



Council Minutes

June 25th, 2013

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

PUBLIC: Kaye Fox, Joe DeZurney, Richard Anderson, and Anne Stein.

ADDITIONS AND DELETIONS: Mr. McDowell stated that he would like to add Resolution 715 to the agenda to be addressed after executive session.

MINUTES: Council reviewed the minutes of the May 28th, 2013 meeting. *Councilor Gerber moved to approve the minutes as presented. The motion was seconded by Councilor Chambers and was approved unanimously.*

PUBLIC HEARINGS OR PRESENTATIONS:

Planning Commission Applicants – Mr. McDowell stated that there are two applicants to apply for the Planning Commission vacancy; Mr. Joe DeZurney and Mr. Richard Anderson. In Council's packet there was a list of questions (background, qualifications, interest in Brownsville, and interest in the Commission) that should be asked of each applicant. Council would like to ask the questions and have each gentleman respond accordingly. Mr. Anderson stated that he has resided in Brownsville for the past ten years, before that he resided in Eugene and California. His background is mainly in the insurance field, and more recently the electronic field. He is currently retired, has a wife and 5 children, is a volunteer at the Library each week, and also conducts tours at the Moyer House. Mr. DeZurney resides at 225 Locust, and has been a City resident for more than 40 years. His background includes being the Mayor, a City Councilor, a Planning Commission member, and owning and operating several local businesses. His latest venture, the Corner Café, was destroyed by fire in 2011, and since then he has felt a little disconnected from the community. In an effort to join back into the community, he would like to be a Planning Commissioner again and be a part of guiding the City through changes in the years ahead. Mr. DeZurney stated that he enjoyed the planning process, found it very interesting, and is excited to be part of the process again. Councilor Cole asked the applicants what else they thought was important. Mayor Don Ware also inquired as to what the applicants see in the future of Brownsville. Mr. Anderson stated that he would like see the current status continue. He is fiscally conservative, and he would like to see Brownsville not grow too fast. Mr. DeZurney stated that the town is growing right now, but that growth seems to be happening sporadically. He stated that some retail space is being taken up by non-profit entities, and that this is a little concerning. Brownsville used to be a "2 hour town", and now it is more of a "1 hour town." Mr. DeZurney stated that he would like to see some controlled growth. Currently the busiest place seems to be out on the Highway. He would like to see Brownsville "shovel-ready" when good growth comes along. Council agreed to make a decision tonight. Councilor Gerber commented that she thought both applicants were well qualified, but felt that with Mr. DeZurney's history as a town business owner and a previous Planning Commissioner, he would be the better choice. Mayor Don Ware commented that his vote goes to Mr. DeZurney in light of his previous experience. Councilor Chambers stated that Mr. DeZurney is "Brownsville", but did not



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want to discourage Mr. Anderson. Councilor Cole expressed her appreciation for both gentlemen taking their time to apply and answer Council's questions. She stated that she applauded Mr. Anderson's community involvement, but would like to support Mr. DeZurney for this position due to his 40 years of residency and his sense of Brownsville history. *Councilor Cole made a motion to appoint Mr. Joe DeZurney to serve on the Planning Commission. Councilor Chambers seconded the motion, and it passed unanimously.*

Anne Stein Request – Ms. Stein is requesting permission to set up a table on the sidewalk outside the Fitness Center to give away produce from the local community garden to local senior citizens. She is currently administering this program through the Meals on Wheels site at the Christian Church, but would really like a more visible location. Her hours are unknown at this time. Councilor Cole also inquired as to whether she had consulted the Fitness Center about the possibility of additional liability insurance needed. Ms. Stein responded that she had not done that yet. A question was raised as to the feasibility of having this program through the Senior Center. Ms. Stein reported that the Senior Center had indicated that they were not interested. Kaye Fox spoke up at this time and assured Council that they were interested, and that to her knowledge, there were just some details to be ironed out. Ms. Stein stated that she must have misunderstood. Council suggested that they meet and try to work out a mutually beneficial arrangement.

Budget Hearing – Mayor Ware opened the Budget Hearing and called for public input. No input was offered. Mayor Ware called for Council comment, none were offered. The Budget Hearing was closed.

DEPARTMENT REPORTS:

1. **Sheriff's Report.** Deputy Brad Kelley reported that it has been very quiet in town. Pioneer Picnic went well. Deputy Kelley will be working with Mr. McDowell on the vandalism reward. The question was raised as to whether rewards really work in the prevention of vandalism. Deputy Kelley remarked that he didn't have a lot of experience with it, but that it couldn't hurt! The Willamette Country Music Festival planning is continuing. The plan is to have at least 10 deputies out at the Festival at all times, funded by the Festival folks.
2. **Public Works.** Mr. Frink reported that Public Works is going well. Work continues on the Programmable Logic Controller at the Water Treatment Plant and the "bugs" are being worked out. We had one sewer line problem this month. A private citizen had punched a hole in the sewer line in his yard because the line was backing up. The issue was addressed, and fixed the same day. The PW crew will be grading the streets soon, preparing for dust control to be applied. The new Park employee, Gary "Chuck" Brown, has been doing a great job in the Park, and some extra maintenance issues have been addresses. A new sign has been installed at the entrance of the Park. New vinyl fencing has been installed at the river bank to try to minimize City liability. Mr. Frink was informed by Mr. McDowell that he can proceed with installation on the new basketball hoops at Kirk's Ferry Park. We were waiting on an Eagle Scout to do this project, but the waiting period has expired, and the poles will be installed soon. Council commented that the Highway 228 calming devices have been weeded, and are looking great.



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3. Administrator's Report. Mr. McDowell would like to commend Public Works and Staff with working so well together. He heard a lot of great feedback this weekend during Pioneer Picnic. Last weekend the City rented the First Baptist Church bus and driver and Mrs. Joni Nelson conducted a cemetery tour for the Oregon Parks & Recreation Department. They wrote a very nice thank you to the City. City Hall Staff also received a nice thank you in the mail this week. Council will notice the Goals Board has been properly displayed. Mr. McDowell will be having a meeting with McFarland Cascade soon in order to work out project details. The City is trying to provide the best possible utilities at the lowest possible cost. At the last Planning Commission meeting, a variance was approved for the Tim Smith/Spencer Costello project with conditions. Mr. McDowell has heard nothing from the parties since the meeting. There was some public opposition to granting this variance. Council has been discussing mixed use codes lately, and it seems in late of the latest Commission meeting, it may be better to continue the current process to give the Planning Commission an opportunity for input on these types of developments. Mr. McDowell journeyed to Sunriver this month to review grant applications for the Oregon Parks & Recreation Department's Grant Advisory Board (OPR). Mr. McDowell will be serving his last year in 2014. Board members are allowed to serve two, four year terms. McDowell asked Council if he should seek the additional term if asked. Councilor Cole inquired as to whether it benefits or has some value for Brownsville. Mr. McDowell indicated that it brings a positive benefit to Brownsville by just being involved not to mention the experience of being on "that side of the table" and all of the contacts and relationships that are built. Council is supportive of this venture if Mr. McDowell would like to continue. McDowell reported that evaluations have been completed for the two new Public Works employees. Probationary periods have been extended for another 90 days for both employees. Mrs. Elizabeth Coleman underwent her six month evaluation and passed with flying colors! She has been a great addition. Mrs. Tammi Morrow will have her evaluation soon as well. Mrs. Deaver and Mrs. Morrow have been working on refining financial matters, and are preparing for year end and audit work with Joshua Morrow. Ann Hankins and Don Leber from WCMF recently attended a meeting with the VLC (Visit Linn Coalition). They had a good discussion and some planning may take place to impact next year's event favorably as well as leveraging a partnership with the Oregon Jamboree and the VLC. Mr. McDowell commented that nuisance abatements have been happening. City Staff has identified and dealt with several trash issues. Council could consider requiring all City residents to have trash service. Council may also need to address Right of Way issues. There are several instances in town with buildings over the line, trees, shrubbery in the Right of Way, as well as RV's and vehicles parked in these areas. Mrs. Morrow has nearly completed the first round of weed abatements for the year. We have had a good response from several property owners, and they are bringing their properties into compliance. A few lots will need to be mowed and the invoices will be sent out for that work. About 80% of the abatements are paid. The remaining 20% of the bills will be attached to the properties, and collected at a later date. City Staff plans on phase II of abatements around the first of August. There is one more major nuisance at a residence that incorporates several junk cars, trash, buckets, RV's, etc. This problem will be addressed very soon.

4. Library Report. No comments.



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5. Court Report. No comments.
6. Council Comments. Councilor Gerber informed Council that the U.S. Pony Club will be holding a fundraising event at the Croquet Court on the 4th of July from 10 a.m. – 2:00 p.m. Councilor Van Sandt reported that the final quilt show at the Library was well attended.
7. Citizen Comments. Kaye Fox informed Council that the Senior Center has permits in place now for food preparation and sale on site.

LEGISLATIVE:

1. R 710: Increasing the Employer Contribution Rate. *A motion was made by Councilor Cole to approve increasing the employer contribution for employees with ten (10) complete years of service from 15% to 20%. The motion was seconded by Councilor Chambers, and the motion passed unanimously.*
2. R 711: Budget Appropriations FY 2013-14. *A motion was made by Councilor Cole to adopt Resolution 711 as presented. The motion was seconded by Councilor Van Sandt, and the motion passed unanimously.*
3. R 712: Water Rates. *Councilor Gerber made a motion to adopt Resolution 712 as presented which will maintain rates and fees at the same levels as FY 2012-2013 for FY 2013-14 and to introduce a capital improvement fee of \$2.50 per month, seconded by Councilor Cole and passed unanimously.*
4. R 713: Sewer Rates. *Councilor Cole made a motion to adopt Resolution 713 as presented which maintains rates and fees at the same level as FY 2012-2013, seconded by Councilor Gerber and passed unanimously.*
5. R 714: Fiscal Year End Transfers. *Mr. McDowell reported that the General Administration miscellaneous account has gone a little haywire by design of our auditor. Staff and Mr. Joshua Morrow are working on correcting entries, and will start the new year with a clean slate. Councilor Gerber made a motion to authorize Resolution 714, seconded by Councilor Cole and the motion passed unanimously.*

ACTION ITEMS:

1. Temporary Permit (Construction). *Staff has recently discussed the use of an RV on a property during the construction phase. Council discussion ensued and the determination was that a six month time frame seems like a reasonable amount of time for construction. Councilor Cole made a motion to approve the use of an RV on a property during a construction phase for up to six months. If the construction is not finished after that time, the owner can apply for thirty day extensions. The motion was seconded by Councilor Gerber and the motion passed unanimously.*



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2. City Attorney Selection. Harrang, Long, Gary, and Rudnick have informed the City that their law firm will be going in a different direction and requested that the City find another legal firm for representation. Attorney Jeff Mathews will continue to finish some ongoing matters with the City. Mr. Mathews stated that under our Code, we can hire any attorney firm that we choose if we incur less than \$20,000 a year in fees. Mr. McDowell reported that Speer, Hoyt out of Eugene works with municipalities on an "as-needed" basis and does not require a contract or retainer. Speer Hoyt LLC also has a number of individuals that the City has worked with the past. They represent many other small communities around the State. *Councilor Cole made a motion to approve the hiring of Speer, Hoyt for future legal needs. The motion was seconded by Councilor Van Sandt and the motion passed unanimously.*

DISCUSSION ITEMS:

1. Water System, Towing, & Wells Policy. Staff recently had a conversation regarding allowing wells within the City and how that could be more clearly defined. McDowell consulted with previous City Planner Bill Sattler about the policy history. Mr. Sattler stated that the policy has never been overly clear but wells have been allowed when properties are not close enough to City utilities and are far enough from the river. Councilor Cole inquired of Mr. Frink how this process works for the City. Mr. Frink stated that basically the more wells in town, the more cross-contamination risks there are. If the City's aquifer became contaminated, it could impact the City's ability to provide water to the town. His experience says that wells would be very hard to document and regulate. Policy in other small towns varies, but most towns prohibit personal wells. Mr. McDowell stated that at this time, this policy need is just being brought before Council for future consideration. State law allows wells and more research will need to be done to further the discussion. The City experiences vehicles being parked over the City water meters when a customer is delinquent. Suggestions for Council legislation might be invoking a \$20-\$30 fee per day, until the vehicle is moved. This fee would be attached to their sewer/water account.
2. System Development Charges Review. Mr. McDowell continued a discussion concerning SDC fees. Current SDC rates are extremely high. Councilor Gerber asked Mr. McDowell if he had looked into comparable rates from other small communities. He replied in the affirmative. Mr. McDowell stated that Council could reevaluate these fees every few years in order to keep them competitive with other communities in the area. Councilor Cole commented that she would like to "incentivize" fees to encourage growth and industry within our City. An effort also needs to be made to maintain a balanced approach for residents and businesses. Councilor Gerber commented that perhaps one way to incentivize would be the level of jobs the company would bring to the community; perhaps charge a base line fee, and then go by meter size. Council concurred that the system needs to be equitable to those past, present, and future.
3. May Financials. Discussion called for, no questions were asked.

CITIZEN COMMENT: No comments at this time.



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COUNCIL COMMENTS: No Council comments at this time.

EXECUTIVE SESSION: The Council adjourned to Executive Session at 8:21 p.m. pursuant to ORS 192.660 Section (e) and (i).

Mayor Ware & Council returned to Regular Session at 8:40 p.m.

Councilor Cole made a motion to authorize the passage of Resolution 715 to proceed with eminent domain procedures for the Calapooia Waterline Crossing Project, if an agreement cannot be made, with great regret. Councilor Chambers seconded the motion. The motion passed unanimously.

Council discussion ensued regarding the fencing issue and the Linn County Sheriff's Office on Pearl Street between Gail Erickson and Jad Lemhouse.

ADJOURNMENT: *Councilor Cole moved to adjourn with Councilor Gerber seconding the motion. The meeting was adjourned at 8:48 p.m.*

A handwritten signature in cursive script, appearing to be "SM", written in black ink.

City Administrator S. Scott McDowell

A handwritten signature in cursive script, appearing to be "Don Ware", written in black ink.

Mayor Don Ware