissioners & Bi-Mart Willamette Country Music Festival.

MINUTES: Council reviewed the minutes of the March 25th, 2014 meeting. *Councilor Cole moved to approve the minutes as presented. The motion was seconded by Councilor Chambers and was approved unanimously.*

PUBLIC HEARINGS OR PRESENTATIONS:

John Voight (Vacate Sage Street) – Mr. Voight recently purchased a large piece of riverfront property that runs along the south side of his property line. His original request to the City was to vacate Sage Street. He was told that this vacated street would then revert to the three adjoining properties. After a conversation with Linn County Surveyor's Office, Administrative Assistant Elizabeth Coleman was informed that it appears this is not legally possible because Sage Street is part of the Galbraith's Addition. Mr. Voight's newly purchased property is part of another subdivision. Mr. McDowell reminded Council that on any unimproved street, developers are required to develop to City standards and to the Brownsville Municipal Code. Mr. McDowell feels there could be a couple of options available to Mr. Voight, 1) if the City were to vacate Sage Street, Mr. Voight would have to gain egress from adjacent property owners, or 2) the City could grant an easement to Mr. Voight access to his property on this unimproved street with specific conditions regarding the development of a private access road. The City would not pay for improvements to this unimproved street. *A motion was made by Councilor Cole to allow City Staff to move forward with researching a possible, mutually agreeable solution for this issue. The motion was seconded by Councilor Chambers and was approved unanimously.*

DEPARTMENT REPORTS:

1. **Sheriff's Report.** No report tonight.
2. **Public Works.** Mr. Frink reported that the Oregon Health Authority (OHA) conducted their annual inspection. There were a few minor findings, most have already been corrected. McFarland Cascade work continues out on Highway 228. While installing the sewer main, they incurred some major logs and stumps in the ground. This discovery cost them extra time as they were drilling across the



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highway, but everything is now installed across the roadway. The roadway patch is rough right now, but they are waiting for the road to settle, and then they will come back and complete the smooth, permanent road patch according to ODOT standards and conditions that are a part of McFarland's ODOT permit. New LED streetlights have been installed from the bridge north. The lights should last for 100,000 hours, roughly 15 years. Mr. Frink reported that his computer recently crashed. He has spent considerable time and effort recovering data and getting the computer functioning again. Mayor Ware remarked on a tree on Spaulding that is impeding passage on the sidewalk. Mr. Frink remarked that he had just seen it today, and Public Works will take care of it. Council inquired about recent vandalism. Mr. Frink informed Council that there has been nothing significant at this time.

3. Administrator's Report. – Mr. McDowell reported that a letter has been sent to Jefferies regarding their SDC fees owed. The Jefferies have been in contact with City Hall, and are making arrangements to execute the payment agreement as authorized by Council at the last meeting. The Linn County Sheriff's Office MOU has been executed and has been sent back to the County for finalization. The medical marijuana moratorium has been appropriately filed with the OHA. There is an unsafe structure on Calapooia Street, and City Staff is working with the property owner to address the problem. Phase I of the City Hall project is awaiting bids, and will then get underway. Mike Sossie will be here tomorrow to coat the Rec Center floor, and we will also get a bid to recoat the bleachers and the stage. The gym will be closed until May 5th to allow the floor to completely cure and dry.

The Bishop Royale project is underway. The property is located on OR 228 between Dr. Glenn's Office & Sharing Hands. Staff has been in contact with the property owner and developer ensuring that they comply with all appropriate codes and requirements. There will be three (3) separate sewer connections included with this property for future possible needs. The MOU with the CFA has been developed and forwarded to them, requiring a \$50/month rental fee. Feedback was received stating this amount may be too much. Mr. McDowell encouraged them to send Council a counter offer. Mr. McDowell indicated that this is his last year on the OPRD Board. If it is necessary and productive, he will stay on for another four year term. He will report back to Council after the upcoming sessions. McDowell is also with the Visit Linn Coalition and the Ford Foundation Go Team. Mr. McDowell will type up a brief synopsis with the highlights of the annual Council Goals Retreat and place some of the changes in the Goals language that is a part of the monthly Council packet. It is insurance renewal time. Mr. McDowell and Mr. Frink are collectively working on this project. The deadline is April 30th, 2014. Councilor Boyanovsky inquired about the date for the placement of the new fountain down at Kirk's Ferry Park. Mr. Frink said that Public Works should have it installed by June.

4. Library Report. Mayor Don Ware informed Council that Ms. Lemhouse is the spokesperson for the Dolly Parton Imagination Library, and does a wonderful job of it.
5. Court Report. No comments.
6. Council Comments. Mayor Don Ware would like to request the opportunity to have the speed reader sign around town in a couple of key locations. McDowell will contact the Linn County Sheriff's Office with this request.



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7. Citizen Comments. Kaye Fox expressed her sadness that the Seniors would have to suspend their walking program in the Rec Center until May 5th.

LEGISLATIVE:

1. O 744: Cross-Connection Program Modification (First Reading). *Councilor Gerber made a motion to read Ordinance 744 by title only. Councilor Shepherd seconded the motion and it passed unanimously.* Mayor Ware read the ordinance by title only. Mayor Ware then opened the floor for Council discussion. Mr. McDowell reminded Council that this ordinance has been in the works for awhile. Mr. McDowell received language from OHA, sent it back to them with the appropriate Brownsville updates/changes, and they approved it and returned the ordinance to the City. Mr. Frink explained to Council the need for backflow devices and how they protect the water system. *Councilor Shepherd made a motion to pass O744 as written and as an emergency, taking effect immediately. Councilor Van Sandt seconded the motion, and it passed unanimously.*
2. O 745: Universal Residential Service (First Reading). *Councilor Gerber made a motion to read Ordinance 745 by title only. Councilor Boyanovsky seconded the motion and it passed unanimously.* Scott Johnson and Josh Metcalf from Sweet Home Sanitation were present to discuss implementing a universal residential service within the City of Brownsville. McDowell explained that the City requested this proposed change due to nearly a dozen trash complaints last Summer alone. Mr. McDowell stated that there are approximately 690 users, and Scott Johnson stated that they currently have about 500 customers. This new legislation will impact about 190 households within the City. Mr. Johnson stated that the least expensive service they offer is about \$11 per month, which includes recycling and yard debris containers. He also stated that if people take their trash up to the transfer station the minimum fee is about \$20. Councilor Chambers commented that she has talked to a few people who have had their service disconnected due to nonpayment. Councilor Van Sandt commented that truly \$11 works out to about \$2.50 a week. Councilor Cole thought the \$11 is a reasonable price for the community health benefits of having weekly trash service. Councilor Boyanovsky stated that he would like to do a little more community research on the matter before a Council vote. Mr. McDowell commented that this will take a little bit of overall administration since it will be linked to the utilities, but that it is a good value for residents and should reduce pestilence from neighborhoods. Scott Johnson also added that with more users on the service will lower the overall cost of service delivery. Mr. McDowell said the City has been implementing gradual increases each year instead of having a huge jump in rates in one year.
3. R 2014.06: Annual Verification of Services for State Revenue Sharing. *Councilor Gerber made a motion to approve R 2014.06 as presented. Councilor Van Sandt seconded the motion and it passed unanimously.*



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4. R 2014.07: Annual Workman's Compensation Coverage Declaration. Councilor Cole made a motion to approve R 2014.07 as presented. Councilor Boyanovsky seconded the motion and it passed unanimously.

ACTION ITEMS:

1. Senior Center Agreement. Councilor Van Sandt made a motion to authorize Mayor Don Ware to sign the Senior Center Agreement as was approved by Council at the January 28th, 2014 meeting. The motion was seconded by Councilor Cole and it passed unanimously.
2. Joe Ervin – Dam Run Closure. Mr. Ervin is requesting approval for a road closure for a dam run event on Sunday during Pioneer Picnic from 6:00 a.m. to 11:00 a.m. Park Avenue will be closed from Main Street to Averill Street. The Linn County Pioneer Picnic Association will be responsible for making sure the signs and barricades are in place. Councilor Cole made a motion to approve this road closure. Councilor Gerber seconded the motion and it passed unanimously.
3. Annual OLCC License Renewals. Councilor Gerber made a motion to approve the annual OLCC License Renewals. Councilor Cole seconded the motion and it passed unanimously.
4. Authorize Annual Linn County Pioneer Picnic Letter. Councilor Shepherd made a motion to authorize the annual Linn County Pioneer Picnic Letter. Councilor Van Sandt seconded the motion and it passed unanimously.

DISCUSSION ITEMS:

1. Key Bank Update. Mr. McDowell continues to meet with various financial institutions regarding locating in Brownsville. All inquiries will continue to be funneled through building owner Bob Anderson. The current KeyBank Office will close on June 6th, 2014.
2. Central Linn School District Meetings. Mr. McDowell reported that Central Linn School Superintendent Brian Gardner has concluded the community meetings regarding the possibility of building new schools somewhere in the Central Linn community. The final meeting was held on April 17th at 6:00 p.m. at the Shedd Fire Hall. Superintendent Gardner has stated that he will have some workshops with the School Board, but is unclear at this point what the next steps will be. Overall, maintenance and new building costs seemed to be the biggest concerns for the public attending the meetings.
3. Swap Meet and Central Linn Rec Center. Ms. Laura Meckle is in charge of the Swap Meet this year at the annual Antique Fair. She initiated contact with the Central Linn Rec Center to get permission to hold the swap meet on the baseball field at the south end of the Park. CLRA Board expressed concern over the ever-present possibility of rain, and the damage that could potentially be caused. The well field was suggested as an alternate location to hold this event, and Ms.



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Meckle thought this new location would serve her purpose well. Mr. McDowell has provided Council with an addendum to the Chamber of Commerce MOU that would reflect these changes. Ms. Meckle also requested that RV camping be allowed to pay a lower than normal fee to encourage vendors to attend the event. In order to avoid confusion, Council would like to stay with the standard RV rate for this event. *Councilor Gerber made a motion to approve Chamber of Commerce Addendum, and to use standard rates for RV camping. Councilor Cole seconded the motion and it passed unanimously.*

4. Budget Meeting – 04.24.2014 at 7:00 p.m. Mr. McDowell reminded Council that the annual budget process will start this week with the first meeting Thursday night.
5. 2014 Bi-Mart Willamette Country Music Festival. Mr. McDowell reported that there will be a meeting at the Linn County Commissioner's office tomorrow, April 23rd, 2014. The Commissioners are expected to make a ruling on the Outdoor Mass Gathering (OMG) permit. There has been an alternate traffic plan proposal which will basically have traffic flowing through Brownsville from Seven Mile Lane, down Kirk Avenue, and out to the festival. Mr. McDowell remarked that this plan could increase shoppers for local businesses. Mr. McDowell is also asking for Council to approve a letter to the Commissioners indicating the City's support of this proposed traffic plan as requested by Commissioner Nyquist. Council authorized Mr. McDowell to send the letter.
6. Randy's Main Street Fourth of July Celebration. Mary Parker is helping Randy make posters for this event. She would like to put "In cooperation with the City of Brownsville" on the bottom of the poster. *Councilor Van Sandt made a motion to approve this poster language. Councilor Boyanovsky seconded the motion and it passed unanimously, with Councilor Gerber abstaining.*
7. Arnold Poole Letter. McDowell reported that the City has received a letter from the Boys Scouts thanking the City Staff for their help in facilitating their Winter Camporee.
8. Tour DaVita (Bicycle Tour). Tour DaVita is a national charity fundraising event that promotes awareness of kidney disease and has scheduled a lunch stop for the Brownsville Park on September 14th, 2014. They will be setting up tents in the prairie/meadow on Saturday, September 13th, 2014. There is a family reunion scheduled for Saturday, but that group is fine with allowing Tour DaVita to use the park as well. *Councilor Gerber made a motion to authorize Mr. McDowell to go forth with the Tour DaVita group and negotiate an agreement. Councilor Cole seconded the motion and it passed unanimously.*
9. Mayor Proclamations (Older Americans Month and Mental Health Month). Mayor Don Ware advised Council that he will be declaring the month of May to be Older Americans Month (60+ years old), and also Mental Health Month. He asked if there were any objections from Council. Council supported these proclamations.



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10. Tim McBride. Tim McBride was present to lodge a complaint with Council regarding his neighbor's behavior, namely Jad Lemhouse. He stated that Judge Lemhouse has been harassing him and his family for years, and is misusing using his position with the City to do so. Mayor Don Ware asked Mr. McBride what he would like the Council to do for him. Mr. McBride stated that he would like the City to investigate his allegation against Mr. Lemhouse and proceed from there. Councilor Cole stated that she did not feel comfortable talking about an employee's performance without being in an executive session. *Councilor Cole made a motion that Council direct Mr. McDowell to look further into this situation through the City's legal counsel to determine the proper course of action. Councilor Gerber seconded the motion and it passed unanimously.*
11. February Financials. No questions or concerns.

CITIZEN COMMENT: No additional comments.

COUNCIL COMMENTS: No additional comments.

EXECUTIVE SESSION: The Council adjourned to Executive Session at 8:44 p.m. pursuant to ORS 192.660 Section (e).

Mayor Ware & Council returned to Regular Session at 8:54 p.m.

Council directed Mr. McDowell to decline the offer to purchase property on behalf of the City.

Council discussed thoughts regarding the McBride concern and possible strategy to carefully review the allegations and try to find some peace for these two neighbors. Councilor Chambers was adamant about reaching a solution quickly.

ADJOURNMENT: *Councilor Shepherd moved to adjourn.* The meeting was adjourned at 9:04 p.m.

City Administrator S. Scott McDowell

Mayor Don Ware