



## **Council Minutes**

**December 17<sup>th</sup>, 2013**

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

**PUBLIC:** George Frasier, Kaye Fox, Rick Dominguez, John Morrison, and Steve Brenner.

The pledge of allegiance was recited.

**ADDITIONS AND DELETIONS:** Mr. McDowell would like Council to add two Discussion Items to the Agenda: the Main Street Water Line Break, and the Pioneer Picture Gallery Lease Agreement.

**MINUTES:** Council reviewed the minutes of the November 26<sup>th</sup>, 2013 meeting. *Councilor Gerber moved to approve the minutes as presented. The motion was seconded by Councilor Shepherd and was approved unanimously.*

### **PUBLIC HEARINGS OR PRESENTATIONS:**

***Central Linn Recreation Center Agreement Review*** – Mr. George Frasier was present to give Council a report on Rec Center activities. This year they have added the Learning Tree as a full-time tenant. The Parents and Pals group continues to occupy the basement. They have added soccer as a new AYSO sport this year. Soccer will have two seasons, fall and spring. Mr. Frasier reported that football numbers are down, signups will determine whether the program will run next year. Grass has been planted in the Park infields, and injuries are down, and it seems to be working great. The CLRC will probably be raising fees this year, just to cover costs and to be sustainable. They are also looking at the United Way as a way to provide a stable funding source in the future, and the possibility of hiring a part-time person. Mr. Frasier concluded his report stating that the gym floor will be redone in April. *Councilor Shepherd made a motion to authorize Mayor Ware & Mr. McDowell to execute and sign the contract with the Central Linn Recreation Center. Councilor Van Sandt seconded the motion, and it passed unanimously.*

***Chamber of Commerce Agreement Review*** – Mr. McDowell reported that the agreement has a few changes this year. The term has been lengthened to 3 years, with a one year option to renew. Also, the recitals were expanded to include streets. John Morrison was present to answer any questions or concerns. *Councilor Gerber moved to authorize Mr. McDowell to sign the contract with the Chamber of Commerce. Councilor Van Sandt seconded the motion, and it passed unanimously.*

***Community Gardens Agreement & the Calapooia Food Alliance*** – Mr. Steve Brenner was present to give a little history of the CFA. It was started in 2006 and in 2008 became a non-profit entity. Through partnership with the City, water is provided to the gardens at the old Brownsville School site. Last year they provided 878 pounds of food to the Senior Center, Meals on Wheel Program, and Sharing Hands. Mr. Brenner expressed his appreciation for the City's support of this program. Councilor Shepherd



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commented that he has had negative feedback about the general untidiness of the gardens, in particular the plastic tarps that are sometimes used during the fall and winter months. Mr. Brenner said they would address this situation. *Councilor Van Sandt moved to ask Mr. McDowell to move forward with the negotiation of the MOU with the Community Gardens/Calapooia Food Alliance/Central Linn School District. Councilor Shepherd seconded the motion, and it passed unanimously.*

### DEPARTMENT REPORTS:

1. Sheriff's Report. No report tonight.
2. Public Works. No report tonight.
3. Administrator's Report. Mr. McDowell reported on the ongoing TAG (The Automation Group) telemetry project at the Water Plant. This project has been continuing for a year. Public Works Superintendent Karl Frink finally contacted the owners of the company to get some closure projection date for the project. The owners were embarrassed that the project has continued on this long, and promised that the project would be completed no later than January 31<sup>st</sup>, 2014. On Friday, December 13<sup>th</sup>, 2013, the City experienced a major water line break under the Main Street Bridge. Our best estimation is that the line ruptured about 4:00 or 4:30 a.m. that morning. When the leak was discovered, Mr. McDowell reported it looked like a waterfall. Mr. Frink was out of town due to a family situation, but arrived back in town around noon. Tom from Ferguson Waterworks, Tangent, and Advanced Mechanical supplied parts for the repair. They did an awesome job for us. The reservoirs were checked, and were found to be extremely low. Mr. Frink evaluated the river turbidity and found it to be well within a treatable, acceptable range, and the City switched over to running the infiltration pumps to refill the reservoirs and provide water for the City. Mr. Frink reported that as of earlier today, the reservoirs are back at normal capacity. The water line that broke is estimated to have been constructed between 1952-1956. City Engineer Jon Erwin was in today and met with Mr. McDowell and Mr. Frink to begin looking at the replacement/repair of this main water line. Collectively, they came up with the proposal of capping off that main line and just replacing the line from the north side of the bridge to tie into the line at the top of Kirk Avenue. On the south side of the bridge they will need to run a new 2" line to connect to those users. This proposal should be a long term solution to replacing this main water line and this plan will save considerable expense. Eventually, a new main line will still need to be run from the top of Kirk to Carlson's. Mr. McDowell will forward an estimate of the proposed project when he receives it. *Water Rights* - Schroeder Law Offices indicates that there are possible issues with the Canal. Mr. McDowell will bring more information to Council after Mr. Erwin reviews the requirements. *CUPSS* - Mr. McDowell reported that he had met with the Department of Environmental Quality's Chris Bayhem about a computer program for Asset Management. This program is free, and the federal government maintains the contract. We may be able to get an intern/student from U of O (*Rare*) to input information into the system. More information to follow as it becomes available. *McFarland Cascade* - Mr. McDowell reports that the contract is currently in Montreal for signatures, and we should be receiving it back soon. Jon Erwin will be meeting with them on Thursday to start reviewing plans for their expansion. *Audit* - Mr. McDowell



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reports that he signed and returned the Management Representation Letter to Boldt, Carlisle, Smith, and the City should be receiving the completed audit back soon; he will bring it to the January Council meeting. *Nuisances* – Mr. McDowell reported that he is getting a lot of cooperation with the owners of 1104 Pine. Mr. McDowell and Tammi Morrow, Administrative Assistant, posted 382 Kirk on Friday afternoon due to lack of progress. The property at 613 Kay has been granted an extension until January 8<sup>th</sup>, 2014, and it looks like minimal progress has been made. The property at 305 Kirk has been served a 24 Hour Notice for residential use of an RV located on the property. The situation will continue to be monitored. (Mr. McDowell will be working on the legislation piece of posting RV's, etc. in the next few months.) *City Hall Updates* - Mr. McDowell informed Council of many projects reaching completion such as the new drapes upstairs in the Community Room, the window finishing completed by Michael Worthing of a window on the back of the building, and also the hanging of several framed pictures in the foyer outside Council Chambers. The Staff at City Hall has been instrumental in completing these projects, and it is great to be working with a Staff that goes the extra mile to make sure our City Hall is operating and looking its best. Ms. Deaver is also working on a photography project with the Brownsville Art Association. Folks are encouraged to bring in 8x10's of local pictures to City Hall for display.

4. Library Report. Councilor Van Sandt reported that the book sale is going well.
5. Court Report. No comments.
6. Council Comments. No comments.
7. Citizen Comments. No comments.

### LEGISLATIVE:

1. O 741: Noxious Weeds Revision (Second Reading). *Councilor Gerber made a motion to read O 741 by title only. Councilor Van Sandt seconded the motion and it passed unanimously. Councilor Gerber made a motion to approve O 741. Councilor Shepherd seconded the motion and it passed unanimously.*
2. Jim Mayer Proclamation. Mayor Don Ware made a proclamation thanking Jim Mayer for his service on the Parks and Open Space Advisory Board. The proclamation will be signed and forwarded on to Mr. Mayer by City Staff.

### ACTION ITEMS:

1. Authorize System Development (SDC's). Council will recall that per R 712 the City has reduced SDC fees by 20%. Mr. McDowell is seeking Council authority to obtain request for proposals (RFP's) for SDC's restructuring. *Councilor Van Sandt made a motion to authorize Mr. McDowell to acquire RFP's for SDC's. Councilor Shepherd seconded the motion and it passed unanimously.*

### DISCUSSION ITEMS:



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1. Erwin Consulting & GR-12. Jon Erwin reports that this well is operating at a high level and is actually surpassing what we hoped for. Basically, there are two options for conveying this water: dumping it back into the water, or piping it straight through, which would be the more expensive option. *Councilor Shepherd made a motion to authorize Mr. McDowell to acquire cost proposals for the new GR-12 water source. Councilor Van Sandt seconded the motion and it passed unanimously.*
2. Urban Growth Boundary & Linn County Commissioners. Mr. McDowell reviewed the 12/16/2013 article written by Jennifer Moody of the Albany Democrat Herald regarding the possible UGB changes for Brownsville and Mr. Roger Nyquist's statements in said article. Mr. McDowell copied this article and his rebuttal in a statement that he shared with Council tonight. He touched on some of the statements made by Commissioner Nyquist as follows: Statement #1: *"The statute that allows for the Willamette Country Music Festival allows for a one-time event, and they're doing an annual event, and there are other statutes that actually prohibit them from making infrastructure improvements that you really need if you're going to be hosting 15,000 people on a regular basis."* Mr. McDowell responded by quoting the ORS and Linn County Codes legislation that he assumed Roger Nyquist was referring to. Mr. McDowell went on to remind Council that event organizers are not interested in having permanent structures for this event as they told us last month at the November 26<sup>th</sup>, 2013 Council meeting. Commissioner Nyquist's second statement was *"They're (Brownsville) telling us, 'Hey, approve this event, it's the golden goose of local economic activity, do it no matter what rural residents think and no matter what the traffic is."* McDowell's response to this statement is that first of all, the City has never said do it regardless of what anyone thinks, but going down this line of thinking is not productive. We understand the County receives complaints. Council is a taxing authority also. We receive our share of complaints too. Many times we have events that people get upset about... that is what people do, get upset. Mr. McDowell stated that he felt that Commissioner Nyquist is trying to make the City look trivial and silly. He would like Council to review his rebuttal letter, and when given Council approval, he will put it on the City's website as a public statement. McDowell said that he would continue to monitor the situation and keep Council informed. Councilor Gerber stated that she felt the level of support that this event does to support our local school, community, etc., should send a clear message to the Commissioners. Mr. Morrison from the audience inquired as to whether the City is looking to expand the UGB? Mr. McDowell responded that there are many things to consider, such as the impacts of deeming property special flood hazard area (SFHA) and determining how much is appropriate given all the requirements the State of Oregon has for such an expansion. It may be that the City can swap land to expand the UGB in another area. Mr. McDowell is waiting for the full Council to fully discuss the issue.
3. Weapons Discharge. Mr. McDowell proposed some new language for the weapons discharge ordinance. Council was in agreement, and requested that Mr. McDowell put it into Ordinance form and bring it to Council next month for the first reading.



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4. Senior Living Facility. Mayor Ware raised the question again of building a Senior Living Facility. He thinks that a town hall meeting may be in order. Councilor Van Sandt stated that she didn't feel that Council should call for a town hall meeting as it will look like the Council is on board with the idea. Council agrees it would be a nice amenity to have in town, but the City cannot afford to finance it, and does not want to send the wrong message to the public. Mayor Ware, as a private citizen, could certainly call for a town hall type of meeting to generate interest, ideas, etc. Councilor Van Sandt encouraged Mayor Don Ware to do the research regarding cost, financing, and other relevant details.
5. Pioneer Picture Gallery Lease. This lease is another agreement that needs to be renewed. Council encouraged Mr. McDowell to move forward with it. He said it will look similar to what we do for the Central Linn Rec Center.
6. November Financials. Discussion called for, no questions were asked. There was an issue last month that is being resolved with the City's software, and Mr. McDowell will email out a financial page when it is completed.

CITIZEN COMMENT: Kaye Fox requested a blank copy of an MOU to use for the Central Linn Recreation Center in regards to the seniors using the building for walking during the winter months. McDowell said he would forward one to her by email.

COUNCIL COMMENTS: None at this time.

ADJOURNMENT: *Councilor Shepherd moved to adjourn, with Councilor Gerber seconding the motion.* The meeting was adjourned at 7:55 p.m.

  
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City Administrator S. Scott McDowell

  
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Mayor Don Ware