



CITY OF BROWNSVILLE

Council Meeting
Tuesday – June 28th, 2011

Regular Session 7:00 p.m.

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**BROWNSVILLE CITY COUNCIL
MEETING MINUTES**

May 24th, 2011

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

PUBLIC: Tori Jager, Chuck Knoll, Daineal Malone, Steve Chambers, Scott Johnson, Ernie Martin, Ed Sherwood, Leslie Heckathorn & Sherri Lemhouse.

ADDITIONS AND DELETIONS: Mr. McDowell had a number of additions. Action items regarding the award of the City Hall roof contract, Pioneer Park basketball court lines and nets, a budget line item addition and an ODOT signage issue were added. A discussion item regarding the Senior Center was added.

MINUTES: The Council reviewed the minutes of the April 26th, 2011, meeting. Councilor Gerber moved to approve the minutes as presented. The motion was seconded by Councilor Cole and was approved unanimously. The Council then reviewed the minutes of the May 12th, 2011, Budget Committee meeting. Councilor Chambers noted that she was not present at the meeting and her name should be removed from the roll call. Councilor Cole moved to approve the minutes with that correction. The motion was seconded by Councilor Shepherd and was approved unanimously.

PUBLIC HEARINGS OR PRESENTATIONS:

1. **Budget Hearing Fiscal Year 2011-2012.** Mayor Ware opened a public hearing to take input on the proposed fiscal year 2011-2012 budget. No one wished to comment and the hearing was closed.
2. **Gateway Project – Linn County Engineers Office.** Mr. Chuck Knoll and Ms. Daineal Malone were present to update the Council on the Gateway Project. Mr. Knoll said that Ms. Malone had been the primary engineer on the project for Linn County. He said that the project is out to bid and that the bids will be opened at 9:45 a.m. next Tuesday, May 31st at the Linn County Courthouse. The pre-construction conference will be scheduled in June with all of the contractors and subcontractors. The project is on schedule for completion by October 21st, 2011. Mr. Knoll said that Ms. Malone will be the onsite inspector for the project. Councilor Cole expressed concern that the crosswalk across Main Street has been relocated so close to Hwy. 228 as well as the lack of a catch basin on the northeast corner of Hwy. 228 and Main Street. Ms. Malone said that the intersection will be re-graded and new pavement overlaid which should take care of any drainage issues at the intersection. Several other Councilors also expressed concern about the crosswalk location. Mr. Knoll explained that the subject has already been debated with ODOT and they are not willing to change the design. His suggestion was to wait until the project was completed then approach the Linn County Road Department with the proposal for an additional crosswalk further north on Main Street as an item separate from the Gateway project. Councilor Shepherd was concerned about having enough lighting at the intersection. Mr. Knoll said that there would be more lighting than at present and again suggested waiting until the project was completed to evaluate the situation. He said that electrical wiring will be installed so if the City wants to install more lights the wiring will be available. Mr. McDowell expressed his concern with the way ODOT solicits public input and then seemingly ignores the public input during the design phase of projects. McDowell thanked Mr. Knoll and Ms. Malone for the hard work on this project. Councilor Van Sandt inquired about the impact of construction on neighboring property owners. Mr. Knoll said that the contractors would be responsible for notifying property owners of upcoming work that would affect them. Mr. McDowell said that a question had come up from ODOT about what to put on

the directional sign pointing downtown. He said that the sign would be limited to three items. Councilor Van Sandt made a motion to request that the sign list the Museum, Pioneer Park and Downtown. The motion as seconded by Councilor Cole and was approved unanimously.

3. Sweet Home Sanitation – Mr. Scott Johnson. Mr. Johnson said that ads had been placed in *The Times* to get the word out to Seniors and others who might need assistance with their trash. He said that they will have a standard garbage truck available if pickups are needed. He said that they will have someone at the drop site checking identification to verify residency. Councilor Cole asked about the idea of having a drop site for a charity available. Mr. Johnson said that they had contacted a number of charities but had not yet received a commitment from any of them. He said that they will continue to pursue the idea. Councilor Cole asked how many requests for pickup assistance had been made. Mr. Johnson said perhaps six to twelve so far. Councilor Shepherd asked if the Council should have a formal lease agreement with Sweet Home Sanitation to lease them the Rec Center parking lot for the day. He said that he had heard rumors that people intended to try to rummage through the dumpsters and said that by renting the site to Sweet Home Sanitation they could prevent that. Mr. Johnson said that they did not intend to have the public on the site for safety reasons. He said that their staff would do the unloading and sorting for recycling. Mr. McDowell said that the City can control access to public property and that Sweet Home Sanitation would be acting as the City's agent so he didn't believe there was a need to enter into a lease agreement. Council then discussed the franchise agreement with Mr. Johnson. Mr. McDowell said that he had found that the franchise agreement has a perpetual six year rolling term which basically means it never comes up for review. He said that all the City's agreements are gradually being brought to a term of three years and wanted to consider doing that with the franchise agreement; among other items of interest. Mr. Scott Johnson said that the reason for the six year term is because of the large capital investment required in the sanitation business. The longer term gives them more security in making large investments in expensive equipment. He said that he would be glad to meet with Mr. McDowell and discuss the matter with him.

DEPARTMENT REPORTS:

1. Sheriff's Report. Sgt. Brad Kelley said that there are good leads in the recent burglaries and that an arrest has been made. Sgt. Kelley said that Deputies Sutton and Putney had obtained the loan of a radar reader board for Brownsville for a while. Mayor Ware addressed how bad the speeding problem is based on Deputy Sutton's report. Mr. McDowell said that speeding will always be an issue for someone in town and he appreciated the Sheriff's Office effort running traffic enforcement.
2. Planning. Mr. Sattler updated the Council. Mr. Sattler said that the partially constructed home on North Avenue has been sold and the new owner is busy finishing it which will improve the appearance of the neighborhood. Mr. Sattler told the Council that having City Hall designated as a ballot drop site has been very successful with many people taking advantage of the service. Mr. Sattler said that he and Mr. McDowell had been spending time identifying potential nuisance issues and he had sent around thirty letters notifying residents of the issues and reminding them of Clean-Up Day coming up.
3. Public Works. Mr. Frink said that he had received the report of the DEQ inspection and no non-compliance issues had been found. He said that Public Works has been dealing with a few sewer line problems around town and they have all been cleared up. Frink mentioned that he is working on the emergency response plans for all utility facilities Mr. Frink said that Public Works has been busy with Spring cleanup and mowing, particularly getting the cemetery and Pioneer Park ready. He said that the new Caretakers have started working at Pioneer Park. He also mentioned that Mr. Mark Hanft is working out nicely as the Temporary Public Works Operator. Mr. Frink said that the roads in Pioneer park have been graded and new gravel added. Councilor Cole asked about a report of vandalism to the downtown bathrooms. Mr.

Frink said that there had been some incidents of minor vandalism but it had not been too bad yet. Councilor Chambers asked how often the portable toilets are serviced. Mr. Frink said that they are serviced every Wednesday. He explained that the vendor has a regular service route and that is when they are in the area. He said that it is very expensive to have additional servicing at different times. Councilor Chambers said that the Pioneer Picnic Association is thinking about having additional portable toilets for Picnic. Mr. McDowell said that the normal use agreement for Pioneer Park calls for the parties using the park to provide additional portable toilets if needed. Mr. McDowell said that this has always been an issue with Picnic and this year it will be particularly bad with the absence of the destroyed bathrooms. The Council discussed then need for event organizers to provide additional portable toilets as needed and the consensus of the Council was to have Mr. McDowell send a letter reminding groups using Pioneer Park of that issue.

4. City Administrator. Mr. McDowell said that Emergency Preparedness Committee will be meeting on May 25th, 2011 at the new Fire Hall. He said that the Committee is making good progress and there will be an open house at the Fire Hall on June 4th, 2011. Mr. McDowell reported that the archeological survey in Pioneer Park had not turned up anything of cultural significance so the erosion project will not be affected. He said that the Calapooia Watershed Council is waiting on an update for the funding request. McDowell said that it will probably be September before a decision is made in the next round of funding decisions. Mr. McDowell said that the City had been given the Peter Jensen award by the Calapooia Watershed Council. He talked about the Council and the community's continued support and efforts in this area. It really is a Brownsville award because of those efforts. The auditors will be in on June 21st and 22nd for their preliminary investigation, then returning the first week of August to complete the annual audit. Councilor Cole asked about progress on the Joling property. Mr. McDowell said that the environmental assessment was done and some problems were detected. Mr. McDowell said that he did not want to get into the details until he had an opportunity to discuss it with the property owner but that things are moving as quickly as possible.
5. Library Report. Ms. Lemhouse was present. She updated the Council on activities celebrating the Library's 100th anniversary and provided some history of the Library. She said that there had been a nice article in the *Eugene Register-Guard* about the Library and another article in the *Albany Democrat-Herald*. Ms. Lemhouse said that on the day of the anniversary celebration there had been 120 visitors to the Library.
6. Court Report. Ms. Nida provided a written report.
7. Council Comments. Councilor Shepherd said that the Canal Company had its annual meeting and discussed insurance issues and elected officers. Councilor Boyanovsky said that he is the representative to CWCOG and that they had passed their new budget.
8. Citizen Comment. None.

LEGISLATIVE:

1. Resolution 663 Second State Revenue Sharing (Receiving Services) Councilor Cole moved to approve Resolution 663. The motion was seconded by Councilor Boyanovsky and was approved unanimously.

ACTION ITEMS:

1. Advertise Nuisance Abatement Changes. Councilor Geber moved to approve advertising notice of the changes in the nuisance ordinance. The motion was seconded by Councilor Boyanovsky and was approved unanimously with Mayor Ware and Councilor Cole abstaining due to a conflict of interest.

2. City Hall Roof Contract Award. Mr. McDowell provided the results from the RFP. He reported that interpreting the submissions was a little difficult due to the many variables and options involved. Mr. McDowell went through the bids and recommended awarding the contract to Snow Peak out of Lebanon, Oregon. He also recommended upgrading the shingles to a 50-year shingle. Mr. McDowell said that one option was the possibility of putting a standing seam metal roof on the “steeple” area of the building, which would cost about \$4,000 more than shingles. The Council discussed whether this needed to be referred to the Historic Review Board before deciding that they preferred to stick with shingles for the whole roof. Councilor Chambers moved to go with shingles for the whole roof and to go with the 50-year rated shingle product. The motion as seconded by Councilor Shepherd and was approved six to one with Councilor Boyanovsky voting no. Councilor Cole moved to award the contract to Snow Peak. The motion was seconded by Councilor Geber and was approved unanimously.
3. Basketball Court Lines and Nets. Mr. McDowell said that Public Works received a request from a Rec Board member asking that the City have the new Pioneer Park basketball court re-stripped and new nets installed. He thought the cost would be about \$325. Councilor Shepherd asked what was in the agreement. Mr. McDowell said that he wasn’t aware of any type of agreement regarding the basketball courts. There was a recommendation made to have the Council make a donation to the Rec Board in that amount rather than paying directly. Councilor Shepherd said that he was concerned about setting a precedent and preferred not to pay anything. Councilor Gerber said that she wasn’t sure if the Rec Board agreed with the request and the consensus of the Council was to take no action at this time.
4. Addition to Budget Line Item for City Hall Roof. Mr. McDowell said that he would like to add \$15,000 to the budget allocation for the City Hall Roof as contingency funds in case problems are encountered during the work. He said that with an old building surprises can come up and he wanted to be sure to have enough budgeted to cover anything might occur. Councilor Shepherd suggested adding more and made a motion to add \$20,000 to the budget for the work. The motion as seconded by Councilor Gerber and was approved unanimously.
5. ODOT Signage Question. Already done.
6. Best Pots Disposal Question. Mr. Frink said that he had been contacted by Best Pots. He said that they will be providing portable showers at the Willamette Country Music Festival and they had asked if they could dispose of the used shower water through the City’s sewer system. Councilor Cole asked what the impact would be. Mr. Frink said that there should not be any impact to the system. He said that they were discussing perhaps 3,000 gallons. The consensus of the Council was to continue discussions and try to negotiate a disposal fee. The matter will be discussed further at the June Council meeting.

DISCUSSION ITEMS:

1. Pioneer Park Restrooms. The Council discussed what options were available to replace the lost bathrooms in Pioneer Park. Several Councilors suggested having public meetings on the matter. Councilor Shepherd suggested having the Rec Board look into using volunteers to avoid having to pay prevailing wage if the City builds the restrooms. The Council decided to get more information and continue the discussion in September or October.
2. Sweet Home Sanitation Contract Review. Already done.
3. Joling Property. Already done.
4. April Financials.

5. Senior Center. Mr. McDowell said that he had received another list of requests from the Senior Center regarding the Community Room. He said that he has regularly been receiving requests asking the City to change the room, buy new items or do work. Mr. McDowell said this has been using a lot of staff time to deal with and a process is needed to deal with these issues. Issues regarding normal wear and tear and maintenance items are expected however their event requests that have been outside that particular scope. His suggestion was to make these items a matter for negotiation when the lease is renegotiated. The consensus of the Council was in agreement. Mayor Ware will discuss the issues with the Senior Center Board.

CITIZEN COMMENT: Mr. Ed Sherwood said that he would like to have an agenda for the meeting. Mr. McDowell said that normally they are available and were just overlooked. He will have them available at the next meeting.

EXECUTIVE SESSION: Council entered executive session at 9:17 p.m. for the following purpose: Oregon Revised Statutes, Chapter 192.660 governs the conditions for a public body to convene in an Executive Session. The City will invoke Section (i) to review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing. Council returned to open session at 9:31 p.m.

ADJOURNMENT: Councilor Shepherd moved to adjourn. The motion was seconded by Councilor Boyanovsky and was approved unanimously. The meeting was adjourned at 9:31 p.m.

City Administrator S. Scott McDowell

Mayor Don Ware



City Administrator Report

June 28th, 2011

From: S. Scott McDowell
To: Mayor & Council
Re: General Business

Lemhouse & Pearl Street – Jad Lemhouse is interested in asking Council for financial assistance in moving the power poles. Information from Pacific Power is provided.

From the April 26th, 2011 CAR: Mr. Lemhouse recently learned that Pacific Power would charge \$23,000 to move the polls on the easement known as Pearl Street. The City is still working with Mr. Lemhouse to secure the easement for the hydrant discussed in late 2010.

Sweet Home Sanitation & Clean-Up Day Results – Below is an excerpt from Ernie Martin & Scott Johnson printed recently in *The Times*:

I feel that the event went very well and had a good participation rate for the first year of change. We would estimate volume to be 70% of the past clean-ups. Some of this decline is probably due to regulating the point of origin of the waste and restricting to City residents only. ~ Scott Johnson

Good Morning Don,

I just wanted you to know that the Brownsville Clean-up went very well with great participation from the Brownsville residents. Almost all the residents that took advantage of the depot style clean-up this year seemed to be very pleased

Many were pleased to see that we were diverting as much material from the waste stream as possible. We had a separate box for: garbage, yard debris, wood, metal, tires, refrigerators, and e-waste. Another popular addition this year was the St Vincent de Paul trailer almost filled with reusable items.

We recovered over 144yds of trash, 100 plus tires, 50yds of wood, 60yds of metal, 20yds of e-waste (TV's, computers). We feel the event went very well in its first year of depot style and want to thank the residents and the city for the help and participation along with the Sweet Home Sanitation Crew. We are looking forward to another great clean-up next year.

*Have a great day,
Ernie Martin*

Shortridge Alley Vacation – staff mentioned this several months ago, Mr. Shortridge cannot convey his property because it is sitting in the City-owned right-of-way. Please see Mr. Sattler's report for more information.

Gateway Project – Finally, the Gateway project is about to take wings. The City will be hosting the pre-construction meeting Wednesday, June 29th, 2011 in Council Chambers at 9:00 a.m. The project is scheduled to be finished by the third week of October 2011. The Linn County Engineer's Office and City staff will be attending weekly meetings once construction starts on the project.

Resolution 664: Appropriations FY 2011 – 2012 – It is time once again to pass the annual appropriations resolution for FY 2011-2012. The budget has been recommended by the Budget Committee and modified by Council during last month's meeting. Upon passage of this legislation, I will forward all necessary documents to the Linn County Clerk's Office & the Linn County Assessor's Office. Part of this resolution also includes delinquent sewer accounts. B

Resolution 665: Water & Sewer Rates – Based on discussions held at the Budget Committee meetings, I have prepared this resolution which holds the utility rates at the present rate schedule for FY 2011 – 2012.

Resolution 666: Transfers FY 2010 – 2011 – This resolution transfers money within various accounts to ensure accuracy. The City passes this resolution annually.

Pioneer Park Restrooms – Mayor Ware and I have discussed holding a joint discussion with stakeholders and the general public at the September 27th, 2011 Council meeting. The purpose of this item is to enter community discussion regarding the restrooms in the Park. We felt it was best to hold the discussion during the meeting night instead of creating another meeting.

Best Pots Greywater – Public Works Superintendent Karl Frink has determined a reasonable price for Best Pots dispose of their gray water from the Willamette Country Music Festival. Staff is asking for Council approval to proceed.

Calapooia Watershed Council Contract Addendum – The Watershed Council had the need for additional office space to locate two interns through October 2011. Enclosed is the addendum for your consideration.

Brownsville Art Association – I recently met with Alice Tetamore to discuss the sign for the art center. Ms. Tetamore indicated that the group was very interested in getting carpet installed. Carpeting is not part of the agreement that is currently in place. Council may want to discuss this item to determine the particulars of having such a project completed. I have included the executed memorandum for your convenience.

Sweet Home Sanitation Contract Review – Scott Johnson and I still need to determine a basis for reviewing the contract.

OR 228 Property (Tentative) – The City recently forwarded the environmental report to the property owner. I am continuing to work with Sweet Home Sanitation and Mr. Joling on this issue.

Nuisance Abatement & Junk – Mr. Sattler and I have worked closely on developing and maintaining a spreadsheet of properties throughout town that are currently in violation of local ordinances. Several certified letters have been sent for weed ordinance violations and the first wave of letters is without regarding junk violations. Staff continues to work with individual property owners to bring these properties into compliance with the applicable ordinances. Several property owners have begun cleaning up around their homes and many of the un-mowed lots have been mowed. The next step will be to post the violation and make the appropriate time. The City will then contract with the vendor to remedy the violation.

Emergency Preparedness Committee – The Committee gathered information and created pamphlets, developed emergency preparedness kits, created a banner, made a float for Pioneer Picnic Parade and staffed a booth at the Brownsville Rural Fire District's Open House on June 4th, 2011 & all three days of Pioneer Picnic. The EPC was very pleased with the outcome of these events. The Committee is working on developing the skeleton of the basic plan over the next few months and plans to meet in September. To learn more, visit www.brownsville.or.us/epc.html.

Pioneer Park & Calapooia Erosion – The City & the Calapooia Watershed Council continues to wait for the results for grant proposal has forwarded to OWEB.

Boldt, Carlisle & Smith – Joshua Morrow visited the City on June 21st to begin gathering information for FY 2010 – 2011. The audit has been set for the first week of August. The City anticipates many questions and concerns due to the implementation of the new software package. Additional services may be needed on the part of Boldt, Carlisle & Smith. BCS plans on having three of their staff members here to complete the audit. Council needs to pass future legislation regarding GASB (Government Accounting Standards Board) 54. GASB 54 changes the way internal funds are set up and classified. Council needs to pass an ordinance that will define each type of fund and which fees & taxes are generated for each fund among other details.

USDA Rural Development – the city recently received a letter from USDA regarding the audit from FY 2009 – 2010. I've been asked to complete a follow-up report for their consideration. Rosanne Volker-Bronson indicated that it was for clarification purposes only and everything looked in order.

Software Update – The City continues to work on the new software package. We are getting really close to feeling good about the outcome of this major transition. We have gotten two billings completed on the new system and soon we will be implementing the Sensus Handheld units.

League of Oregon Cities: Training Video – I have been working with the League of Oregon Cities to complete an elected officials training video. This past Monday I went to

Salem to help with the post-production work. The League is excited about this training piece and I have been thrilled to be a part of this type of endeavor.

Oregon Parks and Recreation Department Grant Committee – I had a great experience participating on this Committee. Council will recall that I was appointed to a four-year term in April. The State allots 70% for the first year the biennium and 30% for the second year of the biennium. This being the first year of the biennium, the Committee was able to fund around 80% of the applications that had been forwarded for review and consideration. I appreciate Council's support in allowing me to serve in this capacity. Below is an e-mail string between Michele Scalise and myself:

Hello Scott,

Thank you for your suggestions. They are all very good and I will definitely incorporate the presentation tips into my workshop next grant cycle.

I will keep your notes regarding program suggestions and we will discuss those items when we meet next. I plan on using Doodle to set up the meeting as you suggested. You will see something from me for scheduling in early July.

Thanks again for all your work on the Committee, you did a great job, really contributed a great deal and fit right in with the group. I'm so glad to have you as a part of the Committee!

*Best,
Michele*

*Michele Scalise, Grant Program Coordinator
Oregon Parks & Recreation Department
(503) 986-0708
michele.scalise@state.or.us*

>>> "S. Scott McDowell" <admin@ci.brownsville.or.us> 6/14/2011 10:46 AM >>>
Good Morning Michele:

Thank you for a great experience in Sunriver! I thoroughly enjoyed the Committee dynamic.

Below are some notes I took... I know you say a lot of these things to applicants, because I've heard you, so use whatever you choose or nothing at all:

Ways to Improve Presentations

1. *Be Visual.*
 - a. *Show Existing Pictures (if applicable).*
 - b. *Show Concept Pictures.*

2. *Briefly highlight SCORP criteria & other requirements.*
 3. *Focus on community partnerships.*
 4. *Focus on project need.*
 5. *Demonstrate fundraising efforts.*
 6. *Elaborate on existing financial conditions (show financial need).*
 7. *Focus on the details that are **not** in your application.*
 8. *Sell your community/district.*
 9. *Tell us how this project will enhance your area.*
- ~ *Avoid clichés.*
- ~ *Know that there is at least one project just like yours...*
- ~ *If your project has true community merit, you should have funding support demonstrated.*
- ~ *Project your voice; make sure you speak clearly.*

COMMITTEE THOUGHTS & QUESTIONS

(Most of these are probably my own unawareness!)

1. *Has the six-year acquisition requirement ever considered a reduced or sliding scale model?*
2. *Perhaps consider a per acre maximum for acquisition projects...*
3. *Focus on long-term capital improvements plans (CIP) for communities & districts...*
4. *Build a CIP/inventory of assets over time through the on-line grant process.
Editorial: I think it would be great if the State required communities/districts to submit a CIP for at least their park system.*
5. *It may also be nice to ask communities/districts to have their Park Master Plan available online so Staff and Committee members could review priorities etc.*

Thanks again!



*S. Scott McDowell
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P.O. Box 188
Brownsville, OR 97327
541.466.5880*

Visit Linn Coalition – The VLC continues to work toward the development of their website and continues to increase partnerships throughout the area. The group is up for collaboration award through Rural Development Initiatives (RDI). Councilor Cole & Mayor Ware have been helpful gathering data for this website.

Water Master Plan – *From last meeting:* The City recently entered into an agreement with Mr. John Cunningham to fine-tune the document and work in conjunction with Mr. Erwin to finish the document and forward it to the Department of Human Services by this fall.

Court Clerk Contract – *From the April meeting:* I recently spoke with County Administrator Ralph Wyatt at the Cascade West Council of Governments meeting last Friday. We will be working out the particulars of the agreement over the next several months. Mr. Wyatt indicated that it passed with full approval from the Linn County Commissioners.

ODOT Outcome – *From April meeting:* The City recently heard from the Department regarding obtaining a permit to know the welcome sign areas coming into the town from the East and West. We will be working with Permit Specialist Ken Lamb to finalize this piece.

Rec Center Floor Update – *From April meeting:* George Frasier, Mark Running and I met with Mr. Mike Sossie to develop the language for the specifications to be used in putting together a request for proposals (RFP). The RFP will include the gym floor, the bleacher area floor, refinishing the stage floor and the coach's office floor. Once we have the specifications we can put out the RFP and determine a timeline for when the floors will be completed.

Kirk Avenue – *From past meetings:* Linn County is waiting to finalize the Gateway project before starting on Kirk. Mr. Darrin Lane indicated that he is still struggling with making the street work given the code requirements of building a street and the fact that Brownsville is an historic town.

Respectfully Submitted,



S. Scott McDowell

To: Brownsville City Council
From: Bill Sattler, City Planner
June 23, 2010

1. Building Permits. The usual number of maintenance and repair type of permits and one small structure permit were issued. I have had an increase in the number of people coming into the office wanting to talk about various properties for sale so with prices coming down and financing rates remaining extremely low we are seeing an increase in activity in the market. Home are continuing to sell when offered at prices buyers want to pay but most of the activity is with distressed properties.
2. Nuisances. The last couple of weeks I've been spending a lot of time with a large round of abatement notices. I sent out 36 abatement notices via certified mail and have since found a few more to send. The notices were approximately one third nuisance (vehicles and junk) and two thirds weed abatements. I have had a few upset property owners who I have met with and tried to explain the new ordinance's requirements and most of them seem to be working to satisfy the requirements of the ordinance. We will make arrangements to have any unmowed properties cut in early July. The great majority of the weed abatements are foreclosed properties or out of town landowners.
3. Computer Projects. I have acquired three new computers, a printer and other hardware for the Library's implementation of the computerized inventory and checkout system they have been working on for the last couple of years. Two new computers will be used at the front desk by volunteers for the Follett system, the other computer will be an additional public access computer. The current plan is for the new desk to be installed next Monday, June 27, in the morning and I will come in on my normal day off and try to get them set up in the afternoon.
4. Alley Vacation Request. On the agenda for this meeting is a request from Loren Shortridge to vacate a small "alley" running down the northwest side of Holloway Heights from Holloway Heights Loop road to Fisher Street. This is a 10' wide piece of property which has no visible improvements, in other words it can't be seen on the ground. Mr. Shortridge owns 157 Holloway Heights. This residence was built in approximately 1941 and when it was built it was unfortunately built over the alleyway. This is extremely common around town as these narrow strips of City property are not improved and people sometimes were simply not aware that they existed. Mr. Shortridge would like to have the alley vacated so that his house would not be intruding into the City alleyway which can be an issue when he tries to sell it. Mr. Jon Walker lives at 317 Walnut and is the other adjoining property owner. He has purchased a lot from Bill Ridinger and as a result the alleyway is now running through the middle of his two lots. He would like to have the alley vacated so that he can build a shop in that area as currently he would have to comply with setbacks on both property lines which would make the lot almost unbuildable for him. The City does have a small sewer line running through the alley and the property owners have executed a utility easement which would be granted to the City in exchange for the vacation. Due to the 10' width of the alley there is not really any other purpose it could be used for so the City would in effect come out even on the trade.
5. Vacation Vacation. I'll be out of the office July 1-11 on vacation.

Public Works Report

June 22, 2011

Karl Frink, Public Works Superintendent

Water:

- *Billing Support*- Follow through on customer service support and requests.
- *Meter reading* – Water meters have been read for the month of June.
- *Distribution System* – Three small water leaks have been repaired and one service line has been replaced.
- *Cross Connection Program*- I continue to work on the annual inspections of the water system to identify and correct any unsafe condition that may exist.
- *Water Treatment Plant* – The grass is mowed weekly. The chlorine feed pump malfunctioned due to a broken check valve. The pump has been temporarily repaired until the new parts arrive to completely rebuild the pump. The water plant has been switched over from the wells to the Calapooia River. The emergency response plan for this facility is currently being updated.

Sewer:

- *North Lagoons* – Nothing to report at this time.
- *South Lagoons*- Nothing to report at this time.
- *Collection System*- There were no sewer back-ups this month.
- *Misc.* – The emergency response plan for the wastewater system is currently being updated as required.

Streets:

- *Mowing/ Tree Maintenance* – Tree maintenance continues on an as needed basis. On June 28, two dead maple trees will be removed from the corner of Templeton St. and Washington Ave.
- *Asphalt/ Gravel Road Maintenance* – The flower beds along main St have been scraped and weeded. All of the mulch has been applied as needed.
- *Storm Drainage* – Several drainage ditches have been inspected and some will be cleaned as needed to ensure proper drainage.
- *Signs*- Public Works continues to work on street sign repairs as needed.

Parks:

- *Pioneer Park* – The camp hosts have arrived and have been doing a very good job with the park maintenance. All of the preparations for the Pioneer Picnic were complete. One stove had the oven thermostat replaced and the large refrigerator had the condenser fan motor replaced.
- *Blakely Park* – The park is mowed weekly and trash emptied.
- *Kirk's Ferry Park* – The park is mowed weekly and trash cans emptied.
- *Remington Park*- The park is mowed weekly.

Cemetery:

- *Grounds* – The cemetery has been mowed twice, once for Memorial Day weekend and once for the Pioneer Picnic.

Library:

- *Grounds*- Public Works mows this facility weekly. The weeds have been sprayed at this facility. The flower beds have been cleaned up and bark mulch applied by public works.
- *Buildings*- Nothing to report at this time.

Downtown

- *Restrooms* – This facility is cleaned every Friday, or more often needed. Some minor vandalism and misuse of the facility has occurred. Public works monitors this facility regularly to keep the facilities clean and operating. The flower beds have been cleaned up and bark mulch applied.
- *Garbage cans* – Down town garbage cans are emptied every Friday, or more frequently as noticed.
- *Parking Lot* – This area was cleaned up, weeds sprayed and weed whacked as needed.
- *Misc.* – Public works has been cleaning the sidewalks more frequently as flower buds and debris accumulate on the sidewalks.

City Hall:

- *Buildings* –The exterior water faucets have been reconnected as needed. These were disconnected during the remodeling process and did not get reconnected at that time.
- *Grounds* – The flower beds have been cleaned up and bark mulch applied..
- *Community Center*- Nothing to report at this time.

Rec. Center:

- *Grounds*- The facility is mowed weekly. The flower beds have been weeded and bark mulch applied. Public Works received assistance from the 8th grade classes at Central Linn High School.
- *Buildings*- Nothing to report at this time.

Public Works:

- *Grounds*- The grass is mowed weekly and weeds have been sprayed.
- *Buildings*- Several small repairs have been made to the facility..
- *Misc.* – Preventative maintenance is being performed on all the vehicles and equipment. I have found the necessary documentation to begin the process of creating public works standards. This will be an ongoing project that may take several months to complete.
- I will be attending a one day short school for a cross connection recertification course as required by the State Drinking Water Program. The class will be held at Clackamas Community College on June 24th. This is an all day class.



Library Advisory Board
Librarian's Report

May 2011

Our Libraries 100th Anniversary Party was a success. Throughout the day 120 people came for tea and cake. Of these, 30 – 35 were present for Oregon Bill's key-note address. His tales of local stories were just right for our celebration. During the month of May the library had 47 people come for Story Time, 10 at Book Club and 5 for Game Night. I conducted a physical count of patrons coming through the door one week. 354 people came through the door the second week of May. Multiplied out this would be about 1400 per month and 18,000 per year. This does not include folks that use the Kirk Room after library hours. I would like to thank the city for the new computer for the Librarian. It is running much more smoothly. Our new computerized check out is scheduled to be installed during the month of June. Library Staff is eagerly awaiting this new era.

Here are a few facts about our library the month of May 2011. We have received 66 new books for the library. Volunteers donated 172.75 hours to our library. Of these, 13.25 hours were for the computerized inventory. Two volunteers and the librarian imputed 65 books into the inventory. There were 1158 materials checked out. 124 Non-fiction books; 476 adult fiction books; 78 large print books; 208 children's books; 195 junior books; 15 junior reference books and 62 audio materials.

Respectfully submitted,

Sherrí Lemhouse,

Librarian

BROWNSVILLE MUNICIPAL COURT
CHECKBOOK RECONCILIATION

MONTH: MAY 2011

Beginning Balance		<u>113.00</u>
Deposits		+ <u>5323.88</u>
Charge back fee deposited		+ <u>00.00</u>
Disbursements:		
Checks	<u>5323.88</u>	
NSF'S	<u>0.00</u>	
Total Disbursements	-	<u>5323.88</u>
Total NSF's	-	<u> </u>
Charge back Fees	-	<u> </u>
ENDING BALANCE		<u>113.00</u>
Bail	-	<u> </u>
		<u>\$113.00 Account Balance</u>

DISBURSEMENT RECONCILIATION:

To General Fund	<u>4087.84</u>
STATE	<u>00.00</u>
LEMLA	<u>33.00</u>
County	<u>256.70</u>
Unitary	<u>852.00</u>
Court Security	<u>79.00</u>
IDPF	<u>00.00</u>
Restitution	<u>00.00</u>
DUII Surcharge	<u>00.00</u>
Refund's/Misc-Bank Supplies	<u>15.34</u>
TOTAL:	<u>5323.88</u>

DEPOSIT RECONCILIATION:

Receipts #105023 through #105071
Total: \$ 5323.88

BROWNSVILLE MUNICIPAL COURT MONTHLY REPORT
 STATISTICAL REPORT FOR THE MONTH OF MAY 2011

Offense Class	Pending First Day	Filed	Terminated	Pending Last day	Trials
Misdemeanors	6	3	2	7	1
Violations	10	43	20	33	2
Contempt/Other	54	1	2	53	1
TOTALS	70	47	24	93	

BALANCE SHEET FOR MONTH OF MAY 2011

COURT PAYMENTS

COURT REVENUE		COURT PAYMENTS	
Total deposits +	\$5323.88	City	4087.84
Total bail forfeits +	0.00	Restitution	0.00
Total bail/Bank fees -	0.00	Unitary Assessment	852.00
Total Refund/Rest	- 15.34	Jail Assessment	256.70
Total NSF's	- 0.00	LEMLA	33.00
TOTAL COURT REVENUE	<u>5308.54</u>	Intoxicated Driver	0.00
Credit given for Community Service	\$ 0.00	State Misc.	0.00
Other Credit Allowed Against Fines	\$ 0.00	Court Security	79.00
TOTAL NON-REVENUE		DUII Surcharge	0.00
CREDIT ALLOWED	<u>\$ 0.00</u>	TOTAL COURT PAYMENTS	<u>\$ 5308.54</u>

TOTAL CASH PAYMENTS TO:
 CITY \$ 4087.84
 STATE \$ 885.00
 COUNTY \$ 256.70
 JUD.DEPT \$ 79.00
 REFUND/RESTITUTION \$15.34

ACCOUNTS RECEIVABLE:

BEGINNING \$ 82,996.79
 ENDING \$ 84,425.25



LINN COUNTY SHERIFF'S OFFICE

Tim Mueller, Sheriff
1115 SE Jackson Albany, OR 97322
Phone: (541) 967-3950
www.LinnSheriff.org

2011

MONTHLY REPORT TO THE CITY OF BROWNSVILLE FROM THE LINN COUNTY SHERIFF'S OFFICE

FOR THE MONTH OF:

MAY

TRAFFIC CITATIONS: -----	13
TRAFFIC WARNINGS: -----	20
TRAFFIC CRASHES: -----	0
ADULTS CITED / VIOLATIONS: -----	1
ADULTS ARRESTED: -----	6
JUVENILES CITED / VIOLATIONS: -----	0
JUVENILES ARRESTED: -----	0
COMPLAINTS/INCIDENTS INVESTIGATED: -----	49

TOTAL HOURS SPENT IN: BROWNSVILLE 264

70 PERCENT COVERAGE OF TWO DEPUTIES PER MONTH= 202 HOURS

**Tim Mueller,
Sheriff, Linn County**

By: Sgt. Brad Kelley

PATRL_RPT#2 City Incident Report

CAD Call#	ENTRY DATE	ENTRY TIME	CALL DESCRIPTION	STREET # ADDRESS	CDU NIT	DIS PO	DESCRIPTION
111510362	5/31/11	18:40:30	PERS-MISSING	903 ASH ST	733	014	No Additional Report Necessary
111500183	5/30/11	13:01:02	FRAUD	505 KIRK AV	781	014	No Additional Report Necessary
111470291	5/27/11	15:41:00	Trf Equipment Viol	1000 LINN WY	781	071	WARNING - EQUIPMENT VIOLATION
111470179	5/27/11	11:42:35	WELF CHECK	729 N MAIN ST	775	014	No Additional Report Necessary
111470156	5/27/11	11:17:19	SECURITY CHECK	320 E BLAKELY AV	759	040	NARN Extra Patrol
111470040	5/27/11	2:57:23	SUSP-VEHICLE	200 PARK AV	733	014	No Additional Report Necessary
111440460	5/24/11	22:38:11	WARRANT SERV	855 LINN WY	715	014	No Additional Report Necessary
111440322	5/24/11	16:15:39	THEFT-RPT	102 E BISHOP WY	758	014	No Additional Report Necessary
111440301	5/24/11	15:33:51	WARRANT SERV	300 FAUST ST	781	014	No Additional Report Necessary
111440284	5/24/11	15:09:52	Trf Moving Viol	300 FAUST ST	781	001	Incident Report
111440116	5/24/11	9:48:00	ALARM-POLICE	146 SPAULDING AV	759	014	No Additional Report Necessary
111430415	5/23/11	23:08:16	THEFT-RPT	304 MOYER ST	715	031	Call completed
111430299	5/23/11	16:25:58	IDENTITY THEFT	108 E BLAKELY AV	752	014	No Additional Report Necessary
111430282	5/23/11	15:38:54	WELF CHECK	377 KIRK AV	748	014	No Additional Report Necessary
111430277	5/23/11	15:26:35	SUSP-PERSON	310 WALNUT AV	752	014	No Additional Report Necessary
111420155	5/22/11	14:20:40	JUV-COMPLAINT	203 W BISHOP WY	703	014	No Additional Report Necessary
111420135	5/22/11	12:34:54	IDENTITY THEFT	528 CALAPOOIA AV	703	001	Incident Report
111410292	5/21/11	20:07:48	Trf Moving Viol	220 S MAIN ST	733	072	WARNING - MOVING VIOLATION
111410149	5/21/11	11:42:41	SUSP-CIRCUMSTANCE	232 PUTMAN ST	738	014	No Additional Report Necessary
111410137	5/21/11	10:45:21	CRIM MISCHIEF	723 N MAIN ST	721	001	Incident Report
111400339	5/20/11	20:53:23	Trf Moving Viol	800 LOUCKS WY	781	072	WARNING - MOVING VIOLATION
111390387	5/19/11	19:42:09	WARRANT SERV	300 WASHBURN ST	756	014	No Additional Report Necessary
111390321	5/19/11	16:53:07	PROP-FOUND	220 S MAIN ST	756	001	Incident Report
111390115	5/19/11	9:32:46	TRAFFIC INCIDENT	500 FISHER ST	762	014	No Additional Report Necessary
111380344	5/18/11	18:44:46	TRESPASS	620 CALAPOOIA AV	756	014	No Additional Report Necessary
111380164	5/18/11	11:15:10	DOG COMPLAINT	500 WASHBURN ST	759	014	No Additional Report Necessary
111380161	5/18/11	11:12:58	Trf Speed Viol	100 E WASHINGTON AV	759	070	WARNING - SPEEDING VIOLATION
111380138	5/18/11	10:13:01	Trf Speed Viol	100 E WASHINGTON AV	759	070	WARNING - SPEEDING VIOLATION
111380073	5/18/11	7:09:26	TRAFF-OTHER VIOL	990 WASHBURN ST	759	014	No Additional Report Necessary
111370243	5/17/11	15:02:13	NEG BAD CHECK	105 E BISHOP WY	703	001	Incident Report
111370160	5/17/11	11:47:35	HARASSMENT RPT	220 S MAIN ST	706	014	No Additional Report Necessary
111360362	5/16/11	19:15:14	PHONE-HARASSMENT	906 N MAIN ST	754	001	Incident Report
111360351	5/16/11	18:30:00	ASST-OUTSIDE AGENC	200 PARK AV	769	014	No Additional Report Necessary
111360318	5/16/11	16:52:03	CRIM MISCHIEF	240 GALBRAITH ST	703	014	No Additional Report Necessary
111360140	5/16/11	10:34:42	WARRANT SERV	405 KIRK AV	706	014	No Additional Report Necessary

PATRL_RPT#2 City Incident Report

CAD Call#	ENTRY DATE	ENTRY TIME	CALL DESCRIPTION	STREET # ADDRESS	CDU NIT	DIS PO	DESCRIPTION
111360058	5/16/11	6:01:15	SUSP-VEHICLE	298 S MAIN ST	703	014	No Additional Report Necessary
111350038	5/15/11	4:28:28	TRAFF-DUII	704 OAK ST	756	001	Incident Report
111350035	5/15/11	3:57:00	DISTB-NOISE	704 OAK ST	715	014	No Additional Report Necessary
111340378	5/14/11	23:01:44	Trf Equipment Viol	220 S MAIN ST	756	071	WARNING - EQUIPMENT VIOLATION
111340203	5/14/11	13:14:41	EXTRA PATROL	990 WASHBURN ST	759	040	NARN Extra Patrol
111330434	5/13/11	23:29:34	Trf Moving Viol	100 SCHOOL AV	756	100	CITE ISSUED - DWS/NO ODL
111330332	5/13/11	17:35:25	DOG COMPLAINT	311 E WASHINGTON AV	756	180	MDT Narrative Update
111320365	5/12/11	21:51:47	BIKE - OUT WITH	225 LOCUST AV	781	180	MDT Narrative Update
111320360	5/12/11	21:43:08	Trf Equipment Viol	1100 PINE ST	781	071	WARNING - EQUIPMENT VIOLATION
111320356	5/12/11	21:28:04	Trf Equipment Viol	220 S MAIN ST	781	071	WARNING - EQUIPMENT VIOLATION
111320048	5/12/11	7:02:24	Trf Speed Viol	800 W BISHOP WY	703	094	CITE ISSUED - SPEEDING VIOLATION
111310153	5/11/11	11:09:50	SUSP-CIRCUMSTANCE	240 GALBRAITH ST	703	014	No Additional Report Necessary
111310104	5/11/11	9:10:18	SUSP-VEHICLE	299 S MAIN ST	703	014	No Additional Report Necessary
111300385	5/10/11	19:40:00	Trf Speed Viol	1100 OAK ST	756	070	WARNING - SPEEDING VIOLATION
111300378	5/10/11	19:21:11	Trf Speed Viol	811 N MAIN ST	756	100	CITE ISSUED - DWS/NO ODL
111300340	5/10/11	17:33:59	WELF CHECK	189 WASHBURN ST	750	014	No Additional Report Necessary
111300283	5/10/11	15:21:47	Trf Speed Viol	600 N MAIN ST	753	070	WARNING - SPEEDING VIOLATION
111290117	5/09/11	9:33:35	DOG COMPLAINT	130 MOODY CT	752	014	No Additional Report Necessary
111280168	5/08/11	15:46:09	Trf Speed Viol	811 N MAIN ST	703	070	WARNING - SPEEDING VIOLATION
111280139	5/08/11	14:17:42	PARKING COMPL	225 SPAULDING WY	703	014	No Additional Report Necessary
111280016	5/08/11	1:32:56	DISTB-NOISE	704 OAK ST	733	014	No Additional Report Necessary
111270165	5/07/11	13:25:21	DOG COMPLAINT	130 MOODY CT	763	014	No Additional Report Necessary
111260201	5/06/11	13:41:26	WARRANT SERV	403 MOYER ST	703	110	Contact Attempted/No Contact Made
111260115	5/06/11	9:45:58	Trf Speed Viol	600 N MAIN ST	703	070	WARNING - SPEEDING VIOLATION
111260101	5/06/11	9:16:45	SUSP-CIRCUMSTANCE	404 E BISHOP WY	703	014	No Additional Report Necessary
111250389	5/05/11	20:29:49	Trf Aggressive Driver	811 N MAIN ST	756	102	CITE ISSUED - AGRESSIVE DRIVER
111250387	5/05/11	20:17:51	Trf Speed Viol	100 HAUSMAN AV	756	070	WARNING - SPEEDING VIOLATION
111250362	5/05/11	18:54:02	Trf Speed Viol	600 N MAIN ST	756	070	WARNING - SPEEDING VIOLATION
111250356	5/05/11	18:37:13	Trf Speed Viol	600 N MAIN ST	756	070	WARNING - SPEEDING VIOLATION
111250351	5/05/11	18:26:23	Trf Speed Viol	100 HAUSMAN AV	756	094	CITE ISSUED - SPEEDING VIOLATION
111250345	5/05/11	18:14:36	Trf Aggressive Driver	100 HAUSMAN AV	756	102	CITE ISSUED - AGRESSIVE DRIVER
111250058	5/05/11	6:03:58	Trf Speed Viol	800 W HWY 228	756	094	CITE ISSUED - SPEEDING VIOLATION
111250052	5/05/11	5:46:25	Trf Aggressive Driver	811 N MAIN ST	756	102	CITE ISSUED - AGRESSIVE DRIVER
111240391	5/04/11	22:56:17	Trf Equipment Viol	401 HUME ST	756	071	WARNING - EQUIPMENT VIOLATION
111240055	5/04/11	5:27:25	Trf Equipment Viol	600 N MAIN ST	721	071	WARNING - EQUIPMENT VIOLATION

PATRL_RPT#2 City Incident Report

CAD Call#	ENTRY DATE	ENTRY TIME	CALL DESCRIPTION	STREET # ADDRESS	CDU NIT	DIS PO	DESCRIPTION
111230174	5/03/11	12:07:54	Trf Seatbelt	625 TEMPLETON ST	703	095	CITE ISSUED - SEATBELT VIOLATION
111230144	5/03/11	10:53:38	Trf Citz Compl	990 WASHBURN ST	703	014	No Additional Report Necessary
111230061	5/03/11	7:06:20	CRIM MISCHIEF	306 KISLING AV	703	014	No Additional Report Necessary
111230052	5/03/11	6:22:07	CRIM MISCHIEF	705 WASHBURN ST	703	001	Incident Report
111220048	5/02/11	5:21:46	Trf Aggressive Driver	600 N MAIN ST	756	102	CITE ISSUED - AGRESSIVE DRIVER
111220043	5/02/11	4:57:36	Trf Equipment Viol	811 N MAIN ST	756	071	WARNING - EQUIPMENT VIOLATION
111220042	5/02/11	4:54:48	Trf Speed Viol	811 N MAIN ST	756	070	WARNING - SPEEDING VIOLATION
111220031	5/02/11	3:58:02	Trf Speed Viol	811 N MAIN ST	756	070	WARNING - SPEEDING VIOLATION
111210332	5/01/11	21:36:56	Trf Aggressive Driver	811 N MAIN ST	756	102	CITE ISSUED - AGRESSIVE DRIVER
111210051	5/01/11	5:29:49	Trf Aggressive Driver	811 N MAIN ST	756	102	CITE ISSUED - AGRESSIVE DRIVER
111210012	5/01/11	1:42:02	NARCOTICS OFF	200 N MAIN ST	702	001	Incident Report
111210003	5/01/11	0:46:57	Trf Equipment Viol	200 N MAIN ST	756	100	CITE ISSUED - DWS/NO ODL

RESOLUTION NO. 664

RESOLUTION ADOPTING A BUDGET

BE IT RESOLVED that the Council for the City of Brownsville hereby adopts the budget for Fiscal Year 2011-12 in the sum of \$4,262,599, including transfers totaling \$299,800, now on file at City Hall.

RESOLUTION MAKING APPROPRIATIONS

BE IT RESOLVED that the amounts for the fiscal year beginning July 1st, 2011 and for the purposes shown below are hereby appropriated:

GENERAL FUND

Administration	\$ 227,050
Parks & Cemetery	\$ 88,330
Community Room (Fire)	\$ 7,900
Library	\$ 98,925
Law	\$ 202,300
Operations	\$ 233,375
Transfers	<u>\$ 108,000</u>
Fund Total	\$ 965,880

WATER FUND

Administration	\$ 182,400
Operations	\$ 514,850
Transfers	<u>\$ 0</u>
Fund Total	\$ 724,250

SEWER FUND

Administration	\$ 159,100
Operations	\$ 247,800
Transfers	<u>\$ 190,000</u>
Fund Total	\$ 596,900

STREET FUND

Personal Services	\$ 87,200
Materials & Services	\$ 75,500
Capital Outlay	\$ 205,000
Transfers	<u>\$ 1,800</u>
Fund Total	\$ 369,500

SEWER CONSTRUCTION

Beginning Balance	<u>\$ 105,793</u>
Fund Total	\$ 105,793

BUILDINGS & EQUIPMENT

Capital Outlay	<u>\$ 227,000</u>
Fund Total	\$ 227,000

COMMUNITY PROJECTS

Capital Outlay	<u>\$ 226,200</u>
Fund Total	\$ 226,200

SEWER BOND

Bond Payments	<u>\$ 356,606</u>
Fund Total	\$ 356,606

WATER BOND

Bond Payments	<u>\$ 54,927</u>
Fund Total	\$ 54,927

RESOLUTION IMPOSING AND CATEGORIZING TAXES

BE IT RESOLVED that the Council for the City of Brownsville hereby imposes the taxes as provided in the adopted budget at the rate of \$6.9597 per \$1,000 of assessed value for operations; and in the amount of \$59,046 for Water Bond Debt Service; and in the amount of \$272,385 for Sewer Bond Debt Service; and that these taxes are hereby imposed and categorized for tax year 2011-2012 upon the assessed value of all taxable property within the district.

RESOLUTION NO. 664

	Subject to the General Government Limitation	Excluded from the Limitation
GENERAL FUND	\$6.9597/\$1000	0
WATER BOND DEBT SERVICE FUND	0	\$ 59,046
SEWER BOND DEBT SERVICE FUND	0	\$272,385
DELINQUENT SEWER ASSESSMENT	0	\$4,395.82

Passed and adopted by the Council of the City of Brownsville this 28th day of June, 2011.

Attest:

Don Ware
Mayor

S. Scott McDowell
Budget Officer/City Administrator

RESOLUTION NO. 665

A RESOLUTION MAINTAINING THE CURRENT UTILITY RATE STRUCTURE FOR THE UPCOMING FISCAL YEAR AS SET FORTH FOR SEWER BY RESOLUTION 632 AND AS SET FORTH FOR WATER BY RESOLUTION 633 IN JUNE OF 2009.

WHEREAS, Section 19 and Section 22 of Ordinance No. 489 of the City of Brownsville passed by the Council and approved by the Mayor on March 7, 1980, and amended by Ordinance No. 582, passed by the Council and approved by the Mayor on August 15, 1988, and the Brownsville Municipal Code, Chapter 13.05, Article I. **Sewer Regulations** authorizes charges and fees to be set by Resolution of the Council and reviewed annually;

WHEREAS, Sections 4, 9, 10, 12, 13, 14, 17(1), and 17(2) of Ordinance No. 534 of the City of Brownsville, passed by the Council and approved by the Mayor on October 26, 1981, and the Brownsville Municipal Code, Chapter 13.05, Article II. **Water Regulations** authorizes charges and fees to be set by Resolution of the Council and reviewed annually;

BE IT RESOLVED, that the rates and fee structure for both utilities follow Resolution 632 for Sewer Rates and Resolution 633 for Water Rates as passed by Council on June 23rd, 2009 be in effect for fiscal year 2011-2012.

This Resolution shall become effective July 1st, 2011 upon being passed and approved by the City Council.

Passed and approved by the City Council this 28th day of June, 2011.

Attest:

Don Ware, Mayor

S. Scott McDowell, City Administrator

RESOLUTION NO. 666

A RESOLUTION AUTHORIZING TRANSFERS WITHIN CERTAIN FUNDS FOR THE FISCAL YEAR 2010-2011 BUDGET

WHEREAS, Council would like to maintain accurate expenditures for each and every fiscal year; and

WHEREAS, several line items are over spent annually depending on factors outside the control of Council and Staff; and

WHEREAS, moving funds from the contingency line items to the over spent line items will give a more accurate reflection of expenditures for each fiscal year; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROWNSVILLE, a Municipal Corporation of the State of Oregon, that that the following funds be transferred in the following accounts:

General Administration

To:

100.010.619.000.00.00	Miscellaneous	\$60
100.010.626.000.00.00	Ads	\$250
100.010.627.000.00.00	Legal	\$500
100.010.629.000.00.00	Miscellaneous	\$75
100.010.639.000.00.00	Miscellaneous Contracts	\$550
100.010.665.000.00.00	Office Supplies	\$150
100.010.671.000.00.00	Dues	\$800
	Total	\$2,385

From:

100.010.950.000.00.00 Contingency

Parks

To:

100.020.871.000.00.00 Equipment Operations \$125

From:

100.020.950.000.00.00 Contingency

Community Room

To:

100.030.691.000.00.00 Electricity \$800

From:
100.010.950.000.00.00 Contingency

Law

To:
100.050.637.000.00.00 Police \$300

From:
100.050.950.000.00.00 Contingency

Water Administration

To:
200.010.635.000.00.00 Engineer \$7,200
200.010.639.000.00.00 Miscellaneous Services \$275
200.010.665.000.00.00 Office Supplies \$275
200.010.671.000.00.00 Dues \$175
200.010.831.000.00.00 Computer Software \$30
Total \$7,955

From:
200.010.950.000.00.00 Contingency

Sewer Administration

To:
210.010.616.000.00.00 Refunds \$1,100
210.010.635.000.00.00 Engineer \$4,600
210.010.665.000.00.00 Office Supplies \$175
Total \$5,875

From:
210.010.950.000.00.00 Contingency

Sewer Operations

To:
210.060.656.000.00.00 Chlorine \$7,000

From:
210.060.950.000.00.00 Contingency

Street

To:
300.000.642.000.00.00 Street Sweeping \$15

From:
300.000.649.000.00.00 Miscellaneous

Buildings & Equipment

To:

500.000.805.000.00.00 Park/Playground Equipment \$1,774.04

From:

500.000.816.000.00.00 Buildings

Community Projects

To:

916.000.831.000.00.00 Computer Software \$4,000

From:

100.010.950.000.00.00 Contingency \$1,000

200.010.950.000.00.00 Contingency \$1,500

210.010.950.000.00.00 Contingency \$1,500

PASSED AND ADOPTED by the City Council of the City of Brownsville this 28th day of June 2011.

Don Ware, Mayor

ATTEST:

S. Scott McDowell, City Administrator

JAD LEMHOUSE
714 Loucks Way
Brownsville, OR 97327

May 27, 2011

Received
City of Brownsville
MAY 31 2011
Clerk _____

Ms. Doris Johnston
Pacific Power
830 Old Salem Rd.
Albany, OR 97321

Dear Ms. Johnston:

Some weeks ago, we discussed by the matter of the power poles obstructing the roadway known as Pearl Street.

You indicated that you would respond in writing with the details of your proposal. As you are probably aware, there are other persons with whom this information must be shared before any decision on your proposal can be made.

I look forward to receiving your written proposal.

Thank you for your attention to this matter.

Yours truly,

Jad Lemhouse

c: Mr. Scott McDowell, City of Brownsville. ✓



Willamette Operations Center
830 Old Salem Rd. Received
P.O. Box 248 City of Brownsville
Albany, OR 97321

JUN 13 2011

6/1/11

City of _____

Jad Lemhouse
714 Loucks Way
Brownsville, Or 97327

RE: Relocate 3 phase pole line on Pearl St.

Dear Mr. Lemhouse:

Having designed the three phase overhead pole line relocation to Pacific Power standards I have an Estimated cost of \$22,876.00 to relocate this power line to the Eastside of Pearl St as we discussed during our onsite meeting on 3/31/11. Should you decide to proceed with this project we will schedule an onsite preconstruction meeting with you and Pacific Powers construction team. Thank You.

Jim Kelly
Journeyman Estimator
Ph# 541-967-4458
Fx# 541-967-6155



CUSTOMER COST ESTIMATE

Customer Name: JAD LEMHOUSE	Date: <u>April 4, 2011</u>
Title: RELOCATE (4) 3PHS PRIMARY POLES	Request # <u>5531063</u>
The cost estimate provided below is valid as per conditions set forth.	
Total Job Cost	\$ <u>22,876.00</u>
Less Customer Allowance	\$ <u>0.00</u>
Less Contract Administration Credit	\$ <u>0.00</u>
Total Customer Advance	\$ <u>22,876.00</u>
Ball Park Estimate <input checked="" type="checkbox"/>	A Ball Park Estimate is non-binding.
Firm Estimate <input type="checkbox"/>	A Firm Estimate is guaranteed for 90 days from the date this form is signed on condition that customer makes no changes to design and/or load.
Conditions/Comments <u>THIS COST IS FOR PACIFIC POWER TO RELOCATE FOUR</u> <u>3PHASE PRIMARY POLES AS IDENTIFIED BY PROPERTY</u> <u>OWNER. OWNER AGREES TO PROVIDE RIGHT OF WAY</u> <u>EASEMENT FOR ALL OF PACIFIC POWERS FACILITIES ON</u> <u>THE LEMHOUSE PROPERTY AT 714 LOUCKS WAY IN</u> <u>BROWNSVILLE</u>	
Customer Signature _____	
PacifiCorp Signature JIM KELLY	

Memorandum of Understanding

BETWEEN: City of Brownsville (City)
AND: Brownsville Art Association (BAA)
DATE: April 2010

RECITALS

- A. BAA is interested in entering into a Memorandum of Understanding with the City to utilize the Fire Bays at 255 N. Main Street for BAA purposes.
- B. City believes that BAA provides a valuable public service and desires to provide the above mentioned space to support their mission and work in the community.

FOR AND IN CONSIDERATION OF THE MUTUAL OBLIGATION HEREIN, THE PARTIES AGREE:

USE OF SPACE. BAA will be allowed to use the Fire Bays for the purpose of providing an art center that would serve as a hub for the local arts community by not only providing a place for arts education and group meetings, but a public space for local artists to come together and create art and share that art with the community.

SCHEDULING. The City will be responsible for scheduling the space for all uses. BAA has scheduling priority as outlined below:

BAA shall have access to the space on regular occurrences at least three times a week; actual times may be added and amended as necessary.

The space will be available for the following uses in the prescribed times frames:

Santiam Spokes Bicycle Club (Early Summer)

Willamette Country Music Festival Pre-Launch Party (Mid Summer)

Sharing Hands Food Drives – Thanksgiving & Christmas

Calapooia Food Alliance – Winter Market (First two weeks in December)

FEES. The intention of this Memorandum is for the operation of the space to be a pay as you go system in order to cover the costs of operational items such as heat and electricity. A per use charge for the space will be established by the BAA for groups using the space. The money will be collected and receipted by the City. The implementation of this system is to be determined by both parties.

IMPROVEMENTS. The following is a list of items:

- ♦ *Install heating by the winter of 2010. (City)*
- ♦ *Replace door panels with glass for visual purposes. (Both)*
- ♦ *Install lockers for individuals and groups utilizing the space. (BAA)*
- ♦ *Improve the lighting with full spectrum fixtures. (Both – Cost Share)*
- ♦ *Install ceiling and remove water piping. (City)*
- ♦ *Install drywall along the south wall. (City)*
- ♦ *Paint the entire space. (BAA)*

PROPERTY. Any damages incurred to the furniture or personal items shall be the responsibility of the BAA. Cleaning of the space shall be provided by the groups using the space and ultimately the responsibility of the BAA.

SIGNAGE. Any directional signage or identification signage shall be the responsibility of the BAA. The City reserves the right of approval before any modifications are made.

TERM. The term of this Memorandum shall commence upon execution hereof and shall continue for a period of three years to be revisited and renegotiated in January 2013. The BAA shall provide a written or oral progress report annually.

ENTIRE AGREEMENT. This document embodies the entire agreement between the parties. There are no promises, terms, conditions or obligations other than those contained herein. This agreement shall supersede all prior communications, representations or agreements, either verbal or written, between the parties. The original proposal as submitted by BAA, as attached, is included for documentation purposes only.

MODIFICATION AND WAIVER. No change or modifications of this agreement shall be valid or binding upon the parties hereto, nor shall any waiver of any term or condition thereof be deemed a waiver of such term or condition in the future, unless such change or modification or waiver shall be in writing signed by all the parties and added to this Memorandum.

INTENT. The intent of this Memorandum is to cooperatively work together to create a working relationship that will be mutually beneficial for both parties.

EARLY TERMINATION. The Agreement may be dissolved by either party upon providing ninety (90) days written notice.

City:

BAA:



Don Ware, Mayor



John Mulder
Art Association President

Date: 10-12-2010

Date: 05 NOV 10

Footnote: Agreement was approved by Council at the March 22nd, 2010 meeting.

S. Scott McDowell

From: shawn garrett [shawndg72@hotmail.com]
Sent: Sunday, June 12, 2011 5:51 PM
To: admin@ci.brownsville.or.us
Subject: ATV usage in park and city streets

Follow Up Flag: Follow up
Flag Status: Flagged

Scott,

Deputy Sutton spoke to me on Friday and let me know that I am not authorized to operate the ATV on the fields of the park (in the operation of preparing baseball fields) without approval from the city. He suggested it be in writing in case someone else stops me or another person working on them. He did say he had not seen any reckless driving.

Also, he mentioned that several cities in Oregon allow ATV operation and perhaps the city could allow it. I would like to propose that the City of Brownsville allow it when an organization is using said ATV's in the performance of duties related to the betterment of the public good. Or perhaps more specifically, a non-profit group that is performing duties in agreement with the city.

Currently, I have no way of transporting the ATV to and from the park, as my pickup has been at Rick's automotive for approximately 6 weeks, as he looks for hard to find parts.

As you most likely know, all duties are performed by volunteers and the Brownsville Rec Association does not own a vehicle that can work on the fields nor do they own a vehicle that can transport such vehicles. It would be of a great benefit if this were allowed.

Current law allows ATV usage with Slow Moving Sign, operating at speeds of 20mph or less, on the far right side of the road, by a licensed driver and from agricultural field to agricultural field. It is the last item that we are not in compliance with, unless a local provision is made.

Thank you,

Shawn D. Garrett
541-913-8281

S. Scott McDowell

From: Betsy Roberts [betsyr@centurytel.net]
Sent: Tuesday, June 14, 2011 9:14 AM
To: S. Scott McDowell
Subject: Suggestion

Hi Scott,

As mentioned in our phone conversation this morning, I would like to suggest that a 'Speed Bump' or even two, be placed on Walnut Street, near Ash. My address is 310 Walnut and I see near miss collisions frequently, as people speed up and down Walnut. There is poor visibility, a blind hill, a blind corner and along with pedestrian/bike traffic it's an accident waiting to happen.

I don't think it would be terribly expensive or difficult to implement. Please have the Council consider this option.

Thank you!

Betsy Roberts



Heaven Bound Riders
Chapter 22 of the
Christian Motorcyclists
Association

Received
City of Brownsville
JUN 21 2011
Clerk

June 6, 2011

Scott McDowell
City of Brownsville
P. O. Box 188
Brownsville, OR 97327

Dear Scott:

On behalf of Heaven Bound Riders and the Lane County Cancer Association, I would like to thank you for your support in the use of the park. Waiving the park fee resulted in additional funds for our 'Mystery Ride for Cancer' event.

Your kindness and generosity contributed a large part in making our special event a success and we sincerely thank you.

Sincerely,

HEAVEN BOUND RIDERS

Jim Sanders
Event Coordinator



Visit Linn Coalition

June 1st, 2011

Federal Highway Administration

Attn: Chris Woods, Planning & Program Development Team Leader

530 Center Street NE., Suite 420

Salem, OR 97301

Phone: (503) 316-2558

Fax: (503) 399-5838

Re: Support for Linn County Grant Proposal

Dear Mr. Woods:

The Visit Linn Coalition (VLC) consists of various organizations, both private and public, in Linn County who are interested in promoting tourism and working closely with Travel Oregon to take full advantage of efforts being made at the State level to promote Oregon. Our mission statement is, "Coming together for regional coordination and communication for tourism events and projects for the greater Linn County area."

On behalf of the VLC, we are in support of the *Quartzville Back Country Byway Information Center* grant proposal as submitted by Linn County. We feel strongly that supporting the private industry through job retention and creation is vital to the overall health and success of all economic sectors of our County. Adding capacity such as parking facilities, informational signage and a restroom facility will make this area a stopping point for everyone who visits the area.

We fully support these efforts on this project and appreciate your work on these matters! Should you have any questions, concerns or need additional information, please contact me at your convenience.

Best Wishes,

A handwritten signature in black ink, appearing to be 'SM', written in a cursive style.

S. Scott McDowell

Chair, Visit Linn Coalition

c: Linn County Engineer Chuck Knoll
Linn County Parks Director Brian Carroll

OR228 MAIN ST SIDEWALK / LANDSCAPE (BROWNSVILLE) PROJECT
BID TABULATION
 Bids Opened MAY 31, 2011

ITEM #	ITEM	UNIT	QUANTITY	ENGINEER'S ESTIMATE		Wildan Construction Co.		Brown Contracting, Inc.		Galco Construction Co.		North Sandan Paving Co.	
				UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
30	Level 3, 3/4" Dense Graded M-HAAC	TON	700	\$75.00	\$52,500.00	\$92.00	\$64,400.00	\$105.00	\$73,500.00	\$102.00	\$71,400.00	\$99.00	\$69,300.00
31	Level 3, 1/2" Dense Graded M-HAAC	TON	541	\$75.00	\$40,575.00	\$82.00	\$44,362.00	\$88.00	\$47,608.00	\$85.80	\$45,827.80	\$93.00	\$50,313.00
32	Concrete Cuts	FOOT	214	\$18.00	\$3,852.00	\$18.00	\$3,852.00	\$20.00	\$4,280.00	\$23.00	\$4,922.00	\$14.00	\$2,996.00
33	Concrete Curb, Curb and Gutter	FOOT	1786	\$16.75	\$29,814.50	\$10.50	\$18,754.50	\$8.00	\$14,288.00	\$12.80	\$22,867.80	\$10.70	\$19,189.20
34	Concrete Driveways, Residential, 8 in Thick	SQFT	933	\$5.25	\$4,898.25	\$4.00	\$3,732.00	\$6.00	\$5,598.00	\$4.20	\$3,918.60	\$4.70	\$4,385.10
35	Concrete Driveways, Commercial, 8 in Thick	SQFT	3902	\$5.25	\$20,485.50	\$5.75	\$22,436.50	\$8.50	\$29,383.00	\$4.70	\$18,339.40	\$3.00	\$11,706.00
36	Concrete Walks	SQFT	14192	\$4.00	\$56,768.00	\$3.00	\$42,576.00	\$2.50	\$35,480.00	\$3.00	\$42,576.00	\$2.90	\$41,156.80
37	Concrete Sidewalk Ramps	EACH	18	\$925.00	\$16,650.00	\$700.00	\$12,600.00	\$580.00	\$10,440.00	\$570.00	\$10,260.00	\$580.00	\$11,880.00
38	Pavement Line Removal	FOOT	1081	\$1.00	\$1,081.00	\$0.55	\$594.55	\$1.00	\$1,081.00	\$0.90	\$972.90	\$0.80	\$864.80
39	B-Directional Yellow Type I Markers	EACH	32	\$5.00	\$160.00	\$6.00	\$192.00	\$8.50	\$272.00	\$7.15	\$228.80	\$6.00	\$192.00
40	Perm. Surface Mounted Tubular Markers	EACH	12	\$70.00	\$840.00	\$38.00	\$456.00	\$40.00	\$480.00	\$41.00	\$492.00	\$40.00	\$480.00
41	Thermoplastic, Non-Profile, 120 Mils, Extruded	FOOT	5803	\$1.00	\$5,803.00	\$1.10	\$6,383.30	\$1.20	\$6,963.60	\$1.25	\$7,253.75	\$1.10	\$6,383.30
42	Pavement Legend, Type B: Arrows	EACH	2	\$229.00	\$458.00	\$180.00	\$360.00	\$200.00	\$400.00	\$225.00	\$450.00	\$200.00	\$400.00
43	Pavement Legend, Type B-HS: Bike Lane Symbol	EACH	6	\$256.00	\$1,536.00	\$220.00	\$1,320.00	\$220.00	\$1,320.00	\$260.00	\$1,560.00	\$230.00	\$1,380.00
44	Pavement Bar, Type B-HS	SOFT	840	\$7.35	\$6,174.00	\$6.20	\$5,208.00	\$8.50	\$7,140.00	\$6.50	\$5,460.00	\$6.50	\$5,460.00
45	Remove and Reinstall Existing Signs	LS	ALL	\$1,000.00	\$1,000.00	\$750.00	\$750.00	\$1,100.00	\$1,100.00	\$2,180.00	\$2,180.00	\$5,000.00	\$5,000.00
46	Perforated Steel Square Tube Sign Supports	LS	ALL	\$120.00	\$120.00	\$95.00	\$95.00	\$95.00	\$95.00	\$240.00	\$240.00	\$1,500.00	\$1,500.00
47	Switching, Conduit, and Wiring	FOOT	2537	\$15.00	\$38,055.00	\$19.50	\$49,471.50	\$25.00	\$63,425.00	\$20.25	\$51,374.25	\$23.00	\$58,351.00
48	Ornamental Street Lighting	LS	ALL	\$72,000.00	\$72,000.00	\$51,500.00	\$51,500.00	\$45,000.00	\$45,000.00	\$54,500.00	\$54,500.00	\$52,000.00	\$52,000.00
49	Seeding Medication	EACH	1	\$400.00	\$400.00	\$400.00	\$400.00	\$1,000.00	\$1,000.00	\$825.00	\$825.00	\$400.00	\$400.00
50	Permanent Seeding	ACRE	0.19	\$1,650.00	\$313.50	\$500.00	\$95.00	\$8,000.00	\$1,140.00	\$5,150.00	\$978.50	\$5,300.00	\$1,007.00
51	Lawn Seeding	SQYD	1039	\$1.25	\$1,298.75	\$1.50	\$1,558.50	\$2.00	\$2,078.00	\$1.55	\$1,610.45	\$1.90	\$1,892.40
52	Topsoil	CUYD	390	\$30.00	\$11,700.00	\$18.00	\$6,990.00	\$25.00	\$9,750.00	\$18.50	\$6,990.00	\$18.00	\$6,990.00
53	Deciduous Trees, Min-2-Centimeter 2 inch Caliper	EACH	34	\$32.00	\$1,088.00	\$250.00	\$8,500.00	\$250.00	\$8,500.00	\$290.00	\$8,940.00	\$265.00	\$9,010.00
54	Shrubs, No. 3 Container	EACH	32	\$14.50	\$464.00	\$25.00	\$800.00	\$25.00	\$800.00	\$26.00	\$832.00	\$28.00	\$896.00
55	Groundcover, 4" Pots	EACH	18	\$3.50	\$63.00	\$5.00	\$90.00	\$5.00	\$90.00	\$5.15	\$92.70	\$5.00	\$90.00
56	Berk Mulch	CUYD	7	\$47.80	\$334.60	\$45.00	\$315.00	\$50.00	\$350.00	\$46.35	\$324.45	\$47.00	\$329.00
57	Gateway Signs, Installed	EACH	2	\$7,500.00	\$15,000.00	\$8,200.00	\$16,400.00	\$5,000.00	\$10,000.00	\$8,170.00	\$16,340.00	\$15,000.00	\$30,000.00



June 2, 2011

Received
City of Brownsville

JUN 06 2011

Clerk _____

Honorable Donald Ware
City of BROWNSVILLE
PO Box 188
Brownsville, OR 97327

RE: Brownsville City Hall ADA Improvements, Community Development Block Grant (CDBG), Project #C02014

Dear Mayor Ware,

The City's project was Administratively Closed on June 23, 2004. A review of the records and reports for this project identify that no further activity is needed to finalize the formal close out of the contract for this project. Therefore, the contract for this project may be formally closed at this time.

The IFA staff has appreciated the cooperation of your officials and staff during the course of this project. We are pleased to have had a part in helping your community.

Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in cursive script that reads "Jim Zelenka".

Jim Zelenka
Regional Service Manager
Infrastructure Finance Authority



UNITED STATES DEPARTMENT OF COMMERCE
Economics and Statistics Administration
U.S. Census Bureau
Washington, DC 20233-0001
OFFICE OF THE DIRECTOR

May 26, 2011

33888
PL4109050

The Honorable Don Ware
Mayor
PO Box 188
Brownsville OR 97327-0188

Received
City of Brownsville
MAY 31 2011
Clerk _____

Dear Mayor Ware:

I am writing to thank you for your efforts to help make the 2010 Census a success. The 23rd Census of the United States was a massive and important undertaking, and I realize that it could not have been achieved without your support. I am pleased to provide you with instructions to assist you in obtaining information from the 2010 Census on your community.

We have enclosed detailed instructions for finding the new ***Profile of General Population and Housing Characteristics: 2010*** online. This profile provides a look at your community's population count, age and sex distribution, race, Hispanic or Latino origin, household relationships, group quarters population, housing occupancy and home ownership status. A profile is available for all states, counties, minor civil divisions, places, American Indian and Alaska Native areas, the Hawaiian home lands, and municipios in Puerto Rico. The enclosed instructions guide you through finding these data on our American FactFinder website at <http://factfinder2.census.gov>. We also invite you to explore these data on our interactive map at <http://2010.census.gov/2010census/popmap/>.

We will release additional data products from the 2010 Census through 2013. For more information on these upcoming products, please visit: <http://www.census.gov/population/www/cen2010/glance/>.

If you have any difficulty in obtaining your Demographic Profile data online, please call our Customer Service staff at 1-800-923-8282 for assistance. Our Regional Offices and the State Data Centers also serve as a great resource for you. To find the offices that serve your community, please visit <http://www.census.gov/regions/> or <http://www.census.gov/sdc/index.html>.

Again, I want to thank you for your support during the Census enumeration. I hope you find the data products meaningful.

Sincerely,


Robert M. Groves
Director

Attachment

Excuse Me – May I See Your License?

Is Your City Violating Federal Copyright Law?

By Chad Jacobs

City police officers are often in the position of asking people to see their licenses. But a different kind of enforcement agent may soon be asking for a different type of license from cities in Oregon, too. National organizations such as Broadcast Music Inc. (BMI); the American Society of Composers; Authors and Publishers (ASCAP); Sesac, Inc.; the Motion Picture Licensing Corporation (MPLC); and Swank Motion Pictures monitor for unlicensed public performances of copyrighted films and music. Cities that host or sponsor activities where music or movies are performed or played are likely required to have a license offered by one or more of these organizations. These activities may include events such as festivals, concerts, parades, First Night and New Year's celebrations, community center dances, fireworks, carnivals and movies in the park, or simply places where music is played such as at community swimming pools, aerobic classes or on the phone when someone is placed on hold.

The reason these licenses are necessary is that federal law (Title 17 of the United States Code) provides copyright protection for "original works of authorship," including literary, dramatic, musical and artistic works such as films and music. These protections prohibit the "public performance" of copyrighted works without the permission of the copyright holder. A license is one form of permission that a copyright holder may give for the "public performance" of their work.

A "public performance" for which a license is required is defined by copyright law as a performance "at a place open to the public or at any place where a substantial number of persons outside of a normal circle of a family and its social acquaintances is gathered." A "public performance" includes music that is performed live or the playing of recorded music, and could even include the playing of a radio station. Likewise, the playing of a movie at any of these types of events is a "public performance," even if the city owns the DVD of the movie that is being played.

Cities that fail to receive permission from copyright holders could be subject to significant monetary penalties. Under federal law, copyright infringement remedies include monetary damages ranging from \$750 to \$30,000 for each

infringement of each work, and willful infringement may result in damages of up to \$150,000 per infringement. In either situation, a city may also be liable for the copyright holder's court costs and attorneys' fees and will likely be subject to injunctive relief.

It is a somewhat difficult process to determine whether a license might be required for all of the various types of events in which cities participate or sponsor. In addition, it is often an administrative burden to attempt to get a license for each and every such event. Further, there could be situations where the city might be required to have a license even if the city is not directly involved in the "public performance" of copyrighted works. An example might be when a city rents city property to another group for a private event and that group uses the city property to play music or show a movie. Recognizing these difficulties, the licensing agencies mentioned above have created blanket or umbrella licenses that cities may purchase. These blanket licenses save cities the time and expense of securing permission from each copyright owner every time music or movies are used in public events.

While a blanket or umbrella license might make sense for some cities, other cities might be better off licensing single uses of music or movies, which is always an option. Cities are encouraged to discuss which option better suits their needs with their city attorney.

Additional information about licensing agreements is available on the web sites of each organization: BMI, www.bmi.com; ASCAP, www.ascap.com; Sesac, www.sesac.com; MPLC, www.mplc.org; and Swank, www.swank.com. ■

Editor's Note: Mr. Jacobs is the League's General Counsel. Because of the complexities of these issues, this article is necessarily general and is not intended to provide legal advice. This article should not serve as a substitute for competent legal counsel. Cities are encouraged to consult with their legal counsel about federal copyright and licensing issues.

To: Lazenby; Scott McClure; Scott Somers; Seth Atkinson; Sharon Harris; Sheila Ritz; Sherilyn Lombos; Stephanie Betteridge; Steve Bryant; Steve Wheeler; Steven Forrester; Steven Greagor; Steven Weaver; Susan Slack; Terence O'Connor; Teresa Hunt; Terrie Richards; Terrie Stevens; Timothy Erwert; Ursula Euler, CPA, MBA; Virginia Allen; Virginia Griffith; Wes Hare; Will Norris; William Barrons; William Elliott; William Grile; William Monahan; Zoe Monahan

Cc: Craig Honeyman

Subject: Action Requested: FCC NOI RE Acceleration of Broadband--LOC Template

Dear Managers and Administrators,

The League requests your action regarding the following:

On May 17, the FCC published a Notice of Inquiry (NOI) in the Federal Register. The intent of the NOI is to determine how to improve policies regarding the local regulation of rights-of-way and placement of wireless facilities for purposes of accelerating broadband deployment.

The FCC has labeled local regulations and policies as obstacles to broadband deployment. This mislabeling is attributable to stories that the broadband industry has been telling the FCC. Since the potential consequences of this NOI could severely impact cities' authority to manage rights-of-way and to determine facilities placement, it is important for as many cities as possible to respond to the NOI with their side of the story.

Cities need to explain to the FCC that their policies and practices are reasonable and are not what stand in the way of broadband deployment. In fact, here at the League, we've heard many stories from our member cities indicating that although city residents want broadband, the private industry will not bring it to the city based on market projections. We also have data (Oregon Broadband Map and CUB Connects website) that demonstrate that in most Oregon cities there are more than one (or five in some cases) broadband provider. These reports indicate that there is more to the story.

Accordingly, national organizations, including the National League of Cities, are encouraging cities to submit comments to the FCC demonstrating that these policies are not what stand in the way. Although the FCC's NOI is really just a list of questions for interested parties to respond to, cities should not feel pressured to respond to all or any of these questions in their responses. The most important thing is that cities tell their side of the story. To simplify the filing process, there are at least three templates available.

For more information about the NOI and the templates, please click on the following link (or copy and paste it into your browser). There you will find the LOC template, instructions, and links to other templates and the FCC's NOI.

<http://www.orcities.org/AboutUs/PolicyCommittees/LegislativePolicyCommittees/tabid/834/itemid/1403/modid/1474/language/en-US/Default.aspx>

Opening comments are due July 18. Detailed filing instructions are available in the link above. If you have any questions about any of this information, please feel free to contact me.

Thank you for your time and attention to this important matter.

Rebekah



Received
City of Brownsville

825 N.E. Multnomah, Suite 600
Portland, OR 97232

JUN 20 2011

Clerk _____

June 17, 2011

Brownsville City
PO Box 188
Brownsville OR 97327-0188

Dear Brownsville City,

As your electric service provider, our top priority is to deliver safe, reliable, low-cost energy as well as exceptional customer service. As part of that service, we want to keep you up-to-date on changes to our tariffs, effective June 8, 2011 that relate to streetlighting schedules 50 (Company-owned mercury vapor), 51 (Company-owned standard), 52 (Company-owned non-standard), 53 (Customer-owned) and 54 (recreation field lighting) as well as Rule 13 (line extensions).

We made these changes to clarify language in the tariffs and to more appropriately allocate costs to the party requesting the work, which helps keep our rates down for all customers.

Changes are outlined on the back of this letter. The tariffs may be viewed on our website at pacificpower.net/rates.

We hope this information is helpful in clarifying these changes. If you have any questions or concerns about these changes or streetlighting in general, please call me at **503-813-5615**.

Sincerely,

Daren Dixon
Manager, Streetlighting and Rubber Goods Lab

Cascades West Area Commission on Transportation

Staffed by Oregon Cascades West Council of Governments

Notes from May 26, 2011 CWACT Meeting

1. ODOT Region 2 Personnel Assignments

ODOT Region 2 Interim Manager Eryca McCartin introduced Frannie Brindle who will serve as Region 2 Area 4 Interim Manager while Vivian Payne serves as Region 2 Interim Operations and Program Manager. McCartin reported that Region 2 Manager Jane Lee, who has served as ODOT Interim Human Resources Manager, has been named as the permanent Human Resources Manager. ODOT will initiate a recruitment to fill the Region 2 Manager position.

2. ODOT and Changes to Highway Access Management

Bob Bryant, ODOT Project Manager, reported on highway access management efforts and the status of state legislation.

The 2010 Legislative Assembly directed ODOT, in cooperation with stakeholders, to develop proposed legislation to codify, clarify, and bring consistency to issuance of access permits based on objective standards. In response to SB 1024 ODOT established a 25 member Access Management Committee which met more than 30 times in the past year.

SB 264 incorporates the recommendations of the Access Management Committee. It establishes statutory criteria and a streamlined process for ODOT's access management program and the grant of approach permits on state highways.

The bill also authorizes ODOT department and local governments to enter into an agreement under which jurisdiction and ownership of a segment of state highway is transferred to the local government city; with the possibility of ODOT providing State Highway Funds to the local government for the continued construction, repair, maintenance and improvement of the transferred segment of state highway.

As amended, the bill establishes a dispute resolution process, including participation by affected local governments. The bill also creates an oversight committee to review ODOT's access management program on an ongoing process, with two members who are representatives of local governments.

Representatives of the Association of Oregon Counties and the League of Oregon Cities served on the Access Management Committee. Both organizations support the proposed bill, as amended.

CWACT members requested that ACTs, once the legislation is approved, be involved in the development of the subsequent Oregon Administrative Rules related to access management.

3. Update on Rail Issues

Linda Modrell provided a background report and update on the Bailey Line, the section of rail paralleling Highway 99W between Corvallis and Monroe, and a 7 mile rail spur from the Bailey Line to Hull Oaks known as the Dawson Branch. The Bailey Line is owned by Union Pacific and is leased to Pacific & Western/Willamette Pacific. The challenges facing the Bailey Line have been discussed by local businesses and officials for more than 25 years. In 1985 local businesses and officials were successful in fighting Union Pacific's effort to abandon the rail line.

Modrell reported that Union Pacific has filed an abandonment petition with the federal Surface Transportation Board. She expects ODOT to convene a meeting in the next week to discuss this with stakeholders including local shippers.

4. Report on ODOT Highway Construction Projects

Jaime Viramontes, from ODOT's Region 2, Area 4 construction office, presented updates on highway construction projects in Benton, Lincoln and Linn Counties. **Attached is a written copy of the report.**

5. Development of Charging Stations for Electric Vehicles

John deTar reported that ODOT received a \$2 million federal TIGER award to set up a network of 22 fast charging stations for electric cars in Northwest Oregon. The intent of the project is to provide 480V charging stations that will recharge a car that is practically depleted in about 25 minutes. These stations will allow electric car users to get to the Oregon Coast and then be able to travel along the Coast between Astoria and Florence. Fourteen of the fast charge stations will be in Region 2. In the CWACT area, fast charging stations will be set up in Lincoln City, Newport and Florence. The charging stations are expected to be installed during Spring/Summer 2012.

More information can be obtained from ODOT's web page at:
http://www.oregon.gov/ODOT/HWY/OIPP/inn_ev-charging.shtml

6. Area Manager's Report

Vivian Payne reported that ODOT leadership is discussing the current and future role of ACTs. It was suggested that CWACT work with other ACTs to collectively participate in ODOT's discussion about the role of ACTs.

Payne indicated Regional Solution Centers have been formed by the Governor's office (to take the place of the previous Regional Solutions Team) as an innovative, collaborative approach to community and economic development in the state. University based, the Regional Solutions Centers will include representatives of DLCD, ODOT, DEQ, Housing/Community Services Department, Oregon Business and the Governor's office. The centers will integrate state agency work and funding to ensure that

development projects are completed in the most economical and streamlined process possible. It was suggested that Mark Ellsworth, the Regional Coordinator for the Willamette Valley/North Coast, be invited to the next CWACT meeting.

Eryca McCartin reported that ODOT expects to reduce its highway development project-related staff. As reported at the March 24 CWACT meeting, ODOT anticipates a reduction in highway construction funds in the coming years.

John deTar indicated the OR-20/34 facility planning effort, between Green Street in Philomath and 35th Street in Corvallis, will start soon. This planning project was recommended by CWACT during its review of the 2012-2015 STIP. DeTar also reported on the Albany Super Wal-Mart project, the OR-99W widening project in Corvallis and the review of traffic mobility standards in Newport's South Beach area.

**For additional information or to provide comments and suggestions please contact:
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CWACT website: ocwcog.org/ccbindex.asp?ccbid=01**

MONTH END RECAP

	May-11		YTD	%	Unexpended	
	REVENUE	EXPENDITURES				
1 GENERAL	\$ 13,703.70	\$ 62,149.05	\$ 683,834.00	49.40%	\$ 700,459.10	1
2 WATER	\$ 17,530.06	\$ 21,315.38	\$ 346,873.77	45.68%	\$ 412,498.56	2
3 SEWER	\$ 23,761.30	\$ 18,814.02	\$ 228,966.01	25.94%	\$ 653,700.00	3
4 STREETS	\$ 12,133.98	\$ 9,726.46	\$ 122,524.88	22.85%	\$ 413,644.19	4
5 WATER BOND	\$ 416.59		\$ 354,174.20	90.34%	\$ 37,885.80	5
6 SEWER BOND	\$ 1,846.60		\$ 119,154.96			6
7 SEWER DEBT FEE	\$ 10,226.46		\$ 21,833.14	5.36%	\$ 385,866.86	7
8 BUILDING & EQUIPMENT	\$ 173.10					8
9 WATER RESERVE	\$ 20.59					9
10 HOUSING REHAB	\$ 84.35					10
11 WATER SDC	\$ 75.83					11
12 SEWER SDC	\$ 97.87					12
13 STORMWATER SDC	\$ 14.94					13
14 BIKEWAY/PATHS	\$ 88.79					14
15 LIBRARY TRUST	\$ 2.58					15
16 CEMETERY	\$ 5.00					16
17 TRANSIENT ROOM TX	\$ 0.50					17
18 SEWER CONSTRUCTION	\$ 4.25					18
19 LAND ACQUISITION	\$ 39.34	\$ 2,085.58	\$ 71,853.50	44.70%	\$ 88,893.11	19
20 COMMUNITY PROJECTS	\$ 80,225.83	\$ 114,090.49				20
	\$ 80,225.83	\$ 114,090.49				

KeyBank Accounts

General	\$ 40,090.88
Land Use (Deposits)	\$ 4,554.00
Water	\$ 15,250.00
Park	\$ 5,250.50
Court	\$ 113.00

Oregon State Treasury	\$ 4,224,376.79
<i>Community Improvements</i>	\$ -

2010-2011	YTD	% of Total
Appropriated	\$ 2,077,083.18	47.26%

DEBT Payments	Totals
Water	\$ 54,627.00
Wastewater	\$ 360,000.00

Total Debt	
Water	\$ 1,678,788.00
Wastewater	\$ 7,730,852.00